



Official Report (Hansard)

Monday 23 January 2017
Volume 123, No 3

Contents

Matter of the Day

The Shooting of a Police Officer in North Belfast	1
---	---

Assembly Business

Standing Orders 10(2) to 10(4): Suspension	6
--	---

Executive Committee Business

Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017	7
---	---

Assembly Business	22
--------------------------------	----

Oral Answers to Questions

Education	22
-----------------	----

Executive Committee Business

Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 (Continued)	31
--	----

Grants to Water and Sewerage Undertakers Order (Northern Ireland) 2017	81
--	----

Private Members' Business

Good Friday Agreement Values and Principles	84
---	----

Historical Institutional Abuse Inquiry Report	103
---	-----

Assembly Business

Assembly Commission	115
---------------------------	-----

Assembly Members

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

Northern Ireland Assembly

Monday 23 January 2017

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

Members observed two minutes' silence.

Matter of the Day

The Shooting of a Police Officer in North Belfast

Mr Speaker: Mr Doug Beattie has been given leave to make a statement on the shooting of a police officer in north Belfast. This fulfils the criteria set out in Standing Order 24. If other Members wish to be called, they should rise in their places and continue to do so. All Members who are called will have up to three minutes to speak on the matter.

Mr Beattie: I am sure that the House will join me in condemning the indiscriminate shooting and attempted murder of a police officer in north Belfast. It was a cowardly act that brings nothing to society and furthers no cause. What it does do is that it inflicts misery on a community that has already suffered so much, and all they want to do is live in peace, as we all do. This attack was carried out by thugs, by criminals, by career terrorists; but let us not think of them as some rogue element, because this attempted murder was rooted in one community or the other. It will have taken months in the planning. There will have been intelligence teams to watch the police and their movements. There will have been somebody who supplied the gun and somebody who supplied the car. There will have been lookouts, and there will have been scouts, not to mention the person who drove the car and not to mention the person who pulled the trigger. In pulling the trigger, he endangered not just the police officers but every single person who was in that forecourt and well beyond. High-velocity rounds are indiscriminate. They will enter the body through muscle and tissue. The round will break bone, and it will keep going. It will ricochet off concrete, it will ricochet off structures, it will penetrate walls, it will penetrate windows, and it will penetrate men, women and children who are in that area.

To spray an area with 24 high-velocity rounds is an absolute and utter disgrace, and it is

incumbent on all of us here today — it is good to see all of us represented here today — to have a single and united voice and to watch our language.

We should watch our language and our words because we do not want to raise tensions in our community. We have to be careful about what we say. I want to know where the weapon came from for the shooting yesterday. Was it a new weapon? If so, where did it come from? If it is an old weapon — a decommissioned weapon — I want to know. I also want to know whether anybody involved — it will have taken many people — is on licence, and, if it is proven that they were involved, they should be returned to prison immediately.

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

Mr Beattie: I feel that we have failed our country and we need to support the PSNI in the rule of law and order.

Mr McCausland: The event that took place on the Crumlin Road in north Belfast last night was an appalling attempt to murder a police officer or police officers. It is a chilling and terrible reminder of those dark days — some of the darkest days — when such attacks were a regular occurrence in Belfast. It is a reminder of the method that was used and the murderous intent of those who carried out the attack. It is wrong to murder police officers; it is wrong to murder anyone. It was wrong when it was the old IRA doing it years ago, it was wrong when it was the Provisional IRA doing it more recently, and it is wrong today, whatever version of the IRA may be doing it.

Our hope and prayer today should be for the recovery of the wounded officer, and our thoughts are with him and his family. Such an attack on a garage forecourt, where people are milling around — young people, elderly folk, people out and about their business, as well as the intended target — means that anyone could have been cut down and killed on the spot last

night. It is reminiscent of the 1970s and 1980s in Belfast. Sadly, there are those around today who want to drag us back to a violent past. In recent months, we have seen an upsurge in violent activity by extreme republican elements. We have seen bomb devices being used and shootings, particularly in west Belfast and other parts of Northern Ireland. It is clear that there has been an increased level of activity on top of the ongoing attacks against police officers and prison officers. Fortunately, on this occasion, the intended target was not killed. Fortunately, on the previous occasion of an attack on the Crumlin Road not so long ago, the intended victims were not killed. It is a stark reminder of the responsibility of all of us to make sure that those who are responsible for such attacks are brought before the courts.

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

Mr McCausland: Every support should be given to the police in dealing with those who carry out such murderous attacks.

Mr Kelly: I join, I presume, all other Members in the Assembly, as an elected representative for North Belfast, personally and on behalf of Sinn Féin, in hoping that this young police officer — I understand that he was very young and was a probationer in his early 20s — recovers fully from his wounds. We could easily have been talking about a death today and a family suffering that death instead of, hopefully, the recovery that we will see. As Members said, other people could have been killed or maimed in the open forecourt of a garage. Let me condemn it, absolutely and outright. Let me also say that, as a representative for the area — all representatives for the area will be of one voice on this — the people who vote for us, right across the board, are absolutely opposed to the people involved in this. The people involved are most likely the same people who have attacked their own community, and killed and maimed in that community in the not so distant past in the last number of months. There is a duty on everyone and anyone who has any information that could lead to the apprehension of those involved to bring that forward immediately. I hope that the young man makes a full recovery and that these people know that they should get off the backs of the local community and the overall society to which we belong.

Ms Mallon: I will speak on behalf of the SDLP and the many constituents who contacted me last night to express their shock and anger at the despicable gun attack on an officer out on

duty, trying to serve and protect our community. I add my voice to the unreserved condemnation of that attack, and I urge anyone with any information, no matter how small it may seem, to please pass that on to the PSNI.

I express in the House today my best wishes to and my concern for that police officer. Indeed, last night, when I spoke with his colleagues at local and senior level, I asked that those wishes be passed on and the wishes of the people, many of them in Ardoyne and right across north Belfast, who contacted me last night to ask that I would do that on their behalf.

Many issues divide us in the House, but it is clear today that there is an issue that unites us, and that is our unreserved condemnation of what took place last night. The truth is that violence has no place in our society. All it serves to do is to create heartache, pain and suffering. As each and every one of us in the House knows, there are far too many families in our constituencies who endure that pain and suffering daily. So, I think that it is right that we stand united and send that very strong message to those who were behind the attack last night, but, importantly, to the people right across north Belfast. We will stand against this; we will stand opposed to this; and we will stand up for those who deserve it.

Mrs Long: First, I extend my sympathy and my best wishes to the young officer who was wounded in last night's shooting in north Belfast. I hope that he makes a full recovery, physically and mentally, from the impact of his injuries, and I send good wishes today to him and his family. I also extend my best wishes to his colleagues who were at the scene last night and to those throughout Northern Ireland whose sense of safety has been shaken again as they go about serving our community and securing our safety.

My thoughts are also with the members of the public who were in that garage last night, going about their business when this reckless attack took place. This was not an attack on an individual police officer or an attack on the PSNI; this was an attack on our entire community. It says all that we need to know about the kind of people who were involved that they would attempt to kill a person who is serving their community and do so with such reckless disregard for the community in which they serve. These people are nothing but despicable cowards. They have nothing to offer the people of Northern Ireland. I focus my thoughts and my best wishes on those like the young officer who was affected; those who want to give service to their community and to make

it a better place. I send our best wishes to him today.

Ms Bailey: I am speaking for all members of the Green Party today. I join the calls to condemn the attack that took place last night. I was very shocked, for many reasons, as the news broke last night. I was not long home from my local garage forecourt when I saw the breaking news. That forecourt is not simply a garage; it is also a corner shop for my area. It is where I went for a pint of milk on a Sunday night, and I am sure that many people at the garage last night where the attack happened were doing the same: they were getting milk for the fridge, they were getting food for their children's packed lunches and they were filling up their cars. It is a public area, and there is absolutely no excuse for what took place. It is not heroic to fire a rain of bullets in these circumstances.

It was a terrible attack on a public servant and the wider public. What will be heroic is when that police officer returns to his duties trying to do all that he can to protect our community and make us safer. He will be the hero when he returns to duty. I hope that he makes a full recovery. I wish him all the best.

12.15 pm

It is good that all Members in the House can stand in unity against those who want to bring fear and violence into our communities. Thankfully, the officer is in a stable condition, but things could have turned out very differently, either for him or anybody else in the vicinity. The local community are very angry about what has happened. We must continue to work to make sure that it does not happen again.

Mr Carroll: The futility of yesterday's shooting on the Crumlin Road should be clear to everybody. Nothing can be achieved from carrying out such attacks. People Before Profit is calling for an immediate cessation of all paramilitary actions. No amount of rhetoric can hide the fact that armed struggle is a dead end. We urge those who are involved in these reckless attacks to ask themselves a simple question: what has been achieved? Decades of armed struggle by the Provisional IRA did not end in victory. A much smaller campaign that is carried out today is even less likely to achieve anything. Needless suffering and the imprisonment of another generation of people is all that will result.

Politicians from the establishment parties will queue to take turns to condemn this attack — and they should do, of course — but their words will ring hollow given the millions of pounds that they are funnelling to paramilitary-linked organisations, particularly within loyalism; so, too, will the calls from senior PSNI officials to challenge the scourge of paramilitarism. Was it not only a few months ago that the BBC aired a damning documentary that showed that a cosy relationship between the PSNI and paramilitaries is still alive and well in the new Northern Ireland? There is plenty of condemnation but little consistency from the establishment.

People Before Profit, on the other hand, is consistent in its approach. We want to see an end to all paramilitarism. Attacks like the one on the Crumlin Road will only reinforce division and distract from the pressing need for a united movement that will challenge the corruption and austerity of the establishment.

Mr Allister: My primary thoughts are with the officer who was subjected to this vile attack last night. We wish him well and a full recovery. It is a reminder to us of how the police and security services stand between us and those with murder in their hearts. Although, happily, this officer escaped death, that was not thanks to those who set out patently with murder in their hearts and used weaponry that was most likely to occasion murder even on a mass scale. It is a quite shocking situation, but let it be said that it is no more shocking, no more vile and no more unjustified than the terrorists of the IRA or anyone else who, for years, inflicted such horror; those who, with murder in their hearts, went out and did murder.

I listened today to condemnation from Mr Gerry Kelly, himself a convicted terrorist, who, to this day, has not acknowledged that his terrorism was wrong, unjustified and uncalled for, but rather still honours and glories in, as does his party, those very acts of terror. What does that do today? It does not just speak to their character, but to today's terrorists; gives them succour, provides a crutch for them and causes them to conclude that if it was OK for the Provos, it is OK for them. Until those who represented that previous terrorism acknowledge and renounce it, then that crutch is going to continue to be provided.

I will make one other point. I hope someone — hopefully, more than one person — is made amenable for this crime. I trust that, when they are arrested, they will not be easily, as was the person charged with the attempted murder of David Black, admitted to bail, and that their bail

terms will not be made so easy if they are admitted to bail, and they should not be in the first place.

Mr Speaker: Will the Member conclude his remarks?

Mr Allister: There should be no bail for anyone charged with an offence such as this.

Ms Sugden: I welcome today's Matter of the Day, and I appreciate Mr Beattie for tabling it. I also welcome the widespread condemnation that has appeared from all sides of this House. Rightly so, because this issue serves to unite us.

I have no doubt that this attack was intended to kill. Thankfully, the officer is in a stable condition, but we could have been hearing about a loss of life this morning. This is not just an attack on our police service; this is an attack on the community and an attack on our country. It was reckless; multiple automatic rounds fired into a public space. I am disgusted.

There remains a continued threat against police officers and prison officers in Northern Ireland. We cannot become complacent, and whilst there is political instability happening in Northern Ireland right now, this threat has continued right through it. Others will see this as an opportunity to take advantage. If I can give a clear message to this Assembly today, it is that we, as elected representatives, can ensure they do not take advantage of that and we do stand united. Whilst I stand here as the representative for East Londonderry, I also have an interest as Justice Minister. I have been keeping in close contact with the Secretary of State and the Chief Constable on this issue.

It is something that does concern me. From the outset of the political instability, I was always concerned that someone would take advantage of it, and I hope this is not an example of that. If we can move forward, we have to move forward in the right space, because we cannot return to the dark days of the past. Today, we should all be condemning this most dreadful incident.

On another note, I want to pay tribute to the Police Service of Northern Ireland. Particularly in my experience as Justice Minister, I have seen the hard work that they do. They put their lives on the line every day for us, in the service of the people of Northern Ireland, and we cannot underestimate that. It is cowardly for someone to take an opportunity, as these

despicable individuals have done last night, and it is nothing short of disgusting. That is the clear message that we, as a united Assembly, have to send out today.

Mr Humphrey: I join with others in condemning the attack last night — a murderous attack to kill a police officer in my constituency.

Just before 7.30 pm last night I heard the shots, the sirens and then the helicopter. It was very clear that something had seriously gone wrong. I spoke to police, and I started to receive calls from constituents, and I heard very clearly that there had been a shooting at Edenderry filling station on the Crumlin Road.

I visited the site and spoke to some of the officer's colleagues, who were visibly shaken because they had been serving with him only earlier that day. Some of them had lockers beside his in the station. I spoke to constituents who were at the scene. Today, I want to express my revulsion at this attack and send my thoughts to the officer, his family and his colleagues who are so clearly worried at this time.

This is the first shooting of a police officer for eight years in Northern Ireland. It is clearly an attempt by evil people not only to kill police, but also to kill the general public. As others have said, it was totally random and indiscriminate — gunfire into a garage forecourt in a built-up area, with Edenderry Gardens to its left and Edenderry Lofts to its right. Gunfire across a main arterial route in our city, into a forecourt with 12 members of the general public and the police who were there at the time.

This morning, I visited the manager of the petrol station at home. She told me that there were gunshots inches from gas tanks and fuel pumps. We could have been looking at real carnage — not just in terms of the murder that this police officer and his colleagues could well have had to face, but an explosion, from reckless, inhumane, evil people who, frankly, have to be brought to justice and removed from society. No politician and no party — and I am pleased to hear today's debate — should give them any succour, support or credence at any time ever.

There is also clear disruption to business life in north Belfast this morning, although these people do not think about that. There was disruption to that business: it lost last night's trading and, all day today, the garage will remain closed. Traffic chaos ensued on the Crumlin Road this morning.

We must all stand together against violence, intimidation and threats. I am concerned that this sort of violence follows a vacuum that has been created in Northern Ireland and that evil people might fill it. That is a danger that we face and it is a reason why this community — the Assembly and the people of Northern Ireland — is looking for leadership. We must all come together to show these people that they cannot and will not win. The people of Northern Ireland do not want to go back to the bad old days.

Mr Speaker: Will the Member conclude his remarks?

Mr Humphrey: They want to see Northern Ireland move forward and an end to this evil from evil people.

Mr Hussey: I begin by passing my best wishes to the police officer who was seriously injured last night and to his colleagues in the Police Service of Northern Ireland. There is no doubt that we will all condemn this murderous attack, which could have resulted not only in the death of a police officer but of civilians, as was highlighted by my colleague Captain Beattie.

This attack was clearly not something that happened on a whim. Throughout the last term of the previous Assembly and this term of the present Assembly, we have had incidents throughout Northern Ireland. In my constituency of West Tyrone, and in the neighbouring one of Foyle, the Police Service of Northern Ireland has recovered many weapons and explosives, all belonging to terror groups that do not have the guts to give themselves a name or, at times, call themselves the "Continuity IRA" or whatever. I have a name for them, and that is "cowards"; that is all they have ever been and all they ever will be.

Twenty-four years ago today, a 21-year-old Royal Ulster Constabulary officer was shot dead in Londonderry. He had his whole life in front of him. Constable Michael Ferguson was done to death by the same sort of individual who tried to kill the police officer last night in Belfast. There is no difference. For all we know, the same weaponry was used. For years, I have been asking the police for information on weaponry that has been recovered and its history. For some reason, that information has never been released. Why? Can that weaponry be traced back to the IRA? Is there a possibility that groups that were IRA took their weaponry with them? Of course there is. That element of collusion between the IRA — the Provisional IRA and the ABCDEFG

IRA — is here to today. All that weaponry must be surrendered to the police.

This is my last opportunity to speak to the Assembly. Some of you may be glad to know that I am retiring from politics. I hope that, in the next Assembly, no politician has to stand up and condemn a murderous attack on a police officer. Anyone who is prepared to wear the uniform should get the support of the Assembly.

Mr Speaker: Will the Member conclude his remarks?

Mr Hussey: I pledge my support to the Police Service of Northern Ireland, incorporating the Royal Ulster Constabulary GC, and I hope that everybody else does.

Mr Poots: Last night was a stark reminder of what many of us grew up with in this country and what many of us heard all the time in news reports: murders and attempted murders. First, I wish the police officer well in his recovery; we are thankful that his injuries are not life-threatening.

This has not been a success for those who set out last night. Success for them means the same outcome as happened with Constable Carroll, David Black and Adrian Ismay and, indeed, civilians who have been targeted by the same individuals. What stands as a stark reminder to us all is that, this time 10 years ago, we were discussing with our members and the wider public the outcome of the St Andrews negotiations and whether we should proceed into government with Sinn Féin, which was a hugely difficult decision for us. We took the decision to do so because we did not want to go back; we wanted to go forward.

12.30 pm

We are now in a similar circumstance in Northern Ireland, where, perhaps, others have greater problems, but the question that has to be posed is this: are we going to back or are we going to go forward? Instability creates vacuums, and evil people step into those vacuums. I think that it is incumbent upon each and every one of us to commit ourselves to ensuring that we, for all the problems and wrongs of Stormont, continue to provide stability and leadership and continue to be there for the people of Northern Ireland, because we have had the awful, horrible, bloody past that I have had to grow up in, and I do not want my children or grandchildren to grow up in that environment. I want the people who carry out the likes of the shooting last night to be

marginalised, sidelined and incarcerated and to serve very long sentences for what they do, not given the opportunity to go out to carry out more of this in the name of Ireland or of any other cause.

Mr Speaker: I call Mr Trevor Lunn. Mr Lunn, you have two minutes.

Mr Lunn: I join everybody else who has spoken in utter condemnation of a cowardly attack on a police officer; attempted murder; bullets sprayed across a petrol station forecourt. I do not think that whoever did this cared whether there was collateral damage, somebody else injured or a gas tank or a fuel explosion. They are indifferent to those kinds of things.

I understand from the media this morning that, 43 years ago, there was an attack on virtually the same spot and two civilians were killed. Now, 43 years on, we are still seeing bullets flying on the Crumlin Road — shot by somebody who, clearly, has a different view of the future of the state of Northern Ireland and has nothing whatsoever to offer our society in terms of progress or sensible thought.

Nowadays, the PSNI can operate with reasonable freedom with regard to their own security. They are able to use petrol stations and takeaways. The reason for that is that they have achieved the confidence of the community, and the community, generally, has accepted that they operate without fear or favour. That actually assists a dissident — if it was a dissident — in being able to mount this kind of attack. I completely agree with Mr Beattie that one person could not have done this on their own. The Chief Constable said the same thing this morning. It has to be a gang; it has to be organised.

I hope that the person or persons responsible can be brought to justice. I pray for the full recovery of the young police officer. I hope that it does not put his colleagues off in any way, and I hope it does not put off other young people who would like to join the force, because that is the last thing we need, and it would be a success for the people who did this.

Assembly Business

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

Mr Swann: I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 23 January 2017.

Mr Speaker: 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 Orders 10(2) to 10(4) be suspended for 23 January 2017.

Mr Dickson: On a point of order, Mr Speaker. On today's agenda, we would have normally received Question Time from the Office of the First Minister and deputy First Minister. We appreciate that that office does not exist and therefore they will not be here to do that. Mr Speaker, I think there is an issue that requires some investigation; it is in respect of the historical institutional abuse inquiry, which will be a topic of discussion today. On Friday evening, a press statement was issued by the Executive Office in respect of the inquiry. Will you find out for Members who initiated that press statement and, if it was made in the name of the junior Ministers, why they cannot be here today to answer questions?

Mr Speaker: You have placed your concerns on record. We will follow up on the matter, Mr Dickson, and correspond with you on it.

Executive Committee Business

Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017

*Debate [suspended on 16 January 2017]
resumed on motion:*

That the draft Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 be approved. — [Mr Hamilton (The Minister for the Economy).]

Mr Speaker: The next item of business is a motion to approve a statutory rule. I remind Members that this debate was adjourned for seven days on Monday 16 January, in accordance with Standing Order 16. Members will wish to note that, as Standing Orders require, a Member may speak only once during a debate on a motion. Therefore, only Members who did not speak during the debate on Monday 16 January will be allowed to speak during today's debate.

Mr Dunne: I welcome the opportunity to speak on this important piece of business in the House today. I thank the Minister for his work in bringing forward the regulations. They are an important step in introducing effective and realistic cost controls to reduce the burden upon our Budget and help bring controls to the scheme. I know that the Minister and his officials have worked extensively on bringing forward the proposals and have rightly taken the time to ensure that they are compliant and effective. I believe that the plans will run from April 2017 to April 2018 and will start the journey towards a longer-term solution to further reduce public expenditure on the scheme. There is no doubt that these actions had to be taken to reduce the pressure on public-sector budgets, whilst ensuring that those who have acted in good faith by investing in technology and equipment are not unfairly penalised.

On Thursday 19 January 2017, the Economy Committee heard a presentation from the Renewable Heat Association (RHA), which outlined how it had seen the boilers as effective in meeting the energy needs of various sectors, including poultry and mushroom production. It also raised genuine concerns about the potential impact of the revised tariffs for the businesses that it represents, and I trust that those can be worked on in the days ahead.

When the renewable heat incentive was introduced, there were many calls to try to move away from an over-reliance on imported fossil fuels. The intentions of the scheme were clearly to try to move away from a reliance on fossil fuels and look at renewable energy as a way of meeting the energy needs of, first, the non-domestic sector in 2012 and then the domestic sector in 2014. A target to increase the level of renewable heat to 10% by 2020 was included in the strategic energy framework, and an interim target of 4% renewable heat by 2015 was also included in the then Programme for Government to help the UK meet its 15% renewable energy target. Despite those targets being in place, initial interest and uptake in the scheme was low, and there appeared to be reluctance among the business community to go with the significant investment that was required to install the necessary equipment.

One point raised by the group at the Economy Committee last Thursday was that the reduction in oil prices resulted in the cost of pellet production being reduced significantly; therefore, the scheme became more attractive.

There is no doubt that mistakes and errors have been made in the RHI scheme. That was widely acknowledged by Arlene Foster, in the House on 19 December, and by our Economy Minister. The lack of cost control measures and the flaws in its design have been acknowledged. At a recent meeting of the Public Accounts Committee, we heard from the permanent secretary, who stated:

"The intention was good, but the execution and design were seriously wrong."

On the controls and measures relating to the design of the RHI scheme, the DETI business case was presented to DFP on 9 March 2012. Paragraph 2.3.2 of the executive summary states:

"Tiering is not included in the Northern Ireland scheme because in this instance the subsidy rate is lower than the incremental cost."

Degression, which has been debated at length, was also considered at paragraph 7.5.5, which stated:

"degression is a mechanism, whereby tariffs would be automatically reduced on an annual basis to reflect, and to potentially encourage the reduction of technology costs for renewable heating."

Paragraph 7.5.6 states:

"at this stage DETI does not propose to include/build degression into the NI RHI legislation, however may consider the need to do so in the future."

The internal DETI casework committee considered these proposals on 9 March 2012 and approved the NI RHI renewable heat premium payment (RHPP) scheme and administration arrangements with Ofgem. It is now, therefore, clear from the information detailed in the approved DETI business case that tiering of payments and degression were not included in the design of the RHI scheme.

There were clear risks from the start, with two bodies involved in managing the scheme: DETI was responsible for the policy framework, while Ofgem, acting as the administrator, managed the applications and installations, including compliance. There were risks of ownership and responsibility in the scheme. Departmental officials admitted poor management of the scheme, with no clear project management in place, which would have involved regular management review of all risks, including finance and quality. It would appear from the information that we have gathered that some farmers and industrial operators saw RHI as an income generator rather than as a means to reduce the cost of energy in their business, which was the key rationale behind the introduction of the scheme in the first place.

Lessons must be learned from the scheme and corrective actions put in place to stop the recurrence of such a system failure in the future. That is why I welcome the regulations coming forward today. I trust that these plans will provide a road map and an important first step towards dealing with the problem and will gain the support of the House.

Mrs Little Pengelly: I welcome the Economy Minister's proposals today. As I said last week, I welcome the acknowledgement in his statement of regret and the acknowledgement that serious mistakes led to the perverse incentives to overuse heat. This was clearly not the intention. As I also said last week, good policy development and design are absolutely essential to changing outcomes for the better and for good government policies and interventions. The process for good policy design failed in this case, with the tariff issue not being identified at the time as necessary. An inquiry will find out why this process failed and what lessons must be learned.

These regulations will, hopefully, reduce any Northern Ireland liability for additional cost as soon as possible. However, it is only one part of the issue. There is much to be considered and many questions to be asked. How did this happen? Why was the tariff removed by officials? Why did officials recommend a policy design without the tariff? Did this issue come up during Committee evidence, and was it raised by those who were called before the Committee? Why did the safeguards and scrutiny mechanisms fail to identify the tariff issue at the time when the policy design was agreed? These are important and critical issues for all of us here.

The evidence to the PAC on Wednesday clearly highlighted that this was not a failing by just one person. Regardless of your view — I have heard many different views across all the parties — on ministerial responsibility and the clear desire constantly articulated by many in the Chamber to blame just one person, I would respectfully and strongly say that this will not solve the issue. It is clear from the evidence to the PAC, the evidence to the Committee and the discussions so far that this was a failure in process. Blaming just one person for that will not resolve the failings in that process.

12.45 pm

I know that we all want to have good policy design. For good policy design and good policies, we need to make sure that that process is right.

The design process by officials and consultants failed. The business case scrutiny process did not identify the problems. All the evidence given to the Committee did not inform its recommendation. Remember that the Committee recommended this design. This is a very interesting aspect to note. There has been discussion across the Chamber thus far on the role of the Committee. I say this not to blame others for the mistakes that were made but to highlight that mistakes were made by everybody in this process. The Committees of the Northern Ireland Assembly, set up under the Good Friday Agreement and the Northern Ireland Act 1998, have a very different role from some Committees in other Assemblies and Parliaments. The Committees of the Northern Ireland Assembly were to have a collaborative role. They were to work together on policy design. It is absolutely clear in the legislation that the statutory duty of Committees is not just to scrutinise but to help Ministers in the development and formulation of policy. That is a critical difference. It is a difference that

means that all of us, all the parties that sat on those Committees, cannot brush off responsibility for that policy development.

This is important because all of us are human and capable of making mistakes. That is why we have the safeguards in place. If people did not make mistakes, if policy design did not have flaws, and if all these issues could be identified by just one person, why would we have scrutiny? Why would we set up these safeguards? The very reason why they are there is to protect against that happening, but all of that failed in this case.

Just last week, Jim Allister said in the Chamber that the Executive had failed but, on the whole, the scrutiny and legislative process of the Northern Ireland Assembly had worked. All of us and every party around the Chamber have to be honest about this. The policy design and proposal went to the Executive, and the entire Executive agreed those. The policy design and proposals went to the Committee. Unlike the Minister, the Committee had the capability and took the opportunity to call evidence from people who were impacted by the scheme, the experts on the scheme and the officials who gave technical advice. That Committee, on questioning all that evidence and listening to the key stakeholders at first hand, looked at the original flawed design and said, "We agree that this is a good design". The Committee, in line with its statutory duty to help to formulate Government policy and to help the Minister, under the chairmanship of the SDLP and with representatives of all the parties across the Chamber with the exception of the Alliance Party, recommended the original design. That scrutiny did not work, but it did not stop there.

The policy proposal went through the business case process with experts in our system, including economists, specialists and civil servants. I have had the opportunity to serve as a special adviser and a Minister, and I know how challenging and difficult it can be to get policy through a business case process. That is the process in which all these questions are asked. Furthermore, it is not just about policy; it is about economics. Trained, professional economists look at this. They do the figures on the business cases. They work out the sums and try to identify flaws. That process did not identify the tariff issue. That was a failure in the business case process, and we all need to know why, because we all want good policies and good initiatives that meet the outcomes that are set down for them.

It did not stop there. After the policy proposal was cleared by officials, after it went to the

Committee, where evidence was heard and a recommendation to support went back to the Department, and after it went through the business case process, it came to the House. Jim has indicated that the scrutiny and legislative processes of the House were good. I have no doubt that a research pack was completed and made available to all Members and that they read that and looked at the regulations and proposals. All the parties across the House supported the original flawed scheme.

Mr Allister: Will the Member give way?

Mrs Little Pengelly: Yes.

Mr Allister: The Member may recall that her party colleague William McCrea used to sing a little song called 'Excuses'. Does that not sum up exactly her speech and that of Mr Dunne this morning, which have tried to spread the blame to everyone else and run away from the reality that it was Arlene Foster — Arlene Foster alone was the Minister — who signed off this scheme without the cost controls? No matter who else you might try to smear, that is the irreducible reality.

Mrs Little Pengelly: Thank you for your comment. I had hoped that you would have listened to what I said. I think that this has to go above and beyond party politics. We have to step back and look objectively at the evidence before us, the evidence that was in front of the PAC and the evidence that we have all heard. This was not a failing of a single individual. The permanent secretary of the Department went to the PAC last week and highlighted that the recommendation to the Minister clearly did not have the tariff issue involved in it and that the tariff was not recommended to the Minister. We have to ask why. If you are right, Jim, and one person is removed, that would not change the fact that the team of officials failed to recommend a tariff, that the business case process failed to identify this and that the Committee, on listening to the evidence, failed to pick this up. This is not just about one individual and, if we think it is, we are destined to make the same mistakes again. We are all human. Everybody is capable of making a mistake and everybody is capable of following the recommendations of officials and experts because that is what we are told we should do.

Mr Agnew: Will the Member give way?

Mrs Little Pengelly: There is also a safeguard that that recommendation is questioned and

interrogated by the House, by the Committee and by the processes that we have set up. It is not about excuses. It is about being objective and honest. Do you know what? I may not be back. Eighteen people across the Chamber will not be back to the Assembly. Regardless of that, regardless of the party politics and regardless of my personal role, there are important lessons for us all to learn above and beyond party politics. We need and want good policy in Northern Ireland and we need and want good initiatives in Northern Ireland, and that must require good processes and the best people, in terms of experts, being able to feed through the right recommendations for us to take.

Mrs Palmer: Will the Member give way?

Mrs Little Pengelly: Sorry, Steven asked first.

Mr Agnew: I thank the Member for giving way. She made the point that one person was not to blame. Apart from the fact that there were those of us, including me, who did raise issues about the scheme early on, it was one person who, once this became public knowledge, did not accept responsibility as Minister, kept trying to put the blame on civil servants, the media, the Opposition and everyone else, and one person who refused to step up and take responsibility. That is why is that one person is currently in the dock.

Mrs Little Pengelly: Over the last number of months, there has been a campaign to blame this all on one person when all the evidence is patently, absolutely patently, to the contrary and suggests that this was a failure of process. There are a number of ex-Ministers around the Chamber who know the way the process works, and if you have policy experts, an official energy team, a business case cleared and a set of recommendations that come to you as Minister, then Ministers need to be able to rely on that advice. Yes, question it, but we have a whole system in place to safeguard and question. If we cannot rely —

Mrs Palmer: Will the Member give way?

Mrs Little Pengelly: If we cannot rely on and have credible advice and recommendations coming forward, then we have to question why those people are there in the first place. There has been a problem with the process and we need to identify why. Blaming one person will not solve that. Sorry, Jenny.

Mrs Palmer: I thank the Member for giving way. Does she agree with me that, on building

the electorate's trust in the Assembly, issues like no risk registers being identified, due diligence and good governance were all failures of the Assembly and the Executive in terms of the RHI scheme?

Mrs Little Pengelly: You raised a very interesting point. Risk registers, single responsible owners and project management are not matters, to be honest, for the Executive or Ministers. Those are very much the part and process of departmental — *[Interruption.]* I am answering you absolutely honestly about this. In policy development within Departments, it is very rare. In fact, I know of very few, if any, examples of Ministers sitting on project boards for policy development or programme boards. A team of officials are put in place, a senior responsible owner (SRO) is identified and the risk register comes back to that project or programme board. In some cases, depending on the issue, a Minister might sit on a board, but, in my experience, the vast majority of project or programme boards do not include Ministers. It is very much part of the process of policy development to develop the policy, which is then put as recommendations to the Minister.

Mr Beggs: Will the Member give way?

Mrs Little Pengelly: Yes.

Mr Beggs: Does the Member not accept that major financial items would have been clearly indicated in a risk register that would have been brought to ministerial attention, particularly after the scale of the problem was highlighted to the Department of Finance? The Ministers of Finance would have known for some time that that was a huge item of risk that was not addressed. Multiple Members have been in that position.

Mr Speaker: Before the Member responds, I have to say that I have been very liberal on where the debate has been going. I ask that both questions and the Member come back to the regulations.

Mrs Little Pengelly: Certainly. We had an emergency meeting of the Finance Committee last week, and also the scheduled meeting on Wednesday. Particularly in relation to the budget issue, we emphasised to the permanent secretary of the Finance Department that there must be a risk register and that that risk register must identify all risks. It is clear from the evidence to the PAC that there was not a risk register in this case. The responsibility for that risk register, in terms of project management, lies with what is referred to as an SRO. For

project management and development, an SRO is always an official. Questions need to be asked about why that did not happen, and I am sure that those issues are being reviewed by the Civil Service and the leadership within the Civil Service.

I want to be very clear that this is not a case of blaming officials entirely for this. I have indicated that there is a whole chain and a process, and those flaws were not identified by any of us as an issue throughout that chain and process.

Ms S Bradley: Will the Member give way?

Mrs Little Pengelly: Yes.

Ms S Bradley: The Member quite rightly refers to good policy and good policymaking and business cases, and obviously good policy was not applied in this instance. Will the Minister talk directly to the motion that is front of us and the regulations? Will she explain to the House why she is asking us to depart from good lawmaking, without a business case and the necessary statutory requirements that would constitute good lawmaking? Why, in this instance, does she think that bad policy should be followed by bad legislation?

Mrs Little Pengelly: I thank the Member for my promotion; I am not the Minister in relation to this. I will come to that, and I will come back to speak about the regulations. I just wanted to set out the context. I will refer to that in due course. If the Member wants to make a specific intervention at that point, I will be happy to take it.

I have outlined the process that got us to the original policy proposal. Objectively — I say this absolutely honestly — it is in the interests of everybody around the Chamber to find out what happened. An inquiry will do that, and lessons must be learned about that, but there are additional issues. On what has been discussed, we need to find out what happened with the emails from the whistle-blower. We have to find out what procedure was activated. Did officials take it seriously? What follow-up did they do? What process was subsequently followed? What information did the Minister get about that? Those are all additional questions that an inquiry will have to look at. An inquiry must examine all the issues. That is the other part of the essential work that needs to happen here, alongside these regulations and the roll-out of the policy.

1.00 pm

At the heart of the regulations is the principle of fairness. I welcome the proposals. The Minister confirmed that they have been scrutinised legally. They attempt to ensure fairness and to bring the scheme back to the original policy intention. That is clearly in the public interest. I welcome the time-limited nature of the regulations; that allows some time for analysis to ensure that the proposed 12% return is indeed fair.

We have heard over the last week concerns expressed — legitimately, one assumes, in terms of the RHI scheme — about a reduction in the tariff. That is why it is important to emphasise, as the Minister has done, that at the very heart of this is fairness. It is not that there will be no incentive. This is bringing the scheme back to the original policy intention to ensure that there is an incentive, but that it is fair and proportionate and that the use of funds is in the public interest. That is the right approach. It is only for 12 months. I am sure that the Minister will speak to this in due course in relation to a review, which will inform the process and the further roll-out.

The aim of this is not only to be fair but to bring down, insofar as possible, through these regulations and the further steps — I welcome that the Minister has been very confident about this — the cost of RHI to the Northern Ireland taxpayer to as close as possible to 0%. There is a great deal of concern out there about the figures of £400 million to £500 million of public funds. We have sought to assure people that, yes, that is contractually committed; however, we will do all in our power to bring it down as close as possible to no liability to the Northern Ireland taxpayer. That money has not been spent. That is the critical issue: the money can be mitigated; it can be prevented from going out the door in a way that is fair and in the public interest.

Mr Aiken: I thank the Member for giving way. The Member will be aware, of course, that we have managed to spend £30 million this year alone and are spending £85,000 a day. There is no business case or business plan. Indeed, we also have legal opinion that the plan may be subject to challenge. How does the Member tie that in with what she has just said?

Mr Lyons: I thank the Member for giving way. The Member was maybe too busy chairing the Committee this morning and did not hear the permanent secretary when he said that there was a business case and that, in his view, it ticked all the boxes in terms of value for money, regularity and propriety. Those are already there, and there is a business case. Is it not a

bit misleading for the Member to suggest otherwise?

Mr Aiken: *[Interruption.]*

Mr Speaker: No, I ask the Member to resume his seat.

Mr Aiken: Mr Speaker, I am sure that I will have your indulgence as Deputy Chair of the Economy Committee.

Mr Speaker: I ask the Member —

Mrs Little Pengelly: I thank the Members for their interventions. It is rarely possible —

Mr Aiken: Will the Member give way?

Mrs Little Pengelly: I want to respond to your initial question first. It is rarely possible to design something in such a way as to fully eliminate the risk of legal challenge. If you try to do something different or bring forward something new, often people will say, "There is a risk of legal challenge". In this case, it is particularly challenging; there is no doubt about that. A contract is in place. We must all remember that contracts can be broken, but only where that is fair and proportionate. I would argue very strongly that in this case it is fair, proportionate and, most importantly, clearly in the public interest. In my view, yes, there will always be the risk of legal challenge, but the more important question is this: what is the risk of successful legal challenge? People can take a case. There will be people who will challenge anything worth doing in the public interest on this matter. There is no predicting what a judge may do: we have seen cases in recent years where a judge has perhaps gone in a direction not predicted by legal advisers, not least in relation to roads and infrastructure when the Ulster Unionist Party held the DRD post, and there has been a surprising outcome. There is a risk of challenge; you cannot predict what a judge will do in that situation, but I welcome that the Minister outlined that his legal team has scrutinised this in great detail. He has received legal advice that, although there may be a risk of legal challenge, this — in the view of the Minister, which he has outlined, and in my view from looking at it — gives us the strongest possible legal defensible position in terms of breaking those contracts.

Mr Aiken: Will the Member give way?

Mrs Little Pengelly: Yes.

Mr Aiken: Thank you very much indeed for those comments. For clarity, the fact is that the business case has not yet been passed by the Department of Finance. Our advice is very clear: the risk for this entire process lies with the Minister and nobody else.

Mrs Little Pengelly: It is disappointing that the business case has not yet been cleared. That is not unusual. I am sure that all of us on Committees have looked at these processes. The leader of the Ulster Unionist Party, having been Chair of the OFMDFM Committee, will have questioned officials about the business case process on many issues. It can be frustrating how slow that process is. However, the business case process has been looked at by officials in the Civil Service. I suspect very strongly that if they are taking legal advice about this, they will be taking it from the Departmental Solicitor's Office. I assume — perhaps the Minister will confirm this for me in due course — that the Department for the Economy is taking advice from that same team of lawyers, so I would like to think that, in that situation, the legal advice will be consistent. The legal advice very clearly here appears to be that there is a strong defensible case to break the contracts in that way and put a variation in them to ensure that there is still a return. This is absolutely important: there will still be a return for people of, as the Minister outlined, 12%. That still represents an incentive.

If, over the next 12 months, there are cases, quirks or issues of some form of unfairness that emerge from businesses that have partaken in the scheme, those can, because this is only a 12-month scheme, be fed into the design process for the longer-term or permanent arrangements. That is the right thing to do.

I am disappointed that the business case is not yet through, but I remain confident that it will be. The biggest issue is the legality of the variation of contracts. Presumably, advice will be sought from the same place that advised the Minister and the Department. That legal advice is informing the process; we heard in the Minister's opening comments that this will be a robust and defensible set of regulations.

I also welcome that the Minister outlined clearly that it is not the case that no action has been taken up to this point. It is not the case that the regulations were just created over the course of the last number of days or weeks. He outlined a wide range of actions, including increased audit and investigation, and I think that all of us look forward to seeing the results of that; the changed scheme being implemented and then

closed to new applicants; and the now recalibrated cost-control proposals contained in the regulations. I think that all of us would have liked to have seen the issues being dealt with more swiftly, but I welcome the fact that — this is absolutely essential, as was previously outlined — this went through a process of official and legal examination, which informed the recommendations that were given to the Minister.

It is worth very clearly putting on record that, as I previously mentioned, the DUP aim in all of this — I would like to think that this is the aim of all of us in looking at these regulations, which is why I hope that they get the support of everybody around the Chamber — is to reduce to zero any cost to the Northern Ireland Budget. These measures are a critical step in that, sitting alongside the increased fraud and fair-usage investigations, which the Minister has outlined will happen.

I also outlined last week that I was saddened — I remain saddened — that this policy issue and the associated mistakes have brought us to this point. I said very clearly that — I think that all of us accept that this is true — mistakes happen. Our processes, teams and Committees are made up of fallible human beings. However, the design of our processes are as they are to try to pick those up. Our processes are designed to identify and refine policy and to examine it from every angle. However, when the safeguards failed — there is no doubt that they failed to pick up the issue in this case — we needed calm heads and a sensible approach to rectifying this.

We needed a mature, calm and appropriate approach that required two things. First, as soon as possible, we need an independent and robust inquiry capable of getting to the truth of what went wrong, and I welcome that that is happening. That inquiry must and will report as soon as possible. Secondly, we need regulations to be brought forward to reduce to zero, as far as possible, any cost to the Northern Ireland public purse. I welcome that that is the other critical step that is happening today.

I strongly do not believe that the stepping-aside issue should have brought about the situation in which we find ourselves. I do not believe that Sinn Féin is justified in doing what it has done, without a Budget and any contingency planning or preparation, in bringing down these institutions and the people serving in the Chamber who were democratically elected just seven months ago. There were a number of different ways this could have been

approached. Sinn Féin argues that this election is about arrogance and corruption, but the inquiry has not yet happened. There have been no findings of incompetence or corruption. The evidence of officials counters any allegations of wrongdoing, never mind corruption, and to quote from and reference the permanent secretary of DETI in his evidence to the PAC, in his view, Arlene Foster did nothing wrong. The inquiry will look at all that, and once it does and conclusions are drawn, that will be the time for action, but to prematurely bring down these institutions and fling around words such as "corruption" is wrong and unjustified.

All that is set beside the incredible position of Sinn Féin. Gerry Adams just last week put up a video on the upcoming election in which he said that it is about "accountability in public life". I find that absolutely astounding from a party, members of which have yet to apologise for the murder and maiming of thousands — yes, that extends to Sinn Féin, because I look across to those Benches week in and week out and see people with convictions in relation to those issues, and we have yet to hear an apology for that.

Mr Speaker: I will interrupt the Member and say that she is straying too far from the debate on the regulations. I ask the Member to come back to the debate.

Mrs Little Pengelly: I will not ponder that point for too long, but there are a series of issues that have come up. Where they are relevant to the regulations is that this is what we need to do whenever we face challenges and difficulties. We need to bring forward solutions through policy, we need to address the issue, we need to protect public funds and we need to do what is right for people in Northern Ireland. There have been a number of hurdles and a number of scandals on all sides about some issues that have subsequently been investigated while others have been left out there. I do not believe that any one party is coming to the electorate with clean hands and able to say certain things, which Sinn Féin is trying to, while throwing a lot of dirt before an inquiry has been heard. I think that is absolutely critical.

Before I finish, I want to say that I have been an MLA for just over a year. Seven months ago I was hugely humbled to be elected to serve the people of South Belfast. I made some reference to the fact that there will be many people around the Chamber who will not be coming back to serve their constituents and the people of Northern Ireland. I remain absolutely committed to doing what is right for Northern Ireland, to working as hard as I can, which I will

continue to do right up until the election, and to giving my support in all this to try to find the right solutions for everybody. I am saddened that, at times and reflecting over this, there has been a lot of party politics played. I think that is not good for the people of Northern Ireland. I think we need to rise above that, we need to be objective, we need to look at the evidence and we need to be fair. I think that, if we do those things, every single party across the Chamber should support the regulations today and we should ensure, as far as we can, that the taxpayer and public purse in Northern Ireland do not pay out anything more than they have to through the opportunity that is being provided to us today. As we move forward, regardless of whether I come back here, I am committed to working to build a better and a shared Northern Ireland. I will continue to do that in whatever role I play, but I hope that everybody in the Chamber commits to that and works together today and moving forward to try to ensure that we build a better Northern Ireland.

1.15 pm

Mr Nesbitt: Let me assure you, Mr Speaker, that I will stick very tightly to the issue of the regulations. After all, the Member who has just spoken gave a devastating critique of the failure of the so-called Fresh Start Executive, so my work in that regard is done. I thank her for that.

I begin by assuring the House that the Ulster Unionist Party will not stand in the way of any initiative that is designed to stem the haemorrhaging of public money through the fatal flaw in the renewable heat incentive scheme. As the person who last Monday proposed the adjournment of the debate for seven days, I think that it might be worth going back over the rationale for doing that, which is that I was concerned that there were several key areas in which we lacked maximum certainty. I also put on record that, in using Standing Orders to try to get the adjournment, I did not try to blindside the Minister. In fact, he can confirm that Danny Kennedy and I went to see him in his office some time before last week's debate began. He greeted us very courteously. He was there with a witness, John Robinson, before John recused himself from these issues. I told him what I was proposing and suggested that he contact the Northern Ireland Office. I believed that, if he did, he would be given certainty that we would still be around today. He chose to go ahead with the debate anyway, and, at around 5.30 pm, when the Secretary of State made his announcement on the date of the election — 2 March — and the dissolution of this mandate, I, as you know, got to my feet and proposed the adjournment.

It is a matter of regret that it had to be done in that way, but it was the right thing to do, because it gave us seven days.

I was clear to the Minister about the assurances that we were looking for in order for us to be able to back the regulations. First, we had not heard from the Examiner of Statutory Rules, who is the person who takes the technical and legal look at such legislation on our behalf. Secondly, the Minister had been to the Economy Committee earlier last Monday, but, at the conclusion of the meeting, the Committee chose to note rather than support the regulations, on the basis that it had had insufficient time to scrutinise fully what was being proposed.

The third issue that I thought critical was the lack of a business case, and the Minister made it clear that he was working on one, but there was no assurance given to the Committee about it. The fourth and final point that I raised at the time concerned the European Union. The Examiner of Statutory Rules makes very clear in her report that the regulations will not necessarily begin on 1 April 2017. They will begin either on that date or on the date on which the European Union gives its consent to them. Of course, that could be some time after 1 April, with £85,000 a day being burnt off in the meantime.

Let us go over the four areas. In the past seven days —

Mr Frew: I thank the Member for giving way. I ask him to curb his language and maybe the reckless tone. He talks about money being "burnt off". There are many, many credible businesses using the scheme legitimately. Many of them are in his constituency, as there are in mine and everyone else's, and they are using the incentive scheme for legitimate environmental purposes. They bought into it in good faith.

Mr Nesbitt: I thank the Member for his intervention, and he is absolutely right. One of the great shames of this debacle — when I use potentially emotive words, I am being careful, and "debacle" is the word that the First Minister used in the House to describe the scheme. The Member is quite right. Yes, there are, and I have been speaking to constituents of mine who are signed up to the scheme. I put it to the Member in this way. Over the weekend, his colleague the Member for South Down had to go to the media and say that a number of his relatives are availing themselves of the renewable heat incentive scheme.

Does that not imply that there is some sort of innuendo against those relatives when all they have done is sign up for a scheme? In fact, if it were not for the fact that they are related to Mr Wells, nobody would have a focus on them. That is why, as a party, we have called for those relatives to have their boilers fast-tracked to the top of the list for an audit. If they have done nothing wrong, let us immediately or as soon as possible clear their name and let the public know that they are simply availing themselves of the scheme that was put before them. That should be the case with anybody who comes into the public domain simply because they are related to an elected representative. I absolutely agree —

Mr Frew: I thank the Member for his patience and his indulgence. I hear what he says, and I agree with the sentiments. Will he also agree with me that businesses have already been tarnished in the media in connection with the scheme when they should not have been? When that has been highlighted, it has been called "scandalous" and "sensational", but, as he well knows, when there has to be a retraction in the media, whether in print or on TV, it is a small section with an apology. Will he acknowledge that?

Mr Nesbitt: Again, I thank the Member for his intervention. I have 100% no difficulty in acknowledging that. There is an expression that we all know: mud sticks. It is unfair. Let us look at what was done. There was a fatal flaw in the scheme, and we know that now. The impact of that fatal flaw has been that some individuals and some companies have had a shadow cast over them. There is an allegation, there is innuendo and there is a bad smell. That is to be deeply regretted. We must do what we can to assist in putting their good name back into good standing.

Mr Agnew: I thank the Member for giving way. Will he not agree that, if businesses come forward from the outset and say that they have availed themselves of RHI and explain how and why they are using it legitimately, it could, pardon the pun, take some of the heat off them? I think that you are being much more generous to Mr Wells than you would have been had the media found out what the situation with his family was, rather than him coming forward.

Mr Nesbitt: I thank the Member for his intervention. I will not comment further on Mr Wells because I do not think that it is fair to relatives to be put into the public domain simply

because they are related to somebody who sits in the House.

On the other matter about companies coming forward, I noted over the weekend that the other unionist Member, as it happens, for South Down was doing something different. He was getting an answer to a pertinent question that reveals that, I think, 62% of applicants to the scheme were not applying for a replacement boiler so that they could migrate from oil or gas to biomass, which is renewable: 62% did not have heating in the first place. They were new installations, and this question must be asked: how does that help the environment? Even though the new installations are environmentally friendly compared with gas and oil, how does it help the environment when we are putting in even more heating installations? I will give way to the Member for East Belfast.

Mrs Long: I thank the Member for giving way. I share his concern, although I would temper it with this: it happened at a time when, for example, Moy Park, was going through quite a large expansion, so some new installations will have been for new sheds that were being built for the expansion of the business. A proportion of them will have been, if you like, genuine new heating installations that would have been happening anyway, but the Member is absolutely right when he says that he wants to know how many fall into each category.

Mr Nesbitt: I thank the Member for her intervention. I will let the point rest because I promised the Speaker that I would stick as tightly as possible to the regulations. We may be straying a tad.

Some of the four points were directly within the gift of the Minister to action over the last seven days; others are not. For example, the Examiner of Statutory Rules will take the time that she needs to take, but she has now reported. I do not think that anybody in the Chamber, having read the Examiner's report, could put their hand on their heart and say that she is happy. She might be content — just about content. She certainly makes it clear, to my mind, that a judicial review — a legal challenge — is pretty much inevitable. We know of that grouping or that sort of consortium of RHI users who are getting very well organised and have made it clear that they will seek a judicial review of what is going on, and the concern has to be that it could end up actually costing the public purse more. The £85,000 a day continues to have to be spent if they are successful with their judicial review, and then there is the cost of the review itself.

Also, there is the issue of whether it is compliant with human rights.

We will listen to the Minister very carefully because we certainly do not want to stand in the way of any worthwhile attempt to stop the haemorrhaging. We will listen carefully for his assessment of the report of the Examiner of Statutory Rules. She has made it clear that, with limited opportunity for scrutiny, it is effectively impossible for any of us in the Chamber to take a definitive view on the regulations.

I listened to the permanent secretary, Dr Andrew McCormick, who was at the Committee earlier today. He was saying, effectively, that what we have here is the best available. That is very different from saying "good", "sound", "solid" or "as good as it gets" — in the context, this is the best available. That is a fair assessment, and I think that Dr McCormick has done more than anybody whom I have heard over the last number of weeks to maintain the integrity of the devolved institutions. I thank him for that.

Today, the Committee had the opportunity to shift its position from having noted the regulations to approving them but did not do so. The Minister did not turn up. Again, we will certainly listen carefully to Mr Hamilton to hear why he was not able to attend Committee today. Surely, if we are looking for a consensual way forward, the Minister would have made time for his Committee. But, let us not prejudge: we will wait and hear what the Minister has to say.

Then, there is the business case, and we look to the partners of the DUP in government: Sinn Féin. From what I hear, the business case is stuck in the Department of Finance. The Department of Finance could have come to the House and told us that the business case was fine and we could move forward. It had a week, but what happened over that week seemed to be that the two Departments — Economy and Finance — were in a race to see which could be first to commission an inquiry under the Inquiries Act 2005.

I have to put it on record that, bizarrely, I was contacted by representatives of both Ministers and was unable to take the call directly on both occasions. When the Finance Minister's people contacted me, I was at an event on Saturday and was not able to reply for several hours. There was no harm done because that was on Saturday and he wanted a meeting on Monday. Before that, representatives of Minister Hamilton contacted me on Thursday. I was

unable to directly respond to that call because I was at a funeral. By the time I responded, the meeting that they had wanted me to attend to discuss the Department for the Economy bringing forward an inquiry had already begun; indeed, as I later learned, the Finance Minister had already got to the point of announcing an inquiry. It is a matter of regret, but, for the record, that is why I did not attend the meeting that the Economy Minister wished me to attend on Thursday to discuss the possibility of him bringing forward an inquiry.

My fourth and final point is with regard to the European Union. As the Examiner of Statutory Rules made clear, the regulations, if approved, will not necessarily kick in on 1 April because they also need to be approved by the European Union. Specifically, we have to know if they are compliant with article 107 of the Treaty on the Functioning of the European Union.

1.30 pm

In the last seven days, I have not heard any opinion coming from the Department, and I do not believe that the Committee has been given any assurances in that regard. So, once again, we will listen to the Minister to see if there is certainty. It is a lack of certainty that we are trying to address. For that reason, I thought that a gap of seven days would be useful. We have come to the end of the seven days, and very little additional certainty has been added, so we will listen to the rest of the debate and, particularly, to the words of the Minister.

Mr Lyons: I welcome the opportunity to take part in this debate. I will begin by welcoming the regulations that we have in front of us this afternoon. I also welcome the opportunity that we had over the last week as a Committee to look at them in more detail and to be able to get evidence from the Renewable Heat Association and from the permanent secretary of the Department for the Economy. I believe that those discussions were useful, and I believe that we are better informed now than we were seven days ago. However, it is clear that the regulations will significantly reduce the cost of the renewable heat incentive scheme in the next financial year and will effectively keep us within the original budget. This is what the public want to see.

We are all aware of the public concern, the public interest and, indeed, the public anger in regard to the issue, and I am pleased that progress is being made on instilling confidence in the public, or reinstating the public's confidence once again, because of the public

inquiry that has been announced. That is very welcome, and I will not stray into those issues, other than to say that it is welcome that that is happening.

The other thing that the public want to see is cost controls. Most of the public anger in relation to this issue has come from the fact that this has the potential to have so much of an overspend on our Budget, and there are concerns in relation to allegations of fraud and, indeed, overcompensation as well.

It is important for us to remember that being a recipient of the scheme does not mean that the recipient has been doing or is doing anything wrong. Legitimate applicants should not have their reputations tarnished or their integrity questioned. It is very important that we put that on the record again. However, the way in which the uptake of the scheme developed has meant that action needs to be taken so that we can avoid further negative implications for our Budget in years to come. The regulations —

Mr Beggs: Will the Member give way?

Mr Lyons: Briefly, yes.

Mr Beggs: Will the Member acknowledge that the cost of the scheme — £25 million to £30 million a year — was fully known over a year ago? Can he explain why the current proposals, which have only been out a matter of days, were not brought forward one year ago so that there could have been full scrutiny and a much higher level of certainty going forward as to what the implications of such legislation might be?

Mr Lyons: That question was asked this morning at the Economy Committee, and the permanent secretary answered that there had been various plans and different proposals being considered in the Department, but this was the one that has come now. I will come on to this in just a second, because I think that it is important that we take the time to get this right, which is one of the reasons why I think that it is correct that there is a one-year interim solution to this, and then we will have time for a longer-term scheme to be addressed after that.

Mr Frew: I thank the Member for giving way. On the point that the other Member raised, does the Member not realise that it was brought up last year in this very House, when the then Minister, Jonathan Bell, came here to close the scheme? He would have been fully aware at that time of why the scheme had to be closed,

because the then Minister, Jonathan Bell, talked about that very thing.

Of course, Members across the Chamber will know how they voted or did not vote on closing the scheme. To say that we were not aware is completely untrue. If people came to this only in late autumn, that says more about them than it does about the Assembly.

Mr Lyons: I thank the Member for his intervention. I think that he sat down just in time before he received a rebuke from the Speaker.

We want a solution to this; we want to be able to control the costs of it. In order for us to do that properly over the long term, it is right that we have something in place now that can deal with the next financial year. The regulations address the worst excesses of the scheme and that which has been the cause of so much public concern and anger and potential negative consequences for the Executive. The regulations are for one year only. They are an interim solution, but they have the potential to save £28 million. We have also been told in our briefings from the Department that those savings could be even greater, depending on improved enforcement and the different attitudes that users take with regard to changed behaviour. There is a sunset clause in the regulations as well. That is appropriate. The right steps have been taken in the way in which these have been brought in as a short-term measure. They will give us the extra time that Members, the Department and the Renewable Heat Association are looking for so that we can address this better in the longer term. Nobody in the House believes that the regulations are the perfect solution to the problems that we face. A delay in the debate for a week —

Dr Farry: Will the Member give way?

Mr Lyons: I will just finish the point first. A delay of a week has allowed us additional scrutiny, but it is, obviously, not the type of scrutiny that we should be accustomed to in the House. However, it is action for the next financial year, and that is important.

Dr Farry: I thank the Member for giving way. I invite the Member to concur with me to the House that, under scrutiny by the Committee, the permanent secretary has suggested that potentially the more favourable approach in the long term, subject to public consultation, may be the run-on of the current approach. Again, that raises the question of why it did not come forward sooner, but I invite the Member to

recognise that there is a view amongst departmental officials at this stage that this may be the preferred approach, subject to consultation ratifying that over the next 12 months.

Mr Lyons: Of course, that is the important point: it is subject to consultation. The Renewable Heat Association, when it was before the Committee last week, made the point that it wanted to have more consultation before a final decision was made on the longer-term programme. It was the view of the permanent secretary, I believe — I hope that I am not misquoting him — that it provides the basis for where we go in the future. That is the point of a consultation: we do not predetermine anything, and we allow opportunities for people to have their say. If better options come to the fore, we will look at them and accept them.

I want to mention briefly some of the conversations and discussions that we have had in the Committee for the Economy about the regulations. I begin by thanking the Clerk and his staff for the work that they have done over the past number of weeks. They have put in a lot of work to organise extra meetings and give us the opportunity to have a greater look at what the regulations say and what they will mean.

When the Minister appeared before the Committee last week, he indicated that the regulations were right for us to support because they would, first, address the worst excesses of the scheme, relieve the pressure on the budget and support those who applied legitimately. Those are the things that should guide our thoughts at this time; in particular the public interest in the money that would be spent if we did not take any action. It is important that we reiterate that doing nothing is not an option.

I also thank Dr McCormick for his appearances before the Committee, because we gleaned an awful lot of useful information from him. I want to set out some of the things that he said to us. He was very clear that he has an obligation, as the accounting officer for the Department, to sort this out and to make sure that he keeps his books balanced. He said that there was no quicker or better option. He said that the public interest was not served well by the current tariffs. He said that the regulations were a very defensible, very viable set of proposals and were:

"the only means available to stop a haemorrhaging of funds."

He said that it was a very strong option and that the rationale for supporting them was clearly there. His evidence made clear to us the importance of getting cost control measures in place and the detrimental effect that doing nothing would have; indeed, if the regulations are not brought in, we will have to look at finding the money from elsewhere, perhaps from the Department for the Economy's budget. We know it has many other priorities, such as Invest NI, higher education, skills and promoting our country through tourism, so we need to be realistic as we meet here today. We do not have the comfort of being able to say, "Well, I do not really like the regulations, so we will do nothing". Doing nothing has serious consequences as well.

It is also useful for us to take evidence from the Renewable Heat Association. It was clear that they had a considerable interest in these issues. When questioned, it was clear that they did not have an alternative option that could begin to deal with the issue in this financial year. They were talking about options that would be further down the road but would not address the initial overspend that we would face or the implications that that would have for the Department for the Economy's budget and, perhaps, other departmental budgets. I also asked members of the association if they believed that a rate of return of 50% or 60% or even 70% was excessive. I asked that question a number of times, and I do not think anyone was able to give a straight answer.

Their main point was that there should have been greater consultation on the regulations. Obviously, because of the time pressures we are under, that was not an option for us. We know that, because of the actions of Sinn Féin, the Assembly will not be in existence after Wednesday. We do not have the luxury of taking more time, if we want to deal with this situation and if we want to make sure there is not an overspend in the next financial year, this needs to be dealt with now. Mr Aiken, who is not in his place, said that this was costing £85,000 every day. If we are concerned about that loss of money to other priorities, if we want to see cost control measures brought in, if we want to ensure that the issue is addressed and tackled and if we want the public to know that there will not be an overspend of the magnitude that had been reported, we need to support the regulations; indeed, it is the only show in town. It is, as the permanent secretary has said, the best available option. That is why it is right as well — we say this again — that it is a one-year scheme that gives us the opportunity to further consider this.

Mr Lunn: I thank Mr Lyons for giving way. On the fact that time constraints did not allow for a proper consultation period, the regulations will not take effect until 1 April: does he agree that that would have allowed time for a consultation, even if it had had to be foreshortened?

1.45 pm

Mr Lyons: It would allow time for consultation but absolutely none to get the regulations passed in the House. Tomorrow or possibly Wednesday, if there were to be a special sitting of the Assembly, is D-Day, and that is it. The opportunity would be gone for us. That would mean, in effect, that consultation would be worthless. That addresses the point that the Member makes.

I hope that Members will support the regulations. Claire Hanna, who spoke at the beginning of the debate last week, set out her position, but what was lacking from it was a clear alternative. What else do we do? It is clear to Members that we either support the regulations or allow that overspend. So many people across the country and so many in the Chamber have spoken out against this and have been so angry about it. Failure to support the regulations will allow that to continue in the next financial year. I do not think that that would be appropriate or that it is what anybody wants to see happen.

So much of the debate on the issue over the last number of weeks has been about trying to hurt or damage Arlene Foster in some way. Mr Allister's point, when he accused my colleague Mrs Little Pengelly of trying to shift the blame and trying to smear others, was very telling, because I think that that is what he and others are trying to do: they are trying to smear Arlene Foster. When he said to stop trying to smear others, it revealed what he was really doing.

I hope that Members, on this occasion, will put party politics to the side. An election is coming up, and we will have lots of time for all that stuff. Right now, the position that we are in requires action, and that is why it is important that the regulations are supported. That is what I hope Members will do.

Mr Speaker: Before I call Ms Sinéad Bradley, I remind her that Question Time is at 2.00 pm, and I may need to interrupt her if she is continuing to speak. She will, of course, be called to speak after Question Time.

Ms S Bradley: Thank you, Mr Speaker. I appreciate that.

I was hopeful that the extension of seven days from last week's debate would offer a genuine opportunity for those focused not just on an inquiry but on trying to stop the haemorrhage of public money that should and could be spent on better things, such as hospitals and education — and I could go on. I hoped that that would happen, but, at the outset, I register my disappointment that former members of the Executive and the Committee from Sinn Féin chose not to attend Committee meetings to discuss this point. It is particularly difficult to witness that at a time when they are otherwise very busy on the air waves, trying to play the blame game and essentially rushing to the front line to get the headline.

Mr Stalford: Will the Member give way?

Ms S Bradley: I will.

Mr Stalford: I hope that the Member for South Down is not suggesting for one second that the Minister of Finance is some sort of vainglorious person who loves media attention.

Ms S Bradley: I would never dare make such an assertion.

It is particularly disappointing because there are clearly two bodies of work at play here. It is in everybody's interest that the truth — who knew what, when and what exactly happened — comes to light. Only in that coming to the public light will lessons be learned from this. There is the second body of work, for which there appears to be little to no appetite. I say that across political parties and the media. If my house were on fire, would I put out the fire and then investigate how it started, or would I investigate it while the fire was raging? What has been happening in the House is that the DUP/Sinn Féin Executive, behind their iron curtain of politics, which has set a tone not befitting the Good Friday Agreement or any politics going forward, have watched the fire rage.

Nobody saw fit to ask, "Should we be putting this out?".

Ms Mallon: Will the Member give way?

Ms S Bradley: Yes, I will give way.

Ms Mallon: The Member will be aware of the continued attempts by Members to my right to create the fallacy that the SDLP is in some way solely responsible for the botched scheme and

voted for it. Will the Member please put on record the actual facts and truth?

Mr Maskey: As in voting to keep it open.

Ms S Bradley: Absolutely. It is the single red herring that Sinn Féin has left to hide its blushes. *[Interruption.]*

Mr Speaker: Order.

Ms S Bradley: We all know that, at that time, it was the legitimate scheme that should have been produced and laid out at the outset. Had that been the case, we may have had a very good scheme in place, but that was not the case. That is the little fig leaf that Sinn Féin will no doubt use to try to hoodwink and convince the electorate that it somehow had no duty over its mandate in the Assembly to do anything, which was, essentially, to stop the haemorrhaging of public money.

Mr Maskey: Will the Member give way?

Ms S Bradley: I will give way very happily, because I have not heard from you in over two weeks on the issue, when you had the opportunity, so I am minded to be brought up to date on your thinking.

Mr Maskey: I appreciate that the Member was not here last February, so she had no role in the last discussions, but she needs to be aware that her party voted against the proposal to close the scheme in February 2016. That is the reality; that is a fact. You can say all you want about it, but you and the Ulster Unionist Party voted against the closure of the scheme, despite repeated warnings about the cost that would be accrued and lost to the public purse. Your party voted against closing the scheme. Simple fact. You cannot get round that. I know that you were not here at the time — neither was Justin — so it is not your fault, but your party as a party, and other Members who are still here and were here last year, voted against the closure of the scheme.

Ms S Bradley: Thank you, Mr Maskey, for that intervention. I thank you for saying that it is not my fault. You are right: I was not here. But you were here —

Mr Maskey: Your Minister was in the Executive.

Ms S Bradley: — so is it not shameful that you are dependent on a Member who was not

present to clarify to you, who should know better, what happened?

Mr Maskey: Your Minister was in the Executive.

Ms S Bradley: The scheme that was voted on in February was the scheme —

Mr Speaker: I ask the Member to resume her seat. I ask —

Mr Maskey: Your Minister was in the Executive. What did he do? Nothing.

Mr Speaker: Mr Maskey, I ask you to refrain from speaking from a sedentary position.

Ms S Bradley: Thank you, Mr Speaker.

Mr Stalford: On a point of order, Mr Speaker. There has been a consistent pattern over the last fortnight of Sinn Féin Members heckling other Members from a sedentary position. Can you please advise them that, if they want to participate in the functions of the House, they can list their name and come to speak like every other Member who was elected here?

Mr Speaker: I think that I have already dealt with the matter. The Member may continue.

Ms S Bradley: I will continue, and I will continue for the benefit of Mr Maskey in particular, who clearly does not understand the facts of the case. The amended scheme, which had tariffs and caps applied, was presented to the House in February. You are right: you were present; I was not. The Member might be disappointed to learn that this Member can read and take facts.

Mr Frew: On a point of information, Mr Speaker.

Mr Speaker: There are no points of information in the Chamber. Remain in your seat.

Mr Frew: Sorry. On a point of order, Mr Speaker. Will the Member allow me to intervene?

Ms S Bradley: I will finish my point first for Mr Maskey's benefit.

Mr Maskey: It is not for my benefit.

Ms S Bradley: Mr Maskey and his party might do well to revisit the Hansard report of that time.

There you will find a very well-considered scheme that was measured and that, had it been used at the outset, would have led to an avoidance of the saga in front of us today. However, on that date, when SDLP Members presented themselves here, they, like other Members, were mindful that the quick execution and early closure of the scheme were placing legitimate businesses at risk, because people who had signed up to a very good, worthwhile scheme, at that stage —

Mr Frew: Will the Member give way?

Mr Maskey: Will the Member give way?

Ms S Bradley: I will finish my point. They had signed up to a very good, worthwhile scheme at that time. Those businesses were in the process of realising orders coming into their business. They were in the process of installing boilers with — I repeat — the measures in place that should have been there from the outset. So, Mr Maskey, your little red herring has just died.

Mr Maskey: Will the Member give way?

Ms S Bradley: What I suggest is that, if you cannot use facts, say nothing —

Mr Maskey: Will you give way?

Ms S Bradley: — because it is not good enough to come here and just use interventions —

Mr Speaker: The Member has indicated that she is not giving way.

Ms S Bradley: — to try to somehow undermine me by saying, "You were not here; your knowledge base would not be quite the same as mine". Well, Mr Maskey, my knowledge base is based on fact, not on spin and not on trying to somehow deceive the electorate by saying that you had no part to play in this.

Quite frankly, while we are at it, we will ask this question: why did Sinn Féin not want a public inquiry? What was the reason? Why was there an extended delay in this? A suspicious mind might think, "Maybe there is something that Sinn Féin is a little bit uncomfortable with and which could be laid bare", and imagine if that were to happen on the eve of an election. Sinn Féin's position on this appears to be, "Let's just get the votes in first and get to the facts later".

I will use my opportunity to inform you further, Mr Maskey, of what happened today at the Economy Committee, which you chose not to be present at. Legal advice was brought to the Committee. A legal pathway was set out that the Minister could pursue with these regulations and an amendment to them. It was set out how that might be possible. The problems and areas that we may have reason to have concern about were also set out quite clearly. Also presented to the Economy Committee was the legal pathway that the recipients of RHI funding could pursue through the courts. There were very clear indications that, equally, they have a pathway to follow up on if their contracts with the Department were not being honoured. I have no doubt that it is not the job of the House to judge or measure which of those two legal pathways holds the most weight, but, equally, I have no doubt about the decision being presented to us today. I have no doubt that a judicial review is highly likely, and it has been made clear to us why that is highly likely. Let it be placed on the record that nobody in the House believes that what is in front of us today is anything near perfect. In fact, in the week that is in it, many of the imperfections were highlighted.

Mr Speaker: May I interrupt the Member at this stage? Before we go to Question Time, I need to deal with a point of order raised by Mr Dickson. Does the Member wish to continue her contribution to the debate after Question Time?

Ms S Bradley: The Member most certainly does.

Some Members: Hear, hear.

The debate stood suspended.

Assembly Business

Mr Speaker: I return to a point of order made by Mr Dickson first thing this afternoon. The Executive Office issued a statement on Friday relating to the historical institutional abuse inquiry report, which I have now seen. I understand that the statement was made by a spokesperson on behalf of the Department and does not represent the ministerial view. I am not convinced that that answers the Member's query about the origin of the statement, and I encourage him to take it up with the Executive Office if he has any further queries.

What I am able to say to him with some authority is that, under section 19 of the Northern Ireland Act 1998, and in accordance with Standing Order 45, junior Ministers are appointed by the First Minister and deputy First Minister, acting jointly, and they are allocated specific responsibilities. Under Standing Order 20, junior Ministers may respond to questions for oral answer in relation to those responsibilities, but the First Minister or deputy First Minister must be present at that time. In the absence of the First Minister and deputy First Minister, junior Ministers are, therefore, not able to answer questions in the Assembly today.

I ask Members to take their ease while we change the top Table.

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

2.00 pm

Oral Answers to Questions

Education

Madam Principal Deputy Speaker: Tá an t-am ann do cheisteanna don Aire Oideachais. Tosnóimid le ceisteanna liostaithe. It is time for questions to the Minister of Education. We will start with listed questions.

Child Protection

1. **Mr Aiken** asked the Minister of Education to outline the child protection protocols in place for pupils in schools. (AQO 945/16-21)

Mr Weir (The Minister of Education): I thank the Member for his question. Under articles 17 and 18 of the Education and Libraries (Northern Ireland) Order 2003, responsibility for child protection in schools falls to schools' boards of governors. Schools, however, must have regard to guidance issued by the Department. The key document in this respect is 'Pastoral Care in Schools: Child Protection', issued under the DE circular 1999/10.

As that document explains, teachers and others working in the education services have a significant contribution to make to the safeguarding of children. All schools and colleges should create and maintain a safe environment for children and young people. Child protection protocols in schools should include the following: first, that school governors should ensure that their school has a child protection policy and procedures based on the guidance provided by DE and the education authorities; secondly, that, as part of these procedures, each school should have a designated teacher to whom all allegations or suspicions of child abuse should be referred for notification to social services; and thirdly, that all staff should be trained to be alert to the signs of possible abuse and know the action to take if they have concerns.

Schools do not have an investigatory role in relation to child protection concerns. There are protocols in place to refer concerns to the relevant agencies, most pertinently social services and the PSNI. The overarching policy framework and relative responsibilities across Departments and agencies for safeguarding

children and young people is outlined in the Department of Health publication 'Co-Operating to Safeguard Children and Young People in Northern Ireland'.

Mr Aiken: In the light of the recent sentencing of a man caught in possession of abuse manuals who was employed at a school to only 12 months' imprisonment and two years on licence, and who is now due to be released because of time already served awaiting trial, will the Minister outline what conversations he has had with the Justice Minister on this very serious issue?

Mr Weir: I agree with the Member if the implication of his question is that the sentence, which in that particular case will outrage people, is too lenient. I have always supported mandatory sentences in these matters and I suspect that he will have a similar view. However, we also need to ensure that the judiciary takes these things seriously. There will always be some flexibility in that. It is important that the most vulnerable in our society, and schoolchildren in particular, are properly protected, especially when we are talking about abuse issues and abuse in schools, where there is a duty of protection in place. I share the Member's desire to see much tougher sentences arising out of this and it is something that needs to be progressed.

Ms Lockhart: I thank the Minister for his answers thus far. Will he confirm to the House what the legislation is around this particular issue?

Mr Weir: There is a broad range of international and domestic child protection legislation relating to welfare. The principal domestic legislation is the Children (Northern Ireland) Order 1995. It is the overarching piece of legislation, which sets out the requirements for professional practice in relation to children and young people and identifies the welfare of children as being of paramount importance, which is correct. It sets prevention and protection as two of the key principles. The Education and Libraries (Northern Ireland) Order 2003, which now covers the Education Authority as well, places a statutory duty on boards of governors to safeguard and promote the welfare of children, to have a written child protection policy and to specifically address the prevention of bullying in schools. Obviously, on the issue of bullying, direct anti-bullying legislation was put through the House last year. The Sexual Offences (Northern Ireland) Order 2008 also incorporated significant changes to the law on sexual offences to provide better protection for

younger people from sexual abuse and exploitation. Finally, there is a requirement in the Children's Services Co-operation Act, which was passed through the House in 2015. It is:

"Every children's authority must, so far as is consistent with the proper exercise of its children functions, co-operate with other children's authorities and with other children's service providers in the exercise of those functions."

So there is an overarching bit to try to ensure that there is that cooperation, because this is not an issue that relates just to Education. There are also key implications, particularly, for Health and Justice. It is only by that level of key cooperation that we will start to tackle these problems.

Teachers' Strike Action

2. **Mr Butler** asked the Minister of Education for his assessment of the announcement by National Association of Schoolmasters Union of Women Teachers that nearly 200 schools will be going on strike on 31 January 2017. (AQO 946/16-21)

3. **Mr McPhillips** asked the Minister of Education for an update on his Department's work with trade unions in relation to strike action. (AQO 947/16-21)

Mr Weir: Madam Principal Deputy Speaker, with your permission, I will answer questions 2 and 3 together because they relate to the same subject.

I am disappointed that the National Association of Schoolmasters Union of Women Teachers (NASUWT) is engaged in ongoing industrial action. The recognised negotiating forum for teachers' terms and conditions is the Teachers' Negotiating Committee (TNC), at which the Department is represented. The TNC is made up of representatives from the Northern Ireland Teaching Council (NITC), which comprises the five teaching unions, and management side, which comprises representatives from the Education Authority, the Council for Catholic Maintained Schools (CCMS), sectoral interests and the Department. Management side meets the Teaching Council regularly as part of its work on TNC and is committed to moving forward in a constructive fashion. Management side met the teaching unions 10 days ago, on 12 January, in relation to industrial action. I welcome the fact that that meeting was described by those involved as constructive. I understand that there was agreement to an

exchange of discussion papers, with a further meeting scheduled for tomorrow. If we are looking for positives, it is at least a positive step that there is at least that engagement. I urge the teaching unions, which have taken, to be fair, slightly different attitudes to industrial action, to continue to get round to management side to focus on the issues for 2017 and beyond.

Mr Butler: Thank you for your answer, Minister. We welcome any ongoing talks. Can you outline any actions that you have taken to ensure that, in this crisis, teachers will be paid adequately and work under acceptable conditions, with a manageable workload and with the appropriate support to deliver education for our children and young people?

Mr Weir: There are a number of things in relation to that. Workload is a key issue that a lot of teachers have raised with me. That is why we sought suggestions from schools — and we are ending the collation of those responses — not simply on where there could be additional responsibility or opportunities for a greater level of flexibility for schools but about easing burdens. Particularly in a very tight financial situation, looking to where we can ease burdens on schools and teachers is vital. I am a little bit disappointed that, even among those unions that have taken the view of non-strike action, there is an impact in terms of non-cooperation with the inspectorate, because that can impact on pupils' learning.

As regards the broader financial situation, it is important that there is a focus on where we move on from 2017, because there is not a big pot of money sitting somewhere that is ready to be paid to make up for what has happened to date. I should also indicate that previous settlements included increments, which are no longer automatic in England. It is about trying to get a situation — tomorrow will hopefully be the first step in this — where people are looking forward rather than trying to resolve issues, some of which date back many years. Maybe that is a wider lesson for society in Northern Ireland.

Mr McPhillips: Thanks to the Minister for his answers so far. Does he agree that the potential for a resolution on teachers' pay has been compromised due to the shenanigans in the Assembly, and is he confident that a resolution will be found post-election when he abandons his post?

Mr Weir: I am not sure that "abandon" is quite the correct word on that side of things on it.

Clearly, we have had issues around the broader perspective. The fact that the Executive have been collapsed by one party and that, in particular, it has been done ahead of any Budget settlement is not helpful to the overall situation. The opportunity for a greater level of resolution is that people look forward to 2017. It is not realistic to think that there is some big pot of money out there to cover the situation between 2015 and now or, indeed, to backdate that. It is also not simply a question of finding a one-off pot. If you make changes to the pay and conditions, that has a long-term impact on the school budgets and creates a level of pressure because it baselines within that. That must also be borne in mind. The opportunities for that will potentially be in looking forward to 2017. The reality is that, whether it is me or somebody else in post, the issues ultimately remain the same, and a belief that some change of personalities will suddenly make resolution very easy in many ways misunderstands the nature of the problem.

Mr Kennedy: I ask the Minister to bear in mind and look closely at the work being carried out by the Education and Training Inspectorate (ETI) during this industrial action period, because a school in my constituency, Cortamlet Primary School, has been informed that a monitoring inspection —

Madam Principal Deputy Speaker: Does the Member have a question?

Mr Kennedy: — will take place tomorrow. Given that ETI will not be able to finalise a complete report because of the industrial action, will the Minister undertake to look at this situation to ensure that no school is left with an unsatisfactory finding and damage to the school's reputation as a result of —

Madam Principal Deputy Speaker: I think that the Member has asked his question. I call the Minister.

Mr Kennedy: — circumstances beyond its control?

Mr Weir: There may be certain things that are beyond my control as well in relation to that. It is unfortunate that a particular approach has been taken towards the inspectorate because that can be damaging to the school and to the reputation of the school. Let us remember that the inspectorate is not doing its work because it gets some sort of perverse kick out of this; it is doing it to try to ensure that we have proper standards in our schools. In certain regards, ETI is always a bit of an easy target on that

basis on it. That non-cooperation is damaging, as I said, to our schools and to our children, and I urge all the unions and all teachers to fully cooperate with ETI. We need to see a degree of solution on this as well.

Mr Lyttle: In addition to teachers' pay, there is a wide range of issues facing education in Northern Ireland at the moment, including the suspension of the special educational needs (SEN) nursery review, the rejection of school budgets, proposed school bus charges, and most recently —

Madam Principal Deputy Speaker: Can the Member come to his question?

Mr Lyttle: — youth workers put on protective notice. As acting Chair of the Education Committee, I have invited the Minister to provide a fuller update on these issues this Wednesday at our Committee. Will he be able to attend?

Mr Weir: Yes, I am happy to attend that. There may be a limited amount that I can directly say on a range of those issues. The broader budgetary situation will be the same for each Department, according to the way the rules work, assuming that we are not immediately seeing a resolution to all those issues. I will be happy to tackle in detail some of the questions that the Member has raised. In some cases, there has been talk of particular proposals when, in fact, no proposals have necessarily been made. I tried to comment today on an issue that had come up where, again, there was a degree of misunderstanding and, indeed, some — not in this House — make a level of political exploitation of that without knowing the facts on that basis on it, but it is important that we shed as much light as possible on that. It may well come up in other questions on it. In terms of reviews, consultations etc, anything that is coming back into the Education Authority is not in and of itself suspended, but the protocol is that you do not really perform consultations during an election period. He mentioned, for instance, the SEN review, and there are other reviews as well. Those are very important issues, and it is important that we get a proper focus on them so that there is no distraction. I am happy to come along to the Committee to answer questions, effectively on my own, on those issues. I will try to be as helpful as possible within the constraints of the level of knowledge that I have.

2.15 pm

Lord Morrow: What guidance have the employers issued to schools in relation to the proposed industrial action?

Mr Weir: Obviously, guidance has been issued by employers — for instance, the Education Authority or CCMS — to boards of governors and school principals to assist schools in the face of escalated industrial action. It particularly advises school principals to consider contingency plans and to ascertain what the impact of the industrial action will be in the school to ensure that appropriate levels of supervision and support can be provided, to ensure accurate recording of attendance for pupils and staff and to consider the provision of home-to-school transport and school meals.

I would also indicate that, sometimes, when you drill down into figures of the impact of particular days of action, whilst some of them are geographically specific, it is not necessarily a universal position. Sometimes, it depends on which union is creating the industrial action and its level of strength within a particular school. Many schools have been able to carry on without particular impact, others have had to close the school for a day or a half day and others have had different regimes. There is slightly more of a spectrum of impact, rather than necessarily a full impact, on schools on any one occasion.

EastSide Learning

4. **Mr Douglas** asked the Minister of Education for his assessment of the importance of community-based initiatives, such as EastSide Learning, in improving education outcomes for children and young people. (AQO 948/16-21)

Mr Weir: I thank the Member for his question. I believe that community-based initiatives are one of a number of factors that can help improve educational outcomes for pupils, particularly those from socially disadvantaged backgrounds. In my experience, irrespective of what community it is, getting a level of community buy-in is very helpful and significant.

The Every School a Good School policy highlights that a good school is one that is connected to its local community. I have met a number of community representatives and recognise the influence that they can exercise and achieve. I have encouraged the West Belfast Partnership Board and the other partnership boards, including the EastSide Partnership, to assist them to share the model of good practice. I also fund the West Belfast Partnership Board, the Greater Shankill

Partnership and, indeed, Sure Start. All those can play an important role in the community in helping to tackle that key problem of educational underachievement.

Mr Douglas: I thank the Minister for his answer thus far. I would certainly concur that he has been very helpful with the various partnerships. I declare an interest as a member of the EastSide Partnership in east Belfast. The Minister is certainly aware of the issues surrounding underachievement, particularly for young Protestant boys. Will he outline what his Department is doing at the moment and maybe plans to do in the future?

Mr Weir: There has been much discussion about that. I welcome some of the improvements that have happened, but a lot more needs to be done to build on it. I produced a paper a short time ago, and we are looking at what we can do to implement that. In tough economic times, I have ensured that the money to fund things like targeting social need has been allocated directly to schools.

We need to take a more imaginative approach. We need to, for instance, focus on how we can imaginatively use the likes of social media. I would like to see a situation in the relatively near future, particularly in encouraging reading, in which we make use of local role models — that has happened at lower levels with the use of sports stars, who have tried to provide a degree of additional aspiration. Also, in the near future, I will be speaking at a conference on the issue of educational underachievement in Bangor that has been organised by a north Down group. That has been in track for a period of time.

It is about building a range of interventions. If a single intervention could sort out a lot of the problems, I think that it would have been done by now.

It is about getting the cocktail of measures that will work in an area and the community buy-in.

Mr McGrath: Many community initiatives are delivered by the Youth Service, and many youth workers across Belfast received protective notice this week because of a funding issue. I welcome the Minister's statement today —

Madam Principal Deputy Speaker: I ask the Member to come to his question, please.

Mr McGrath: Can the Minister give some assurance that he will work with his Department

to ensure that, if the money is made available in the budget, those people's jobs will be secure?

Mr Weir: I think that would be the case. That was coming up under question 6. I thank the Member for raising the issue before we reach the 2.30 pm cut-off point.

There has been concern because a letter was put out by an EA official that is essentially protective notice. That is standard practice and happened, for example, two years ago when the budget was at issue because of the welfare situation. It is standard procedure when no budget has been set. Unfortunately, inferences have been drawn from that and, indeed, some have deliberately misinterpreted it. Let me be absolutely clear: first, there have been no cuts whatsoever to that budget; secondly, there has been no decision to make any cuts to it; and thirdly, there is no proposal or intention to make any such cut. That money is currently being allocated. I will have an opportunity to talk with the Committee as regards the wider situation. It appears likely that the budget will simply roll forward in the absence of a budget, which means that money will be spent in more or less the same way as before. This was a precautionary move that had to be taken and is in line with what happened in previous years. I want to give that reassurance because I understand that there is a lot of concern out there at present.

Mr Allen: How will the Minister support community childcare providers as the most cost-effective childcare option?

Mr Weir: We are working with childcare providers to get the biggest bang for our buck. Given limited resources, we always want to ensure the maximum provision with what we have. Our childcare strategy was ready to go to the Executive, but the Department will work with local childcare providers to provide help and support, as has happened until now.

Mrs Long: The Minister has indicated the need to follow good practice. Can he confirm the total funding that his Department will award to the west Belfast Full Service Community Network education framework and whether he would consider similar funding for the EastSide Learning education framework in order that the good practice instilled in the west can be rolled out in the east?

Mr Weir: I will write to the Member with the exact figures. We always want to get the best practice that is there. Obviously, any opportunity to roll out new initiatives, for

example, is extremely limited, given the short time I have left in office. However, it is something that needs to be considered, if not by me, by my successors in title. The Member has put forward a reasonable suggestion.

School Places: East Belfast

5. **Mr Allen** asked the Minister of Education to outline the percentage of pupils placed in their first preference preschool, primary and post-primary school in East Belfast. (AQO 949/16-21)

Mr Weir: I thank the Member for his question. I should explain that, while parents are able to nominate their preference for the preschool settings or schools they wish their child to attend, approved enrolment numbers mean that a child cannot in every case be guaranteed a place in a particular setting or school. Nevertheless, the figures for September 2016 admission, which have been provided by the Education Authority and are based on the position at the close of each admissions process, show that the vast majority of children in East Belfast were successful in gaining admission to their first preference.

I will drill down into the statistics. There were 1,106 available preschool places throughout East Belfast for this year. Preschool settings collectively received 1,068 applications, of which 937 pupils — about 90% — achieved places at their first preference setting. There were 1,207 places available in the primary sector. There were 1,094 primary applications, of which 1,021 applicants received places at their first preference. That equates to 93.3%.

Post-primary figures are as follows: 1,028 places were available and 1,025 post-primary applications were received, with 807 applicants receiving places at their first preference school. I emphasise again that these figures do not relate to children placed at one of the schools of their choice but at their first preference school.

Mr Allen: I thank the Minister for his answer. Minister, given the uncertainty at the prospect of the proposals in the draft area plan, will you outline what work your Department has undertaken to identify and address any shortage of school places in East Belfast to help to increase the prospect of children securing their first preference school and the school best suited to their needs?

Mr Weir: It is important that children get what is best suited to them. That does not always mean something entirely on their doorstep. The

idea of area planning is to provide something strategic, and we will see a draft area plan that could lend itself to development proposals. While everybody's thinking on development proposals will always concern a new school, a school closure or a merger, they can also — this has happened on a number of occasions — relate to adjustments to enrolment.

Development proposals can take a certain length of time. There is a provision — this has happened on a number of occasions — to allow temporary variations, which a school applies for. If there is a particular pressure, that can be met in that way.

The Department and, more specifically, the Minister sign off on a specific development proposal. The Department is not the initiator of a development proposal; it is for the Education Authority or another managing authority to initiate that. As I said, as has happened in a number of schools, there is an opportunity to ensure that that can be dealt with, which would at least provide for a temporary removal of constraints.

Mr Hilditch: Minister, are there any plans to revise the criteria for preschool admission?

Mr Weir: Preschool education providers set admissions criteria. Research has shown that children in socially disadvantaged circumstances tend to experience more difficulty at school than other children, so the Department requires priority to be given to those children in the preschool setting as part of a wider effort. The aim is to ensure — to be fair, it is pretty close to being achieved — that there is at least a place for every child. Sometimes, there is still a disjoint from an area planning point of view; in certain parts of the country, you will have a high level of pressure on places and, in other areas, there will be a gap. It is important that the definition of children from socially disadvantaged circumstances in the required priority criteria is fit for purpose. It is probably timely that those are revised. If there is any revision, changes will be subject to consultation.

Ms Armstrong: I thank the Minister very much for his answers so far. Does his analysis take into account the fact that integrated schools in the area are regularly oversubscribed, which means that parental demand for integrated education is not being met?

Mr Weir: As I said, there is an indication that, as part of this, we need to get a holistic view of the area plan. That is what we need to move ahead with; it will identify the needs, particularly

for Belfast and East Belfast. One criticism that has been rightly made about area planning is that different sectors were moving at different speeds. The fact is that the controlled schools sector, CCMS, the integrated sector and the Irish-medium sector are all sitting around the same table trying to develop these proposals. Hopefully, that will produce a plan that is fit for purpose. If there are particular pressures on the integrated sector in East Belfast, those will be taken into account as part of an overall plan. It is important that we get the full jigsaw.

Youth Workers: EA Funding

6. **Mr McCausland** asked the Minister of Education how many youth workers are funded by the Education Authority in Rathcoole, Bawnmore and Glengormley. (AQO 950/16-21)

Mr Weir: The Education Authority has confirmed that there are a total of 41 youth workers across the statutory provision in the three areas named. The figure is made up of 15 workers in the Rathcoole youth centre, including seven assistant youth support workers, five youth support workers, two support workers in charge and one area youth worker. There are a further 10 at Millgreen youth centre in Bawnmore and 16 youth workers in Glengormley youth centre. I can give the Member the breakdown of those if he so desires.

Mr McCausland: I thank the Minister for his answer and also for his answer to the earlier question regarding uncertainties with youth funding issues. I thank him for his clarification. What is his assessment of the value and benefits that flow from the work of those whom we are speaking about?

2.30 pm

Mr Weir: I think that there is a tremendous benefit, which is why the funding has consistently been put on a separate footing. Indeed, the EA has always sought to deliver that. This is targeted, especially in sometimes difficult areas, particularly at youth work with young people who are sometimes very hard to reach and whom other services are not really getting to. In society as a whole, youth work is key in preventing any potential problems that might arise and in preventing individual young people going in the wrong direction. The youth work provided is extremely valuable, and I commend those who are involved in it.

Madam Principal Deputy Speaker: Sin deireadh na tréimhse do cheisteanna liostaithe. That ends the period for listed questions. Anois tá 15 bhomaite de cheisteanna tráthúla againn. Glaoim ar Alan Chambers. We will now move on to 15 minutes of topical questions, and I call Alan Chambers.

Mr Chambers: Minister, as we head towards an election, no doubt you and the other candidates in North Down will be asked about the capital investment programmes that have been planned for Priory Integrated College in Holywood, St Columbanus' College in Bangor and Bangor Central Integrated Primary School.

Madam Principal Deputy Speaker: Will the Member come to his question?

Capital Investment Programmes: Update

T1. **Mr Chambers** asked the Minister of Education for an update on some capital investment programmes. (AQT 676/16-21)

Mr Weir: There are a number of issues there. I suppose that all politics is local, so the Member cannot be blamed for posing that question. Priory Integrated College and Bangor Central Integrated Primary School were part of the Fresh Start announcements. The project boards are moving ahead with those, that money is secure and the programmes will happen, irrespective of what the particular political landscape will be.

I have asked government whether some of the terms of the broader funding can be widened for St Columbanus' College. Its intake makes it what is sometimes referred to as a "super-mixed school", and it should be in a position to benefit from that. As yet, central government has probably been a little bit distracted with other issues, so I have not been able to secure a widening of the terms of reference. Also tied up with that was the examination of what could be done through the school enhancement programme, and it is likely that there will be an announcement fairly imminently on that. That is because we need to get moving with the school enhancement programme to ensure a proper flow of capital. I am acutely aware of the issues. No matter how things move ahead, capital will be available in the future. We have not yet been in the position to make a major capital call, but I think that there will be one very imminently on the school enhancement programme.

Mr Chambers: Minister, is the money that you say is secured for two of the schools real money or is it subject to future budgetary constraints? Have you had any informal meetings with the schools about this?

Mr Weir: I have been to a number of schools for meetings. I have been to Priory Integrated College and Bangor Central Integrated Primary School in relation to this issue. Their money is part of the Fresh Start money, which was £500 million allocated across a 10-year period, with a tranche of a maximum of £50 million a year. Those schools were announced as part of the first tranche of investments. As I said, the actions being taken are progressing along those lines, and the money is therefore secured, irrespective of what happens to the Northern Ireland block grant. Irrespective of what happens to any Northern Ireland Executive Budget, that is separate money that has been allocated by central government. It is secure money, they are announced projects and they are moving ahead. In the case of Priory, for instance, the first step is to ensure that it has a proper site. I think that a lot of us would have a fair guess at the answer to that. In that case, and probably for Bangor Central, the answer was fairly obvious, but that procedure needs to be gone through. The money is 100% secure and will not be impacted by wider budgetary positions. That is a bit of good news for the Member.

Mr Chambers: Thank you.

Entitlement Framework: Feedback

T2. **Mr K Buchanan** asked the Minister of Education whether he has received any feedback from school principals about the entitlement framework. (AQT 677/16-21)

Mr Weir: This is a practical decision that was taken. We were getting messages, particularly from school principals and schools, that the scale of what was there was placing an onerous burden on them. Nobody doubts that we need to ensure that young people have the fullest opportunity, and we had that before the decision was taken. Subsequently, I have had feedback from a number of school principals who see this as a practical solution that has eased the burden on them in what are tight financial situations.

I know that a lot of schools are doing this already, but I take the opportunity to say that, particularly for its delivery and the delivery of subjects, the entitlement framework is a great vehicle for greater levels of cooperation,

collaboration and sharing between schools. That is particularly the case with some minority subjects, on which you get two or three schools in the same town collaborating. I know that that happens in Bangor in my constituency among three of the schools. They are collaborating to provide that maximum level of opportunity. Generally speaking, I think that the announcement has been welcomed by school principals.

Mr K Buchanan: I thank the Minister for his answer. Is it part of a wider Education Authority policy?

Mr Weir: The idea is to give greater autonomy to schools by providing them with the ability to make decisions. In a previous existence, which will show my age, I might have described those decisions as being taken at the chalkface, but now I suppose that I should say interactive whiteboard. Indeed, saying that may even be out of date. This is about allowing that opportunity for those sensible decisions to be taken at the level of school principals, boards of governors and teachers, all of whom know what is in the best interests of their children, rather than an attempt to dictate downwards from the Department of Education. That is an important step. For whoever succeeds me in taking those decisions, that is something that needs to carry on.

Madam Principal Deputy Speaker: The Member listed to ask topical question 3 has withdrawn his name.

Outdoor Activity Centres

T4. **Mr Easton** asked the Minister of Education to clarify the situation with outdoor activity centres and the current consultation. (AQT 679/16-21)

Mr Weir: There is a consultation ongoing, and I am not in a position to interfere with it directly. I appreciate that we had a very vigorous debate on outdoor activity centres in the Chamber — in fact, we had a debate two weeks in a row. It is clear that there are widespread concerns out there. Today, I have written to the chair of the Education Authority. That letter will go to all members of the board, urging a precautionary approach be taken. As I said, I cannot interfere directly in the ongoing consultation. Before any conclusions are reached, the authority needs to have a very thorough examination of all the consultation responses. It needs to look at what alternative proposals have been put forward and what other options there are — I think that there can be other options — for a

better financial regime that would allow alternative ways of moving forward. I also specifically urge the Education Authority not simply to look at those alternative proposals but to engage directly with those who are putting them forward to ensure that the proposals have the fullest opportunity. The driver should be what is in the best interests of our young people, although I appreciate that there are also financial constraints to be considered. It is therefore important that every option be explored very thoroughly and that viable alternatives be given the maximum opportunity. That letter has gone out today, so it may be news to the Education Authority. It has simply been sent today, so it will not have been received as yet, but that letter is going to every member of the Education Authority.

Mr Easton: Will the Minister give a guarantee that he will look at absolutely every option before coming to a final conclusion?

Mr Weir: The conclusion initially is to be arrived at by the Education Authority. To that extent, I am urging it to take a look at the options. Decisions are likely to be taken outside the time frame of my ministerial responsibility, but it is important that, whether they be taken at an Education Authority level, and I think that that is where the resolution needs to happen, or by another Minister, every avenue be explored and we provide the best possible solutions for our young people on the issue.

Independent Review of Integrated Education

T5. **Ms Bradshaw** asked the Minister of Education whether he plans to publish the findings of the independent review of integrated education before he ceases to hold office. (AQT 680/16-21)

Mr Weir: I am tempted to say that the very short answer is yes.

I received the report shortly before Christmas. The report was a little bit late in arriving, but I looked over it. It is not just a question of publishing but a question of seeking the public's views on it, so my intention had been to find a date in January to do that. I understand from discussions that the protocol is such that you should not really be publishing during an election campaign, and I think that there is good sense in that. In part, that is because that is what the advice is on protocols for all consultation, but also this is a very serious report. It needs to be given a proper viewing.

My original intention, then, was to give instructions to publish just after the election campaign to avoid that. I was then told that I cannot do it directly after that, but I have managed to find a way that will mean that I have signed off today on publication of that report on 2 March at 9.45 pm. Therefore, no one can accuse me of making a political football out of this by way of it impacting on the election. It goes to the limits of when I have the legal power to do that, and, as this is a serious report, I want to make sure that it is published and that the views of the public on this are sought. That is a route by which we can ensure that all is being done to make sure that this is fully examined by the public.

Ms Bradshaw: Thank you, Minister. I was sort of following what your logic was on that, but I fail to see why you cannot launch it now. Are you not afraid that, like in many other elections where important issues have come up, this will get lost at the far side and it will take many months for it to be picked up again?

Mr Weir: There are two things in relation to that. First, I think that the danger is that, rather than it being treated on its own merits and looked at seriously, it either, on the one hand, simply becomes part of the noise of the election or, on the other hand, because no one knows precisely what the various issues will be during the election and because they will be fairly wide-ranging, it effectively almost gets put into a background situation. From that point of view, there is protocol that is suggestive of what can be done during an election period by any Minister. It lies within the Department. Part of that advice and guidance is that major consultations should not take place during an election, in part because of the danger that, whatever the consultation, people would, in some shape or form, regard it being party political and it could influence the election. I am following the protocol, but I am committed to ensuring that this published.

As I said, I have found a way within my power to guarantee that it is published, that it gets a fair examination by the public and that, as part of seeking those public views, space can be provided. Had it not been for the election, we would have moved ahead at a quicker pace, but I have to follow the protocol during the purdah period. This is a way of squaring the circle and ensuring that this very important document is put in the public domain.

Autism Assessments: Waiting Times

T6. Mr Allen asked the Minister of Education what his Department and the Education Authority are doing to support those children who are waiting on an autism assessment, many of whom are waiting up to two years, especially given that recent figures revealed a 280% increase in these waiting times. (AQT 681/16-21)

Mr Weir: We are cooperating with the Department of Health in particular, because a lot of the assessments are on the Health side rather than with the Department of Education. There is a working group that is trying to work through those issues with the Department of Health. I suppose the key test on delivery will be on the basis of what can actually happen on the ground. We are faced with a situation where there is a much greater level of awareness of autism in particular. I met some of the autism groups around early autumn, and I think that one of the issues, thankfully, is that we are detecting this a lot earlier. That is creating a level of pressure on how quickly those can be processed. My Department is happy to work with the Department of Health to try to process those as quickly as possible, but we need to ensure that we get the right diagnosis as well.

Mr Allen: I thank the Minister for his answer. Minister, I am sure that you will understand and appreciate that for many of those children waiting on the assessments will have an impact on their school life. Will you give a commitment to review what support is being offered, and also perhaps look at the level of training being offered to teachers and classroom assistants to support those children?

Mr Weir: I think that my Department will be progressing those issues. We reach dissolution on Wednesday night, so there is a limit to what I can deliver in the short term. There is a very important issue that needs to be progressed, and I will certainly be tasking my officials to try to have the maximum level of cooperation to ensure that waiting times are kept down to a minimum.

Investing in the Teaching Workforce: Update

T7. Ms Hanna asked the Minister of Education for an update on the Investing in the Teaching Workforce scheme. (AQT 682/16-21)

2.45 pm

Mr Weir (The Minister of Education):

Currently, the situation is that expressions of interest have been sought, and a lengthy list was produced of those who were interested within that. The advice and, indeed, the nature of the pilot scheme that was progressed by the Executive was that this was open to 120 in this year; that was felt to be the maximum number that could be progressed. We had a lot more than that, and those teachers who were successful in reaching that top 120 have now been written to. There is also a legal challenge, from a judicial review point of view, from somebody who is challenging that. The outcome of that will be critical to the progress of that, but if that judicial review is not successful, progress will happen to ensure — at least with regard to the pilot scheme — that those will be progressed and reach a point of conclusion in-year.

Madam Principal Deputy Speaker: Sorry, there is no time for your supplementary. That concludes topical questions. I ask Members to take their ease while we change the top Table.

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

Executive Committee Business

Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017

Debate resumed on motion:

That the draft Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 be approved. — [Mr Hamilton.]

Ms S Bradley: I will pick up where I left off before Question Time. Essentially, I was trying to talk to the facts as they are presented to us today on this regulation or amendment to it. We are acutely aware that what is being asked of Members falls outside anything that would be considered good governance or arrangements for making good legislation or amendments to it. It was very disappointing that the Minister was not in attendance at the Committee this morning, as many legitimate questions are still unanswered. It is not a very comfortable place to find oneself in when there are so many questions that are unanswered, and yet the business has to proceed against a ticking clock set by others.

The omission of critical things include the agreed business case. In probing and trying to get to some sort of answer around the business case, we did hear that there is no valid objection to it, which falls far short of there being any agreement to it. At this moment — I could be corrected on this — the Minister of Finance has yet to give any agreement to it. As we are charged here today with measuring the probability of judicial review against the potential costs of such a judicial review against the public interest, what would certainly have weighed in favour of this regulation going through as amended would have been the Finance Minister stepping up and giving some commentary or lead on it.

I refer to the Iron Curtain of politics, which, ironically, the two Executive parties now find themselves on the wrong side of because if the House had been privy to any sort of monitoring rounds or draft Budget we would have been able to measure whether it was workable or whether it was workable with regard to the debate and the priorities that were being set. Of course, while some talk about equality, they were very comfortable with the fact that they did not treat other Members with equality. They were very satisfied to sit behind that Iron Curtain and reserve information for themselves only. Today, unfortunately, it is not the SDLP or the opposition parties that have fallen foul of that but the general public.

That is an absolute indictment of this Executive and the way they operated. Regardless of who or what, if anything, is returned to the House, I surely hope that there will be time to reflect on that and the manner in which business was done.

I will move on. On the probing, a cynical person might say that this is the Minister basking in the sun for his electorate, trying to push something through at the eleventh hour, so that, when he knocks on the door and they ask, "What did you do to stop the loss of money?", there will be a piece of paper. That might have been true, only we learned today in Committee that this is the brainchild of a SpAd, an unknown SpAd.

Mr Allister: A super-SpAd.

Ms S Bradley: A super-SpAd. We do know that it was not a SpAd in the Department for the Economy. A good idea is a good idea — I have no problem who it comes from — and if a good idea saves money for the public purse, I will be the first to jump up and support it. However, when there appear to be political fingerprints all

over this and, like everything else, that information was withheld, forgive me for being cautious, forgive me for having another list of questions that will go unanswered.

There is no trust here. It has been lost through a drip effect from the Executive over a long time, and I ask this question: who knew what and when? We are trying to place the amendment in front of us into context. I noticed that Mr Maskey has absented himself from the Chamber, maybe wisely so. When we reflect on who knew what and when, we know that, in November, the scheme was revisited and sensible proposals were put forward on putting in caps and tariffs that were voted on and rightly so. We also know that, in February, the Minister came to the House and referred to an advertising campaign as part of his explanation of why, suddenly, the scheme had become so popular. The SDLP's response at that time — I stand over it — was very measured and considered, given the information that was in its domain at that time. Others reacted in a different way. With hindsight and a look back over Hansard, it would lead you to wonder why others were less measured. Why did they feel a need to hurry in? What information were they privy to? How did they know the importance of cutting the scheme short of two weeks, not that it was going to make a big difference at that stage? It raises suspicions, and it certainly raises eyebrows. What was Máirtín Ó Muilleoir referring to when he urged the House to vote in a way that did not stack up in a measured way, considering what was in front of us? Mr Maskey may be muddled in his recollection because, perhaps, what he has to do and I do not is to separate what he knew and what he should have known. I have the privilege of standing here speaking on the public record on the basis of what was allowed to be known to the public and to the Opposition parties in the House.

Mr Frew: Will the Member give way?

Ms S Bradley: I will give way.

Mr Frew: Will the Member agree that one of the people who knew well what was happening with the scheme was none other than the Chairperson of the Committee for Enterprise, Trade and Investment, her party colleague? Has she studied what Mr McGlone — I have a lot of respect for him, and he did a lot of work on the Committee with me — said in that debate?

Ms S Bradley: I thank the Member for that intervention. It is quite an astute one. He might

be disappointed to know that I have studied it, and, if you look carefully, you will see that it is clearly on record that Patsy McGlone at that time made it known to the House that questions remained unanswered. He did not know. He, like others, was kept in the dark.

The people who appear to have had the privilege of knowing are the people who had the gift of delivering a public inquiry over the last seven to eight months. Those people, for reasons that will become increasingly well known to us all, did not want such a public inquiry, when, in fact, the SDLP could see — I am sure that, with the benefit of hindsight, even the DUP may see this — that the right thing to do was for Arlene Foster to step aside to allow for a full, independent public inquiry, to allow lessons to be learned and to allow a consultation and a measured approach on how to bring this to a close.

Mr Stalford: I appreciate the Member giving way. She will be aware that, at the end of December, her party brought tabled a motion in the House. The motion that her party tabled was not about establishing a full public inquiry; it said that Mrs Foster was not fit to hold public office. You said that before we had even had the inquiry in the first place. You prejudged any outcome.

Ms S Bradley: Let us be clear about that: the motion that was presented to the House asked the First Minister to step aside.

Mr Stalford: It did not ask her to; it told her to, for six months.

Ms S Bradley: It did not ask her; you are right. When I took an intervention via Conor Murphy, I asked him whether it was not the first step in creating a credible public inquiry. At that time, Conor Murphy let me know that in no circumstances would the SDLP's idea of asking Arlene Foster to step aside first have anything to do with a public inquiry. He saw no reason in it. He said that we were after a head. That was not the case. We asked Arlene Foster to step aside for good reason. She was the Minister who created the scheme, oversaw the policy around it and set it off in its delivery, and there was a clear, unequivocal conflict of interest. She could not have served in the role of First Minister while such a critical inquiry was being brought about.

Sinn Féin did not share our opinion. As you know, you had their full support on that day that Arlene Foster should remain in post. Therefore, SDLP calls for the public inquiry again could not

be heard through the iron curtain of the Sinn Féin/DUP Executive. The calls for that independent inquiry, like everything else that appeared to come from these Benches, was dismissed — dismissed at the expense of people waiting for hospital beds and educational establishments that are being run down to nothing. It is shameful that anybody would attempt to come here and give a revisionist history of what happened, when the public record shows clearly what happened. Sinn Féin members can account for themselves on the doorsteps as to why they did not support the SDLP on that.

I move on to the reasons and other suggestions that are really causing a problem here and that we must put on the public record. We have no agreed business case. There has been no consultation. We cannot brush over that fact. That is a serious flaw. To just circumnavigate consultation in any legislative process suggests that we are on very thin ice. I say that with the greatest respect to the Minister because I know that he was intent on pushing this across the line, but he must acknowledge that the things that are missing in this process weigh heavily on us all.

Because there was no consultation or no time for consultation, we never got near the period where compensation would be discussed. The public appetite for compensation might not be high, but I am weighing all this up against the possibility of a judicial review. The fact that it was not even referred to or that there was no time or allowance for it again weakens the position. Our access to information has been shameful. Asking any legislator to come into a House and legislate in a way that allows them access to small amounts of information at a time of someone else's choosing is simply not good enough and never will be good enough.

3.00 pm

Let us not forget that there is a danger in going ahead with this. We are setting a very dangerous precedent that this is how law can be achieved. We know that people come into the House who do not enter into the spirit of how it has been set up. They are here to manipulate it to their own ends at every turn. To lower the bar to this standard suggests a doomy future for the House.

There is no doubt in my mind that people are watching this debate and looking at the possibility of taking forward a judicial review. The regulations go no way towards trying to separate out people who are being overcompensated, people who are wasting

energy and money and people who are simply abusing the system. We are no further on, in that, if we pass the regulations today, which is regrettable, the public deserve to know exactly the lie of the land about who is using and abusing the scheme.

I will go further. We still await and maybe will hear from — there are a lot of eleventh hour decisions here, so who knows? — the missing Minister of Finance about these regulations. We need to know what conversations he has had. What is his thinking on this? Has he an appetite to make it work, or is he satisfied to walk away from his responsibility?

There is no doubt — others will join us now in learning how things are being mooted over the airwaves — about the need for an independent review. I have serious questions about who knew what and when. I mentioned why I have suspicions that Sinn Féin and the DUP were privy to information that others in the House were not privy to at a time when a vote was taken in the Chamber. Given that, I do not think that it is in the best interests of the House that either of those parties put forward the Minister for an investigation. I would have thought that the best person to step up and lead on this investigation has to be Claire Sugden, our Minister of Justice, which would create enough political distance from any investigation. Whether I like that or not, I welcome an investigation. It has to happen, and it is not too late for Claire Sugden to step up and play her role. However, I find it regrettable that the people of Northern Ireland are being asked to vote on this important matter before they get the facts. Every candidate who intends to stand for the Assembly in the forthcoming election should make a public declaration on RHI.

Mr Deputy Speaker (Mr Kennedy): I remind the Member that this is not an election forum. This is a debate.

Ms S Bradley: I make my remarks in the context of talking about the regulations, and there is the possibility that the individuals returned will be responsible for working on the temporary plan. They should declare an interest and beyond, because this is not about family members; it goes beyond that. Is any Member sitting on critical information that will come out during an inquiry that they would in good faith like to share with the House today? The public deserve to know the facts. A lot of facts are clearly and obviously missing, which is to our detriment.

I find it very unfortunate that this is our last chance to get to any detail. It is the eleventh

hour. It is unfortunate that Sinn Féin has walked out — fled the crime scene. Simon Hamilton is before us, but in what capacity? I am not sure, because he was unable to meet us as Minister this morning. I remain very much in the dark, but I will remain measured in listening to the remainder of the debate. I assure the public that, going forward, the SDLP will take a very cautious approach to the debate.

Mr Frew: As always, I speak on energy matters with enthusiasm and passion. This is where I come from; it is my background. I sat on the Enterprise, Trade and Investment Committee for so long, and I like this stuff; I actually do. I have found the whole debate or debacle — call it what you will — fascinating and historic. I have not yet made up my mind on incentive schemes. My colleague Steven Agnew, who is sitting across the way in the corner, knows my stance on this, as we have attended many an Enterprise, Trade and Investment Committee together. Not only have I not made up my mind about incentive schemes but we must ask this question: how, and at what level, do you fund an incentive scheme? An incentive scheme, by its nature, incentivises businesses and households to do something that you want them to do. You are channelling them and causing an effect by the incentive that you give. That is what an incentive scheme is.

Mrs Long: I thank the Member for giving way. He talks about what it means to give an incentive. I am sure that the Member understands the difference between subsidy, incentive and profit. Whilst it may be possible to subsidise activity — that is, to reduce the cost of it — or to give an incentive — an inducement for somebody to do something that they might not otherwise do — the problem with this scheme is that it generated a profit for doing what had previously been done. That goes to the nub of why people are concerned.

Mr Frew: I thank the Member for her intervention. She is exactly right, but let me tell her and the House this: all incentive schemes are about profit. When you have a renewables obligation certificate (ROC) scheme in place, you get money to generate electricity to the point at which it is free. That is a profit; there is no other way of dressing that up. That is what an incentive scheme is and was, and it has spread right across western Europe.

Mrs Long: I am quite happy that you have given way. There is a difference between incentivising activity and what you have just described. Allowing people who produce

electricity beyond that which they would normally use and pay for to sell it back to the grid is an incentive. Creating profit simply from burning pellets is a different matter altogether. It generates profit by doing the business you would have been doing rather than simply reducing the cost. The first is an incentive; this is a profit.

Mr Frew: I hear what the Member says. Does she not realise that we are moving an incentive scheme from what could be a 60% profit to a 12% return. However, it is still a return; and it is exactly the same with wind, solar, biomass or tidal energy. Name any incentive scheme for renewable technology, and it will come down to pounds, pence and profit. That is an undeniable truth; it is what we are talking about here. We are talking about assisting businesses and households to go to a certain place that we want them to go to. Some of us might not, necessarily, want them all to go that way, but that is the case, and it has been the case —

Mr McNulty: Will the Member give way?

Mr Frew: I will finish the point. That has been the case right across the Western World. That is what we are talking about. It alarms me that, when we talk in this place about a scheme of this nature, sometimes, there is a lack of knowledge on these subjects. That really gets at, and grates at, my heart. I will give way.

Mr McNulty: Will the Member please recognise the difference between profit for a farm as a whole — as a business — and profit through heating your shed? Will he please distinguish between the two?

Mr Frew: There absolutely is, and that is where we will talk about the abuse of any given scheme. I completely qualify that; I quantify that. You are exactly right: if unuseful heat has been generated, that is an abuse; it is a complete fraud. That is not what the scheme was designed for.

Mrs Long: Will the Member give way? He has been generous, but will he give way again?

Mr Frew: I will, certainly.

Mrs Long: I thank the Member for giving way. There is a danger, because it has been suggested in a number of comments that, if the scheme had been operated within the rules and the spirit, it would not have generated a profit from burning the fuel: that is not the case. You

do not need to scam the scheme to make a huge profit and return on the scheme. That is the difficulty. Suggesting that that is the case is completely wrong.

Mr Frew: I did not suggest that, Mr Speaker. I am basically trying to lay down the laws and policies of an incentive scheme, why they even exist and why we are discussing incentive schemes for renewable technology. That is what we have been about for the past 20 years. That is why we have set targets for renewable technologies, wind energy, solar farms and all of that in our Programmes for Government. That is why we are here.

Mr McGrath: Thank you for giving way. Do you take the point that there is a difference between an incentive scheme and one that has absolutely no controls in it — a badly managed scheme — and that the people of Northern Ireland and Members are angry at the way this scheme was managed, as opposed to any incentive that there may or may not have been in it?

Mr Frew: The Member is absolutely right. We will get to controls now, if I am allowed.

Whilst Sinéad Bradley let me in during the second half of her contribution — after half-time — she did not let me in at the start. There are facts around this, and then there is hyperbole, sensationalism, loose language, insincere language and, in some ways, dangerous and reckless language being used here in these debates. It is all about the political stances and political games that we all play. I understand all of that, but, at the hub of the matter, the people need to know what is taking place here. Since the debate started way back in 2012, I have known that there has been too much noise around this — too much noise that is not actually fact. That is the truth.

Sinéad Bradley talked about facts. She rightly tried to pin Sinn Féin down, because it has a lot to answer for on its current stance. Why are they not in the Chamber now, when they were here for the first part of the debate? It is a very important regulation that needs to be passed. Sinéad Bradley talked about facts. She corrected herself in the second half of her contribution. The scheme was amended for new entrants in November 2015, and, in February 2016, it was closed. Of course, we all know how people voted at that time on whether to keep it open or to close it when it needed to be closed. At the start, she talked about her house being on fire. She used the illustration of her house being on fire and asked, "Is it not

better to put the fire out before you investigate?". I think she was trying to say — I will give way if she wishes — that you stop the scheme straight away and then investigate: that is not an option. That is not an option for businesses that have forked out £70,000 or £80,000 on a new boiler for a broiler house that they have been building because the Government have told them and inspired them to do so. Remember Going for Growth? What was it all about? It was about incentivising growth in our farming industry. I listened to the point that the leader of the —

Ms S Bradley: Thank you for giving way. I appreciate what you are saying; I take your point. Can you explain, if it was not an option to stop, what has changed? Why is it an option now?

Mr Frew: It is not an option now; we are putting in cost controls that will bring the costs down. That will mean that they are not as burdensome on our block grant as they would have been if we had allowed the scheme to go on. We are also finding, day in and day out, that there are people who are acting fraudulently and not in the nature of the incentive scheme itself and, as your colleague rightly says, burning the pellets in a boiler that is situated in an empty shed. That is totally and utterly wrong, and it has to stop. Having listened to this the whole way through since 2012 and considered incentive schemes throughout the Western World, I want a Minister who will fix it. I want a Minister who will bring legislation to the House to fix it, and that is what the Minister is doing today.

3.15 pm

The Member mentioned at the end of her contribution the time that we have had to scrutinise the legislation, and she is absolutely correct in that. There are legislative stages to go through, and we need to scrutinise these matters and the regulations carefully, but the facts are that we do not have that time. We wish we did, but, because of the position of Sinn Féin and the actions that it has taken, this is it, folks. This is it — it is coming down. We need to get things in fast. Sinéad Bradley, my colleague across the way, was quite right too —

Mr Agnew: I thank the Member for giving way; he has done so a number of times. On the point that, "This is it", I am working on the basis that we will be back here after the election. The regulations do not kick in until after 1 April, so is there not time to come back to a new Assembly to put something in place?

Mr Frew: I congratulate the man on his optimism. I wish that I shared it, I really do. I have seen the sea change — the change in stance and even in the demeanour of members of Sinn Féin in the House in the last week — and I do not see this place coming back any time soon, even after an election. So, again, our chances have been shot.

We have a Minister now wanting to bring in regulations that will protect the burden placed on the Northern Ireland block grant, even when he is not in position after the election. That is commendable and is the right thing to do, and I think that he has moved in that way. But to think that the Minister has done something in a knee-jerk way is utter nonsense. The crisis did not start in an episode of a show or on a media outlet or the front page of a paper; it started last year when the scheme was closed. When people realised what was going on, they closed the scheme and then investigations kicked in, first with the Audit Office. That is how long this has been going on — not since late autumn. If people think that this started in late autumn, they have not been reading it at all and do not know what they are talking about. That is what really annoys me at times on incentive schemes. Where is the Finance Minister today?

Mr Allister: Will the Minister give way?

Mr Frew: Yes, I will. I am not a Minister, Jim — not yet.

Mr Allister: Yes, sorry for my slip of the tongue.

The Member says that this has not crept up on us suddenly. Why then it is that, at the last gasp of this Assembly, this is the first time that we have seen a proposal to put tiering into the tariffs? The second point, if I may, is that I do not think that it is too pejorative to say that this is but a sticking plaster, because the regulations run out after one year. What is the vision for thereafter? Will there be a scheme continuing the tariffs but with compensation to those affected? Is there some other grand plan, or do we just not know what will happen then?

Mr Frew: The Member raises very good points. Of course, he talks about compensation: the incentive scheme is a compensation scheme. That is what an incentive scheme is. On his point, when the scheme was closed, there was an Audit Office investigation. There was a PAC investigation after that. The Ministers would have got around, seen the context and the depth of the problem and then acted out what

they were going to do. That takes time because, first of all, you have to measure and inspect the problem, and, to date, there have been 300-odd inspections. These are things that have been going on; they do not happen overnight. You do not want the Minister to come to the House in a knee-jerk fashion; you want him to come here with proper regulations that he can put to the House. The House can then either pass them or disagree with them and the thing falls, just like when other Ministers brought the incentive scheme to the House on the first occasion in 2012 and on the other occasions in 2015 and 2016 when decisions were made in the House.

I would also like to add something to my colleague Emma Little Pengelly's point. She was right, of course, that Committees have a scrutiny and support role. I sat on the Enterprise, Trade and Investment Committee and know its worth. I also know that that Committee saved electricity bill payers £700 million over 20 years. How did we do that? We did it because the Minister at the time was going to bring in a Northern Ireland-only ROC scheme. That would have cost bill payers £700 million over 20 years, and the Committee blocked it. It did so four times, in May, June, July and September 2015. The run in RHI that was created happened that autumn. Why did the run take place? Should we then blame everyone who was involved in that run? Are these the people who we think are scamming the scheme? No, they are not. It is quite simply this: there is a world of renewable energy. We all know about it, and we have all met the people who installed the boilers and the wind farms and everything else for the ROC scheme.

Amber Rudd in Westminster closed the ROC scheme a year early. When she did that, Northern Ireland had a decision to make, and Northern Ireland made that decision. What that did was generate interest and debate in this topic. RHI installers and influencers were going round telling businesses — rightly so; I am not saying that there was anything wrong with that — that if the ROC scheme can close early, so can the RHI scheme. Of course, there was a longer lead-in period for RHI — many more years. However, I believe that that caused concern in the industry that the scheme was not viable; it was not here for ever and could close early. I believe that businesses then decided that instead of replacing their boiler in five years' time, they would do it while the RHI scheme was open because it might close the following year along with ROCs. ROCs, of course, applied to wind power, solar power and other technologies. There was also tidal power

and biomass. I suspect that that was one of the reasons why a run was created.

There were 900 applicants in the scheme before that — a scheme that was under-subscribed and underspent. The Northern Ireland Assembly and the Executive were being criticised by Westminster because the scheme was underspent. Then there was the run, which created the overspend. That is something that we have to deal with. This happened over a period of weeks and maybe months, and the Minister at the time decided to change the regulations in November 2015 and was right to do so. He decided to close the scheme in February 2016, which he was also right to do, even though most of the Opposition parties voted against it at that time. It was the right thing to do at that time.

Here we are now with this House about to fall in two days' time, and we have a Minister who needs to act fast. By putting these measures in to introduce tariffs and cost controls, he will bring the cost of the scheme down. Instead of people making a 60% return, it will be brought down to 12%, which is probably reasonable enough for an incentive scheme. I support the Minister in that regard. It has to be done. Then we have to look at a long-term solution to the problem.

What annoys me, however, is the white noise from some people, I may say, who do not have a clue about incentive schemes or even about renewable energy but who will use this situation as an opportunity to take a scalp. They will say, "We are the Opposition, and it is our job to scrutinise and harass and argue the other side of any argument." I get that; if that is what you are there for, I get that. Remember, however, that we have to be responsible.

Mr Nesbitt: Will the Member give way?

Mr Frew: I will give way.

Mr Nesbitt: You might think that it is a small point, but part of the function of this Opposition is not to harass; absolutely no way.

Mr Frew: OK. We have all witnessed the attacks on some of our members and on our leader. We will let the public decide whether "harass" is one of the words that can be used to describe what has happened over the last number of weeks.

I have looked at the scheme and studied it. Whilst it is not perfect — I do not think that the Minister would argue with that — it is what now

has to happen to reduce the burden on the Northern Ireland block. The evidence overwhelmingly supports the action that is proposed today. It is an approach that will address the excesses that have led to clear public concern, move the regime back towards its original policy goals and move towards zero the cost pressures that the scheme placed on the Northern Ireland block grant.

When you are out there in the media, please do not talk about an incentive scheme as if it is a bad thing. I might think that it is a bad thing because I just do not like incentive schemes, but this is spread across the Western World and it is how people incentivise their energies. Do not bad-mouth an incentive scheme when so many good businesses picked this up and ran with it and converted to the very scheme that we tried to push on them. They have been growing their broiler houses. The leader of the Alliance Party made an intervention about Moy Park earlier — I am sure that her East Belfast constituency is flooded with chicken farmers — and she made a very good point. We have been pushing these companies to grow. Going for Growth is the title of our policy around this, on both the ETI and Agriculture sides of things. We have been pushing this. We have been encouraging our businesses to grow and to put more broiler houses on their sites. What are you going to use when you build a broiler house? You are going to use the technology that is there and that is easily incentivised; that is what you are going to use. There are so many businesses here that have done so much good work. Profit is not a bad word; that is what business is. They have also employed people; that is what businesses do. Politicians do not employ —

Mr Agnew: Will the Member give way?

Mr Frew: I will make this point and then I will give way. Politicians do not create jobs; businesses do. Politicians only create the runway for businesses to take off; that is what our job is. An incentive scheme does exactly that.

Mr Agnew: I thank the Member for giving way. He makes the point quite properly that many businesses will have availed themselves of this scheme legitimately. Does he not believe that there is an incentive for those businesses to come forward and say, "Yes, we do have these boilers; look and see what we use them for"? That would further expose businesses that have abused the scheme.

Mr Frew: I think —

Mr Stalford: I appreciate the Member's giving way. The Member will be aware that a business in my constituency, a car dealership that had one of these boilers, effectively had its reputation damaged without any accusation that it had done anything wrong but simply by virtue of the fact that it was part of this scheme. It is an important point that, in the fevered atmosphere that there has been around a lot of these issues, good people who have not done anything wrong have had their reputations damaged.

Mr Frew: Both gentlemen make very good points. My colleague Christopher Stalford makes the most salient point that these businesses cannot trust the media. Look at the media over the last two months. Look at how businesses have been ridiculed, slammed and smeared. That is what has happened out there. I tell you now: the media have a lot to answer for in this regard. These are businesses that are doing good work in Northern Ireland. They are creating profit, jobs and investment, and now they are going to be slammed.

I take the other Member's point, but if businesses come out now, will that help them? I simply point to the honourable action that Jim Wells took this week. How will the media play that out? I will tell you something: it will not be played out in a good way.

A business will come forward and could even show its profit lines and profit margins and how much it will make in any given year, and what will the media do with that information? It will be pound signs and shame. That is what it will be, but it should not be because we are trying, in the Northern Ireland Assembly, to help businesses to grow.

3.30 pm

We have tried for years in the House to get round state aid rules and to be able to say to businesses, "We can support you a, b and c", like other countries and other member states do and somehow get away with. Incentive schemes are one way of bypassing state aid rules. Let us be fair. Let us say it as it is. Let us be frank. Now we have all this mess and hyperbole around this. Do not attack the businesses. If you attack the scheme as an incentive scheme, you attack the applicants. If you attack the applicants, you attack the people who employ people in this country and create wealth. I plead with you: please do not do that. Do not take that opportunity just because you want a scalp and just because you want extra

airtime in the radio or TV studios. Please resist that opportunity.

Let us look at the sensationalism in our media, let us look at the drip-feeding that we have experienced over the last number of weeks and let us look at the agendas of media. It is all information. I always think that something happened to the media — maybe the leader of the Ulster Unionists would agree with me — in that, somewhere along the line, the media stopped reporting the news and started wanting to be the news. Somewhere along the line, that has been lost. Let us look at sensationalism and drip-feeding. Where is the information going out on the air waves about Sinn Féin's resignation and the fact that that will have cost this country and the Assembly £600 million come July? That is real money. It is 5% of our Budget. Where is that on the newsreels? Where is that on the air waves? We also know that Sinn Féin and the SDLP —

Mr Deputy Speaker (Mr Kennedy): Order. As I have had to remind Members earlier, I remind the present Member speaking that this is not an election forum yet. Can we go back to the topic before us?

Mr Frew: I will, Mr Speaker. Of course, the projected spend on the scheme, if it is not fixed, will be — I have lost my train of thought.

Mr Nesbitt: £1.18 billion.

Mr Frew: No, that is the full scheme. The overspend — the Minister will help me out, I am sure —

Mr Hamilton (The Minister for the Economy): £480 million.

Mr Frew: Sorry, £480 million. Of course, that is a lot of money for anybody, but that is over 20 years and is a projected spend. It has not been spent yet. We have £600 million in one year going out of our Budget. Put that in context.

Arlene Foster, the First Minister of this country, was asked to come to the Chamber. She came to the Chamber, and you walked out. She was asked to go to the PAC to give an account of her actions when it was investigating the RHI scheme. She agreed to do that. It was not enough: you wanted her head. You wanted her to stand aside then. Why would the First Minister either being in place or standing aside make any difference to any inquiry or investigation, public or otherwise? It does not make sense.

Mr Nesbitt: I thank the Member for giving way. Continuing his logic of saying that it would not have made sense for First Minister Foster to stand aside, what does he think about the fact that First Minister Robinson stood aside in the same circumstances? Is that an implied criticism of Peter Robinson?

Mr Frew: I thank the Member for his contribution, but those were totally different circumstances. I will not go into that today because the Speaker will pull me back.

Mr Deputy Speaker (Mr Kennedy): I will not allow you to.

Mr Frew: I know that. Total respect to you, Mr Speaker.

Let us see what has happened here. The public can see what has happened with the head-on-a-platter stuff from the Opposition parties, but I am also appalled by the stance of Sinn Féin. They have not come out of this very well. They have flipped and flopped and done all sorts of things because, first, they are not sure of their stance and, secondly, they want to prolong the hyperbole because it suits their agenda.

I will leave it there because I do not want to incur the wrath of the Speaker any more. I support the Minister in his plans. It is essential that the regulations are passed today; he needs to get them through. It will be a 12-month plan that will curb the burden on our block grant. Let us then find a lasting solution that will fix it one way or the other and allow businesses to get on with doing what they are meant to be doing: creating jobs and making profits.

Mr Lunn: I rise as a member of the Public Accounts Committee. I am glad to finally speak openly about the issue because we have been constrained to some extent by the conventions of the Committee.

Mr Frew referred to his thoughts about incentive schemes, and I tend to agree with him. When the scheme was first conceived, it was meant to be exactly that: a good scheme to encourage people to move from fossil fuel wastage to renewable energy. There is absolutely nothing wrong with that. The idea was that it would be cost-neutral, with money coming in from the Treasury, us and the recipients. All fine and dandy. It followed about a year after the GB scheme, which did exactly the same thing but was a year ahead of us. It is fair to say that the GB scheme did not, at the outset, include tiering or degression, but the authorities there

discovered or realised very quickly that there was a need for those instruments, so they put them into their scheme at a stage when it did not disadvantage anybody. Perhaps we should have learned a lesson at that time. If we had, we would not be anywhere near the situation we are in now. There was correspondence between our Minister and the appropriate Minister across the water — I think that that has been touched on — but our Minister, for whatever reason, decided to leave the scheme the way that it was. I am sure that she got expert advice.

We will not oppose the implementation of the regulations, but I say that with considerable reservation. I hope that, when the Minister responds, he will give us a few answers as best he can. I do not care how long he takes over it because we would rather have the answers than leave anything hanging. This is our last chance. Inevitably, we will end up with a public inquiry, and I am glad that at least one Minister, whose party is not very well represented today, has decided to take it on. We have seen the proposed terms of reference. They are solid, and we look forward to hearing the result in the fullness of time.

In simple terms, the Minister's solution involves introducing the restrictions that were imposed on the scheme in November 2015 to all the recipients who availed themselves of the scheme before that date. That is fair enough. I have a question about that straight away. Some of us at this end of the House received considerable criticism for not supporting the closure of the scheme in February 2016. Everybody, including Mr Maskey, Mr Frew and everybody else who has been slightly critical of us, knows that we opposed the closure of the amended scheme for a short period. If the proposed solution is so good, where was the harm in allowing the scheme to continue on exactly the same basis for a few weeks? The obvious reason for that has been given very adequately by Mrs Bradley and others, and it was that there were people who had contracted to spend an awful lot of money on equipment — on boilers. There were also boiler suppliers who had contracted to bring in boilers. There was a chain of people. We were all lobbied about it at the time. I am sure that Mr Frew was as well — he is nodding his head. It seemed sensible to allow a bit more time for the scheme to progress on the basis of apparent cost neutrality or close to it. I do not know why on earth, almost a year later, we are still being criticised for that, except that there is political —

Mr Frew: Will the Member give way?

Mr Lunn: I knew you would. Yes, get up.

Mr Frew: I thank the Member for giving way. Let us get away from "cost neutral". It may be cost neutral to the Northern Ireland block grant, but it costs ratepayers throughout the UK — in GB and Northern Ireland. No incentive scheme is cost neutral, but you raise a good point: if you delay something or increase the time allowed for something to take place, whether by two weeks or longer, an argument could be made for doing that at every stage of this scheme and every time it was changed. Sinéad Bradley raised the question of why the two weeks were allowed. She asked why it happened and said that answers were needed. The answer is quite clear: to allow people to put in the boiler that they had paid for and ordered.

Mr Lunn: The damage was done in the period running up to November 2015. It was not done between that date and 2016. No more damage would have been done between February 2016 and the end of March, which was the proposed date of the scheme's closure to new applicants.

As far as the application of the regulations are concerned, which is what we are here to talk about, there are serious doubts about whether this is feasible or legal and whether it infringes European regulations in particular. It will affect bona fide recipients of the scheme. These are people who took advantage — I will rephrase that — decided to enter the scheme out of the best of motives. Others, and some are becoming public knowledge, quite clearly saw an opportunity to scam the system and make a lot of money through a use of heat that had nothing to do with heating a business for commercial purposes. This, however, is a broad-brush approach. The tiering will hit people, and the 400,000 kilowatt-hours a year limit will also hit some bona fide businesses. It may well not disadvantage people in the second category — those who were trying to take advantage of the scheme — because they use only 390,000 kilowatt-hours a year. You can follow the argument without me telling you.

Mrs Pengelly said that it was important that what was proposed was fair and in the public interest. I tend to agree. Those are noble ambitions when trying to frame law, but we are trying to frame a regulation that breaches a legal contract that people have taken out in good faith and which both parties signed. It is very clear — I should rephrase that as well — it is totally unclear in some aspects, but it is a legal contract. People signed up to the scheme with the expectation of a 20-year return, and the Minister of the day wrote to the banks, as we

know, to reassure them that it was a good scheme and worthy of their support in the form of bank loans for boilers, which they may not instinctively have warmed to, so to speak.

Ms S Bradley: Will the Member give way?

Mr Lunn: In a minute. The banks were reassured by that letter telling them that there was to be a 20-year return at a decent rate of interest. Certainly, 12% sounds like a decent rate of interest or return. Yet, because of how the scheme was constructed, it turns out that some of the recipients here could be looking at a rate of return miles above that — rates of 60% and 70% have been mentioned. I have heard that 84% is the top-line figure possible.

Ms S Bradley: Does the Member share my concern that there has been nothing by way of an economic assessment of the implications for those businesses going forward?

Mr Lunn: Yes, I share that concern. The whole thing has been hastily conceived and put together, in some ways necessarily so because we will all be redundant after Wednesday — except for the Minister, of course. Be that as it may, rushed laws and decisions are not necessarily good ones. We will have to see where this goes.

One legal issue is that this could be challenged because of the lack of consultation. Mr Lyons took me to task earlier — he is not here now — in a very gentlemanly way for suggesting that we should have had a consultation. Of course, given the current timescale, we cannot consult because we will not be here. If we had dealt with the problem at any of the points in time when it arose, we would have had plenty of time for a consultation. I am thinking back to November 2015 and July 2015; I will come back to that date in a wee while.

3.45 pm

How did we get to this point? Various experts had input into the formation and gestation of the scheme. There were so many expert authorities, starting off with Cambridge Economic Policy Associates. There was also Ofgem and all the input of the Civil Service, the Executive, the energy experts in the Department — I gather that that is going to be renamed the energy unit or something, but I presume that it will be the same personnel — and, of course, the Enterprise Committee, on which, for the record, Alliance did not have a seat at the time. So it goes on. How could all those people look at the scheme and not see

the potential flaws, given the experience of the GB scheme? Cambridge Economic Policy Associates admitted freely that it made a bit of a mistake, to put it mildly, right at the start. What we have here is a considerable mess. One Member a wee while ago indicated that my party leader would not have many chickens in her constituency, but she can recognise a cock-up. That is what this is. It is beyond belief that we can get to this point.

Mr Nesbitt: Oof.

Mr Lunn: You can say "oof"; I have heard you say worse than that. *[Laughter.]* We hear a lot about ministerial responsibility. I have been here long enough to know that when Ministers get something right they are perfectly happy to take the credit, preen themselves and say, "This is a fantastic result". They are not so keen to take responsibility when something goes wrong or, in this particular situation, for the activities of special advisers, which has been much addressed. There is absolutely no doubt about it: a Minister is responsible for the actions of their special adviser. It does not matter whether he or she authorised those actions; he or she is still responsible. When I hear about Ministers not being across every jot and tittle or having to rely on their Department or advisers, or when I hear that they did not know that their advisers were doing particular things, I wonder what is going on.

In July 2015, the Minister of the day, who is with us today — Mr Bell — his permanent secretary, who is with us today; and the special adviser, Timothy Cairns, recommended that the scheme should be closed. What happened then? They had a visit from another special adviser —

Mr Deputy Speaker (Mr Kennedy): Order. I remind all Members that officials in the Officials' Box should not be addressed during debates.

Mr Lunn: OK. I apologise to the official in the Box. *[Laughter.]*

Mr Deputy Speaker (Mr Kennedy): Order. It probably does not warrant a red card, but it certainly warrants a yellow card, I would have thought.

Mr Lunn: I will refrain in future, Mr Deputy Speaker.

The fact is that the closure of the scheme was recommended at that time. Just think of the mess that we could have avoided if that recommendation had been acted on. As people have said, up to that date, there was

concern that there was an underspend on the scheme and that we had not been successful enough in promoting it. However, the danger signs were there all the same; it was beginning to gain momentum. The Minister of the day quite correctly tried to get it closed down or to get it regulated so that we would not be in this mess.

What happened at that point? Another special adviser apparently came in with "informal advice"; I think those were the words used. I think if one SpAd approaches another Department with informal advice, instruction, coercion or pressure — I do not care what you call it — they are acting on behalf of the Minister. They cannot avoid it, and the Minister cannot avoid it. So I am quite certain that the Minister of Finance at the time, who that particular SpAd worked for, was well aware of what was going on. It may just be coincidence that the same Minister and SpAd who set up the scheme in the first place and who oversaw it were the same two who tried to pressurise the Minister of the day not to close it down. So there we are. As Mrs Foster herself actually said at one point, Ministers decide, special advisers advise and civil servants advise. Ministers decide.

I want to move to the question of disclosure of the recipients' details. I understand that the Minister on Wednesday, after we have finished here, is going to disclose the details of the recipients — the full list. We have been advised through the PAC that it is not possible to do that. The application form which everybody signed to enter the scheme confirms that they do not object to details being released, but it stops short of mentioning names and addresses. It gives the type of scheme, the type of equipment, the payments received and something called "location", which apparently, in these terms, does not mean "address" but is probably part of the postcode. I think that is the information that has already been given to 'The Stephen Nolan Show' through an FOI request. I would like the Minister to address that point. Is he going to release on Wednesday the names and addresses of all the recipients, or is he going to release the details that he is allowed to under the scheme?

Mr Deputy Speaker (Mr Kennedy): Order. Can I bring the Member back to address the points on the incentive and the regulations, please?

Mr Lunn: Thanks, Mr Deputy Speaker. Everybody else has ranged far and wide, but I will try not to.

I have already dealt with this, but the question that has been much discussed here today is why we voted against the closure of the scheme in February 2016. We have addressed that. The real damage was done here between July 2015, when this incident occurred amongst special advisers and two Ministers, and November and December 2015. I understand there were something like 800 applications in those two months. That is when the damage was done — when the scheme was still wide open. I have to say it is a pity we are coming to discuss this so late in the day — in the dying days of the Assembly. I would like the Minister, as best he can, to address the questions I and others have raised. Is this legally possible? We seem to have two different legal opinions, one of which came to us, through the PAC, from the permanent secretary, and one which the Minister has apparently obtained. You would think they might both be from the same source, but perhaps not.

I really hope the Minister can bring this to an end. It is in everybody's interests that he does, but, as I started off saying, we have serious reservations about whether this is possible, whether it is legal, whether it is fair and transparent and all the rest of it. There are too many questions and too much avoidance of responsibility.

I will close by saying — I will try to phrase this very carefully, Mr Deputy Speaker, to avoid your wrath — that the people who have come before the PAC from various quarters have given us a different impression of their ability to answer a question.

We had the architects of the scheme, Cambridge Economic Policy Associates (CEPA), before us, and their evidence was, frankly, poor. Its representatives were evasive. They did eventually admit that they had made a mistake, but there was no follow-up.

I will mention the whistle-blower. In the middle of 2013, the whistle-blower came on the scene. Three of us, of whom I am the only one in the House at the moment, have met the whistle-blower. She pointed out in an email to either the Department or the then Minister at the time severe doubts and reservations that she had about the scheme. I think that the email went to the Minister. The Minister passed it, quite rightly, to her departmental officials for comment. It is not clear whether any feedback was received, whether the Minister asked for any feedback, or whether she just passed the email on.

The whistle-blower sent another email, this time to Mrs Foster's personal server, so she certainly got that one. That email was a lot more pointed. However, the first one — the main one — made it absolutely clear that there was a potential problem with the scheme that had not yet started to cost the country a load of money. At last week's meeting of the PAC, its DUP members tried to imply that this lady was really interested in a business opportunity and that she had spoken against the scheme because she was in a business that conflicted with it. That is totally unfair to say about somebody who came forward as a concerned citizen, with absolutely the right motives, to point out that the scheme was going to cost us money. The problem for her was that she was in a business involved in energy economy. She was trying to get people to take fairly simple actions that would improve their energy economy and energy usage, through insulation, digital technology and a lot of other ways in which you can cut your fuel bills. She was being told by potential customers, "Why would we do that when the Government are offering us money to burn fuel? It is far more profitable for us to burn fuel and take advantage of this" —

Mr Swann: Will the Member give way?

Mr Lunn: Certainly.

Mr Swann: Does the Member agree that, had her concerns been listened to, we would not be in this situation today?

Mr Lunn: I absolutely agree with the Chair of the PAC. If the Department and the Minister had listened to the whistle-blower at that time, we would not be here. If they had listened to Mr Bell two years later, we would not be here. There had been concerns raised before hers, but the whistle-blower — the concerned citizen — got it absolutely right.

Her concerns were laid out very clearly in the email, which is now in the public domain. Even Stephen Nolan has it. Talk about an opportunity lost. I do not imagine that anybody realised the magnitude of the situation at the time, but that is three and a half years ago. Think of the damage that has been done since. I hope that Departments and Ministers will at least learn the lesson of the necessity to listen to whistle-blowers and not to discount them, because it is perfectly clear that that is what happened in this case. The emails went into the system and were not reacted to. I do not know whether there was personal contact between the whistle-blower and Mrs Foster, but there was certainly email contact. There may

have been telephone contact. It was an opportunity missed.

I am not going to go on beyond that, save to say that I hope that we can put this thing to bed along with the remaining time of this Assembly and that a public inquiry will be set up to deal with matters properly and come to firm conclusions on blame and lessons to be learned.

Mr Chambers: I begin by referring to a subject that some Members have already placed on record during the debate, and I make no apologies about revisiting that subject, as it is part of the journey to the debate today on these regulations. During recent weeks, when the media and the Opposition parties in this Chamber performed a public service by shining a light on the RHI debacle, much play has been made of the fact that all parties in the Assembly on 15 February last year, with the exception of Sinn Féin and the DUP, voted against the statutory rule brought by then Minister Bell to suspend the scheme at the end of February. I was not serving in the Chamber at that time, but I have read the Hansard report on the debate to try to understand the background and the context of what was said and done that day. It is quite clear to me that some of the subsequent comments around the vote that day have been, to put it mildly, as economical with the truth as President Trump's chief press officer has unashamedly been in the last few days.

4.00 pm

In reality, MLAs were seeking the continuation of a properly revised and tiered RHI scheme that had the proper cost controls applied since the previous November through to the end of the financial year on 31 March 2016. That would have permitted a controlled wind-down. It is quite clear from Hansard that members of the Committee for Enterprise, Trade and Investment, especially its Chairman at that time, along with all the Members of the Assembly, felt that they were being starved of information around the scheme. It is also clear that the DUP and its, until quite recently, friend and partner in the Executive, Sinn Féin, voted as they did after that debate because they knew much more than others about this developing scandal that they hoped would simply go away.

This regulation has been brought to the House by the Minister with a haste that I suspect has more than one eye on the public judgement on the RHI scandal. The House was invited last Monday to pass it into law with total disregard

for due process or scrutiny by the Economy Committee and the official Examiner. Where is the precedent for such a manoeuvre?

Surprisingly, it is the draft Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2016, which was laid in the Business Office on 8 February 2016, a mere four working days before the plenary session at which it was considered. It is truly amazing that this scheme has twice had to short-circuit the normal protocols of this Chamber. Is it any wonder that there was considerable suspicion about the amendment that was being rushed through the House last Monday?

Last February, there was not the normal Committee scrutiny of the motion to suspend the RHI regulations. It will take the investigation of a full public inquiry to find out the full truth of what was going on behind the scenes in January and February. We have heard contrasting stories of bullying and shouting as Minister Bell attempted to close the scheme early. All normal Assembly scrutiny processes were bypassed, yet the DUP has unashamedly tried to blame the Committee and Opposition MLAs ever since, with fingers being pointed in any direction that they could think of except towards themselves and refusing to recognise the concept of ministerial responsibility that pertains in most countries outside of North Korea.

It is obvious from what is in the public domain at present, with no doubt more to come, that an attempt was being made to keep most of the Assembly in the dark in February 2016. It was known that there was an overspend, but the full financial disaster was not made clear before the Comptroller and Auditor General's report at the start of July. The DUP knew exactly how bad the situation was, and this prompted it to vote as it did last February.

However, Sinn Féin must equally have known how bad it was, and yet it chose to vote alongside its Executive partner. In my eyes, this poses questions for it to address. It is ironic that a party that played a very bad game of hokey-cokey around a full public inquiry, with its position changing two and three times a day, should now be attempting to instigate such an inquiry and announcing it just a few hours after a senior figure in its party was on the radio saying that it would not and could not support one.

It will be interesting to discover, through an inquiry, how much they did know and how they allowed their non-aggression pact with their partners in the Executive to adopt the example

of the three brass monkeys, who saw no evil, heard no evil and refused to talk about the evil.

I am grateful that the Opposition were able to ask the House to delay the debate for one week to allow some level of scrutiny to take place. The Economy Committee has worked hard since to gather evidence and take some legal advice, without the help of Sinn Féin. It seems to me that this exercise, far from providing answers, has actually raised more questions. Since last July to the end of December 2016, a further £15.5 million of the public purse has gone up in smoke. The Economy Committee was told that lots of work was going on behind the scenes to try to come up with a mitigation plan. The permanent secretary informed the Committee that the plan contained in this statutory rule had only been conceived on 30 December last year. Just two weeks later, it was announced to the world as a finished article — an amazing feat of record-breaking administration after seven months of inertia since the audit report of last July. We were told that, because of a lack of any sustainable data, a lot of guesswork had to be employed in its formation. Is this really the way to run a country? However, a more damning piece of information came to the Economy Committee this morning, when the permanent secretary told us that this latest plan was actually suggested by a special adviser from another Department, whom he refused to name. Why the secrecy? Have we not had enough of this culture of lack of transparency that breeds suspicion in the mind of the public we serve?

Last week, the Committee heard evidence from representatives from the mushroom-growing industry, the poultry sector and spokespersons for the renewable industry. The mushroom industry representative told us that large contracts with customers had been agreed for the supply of product based on a price tendered on the basis of the sums that they had done around their heating outgoings. They felt that they would be unable to simply tear up their contracts with customers in the way that this statutory rule was going to allow. The poultry sector expressed similar concerns and felt that many livelihoods were going to be put in jeopardy if the goalposts were moved. One of the spokespersons for the renewable industry highlighted a point I made to the Minister that, if the Government decided to simply tear up existing contracts, future overseas investors might think twice about coming here to do business with a Government that may not be prepared to see out the terms of a contract.

This plan smacks of being a desperate measure by the DUP to bring some level of

respectability to a monumental failure of their making. It is obvious that they want to draw this upcoming election back to their comfort zone of a battle between green and orange. From what I am hearing — I suspect that the DUP are hearing it as well — an angry Northern Ireland public will not be falling for that trick.

During an Economy Committee meeting, I pointed out to the Minister the dilemma that many people had signed up to this scheme in good faith and were encouraged to borrow large amounts of money from banks that Mrs Foster had written to, in glowing terms, to allay any fears they had around lending money. The Minister replied that, indeed, many people had not signed up in good faith. Surely, if people of ill intent could see the golden egg on the other side of their boiler, why did the then Minister or her staff not pick it up? When asked who requested leaving out the cost controls section contained in the UK model, the permanent secretary replied that it was a policy decision. Who makes policy decisions? It is not a Committee or a civil servant but the Minister. Why was it allowed to be left out by the Minister?

I believe that pressure was being applied by whatever means necessary to make this scheme a political flagship success. I received information from one businessman who was visited at his home by officials who told him about this wonderful scheme. He thought it was too good to be true and was politely walking them to his gate. He mentioned that, since the scheme was only open, at that point, to commercial users, he would not be eligible. They then asked him whether he ever brought work home from his business or visited his company's computer from home. They suggested that they could be creative with paperwork to get him into the scheme. He told them to close the gate behind them on the way out, as he recognised the whiff of fraudulent behaviour. Were these salesmen being judged on how many people they signed up, with weekly targets to meet? It seemed to me to be so. Was the thinking behind the renewable heat incentive scheme to make it a political success story at any price? A lot of what we know now certainly points in that direction. Had that success materialised, I am sure that we would have heard from many authors, and the kudos would not have been shared, like the blame for this scandal being thrown in every direction open to the political policymakers — in this case, the DUP.

The permanent secretary expressed his disappointment this morning that, during the spike in applications, nobody told him that it

was potentially a licence to print money, but did the whistle-blower not do that very thing some time ago and, in one case, directly to Mrs Foster?

The House is in an impossible situation today on whether or not to support the statutory rule, given the lack of information. We are damned if we do and damned if we do not. No doubt, if it all subsequently goes sour through legal action, we will be reminded that we all supported it. What a way to govern. What a way to run a country. This is all a monumental mess of the DUP's making. The taxpayers and the rest of us in the House are being asked to do the heavy lifting to sort it out. Some things never change.

Mr Frew referred to the fact that we should not attack the concept of the scheme and so forth. I remind the House of some comments that I made in a recent debate when I said that the RHI was a good concept, damaged by poor administration and lack of ministerial control.

Mr Bell: As I stand here today, another £85,000 of public money has been spent. That is in addition to the tens of millions of pounds that have already been spent: I believe that it is some £30 million. Let me address the House through the absence of a filter that Dr Paisley taught us, which was, when you speak, tell the truth should the heavens fall. That is how I will approach the regulations that the current Minister is bringing forward. I will examine them against the truth of what occurred in the past and see what we can do to take devolution forward in Northern Ireland.

People sometimes criticise politicians for looking at the issue of morality. I believe that it is at the core of RHI. I think that there were practices and procedures at significant and serious levels that were fundamentally immoral and wrong, and for those out there who say to us that morality should not influence your politics, I refer them to one of the greatest politicians, Mahatma Gandhi, who said:

"Morality is the basis of things and truth is the substance of all morality."

A lot has been said and done, and, with your permission, Mr Deputy Speaker, I will examine the regulations against the truth of what has occurred, and I want to reveal further information before a public inquiry.

When I spoke, I set out two objectives. The first one was to achieve a judge-led public inquiry with the ability to compel witnesses and evidence. My real fear — it was borne out over

the last several weeks — was that, if we did not have a judge-led public inquiry, a series of allegations, counter-allegations and misinformation would be put out there, and it aggrieved me that, for weeks, I watched while no public inquiry was brought forward. If it is the case that we are now going to have a judge-led public inquiry under the Inquiries Act, everything that they have put me and my family through will have been worth it.

4.15 pm

The second objective that I wanted to achieve was to stop the haemorrhage of public funds. Let us not pretend that the money is still to be spent: tens of millions of pounds of taxpayers' money has already been spent — £85,000 a day, day by day, as we go along. It is the greatest financial scandal that Northern Ireland has had to deal with since its conception. If it is the case that, prior to my speaking out — I speak as an avowed unionist — £1.18 thousand million of British taxpayers' money was to go into the scheme, you know why I speak.

People ask why, in 20 years, this was the first time that I had broken ranks and spoken out. Looking at these regulations, I will tell you why. It is because I genuinely believe that, if I had not spoken out, these regulations would not be before you. They were not before us at the beginning of December. When I spoke out then, we were not told that we could reduce the cost to the taxpayer to zero, so why did I speak out, break ranks and speak to the press? I spoke to the press because, day after day, broadcast, print and digital journalists were requesting interviews with me on the truth of these matters, yet the DUP press office told them that Jonathan Bell was not available to speak. They never once asked me whether I was available to speak. I spoke out after journalists provided me with conclusive proof that they had asked that I be contacted, and the reply was, "Jonathan Bell is saying that he is unavailable". Let me tell you this: Jonathan Bell never once said that he was unavailable — never once.

I thank the DUP MLAs — I will not single them out — and the MPs who have contacted me. MPs have come and sat in my home and encouraged me to speak out and tell the truth. I will not embarrass you. I know that you do not want to face what I have had to face. I thank them for coming and talking to me and encouraging me, because we had to achieve two things: the public inquiry and stopping the haemorrhage of public funding.

I understand that this puts everybody in an invidious position. I was placed in an invidious position. I think that the Speaker was placed in an invidious position. He is a man whose integrity and honesty I knew within only a very short time of knowing him. Having known him now for three decades, I can only stand over the Speaker's integrity and honesty, and that is on the basis of those 30 years of knowing him.

Let us look for wisdom in these regulations. It was Thomas Jefferson who said:

"Honesty is the first chapter in the book of wisdom."

Let us look to wisdom to see how we can get to the bottom of this.

Let me say for the record that, when I made my concerns known, a DUP MLA came to me and was able to prove to my satisfaction that special advisers John Robinson and Andrew Crawford — in their words, not mine — had said, "Try not to get Arlene called before the Public Accounts Committee, but under no circumstances allow Jonathan Bell to be called to the Public Accounts Committee". Those are the words that were given to me by one of my colleagues. I stand suspended from the party for, as far as I can see, telling the truth on this issue. That was the information given to me: prevent him from coming before the Public Accounts Committee. It was on that basis that I spoke out. Why? I did so because terminally ill children were being prevented from getting a hospital place in my area. While attempts were being made to prevent me from coming to the Public Accounts Committee, a terminally ill child was told, after being seen by doctors, that they could not have a hospital place and that, if they needed one, they would have to go to Craigavon, some 40 miles-plus, I estimate, from their home. A terminally ill child was prevented from getting a hospital place.

While attempts were being made to prevent me from coming before the Public Accounts Committee, these regulations were not in place, the £85,000 was still being spent and the Maynard ward in the Ulster Hospital, through some nurses taking sick, was closed. We did not have regulations like these today whereby we could have stopped the £85,000 haemorrhaging. These regulations were not in place. Do you know what happened? The ward was closed. There was no money to pay for bank nurses, but there was £85,000 a day to pay for this.

Maybe, by speaking out and supporting these regulations, we can find ourselves in a position

— it is too late for that terminally ill child; it is too late for all the children that needed the Maynard ward, and they did need it — where we can finally get regulations in place and we can do better for future generations of seriously ill children and offer them a better way forward.

Mr Swann: Will the Member give way?

Mr Bell: Yes.

Mr Swann: I want to make it clear through the Deputy Speaker that the Public Accounts Committee had intended to call you, previous Minister Foster, previous Minister Wilson and the former Chair of the Committee for Enterprise Trade and Investment Patsy McGlone. Unfortunately, due to timing and the events in this House my Committee inquiry was cut short, but we would have truly liked to hear all four testimonies given in front of the Committee.

Mr Bell: Thank you for that, and I thank the Chair. I did receive the invitation and I am more than willing to appear at that or any future inquiry. People have said that I have used the cloak of Assembly privilege. Mr Deputy Speaker, every word I have said in the Chamber will be repeated with my hand on the Bible under oath in front of the judge-led public inquiry — just in case anybody is in any doubt about that.

The latest of the thousands of messages I have got, confirm it for me again today. I will not give Teresa's surname, but it is from your colleagues in the NHS, and this is why I believe these regulations have to be supported —

Mr Deputy Speaker (Mr Kennedy): Can I encourage the Member to stick to the issue before the House which is the regulations.

Mr Bell: If I did not explain correctly, I apologise. It is from Teresa and my other former colleagues in the NHS, and it is why these regulations need to be supported today. They need the £85,000 a day. Sick children need the £85,000 a day.

Ms S Bradley: I appreciate what the Member is saying. I believe he is saying it in good spirit, but I ask him to consider if he has given any cognisance to the fact there are other permutations that may roll out. Mike Nesbitt alluded to it earlier, but the possibility exists whereby a judicial review could and may happen and, if it is won, we could end up not just returning this money but creating a further loss to the public purse. That will not aid the

hospitals he refers to or the wider community who are so desperately looking for this money. Is it time for a more cautious considered approach, because, in good faith, we are all walking on a road that could prove to be very costly?

Mr Bell: The Member makes a very interesting and valuable contribution. Mr Chambers made a similar one in the last couple of minutes. There are serious concerns about these regulations, and we have to address them the best we can. It is my considered view that it is best to support these regulations. They have gone through in this limited time because we are in a very difficult situation whereby if they are not supported we cannot get the figures down.

I do have serious reservations about people who say they can get this down to zero; media have advertised that we can get this down to zero. I do not agree with a lot of what has been said about the media. If it were not for the media and the BBC, I could not have got my points out.

I doubt very much, had it not been for them, that we would be in a position today where we have, we are led to believe, a public inquiry and proposals to stop the haemorrhage. It is a balance. That is the best that Members can be asked to do: make a balanced judgement on what has occurred.

I look at the regulations to see, truthfully, how they can help us get out of the mess that we are in. I spoke to the permanent secretary and made known my concerns about closing the tariff. I said:

"When it was coming to me to close it, had it not been interfered with by the higher Department, I could have closed this on 1 October and halved the bill. Isn't that right?"

The permanent secretary told me, "Well, that's right".

We now have regulations on the table that were not on the table when I tried to close the scheme on 1 October, before I was interfered with. I asked, "Is it right that we could have closed it?". Had we closed it then, I believe, as Mr Lunn said in his contribution, the cost to Northern Ireland would have proved to be minimal. Mr Lunn is entirely correct in his assertion. I say to you again:

"When it was coming to me to close it, had I not been interfered with by the higher

Department, I could have closed this on 1 October and halved the bill. Isn't that right?"

Dr McCormick replied to me, "Well, that is right". But history did not turn out that way.

Mr Deputy Speaker (Mr Kennedy): Order. I have cautioned Members and reminded them that they should not refer to officials by name.

Mr Bell: I ask for your indulgence: can we refer to them by title, Deputy Speaker?

Mr Deputy Speaker (Mr Kennedy): Yes.

Mr Bell: OK. Let me read that into the record, and I will obey your instruction. This is what I asked — verbatim:

"But when it comes to me to close it, had I not been interfered with by the higher Department, I could have closed this on 1 October and halved this bill. Isn't that right?"

The permanent secretary replied, "Well, that is right".

There were no regulations on the table when I spoke out. There was no suggestion that we could reduce to zero or even significantly reduce the costs, and we had no legal procedure, that I was aware of, that we could have followed.

In preparing to speak today, I sought from the Department for the Economy and the permanent secretary all the information that was made available to me as Minister. I understood that a Minister could see all the stuff that was there before. I have to inform the House that, on the first occasion when I went to do it, I agreed to call down at 2.00 pm. I was told that the permanent secretary was not available. I then went to the Department. I was left for, I think, hours on end while nobody came to see me. I had asked for all the information, so that I could inform the House properly in the debate. I was left for hours. Eventually, another official came to see me to say, "Look, the permanent secretary is somewhere in Parliament Buildings. Do you want to go and look for him?". I said, "No, I will stay in the Department until I get the information that I have requested". It is with regret that I inform the House that I still have not seen the information that was before me as Minister.

It has been confirmed to me by the permanent secretary that there is an email in the system that says that DUP party officers interfered in

the process. I do not believe that to be correct; I believe that it was the DUP special advisers who interfered. But I cannot speak authoritatively because, even after the Public Accounts Committee meeting, when I asked the permanent secretary last week whether I could come and see the information that, I believe, legally should be made available to me, I got no reply. Nothing.

That left me with those famous two roads diverging into a narrow wood. Which one would you take? Was I going to tell the truth? Was I going to stand behind Minister Hamilton, who had said in July on 'Good Morning Ulster' that Mr Bell had acted very quickly. I could have sat back and let the £85,000 per day continue to be spent, the hundreds of millions of pounds be committed, the terminally ill children be sent away and the wards be closed. I could have sat back, but I do not believe that that is the role of a public servant. That is what we are: servants of the public. The public are not our servants.

4.30 pm

I look through the actions that were taken prior to the regulations coming through. I have been suspended. For the avoidance of doubt, if people say to me that I did not speak out until very late, I have a letter to the former First Minister, Arlene Foster, dated 23 March 2016. There are three pages of A4, and I gave her my permission to put it into the Assembly Library and to make it public. The first paragraphs of that letter, after the introduction, are on the renewable heat incentive scheme and refer to the fact that the SpAds advised mine to keep the scheme open and to all of the difficulties. That is in a letter dated 23 March 2016, given to Arlene Foster. It surprises me, when I see the contents of the letter, that I am suspended from the party for telling the truth, while people on the Front Bench and those behind them are guilty of far more serious inappropriate relationships and behaviour than I am — far graver. That has been there, and it is in the public domain. I will take those forward, if necessary. I am taking legal advice with the Commissioner for Standards to see how those can be taken forward.

I believe that the regulations have to be made. I do not believe that we have the luxury of continuing to pump out hundreds of millions of pounds to take £1.18 thousand million from the British taxpayer. I do not think that we have the luxury to continue to do that. We have to do something.

There are questions that I asked myself when there were no regulations in place. If I do not speak out, who will? If not now, when? If not here, where? I am glad that we have the regulations in place today because I spoke out, because nobody else was going to speak out, and because I did it in December. You can see that I laid the concerns before the First Minister — now the former First Minister — Arlene Foster on 23 March 2016. If it was not in December, when was I going to do it? If it was not here at Stormont, where were we going to do it?

We need to take action on the scheme. I asked the Department to show me all the information so that I could speak today. I asked for it last week. They have not contacted me. They have not shown me all the information. I have not seen all the information — not even emails that were sent to me personally. You may hide information from me, but you will not hide it from a judge-led public inquiry.

Mr Ford: I appreciate the Member giving way. He has announced on two occasions that he sought ministerial papers. Members may recall that there was an aside in the debate on 19 December about a possible involvement of the Department of Justice. I was given sight of the papers that day before the debate took place, because an issue had appeared in one of the Sunday papers. I was also given copies of all relevant papers relating to my time as Minister. It is certainly my understanding of normal procedures that Ministers should be given copies, with the names of junior officials and so on suitably redacted. Nonetheless, I now have copies of everything relevant in my possession.

Mr Bell: That is also my understanding, and I will take it up with Malcolm McKibbin, if necessary, by means of a formal complaint. As late as last week, I heard in a Public Accounts Committee that I was given only partial information from the time that I was Minister. When I asked for the email that, the permanent secretary told me, stated that DUP party officers had interfered at the start of the process, I was told, last week, that I would be able to see it. I asked to see all the papers, but I have not had a single communication from my direct conversation with the permanent secretary last week. That is why —

Mr Deputy Speaker (Mr Kennedy): Order. I ask the Member to return to the matter before the House: the statutory rule.

Mr Bell: I look back to the regulations —

Mr Allister: Will the Member give way?

Mr Bell: I will give way to Mr Allister.

Mr Allister: Why does the Member think he is being obstructed, if that is what has happened? Does that include the important period pertaining to 1 October and the delays relating thereto?

Mr Bell: It certainly includes that period. I will not go on to speculate on why. Perhaps the head of the Civil Service will be able to reveal it to me in the coming days. Perhaps the judge, when all the papers are laid before him, will be able to give a more definitive answer.

What I do not see in the regulations that needs to be in them in this: can records be expunged? I happened to be at a carol service in my church in Newtownards on the Sunday before Christmas while the Economy Department was sending out press releases to the media on the issue. When I again asked — I will reveal this to the judge under oath — the permanent secretary why references to Arlene Foster and the Department of Finance were taken out of emails without my permission, he replied, "Because the record was expunged". How is it that a Minister can have the email record changed without his knowledge or without his consent? How can that happen? I asked the permanent secretary, and I referred to the deputy permanent secretary — this is not in the regulations — where the instruction came from to cleanse the record of any reference to OFMDFM and the Department of Finance and whether there was evidence to the effect of this changing of records. The permanent secretary replied to me:

"There is an email to that effect, yes".

There is evidence in what the permanent secretary told me of records being expunged, and there is evidence in the permanent secretary's words that there is an email to that effect. Just to be clear — this is not in the regulations, and perhaps it should be — I said:

"If there were emails there" —

as there were—

"you said they're telling you to expunge the record".

The permanent secretary replied with one word: "Yes".

Is it the case that we are here today and hundreds of millions of pounds could be saved only because I spoke out, because I told the truth, because I was prepared to take the suspension and because I was prepared to have my political career effectively terminated, albeit that, with no disrespect to any political party, it will be the public who decide if my political career is to be terminated? I have heard it said, "Jonathan, you believe the public want to hear the truth; you'll find out that they don't". I believe that the public want to hear the truth.

There is nothing in the regulations — this concerns me — in relation to how special advisers can interfere in a process and how, when a Minister makes a decision —

Mr Deputy Speaker (Mr Kennedy): Order. I think that the Member is straying beyond the topic for debate this afternoon. I ask him to reflect on that and bring forward his remarks accordingly.

Mr Bell: I will reflect on that, Mr Deputy Speaker.

How did we get to the situation where we needed the regulations? We need to regulate because the regulations that are in place are completely ineffective and have been proven to be completely ineffective. I ask the Minister to say, when he is summing up, whether the regulations will prevent a member of a party or a party collectively deciding things against the wishes of a Minister. A lot has been said in connection with the regulations. I look at the information and the evidence that I have before me, and I ask permanent secretaries whether it is right that a member of the party can do this. Then I look at the regulations. In my head, I have an understanding of the evidence of what the permanent secretary said to me: "Your special adviser, Timothy Cairns, is right: you're a member of the party, and your party decides these things collectively". Will the regulations prevent that sort of thing happening again? He said to me, "Your special adviser, Timothy Cairns, is right: you're a member of the party, and your party decides these things collectively". Therefore, a scheme was kept open. It should have been for four weeks, and I still do not have the information to tell you why it was kept open for six weeks. I cannot see the papers; I have not been allowed access to them. Why are we in a situation where we need regulations for what could have been put right had I been allowed to do what I wanted to do on 1 October? That is why the regulations, while I support them today, need to be more robust.

At that time, I said to the permanent secretary — I will quote the evidence:

"That's OK, but I don't want somebody coming back and saying to me, 'Jonathan, you had the authority to do it on 1 October and you did not do it'".

The permanent secretary replied "No" and said that everybody would recognise that every government worked by and on collective responsibility.

We are in a mess, and somebody has to shine a light on that mess. It fell to me, and I do not know why. I did not seek it, nor did I want it. I did not want to do it. Twenty years of loyalty to a party should show that I am a fairly loyal person. I am support the regulations because they are, perhaps, the first step in getting that mess sorted out. Johnny Bell does not matter. The public will decide whether Johnny Bell comes back to the House, nobody else. The public will decide whether they want their representatives to shine a light and, effectively, to be salt and light on a hill. The regulations are necessary because special advisers — is there anybody here who doubts it? — interfered in the process. They kept the scheme open, hundreds of people poured into that scheme and, as a result, contracts were issued to allow hundreds of millions of pounds — going up to £1.18 thousand million over the next period — to be spent.

Mr Lunn: I thank Mr Bell for giving way. As he knows, the total number of applicants in the end was about 2,100: does he recollect how many had applied when he made the recommendation to close the scheme in July 2015?

Mr Bell: Remember that this was only beginning to be discussed in July and August 2015. There was a period in September, with the McGuigan murder, when ministerial offices were not held. In rough figures, I think that there were about 1,000 in place. I have already read into the record the evidence where the permanent secretary told me that I was right. I wish that it had been read into the record at the Public Accounts Committee, but I have the record.

The situation is that we need the regulations because special advisers interfered to keep the scheme open. Members on the DUP Benches to my left came to me to say that it was kept open because Timothy Johnston's brother was installing the boilers and spoke about John Robinson: I am not going into whose family

member was installing them. If the Members to my left have information, they must not try to filter it through me but must stand up and tell it like I had to stand up and tell it. It is the hardest thing to do, I can assure you.

4.45 pm

Mr Deputy Speaker (Mr Kennedy): Order. As all Members know, Members enjoy privilege in these proceedings for the purposes of defamation under section 50 of the Northern Ireland Act, but all Members must take responsibility for their remarks. I caution all Members to ensure that their views are expressed with due care.

Mr Bell: Today is not the day to have the inquiry, not least because the Department will not give me the information. I only wish that I could be like Mr Ford and have seen the information. I find it very interesting, Mr Ford, that you say that you were allowed to have copies. I was told that I could look at them but was not allowed to have any copies. That is something else that I will take up with Malcolm McKibbin, the head of the Civil Service. It seems that one former Minister is given that level of access, and this former Minister is treated in the way that he has been.

Mr Ford: I am grateful to Mr Bell for giving way again. Just to clarify, on the day that I was given sight of the documentation, when I then formally requested copies, it was agreed that I would get copies a couple of weeks later.

Mr Deputy Speaker (Mr Kennedy): Order. We are again beginning to stray away from the issue before the House. I respectfully ask the Member who is speaking and the Member who intervened to bear that in mind.

Mr Bell: Let me conclude, Mr Principal Deputy Speaker. The regulations are necessary because of the extreme mess that we have found ourselves in. The points that I made when I had to shine a light on this devastating situation were not made in December. The points were made in writing to the then First Minister in March 2016. The reason why we have the regulations now is because I spoke out in December 2016. The regulations are necessary because terminally ill children are being sent away from our hospitals, and our wards are being closed because we cannot afford bank nurses. The £85,000 could be spent there every single day. I hope that the regulations can address that. I hope that future generations of children and our health service will not be deprived of the funding needed

because of the actions that I felt led to take. I make no apology for telling the truth. I am one of these people who actually believes that there is a time to say:

"Here I stand, I can do no other".

As Martin Luther also said:

"Peace if possible. Truth at all costs."

Mr Deputy Speaker (Mr Kennedy): I call Mr Christopher Stalford.

Mr Stalford: I do not know what I did to deserve being called after that, but thank you very much, Mr Principal Deputy Speaker. Mr Principal Deputy Speaker, this is a major —

Mr Deputy Speaker (Mr Kennedy): Order.

Mr Stalford: I beg your pardon.

Mr Deputy Speaker (Mr Kennedy): Yes, I am far too modest to be a principal.

Mr Stalford: A school principal, maybe. This is a major issue that has adversely affected public confidence in the institutions of the Assembly and the Executive. It would be wrong to seek to deny or minimise the fact that that is the case. This is not a situation that any of us who ran in the Assembly election for the first time not seven months ago would have envisaged that we would have to deal with. It is not a situation that, I suspect, even some of the auld hands who have been in this place from the start ever envisaged that they would have to deal with. However, we are where we are. It is incumbent on us all, as responsible public representatives, where a problem has been identified, to do all in our power to ensure that the situation is corrected and put right.

I have sat through most of this debate, and, to be fair, it has been tempered and reasonable. Members from all sides have made reasonable and tempered contributions, and it has been conducted in a spirit of trying to put the problem right and of trying to fix the situation. Indeed, if that had been the tone of the discussion throughout, we might well be closer to a solution to the problem. Alas, that is not the way that it has worked out.

Steps are needed to put the matter right and to improve this situation. That is why I welcome the proposals brought to the House by the Minister. Other Members commented, and I absolutely agree with them, that we are not in an ideal situation to provide a level of scrutiny

or review of the Minister's proposals. That is not of the making of anyone in the House bar one party, which decided that it would rather crash the institutions than deal with the problem. That is that party's entitlement, but, if we are being elected to talks, one of the things that I want on the agenda is an end to the situation whereby one party walking away from this place can bring it crashing down. If people want substantive talks, I am all on for that because never again can the democratic institutions of Northern Ireland be threatened by one party walking away as it has. We are not, because of that, in the position to offer the fullest scrutiny of the Minister's proposals. That is regrettable. I would have welcomed the fullest possible scrutiny of his proposals. I welcome the fact that cost controls are being introduced into the scheme. I think that all Members agree that that is necessary.

I have reviewed the evidence that was presented to the Public Accounts Committee, and I urge all Members to study it in full, particularly the evidence concerning the role played by Mrs Arlene Foster the former First Minister. I urge all Members to read that.

I welcome the fact that these measures have been brought forward, and I welcome the fact that, as someone else said during the debate, they have been described as defensible and viable proposals. It is important that whatever comes forward cannot be simply seen, as has been suggested, as a stopgap solution. It is important that we have defensible and viable solutions to the problem that confronts us.

I have been an Assembly Member for a short time, and this has been an inglorious end to a brief term of devolution. There is no point in seeking to deny that. Those of us who were elected here for the first time — there are some of us in all parties — did not envisage that it would come to this. However, the mark of a responsible politician and the mark of a sensible public representative is that, when a problem presents itself, they seek to find a solution. The fact that the Minister has found a solution, or has at least put forward ideas, is to be welcomed. It stands in stark contrast to others who serve in the Northern Ireland Executive but who, frankly, would rather give press conferences in the Great Hall than come to the House with positive solutions or positive ideas. That speaks to what their agenda really is.

Mr Lyons: I appreciate the Member giving way. Can the Member give us any clue to why Sinn Féin may have removed itself from the Assembly? The fact that it has removed itself

not only from the Executive but from the Assembly and Committees as well shows that it not only wanted to bring this place down but that it does not care about what happens here either, does it not?

Mr Stalford: Frankly, they do not give two figs, Mr Lyons. They do not give two figs about putting the situation right. They do not give that —

Mr Deputy Speaker (Mr Kennedy): Order. We are checking that; I mean your terminology.

Mr Stalford: I apologise if the word "fig" is unparliamentary, I did not think that it was. They do not give a hoot about putting the problem right. If they did, they would be here, they would have come forward with ideas. Instead — ah, a trio has joined us for the first time in days. Welcome to the place that you were elected to serve. If they cared truthfully about the issue and about putting things right, they would be here offering suggestions. In fact, what we have seen from people serving in the Northern Ireland Executive is that any time a Minister — in this case, Mr Hamilton — put forward a suggestion and any time a public suggestion was put forward on potential ways of getting around the problem or solving the problem, what were the other half of the Executive doing? They were trying to undermine efforts to fix the problem. That speaks to me about the real agenda, which is not about fixing the problem. They were determined not to —

Mr Deputy Speaker (Mr Kennedy): Order. Could I —

Mr Stalford: I shall return to the subject in hand, Mr Deputy Speaker.

Mr Deputy Speaker (Mr Kennedy): And we will worry about figs later.

Mr Stalford: We will worry about figs — as long as there not an incentive for growing them.

I welcome the fact that there will be an inquiry. I have said from the start that I want every scrap of paper — every email, every memo, every letter. I want everything relating to the matter put into the public domain for people to see and judge for themselves. It is not in the interests of anyone, whether you are DUP, Ulster Unionist, SDLP, Alliance, Sinn Féin or whatever if there is not full disclosure of everything relating to the scheme. I absolutely support that and want to see that, because it is not in the interests of any of us for the

reputation of politics and those who engage in it to be damaged or maligned.

The lack of consultation on the measures has been raised during the debate. I have said that that is not a situation of the Minister's creation or of any other party in the House bar one. If we had devolution, functioning devolution, Members would have had the opportunity to pore over the regulations. I am glad that even what we have had today, in accountability and discussion, has afforded the elected representatives of the people, at least those who decided to turn up and be in the Chamber, the opportunity to raise their issues and concerns and ask questions. I hope that the Minister is able to answer all the questions that have been asked by everyone who spoke in the debate thus far.

Are people interested in the solution? Are they interested in fixing the problem or are they more interested in showboating? When the time comes for the vote, if the House divides, that is when people will be able to see for themselves who is interested in fixing the problem and who is interested in showboating and political point-scoring.

I would like to finish with a quote from Dr Paisley:

"Never confuse sitting on your side with being on your side."

Mr McNulty: Just over a week ago, I was travelling around south Armagh, navigating the treacherous roads in the snow. We were enjoying picture-postcard views of Slieve Gullion, Sturgan mountain, Topney and Camlough mountain, looking down over Camlough lake. It was hard to imagine that, in just a few months' time, hundreds of athletes will be swimming that lake competing in the crooked lake triathlon. If any of you has not visited Slieve Gullion and the area of outstanding natural beauty, I encourage you to come along to see the spectacular scenery.

5.00 pm

I will get to the point. My colleague Councillor Thomas O'Hanlon and I were observing that not too many farmers around Sturgan Brae were availing themselves of the RHI scheme. The farm sheds had a blanket of snow that was not being melted by the heat generated by multiple wood pellet boilers. I recognise that those farms and businesses that are availing themselves of the incentive are not doing anything wrong under the law, which

legitimately allowed them to claim a subsidy for switching to, or beginning to use, renewable heat. I also know that our farmers have got a little bit of a bad rap around this scandal. The farmers I know are honest and hard-working and recognise the daily grind of milking cows; dosing and testing their livestock; moving their stock to and from market; maintaining their fences, ditches and hedgerows; cleaning out their houses; draining their land; ploughing, sowing and harvesting their crops; covering silage pits; and calving and lambing in the middle of the night. Our farmers do not do weekends; they work a seven-day week.

Back to the RHI motion. There are a number of issues and questions that I would like to raise in relation to the scheme. The scheme had already been set up in the UK, where it was operating as it should, by promoting the use of woodchips as a renewable fuel. Around 80% of boilers are fuelled by woodchip in the UK. Woodchip boilers have a smaller carbon footprint than wood pellet boilers and are better for the environment. Unlike wood pellets, the production of woodchip supports local businesses, as it can be produced locally by any farmer, carpenter's workshop, willow grower, garden centre or wood yard. However, here in the North, our scheme has been set up in such a way that it encourages the adoption of wood pellet boilers. Some 80% of boilers in the North are burning wood pellets, a globally traded commodity. In the North we have one privately owned producer of wood pellets, with an annual revenue of £100 million.

Let us do a quick deep dive into the figures for the scheme as it was set up here; they are very revealing. Let us say that your farm sheds or chicken houses have a 500 kW heat demand. For a 500 kW heat demand, you would expect to use a 500 kW boiler as your configuration. The tariff for a kilowatt-hour is 1.5p; the subsidy per hour is £7.50. The annual subsidy for running the boiler 24/7 for 50 weeks of the year, shutting it down two weeks for maintenance, is £63,000. The cost per hour to run the boiler, with wood pellets costing around 4p per kilowatt-hour, is £20 per hour. The cost per year to run the boiler is £168,000. So to run your boiler full tilt for a 500 kW heating demand costs £105,000 per year.

But wait: why use one boiler when you can use five? Let us replace our 500 kW boiler with five 99 kW boilers. Our tariff per kilowatt hour then moves up to 6.5p, and the subsidy per hour rises to £32.18. The annual subsidy for running the boilers 24/7 for 50 weeks of the year is £270,270. The cost per hour to run the boilers is £19.80. The cost per year to run the boilers

is £166,320. That is a profit of £103,000 from running five 99 kW boilers as opposed to a cost of £100,000 from running one 500 kW boiler. Did no one see anything wrong with that? The scheme was set up as a disincentive to run one boiler, when using five is much more lucrative.

Are we to believe that nobody in the Department knows how to use an Excel spreadsheet? Are we to believe that none of the highly paid SpAds knows how to use an Excel workbook?

The cost of setting up a woodchip storage and delivery system is twice that of wood pellets. Pellets are refined sawdust; the calorific value is higher for pellets. Pellets are approximately double the cost of woodchip to buy and pellets have a much larger carbon footprint because of the high energy demand of the production process and transport. Whereas, as I said, woodchip can be produced by any farmer, carpenter's workshop, garden centre or willow grower locally, the only wood pellet producer in the North cannot meet the demand for wood pellets so we have to import them. A big opportunity was missed to keep money in the country; the socio-economic benefits are not in Ireland.

Why was the scheme set up here in such a way as to promote the use of the globally traded commodity wood pellets as opposed to woodchips, which are producible locally, with the obvious socio-economic and environmental benefits? This was a green scheme that has turned into a scheme deep in the red.

Mr Agnew: I thank the Member for giving way. He made reference to the fact that it was supposed to be a scheme about reducing carbon. However, in 2013, when I asked the Minister what work was being done to ensure that people had energy-efficient measures in place before they installed a boiler, the answer came back that it was assumed that they would do that.

Mr McNulty: Thank you. We see where assumptions have got us.

When the scheme went out to consultation, what submissions were made? Who made them? Did those submissions influence the decision-making? Who benefited? Why did they remove the cap or tiering system that was introduced in the UK? Who made that decision? Why was the tariff reduced above the 100 kW threshold in NI as opposed to the 200 kW threshold in the UK? Who made that decision?

Ms S Bradley: I thank the Member for giving way. It was suggested at Committee today that nobody removed the caps and tariff because they were never there in the first place. That is not true; the scheme was otherwise adapted from what was in the UK, so it was a very conscious decision by someone to remove the checks and measures that should have remained.

Mr McNulty: Thank you. It is obvious that those checks and measures were removed; that is why we are in the present crisis.

Were no heads raised when farmers were installing five boilers to do the job of one? Who knew what and when? Boiler suppliers and fitters were laughing all the way to the bank, but now they have no business because the scheme was not set up in a sustainable manner, as it was in the UK.

The EU renewable energy directive sets a binding target of 20% final energy consumption from renewable sources by 2020. A major point to recognise is that that scheme was set up to ensure that the UK as a whole achieves the renewable heat targets required by 2020 under that EU directive. The UK is still required to meet those targets or else face fines. In the current frenzy to come up with a fix, which has been proposed by the people who caused the problem in the first place, we cannot lose sight of the fact that there is still a target to be achieved, or else the taxpayer will ultimately face EU fines for not achieving it. That point is being completely lost: this was a green scheme that has turned into a scheme deep in the red.

What is the current percentage of renewable heat against total heat? How much more is required to achieve the target by 2020? We need to ensure that the amendments to the scheme include a plan to achieve the targets. The SDLP voted against the amended scheme being closed down in February 2016. That was the amended scheme that should have been adopted in the first place; it was a scheme that incorporated caps and tiering to prevent abuse.

I know the propaganda machine of the party to my right is presenting this in a different way, twisting the truth to hide its incompetence as silent partners —

Mr Deputy Speaker (Mr Kennedy): Order. Mr McNulty, I have cautioned others that we are not yet in an election forum, so I offer that advice in the spirit in which it is intended.

Mr McNulty: I know the machine of the party to my right is presenting this in a different way, twisting the truth to hide its incompetence as silent partners of the "Look After Its Own" party. The "Look After Its Own" party wants us to believe its Minister Arlene Foster, her SpAds and officials could not grasp the importance of a cap or tiering. Her advisers or an official decided to remove that protection, but the fundamental fact is that Arlene Foster did sign off on it.

Those questions need answers. They need to be answered by the Economy Minister, who is here, and by the Finance Minister, who is not here. We need an urgent, time-bound, judge-led public inquiry into the RHI scheme.

Mr Agnew: There has been a lot of discussion in the debate about scrutiny, such as what scrutiny of the proposal for the RHI scheme took place, who is culpable, where things went wrong and how they were not spotted. Today we are being asked to approve regulations with very little scrutiny and very little time for scrutiny. We know why that is: we are facing an election, the Assembly is due to dissolve on Wednesday and we are pushed for time. The question is this: why? Why are the institutions collapsing? Why have we got here? It is the Executive that have collapsed, and I think it is fair to put the blame at the door of the Executive parties. We had a possible scenario in which Arlene Foster could have stepped aside, we could have had a public inquiry and, indeed, we could have taken the necessary time to find a solution to the RHI debacle in order to protect public money. Arlene Foster is no longer First Minister — she did not step aside — but there is the same result. We are having a public inquiry, it would seem, and we will get the details of it tomorrow. We have these regulations proposed as a solution but without proper scrutiny and with an election looming.

The first scenario would be much more preferable, in which our institutions were not facing collapse; we, as public representatives, were not being contacted by organisations that are having to put their staff on protective notice because there is no Budget and they have not been given any certainty about their funding; and what was left of the goodwill towards politics in Northern Ireland was not completely destroyed. We are being asked to back the Minister's proposals. Given the time, we had the extra week to examine the proposals, hear from the Examiner of Statutory Rules and see whether more confidence could be given. I cannot read the paper by the Examiner and not

continue to be concerned by what is being put forward.

5.15 pm

This is a gamble. On the one hand, the prize is savings to the public purse. The Minister has not outlined as much. I notice that, last week, he did not refer to reducing to zero the cost to the Northern Ireland Budget, although some of his colleagues have today. I will see whether he makes that commitment today. We therefore have the prize of some reduction in the public spend. On the other hand, we have the risk of litigation and judicial review, and of further waste of public money on expensive legal challenges. And for what? What is being proposed is a temporary fix. It is a sticking plaster for one year while we, I assume, work on a proper solution. I do not think that I can take that gamble with public money. Given the focus that there is on this and the scrutiny that we do as MLAs in the midst of it all, I do not think that I can support the proposals today.

There has been a lot rehearsed about the RHI scheme, so I will not go into it in great detail. It was supposed to be a green scheme, with £25 million from the UK Government to help us switch to a low-carbon economy. I raised in September 2013 the issue of the perverse incentive. I got a response back from the then Minister. She stated:

"In designing the domestic Renewable Heat Incentive (RHI) DETI has included energy efficiency assumptions that will ensure that the tariffs are most appropriate and most beneficial for those that have already carried out energy efficiency improvements".

She continued:

"within the existing RHI for commercial premises it is assumed that the installation of a biomass boiler, or another renewable technology, would be the final action taken by a business seeking to become 'low-carbon'." — [Official Report (Hansard), Bound Volume 88, pWA209, col1].

That for me was the problem: assumptions were made. When those of us in the wider green movement — I and others — questioned at the scheme's inception why energy-efficiency measures were not being required as standard before installing, which would have required an audit in advance of installation rather than retrospectively, as we have now, the position was clear: we assume that people will do the

right thing, so we will not add in those measures.

There is a lot of talk about whether it was a case of omission by lack of action or deliberate action that led to this. I believe that there were deliberate decisions made not to have audits and inspections of properties in advance of installing the boilers. There was consultation on the proposals for degression. You have a consultation, and the assumption that I make — a fair one, in this case — is that you are considering having a form of cost control. Again, a deliberate decision was taken not to introduce cost controls. Indeed, when I questioned the head of energy division at the ETI Committee in February 2016, he made it clear that it was a policy decision by the Minister not to introduce degression because we were focused on implementing the domestic scheme. That throws up the question of why you cannot have two priorities, but how that unit was funded and resourced is another matter.

Enough evidence was presented about the risk of £490 million of public money being lost that the then Minister, Arlene Foster, could and should have stepped aside until we got to the bottom of the issues. That it is what any honourable Minister would do, and, indeed, as has been pointed out, it is what Peter Robinson did when there were suspicions about him. Again, when that is the bar that is to be achieved, it is a sad day when Peter Robinson is being held up as the pinnacle of respect.

Mr Poots: Will the Member give way?

Mr Agnew: Yes.

Mr Deputy Speaker (Mr Kennedy): Order. Before the intervention, all Members need to show proper respect during any debate.

Mr Poots: Thank you, Mr Deputy Speaker, and I thank the Member for giving way. If he cares to look back on any of the communication from Peter Robinson around the period of him stepping down, he will see that that was not for investigation but because he wished to spend time with his family, who were going through extremely difficult circumstances. There seems to be a lot of confusion about that, and it appears to me that, if you keep pumping out a message, even though it is the wrong message, it appears eventually to be the truth when, in actual fact, it is not.

Mr Agnew: I thank the Member for his intervention. That is not my recollection, but I am happy for what is in the public domain to

prove me wrong. Certainly, he stepped down, and an investigation took place — it was not a full public inquiry — by which he said that he was exonerated, but we never saw the result of that investigation.

I will come back, as I am sure you will agree we all should, Mr Deputy Speaker, to the regulations. There is considerable risk with them. I feel that they do not appear to have been conceived when the Audit Office reported. They do not even appear to have had their genesis at the time when the scheme was being amended and the problems were realised and beginning to be addressed. It appears that they have been prepared only since the time that this became a significant public story in recent weeks, when it was clear that the Assembly was on the brink of collapse and it was important to be seen to be doing something. That is not the right circumstances in which to take such a risky action.

I have serious concerns, and I genuinely hope that I am proven wrong. If the Assembly passes the regulations today, I hope that they save public money. If people want to come back to me in six months' time or whatever when they have proven to have done so and tell me that I was wrong, I will admit that. I will not hide behind excuses or advice that I have been given from my office. I hope that I am wrong. If they are passed, I hope that they save public money, but my worry is that they will cost more in legal challenge or, indeed, if the caveat that they can go ahead only if approved by the EU finds that, whilst the Minister looks like he is trying to do something, the EU says no and someone else can again be blamed. We had this situation before when the Minister sought to incentivise United Airlines. He said that he could not do so because the EU said no, and United Airlines said that it chose not to take our money, thank you very much.

I am not going to stand here simply to oppose what has come forward with no alternative. The Green Party has proposed a windfall tax, and I have written to the Finance Minister about that. I think that I am right in saying that I have yet to receive a formal reply, although we raised it again in our meeting today in relation to the public inquiry. We believe that our proposal can do what the Minister seeks to achieve with these regulations but in a way that, I believe, is safer regarding any potential legal challenge. I believe that it is fair in that, in our proposal, any payment made over the cost of wood pellets would be considered a windfall so that this perverse incentive to burn and heat empty sheds would be gone.

Those who purchased boilers to heat empty sheds would never get that money returned. They would be out of pocket — rightly so — because of their fraudulent activity in seeking to use public money in such a perverse way for personal profit. I think that it is a fair and right proposal, and it would impact. Those who bought boilers legitimately would still get a fair return on their investment and still receive an incentive, but they would have no incentive to waste heat or to be energy inefficient. There would be no cash for ash. I hate the fact that a green scheme has been abused in this way and that a scheme that was designed to reduce carbon has resulted in a likely increase in emissions. I hate the fact that the scheme was botched, but I do not think that these botched regulations are the way to right that wrong.

Mr Poots: I appreciate the opportunity to speak on this issue. Much has been said about RHI over a number of months, but there has been very little action. Now is the opportunity for Members to take action to do something about it and to ensure that the £490 million that the BBC claimed had gone up in smoke does not go up in smoke and that public resources are used for other purposes. At the same time, that would give us time to come forward with a more comprehensive package to deal appropriately and adequately with the issues of concern that have rightly been raised on the overspend.

The concept of RHI is a very important one because, as of today, we are still members of the European Union.

Mr Deputy Speaker (Mr Kennedy): Order. I encourage the Member to stay closer to the microphone so that Members can hear and benefit from his wisdom.

Mr Poots: Thank you, Mr Deputy Speaker, and apologies for moving around.

A number of years ago, of course, nobody imagined that we would be leaving the European Union, which has set us very stringent targets for the use of renewable energy. Therefore, the concept of a renewable heat initiative, using woodchip instead of fossil fuels, was a good one. When the uptake was slow, many did not anticipate that there would be a spike at some stage. The spike happened only after a Minister in the Westminster Government announced that they were to withdraw funding from wind energy. Nonetheless, the spike happened, and we are now in the circumstance that we are in, and something needs to be done.

There has been a whole series of efforts to try to make it appear that this is hugely corrupt. I do not believe that that is the case. I believe that there are significant inadequacies, that people got it wrong and that the scheme as devised is clearly flawed. All of those issues are out there, but I do not believe and have not seen evidence that this involves political corruption. I do not think that that case can stand. Nonetheless, let us have the public inquiry, and let us have its findings as quickly as possible. I do not like and would resist a long public inquiry, as might be proposed. I would much prefer a very rapid inquiry: one that has all the papers, witnesses and everything else that you can have at a public inquiry, but one that also gets answers for the public quickly.

We find ourselves in this circumstance today, and we will see the colour of Members' money. Those Members who choose to go through the Lobbies and do something different are saying, "Roll on. Keep spending the money. We will make plenty of noise and plenty of protest and seek to get as much publicity as possible over this issue. Let us get as angry as possible, but we are quite happy for it to go up in smoke because then we can continue to blame the DUP for what is going on". So, let us see the colour of your money. If you are for real, you will do the right thing and vote for the proposals today. I know that the proposals will hurt people who have installed boilers. People who installed woodchip boilers are not criminals, rogues, thieves, murderers or a whole lot of other things; most are just involved in a business that needed heat and, therefore, they looked at this option and did it.

Moy Park encouraged its growers to do it. What really bugs me, particularly on social media, is that people do not seem to realise that day-old chickens need considerable amounts of heat, and for quite a long period afterwards. Woodchip boilers provided that heat from non-fossil fuels, and that was beneficial. Moy Park encouraged farmers to install them because the chickens —

5.30 pm

Mr McNulty: Will the Member give way?

Mr Poots: Yes, I will give way in a moment. The chickens thrived better in the drier heat produced by the woodchip boilers than that produced by gas boilers. The gas boilers are on also. They are not part of the scheme, by the way, before we get new accusations flying about. Very often, woodchip boilers do not

bring the heat in the house up to a high enough temperature. So, for people who think that heat was being generated just to be blasted out the doors, that is not the case; the heat was being generated and was being augmented by the old gas systems when those chicks were in their early stages.

Mr McNulty: Will the Member make the distinction between woodchips and wood pellets because 80% of the boilers in the North run on wood pellets as opposed to woodchips?

Mr Poots: Woodchips and wood pellets are for renewable heat boilers. They are both renewable forms of heat. Nonetheless, I was trying to explain that these are being used for good purpose. So, when Mr Wells discovered that his brother and a number of his cousins have one, they are not doing anything wrong. They are legitimately carrying out a business and have invested many tens of thousands of pounds each in acquiring the boilers. I will add that I know Mr Wells's brother, and the last person he would seek agricultural advice from is Jim because Jim is not really someone who is known to be that interested in broiler chickens; he is more interested in birds of prey.

Mrs Long: I thank the Member for giving way. The point that he makes is well made. It is similar to the point that I made earlier about the number of new boilers that were installed where previously there had been no heating, but this was partly due to an expansion, so there were new buildings. So, there is some explanation for some of this. Does he agree with me that one of the saddest things about all this is that the whole concept of renewable heat and what was trying to be done was valid and good and that businesses good and bad alike have been tarnished by the incompetent way in which the scheme was administered?

Mr Poots: This is a very difficult moment for me because I have to agree with absolutely everything that the leader of the Alliance Party has just said. In truth, it is common sense.

I deeply regret that we are in the circumstances in which we find ourselves. I committed to the Assembly 10 years ago to try to get devolution off the ground again and I think that, for all its faults and foibles and so forth, it has been a good thing, and last night's shooting demonstrates the importance of us working together. The fact that we are going into an election and probably going into negotiations after that election takes us into an unknown, which, I believe, was avoidable and hugely regrettable.

Getting back to the point, Mr Deputy Speaker, before you pounce on me, supporting the regulations would be a demonstration that the Assembly means business.

It wants to put right something that it got wrong. It would be a step forward for the public. As I have said before, the public are looking for solutions; some politicians are looking for scalps. That is unfortunate. Even on the evidence that has been provided thus far, it has been demonstrated that it has been wrong to engage in the hate campaign against Arlene Foster and to identify and pinpoint one individual as the person who devised the scheme. She did not devise the scheme, and everybody knows that.

We are where we are. I encourage people to support the regulations. I would not be altogether happy with the regulations as they stand if they were for 25 years, so I encourage the Department to work comprehensively with the industry to identify the means by which to go forward with a scheme that can support those who are involved in producing renewable heat and does so in a way that gives them a return on their investment but does not lift £490 million from the taxpayer. Everybody would be a winner at that point.

Mr Smith: Like Mr Bell, I sincerely hope that these proposals end the £85,000 per day cost of the RHI scheme, but the proposals must be more than a pre-election panic measure in the hope that the public will forget the incompetence and the arrogant response to the scandal. What is proposed in the regulations is the introduction of some of the controls that should never have been removed in the first place on the previous Minister's watch. As my colleague Alan Chambers said, the permanent secretary, when he was giving evidence to the Economy Committee earlier today, admitted that the scheme that is in front of us today was cooked up by a special adviser over Christmas. He did not say who it was. Perhaps the Minister may elaborate when he is summing up later this evening. I have to say, though, that, in most people's eyes now, having the fingerprints of a SpAd on anything will not be seen as much of an endorsement.

I have questions that, I hope, the Minister will reflect on and address when he gets an opportunity to make his comments on the regulations. Does the business case — we have yet to see the business case, of course — achieve the zero additional cost that he and Arlene Foster first promised a number of weeks ago? I believe that the proposals before us will retain an ongoing cost of over £2.25 million. I

would appreciate it if the Minister could confirm whether that will still be the case.

The key question of course is this: are the proposals legally sound, or will they fall at the first legal challenge? I will come to that in a bit more detail further on in my remarks. First, why did it need the threat of an election to generate a response to mitigate the impact of the scheme on the public purse? The Minister, as we all know, has had the Northern Ireland Audit Office report since July. Lack of action to date has already cost taxpayers over £16 million since then. These proposals will add another £6.5 million to the bill before it comes into force on 1 April. We now, at least, have a public inquiry following Sinn Féin's welcome U-turn on the issue. Arlene Foster had promised to call one nearly a fortnight ago, and, of course, we have had nothing since then as well. Despite this better-late-than-never proposal, we have many questions outstanding, and no one, of course, has been held to account for the, at best, appalling errors of judgement and mismanagement.

As has already been mentioned, the eleventh report of the Examiner of Statutory Rules to the Assembly refers in detail to the regulations before us. It highlights issues that I would be grateful if the Minister could respond to at the end of the debate. We know that there has been no detailed scrutiny by the Economy Committee due to the tight turnaround for the regulations. My colleague Steve Aiken has stepped up in the absence of the Chair to maximise the engagement and scrutiny by the Committee in such a short timescale. Why has it taken so long to finally produce a scheme to stem the waste of public funds, thereby curtailing the time available for proper scrutiny? Have we not learned the hard lessons from the failures of the scheme? The question is raised in the report of the Examiner of Statutory Rules of whether this instrument is intra vires under section 24 of the Northern Ireland Act 1998 because of its incompatibility with the European Convention on Human Rights, specifically article 1 of protocol 1. Can the Minister confirm that there is no risk under ECHR and that the proposals under the regulation are deemed to be proportionate?

No doubt the Minister will have a copy of the letter that all parties received from David Capper, a reader in law at Queen's University Belfast, urging the inclusion of a hardship clause in the regulation to ensure that it is not seen as a blunt instrument. Mr Capper suggests that a hardship clause:

"would allow any participant in the scheme to make a case to the Department for compensation if they could prove that cuts to their support payments would cause them hardship or severe hardship or significant financial difficulty or expose them to the risk of significant legal liability. You could put the onus on the applicant to show that, without some compensation, they would bear an unfair share of the burden that the taxpayer would otherwise have to bear if nothing were done to control the costs of this scheme."

Mr Capper concludes his letter by saying:

"This will maintain a fair balance between private rights and the general interest."

Has the Minister considered that proposal? What are his views on the issues raised by Mr Capper? Is the Minister satisfied that his duty to consult those potentially affected by the regulations will not be used as a reason for legal challenge?

My party has proposed the use of a windfall tax — Mr Agnew referred to that a little earlier — to recoup the excess income from the RHI scheme. That is the best method for recouping the excess cost while minimising the potential for legal challenge. Has the Minister considered that option? If not, why not? If he has excluded it as an option, can he tell us why he has come to that conclusion?

(Mr Speaker in the Chair)

Today is about trying to put right the mistakes of the past concerning the now infamous RHI scheme. The priority must be to put in place cost controls to minimise the liability to the public purse, but any proposals must minimise the scope for legal challenge; let us not repeat previous mistakes. The purpose of the regulations must be to stop the waste, protect public finances and put in place the protections that were — for some unknown reason that, I hope, the public inquiry will uncover — removed when the scheme was introduced in Northern Ireland.

No doubt like many in the Chamber, I was out on the doorsteps at the weekend, and people are genuinely angry at this incompetence and scandal. I have never witnessed a public reaction like it. They would be even angrier, if that were possible, if the regulations failed to stem the flood of waste. If the mitigating actions were also introduced in an incompetent way, making them open to legal challenge and

continuing the £85,000 per day waste of taxpayers' money —

Mr Beggs: Will the Member give way?

Mr Smith: I will.

Mr Beggs: Will the Member recognise with me that, if there is a judicial review, the cost of £85,000 per day will still be incurred into the next financial year, not just this financial year, and continue until there is a judgement? Therefore, this is not a cost-free solution. There is a high likelihood of legal challenge — indeed, we have been advised by those in the industry that they are likely to seek a judicial review — and there will be ongoing costs incurred into the future. We will not face zero costs in the future as a result of this botched scheme.

Mr Smith: I thank the Member for his intervention. I share his understanding of what the likely ramifications may be. I fear that the regulations have too many holes and are too open to legal challenge, which could mean that the £85,000 per day of waste that my colleague refers to will continue.

I am afraid that this so-called solution is half-baked and produced in haste, and I worry that it will fail in its objective. Despite all those caveats, questions and concerns, as my party leader said earlier, we will not stand in the way of the regulations, in the hope that the waste will be curtailed.

Mr Murphy: Regrettably — other Members have accepted this — this is not the solution promised by the former First Minister a number of weeks ago, which boasted that it would be a comprehensive solution dealing with the entirety of the costs to the public purse of this DUP fiasco of the RHI scheme. Minister Hamilton is clearly bringing forward an interim solution for decision today. It has been described as "sub-optimal", which is government speak for better than nothing.

In essence, it is a sticking-plaster solution for one year only, and it is now, unfortunately, the only option available to us in the short term.

5.45 pm

We are presented with a plan at the eleventh hour because successive DUP Ministers have let the public down on this issue. Arlene Foster was the Minister responsible when the scheme was created; Sammy Wilson signed it off;

Jonathan Bell failed to close it, although he alleges political interference in relation to the delay in closing down the scheme; and the current Minister, Simon Hamilton, has failed to act in a timely manner to try to staunch the flow of public funds.

Since the summertime, the Department for the Economy has failed to respond to persistent requests from the Department of Finance to sort out the RHI mess. That means that it is now bringing forward — according to the permanent secretary, at the advice of a special adviser only on New Year's Eve this year — a stopgap plan when, last July, with the publication of the Comptroller and Auditor General's report, or indeed last October, with the publication of the PricewaterhouseCoopers report, it could have brought forward the full plan that the public deserves. So the upshot —

Mr Poots: I thank the Member for giving way. Sinn Féin was in the same Executive as the DUP when all this was happening, and one of the Ministers who was promoting RHI was the Minister of Agriculture and Rural Development. Can the Member deny or confirm that that Minister, right up to and even during the spike, in November 2015, was publicly promoting RHI to farmers?

Mr Murphy: The Member may well be correct in that assertion, but the reality is that, in January 2016, the Committee was first advised of it, and the deputy First Minister was advised by the senior civil servant, the head of the Civil Service at that time, that the scheme had run out of control and that the advice of the officials in July was to close it down. Quite clearly, nobody in the Department of Agriculture was aware of the advice given to the Minister of Enterprise, Trade and Investment at that time. Nobody in Sinn Féin was aware of the advice being bandied around within the Department of Enterprise, Trade and Investment. If other people were promoting the scheme, it was in the lack of knowledge that the scheme from June/July 2015 was recognised within the Department of Enterprise, Trade and Investment as being out of control, financial costs were spiralling and the advice was to close it down as quickly as possible. If other officials were briefing their Minister to go out and support the scheme in the autumn of that year, clearly officials in other Departments were not aware of the knowledge in the Department of Enterprise, Trade and Investment and, apparently, among the special advisers of the DUP and other DUP Ministers.

As I was saying, the upshot of the failure to bring forward a scheme to deal with RHI losses

since earlier this year — you could argue that within the Department of Enterprise, Trade and Investment until the election, and the Department for the Economy since — continues to cost the public purse £85,000 per day. The solution that we have before us is severely flawed. I do not think that anyone disagrees with that. As yet, it does not have European Commission state aid approval, and therefore the plan may not kick in for definite on 1 April. If state aid permission is not through by then, it stalls until such time as that approval comes through. No one knows for sure how long it will take to clear the state aid hurdle. I also read in the media that it is likely to face a judicial review. A point was made in an intervention during the last contribution that that also creates uncertainty as to when this stopgap scheme may kick in.

It is clearly not a zero-cost solution. Another £6 million will be lost to the public services between now and 1 April, when this plan is scheduled to kick in with lower tariffs. In the 2017-18 financial year covered by this plan, losses to the renewable heat scheme will be at least £2.5 million, and another £2 million-plus will be spent on inspections and the inevitable legal challenges. So it is not the full and comprehensive solution that was trailed in the media by the former First Minister over the Christmas period. In fact, while this plan deals with £30 million of public funds at risk next year, what is clearly needed is a plan to deal with the full £500 million of public funds at risk over the 20-year period.

To accept this plan today requires, as Stephen Farry said in the earlier part of this debate, a "leap of faith". However, to have faith in this solution, we have to have faith in those who are tasked with its delivery. Ofgem remains at the centre of this plan. Ofgem's involvement in this scheme has been disastrous. It has done virtually nothing to tackle the fraud and abuse of the scheme, and the Public Accounts Committee evidence given by Ofgem in October was one of the low points in this entire debacle.

A robust, 100% inspections regime is central to any solution. As yet, no business plan has been produced for that inspections regime, and inspections may not start until 1 May. That is a disgraceful delay. The business plan for the inspections regime needs to be developed and approved as a matter of urgency. Then, we have to have confidence that the DUP's fingerprints are not on the plan; that it has not been influenced by the architect of this mess, Arlene Foster, or by the DUP special adviser in the Department for the Economy who has had

to step aside from all issues relating to RHI because of his family connection to the scheme. Of course, to make that leap of faith, we will also have to have confidence that the names of the beneficiaries during the spike period are not being held back because they contain more revelations about DUP links to those applicants. Minister Hamilton was asked repeatedly to release the names before this debate in order to build confidence in the solution he is proposing, and he refused to do so. That is a necessary confidence-building measure, Mr Speaker.

The part of the interim solution that has merit is the intention to reduce the tariffs for all business users from 1 April for one year. That is expected to reduce RHI losses by around £25 million next year. The rest is a hotchpotch that may or may not deliver as promised. That is why, regardless of how the vote goes today, the Minister of Finance must continue to engage with the Department for the Economy to make sure that he is satisfied that this plan will not only slow the runaway train, which is the DUP's RHI scheme, but enable us to stop it dead in its tracks from 2018 onwards and save not £25 million but £500 million for the public purse. That, I think, is the measure that is required in order to give confidence. We have, tomorrow

Mr Lyons: I appreciate the Member giving way. Now that he is here and is setting out his view regarding the regulations, will he explain why he as Committee Chairman has been absent from the Committee for the Economy and why his two party colleagues have not bothered to turn up? If he had, he would have had the opportunity to question officials and other people who gave evidence, but he absented himself. Does he have an explanation for that?

Mr Murphy: I can assure you that I am as much across this part of my brief as anybody who has been at the Committee. I notice that the Committee failed to take any position with regard to this proposition when it was put to them.

Mr Lyons: Why were you not there?

Mr Murphy: Do not worry; I have been keeping a very close eye on matters.

Mr Lyons: Why were you not there?

Mr Murphy: Mr Speaker, through you, if the Member's only issue with Sinn Féin in relation to this is our attendance at Committee meetings, when we recognise the full scale of

the impact on these institutions, public finance and public confidence that this scheme has brought to the Assembly, he is living in cloud cuckoo land. This has been a disastrous scheme from start to finish, and the handling of it has been disastrous. The proposal in front of us is not the proposition that was outlined by the First Minister a number of weeks ago. It is a sticking plaster solution, which, we hope, will have some effect in saving at least £25 million. The reality is that we have had to initiate, through the Department of Finance, a public inquiry to try to get to the heart of this matter, because of the refusal of the DUP to deal responsibly with the matter, when there was an opportunity before Christmas for the DUP and the former First Minister to do so. So, if the only issue that the Member has is attendance at Committee meetings, I think he is missing the point by a very, very wide margin.

This is a very serious issue. It has hugely damaged public confidence. I suggest that the solution being proposed is a long, long way short of one that will restore any degree of public confidence, but we have to deal with it as we see it in front of us. We have to accept that it is not the solution that was promised, and we have to look at it in the round to see if it will do what it intends to do by way of saving some element of public finance in relation to this, and we will make our judgement accordingly.

Mrs Long: Tempting as it might be in the current context to go beyond the scope of the regulations and comment more widely on the RHI scheme and the damage that that scheme, and, I would argue, more so, the manner in which it has been handled, has caused, I will not test your patience, and I will try to confine myself to the regulations.

The permanent secretary — an official thrust uncomfortably into the spotlight over recent weeks, but whose integrity and honesty has not seriously been called into question by anyone throughout this sorry episode — was adamant in his evidence to the Committee this morning that these regulations are required and that no ministerial direction has been issued.

Indeed, if the Minister had stalled on them, he would have sought a ministerial direction to deal with the issue.

We are not here to question whether action is required; we acknowledge, however, that this is only a patch for one year and is not a permanent fix to the issue of RHI. The potential long-term solution to it may end up being something very similar to this approach, subject to further policy reflection and public

consultation, and it may be better than other approaches such as a windfall tax. Representations have been made, however, by some of the legitimate users of the scheme that the regulations may not be the best option, bearing in mind their legitimate business needs. Regardless of that, this remains a rushed process. The regulations have not been subject to public consultation, so the views that I referred to earlier with respect to those legitimate businesses have not and cannot be fully considered.

I want to linger on that point for a second. From a number of the speeches that we have heard today one might have got the impression that the overspend was solely due to abuse of the scheme: that is simply not the case. The lack of cost controls, tiering and degression, coupled with the level of the tariff, means that the scheme, when operated entirely lawfully and as intended, is much more generous than the comparable scheme in England and Wales. The blame for the overspend lies primarily with the failure of the Minister and the Department to design the scheme properly and include cost controls. Those who applied to the scheme fall, I guess, into three categories: those who are flagrantly abusing the scheme; those who are complying with the letter of the law but exploiting the loopholes in the scheme; and those who are complying with both the letter and the spirit of the law in an attempt to meet their business needs legitimately through the scheme. Suggesting that they are all to blame for the mess is unjust, and it runs the risk of the businesses that applied to and operate the scheme in good faith suffering reputational damage as a result. The scheme, when operated within the letter and spirit of the law, would still create an overspend. It is right that scheme participants ought to be audited, and those abusing or exploiting the scheme ought to be, at the very least, removed from it and potentially face criminal proceedings for fraud, when that is appropriate. However, businesses acting in good faith ought not to be unfairly castigated as a result of this mess.

Our second concern is that the regulations have not been subject to Executive approval; they were brought here by one Minister. The scheme is not coming to us with the agreement of the Executive. While the scheme itself is not a cross-cutting matter, the impact on our finances most certainly is. There is as yet no approval for the business case on which this is predicated, and there is no clarity on whether there will be agreement on that going forward.

Thirdly, we are concerned that the regulations have not been subject to any meaningful

Committee scrutiny, notwithstanding the extra week that was secured. All things being equal, it was the Minister's intention to continue last week to press the regulations to a vote; it was others who asked for the adjournment of the debate, which has allowed some very limited scrutiny by the Committee. Sadly, however, the Minister was not in attendance at Committee this morning to answer questions, instead sending his officials. Given the political importance and sensitivity of the issue and the fact that the Minister is essentially asking Members to take him on trust, it is not an issue that should be devolved to officials.

I am aware of the traffic chaos across north Down and Ards this morning after last night's accident and a further one this morning on the diversion routes. However, my colleagues and others managed to be present at meetings here this morning regardless of that, so I would be interested to hear the Minister's reasons for not attending the Committee. It certainly does not create confidence at a time when Members are seeking that reassurance directly from the Minister, who, as the legal advice given to the Business Committee indicates, remains ultimately responsible for any consequences of the scheme.

That scrutiny, although very restricted, has, in fact, raised further concerns about how the scheme emerged. Under questioning today, the permanent secretary informed the Committee that the plan before us came from a special adviser. Under further questioning, it emerged that the special adviser who brought the proposals forward was not the Minister's special adviser but another one from a different Department. That raises really significant questions about what the roles of special advisers in this debacle have been. There is no justifiable reason for a special adviser from another Department to become so intimately involved in the business of a Department that is not his own.

6.00 pm

Mr Aiken: Will the Member give way?

Mrs Long: I will indeed.

Mr Aiken: Does the Member agree that, with this plethora of special advisers doing this and that, it would have been much better had the Minister just come clean and told us which special adviser advised what?

Mrs Long: I suspect that a public inquiry might get some clarity on that, though it seems that

there was such a tangled web that it may be difficult to extract any clarity from it.

The fact that we have a special adviser from one Department putting forward a patch repair for a scheme that is in another Department's remit simply adds weight to the perception that it is the special advisers who are in charge of the Ministers rather than Ministers being in charge of their Departments, and that is despite special advisers not being accountable to the Assembly and the public, whereas Ministers now simply act as though they are not.

It was also indicated that the business case was commenced on 30 December when the scheme was brought forward. That is despite the fact that, on 19 December, Mr Speaker, you recalled us to the House under a promise that was made publicly — it was in the public domain and in the media, who have taken much criticism from some in the Chamber today — that we would get not just a statement about what had happened but the presentation of a comprehensive scheme that would reduce the cost implications to zero. Not only did that not happen on 19 December but it is clear that what was being said in public was at odds with the timeline in private, as no such scheme was presented until almost two weeks later and is not a comprehensive solution but a patch repair. It gives further weight to the perception that the scheme and the timing and content of this repair are being driven by political considerations rather than considerations of good governance. There is genuine concern that this is less a patch to prevent the continued leaching of public funds over the next year and more a political fig leaf to cover the DUP's embarrassment over the RHI shambles ahead of the elections. It is one that carries significant risk, on which I will elaborate. Therefore, we have serious reservations about supporting such regulations.

Fourthly, the regulations have been given only limited scrutiny by the Examiner of Statutory Rules. Whilst the Examiner was able, in a very restricted manner, to look at the rule in the last week, that was not as complete and thorough an examination as would be expected, particularly of something that carries such risk. In fact, the Committee was, I believe, unable to agree the Examiner's report this morning, as it did not have confidence that it had been given sufficient time to consider the limited response that the Examiner was able to produce or to have full confidence that those would be the only remarks on it.

Fifthly, there is a major risk of legal challenge, primarily focused on the lack of consultation on

the scheme. I realise that the intention is to consult during the first year of the scheme, but the risk of legal challenge is immediate. It is exacerbated by a lack of consultation with the sector and by the lack of Executive and Committee scrutiny. That approach, far from being cost-neutral, could place us at significant risk of incurring legal costs and, at the end of the process, still being liable for the £85,000 a day overspend.

There is, as a result, also an absence of analysis of the impact of a change in the scheme — in particular any sudden change — on a range of sectors including, for example, poultry and mushroom production. It was said earlier that I would not know much about poultry, but, from being in the Assembly, I know quite a lot about the cultivation of mushrooms. I have to say that, at times, when you sit in Committee, you feel that that is exactly how you are being treated. That may open up further opportunities, however, for legal action around the fairness of the measures that are being introduced and the impact that they could have on specific sectors and businesses.

Sixthly, there is a risk of the European Commission not endorsing what has been proposed as it may breach state aid rules. That places Northern Ireland at risk of infraction proceedings. I suspect that, in real terms, Europe has bigger issues to wrestle with over the next weeks and months. However, we are, essentially, looking for them to be generous towards us at a time when, perhaps, our Government have been less than generous towards them.

Why is all this being done in such a rush? I know that the DUP will focus on the fact that the resignation of the former deputy First Minister has added pressure to complete this process quickly, and we accept that to a point. However, whilst the collapse of the Assembly may have added to the pressure to complete it now, it does not explain why the action that is being taken today was not taken at any point in the last couple of years. We are now being told that this is the most straightforward and off-the-shelf solution to the problem. However, the Department did not actively consider this approach until the very end of last year. It was as a result of public and political pressure, not concern to protect the public purse, that this belated burst of activity was brought forward. The lack of action from February 2016 when the scheme closed and now is inexplicable. Arguably, if this had been initiated even in June 2016, we could have saved around £15 million in this financial year alone. That £15 million

would have been adequate to introduce the cancer drugs fund, which costs £13.6 million.

In his comments earlier, Mr Frew was very critical of the media. He said that, at some point, the media had moved from reporting the news to wishing to be the news. It is called investigative journalism. Had it not been for the pressure of investigative journalism and the public and political scrutiny that followed it, I doubt very much that we would be standing here today discussing this solution, because it was that pressure and not foresight or protecting public resources that has driven this scheme.

The Minister is here today seeking our trust in the absence of the normal rigorous scrutiny to which issues of such importance rightly ought to be subjected. We have a duty to judge the regulations on their merits and the Minister on his record. Despite the lack of opportunity for Members to properly scrutinise this and the need for him to engender confidence and go the extra mile, if you will, he refused to take a single intervention when he introduced these regulations to the House last week. Further, as I referenced earlier, the Minister was not available to attend the Committee this morning to answer questions, leaving it to his officials to answer questions that are of a politically sensitive and urgent nature.

Last week, when the Minister sought my party's support in his bid for an independent public inquiry into the matter, we responded in detail to that request. We set out our grounds for supporting such an inquiry and contacted the Minister's private office to take Minister Hamilton up on his offer of a meeting to discuss it. We called for a public inquiry and we are willing, despite reservations, to support that were it to meet certain conditions. We were not seeking a scalp, as some in the Chamber have suggested today. We were seeking the truth on behalf of the people who employ us and who will pay for this mistake: the public. Their money is at risk. Their services are being jeopardised. Their confidence in these institutions, which are here to serve them and not party or self-interest, is being eroded. I want to set out what happened as detailed in the last paragraph of the letter that I hoped to give to the Minister at that meeting but ended up having to email to his private office.

"In conclusion, we welcome your offer of a meeting to discuss this matter. Having sought to arrange a time through your Private Office, we were advised that you would not be attending, but that the meeting could proceed with your Permanent

Secretary and a lawyer. Given the time pressures and sensitivities of these matters, it is our view that a meeting at ministerial level is required in order that you can indicate directly whether you would be satisfied with the terms that we have outlined."

Again, we see a Minister happy to assume the trappings of office but appearing too readily to leave the heavy lifting, the jot and tittle if you will, of serious issues to officials and advisers. It is that eagerness to assume power but unwillingness to take responsibility that is at the very heart of this sorry mess.

The Minister's own record of avoidance of transparency and robust decision-making processes extends beyond this scheme. When we look at the manner in which a rushed decision was taken with respect to United Airlines without all the due diligence, only for it to unravel in an unholy mess later, we have serious reservations about the robustness of the scrutiny to which he, personally, will have subjected this statutory rule. The cynical view in the public mind remains that this is primarily a ploy on the part of the Minister and his party to give the appearance of having acted ahead of these elections. Given the antics of the Minister and his colleagues and their poor record on accountability and transparency, I have to say that, with the best will in the world, it is difficult to conclude otherwise. Ultimately, however, we believe that we need to try to stop the leaching of cash on this scheme, so we will not stand in the way of this passing today.

I want to take the opportunity, through you, Mr Speaker, to remind the Minister that he will be responsible for what is decided here, not me, not my colleagues and not any other Assembly Member in the Chamber. No amount of buck-passing, muck throwing or ducking of responsibility will change that fact. These are his proposals; they came from his Department; he is responsible for them.

In answer to Edwin Poots, I have to say that no one is suggesting that any Minister alone devises every scheme, every policy and every action of their Department, but every Minister is legally responsible for the actions of their Department, and it is good governance and leadership to step up when that occurs. The real scandal here is that, while we have people unable to heat their homes and struggling to feed their families, we have barns being raided by the police — empty barns with steam rising off them in the snow. I want that to stop.

We will not block these proposals today, despite our serious reservations. I hope that these proposals are a success, not for the Minister or his party but for the sake of the public who ultimately are paying the price for this debacle though they carry none of the responsibility for it.

Mr E McCann: I think that it was Mr Smith who asked a little while ago how we got here and what brought us to this pass. It is worth going into it, because you cannot understand this scheme and the flaws in it, and the regulations and the flaws in the regulations, other than in the context of the internal politics of our two major parties and, indeed, of the entire system of governance created under the Good Friday Agreement.

We have had a very good debate in one sense. A lot of it was fascinating. The most fascinating thing that I discovered — at least one of them — during the day is that — you were not here, Mr Speaker, for this bit, so I wonder, did you know that day-old chicks prefer woodchips? I did not know that until Mr Poots explained it to us. I am taking it seriously. I am sure that you are right. It is something I know nothing about. What I am really wondering is, how did we get here in relation to the major items; how did our debate get to a position where we have to be informed and take on board the preferences of day-old chicks with regard to particular fuels used for heating their sheds? How did that happen?

One of the reasons it happened is, of course, because a lot of people in here and a couple of parties in here cannot deal with the matter in a straightforward manner. And because they cannot deal with it in a straightforward manner and face up to all the issues which are raised, we get taken into all sorts of meandering, winding paths and into the netherworld and the fringes of the Assembly.

For a start, I would like to demonstrate the way in which the internal politics and the ideology, if you like, of the DUP and Sinn Féin have played a role in generating this present situation with the renewable heat incentive scheme. It may seem a very far distance from political ideologies of parties — do not worry, Mr Speaker, stick around and I will demonstrate it now. The fact of the matter is that, in the course of this debate — it is relevant, I am picking up things that have already been said in this debate. Mr Bell made the second fascinating statement that he has made in the House. At the end of it — I am sorry about the pun — there is no need to ask any more for

whom the bell tolls; it tolls for Arlene Foster. We learnt that after Mr Bell's statement.

6.15 pm

I was very struck when, the last time we had a debate on this subject — I am dealing with things that have already come up, Mr Speaker — Mr Bell told us, and he may well be right, that if the Reverend Ian Paisley were here, he would be sitting alongside him and not with the other DUP colleagues further along the Bench.

I am sure that he is right about that. One of the reasons why I am sure that he is right is that, a couple of days after that, I happened to be watching my television set and there I saw Ian Paisley junior making some remarkable statements about Mr McGuinness. I thought to myself, "There is something up. There is something happening here". Is the dissident DUP claiming the Rev Ian Paisley? And, of course, is there a leadership bid? It also demonstrates the ideological chaos in the DUP. It is the chaos arising from the fact that their traditional ideology does not meet the material realities of Northern Ireland society any more. In that situation, we have the politics of opportunism and the politics of — I hesitate to use the word "corruption", so I will not. There is a questionable and murky behaviour conducted in that dark territory where SpAds and spivs infest the system of government in Northern Ireland. You cannot understand the way the entire scheme emerged and the regulations — the inadequate regulations — that we are invited to vote for unless you take that into account.

Why did the scheme cause the collapse of the Executive and then the Assembly? How did that happen? Just a few weeks ago, everybody will remember the remarkable scenes in which you had Members looking across the Floor from the Sinn Féin Benches to the DUP Benches. They were gazing at one another doe-eyed; now, they are looking daggers at one another. That was just a week later. How did that happen? Again, there are ideological problems for Sinn Féin, as they know — I have talked to their Members about it. It is a party that is dedicated to a united Ireland or nothing, yet they were locked into an embrace with the DUP. It is hard to explain that to people who believed that they were supporting or joining the party to make a drive for the full realisation of the ideals of 1916 and all that business. There was a contradiction there and, as I said, the ideological contradiction in the DUP that was brought about by the fact that, by coming together to form a government, they were

contradicting the stated reasons for their very existence. In that situation, you are bound to get internal turmoil and, as Sinn Féin found when they went back to their grassroots, people were telling them "No, nay, never".

Mr Nesbitt: Will the Member give way?

Mr E McCann: Sorry, Mike. Yes. I mean, not sorry. Come ahead. *[Laughter.]*

Mr Nesbitt: I thank Mr McCann for giving way. When you talked about the doe-eyed gazing, there were smiles from those on the Sinn Féin Benches, but do you not think that the fact that Conor Murphy said earlier that they knew that the scheme was falling apart in January 2016 but chose not to make it an election issue proves your point?

Mr E McCann: Thank you —

Mr Speaker: Mr McCann —

Mr E McCann: I suppose that it does. I am glad that you made that point.

Mr Speaker: Mr McCann, before you continue, I have been very liberal with you in particular. I ask you to come back to the regulations that we are debating.

Some Members: Aw.

Mr E McCann: That is fair enough, Mr Speaker. I will. I have to say to you that in the course of the debate — it has been a lengthy one — we have had passages of debate in which the regulations, or anything associated with them, were not mentioned for five or 10 minutes. I have certainly said nothing so far that was as far removed from the regulations as other Members have been — repeatedly — in the debate. However, I will leave that particular aspect of it there.

Mr Speaker, you will be aware, as we all are, of the extent to which — I think that it was Mr Smith who referred to the fact that he had never encountered anger like it. I have to say that I have; I have encountered more anger on the streets over other issues over time. Nevertheless, I take your point. There is a lot of anger and dismay and a widespread belief that the RHI scheme is a racket, and that is not good for any of us. I am not saying that I endorse that belief, but people are disgusted, and anyone who has talked to people in the community about it will know that the RHI scheme is seen as a racket. That is what

people believe it to be. Everything that they hear about it — what they hear is accurate — is about dodgy practices and people being secretly or confidentially alerted to the fact that a scheme existed and were told to fill their boots with public money. When people hear that and consider it against the background of all the things that have led up to it — anyone can rhyme them off. There was Research Services Ireland a few years ago. That was a 'Spotlight' production too, was it not? If I am right, that was in November 2014.

Incidentally, there were attacks on the media here. If it was not for 'Spotlight' shining its light, we would still be in the dark about many of these things. I pay tribute to Stephen Nolan, Sam McBride, Allison Morris and all the other journalists, who have given great service to this community, far better than that given by some people in parties in here over recent weeks, by bringing these shocking events and situations to the public mind. We would not have been here, as someone remarked, if it had not been for honest, investigative journalism in this part of the world. Everybody would be trundling on in a complacent manner. Far from attacking the media, we should be giving it credit and praise. Some of the remarks about the media from the DUP Benches reminded me of a Donald Trump press conference, in which he called out people and asked them, "How dare you tell the truth? We have got an alternative truth that we are promoting. How dare you tell the facts!" That was the tone of some of the remarks from the DUP Benches.

At the end of the day, we have to ask ourselves what are we going to do about all this? What is "all this"? "All this" is not just RHI. We all know that one of the reasons for the seething anger that Mr Smith referred to is that it is not the first such thing to come before the public. It was the last straw, not the first example. It came after Research Services Ireland and then — all these incidents have something in common — Red Sky, NAMA and all the rest, and on those you cannot say, "One side is as bad as the other". You cannot; it is not the case.

Mr Butler: I thank the Member for giving way. Just on that last point, the Minister was reluctant to attend the Committee this morning, and Sinn Féin has been absent from the Health Committee over the last two weeks. That is an amazing correlation. Does the Member agree that it is a demonstration of power before people?

Mr E McCann: Power before people. When I was coming in this morning, I was accosted by Mr Allister, who said, "I believe that you are

from People Before Pellets". *[Laughter.]* So, power before people I will accept too.

Where was I?

Ms Hanna: NAMA and Red Sky.

Mr E McCann: NAMA and Red Sky and all that. Is it not interesting that, when you look back, some of the same names appear. All those SpAds. Mrs Palmer has not spoken yet, has she?

Mrs Palmer: If the Member will give way, I would be delighted to contribute to the debate.

Mr E McCann: Absolutely, Jenny.

Mrs Palmer: Does the Member agree that civil servants have an obligation to act in a non-partisan, non-political fashion and that the public, because of all the scandals that SpAds have been involved in — Red Sky, NAMA and all the others — believes that the culture in the Civil Service is that officials are overruled by SpAds and that they do not take their codes of conduct, codes of recruitment and ethical codes with any great seriousness, which means that the two main political parties have the biggest say in what happens in the Departments? Mr Allister brought before the Assembly an opportunity to curb the role of SpAds, and Sinn Féin blocked it, after saying initially that they would support it. There are serious issues to clean up in this House, and not just on the role of the SpAds but on giving back correct procedures to civil servants.

Mr E McCann: No sensible person could object to anything that Jenny Palmer has just said. The role of SpAds in our system — why they have this role and influence — is a very interesting one. We keep hearing it, and it is true, that there are so many SpAds in this little place, serving the Executive Office and other Departments, compared to Wales, Scotland and even Westminster. Why is that? Is it just people filling their boots again and saying, "We will create jobs for the boys"? There are hardly any girl SpAds, are there? There is a reason why we have so many SpAds. What their job is really is to police the Departments for their parties. They are not there to help in the administration or to make it more efficient. Given the nature and the structures of these institutions, which are based on the Belfast/Good Friday Agreement, it is quite understandable that that should be so.

If you set up a system of governance in which every Department is a silo operating

independently of all the others, it makes perfect logical sense to have groups of SpAds to make sure that every silo is secure and a particular party's perspectives, policies, desires and interests are vindicated in that Department rather than any general overall interest of the people or the political system. That is what lies behind that, and that is why they need all those SpAds. It is why SpAds feel entitled, as they do in this part of the world — they do not across the water — to tell permanent secretaries and Ministers what to do. In this jurisdiction, if senior civil servants are having a discussion with a group that has come in to talk to them and a suggestion is made, one senior civil servant will say to another very senior civil servant, "We'll never get that past so-and-so", naming a SpAd. That is a grotesque system. It all comes from the nature of the structures. Tomorrow we are discussing the spirit and values of the Good Friday Agreement. Perhaps we will go into some more detail at that point. All that provides the context in which these problems have arisen.

Mr Bell talked about the £85,000 a day and what that could do in the health service and so forth. It is an easy argument to make, but there is a bigger one. I am not objecting to that argument; it is just an obvious one to make. When I say "ordinary people", I mean people who come from the area where I come from. Raymond McCartney comes from the same area. Loads of us are from areas where people struggle day to day. They know that, if they ripped off the state for a relatively small amount of money, if they claimed and took more in social security than they are entitled to under the rules and regulations, they might well be up in court being named and shamed in front of their neighbours as reprehensible people for a couple of hundred quid. They then read in the newspaper that relatively vast sums of money are sloshing about at Stormont and are being siphoned into the pockets of particular individuals. They also read that people here, whether politicians or officials, are tipping off their mates to join the scheme. What are they supposed to think? Of course they are raging mad. That is what has given rise to the chaos in the DUP and the pressure from below on Sinn Féin, which has led to the collapse of the institutions. That is what caused it.

This is not an election meeting, but the fact is that, if we have another Assembly with the same relative result for the major parties and so forth, we will have solved nothing whatsoever. You advised me, Mr Speaker — you were absolutely right — to stick to the point. When it comes to dealing with this matter, is it sticking to the point to say that all this is an attempt to

weaken unionism or for Sinn Féin to make a similar point in reverse to the DUP? How is that relevant to the debate? That tells us that those parties have suffered and are uncertain about whether their ideology has been maintained and is still as strong as it was. They are retreating to particular positions in advance of 2 March. The DUP says, "You're damaging unionism. Vote DUP or the Union is under threat". Sinn Féin says, "Vote Sinn Féin for progress towards a united Ireland", which it claims will be achieved —

Mr Speaker: Mr McCann —

Mr E McCann: — and all the rest of it.

Mr Speaker: I ask you to come back to the regulations.

Mr E McCann: I will come back —

Mr Speaker: Now.

Mr E McCann: OK.

Mr Carroll: Will the Member give way?

Mr E McCann: I will certainly give way.

Mr Carroll: Does the Member agree that the scheme has done serious damage to the valid and legitimate case for renewable heat energy? Alternative forms of energy are really needed, given the threat of climate change. Does he find it ironic that the RHI scandal, which has done serious damage to the case for renewable energy, was the fault of a party that has long and often denied the existence of climate change?

Mr E McCann: Absolutely. It is one of the sadder aspects of all this. As anyone who has campaigned on environmental matters will know, one of the big hurdles when you are arguing for the need for something like the renewable heat incentive scheme in terms of energy efficiency, controlling CO2 emissions and all the rest of it is that people think that environmental things are just too expensive, are not practical or do not bring jobs and all the rest of it. The little saga that we have had here will make that much more difficult. The RHI scheme was, on the face of it, intended to make a contribution to protecting the environment and might well have done so. The controversy that has arisen, mainly because of the DUP — I keep saying, "Sinn Féin and the DUP", but let us be clear about it: there is no equality of arms in this. The DUP is the star of this

production. Sinn Féin may be in line for an award as best supporting actor, but this whole thing is a DUP production. They are responsible for it and for the damage done to environmental campaigning.

6.30 pm

It seems to People Before Profit that we do not need just a proper investigation into what happened or just the regulations, although they are a little better than nothing. We can deal elsewhere with the question of the 2005 Act under which there will be an inquiry. That is not a perfect document either — far, far from it.

Can I just throw this in, with your indulgence, Mr Speaker? No, I will leave it.

We need a different type of politics here if we are to avoid debates, scandals and issues like this in another mandate. I know that I have said this before, but the perception that RHI was a racket has added and contributed to a perception that Stormont itself is a racket. That is what is out there. People have a cynicism about this place. We might have thought a couple of months back that it could not get any deeper or darker — well, it just has because of this. We are undermining trust. I am not too worried about undermining the status of the Assembly because of the regulations and the RHI. Every time you look down, Mr Speaker, I mention the regulations to remind you that I am being relevant with all this. What I am saying is that we believe that we need a different type of politics that does not need the separation of Departments into silos or to be policed by SpAds and spivs. We need a system of government in which the interests of the people come first. To my mind, that requires a socialist approach; others might disagree and will not go the whole hog with me. The fact of the matter is that we need a different type of politics in Northern Ireland, and, if we do not get that after 2 March, we are doomed — doomed — to go through this little circle of hell yet again and to make no progress. Surely after all these years and all this time, we can say to the people, as we say to the people — Catholic, Protestant or anything else — "Vote for a change. Voting the way you have always voted is how the problem arose. That is where the problem is rooted in the first place".

I believe that we are better than this. I believe that the people of the North are better than this. The working class of the North are 10 times better than the sordid shenanigans going on here. Give the people working-class politics, as People Before Profit is trying to do, and we may not have to go through this nightmare again.

Mr Allister: Mr Speaker, I am sure that you will be relieved to have a Member who is much easier to control than the last. *[Laughter.]*

Mr E McCann: Will the Member take an intervention?

Mr Allister: Yes.

Mr E McCann: I take that as an absolute compliment. *[Laughter.]*

Mr Allister: You are very welcome.

Are the regulations a fig leaf, or are they a solution, even an interim solution? I hope that they are the latter, but I fear that they are the former. They show many signs of being a fig leaf for the DUP to get it through the election arising from, in the terminology of one of its members, the "omnishambles" of RHI and to create the aura and impression of something being done about it: "It is sorted. Nothing to see here. Move on". The suspicion that it may indeed be a fig leaf comes from two sources: the timing and the dubious nature legally of what is being tried.

The problem has been known about for months upon months upon months in the Department and maybe even longer than that.

It is only now, however, in the teeth of an election, that a proposal — any proposal — has come forward to attempt to ameliorate it. Indeed, if we had not had the BBC 'Spotlight' programme, would we be having this debate? I suspect not. If we had not had the vigorous, persistent, necessary, worthwhile investigative journalism of Sam McBride, Stephen Nolan, Conor Spackman, Allison Morris and others, would this matter have continued to be swept under the carpet because it was too embarrassing to deal with? I suspect so.

The fact that the regulations come at the time that they come at suggests to me that they are indeed more of a fig leaf to get us beyond 2 March, but fig leaf or not, the regulations contain a mammoth embarrassment for the DUP. Belated beyond description, they seek to put into the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012 the very thing that Arlene Foster, when she was Enterprise Minister, took out of the GB template. The regulations put in what should have been in there in the first place. They put in what was in —

Mrs Little Pengelly: Will the Member give way?

Mr Allister: In a moment.

They put in what was in the GB regulations, which was tiering in the tariff. That is the essence of the regulations now before us: to put in retrospectively, with impact for one year and one year only, for now, that tiering. Of course, that is the most crucial thing that gave rise to this scandal: the taking out of tiering in the first place. We are told by some, "Well, that was not the Minister's fault. That's how she was advised". If it is how she was advised, what sort of a Minister is it who, when given advice that you do not have to bother with the tariffs that are in the GB scheme and that you can run it at the top-tier tariff in perpetuity, does not ask, "Why would we want to do that? Why would we not want a safety net in case this scheme runs away with itself? Why would we want to over-incentivise the scheme in such a way?" What sort of a Minister would not ask that question? It would have to be one asleep at the wheel. Even if some dim-witted civil servant advised that we need not bother with tariff tiering, a Minister with any wit would have known to interrogate the issue and not to let it rest there, and, if she did not, the Finance Department would, because this scheme, before it ever got off the ground, had to be approved by the Supply officers in DFP. The Supply officers in DFP had to consult their economists and ask this question: is this scheme value for money? That question has to be answered. Not only did the Economy Minister fail on the most fundamental component of this scheme, but it seems that the Department of Finance also failed by approving this scheme through its Supply division.

Mr Agnew: I thank the Member for giving way. He made mention of the Minister being asleep at the wheel. Is it not a sad state of affairs when, in defence of that Minister, her own party says, "Our Minister is not corrupt. She is merely incompetent"?

Mr Allister: Yes. Incompetence now seems to be a refuge, and is it not amazing —

Mr Aiken: Will the Member give way?

Mr Allister: In a moment.

Is it not amazing that, in all of this, not a single civil servant, if they failed, not a single consultant, if they failed and certainly not a single Minister has paid any price whatsoever? What a contemptuous approach to this scandal towards the public, who are expected to pay the price.

Mr Aiken: Thank you very much indeed for giving way. I ask the Member to reflect on the fact that, if incompetence is a defence for what has gone on, maybe we should reflect on the complete incompetence of this whole Fresh Start Sinn Féin/DUP Government. If incompetence seems to be the lead for what we are trying to achieve going forward, it is best gone and gone now.

Mr Allister: I think that it is gone and, hopefully, it will never have a resurrection. I do not want to offend Mrs Pengelly, and she did indicate that she wanted me to give way.

Mrs Little Pengelly: Albeit belatedly because the point has rather moved on. The Member stated a number of times that Arlene Foster removed the tariff tiering from this. The evidence thus far to the PAC and elsewhere has absolutely clearly indicated that that is not the case. The recommendation to the Minister did not have tariff tiering in it. On what the Member — who sits in the Chamber also as a barrister and as somebody who has been in the courts for a very long time — has just said about people paying the price, he knows that the proper process should be that the evidence is heard, the judgement is given and, after the judgement, there are the consequences. That is the appropriate way to deal with this, not for people to be hounded before that evidence is heard and due process takes place.

Mr Allister: There are two points there. On Mrs Foster's culpability, the reality, indisputably, is that the GB scheme that was first produced had within it tiering in the tariffs. The Northern Ireland scheme, based on that template, is almost identical in every dimension save the tiering in the tariffs. Therefore, a conscious decision was taken in Northern Ireland to remove from the template that they had from GB the tiering in the tariffs. The one person, the one Minister, the only Minister who is accountable for that is the Minister who signed off the scheme. The Minister who signed off the scheme is Arlene Foster. There is no hiding place for her on this. That is indisputable, and it is no excuse to say, "No civil servant told me that I should not sign off a scheme that had taken out the tariffs". If she had been across her brief at all and was asking questions at all and was not just thinking of the next photo opportunity but was thinking about what the job was about, she would have been interrogating the issue of why we were doing this. Surely, she did not fall, as was the contention that was made somewhere, I think to the PAC, for the juvenile belief that there was that this was free money.

Surely, as a Minister, she knew that once you tamper with a national scheme to make it more expensive regionally, you pay the difference. There is no such thing as free money in those circumstances. Surely she did not fall for that, or did she?

6.45 pm

Mr Wells: Will the Member give way?

Mr Allister: Yes.

Mr Wells: I had the opportunity, along with Mr Girvan, to sit through most of the PAC hearing in the Public Gallery on Wednesday. He will note that, on at least three occasions, various members of that Committee asked the permanent secretary, Mr McCormick, "Did Mrs Foster act honourably, or did she do anything untoward throughout this entire process?". His reply was that she did not do anything untoward; she acted honourably throughout the entire process. How does that tie in with the accusations he is making at the moment?

Mr Allister: I do not think the word was "honourably". I do not think that was what was in the scripted questions that were asked of the permanent secretary. I noticed his rather hesitant reply but, yes, he agreed that there was nothing untoward. I must say that I beg to differ with the permanent secretary. Unless the whole Civil Service is in such an embarrassment about this that they do not want to put the finger on anyone, I do not understand how a permanent secretary, as accounting officer for his Department, could say, "It was OK; it was not a fault and it was not a failing to sign off a scheme which had this huge massive flaw in it". By anyone's book, that is a fault.

Mr Lunn: I thank Mr Allister for giving way. The question that Mr Wells refers to actually used the word "wrongdoing". The person who I cannot name was asked if he thought that Mrs Foster was guilty of wrongdoing, which has a completely different connotation.

Mr Allister: I am grateful for that. I could not actually, on my feet, remember the exact word, but I knew that it was not "honourable".

Mrs Long: I thank the Member for giving way. One of the most frustrating elements of this — I am sure the Member will agree — has been the complete inability for people to accept that, while there may be no evidence that the Minister did something that was inappropriate and wrong, there is every evidence, given that

this scheme went through, that the Minister did not do what was required of her in office, which is to properly scrutinise the advice, to weigh that advice and to make her own judgement as to whether or not it was an appropriate way forward. That is a fault in itself. It does not require her to have acted out of any improper motive for it to be a failing on her part.

Mr Allister: I think the Member puts it accurately; that is correct. A Minister's job is not just to sign off whatever is set in front of them. They are there as guardians to interrogate the issue, to make sure that the right decision has been taken and to ask the hard questions. My goodness, if you have a situation where the tiering is being taken out of the tariffs and the hard question is not asked as to why we would want to do that and not keep a safety net, then that is a failing by a Minister. In my book, it is, and that is what has led to this sorry pass that we are in today.

Ms S Bradley: I thank the Member for giving way. I take note of what you are saying. I referred earlier to Emma Little Pengelly's contribution that we are all human and error can happen. Does the Member, travelling through this logic, then raise concern when somebody — a member of the public — actually takes time out to point out the errors that have been made? Is that not a continued failing and a deeper, darker hole that this Minister fell into?

Mr Allister: Yes. The whole aspect of the whistle-blower and, particularly, the second email to the Minister's personal or political office account — whichever it was — the failure to convey that to the Department. I would have thought that was something that might have struck the permanent secretary as a failure which put the Minister at fault in failing to do that. That robbed the Department of the opportunity to waken up to this issue and to get proactive with it. Yet, that email, which seems to have been fairly explicit about the fault lines in the scheme, never made it out of the Minister's inbox. Surely, that is a significant failure.

Mr Agnew: Will the Member give way?

Mr Allister: Yes, although I will have to stop doing this.

Mr Agnew: I thank the Member. I will try to make this my last intervention. Will the Member acknowledge that there was a further opportunity to introduce cost-control measures when her Department consulted on the proposal to introduce regression? As was

confirmed to me by the head of energy division in a February 2016 meeting of the Committee for Enterprise, Trade and Investment, the Minister made a policy decision — I am paraphrasing here — that we wanted to get the domestic scheme up and running. That, and not regression, was the priority.

Mr Allister: I think that regression was another missed opportunity, and that has compounded the situation. There was also the missed opportunity that when DFP originally signed off on the scheme and approved the business case, it declared that it needed to be reapproved by 1 April 2015. It did not happen because DETI did not send it back to DFP, and DFP did not ask for it. It only came back belatedly to DFP in the autumn of 2015 and was then, amazingly, signed off for a second time at the height of the spike in October 2015, by which stage Mrs Foster was then the Minister of Finance.

There were repeated failures in this, and that is what has led us here. Yet, to listen to some, it is no one's fault. It is certainly not a Minister's fault. We could not have that. It is no one's fault. Well, it is, and the public knows that, in government, the buck stops with the Minister or, at least, it should, but there have been such contortions in this to avoid the buck stopping with the Minister that, frankly, it is embarrassing that, as politicians, there cannot be a facing up with the public on this issue.

I asked whether this was a fig leaf because of the genesis of it and how it was delayed. I also wanted to ask whether it was a fig leaf because of the dubious legal nature of it. Never mind being a fig leaf, these regulations, in the heat of litigation, could turn into a chocolate fireguard; they could melt very quickly because they defy a number of principles enshrined in this area of law.

What is involved here is the state seeking to derogate from something that it has granted to members of the public. There is a legitimate expectation created with the beneficiaries of the scheme that they are tied into a scheme upon which there is commitment to deliver: if they fulfil their side of the bargain, the Government will fulfil their side of the bargain. Indeed, article 3 of the original 2012 regulations expressly says that the Government must — must — make these payments. So not only do you have a contractual-type situation created in the acceptance of the letters of offer, but you have, in the statute, a solemn obligation on the Government that they must make these payments.

That has created contractual rights and legitimate expectations, which were of course underscored by Mrs Foster's letter to the banks. In her letter to the banks, Mrs Foster went out of her way to highlight just how guaranteed these schemes were. She stated:

"Tariffs are 'grandfathered' providing certainty for investors by setting a guaranteed support level for projects for their lifetime in a scheme, regardless of future reviews."

"Regardless of future reviews" — guaranteed. In the letter's penultimate paragraph, she states:

"The government support, on offer through the incentive schemes, is reliable, long term and offers a good return on investment."

Not only have we got letters of offer and regulation 3, which says that the Government must pay, we have the very Minister promoting the scheme by lauding it to the highest and underscoring the certainty of the guarantee of payments. It is indisputable that legitimate expectation has been created in respect of the beneficiaries of the scheme.

Yes, it used to be the case that, in the law, Parliament could do what it liked, so to speak, and, yes, if you go back to some of the older legal authorities, you will find, for example, quite a well-known statement by a legal scholar called Greenberg, which says that no person has a right to demand compensation for something that was done by or under the authority of statute. That is how it used to be, but then we signed up to the European Convention on Human Rights. Article 1 of protocol 1 came in, which indicates:

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law."

That introduced a radical change and constraint on the right of Parliament to do what it liked with regard to dealing with the property and possessions of individuals. It is indisputable that the rights and possessions that people have under the RHI scheme qualify as property rights in the law.

I remind the House that, back in 2013, I brought a special advisers Bill to the House to remove some people from office. The House will recall

that, of necessity, within that Bill, were two safeguard provisions. One guaranteed compensation to anyone who was removed. Why? They were having removed from them property or possession rights, so they had to be compensated. Indeed, the Attorney General gave evidence during the hearing of that Bill in the Finance and Personnel Committee that it would be unlawful to remove possession rights without compensating. Unlawful; that was the evidence of the Attorney General. That is because of article 1 of protocol 1 of the European Convention. Yet, these regulations have no compensation within them.

7.00 pm

Mr Stalford: Will the Member give way?

Mr Allister: Yes.

Mr Stalford: This is a genuine question, as opposed to some of them. *[Laughter.]* I am happy to bow to the Member's obviously superior legal knowledge. Can the Member outline for us, in the context of what he has said, how the actual mechanism of vesting exists, if people's land and property can be vested by the state within the framework he has outlined?

Mr Allister: No one's land can be vested without compensation. Indeed, you bring me on almost to the second point. Where you are not satisfied with what is offered to you in the vesting, you have the right of appeal to the Lands Tribunal.

The second thing, I remind you, that was in the SpAd Bill, was not just that there had to be compensation for anyone removed but that anyone so removed had a right of appeal for what they had lost to the arrangements set up by the Bill. Again, there is no right of appeal within these regulations for anyone, on hardship or other grounds, such as Dr Capper has suggested, in consequence.

So, it does seem to me that these regulations are very likely to be challenged, and they are not obviously judge-proof. We will see what happens to them, but I would be fearful about their probity, because they so directly negate the rights that come from the protocol to the European Convention — it is just not there. We will see what happens.

I fear that the regulations are further at risk because of the process that has been deployed to get us to this point. We know in this House — I raised it — that we have essentially

bypassed Standing Order 43, in large measure. We know, and the Minister certainly knows, that there is a document that governs these matters. The Minister will be familiar with it from his time in the Department of Finance, if not before. It is the document, 'Managing Public Money Northern Ireland'. It is quite a volume that sets out the requirements including for when you are changing the law. At A.2.2.1, it says:

"In preparing all legislation, departments must always consult and get DFP agreement ... before any proposals for legislation with financial implications are submitted to the Executive for policy approval".

These regulations, whether it is positive or negative, have financial implications. Certainly, they have financial implications for the beneficiaries. They fly in the face of the requirements of 'Managing Public Money', which requires that in their preparation the Department of Finance must have been consulted and must have agreed. Perhaps it was consulted, but it does not seem to have agreed. We have a flagrant breach of 'Managing Public Money' arise. Where that is relevant is that, when it comes to a legal challenge to these regulations, the court will be entitled to look behind how they were made and at whether they were adequately and properly made.

This also arises where it says, within that same paragraph of 'Managing Public Money', that you must prepare, consult and get DFP agreement on an explanatory and financial memorandum. They have not done that either.

It says:

"The financial implications of subordinate legislation should be explained in the Explanatory Memorandum".

Ms S Bradley: Will Member give way?

Mr Allister: Just let me finish this point. Let us go to the explanatory memorandum that has been issued with these draft regulations. Under "Financial Implications", the very thing that 'Managing Public Money' says must be articulated — "explained" is the word — in the proposals, it says:

"The Financial implications will be further examined as part of the next stage."

There is nothing whatsoever in the explanatory and financial memorandum that deals with

financial implications, something that, according to 'Managing Public Money', is required to be there.

Ms S Bradley: I thank the Member for giving way. On that point, it was suggested in Committee that that agreement may still be forthcoming. Does the Member share my opinion that, before any vote is taken on this, the House should be fully updated on whether such an agreement has been arrived at and, if not, when and where communications broke down?

Mr Allister: It is very disappointing that the Finance Minister, who has a critical role of having an input to this, has ignored the House on the issue. I read on Twitter today that he is still not happy with these proposals. Why are we not being told that in the House? The Economy Minister can tell us, when he comes to respond to this debate, whether he has received clearance or approval from the Department of Finance. We really should have been hearing it, I would have thought, in these circumstances from the Minister. The Minister who is here needs to tell us that.

Another potential weakness in the process of the regulations is the fact that there was no consultation. The stakeholders have a common law right to be consulted before their circumstances are changed, yet there has been no consultation whatsoever with them.

I fear that the regulations will be rigorously tested, and I do not have the confidence of some that they will pass that test. It might be said that they are only for one year, so we will invite the court to ignore, as it were, our failings, breach of property rights etc. It will be interesting to see whether the court is prepared to go down that road. They have all the signs of draft regulations that may not deliver. I said at the outset that I hope that they do because this situation needs to be resolved, but I have severe doubts as to whether they will.

The one group of people whom the regulations will greatly affect are bona fide applicants to the scheme. I have no interest in any rip-off merchant who abuses the scheme, but there are genuine people who did no more than become aware of a Government scheme and applied for it in good faith. Now, Government is about to say, "Never mind all our platitudes, undertakings and promises, we are about to pull that rug from under you, in the public interest". Some of those people are at their wits' end. I had one of those farmers with me last week. Interestingly enough, this farmer was introduced to the scheme by the then DUP special adviser Stephen Brimstone, no less. I

will come back to Mr Brimstone. This farmer — a genuine, large-scale farmer in the poultry industry in the north Antrim area — applied in the early days of the scheme, made his commitment, spent tens of thousands of pounds and, assured that he had a 20-year return, used the collateral of that with his bank to increase his investment in his farm. Now, he finds that the rug has been pulled from under him, yet his scheme is a perfect operation of this. He goes through the seven- or eight-week cycle of rearing day-old chicks through to the broiler stage. The audit shows that in the first week, when the heat is needed the most, his use is at its highest, and it begins to dwindle as the chickens need less and less. By the time you get to the end of the cycle, the heat use is significantly less than what it is in the first week, thus confirming that he is a bona fide user of the scheme. When that person asks me, "What about us?", I do not have an answer for him. When that person asks, "What's going to happen to the fact that I am relying on this promised return to pay off my bank? What am I to say to my bank manager, Mr Allister?", I do not have an answer for him. That is replicated many, many times across this country.

There are others, of course, who saw this as a way of making a quick buck or as a means to heat their house. One of the flaws in this scheme is that there is a right to use the heat, it seems, for what should be an ancillary purpose of heating your home —

Mr Swann: Will the Member give way?

Mr Allister: Yes.

Mr Swann: Further to that point, when Ofgem was in front of the Public Accounts Committee, it declared that, in its reading of the scheme, it would be OK to use up to 99% of the heat generated from a non-domestic boiler to heat a house. That is how obtuse that part of the scheme was.

Mr Allister: How ridiculous it is. That is the scheme that our Ministers approved and signed off, and that is the scheme that Mr Stephen Brimstone is benefiting under — heating his house on the non-domestic boiler scheme. Did he claim that he had a few sheep and was a sheep farmer? Does he have sheep? One thing is for sure: he is heating his own house. Is that right? Is that how things should be under this scheme? Was this scheme so lax and so perforated that that was an OK thing to do? Even if the individual thought it morally the right thing to do, does this scheme permit that? If it does, is that not one of the loopholes that

the Minister should have addressed in these regulations? It is scandalous that someone can purport to qualify for the non-domestic renewable heat scheme and devote the greater bulk of the heat that they produce to heating their own house, and to do it with considerable forethought. Mr Brimstone built a new house some years ago. He had a biomass boiler in it, but he took it out to qualify for this scheme, because you had to have a new boiler.

He put in a new non-domestic scheme boiler under the scheme in order to qualify. That is the sort of rip-off that brings disrepute to all of the scheme and, sadly, causes great injury to the bona fide users.

7.15 pm

This is a scheme that, in a collective sense, covers the House with shame, because it brings the entirety of the process into disrepute. It is quite shocking that this squander, made not by some distant, uncaring, disconnected direct rule Minister but made in Stormont, has inflicted upon us this mammoth potential financial loss — and then to pretend that it is nobody's fault to the point that anyone should pay with their job.

Mr Hamilton (The Minister for the Economy):

The clear purpose of the regulations before the House this evening is to introduce cost control for the non-domestic renewable heat incentive scheme. The reason for these regulations — I want to make this clear from the outset and remind the House of why we are here — is to prevent a budgetary shortfall in the region of £30 million in the next financial year. There are many other issues surrounding the RHI scheme that absolutely need to be investigated, and I join other Members of the House in welcoming the announcement of a public inquiry. I look forward to that getting under way soon and concluding as quickly as possible. Today, though —

Mr Aiken: Will the Minister give way?

Mr Hamilton: Let me make some progress. Today —

Mr Aiken: I will be brief.

Mr Hamilton: Well, OK; I will give way.

Mr Aiken: Minister, one of the key questions that we are going to have going forward here is whether the business case has, in fact, been received. Will the Minister address that now

before we go any further, because that will probably colour some of the remarks?

Mr Hamilton: It is a good question and it is one that I am happy to address now. I have not yet received approval for the business case that underpins the regulations before us, and that is deeply troubling. I submitted the business case to the Department of Finance some 11 days ago, which, I appreciate, is shorter than is usual. It was, though, given priority by the Finance Minister — comments that he has made in public and in the House. My understanding is that it was making good progress in the Department. Indeed, I understand that departmental officials recommended it to the Finance Minister for approval. I and my Department have cooperated fully with the Department of Finance. We have answered all questions and queries, and we have provided all requested information. Yet, no approval has been forthcoming.

The business case process is there to assess value for money and regularity. I understand that there have been no issues raised in respect of either. I know that the Finance Minister is just coming into the House, and I would be happy to give way to him if he were to offer approval for the scheme. The question that the Member and, I am sure, the House will want to ask is this: why is there no approval? That is a question that only the Finance Minister can answer. Unreasonably withholding approval could be unlawful, and it is certainly contrary to the commitment that was made to make the assessment politics free. I have been told that it will likely be approved but not today. I think that that says it all, and the House can reach its own conclusions.

Mr Ó Muilleoir (The Minister of Finance): If the Minister wants to take an intervention —

Mr Hamilton: I am happy to do so. I would more than welcome an intervention if he is going to indicate his approval for the business case.

Mr Ó Muilleoir: I would like to be more helpful tonight, but we are not there just yet. The area of concern remains that we do not have state aid approval. I know that the European Commission has been contacted, and I have some concerns in that regard. The scheme cannot kick off on 1 April without the state aid approval. That is an added difficulty for us, and we need to do more work in that regard. I am committed to speak to Colette Fitzgerald again

tomorrow, and I hope that we can make some progress there.

As the Minister knows, there are also major concerns around the inspection regime. He will accept — I am sure it will be in his narrative later — that without rigorous, robust, 100% inspections, this interim solution will fall. I do not have a business plan for the inspections regime. I think that it is like a horse and carriage; both go together. I am confident that I am applying myself today, tomorrow and the day after that, if necessary. Without repeating what I have said previously, the assessment, as the Minister said, will not only be politics-free but will be accurate and will stand up. When I sign off on the business plan, I will be able to say not only to Members but to the public that it stacks up financially and legally and that I can have confidence that it will be implemented. In that regard, those two stumbling blocks remain. I hope that we can make progress on the lack of clarity around state aid and, of course, on the fact that I still do not have in my possession or on my desk a business plan to approve the inspection regime.

Mr Hamilton: I commend the Minister for highlighting and illustrating, once again, his flair for the dramatic. He knows that state aid approval cannot be sought and will not be given unless there is approval from the Department of Finance and approval from this House. I am reluctant to say that it is almost a chicken-and-egg situation, given the issue that we are debating, but it is. The Minister is also well aware of our intentions in respect of bringing forward a tender for a 100% site inspections regime. I will give him a commitment to continue to work with his officials, so long as he responds to that in good faith and keeps this issue politics-free. Unfortunately, at this stage, that is not a conclusion that I can reach.

I will go back to what I was saying —

Mr Allister: Will the Minister give way?

Mr Hamilton: No, let me make some progress.

Today is about bringing in cost controls that are outlined in the regulations that are before us. To permit the current situation to continue would be grossly irresponsible. We have a situation where an average rate of return for recipients of the non-domestic RHI scheme is 60%. It is estimated that over 80% of recipients are earning over 12% rate of return. That is more than the original state aid approval for the scheme. I do not believe that any of us can allow that to continue, especially when we know

the consequences to the public purse. I accept that the process has not been perfect, but we need to act urgently.

I want to address the range of questions and points that have been raised by Members today and last week. The first point that I want to touch on is the issue of timing and why we are coming forward with the proposals when we are. There have been all sorts of suggestions as to why that is the case. It has been described as rushed, fast-tracked and a frenzy. In the Committee last week, Mr Chambers described it as going at a rate of 100 mph. I absolutely and fully accept that it is not ideal to bring forward regulations in the way that they have been. The haste in bringing them forward is not, of course, of my doing. I would have by far preferred to do so in the normal process. That is what was originally intended. I originally intended to bring these regulations to the Committee and the Assembly in the normal fashion, and I was planning to do so. Circumstances, though, have clearly changed.

Some argued that we were going too slowly; now they argue that we are going too fast. I would argue that Members who make those arguments cannot have it both ways.

Mrs Long: Will the Minister give way?

Mr Hamilton: Yes, I will.

Mrs Long: The Minister said that you cannot have it both ways, but you can. You can contrast the pace of change in February 2016, when the scheme closed and nothing appeared to happen, with the period since the 'Nolan Live' broadcast and the 'Spotlight' show, when suddenly there was a frenzy of activity to address the underspend. Members can have it both ways, because on one you dragged your heels and on the second you rushed into this. That is why we are now up against time. If this had been started in February of last year, we would not be in this situation.

Mr Hamilton: What I was going to say before the Member's intervention was that the Department for the Economy had not been inactive in addressing issues with the RHI scheme — far from it. I want to give a flavour of some of the things that the Department has been engaged in on the issue. When I took up post, I initiated site inspections on behalf of the Department by PricewaterhouseCoopers to investigate and examine accusations of fraud and abuse. Some 20% of installations have been inspected; that is a total of 295 installations. That work has been greatly useful

in informing our work on cost control, particularly on the modelling of use. We also commenced an internal fact-finding investigation looking specifically at why warning signs were not heeded and particularly at what happened with the concerned citizen. That has impacted on the Department's capacity to undertake this important work. There has been a need to rebuild that team, and I outlined last week how we intended to do that. There has been ongoing, almost constant, work on a range of cost control options that has conversations with the Department of Finance and the European Commission, and, at times, that work has focused on different options. Options were favoured and worked up, and other options were then considered and moved above them. The accusation that the Department has been doing nothing on RHI, never mind in respect of working on cost control measures, is nonsense. It was always my intention to bring forward regulations such as these at around this time of the Assembly session, although I accept that it would be preferable had it been earlier. Obviously, circumstances have changed, and we are now doing so in a fashion that, I freely admit, is far from ideal.

Another issue raised is that this is a short-term solution. This is a two-stage approach, and it is deliberately that for good reason. First, we need to stop the losses to the public purse; hence the time-limited solution before us. Secondly, it creates the time and space to work on and agree a suitable long-term solution to the problems with RHI. That will be done initially by a consultation to commence very soon. It will examine, as you would expect it to, the full range of long-term solutions that could be brought forward. I believe that there are benefits to a two-stage approach. First, we can consult those who are affected to find the right long-term solution. We can look at a full range of options. We can test them, model them, take account of things and decide on the best way forward. Secondly, I believe that it improves the legal robustness of this approach rather than proceeding, as some have advised me, to a long-term solution now. The Examiner of Statutory Rules points out that benefit in paragraph 6.12 of her report.

Another point raised is that the costs of the scheme are not zero. I would be the first to point out that I never said that they would be zero. My public comments on the plan were that it would reduce costs to effectively zero or, in effect, zero. The estimated cost to the Northern Ireland Budget in 2017-18 is £30 million. This plan will have a cost of between £2 million and £2.5 million. *[Interruption.]* Some

Members might not want to hear it, but that is a 92% reduction in the cost to the Northern Ireland Budget. I have said that it is "effectively zero", because I do not believe that that is where it stops. First, I believe that there will be behavioural change. The business case that underpins this has a conservative estimate of the behavioural change that will be caused by the introduction of tiering. I believe that that could go further and, indeed, may already be happening. Secondly — this is the very important point — I believe that the cost of just over £2 million will be reduced significantly further because of the bearing down on fraud and abuse. There will be a further bearing down on fraud and abuse that will produce cost benefits through the 100% site inspections that I referred to in response to the Finance Minister.

7.30 pm

Dr Farry: I am grateful to the Minister for giving way. I will park making a flippant comment about the difference between "zero" and "effectively zero", but will the Minister recognise that the comment that he is making is highly speculative and is, in fact, at odds with the evidence that his officials gave to the Committee last week, when they were very clear in saying that the figures presented did not take it down to zero and there would be a residual £2 million to £3 million and, indeed, that they were presenting a model and, in practice, there is a margin of error in that model that could go either way by quite a considerable margin? That is what they stated at the time. Therefore, he is in danger of overstating the prospects of this becoming zero on the basis of the factors that he is suggesting, and that is at odds with the caution that his officials gave to the Committee last week.

Mr Hamilton: I do not believe so. The important point — I will reiterate it for the Member and for the whole House's benefit — is that we have already undertaken significant work on site inspections. As I said, 20% of sites have been inspected, and that has produced some interesting results. As a result of that, some 33 companies on the scheme have had their payments suspended. I caution that you cannot take that 20% and multiply it, because the initial inspections were heavily targeted, but there is substantial work still to be done even on the 20% that have been inspected and on the remaining 80% that will be inspected, and I believe that that will highlight further potential fraud, further abuse and other things that should not be happening in the scheme. We will bear down on that, and that

will reduce costs even further from the £2 million.

Mr Swann: Will the Minister give way?

Mr Hamilton: No. I accept that it is not as low as we would want it to be, but it is significantly lower than the £30 million that the cost overrun will be if nothing is done. If the House does not support the regulations that are before us, the cost will be £30 million, and that will be no laughing matter at all. What is before us is a significant reduction with the potential to have it reduced even further. I am very hopeful that those inspections will root out fraud and abuse and, indeed, save us much more.

In her contribution, Claire Hanna — it seems a long time ago; it was last week — talked about Her Majesty's Treasury and the potential loss of the money that comes through annually managed expenditure. As well as turning off the tap of the flow of public funds, the intention of the regulations is to continue to keep the scheme in place and to take the scheme back to the original intention of the scheme living within its annually managed expenditure envelope. Over the 20-year lifetime of the scheme, the Barnett share of the Great Britain scheme is estimated to be £660 million, and the importance of having a scheme continue in place by whatever means that is in the long term is that that will be utilised and will not be lost to Northern Ireland.

Some have suggested that we should focus on the audit that I talked about in response to Dr Farry's intervention and said that, to reduce costs, we should focus on audit and inspection rather than tariff reduction. I will make several points in that respect. First, in my view, they are not mutually exclusive and nor should they be. Secondly, audit and inspection are essential if we are to stamp out abuse, which we cannot tolerate. As I said, the PwC inspections have inspected 20% of sites, which is 295 installations in total, and I repeat the point that I made some moments ago that payments to 33 installations have been suspended. Work is advanced on issuing a tender for 100% site inspections. That is much needed to further instil public confidence.

It would have happened as part of the scheme administration over the lifetime of the scheme anyway, but I believe that it needs to be accelerated.

Thirdly, no one should expect the sort of supernormal profits that they are getting from the scheme as it is currently constructed — that

is, returns of 30%, 40% or 50%-plus. As I said before, over 80% are earning more than a 12% return, which is above what was in the state aid approval, and the average rate of return is 60%. Trevor Lunn made the point about bona fide operators and that was repeated by, I think, Mr Allister. I agree with the comments that they made about bona fide operators. There are many. There are some who are not, but many — indeed, probably the majority — are bona fide. In my view, it is not bona fide to have returns of 50%-plus from the scheme.

I was troubled by comments made by Michael Doran from Action Renewables in 'The Irish News' on Saturday. When asked by the newspaper why no one in Action Renewables relayed concerns about the operation of the scheme, Mr Doran said:

"That's not what we were employed to do."

What we have is an organisation that helped 550 applications and that is now on the public record as saying that it would be:

"improper to then undermine that application by trying to have it withdrawn".

I think that there is something seriously wrong if an organisation that helped with over a quarter of applications knew that there were flaws but ploughed on and did not, as far as I am aware, alert the Department.

Another argument that has been made is that the proposals do not stack up economically for those who are on the scheme —

Mr Dickson: Will the Minister give way?

Mr Hamilton: I will give way, yes.

Mr Dickson: I thank the Minister and acknowledge the comment that he has just made about Action Renewables. I and, I am sure, many others were very concerned about the remarks that were made in 'The Irish News' on Saturday. To that point, Minister, I inform you that I have today written a letter to the chief charity commissioner for Northern Ireland to ask him to investigate that charity in respect of those comments.

Mr Hamilton: I thank the Member for his intervention. I think that the action he has taken is sensible, and I thank him for doing that. I think that he and, I am sure, most Members, if they reflect on those comments and go away and look at the article, will agree that it is deeply troubling. The implication of the comments is

that there was an understanding that there were serious flaws, yet nothing was done to alert the Department to those.

Some have argued that the proposals do not stack up economically for those who are on the scheme. That point was raised by the Renewable Heat Association and some Members during last week's debate, if not today. To reiterate the point: the proposed tariff is not new. It is the same as that which was introduced in November 2015. The proposals put all participants on the scheme onto the same regime. The November 2015 tariff was still considered an attractive incentive for many, and over 300, including many in the poultry industry, applied for the tiered-tariff scheme in the three- to four-month period that it was available before the scheme's ultimate closure in early 2016.

Whilst the Renewable Heat Association has said much and given evidence to the Committee, it has offered no real solutions beyond the audit and inspection point that I made before, which is, of course, going ahead. They have made no suggestions to tackle overcompensation or the fact that the rate of return is well beyond what was approved in the state aid approval and there are supernormal profits of above 50%. None of us can allow that sort of overgenerous subsidy to continue.

Some have asked why the measures contained in the regulations are not being introduced immediately. I would like to have had an immediate implementation of the regulations, so that we could immediately start to bear down on the cost to the public purse, but there are two practical considerations. First, Ofgem, the current scheme administrators, need some time to make the necessary administrative changes for enacting the new tariffs. Secondly, there is the issue of EC state aid approval. The proposal seeks to reduce state aid and better align it with the level originally intended. Discussions with the European Commission are ongoing and have been positive to date. It is likely to be approximately two months before approval is received. A long-term solution would take longer for state aid approval to be given. A slight delay in implementation is inevitable, which is why the dates are in the regulations.

This is probably an opportune moment to talk a little bit more about state aid approval. I know that I have already addressed it in response to the Minister of Finance. The proposal, as I said, seeks to reduce state aid and better align it with the level that was originally approved. I believe, therefore, that it is compatible with

state aid, and all the advice that I have received would suggest that it is. Officials have been working hard with their EC counterparts to ensure that state aid approval is secured. Those discussions have been positive, but, obviously, we will not know for sure until it is submitted. The clear message from informal discussions with the Commission in December was that doing nothing was not an option, and I agree with that. It is important to stress that it is clear in the regulations that they come into effect only if the Commission gives state aid approval.

Mr Nesbitt: I very much appreciate the Minister giving way. If I heard him correctly, he is suggesting that, while state aid will not be an issue, it will delay the initiative beyond 1 April. Do you have a date?

Mr Hamilton: The regulations mean that the initiative will come into effect by 1 April or on the date it receives state aid approval, whichever is the later. The Member will recall that last week, before the Secretary of State announced the date of the election and, therefore, the date of dissolution, one of my concerns was that any delay in passing the regulations would impact on the time frame for getting state aid approval. My understanding from the positive discussions that we had with the EC is that it takes around two months to get approval. I still fully imagine and believe that it will be 1 April when the regulations are enacted. I do not foresee any reason why state aid would be denied, not least because of the point I made at the outset that this is in effect reducing state aid. State aid was sought because it was an incentive. Support being given to businesses is reducing that, so I do not envisage any particular problem.

Mr Allister: Will the Minister give way?

Mr Hamilton: Yes, I will.

Mr Allister: I do not disagree with the Minister that it is reasonable to anticipate that there will be approval in respect of state aid. However, did he not tell the House earlier that you cannot even seek it or obtain it without Department of Finance approval for the scheme? Therefore, it could fall at the first hurdle. Without Department of Finance approval tonight, is he content to ask the House to approve the regulations? If they proceed without Department of Finance approval, whatever the politics of it, has he any concerns about what that does to undermine the probity of the regulations?

Mr Hamilton: Rather than turn this into some party political pantomime — we have had enough of that — I will take the Minister of Finance's intervention at face value — some might caution me against doing that — and assume that work is ongoing and that approval will be granted. I regret that that approval is not in place this evening; I see no reason for it not to be in place. It is deeply regrettable that it is not. Clearly, it would be ideal to have that approval in place, which would allow us to go to the EC with some confidence. I welcome the fact that the Member agrees with me — I note the date and time — that it will not have any difficulty in receiving state aid approval. However, he will understand and appreciate that, until it is formally approved by the House — clearly, we want Department of Finance approval as well — we cannot proceed to go to the EC formally. We have had informal discussions, and they have been positive.

I turn to another area that Mr Allister laboured in his contribution, which is the legalities of the proposals. I have taken extensive legal advice on the regulations, and that supports their robustness. Work started on cost controls some time ago, contrary to what some have suggested or may believe that this has been done only in the last number of weeks. It has been done over the last several months.

Two particular areas have been considered. They were both the focus of Mr Allister's latter contribution. The first was legitimate expectation.

The regulations are consistent with the well-stated original intention of the scheme in terms of its rate of return, even if that original intention, in its construction and how it worked through the scheme, was wrong. Excessive returns and supernormal profits, such as those that some are receiving, are not, were not and could not have been a legitimate expectation.

7.45 pm

Mr Allister talked about article 1 of protocol 1 of the European Court of Human Rights (ECHR). My understanding, from the advice that I have received, is that the court has been much less solicitous over the future income loss than taking away currently owned property. There is — the Member did not focus on this in his contribution — a public interest override. I believe that that is clearly the case. In a situation in which we are losing between £20 million and £30 million to the Northern Ireland Budget, there is a clear public interest for the Assembly to act in the way that I am advising

this evening. There is a clear imbalance between public and private interests. The Examiner's report deals with this issue in paragraph 16.1.9:

"It may be argued that these regulations are nonetheless a proportionate means of achieving that legitimate public interest objective."

Mr Allister quoted from article 1 of protocol 1 of the ECHR but stopped short. Beyond what he read into the record, the article states:

"The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest".

There is a right to property, and the court is much less solicitous about income derived from that property than the taking away of property itself, but, importantly, the same article in the ECHR states:

"The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest".

Mr Allister and other Members raised the point about compensation. Recipients of the non-domestic RHI scheme are being, and will continue to be, compensated. They will get a return in the range of 12%, as was originally intended. It is not in the region of the supernormal profits that the flaws in the scheme permitted. It is not like taking property off someone and not compensating them. The scheme remains in place, and members of the scheme are compensated as originally intended in terms of the rate of return.

It was Mr Aiken, I believe — it was that long ago; I think that it was last week — who mentioned, as he did at the Committee last week, the need for a renewables audit. Whilst the focus of this debate has been on the RHI scheme, some have raised issues or concerns about other schemes. Whilst there is no evidence, or none has been produced, I understand the supposition that some will make that, if mistakes have been made in one renewable scheme, that could be the case in others as well. I have ensured that some concerns that have already been brought to my attention have been investigated, but I will formalise that by initiating an audit of all renewable schemes. I have also signalled my

intention to establish, in my time left in post, a new strategic energy team in the Department. That will draw on experience from the public and private sectors to strengthen the quality of the advice that the Minister — whoever that is — receives.

The details of the businesses in receipt of the non-domestic RHI scheme should be published. I understand the concerns of many recipients, but there is also an overriding public interest in the matter. Last month, I wrote to all non-domestic RHI recipients, indicating my desire to publish details. The Department had to undertake a process that was consistent with section 10 of the Data Protection Act to assess the objections that were received against a public interest test. That work has concluded, and I wrote to all recipients again today indicating that it is the intention of the Department to publish details this Wednesday. I want transparency on the names — on the details, rather — of non-domestic RHI scheme recipients. I imagine that it will reveal members and supporters of — I just caught Mr McCann's eye, so maybe not quite all parties — many parties in the Assembly. Indeed, I note that today the UUP indicated that Sandra Overend has an aunt and uncle who are recipients of the scheme and that former MLA Neil Somerville is a recipient. I believe when publication happens it will show that it is not just, as some would seek to portray it, DUP members or supporters who are benefiting from the scheme.

In conclusion, the way in which these regulations have come forward is not ideal. I would far prefer full scrutiny and more time and to take them through the House in the normal way. The imminent dissolution of the Assembly has necessitated the approach I have adopted. I was planning to do it conventionally, but circumstances have dictated otherwise.

A lot has been said about various aspects of the RHI scheme, and there will be a time and a place to address and answer all that. That time and that place is the public inquiry. The choice today is simple: bring in the cost controls these regulations allow for; or fail to take this final opportunity — indeed, this is the only opportunity — to control the costs of the RHI scheme.

The House can support the regulations, or it can permit up to £30 million to be lost to the Northern Ireland Budget next year. I hope Members view the regulations in that context and support them. I commend the regulations to the Assembly.

Question put and agreed to.

Resolved:

That the draft Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 be approved.

Grants to Water and Sewerage Undertakers Order (Northern Ireland) 2017

Mr Hazzard (The Minister for Infrastructure):
I beg to move

That the draft Grants to Water and Sewerage Undertakers Order (Northern Ireland) 2017 be approved.

The order I am bringing forward extends the power for my Department to pay a grant to NI Water in lieu of domestic water charges. The current powers to pay a grant will expire on 31 March 2017, and the Water and Sewerage Services Act 2016, which was passed by the Assembly in January last year, provided the power to extend that date by an order laid before and approved by resolution of the Assembly.

The Assembly will be aware of the commitment of the Executive to not bring in water charging. It is the intention of the Executive to continue to bear the cost of water charges on behalf of domestic customers for the next five years. My Department had a timetable for implementing this order that would have enabled it to complete the draft affirmative resolution process in adequate time prior to the expiry date of 31 March 2017. However, the imminent dissolution of the Assembly means I have decided to bring the draft order here today.

The grant provides NI Water with the funding to enable it to maintain drinking water supplies and deliver sewerage services. Without funding, NI Water would quickly run out of cash and those services, which are fundamental to public health, economic growth and environmental protection would be put at risk.

I commend the motion to the Assembly and ask that it approve the order.

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

Mr McAleer: I take this opportunity to commend the motion to the House this evening. This is a good news story, and it is certainly in line with our party's position of opposing

domestic charges in the North and, indeed, across the island.

It is particular good news for the thousands of householders who would otherwise be faced with an average bill of £400 for water, which they already pay for in their rates. Indeed, as a result of the grant to NI Water, they also pay for it in their taxes.

Our party position is that access to water is a basic right. We welcome the continuation of the policy against water charges. As I said previously, it will be particularly welcomed by hard-pressed families struggling to make ends meet.

In commending the motion, I state that we as a party are fully committed to opposing and resisting water charges. By bringing the legislation to the House this evening, along with his decision prior to Christmas to cease the practice of installing meters in new homes, the Minister has demonstrated his commitment and, indeed, our commitment to the implementation of the policy against domestic water charges.

Dr Farry: It is a shame that this debate is coming quite late in the evening after the renewable heat initiative, because the consequences of the decisions that the Assembly takes this evening may be as deep and far-reaching as the need to have mitigation measures for RHI; indeed, they may go further.

This is being presented as a good news story by Sinn Féin, which is keen to get the order rushed through ahead of an election campaign. I fear, however, that they are not fully thinking this through and are making a commitment that may not stand up to wider scrutiny or be a wise one to make. I will make a number of points in that regard. First, Sinn Féin claims that it is trying to give certainty over water charges. That raises the question of why they want to go as far as 2022, especially when I am not sure — I would welcome any clarification to the contrary on it — that there has been formal Executive approval of this. Certainly, this commitment has been made ahead of the formal agreement of never mind a one-year Budget but what should be a three- or four-year Budget on the part of the Executive. The Minister is potentially making a long-term financial commitment on how resources are to be used by the Executive. It may well be that most parties are perfectly comfortable with that, but there are consequences that flow from it. There is also the issue of the extent to which the Minister has the capacity to bind future Assemblies — I stress that I mean multiple

Assemblies — given the potential risk of elections into the future.

The main points that I make concern the substance of the order. There are probably three aspects that the Minister needs to address properly before the Assembly, and they really relate to what other options he has. Great play has been made that we do not want to pass on additional domestic charges to people and we do not want them to pay water charges per se. It may well be that we do not want to raise any additional revenue from people, but, if we were simply to shift resource that we currently raise through the regional rate and instead raise that through a water charge entirely on a revenue-neutral basis and if that were linked to a change in the governance nature of NI Water, it would have the capacity, based on the collection of a water charge, to move onto a stronger footing to borrow commercially. In turn, that would open up the potential for further investment in our infrastructure at no further revenue cost to the Northern Ireland block grant. I fear therefore that we are forgoing a major opportunity to bring in additional resource to invest in our crumbling water and sewerage infrastructure across Northern Ireland. We are conscious that, in Belfast, there is a major issue with the sustainability of the infrastructure — something that may inhibit our ability to attract inward investment in coming years.

The approach that the Minister has taken — it builds on what has happened previously — of treating Northern Ireland Water as essentially a non-departmental public body stands in contrast to the concern that has rightly been voiced about the potential reclassification of housing associations by the Office for National Statistics and the consequence that will flow from that in terms of their restricted ability to borrow.

Therefore, we get a sense that, on the one hand, this is a big deal for housing associations in that it is important that people who are trying to do a public good by building houses should have the maximum ability to borrow money but that, on the other hand, for Northern Ireland Water, for the political reason that water charges are a massive taboo that no one is prepared to take on, we are forgoing the ability to look at the governance issue around Northern Ireland Water and allow it the ability to borrow commercially.

Potentially, we have an opportunity cost in resource per annum that is on a much greater scale than the current liability from the overcommitment from the renewable heat

incentive scheme. That is to put that point into context. If people want to go out and make a big fuss about what we are doing about renewable heat and cracking down on corruption and the waste of resources, they need to be consistent about that and look at something that stands right before us.

8.00 pm

Leaving aside the opportunity that flows from a potential reclassification of how we raise the same amount of money, there are also issues that the Minister needs to address around the approach that we take to VAT treatment, which may leave us open to tens of millions of pounds of additional charges to the block grant from HMRC. I appreciate that we are on schedule to leave the European Union, but, like the Minister, I am determined that we should do our best to remain and seek some form of special status. However, there is a running risk of infraction proceedings to Northern Ireland from our failure to adopt a different approach to how people pay for water.

There are three major substantive issues that I do not believe have been properly aired on this: VAT; European Commission infraction proceedings; and, most important, the opportunity foregone to revisit the classification of Northern Ireland Water and the ability, through a separate water charge, to allow it to borrow commercially and therefore have a much greater resource that can be reinvested in improving our infrastructure. In making those three points, I re-emphasise that all of that can be done without our having to incur any additional revenue in net terms from households. It can be done by shifting the same buck that we raise through the regional rate but instead raising that buck through a water charge. In essence, we get a bigger bang for our buck if we are prepared to be creative. The Finance Minister was here previously, and he in particular has made great play of his willingness to be creative and to push all the boundaries to make the best use of the resources available to the Northern Ireland Executive. Particularly in these straitened times when we have to squeeze out the maximum efficiency from every pound and every penny, I am slightly confused and bewildered about why, for superficial political reasons, we are not prepared to be a little more creative and innovative about how we manage our money.

Mr Humphrey (The Chairperson of the Committee for Infrastructure): I welcome the opportunity to speak as Chair of the Committee for Infrastructure on the statutory rule relating to

the draft Grants to Water and Sewerage Undertakers Order (Northern Ireland) 2017. The purpose of the rule is to extend the period during which the Department will pay a subsidy to Northern Ireland Water in lieu of domestic water charging. The Committee considered the proposal for the statutory rule at its meeting on 12 October 2016 and agreed the proposal, with the dissent of one member, Mrs Kellie Armstrong. The Department for Infrastructure wrote to the Committee on 10 January 2017 requesting that the rule be considered by the Committee as a matter of urgency in order to facilitate the scheduling of a debate in the Chamber. The letter stated:

“Due to the uncertainty around the restoration of the Assembly, it is important to get this legislation through the Assembly process urgently to ensure that NI Water can carry out its functions from 1st April 2017”.

On 10 January 2017, the Examiner of Statutory Rules considered the order and indicated to the Committee on 11 January 2017, just before the Committee meeting commenced, that she had no issues to raise.

In light of this, the Committee considered the statutory rule on 11 January and, again, agreed the rule. Again, with the dissension of only one member, Mrs Armstrong.

Mr Hazzard: I thank those Members who have commented on the motion this evening. Some general issues and several specific points have been raised.

I will turn first to Mr Farry's question: why, for the period of time? Members will be aware, obviously — we have made a public statement about this — that the Executive have made a commitment not to introduce water charges in the current mandate for domestic customers and this time was due to run out in 2021. The extension to 2022 was required to give the new Executive time to consider that position on water charging. In addition, NI Water estimates that it would require two to three years from any change in the position before it could introduce a charging system for domestic customers; but that will not be happening.

The second point that Mr Farry raised was around governance issues and the way forward. They are all issues that I have given thought to and that, I have no doubt, would have featured in the mandate in the time ahead, but we are not at that point today. The Assembly is about to be dissolved. The

measures that we are taking here tonight are to ensure that NI Water does not dissolve in front of our very eyes too and that customers are then asked to pick up the burden for that decision. So, that is the position that we are at. I am more than happy to state that we will not be introducing domestic water charging.

Mr McCartney: Will the Minister give way?

Mr Hazzard: Yes.

Mr McCartney: The Minister has alluded to the fact that the Assembly is about to dissolve, and we will all go to the doors in the coming weeks. I commend the Minister. Certainly, when we go to the doors, many issues will be raised, and it will be good for us, as Assembly Members, to be able to say to people, "No water tax". That was a guarantee given over many years and one that is being delivered yet again.

Mr Hazzard: I welcome the comments. I am not sure if the Alliance Party members are upfront and honest with the people on the doors when they say, "We are against all of this, but, at the end of the day, do you know that we also want to introduce water charges?". I am pretty sure it is something that they keep off their election trifolds.

Dr Farry: Will the Member give way?

Mr Hazzard: Yes.

Dr Farry: The Member will be aware that all the points I just read out were, essentially, in our Assembly manifesto last year. Indeed, I answered the questions around that in quite considerable detail on 'The Stephen Nolan Show'. I do not want to bring back memories to the Minister of 'The Stephen Nolan Show' on elections.

While I have the Floor, I just want to clarify something with the Minister. He is saying two different things. He is saying that he appreciates that there is a need to look at the issue of governance, and, if that is the case, I would accept him perhaps extending the current subsidy to NI Water for a year or two years while he or his successor conducts a review around governance. However, that is at odds with giving an extension through to 2022, which, essentially, means maintaining the status quo for another five or six years and forgoes the opportunity to have that wider review of governance, which, I stress, if done properly, could bring in tens of millions of pounds every year beyond what we currently have to allow us to invest in our infrastructure.

Mr Hazzard: I am delighted that the Alliance argument around water charges does not chime with more of the electorate and that the particular reason does not hold sway, because this Executive certainly are not for turning on this issue. There will be no water charges for domestic customers, and we have ensured that.

I am very aware that article 9 of the water framework directive requires member states to have water pricing policies that provide adequate incentives for users to use water resources efficiently. NI Water already charges non-domestic users. Also, a proportion of the domestic rates contributes towards the cost of domestic water charges. The Executive have undertaken not to introduce household charges, and I believe that runs in tandem to that. I believe that this order will reinforce the Executive's commitment not to bring in water charging for households, and I thank the Members for their support.

In conclusion, I would also like to thank the Examiner of Statutory Rules, the Committee for Infrastructure for its speedy consideration of this order and the Business Committee for its assistance in enabling me to bring this important legislation to the Assembly today. I ask the Assembly to approve the order.

Question put and agreed to.

Resolved:

That the draft Grants to Water and Sewerage Undertakers Order (Northern Ireland) 2017 be approved.

Private Members' Business

Good Friday Agreement Values and Principles

Madam Principal Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. One amendment has been selected and is published on the Marshalled List. The proposer will have 10 minutes to propose the amendment and five minutes to make a winding-up speech. All other Members who speak will have five minutes.

Mr McGrath: I beg to move

That this Assembly calls on the British and Irish Governments to convene all-party talks to

identify how to affirm and promote the values and principles of the Good Friday Agreement, to address issues that have arisen in relation to strands one, two and three of the agreement, to comprehensively and conclusively address all matters that have led to political instability and have been an impediment to reconciliation, and to further agree how to best protect the interests of the people.

I rise this evening to propose the motion about the principles of the Good Friday Agreement. The people of Ireland, North and South, overwhelmingly endorsed the Good Friday Agreement in 1998 after the talks that were the culmination of the peace process, which brought ceasefires to our communities, saw violence removed from our streets and brought hope to the people of the North. In that moment of hope, people were led to believe that we would deliver a future that was free from the shackles of the past.

We must acknowledge and never lose sight of where we are now and just how far we have come, but the process is always fraught with dangers and worries. Only last night, one of our police officers was shot whilst carrying out his work trying to deliver a safe and welcoming community in north Belfast. Last night, people believed that it was acceptable for them to head out of their homes, pick up weapons and seek out a young police officer and target him with death. Nothing could be further from the principles of the Good Friday Agreement, and I offer him my best wishes for his recovery. What happened last night was a failure of some to live up to the core of the Good Friday Agreement and to ensure respect, parity of esteem and, indeed, equality. However, I note that where we are in society now is not where we could be.

We have consistently asked for a political process not a security process, a political solution not a paramilitary one. If you were to ask us if we would have the Good Friday Agreement again, our reply would be yes, yes and yes. For sure, we would do it again. It has been and remains a sound road map to the society that we want and the type of community that wider society needs. It is an agreement that addresses the people of the North: that is strand one. It addresses the relationship between the people of the North and the rest of Ireland: that is strand two. It addresses the relationship between the people of Ireland and Britain: that is strand three. Those three strands were underpinned by the basic principles that must always extend in any civil society: respect, parity of esteem and equality, to name but three. Those strands and

principles should have been the standards of the past. They should be the principles of the present, and, for us, they are still part of the vision for the future.

The SDLP has warned that real damage has been done to the concept and practice of the Good Friday Agreement, particularly in the last 10 years. We warned that the spirit and substance of the agreement were being degraded. We said that the DUP was attempting to reconfigure the agreement in the image of the old world that it knew and loved. We were public in saying that Sinn Féin was agreeing to government on DUP terms. Where did all the new roads go? Where do they not go? Where is the equality Bill? Where is the Irish language Bill? Is there a dedicated anti-poverty strategy in the Programme for Government applauded by the DUP and Sinn Féin only eight weeks ago? The DUP has tried hard to diminish the value, contribution and substance of the Good Friday Agreement. Sinn Féin has been weak and has been powerless to prevent them. Where is the equality? Maybe it is a different slant on the Trojan Horses that we hear about.

8.15 pm

The SDLP spoke straight with the people of Northern Ireland. We said that 'A Fresh Start' was not what it claimed to be. Others were not straight, and 'A Fresh Start' has proved to be a false start. We were straight with the people of Northern Ireland. We told them that we would not go into government on DUP terms. Others did so with no firm commitments on equality, language, North/South bodies or equal marriage and nothing on addressing the deep concerns about public finances and how they are managed. We were straight when others were not. In the last weeks of last year, the DUP and Sinn Féin said that they were working hard for people, with articles in the 'Belfast Telegraph' and briefings about how great things are. Now we know the truth. We were straight with the people of Northern Ireland when others were not.

The question now, of course, is this: how does Northern Ireland keep going? Do we go in the direction of failure, or do we affirm the Good Friday Agreement, its values and ambition? One of its core principles, by its very nature, is that it accommodates different ambitions and identities and gathers us all round the right values. In essence, it is about the radical middle, because that middle is needed for all of the Good Friday Agreement and its institutions to work to the optimum. For its ambitions to be realised, the agreement needs the people and

parties who are fully committed to its values and outworkings.

Ten years of DUP rule with Sinn Féin consent has failed us and will continue to fail us. We have a different ambition: we call on people to get back to the heart and soul of the Good Friday Agreement. We call on government to affirm the heart, soul and practices of the agreement. We call for all-party talks that embed and do not erode the value of the Good Friday Agreement and grow and not sideline any of strands one, two or three, none of the requirements that deal with all the unresolved issues, and help us to address the horror that is coming down the line with Brexit.

That is no easy task, but the SDLP has never gone down the easy road. We faced down state violence and paramilitary terror. We argued for political accommodation, for policing reform and for government that knew that much of its business would be jobs, houses and health.

Mr Stalford: I appreciate the Member giving way. He refers to the new start on policing. He also referred to equality. Does he agree that it was hardly fair or decent that people were actively discriminated against on the basis of their religion when applying for a job?

Mr McGrath: Many things had to happen as a result of the Good Friday Agreement that addressed tens if not hundreds of years of imbalance. Some things had to be swallowed in order to give us a fair and equal society.

We now say to the two Governments that they must show their good authority and have all-party talks across the full range of current requirements. Sinn Féin has, in a panic, rushed us to the ballot box. Even its core constituency could no longer accept government on DUP terms, including RHI on DUP terms. In order to catch up, Sinn Féin has panicked and gone for an election. Let us be careful, because that election could end up giving London more power here to do its worst — a London Government who will be, all at once, hard unionist, hard Brexit and hard Tory. We cannot allow London, Sinn Féin or the DUP to do any more damage to the democratic will of the people of Ireland and to our agreement.

Mr Agnew: I beg to move the following amendment:

Leave out from "all-party" to the second "agreement" and insert

"a constitutional convention, including politicians and other citizens, to review, reform and revitalise the Good Friday Agreement with a view to the future,".

The Green Party believes that the traditional parties have wasted the opportunities of the Good Friday Agreement. This was the people's agreement. I say that with a degree of personal passion because I turned 18 in the year of the referendum. I would not say that I was political at the time. I was passionate about many things but not those reflected in Northern Ireland politics, and I did not come from a political family.

For the first time, however, we were discussing politics around the table at home. We had a real debate in the house, and, without betraying family confidentiality, not everyone voted for it — it was a divided house in that regard. It was genuine engagement, and it really did feel like we had a say and a stake in the future of Northern Ireland.

Then, when the traditional parties got power, they guarded it jealously. It stopped being the people's agreement and became about what politicians in Stormont wanted and how they wished to interpret the Good Friday Agreement. Now, from some parties, we have proposals: one is to cede power back to Westminster; and there is even one for joint power with the Irish Government. The Green Party will reject that. We believe that it is absolutely the wrong direction of travel and takes the people's agreement further away from them. The Green Party proposes instead to have a constitutional convention, devolve power back to the people and give citizens a real stake in what happens here.

If we go back to 2007 and the St Andrews Agreement, we see that one of two things happened. Either, as the DUP claimed, the agreement was fundamentally changed — it had opposed the Good Friday Agreement but supported this one — but, if so, I ask the DUP what, given that 72% of people voted for the Good Friday Agreement, gave it the right to change it? You did it after an election, not before. Where was your mandate to do that? Alternatively, as some suggested, it was tinkered with, and the institutions remain largely unchanged. Either way, I have always argued that there has been a democratic deficit since.

Since St Andrews, we have had the Hillsborough agreement; the Haass talks; and Fresh Start, or "false dawn", as some now refer to it.

Mr Ford: I will claim the credit for that.

Mr Agnew: It was David Ford. I give credit to Mr Ford for the term "false dawn". Each of these agreements involved secret negotiations behind closed doors, without the light of public scrutiny, and each has chiselled away at the Good Friday Agreement — the people's agreement. That is why I support the intention behind the SDLP motion, but, equally, I recognise that this is 20 years on. As an 18-year-old, I got to vote in the referendum on the Good Friday Agreement, but there will be voters in March who cannot remember 1998, never mind had the opportunity to vote.

It is not just about going back to the values and principles. We need to go back to the agreement. We need to review, reform and revitalise it, and then go forward with a new agreement. We need a new deal that is suitable for today and, indeed, the future, because we cannot keep having crises. We cannot keep having crisis talks year after year — at one point, it seemed to be the annual Christmas tradition. Institutions and agreements that are continually in crisis need to be looked at again with today's context in mind.

Yes, we should go back to those principles and values, but we must go forward with a new agreement endorsed by today's generation. We sometimes use the term "ugly scaffolding", and I am sure that someone will enlighten me as to who came up with it.

Mr McGrath: Mark Durkan.

Mr Agnew: I was going to say Seamus Mallon, so I am glad that I did not. We talk about the ugly scaffolding of the Good Friday Agreement, and there is no doubt that it was of its time and of its context. It was about getting peace on the road, but I hope that we are some way down that road now. It is time to look again at the ugly scaffolding to see whether we can make it that bit more beautiful.

The Green Party proposes a constitutional convention. The idea is to bring citizens and politicians together in order that citizens become part of the decision-making process. It would be a time-bound process, so it does not have to be lengthy. We can put a deadline on it and come to conclusions on issues that these institutions have found intractable but could be resolved, I believe, with the right structures in place. When we bring the public in, we stop having the fears that all parties have about watching their vote, watching their back and watching what their rival parties will do.

Ultimately, at the end of any process, there should be a referendum; so you let the people decide. In that, cynically or otherwise, you have political cover.

What issues could we address? My party would like to start with the community designation that enshrines sectarian division in our institutions and, tied to that, the petition of concern that has led us to some of the crises and continues to frustrate progress in the Assembly. I also believe that, as part of a new, or at least updated, constitution for Northern Ireland, we need to enshrine transparency of political donations. If 1998 started the normalisation of politics in Northern Ireland, this is an essential part of continuing that normalisation. There seems to be an increasing degree of support for voluntary coalition. These are the types of things that we can put to the electorate, engage with them, seek their views and include them in the process.

There are other issues that many have highlighted as remaining unresolved from the Good Friday Agreement; Irish language legislation is an obvious one. It has never been more important that we discuss the issue of a bill of rights in the light of a possible exit from Europe. As well as that, there is the Civic Forum. Again, it does not have to be about bringing something back but looking forward to how we engage citizens on a continual basis and make sure that the people's agreement is exactly that, an agreement for the people, so that they have a continued stake in decision-making.

In the model that works, we have a template in the Irish Convention on the Constitution. Unlike Northern Ireland, the Irish constitution cannot be changed without the citizens' consent. That is what I would like to see here. I can honestly say that the Irish Convention on the Constitution, which I was very privileged to be a part of, was one of the best pieces of deliberative democracy that I have ever seen. It was genuinely something to see true engagement between politicians and citizens and see people have a say that made a difference. Ultimately, the Republic of Ireland was able to tackle, for example, what was sometimes seen as the politically divisive issue of equal marriage. It was able to resolve that in a dignified way and put it to a public vote, with the result — unsurprising to me but perhaps more surprising to those looking in from the outside — that so-called Catholic Ireland supports equality for the LGBT community. I believe that the people of Northern Ireland do also.

It is my view that we can bring forward proposals, through engagement with the public, to bring these institutions up to what we expect in the current context. The process should be open and transparent, as it was in the Republic, and that contrasts with dodgy deals such as Fresh Start. The current constitutional crisis presents us with an opportunity for change, and we should not waste it.

Mr Stalford: Listening to the last Member speak, I was delighted to hear a strong and robust defence of referendums, the integrity of their outcomes and how they should be protected. I hope that he abides by that principle.

I listened to the person who moved the motion and noted that the words:

"the old world that it knew and loved"

were used in reference to me, as a member of the Democratic Unionist Party.

I can talk only, I suppose, about my family experience and my family background when he talks about "the old world that they loved." I am quite proud of the fact that, on my mother's side, no one has voted for the Ulster Unionist Party since the foundation of the state. They were Northern Ireland Labour Party people. They were Northern Ireland Labour Party people because they saw the Ulster Unionist Party as the Tory Party. They were trade union people — working-class people who worked in the shipyard. They came from the bottom of the Newtownards Road, and they were very supportive of the Northern Ireland Labour Party. They would never have voted for what they saw as the Tories. I remember asking —

8.30 pm

Mr Nesbitt: Will the Member give way?

Mr Stalford: Just one second. I will, yes; I will give way to a modern-day Tory. I am happy to give way in a second.

I remember asking my granny, "Why did you always vote Labour?". She said, "Because they gave us the NHS." So, when you talk about "the old world", you might well be talking about aristocracy and unionist gentry, but, let me assure you, that is not my people and that is not who I come from. That is not an old world that I look back on or want. I want us to use devolution in order to improve the lives of the people that we are sent here to represent. Devolution is a valuable tool for us to improve

the lives of the people that we are sent here to represent.

Mr Nesbitt: I thank Mr Stalford for giving way. I did not pick up whether your parents are still alive. If they are, can you tell us what they have said, and, if not, what you think they would say, about your party hosting a champagne reception at the Conservative Party conference?

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

Mr Stalford: My father is no longer with us, but, in truthfulness, my mother would say that it is in the interests of unionism to make friends in all the political parties and not to hitch ourselves to one, as you did in UCUNF, which prompted your political career.

Mr Ford: How is Jeremy Corbyn?

Mr Stalford: Not while Corbyn is the leader, but afterwards, hopefully. People talk about 10 years of failure. I have made this point previously: for nine and a half of those years, you were part of that Government as well. I think that, over the course of that 10 years, your party, the Ulster Unionists, Alliance, Sinn Féin and ourselves have had achievements that we can point to that have materially improved the lives of our constituents and made things better for the people that we are sent here to represent. If devolution is not about making the lives of our constituents better, then of course people are going to question the value of it or why we should have it.

You talk about the values of the Belfast Agreement. One of the issues that I have already put to you relates to the destruction of the RUC. As a consequence of that, Protestants from Northern Ireland were the only people whom it was legal to discriminate against in the entirety of the European Union on the basis of their religion. Whether or not you make an argument that that was about addressing historical imbalances, it was the reality. So I am very glad that you mentioned St Andrews. I am very glad that, at St Andrews, that was negotiated away, and once the percentage reached 30% of people in the PSNI, the discriminatory 50:50 recruitment rule was done away with. I do not think that those are the sorts of values that we as a society should embrace, celebrate or support.

Mention was made of moving to talks and of the ugly scaffolding. I am up for that; I absolutely am. I would welcome that because I think there

are things about the way in which this system works. Some of them are hangovers from 1998, and some come from 2007 onwards. I am absolutely up for fundamental reform of the way in which government operates here. I think that that is in keeping with the mood of where our people are, and, despite where we are heading, I believe Northern Ireland and our people are at a point where we no longer need enforced mandatory coalition. We are mature enough as a society. There will be no going back. No matter what happens as a consequence of where we are presently, no one seriously thinks that Northern Ireland society will slip back to where it was when I was born, in 1983. No one thinks we are going back there.

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

Mr Stalford: I will. I think that we are in a better place, and I think that our people are up for fundamental, root-and-branch reform. I would welcome the opportunity to participate in that. In my last four seconds —

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

Mr Stalford: If you would just give me one second, I was about to wish you all the best.

Madam Principal Deputy Speaker: The Member's time is up. I call Gerry Kelly.

Mr Stalford: I was about to wish you all the best in your retirement, but fair enough.

Madam Principal Deputy Speaker: I would like to call Gerry Kelly.

Mr Kelly: I wish you all the best as well.

I will begin by repeating something that Martin McGuinness said a few days ago:

"All of us in political life have a duty and a responsibility to stand up for all sections of society."

For me, that is what the Good Friday Agreement is all about: mutual respect, equality and parity of esteem are the core principles of the Good Friday Agreement. They are fundamental principles that should inform not only our day-to-day interactions and decision-making but, if embraced with confidence and commitment, can lead us all out of the mire of past antagonisms and perhaps

into a better shared future. It is worth remembering, however, certainly at least by way of context, that, for almost 80 years, despite what Christopher Stalford says, nationalists living in the North had to endure unionist and British political domination and endemic discrimination in a deeply unequal society. So, mutual respect, equality and parity of esteem — that handful of words — mean such an awful lot. They also, I suppose, ask a lot of us. They ask us to reach out to our fellow citizens in a spirit of tolerance, yes, but also with a measure of acceptance of the cultural, political and religious differences that exist between us; acceptance of different sexual orientation and gender identification and different family formations and life choices; and acceptance of racial and ethnic differences and so much more.

However, what none of us should ever accept is the idea that those differences can ever justify inequality and disrespect. We collectively need to give full effect to the Good Friday Agreement provisions, including the establishment of a single equality Act, a bill of rights for the North of Ireland, and the creation of an all-Ireland charter of rights.

In 1998, as Members who spoke previously said, through a process of dual referenda, the Good Friday Agreement was democratically endorsed by an overwhelming majority of voters. So, while the Green Party talks about a new agreement and about the people having their say, the people, North and South, have already spoken on this. That was a hugely important moment in our shared history. The agreement envisaged a bill of rights particular to the circumstances of the North. The clear import of that was to have a maximum approach to rights protection.

Mr Agnew: I thank the Member for giving way. He says that the people have spoken, but I point out that that was almost 20 years ago. On the issue of a border poll, for example, would he be content that it be changed to every 20 years? I suspect that he would not see that as being frequent enough.

Madam Principal Deputy Speaker: Tá nóiméad breise ag an gComhalta. The Member has an extra minute.

Mr Kelly: The people have spoken and said that it should be every seven years, but that aside.

The core problem that we face now is not in the agreements reached through negotiations but

the obstacles that have continually been put in place in the implementation of important aspects of the agreements — not only the Good Friday Agreement — by unionists and the British Government. Those issues include an Irish language Act — Acht na Gaeilge — an all-Ireland charter of rights, the single equality Act, the Maze/Long Kesh peace centre and, more recently, the legacy of the past structures.

This is still a society of many inequalities and great divisions. As many as one in five people has a disability, and people with a disability are twice as likely to be unemployed; one in three children here lives in poverty; a third of those who are economically inactive have no qualifications; sectarian and racist attacks still happen all too frequently; and homophobic attitudes and hate crime remain part of our experience. And, of course, the gender pay gap continues. Yet, despite those difficulties, the will to change is already out there, and it is in our communities. That, unfortunately, is not reflected in political unionism.

A survey carried out by the Equality Commission found that 91% of people in the North support equality laws. So, my view is that it is time for a step change, and the Good Friday Agreement is fundamental to that. To have a properly functioning, power-sharing Executive and Assembly, there needs to be a belief in, as well as a commitment to, mutual respect, equality and parity of esteem. Let me say again that, whether you are talking about legislation or agreements, while you can get the best agreements in the world and the best type of equality legislation in the world, it is not enough.

It gives you a structure on which to build, but if you do not have the political will, all those will fall. You can put it to the people, and you can have another agreement, but if there is not the political will, then it will fall. I will finish with this: with political unionists, the question is whether they will eventually step up to the plate.

Mr Nesbitt: I am glad you are still here, Madam Principal Deputy Speaker; good luck thereafter.

I support the motion but not the amendment, because I believe that, after 2 March, the responsibility of the 90 who come back here, in very well-paid jobs, is to get on with it and start governing and offering an effective opposition. I fear that to simply say that our first act would be to throw it back to the people sends out the wrong signal.

Yes, talks now seem pretty much inevitable and, perhaps, worth it if short-term uncertainty

brings us longer-term stability. But, I will put in this very important proviso: when we come back after 2 March, we will be very close to the Prime Minister triggering article 50 and a two-year negotiation on the exit from the European Union, and it is critical that we start making our voice heard. This Executive are folding without having published a single A4 sheet of paper about the vision for Northern Ireland beyond the European Union or the plan for how we maximise the advantage to us or any asks. Nothing; not even the priorities and whether we think they clash with or complement Mrs May's priorities. I am sure that we are in no doubt that some of our priorities will clash with hers; what are we going to do about that? How are we making the case, and what are the communication channels?

Yes, there will be negotiations and a return to the values and principles. Sometimes, some Members confuse values and principles with actions. There were actions associated with the 1998 agreement, which were transitional arrangements and which were painful, particularly for unionists. Mr Stalford tried to imply that the agreement wrote in the destruction of the RUC. That is not quite right. It wrote in a review, which led to Patten, which led to the recommendation that we reform. If you really support the police, would you not be listening to somebody like the Chief Constable, who was a proud member of the Royal Ulster Constabulary, saying he is now proud to lead the PSNI and very grateful of the fact that it commands more support than the RUC ever could have, for whatever reason.

Last week, Mr Stalford referred to the painful early release of prisoners, but no prisoner would still be in prison. Unless I am very much mistaken, one of the prisoners who availed himself of early release was Dee Stitt, that darling of the DUP. Let us get away from the transitional arrangements and start focusing in on the values and principles.

Paragraph 2 of the agreement states that:

"We must never forget those who have died or been injured and their families. But we can best honour them through a fresh start".

A fresh start. Those are the words in the agreement:

"in which we ... dedicate ourselves to the achievement of reconciliation, tolerance, and mutual trust".

I am afraid that in my assessment of the last 10 years, while the DUP and Sinn Féin have

shared the space that is Stormont Castle, there has not been enough effort to achieve those values and those principles.

Paragraph 2 says that:

"The tragedies of the past have left a deep and profoundly regrettable legacy of suffering."

Indeed, at the beginning of those 10 years, I and three others were called to the castle by the then First Minister, Ian Paisley, and the then deputy First Minister, Martin McGuinness, and asked to set up a commission for victims and survivors. It was incredibly challenging to ask four people co-equally to take that forward. As it turned out, one was an ex-member of the SDLP, one had an association of some undefined depth with the DUP, one had lost a brother who had been an IRA man who was shot dead by the Army, and the fourth, who had no political affiliation at the time, is now leading the Ulster Unionist Party. *[Interruption.]* There was certainly no public declaration of support. That was a very, very challenging thing to be asked to do, and yet we got on with it.

I will tell you what is different between what we did then and what happens in here. We argued but you never heard us argue. We argued behind closed doors, and we found a position that we could take out positively and unitedly to the public. Here, we do just the opposite. I remember being in UTV. There were arguments on live television and then we would take the politicians upstairs to the green room and they would crack open a Budweiser and say, "How is your big son getting on at uni?". We do it the wrong way around.

8.45 pm

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

Mr Nesbitt: Let us get back to the values and principles of the agreement. Principal Deputy Speaker, I wish you well as you open the next chapter of your life.

Dr Farry: It is clear that we are going to have a talks process after the election. That needs to be both an intensive and very focused process in which we need to address a range of very difficult and challenging issues and, indeed, to look at some of the structures that have been holding us back over the past number of years. I am glad that the motion refers to the values and principles of the Good Friday Agreement, because I think that it is important that we

recognise that those are very durable. They are something that we should constantly remind ourselves of and return to on a regular basis, particularly at times of political difficulty.

It is important that we make that distinction between the values and principles and the specific structures. While my party was supportive of the Good Friday Agreement back in 1998, at that time, we expressed some reservations around the very detailed nature of the proposals and how those could, in due course, destabilise Northern Ireland and prevent us from realising our full potential. We have been very much vindicated in that analysis. However, even if you dispute that particular point, looking back almost 20 years to the Good Friday Agreement, it is clear that our structures have been holding us back in more recent times and that there is a need for some degree of change.

I concur with the remarks made by both Mike Nesbitt and Gerry Kelly that, ultimately, power-sharing can only work if there is trust, mutual respect and partnership between those who are attempting to share power. In practice, what we have had in many of our attempts at power-sharing is more of a power carve-up, where we have an almost transactional approach towards the Executive rather than a genuine partnership where we are looking to a common vision of Northern Ireland and moving ahead in a coherent manner.

The structures matter. If designed correctly, they can further incentivise cooperation, but, when they are drawn incorrectly, they can disincentivise cooperation or, indeed, provide blockages. It is worth referencing three particular aspects in this regard: the fact that we have mutual vetoes in the Executive; the fact that we have the petition of concern; and the fact that we have institutionalised sectarianism most clearly demonstrated through the use of designations in the Assembly but also permeating through some wider aspects of our public policy and an inability to address that.

I have to say to Sinn Féin, which is making a great play about its demand for equality now, that it is stressing the term "now" because it has passed up opportunities to address equality issues in the past. We have made much of the fact that, when we were offered the opportunity to take on the Justice portfolio back in May 2016, we had what we viewed as five reasonable demands. The first was a reform of the petition of concern to take it back to the original intent when it was designed in 1998. It was clear at that stage that Arlene Foster

banged the table and said, "No, never. We are not doing that. That is a way whereby we are going to have to fold on equal marriage: it's not happening".

At the same time, Sinn Féin was also very clear that it was not for budging on the petition of concern. There is this notion that Sinn Féin is seeking to force through equality issues through talks process after talks process. The far better way is to ensure that we are able to address equality and human rights issues on an ongoing basis through the provision of a natural process of deliberation and building sufficient consensus, where there is not the risk of a veto being used inappropriately.

If they are serious about addressing equality issues, albeit belatedly — I draw their attention to the fact that there has been virtually no progress on equality issues under devolution over the past 10 years — they have to be serious about the reform of structures and not just make demands as to what they seek to do.

In closing, I want to make a point about Brexit. We heard a comment that Brexit in itself does not challenge the formal structures of the Good Friday Agreement. In a way, that is correct, if you take it in the extreme, literal sense, but it does challenge the underlying assumptions that empower the Good Friday Agreement whereby people can move freely on a North/South and east-west basis. Brexit creates barriers —

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

Dr Farry: — and interferes with people's scope to have open, mixed and multiple identities, and it puts people back in their single identities, which goes against the whole spirit of what we are trying to achieve under the Good Friday Agreement.

Mrs Cameron: Obviously, my party was not a signatory to the Good Friday Agreement because, at that time, we were not fully persuaded that all the conditions that we believed necessary to satisfy our concerns were in place. It turns out that we were, in fact, right about that. Whilst many individuals went forward in good faith and paid a heavy political price, others who were signed up to the agreement continued to live double lives. They were peacemakers in public but remained wedded to paramilitarism in private, and all the things that we were led to believe were left behind were, in fact, still in place. Paramilitary command structures were still in place, and possibly remain in place to this very day, and

acts of terror and violence against communities or former comrades were carried out when deemed appropriate. This was not just the inability of an organisation to rein in a few loose cannons but was an organisation whose most senior leader continued to shield paedophiles and oversee the clean-up operations of continued paramilitary murders. I refer to the cases of Paul Quinn and Robert McCartney to name but a few. That may be uncomfortable listening for some, but they are the facts and those facts are partly the cause of a reluctance in unionism to fully function in a partnership government. That is not to say that we do not wish to be partners in government; it is only an illustration of why there remains a difficulty over issues of trust.

I do, however, accept that trust goes both ways. As far as I am concerned, I do not think that I have ever caused any personal offence to any individual Member or party in the Chamber. It is not how I want to do business. I am very happy to sit down with Members of any party on any issue that moves this society forward. I accept that some positions that my party takes on certain issues are unpopular in some quarters and may be seen as disrespectful or intolerant, but I will never be found wanting when it comes to listening to the concerns and views of others.

In concluding my remarks, I will say that it is deeply regrettable that the institutions have collapsed and that we are heading to an election. I would have preferred all the facts around all the issues to have been fully investigated and any appropriate blame to have been apportioned before deciding to collapse the very institutions that are capable of ensuring that the investigation takes place. The president of Sinn Féin may believe that equality is merely a Trojan Horse, but that is not my view and it never will be my view, and, if I am fortunate enough to find myself back in the Chamber at some point in the future, I will be only too happy to be reminded of that pledge. I hope that others can make that same commitment.

Finally, is it not possible to recognise that the Good Friday Agreement was almost 20 years ago? We have had subsequent agreements and elections, and things have moved on. This is a time when we should be focusing on the future. Let us look at solutions for 2017 as opposed to rehashing 1998 over and over again.

Mr Maskey: A Phríomh-LeasCheann Comhairle, I also wish you well in the time ahead as a republican activist.

It is fairly ironic in its own way that, in the last hours of this Assembly, we are debating the principles and values of the Good Friday Agreement. On behalf of our party, I hope that, when we come back after the elections, people apply all of themselves to the full implementation of the Good Friday Agreement. Quite clearly, part of the problem and part of the reason why we are where we are today is the very recent financial scandal around RHI, which is at the end of a long list of other financial scandals that have brought public confidence in the institutions to an all-time low. Alongside that, and, maybe, at times, more importantly, power-sharing and the concept, principles and values of the Good Friday Agreement have not been adhered to by parties in here. I am speaking in particular about the DUP. It was interesting to listen to our colleague Pam Cameron, who, in fairness, acknowledged that the DUP, for whatever reasons — whether we agree with them or not — has difficulties with power-sharing. We agree that the DUP has difficulties sharing power. The DUP, to its credit, opposed the Good Friday Agreement. It never supported it and did everything it could to thwart it. That was its position, which it was entitled to have. Fortunately, all the other parties involved in the all-party talks, both Governments and, more importantly, the people, in referenda across this island, voted overwhelmingly to endorse the Good Friday Agreement.

Sinn Féin and I would argue that all parties, all participants and all communities made major compromises to agree to the Good Friday Agreement and to subsequent agreements in the ensuing number of years. We would argue very clearly that we are working under the auspices of the Good Friday Agreement. We are very disappointed that many key elements of it have not been adhered to over the last number of years, and my colleague Gerry Kelly referred to a number of those. I think that it has been made very clear that you can legislate, set up institutions and all the rest of it within a particular framework, but, if people chose and choose not to embrace the principles and concepts, it will not work. Coming from a divided society that has been in conflict for generations, you cannot expect the garden to be rosy all the time. That is why safeguards and checks and balances need to be built in. That is why we have mechanisms such as the petition of concern and mutual vetoes, which, when used on a positive basis, are about requiring cross-community support on key issues of governance.

The fact that some will abuse the petition of concern does not mean that it is not a

necessary mechanism for a whole range of issues. Over the last number of years, we have all been challenged in the things that we had to do and in the agreements that we had to reach and were challenged to adhere to. Nevertheless, when people have worked in the spirit of partnership and sharing power, this place and this and previous Executives have produced much better work. When people work together having embraced the concept of sharing power rather than simply trying to divide it out, this place has produced much better results for the wider public and for society as a whole. It is when people resile from the concepts of sharing power, treating people with respect and affording equality to other citizens that we become not fit for purpose and not fit to be in position.

In recent times, there has been an increasing abuse of the likes of the petition of concern, which, as I said, was built in as a safeguard to make sure that, if there was sufficient concern that mustered the marshalling of 30 signatures, that denoted that there was a serious problem that needed the matter under discussion to require cross-community support.

Mr Lyttle: Will the Member give way?

Mr Maskey: No, thank you. I do not have that much time, Chris. Sorry about that.

The fact of the matter is that the petition was a safeguard, but people are now using it as a veto — in other words, as a block to other people's rights. Once you start using it to block other people's rights, that is a complete and utter flagrant abuse of its use. People need to return to what the petition of concern was about. It was about protection, and it was one of the mechanisms intended to make sure that one community or one set of parties does not abuse or discriminate against another.

Madam Principal Deputy Speaker: I ask the Member to bring his remarks to a close.

Mr Maskey: They are positive mechanisms. We appeal to all the parties that come back after the elections to embrace the spirit of partnership. If we sit down together — it is not about having a whole new negotiation — and simply work to —

Madam Principal Deputy Speaker: The Member's time is up. I call Phillip Logan.

Mr Maskey: — implement the agreements, we will serve the people far better.

Mr Logan: I was nine years of age when the Good Friday Agreement was signed and, to me, it feels like a long time ago. I remember reading the Good Friday Agreement and its outworkings at Cullybackey High School and googling a lot of its attributes. Some of it was quite amazing, and I can understand why people struggle to understand a lot of it. When you google the names of those who were let out of prison and read their histories, it is very difficult to understand. That is from someone who was not really around in those times and certainly was not able to understand such things at the time.

9.00 pm

To be fair, in the Chamber, as we have discussed this, there is consensus that we all want the best for Northern Ireland. We make that claim. As an optimist, I assume that most of us mean it. The problem starts, as has been said, in that we all differ in what we think and, by extension, what our electorate think is best for Northern Ireland.

The Good Friday Agreement was, understandably, an attempt to move Northern Ireland forward regardless of those political differences. This party, over the last 10 years, has made a huge effort to move Northern Ireland forward in the right direction, even though it is very difficult to do business with a party that we do not want to do business with and, as one of our party members quite rightly said, when sometimes we have to hold our noses to do that business. I am sure that people can understand our difficulty. Mr Maskey is right to say that he understands how difficult that is. I appreciate that. We have always taken steps to try to move Northern Ireland forward. I think that we were making —

Mr Stalford: I appreciate the Member giving way. Does he agree that when people talk about making sacrifices or compromises, it is not much of a sacrifice or compromise to stop killing people or stop bombing the place and come up to the same basic democratic standards that everyone else who participates in politics has to abide by? That is not a compromise; that is meeting basic, minimum requirements.

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

Mr Logan: Thank you. I thank the Member for his contribution. He is absolutely right. It really should not be an expectation to ask for those

things. It should just be part and parcel of life and human decency.

I think that we were making progress. It was slow and laboured; nonetheless, I think that we are making progress. I had hoped, when I entered politics and for the last number of years, that we were able to discuss positive policies rather than engage in political point-scoring. However, our counterpart in government decided that it was not getting enough out of the deal. It started to get selfish and lost sight of the greater good, something that the former deputy First Minister Mr McGuinness had formerly embraced. He worked with Ian Paisley, Peter Robinson and, more recently, Arlene Foster for a short time. We were making real progress, but no more.

To be honest, I have no idea what lies ahead after an election. I have no doubt that there will be talks, as the motion indicates, whether it is about building on what we have already attempted to achieve or maybe on a new way forward. There will need to be genuine effort made on all sides. One side cannot throw in the towel if it decides that it is not getting quite enough. It has to be talks and negotiations, and they have to be fair. We need to work on finding a way on things that we do not agree with and on things that are not mutually exclusive or contentious. We have already begun to comprehensively and conclusively address the RHI issue. However, as I said last week in the House, RHI is not the real reason why Sinn Féin has pulled the institutions down. We heard in Mr Kelly's contributions that it was the Irish language, a united Ireland and equality.

Mr Nesbitt: Will the Member give way?

Mr Logan: Yes, I am happy to give way.

Mr Nesbitt: Just on the renewable heat incentive, if I heard you aright you said that you are now addressing "comprehensively and conclusively" the renewable heat incentive debacle. Did you not listen to your Minister? This is a 12-month stopgap.

Mr Logan: Was the Member in when Simon Hamilton outlined the plan? I see this as a way forward. This is positive. There was a problem, and we have addressed it. That is what the people of Northern Ireland want. Elections will not fix this or make it right, but we have put in place steps to do that.

Sinn Féin has used the Irish language, a united Ireland and equality. Those are some of the

things cited as factors in this election. It is no secret that we will not give an inch on some of the issues that Sinn Féin would like us to. I believe in equality. Let me make that clear. But, I do not believe in Sinn Féin's definition of equality in the form, as I said last week, of a Trojan Horse. A united Ireland is decided by the people. Everyone, including Sinn Féin, knows well that there is absolutely no appetite for a united Ireland. Some of the issues that are cited under equality are being used as pawns. Let us talk about them and not polarise people with different opinions. I want to focus on all the people of Northern Ireland. I may sound frustrated, and I have said it before, but let me repeat it: I am frustrated because I want to protect the interests of the people of Northern Ireland, those who elected me and those who are in need of help. We need to come in after the election and move forward, not go back to the past. We will certainly have no attempts to rewrite the past.

Mr Beattie: I was overseas when the Belfast Agreement referendum took place. My father held my proxy vote, and I remember speaking to him about the referendum. My dad spent 22 years in the Royal Ulster Rifles and then another eight years in the Ulster Defence Regiment. He never talked politics or religion. He never apportioned blame. He understood that, in any conflict, there will always be competing narratives. He said to me, "Douglas," — he always called me Douglas — "there are many aspects of this agreement I don't like. In particular, I don't like releasing terrorists from prison until they've completed their sentences. I don't like it that we're not decommissioning first. They've been responsible for the murder of our family, our friends, our colleagues and our neighbours. But, for Northern Ireland — for our children, for your children, for the ability for you to come back to Northern Ireland and live again — we have to take a chance. This is a once-in-a-generation time to have peace in Northern Ireland".

He voted in favour of the Belfast Agreement. I wonder what he would say today. Would he have voted for the Belfast Agreement had he known about the on-the-run schemes and the comfort letters? What about the unbalanced justice systems that we are seeing now, where the Director of Public Prosecutions can direct the PSNI to investigate state forces and ignore the terrorists? Would he have voted for the Belfast Agreement if he knew that, after releasing the terrorists from prison and dismantling the Maze and the special treatment, all we would do was set it up all over again? One party openly supports dissident special

treatment, while another party in the Executive does not have the courage to end it. What would he have said if he had heard a unionist politician thanking a former terrorist for not killing us any more?

Mr Maskey: Will the Member give way?

Mr Beattie: Not just yet.

As honest and as open as that was, I would have stopped short of thanking him, especially when former soldiers are in the dock and dissidents are having their bail terms changed. We have a 75-year-old veteran being classed as a flight risk. It is unbalanced and unfair. I will give way.

Mr Maskey: I thank the Member for giving way. I really did not want to interrupt, because I know that he is passionate about the points that he is making. If I remember correctly, the Ulster Unionist Party leader said a couple of months ago that, if the Good Friday Agreement was up for debate now, the party would not support it. I hope that all the parties will come back here, as I have said previously, with a commitment to delivering on the Good Friday Agreement. Our problems are not because we had the Good Friday Agreement; they are because we have not fully implemented the agreement. Is your party still committed to the Good Friday Agreement? If we could get that consensus in the Chamber tonight, it would be a good start.

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

Mr Beattie: Thank you.

To answer your question, Alex: absolutely. Hopefully, you will understand that my blood and thunder might diminish slightly in a moment or two.

It is clear to me that the political parties presently in control of our Executive, and, therefore, our country, do not know how to govern. They do not understand that mutual respect and equality was at the heart of the Belfast Agreement. As we have heard today, they work together because they have to, not because they want to. That lets down the Belfast Agreement; you have to be in there and want to govern. We want to be the largest unionist party. We want to work with the willing —

Mr Allister: Will the Member give way?

Mr Beattie: No, I will not. Sorry.

We want to work with willing partners. We want to show respect to all who live in Northern Ireland and their identity, culture and traditions. Many people raise their eyes when I say that I am Irish. I am Irish. If it is comfortable for you, prefix that with "Northern" if you want. I am also a proud Ulsterman, and I am a fiercely proud Brit. However, I am Irish. The Belfast Agreement allows me to say that. It allows the people to decide that Northern Ireland will remain part of the United Kingdom.

The power is with the people, not with this Chamber. Let us be clear: my identity is represented by the Union flag, 'God Save the Queen', the Twelfth of July, Ulster Scots and the monarchy; it is also represented by the shamrock, St Patrick's Day, the GAA, Irish dancing and the Irish language. They are all part of me.

Before I run the length of myself, I have to say to everybody that it is all about the language that we use and how we have to be careful of it. People would be far happier embracing, talking or having a conversation about the Irish language if we did not have —

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

Mr Beattie: — people throwing things in our face by saying, "Every word of Irish spoken is like another bullet fired in the struggle for Irish freedom". That does not help; it is a bad statement. I support the motion. I support dialogue; we need dialogue.

Mr O'Dowd: Go raibh maith agat, a Phríomh LeasCheann Comhairle. I also wish you all the best for the future.

I start my speech how I ended my last one in the Assembly on 19 December — that infamous day that, in my opinion, was part of a series of events that brought this Assembly to an end. I said on that occasion that if the party opposite did not work the Office of the First Minister and deputy First Minister as a joint office, I doubted that there would be an office. The attitude displayed since has confirmed to me that the party opposite, and others, believe they are almost returning to a unionist state — a state where the Good Friday Agreement does not exist or matter and where power-sharing arrangements are an inconvenience rather than a legislative and political responsibility on all parties. Mr Stalford said during his speech — I will not quote him, because I cannot remember his exact terms — that there is no going back. He is absolutely right: there is no going back.

The only way government will operate in this state is under the terms of the Good Friday Agreement.

Mr Stalford: Will the Member give way?

Mr O'Dowd: I will shortly.

There may or may not be talks in the future, because it is clear that relationships have broken down. However, talks will be required at some stage in the future. The Good Friday Agreement will be the foundation on which we build a society. Anyone who has it in their head that they are going to take apart the Good Friday Agreement is sorely mistaken. The only way any of us, if re-elected, will be standing in this Chamber or in a future Executive will be on the principles of power-sharing, respect and mutual understanding. That is the reality. I will give way to Mr Stalford quickly.

Mr Stalford: I did say that we would not be going back to the dark days of the past, and I hope that that is a conviction shared by everyone. I will tell you something else we will not be going back to: we will not be going back to the days of you boys trotting in and out of Downing Street. I know that this is hard to believe, but you are not the centre of the universe any more.

Madam Principal Deputy Speaker: First, the Member will have an extra minute, but I also ask that Members make comments through the Chair.

Mr Stalford: I apologise.

Mr O'Dowd: I have never believed myself to be the centre of the universe, but I am, currently, an elected representative, and my party has a significant mandate across the island of Ireland. That brings me to Mr Logan's comment that some unionists — maybe it was himself; I do not know what he said exactly — have to hold their nose to share power with Sinn Féin. I do not care what part of your anatomy you have to hold to make yourself feel comfortable, but I will tell you what you will not be doing: you will not be looking down your nose at us, and you will not be looking down your nose at the people whom I represent or the people whom we represent. That is part of the difficulty.

If you look at another section of society, whether in the Chamber or outside it, and you believe that they are your lesser, what chance have we for our society? You referred to the fact that, at the age of nine, you learned about the Good Friday Agreement in school or that it

was signed then. At the age of nine I was burying two of my cousins and an uncle who were shot dead by state forces operating under the guise of the UVF. You can tell me that they were a few bad apples — they were bad apples — but there were members of the RUC and the UDR in that gang. That was the now infamous Glenanne gang. You said that you had googled names of people who were released from prison. I can google the names of members of that gang. None of them — not a single one of them — went to prison for dozens of murders in the north Armagh area.

9.15 pm

We have all hurt. We have all had pain. We all have those sorts of things going on. As republicans 20 years ago, however, I and others had to make a decision, and we did, after long deliberations. Did we believe that the Good Friday Agreement was an honourable way forward for republicans? Was it a way forward on which we could build peace, and, yes, could we still move towards our ultimate objective of a united Ireland? People often say that unionists had to compromise to come into the power-sharing institutions. Republics compromised. This is a huge compromise for republicans, but was it the right thing to do? Of course it was the right thing to do.

I do not hold my nose to share power with anyone. I hold my head high. As a former Minister in a power-sharing Executive, I am proud to say that I shared power with my Protestant and unionist neighbours. I am proud of that. We get a lot of personal and, at times, physical abuse from so-called dissident republicans. I have stood in front of many of them and told them that I am proud to have shared power with my Protestant and unionist neighbours, despite our history, despite the conflict that we have been through and despite the pain that we have gone through. Despite all those things, I am proud to have done it. Therefore, when Members on the other Bench can look in the mirror and ask themselves whether they are proud to have tried to share power with their nationalist and republican neighbours, and when they can answer that question honestly in the positive, there is hope for this society into the future. But, be under no illusions: that future has to be on the basis of equality and mutual respect. It has to be on the basis —

Madam Principal Deputy Speaker: I ask the Member to draw his remarks to a close.

Mr O'Dowd: — that we are all equals with a very sad past behind us. None of us can look at the other and say, "It was all your fault".

Madam Principal Deputy Speaker: Before I call Richie McPhillips, I remind Members to speak through the Chair.

Mr McPhillips: I welcome the opportunity to contribute to this evening's debate on the values and principles of the Good Friday Agreement. I do so as the parent of three now adult children who were the young generation following the Troubles. I, like many others, thought that the agreement meant a better future for them.

The SDLP is a party that was born out of the civil rights movement. It was instrumental in the creation of the Good Friday Agreement and is totally committed to its core principles. The party is tied to the principles of social justice, reconciliation and prosperity. There have been many great people involved in the peace process, all of whom played an instrumental role in changing the political and social dynamics of the North of this island. It is important, however, that we in this very Chamber also remember people who do not always get the headlines: women such as Pat Hume and the late Gertrude Mallon also played a pivotal role in the agreement.

It is true that the North has come a long way since 1998. Despite recent events, people are no longer being murdered on our streets en masse. It is fair to say that the agreement has undoubtedly saved thousands of lives that would otherwise have been taken by British state forces and various paramilitaries. The Good Friday Agreement was about much more than peace and ending tribal warfare in our society, however. It presented a better, clearer vision for the future — a vision of settled relationships and prosperity, and one that put the need of both sections of our community first. It was meant to bridge the gap that has unfortunately only widened since the devolution of powers to this institution. It was meant to provide political stability in a region that suppressed rights rather than enforced them.

Here we are, almost 20 years later, and I have yet to see this Assembly gain its legislative spurs, to start delivering for everyone in our society and to start making amends for the grievous injustices that went on in the past. Rather than have mature politics, the political parties in this Government have abused power to the benefit of their own. The renewable heat incentive scheme, the social investment fund, Research Services Ireland, Charter NI, Red

Sky, community hall funding and the decision to stop the Líofo bursary funding have all recently laid bare the ineptitude of this institution and this Government.

It is green and orange politics that delivers for no one and does not conform to the principles that underpin this agreement. Later, the Assembly will debate the rights of victims and survivors who have campaigned for justice for the horrendous crimes that were committed against them by the state, yet this institution has once again failed those individuals who have waited so long for justice. These institutions have also failed the victims of the Troubles who have been unlawfully killed and maimed. There are still no answers for those families and individuals who have been wronged by the grievous crimes committed against them.

In the midst of the current political uncertainty and the fall of these institutions, we have hanging over all of us the growing shadow of Brexit, which will disproportionately hit the North of Ireland. Wales has a plan, and Scotland has a plan, but this Executive have been found wanting once again. The borders of the past will be constructed and erected across border counties, and this will impact on travel, trade and investment. It will be the people of the North who will suffer and not the fat cats who advocated a "Leave" vote in the first place. That is an indictment of this institution, and it is also an indictment on the Good Friday Agreement, which calls for cross-border collaboration. If article 50 is triggered next month, we will have no seat at the table. We will have no one advocating the best interests of the people of the North.

It is clear that immature politics takes precedence over political and regional stability. This Assembly needs to be realistic about what is truly important. We can no longer go on carving up budgets, one piece orange and the next piece green. We need to start delivering for the best interests of the people of the North. We cannot continue with scandal after scandal and suspension after suspension. We need mature politics, and we need to deliver here and now.

Madam Principal Deputy Speaker, I wish you all the best for the future.

Madam Principal Deputy Speaker: Before I call David Ford, I have to let you know that you have only four minutes and that, if you choose to take an intervention, you will not get an extra minute. Apologies for that.

Mr Ford: Thank you, Principal Deputy Speaker. I will still wish you well for the future.

There is a certain irony that, almost as we approach the end of this Assembly term, we are debating the issue of the fundamental principles of the Good Friday Agreement, the values and principles that are supposed to underpin everything that we do but which have been sadly lacking for some time. I think that there are still a dozen of us, including three or four who are in the Chamber at the moment, who were here in September 1998 when we first came into this place and remember that as a time of hope, a time of optimism and a time of belief that things were really changing. It was a time when we were actually looking at three sets of relationships that defined the people of Northern Ireland and these islands and how we managed together.

However, there is absolutely no doubt that, since that time, the eyes have been taken off the ball of some of the fundamental issues. We are going to need some significant reforms if we are to restore public trust in the ability of the Assembly and the Executive to deliver for the people of Northern Ireland. Part of that problem is because of the watering down of the fundamental principles of the Good Friday Agreement that we have seen on a number of occasions over the last 17 years. For example, the St Andrews Agreement removed the issue of the First Minister and deputy First Minister being elected jointly. It may only have been optics, but it was significant optics that they were seen to have the confidence of the House. The fact that, in those early days, David Trimble and Seamus Mallon sat beside each other at Question Time on alternate sides of the Chamber was optics, but it was significant optics, and the watering down at St Andrews by the DUP and Sinn Féin and the two Governments took away a lot of that positive engagement and left us in difficulties there.

Of course, 14 months ago, we had the so-called Fresh Start, which Stevie Agnew credited to me as the false dawn document. In fairness, I only said that it was a false dawn for victims on the day, but, a year on, it is pretty clear that it is a false dawn for absolutely everybody. Again, that was a stitch-up between the two Governments and the two largest parties, rather than what is referenced here in the motion, an inclusive process that would engage all of us. It was when all of us had the opportunity to be engaged in the run-up to Good Friday that we made some difference.

I do have to say to my friend Colin McGrath, who was not here in the early days, that it was

not actually perfection in the days when the Ulster Unionists and the SDLP were the two largest parties. We only have to take Séamus Mallon's recent article as an example of what was not even covered by the Ulster Unionist Party in those days and the way that he felt treated. I can personally remember saying on one occasion that we would give a Programme for Government seven out of 10 if we were Scotland or Wales, but the Alliance group voted against it because it did not address the fundamental issues of overcoming divisions and building a united community in this society, which had been left out completely. We have had things like the watering down of the engagement of Committees in the budgetary process since last May. There is also the fundamental issue that, when we talk about Committees being there to advise and assist Ministers, if Ministers do not allow that to happen, they have lost us that in the current Executive as well.

Steven Agnew highlighted a number of the issues that we need to address. We need to address openness around party funding. We need to address some way of moving towards a more normal voluntary coalition with a suitably weighted majority. We need to do something to ensure that the petition of concern is triggered only on fundamental issues and not on every social reform that the largest party does not like. We need to do something to get away from the designations that divide us rather than unite us. A lot needs to be done if we are to make a real difference. If we do not find some way of getting into serious talks when we come back here, we will not be delivering for the people of Northern Ireland.

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

Mr Ford: Like John O'Dowd, I am proud of what I did as a Minister, but I am certainly not proud of the way that this Assembly has been treated by the Executive over the last eight months.

Mr Agnew: Mike Nesbitt made the point that he did not want to see a constitutional convention and our going back to the people after the election. The 90 MLAs should come back and get on with the job. I suppose that it is a fundamental difference between representative democracy, whereby we go to the electorate and say, "Elect us and we will reflect your views", and a participative democracy, which is a continual engagement whereby we continually seek the views of the electorate. It is not enough to go once every five years for a mandate; it has to be a continuing dialogue.

The recent referendum on Europe is an example, and Gerry Kelly made the point that the people spoke 20 years ago. People deserve more engagement than that. It is what went wrong with the UK in relation to the European Union, whereas the Republic of Ireland, where there were changes to what it signed up to, went back to referendum, whether Lisbon, Maastricht or whatever.

Mr Stalford: I am grateful to the Member for giving way. He cites the Republic of Ireland and its relationship with the European Union and referenda. We know, of course, what happened there: when the political elite got the wrong answer, it simply had another referendum until it got the answer that it wanted.

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

Mr Agnew: I thank the Member. They went back to the people, and the people gave a different answer. People are entitled to change their mind and have done so. The point is that Ireland, through various referenda, has shown itself to be a country that supports its position in Europe. In the UK, where people were told, "We sorted that issue in 1975. I do not care if you were born since then, you do not get another say. We have changed it. The EU is good — like it". I support the EU but I do not support that disengagement. It is no wonder that we talk about Europe as if it is separate from us rather than our being part of it and it happened to us rather than being something we are part of. Indeed, our MEPs and Ministers helped to shape that.

We need something that is more participative in our democracy. I see it as a preventative measure because we have had continual crises. Every time you list them — the Hart talks, the Haass talks, Stormont House, Hillsborough or St Andrews — you wonder whether you have left one out because there have been so many. I have been in full-time politics only since 2007, and I counted that the current crisis was my fourth. I just rolled my eyes and thought, "Another one". We need something to change. We cannot go on like this. For me, it is not direct rule at the other side of the election or some form of joint government; as a number of people have said, it is likely to be negotiations.

9.30 pm

Those negotiations should, however, be open and transparent and engage our citizens.

Negotiations should not be kept from citizens until we present some form of agreement, and they have no say on whether it is the agreement that they wanted. They will elect their political parties and be told, "We represented you in those negotiations". We cannot see that. There is no transparency, and I do not think that it is enough.

There are a number of issues, and Stephen Farry and David Ford highlighted some that I highlighted with community designation and the petition of concern. Even some of the language that is used has shown us that we may be 20 years on, but, at times, it can feel as though we are no further on. I do not believe that. We are, I believe, in a better place, but, at times, when I still hear the language of two communities, I feel that we live in a very diverse Northern Ireland. That is not the language of today; that is the language of 20 years ago. Whilst we still have parties that say, "We represent the whole of Northern Ireland", yet seek their vote from one section of Northern Ireland —

Mr Allister: Will the Member give way?

Mr Agnew: — I think that we will continue to have problems. I will give way.

Mr Allister: Has the Member not put his finger on part of the malfunction and something that will never function properly in the Belfast Agreement, namely that, in fact, by virtue of the system that it has created, it entrenches sectarianism? It entrenches one block to play off against the other, which defeats what is supposed to be its purpose.

Mr Agnew: I agree with the Member. I think that it enshrines sectarianism, and we need to move on from it. I suspect that we would disagree on how we would do that. I would, however, like to disagree with the Member in a constitutional convention that includes our citizens and come to a conclusion that gets the endorsement of the people of Northern Ireland, as the Good Friday Agreement did.

To finish, Madam Principal Deputy Speaker, I, too, like everyone else, once again, wish you well. People are looking at Stormont at the minute and thinking —

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

Mr Agnew: I will. People are looking at Stormont and thinking, "I could do better. We

could do better". I agree with them. Let us give them the chance.

Madam Principal Deputy Speaker: I call Claire Hanna to make a winding-up speech on the motion.

Ms Hanna: Thank you, Madam Principal Deputy Speaker. Like others, I wish you well in life after this Assembly, and I hope that we will not all join you in life after this Assembly in the next couple of months.

I thank all who participated in the debate, which has been an important review of the principles. As Members have said, it is a bit sad perhaps that we are restating and discussing those principles only now. I feel old because Phillip Logan was only nine years old back then, and I was just coming 18, but I remember that sense of possibility and optimism, which, it is fair to say, has not been present in this Building in recent months and is absent from our politics, but we do not believe that it has to be, and nobody will lose sight of how far we have come.

Nobody said that it was perfect, and I think that that is very clear. I am not quite old enough to be able to dig out memoirs of Oliver Napier and Brian Faulkner, who, I suspect, had their relationship difficulties as well in getting things up and running, but I do not think that we can ignore the external context in those early days of devolution, which was the overplaying of the decommissioning hand and the DUP screaming in the windows of the Assembly. I think that Mallon and Trimble did an incredible job with the progress that they made at that time.

Colin McGrath, when moving the motion, referred to the appalling shooting last night of a public servant and member of the PSNI as an illustration of what we have failed to eliminate and what we are definitely not returning to, but, as we said, that opportunity has been squandered. That is a lot of the story of the last 60 years of politics here, and certainly the last 20 years. We think that that is due not to the fundamental design but to the failure to live up to the spirit and substance of the agreement in a lot of the everyday decisions; the failure, over the years, on the big picture stuff around weapons, policing, respect and parity; and the failure to make any meaningful progress on North/South, with the North/South Ministerial Council now watered down on the sidelines.

Mr Ford: I appreciate the Member giving way. Does she agree that there is an issue between the values of the Good Friday Agreement, the architecture of the agreement and the way in

which it was implemented, and that there were failings in the second and third elements?

Ms Hanna: I do agree; I was going to come to that. Stephen Farry raised a number of points about the ugly scaffolding. We have said that there can and should be an evolution of that. I think that John McCallister did us all a service when he put some of those mechanisms on the table. We all engaged with that in good faith. It is something that can be revisited. However, I have to agree with Alex Maskey: I do not feel that we can eliminate some of those mechanisms. I believe that the proof of the pudding has been in the eating; how government has been done and how minorities have been treated. We are up for that discussion but I have not seen a perfect alternative proposal yet.

We definitely appreciate the intention of the Green Party amendment and are for maximum civic participation, including the re-establishment of the Civic Forum and engaging people in the ways that we can; but we do feel that the period after the election is do or die. We do not have a very long time. We need to get governance back up and running to deal with a lot of the issues that we have been discussing, not least Brexit and delivering for survivors of abuse and victims. With the best will in the world, even though the model in the South has been very constructive, we do not see how a constitutional convention can be enacted and delivered within the very narrow window that we have.

Mr Agnew: Will the Member give way?

Ms Hanna: Yes.

Mr Agnew: I take your point but at no point did I say that it should be within that three-week window. Regardless of whether we get through the three weeks and these institutions are up and running, we still need to have this. As you pointed out, there are issues such as victims, for example, which have not been solved since 1998. If it takes a year, that is very little time in comparison.

Ms Hanna: In the context of the motion's being about the talks that will follow the election, and to prevent there being a second election simply because if this one will not solve anything, another one certainly will not, we do not feel that there is a window of opportunity. We are very happy to come back to it, hopefully, in these refreshed institutions.

I just want to pick up on another few points. Chris was in quite constructive mode but still probably failed to grasp the fundamentals of the equality that was envisaged in the Good Friday Agreement in his rejection of 50:50 recruitment, which, as Mike Nesbitt said, resulted in a Police Service that the whole community has been able to buy into. Again, that is something that I think that we could not do without.

Mike Nesbitt and Stephen Farry were among a number of Members to raise the key issue of Brexit and its potential to do fundamental damage, obviously not just to our economy, but to our politics. I think that tomorrow morning, around 9.30 am, we will probably be a lot clearer on some of the political and constitutional issues. Obviously, we hope that the Supreme Court reinforces the authority of the devolved institutions here and elsewhere. If it does, and I hope that it does, it would be an appalling dereliction of duty if we were not here to take up that responsibility and give that voice. Any talks that follow —

Mr Stalford: Will the Member give way?

Ms Hanna: Yes; I would be happy to.

Mr Stalford: The lady, to be fair to her, has been consistent; consistently pro-European. She and I clashed repeatedly during the referendum but, I think, always in a generous way. Does she agree that it is absolute rank hypocrisy for members of a party that is collapsing these institutions to continue to refuse to go to Westminster, where it would have a vote, I suspect, on the issue of leaving the European Union?

Ms Hanna: I speak for the SDLP only. I agree: I do not feel that anybody who is elected here to any of the 18 Westminster seats is a better Irishman than Parnell, Davitt or many other Irishmen who went and represented at Westminster. Wherever our future is being discussed, the SDLP will be there to deliver on our pledges.

As I said, Stephen Farry raised the issue of ugly scaffolding. We are up for dealing with that as well. Gerry Kelly gave a very spirited defence of the Good Friday Agreement and all that has not been realised that would have rung a little bit truer had it not been from a party that has not been driving the Government for the past decade.

Colin McGrath made the point that, despite the disappointment and the stop and start of progress, if we found ourselves 20 years back,

we would still push to try and deliver the Good Friday Agreement, because the fact is the that core analysis of John Hume's three strands still stands. Its delivery and relationships within Northern Ireland and on an east-west and North/South basis have not been fully implemented. If we could return to those principles, we would be in much better shape. Those principles have not been in evidence in the Government because, effectively, the Government have been driven by people who never really bought into them. The DUP has — and, at least, has been open about it — been attempting to rewrite and remake those structures for its own purposes.

We just do not feel they have been adequately defended by your enablers in Sinn Féin. While all structures can evolve, the various degradations in Stormont House, St Andrews and so on were not agreed by all parties, and certainly were not endorsed by the people North and South of these islands as the Good Friday Agreement was. Those parties thought they knew better and decided to go it alone. We saw the outworkings of that in the Programme for Government negotiations in May, and we are now seeing the very grim final outworkings when all of the criticisms we made of governance and how it was and was not being done here are now being restated by those people who dismissed our criticism.

Looking ahead, it is difficult to see where we go from here, but we believe the foundation stones are still there in the three strands of the Good Friday Agreement, and in the unwritten fourth strand in my head about the European dimension. The alternatives just do not bear thinking about. We are not going back to what we had last night, and we certainly do not want to go back to direct rule by this Government.

Briefly, I will reference the SDLP's joint authority proposals — joint authority, not joint sovereignty, because we firmly respect the principle of consent. I will be very clear that our first, second, third, fourth and fifth preference before that is to re-establish power-sharing and local administration here. The agreement and its outworkings, driven by those people who want to work them, could deliver a very different future.

I did take some hope from Mr O'Dowd's comments that he has been proud to share power. I think that has been lacking — parties wanting to share power and who see power-sharing as a virtue and not just something they do because, as Mr Douglas Beattie has said, the law told them they had to do it. To make it work, we have to restore mutual trust. That

was what the Good Friday Agreement was about: the belief that getting around the table and working together in all our common interests would build up trust. We have not seen that trust build up over the last 20 years, but we believe it still can —

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

Ms Hanna: — and the electorate have the opportunity to make that choice.

Question, That the amendment be made, put and negatived.

9.45 pm

Main Question put.

The Assembly divided:

Ayes 54; Noes 31.

AYES

Mr Agnew, Mr Aiken, Mr Allen, Ms Archibald, Ms Armstrong, Mr Attwood, Ms Bailey, Mrs Barton, Mr Beattie, Mr Beggs, Mr Boylan, Ms Boyle, Ms S Bradley, Ms Bradshaw, Mr Butler, Mr Chambers, Mr Dickson, Ms Dillon, Mrs Dobson, Dr Farry, Ms Fearon, Ms Flynn, Mr Ford, Ms Gildernew, Ms Hanna, Mr Hazzard, Mr Kearney, Mr Kelly, Mr Kennedy, Mr Lynch, Mr Lyttle, Mr McAleer, Mr F McCann, Mr McCartney, Mr McElduff, Mr McGrath, Mr McGuigan, Mr McKee, Mr McMullan, Mr McNulty, Mr McPhillips, Ms Mallon, Mr Maskey, Mr Milne, Mr Nesbitt, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mrs Palmer, Ms Seeley, Mr Sheehan, Mr Smith, Mr Swann.

Tellers for the Ayes: Mr McGrath and Mr McNulty

NOES

Mr Allister, Mr Anderson, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Ms Bunting, Mrs Cameron, Mr Clarke, Mr Douglas, Mr Dunne, Mr Easton, Mr Frew, Mr Girvan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs Little Pengelly, Ms Lockhart, Mr Logan, Mr Lyons, Mr McCausland, Miss McIlveen, Mr Middleton, Lord Morrow, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey, Mr Weir.

Tellers for the Noes: Mr Robinson and Mr Stalford

Main Question accordingly agreed to.

Resolved:

That this Assembly calls on the British and Irish Governments to convene all-party talks to identify how to affirm and promote the values and principles of the Good Friday Agreement, to address issues that have arisen in relation to strands one, two and three of the agreement, to comprehensively and conclusively address all matters that have led to political instability and have been an impediment to reconciliation, and to further agree how to best protect the interests of the people.

10.00 pm

Historical Institutional Abuse Inquiry Report

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

Mr Nesbitt: I beg to move

That this Assembly welcomes the publication of the report of the historical institutional abuse inquiry under its chair, Sir Anthony Hart; notes his recommendations for redress for victims and survivors of institutional abuse and deplores that political impasse means that the report is not being actioned.

The inquiry was, I believe, one of the first major acts of the Executive in the last mandate. It represents these institutions working at their best. The Executive took a decision to do something about some vulnerable people who had been badly abused over a long period. They brought forward proposals to what we often call their scrutiny Committee, and we know that the role of the Statutory Committee is to assist and advise Ministers. The Committee took a consensual view across the five main parties that there were things that could be improved in the draft legislation, particularly the date at which Sir Anthony would start to look at issues. The original proposal was 1945 — the start of the health service. We said that we should go back to the start of the state, and that was accepted by the Executive Office — OFMDFM as was. I think that I heard Sir Anthony say that that meant that eight people came forward who would not have been able to come forward had the Executive stuck with the 1945 date.

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

Reflecting on participatory politics, which was brought up in the last debate, I think that the other thing that we felt was wrong was that it was only for institutional abuse. We felt that on the basis that the same abuser could abuse boy A in an institutional setting in the morning and boy B in a domestic setting in the afternoon, and boy A would have access to the inquiry but boy B would not, even though perhaps it was the same man committing the same abuse; the differential was where it happened. That is not equality. We were arguing that point when some victims of institutional abuse and their supporters came to us and said, "Yes, we get it, but please do not halt progress towards this inquiry being set up. We have been waiting a long time for it. Let this inquiry begin, and then do something for those who will not have access to it because their abuse did not take place in an institution". We listened and said, "Fair enough. We will let this go ahead".

On Friday, along with some other MLAs, I was in the hotel in south Belfast when Sir Anthony made his report. I listened to him talk about systemic failures, irresponsible decisions and homes with insufficient staff levels and staff who were inadequately trained. I heard him talk about how the organisations that ran the institutions where the abuse occurred consistently prioritised the reputation of those institutions over the welfare of the children whom they were supposed to protect. There was one word that he repeated, repeated and repeated: the word "systemic" or "systematic" was used by Sir Anthony Hart 41 times last Friday. He identified systemic failures 41 times. Imagine sitting in that hotel room as a victim and survivor of that abuse and hearing 41 times a reference to systemic failures. Is it any wonder that those victims and survivors emerged from that hotel saying that they felt vindicated?

As a commissioner in the commission for Troubles victims, I listened to a lot of victims. There was a common theme: when the horrible event happened, there was an expectation that the state and the agencies of the state would form the wagons in a circle and that anything they needed would be provided. If they needed to get their children to school, needed help with some health issue or needed some money, the state would look after them. The experience was quite the opposite. In this case, the institutions were the wagons. These children, through no fault of their own, were placed in care. The expectation was that they would be nurtured, protected and loved, but the

experience was that they were abused sexually, mentally and psychologically.

In the motion, we say that we should note the recommendations of Sir Anthony but, of course, the motion was penned before we knew what those recommendations were. Now we know that they are apologies, a memorial, help and financial redress. I simply ask colleagues in the House this: who are we to gainsay Sir Anthony Hart? Who are we to say, "Let us have a debate about the level of compensation"? Let us remember that today, as yesterday and tomorrow, we are wasting £85,000 of public money because of that renewable heat debacle. If we need to find money for these victims and survivors, let us simply commit to finding it. Let us also remember that this is intergenerational and that we are talking about people who have been denied opportunities and have lost opportunities in life for employment, education, holidays and, above all, for social inclusion and the creation of solid families built on love and all the values that you and I endure and enjoy. There have been huge lost opportunities, so we must do what we can for them. Tantalus-like, the report that they have waited for for decades is now just out of reach. The report was commissioned by OFMDFM, Sir Anthony presented it to the Executive Office and, to all intents and purposes for the victims and survivors of institutional abuse, that office is shut. That is the ultimate obscenity of the failure in Stormont Castle after 10 years of those two parties.

The Committee for the Executive Office has written to the head of the Civil Service asking him if there is any way in which the report could be retrieved from the Executive Office and passed either to Communities or Justice for actioning. I fear that the answer is no, but I think that we are right to ask. I also hear that, after 2 March, 90 MLAs will be returned but an Executive is unlikely to be formed. I hear word that we could be in for a long period of suspension. Surely, if the head of the Civil Service cannot do this before dissolution or when we are in election mode, surely the 90 who come back can find a way of actioning the recommendations for the people across the divide who were abused through no fault of their own and have waited decades for us to act on their behalf. Surely there is a way that we can do just that and prioritise the people over our squabbles and disagreements.

Sir Anthony went through a long list of institutions on Friday, institutions run by Churches and charities. He also talked about failures by other organisations such as the police, the Ministry of Home Affairs, as it was in

the old Stormont set-up, the Department of Health, local government and some statutory institutions. We know that, in his recommendations, he has called for apologies, so, Mr Deputy Speaker, let me say this in conclusion: if it is the case that any unionist politician or Minister in any way added to or failed to prevent the abuse and suffering in those institutional settings, I offer my and my party's unconditional apology.

Some Members: Hear, hear.

Mr Poots: I appreciate the opportunity to speak on this important issue. I welcome the fact that it has been tabled and congratulate the proposer of the motion for doing so.

Around five years ago, someone called into my office and related stories of what was going on in Rathgael, both at that time and in the past. Ever since then, I have been working with victims of institutional abuse to get justice, and I welcome the fact that the inquiry was set up. I commend Sir Anthony Hart for the work that he did. I do not know how he sat and listened to the stories day after day, but he did and he did so in a very fair way. More importantly, I want to congratulate the people who told their stories at that inquiry. It took many of them back to the circumstances of what had happened in the first instance and was hugely traumatic.

I want to relate a couple of stories very briefly, because we do not have time to give the stories justice, to tell them in full or to tell them as well as the people themselves. There was a young lad in Rathgael who was not sleeping well at nights and so forth and had a few problems. He was taken out at 6.30 am and made to jump off the pier into cold, icy water. That caused huge flashbacks for that individual, and, ultimately, he had an early death as a result of it. A young girl went into a Sisters of Nazareth home. From the age of eight, she was sexually abused by the priest who was supposed to be looking after confession. She was made to clean the toilets with her bare hands — to carry faeces out of blocked toilets with her bare hands— and to bath in bleach after a priest had abused her. That is the scale of what was happening to children in our society in this western, civilised country, not 100 or 200 years ago but 20, 30 or 40 years ago. It was right that the victims had their voice, and it was right that that voice was heard and acted on. It is immensely regrettable that we do not have a functioning Executive Office so that we can respond to the Hart report. That is absolutely critical.

I appeal to everybody in the House. We are in an election — the die is cast, so that is that — but I appeal to everybody in the House to get round the table and get things resolved quickly — I mean not over months but over weeks — and get back to dealing with issues like this. If you are talking about equality, here are people who need equality.

Where is the fairness in the victims not having their voice heard — not having a response made to them on these important issues?

10.15 am

Lord Justice Hart made a series of recommendations. Some of them are about finance. We will have to get our heads together, look at all those issues and seek to respond as quickly as possible. What I am absolutely clear about is that Ireland, North and South, has a mark of shame on it as a result of abuse of children by a range of people from various organisations. I want a line drawn under this, where we give victims recognition and take every step possible to ensure that new victims do not appear.

Our social care system has improved dramatically, but I do not believe for one instant that we have taken every circumstance out where a child can be abused. Let us have zero tolerance of child abuse in this society. For far too long, people turned a blind eye, covered it up and created the circumstances where child abusers could go from one place to another to carry out their abuse. That is just wrong. We as a society can do so much better. I appeal to the Assembly to give victims all the support possible to get resolution and to draw a line under this very important issue.

Ms Dillon: First, I would like to acknowledge that some of the victims and survivors are with us tonight. They have had a long wait because this debate was to happen a lot earlier in the day, but it is very short in comparison with the wait they had for the report and the acknowledgement.

I was at the launch of the report on Friday. The feeling, when I came out and spoke to people, was that the important thing for them was the acknowledgment. It was the recognition that, as has been said by other Members, they were the innocent victims. They had not done anything wrong. Finally, there was some acknowledgement that there were people who did do wrong, and did it to them. It was done by the very people who were supposed to care for them and protect them as a parent would. I do

not think that very many parents would do to children what was done to these children in these institutions. I certainly hope not.

Speaking as someone who has a close personal connection to the issue, I have some understanding of what it means to the victims and survivors. My husband's mummy, Patsy, who I was extremely close to, suffered at the hands of nuns in one of these institutions — Nazareth House in Belfast — from the ages of four to eight. I will not go into the details of the story because it is her story, not mine, and she is no longer with us, but I am well aware of how she and her three sisters suffered. In fact, one of them died there and did not make it out. I feel that there needs to be some acknowledgment also of those who never made it out of these institutions and died within them. There probably is a failing in not recognising them. I wish to acknowledge them today, because some of their brothers, sisters and family members will still be with us. I spoke to Gerard and his sisters before I mentioned this tonight, because, as I said, it was her story and her children. They understand the impact it had on her throughout her life. It is very personal to a family, and I would not have spoken about her tonight without her children's permission. Whilst they were very emotional, they said, "Our mummy did nothing wrong. She has nothing to be ashamed of". This needs to be exposed and talked about. Thank goodness for Anthony Hart's report. All the things that happened to these children are being exposed and talked about.

The system failed the children — and their families, because these children grew up and had families. The impact was not just on the individual; it was on their families. It is generational; it did not end with that one person who suffered the abuse. I am glad to see these victims and survivors being acknowledged. As you would expect, the abuse suffered by the victims and survivors left its mark on their lives; it impacted on their lives and on those of their families. I welcome that the report acknowledges that and that there are recommendations in it to address that. I also welcome the recommendation that there be financial redress for victims and survivors. It needs to be made clear that this is not about compensation, it is about allowing those people to get access to services that they may not otherwise be able to get access to. It is an acknowledgement that a lot of them did not get the education that they should have and that they suffered hardship in adulthood because of things that happened to them as children.

The motion outlines the fact that the current political situation may delay the implementation of the recommendations. Whilst it cannot be denied that there is a knock-on effect of there being no Executive Office, which is extremely regrettable, no one tried harder to ensure that the political institutions remained in place and delivered for the people than Sinn Féin. We will work day and night. I hope that Edwin means what he said in the Chamber tonight. I hope that we can all get round a table. If there is a change of attitude and a real willingness to work towards equality and serve all the people, we will be able to move this thing forward. However, we all have to work together. There has to be a change of attitude. I take what you said tonight in the Chamber at face value and hope that you will work honestly with us to move this forward.

Mr Deputy Speaker (Mr Kennedy): I ask the Member to conclude her remarks.

Ms Dillon: It is extremely unfortunate that we are in this position. However, I have been assured by the Finance Minister that some of the recommendations can be acted on and that he will work —

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

Ms Hanna: I thank all those who have spoken. Like others, I attended the launch of the report on Friday and have spent some time since reading it. I think that, for everybody there, it was a very difficult few hours — even for those of us who did not live through those experiences. It has to be said how much the strength, dignity and determination of the campaigners came through on Friday, as it has for many years. It was clear that, for a lot of people, that experience opened up decades of suffering. It must have taken incredible bravery to go to that inquiry and tell your story. That has to be commended, as have, as Mr Poots said, those who facilitated and worked in the inquiry.

Friday's report was a very long time coming; it was my mother, Carmel Hanna, who proposed the motion here in 2009 to set up an inquiry. That was over seven long years ago and after many years of campaigning by the survivors. They saw the inquiry as the next piece of the jigsaw after the Ryan report, which detailed grotesque and systematic abuse in over 200 institutions in the Republic. That report was a watershed moment in Irish politics; it led to a fundamental changing of the relationship between Church and state, and it set the ball

rolling for some of the redress that is required here. It provided some catharsis in society by allowing people to have their story heard.

The Hart report, like Ryan, is a horrifying account of so many children's lives being shattered. I read it as a mum, as a Catholic and, like most people, just as a human. What those children were put through is an absolute inversion of the values that most people here will try to put into practice in their faith life or home life. The thought that so many people who perpetrated that abuse did so when they were entrusted as faith institutions makes it all the more appalling, as was the evidence that, in some cases, congregations knew about the abuse and failed to stop it.

Mr Ó Muilleoir: Will the Member take an intervention?

Ms Hanna: I am happy to.

Mr Ó Muilleoir: Since you have met many of the survivors and victims, do you agree that we are all in awe of the inspirational heroism of the survivors of that abuse? I have had meetings — I am sure that the Member has had likewise — with many of the survivors and victims. Their thirst for life, their redemptive qualities, their lack of interest in revenge, their commitment to community, their often strong faith and all those things are great examples for all of us as we work on the many healing projects that we are involved in.

Ms Hanna: I agree with that, and I agree, of course, that —

Mr Deputy Speaker (Mr Kennedy): The Member has an additional minute.

Ms Hanna: — it is so important we let the people who have put all those qualities into the public discourse know they have been validated and that the redress they are entitled to is delivered to them. They were children who were entrusted into the care of the state and deprived of that very fundamental human need for love, and they suffered the systematic sexual, physical and psychological abuse that others referred to.

Justice Hart's recommendations were very clear and reasonable, and it is important we deliver on them as soon as possible, a public apology is given by an Executive and those institutions involved and a memorial is built here, hopefully, in the grounds. I think that would be a symbol of society's public and permanent repentance, but I understand it would be difficult for many

survivors to come to see. I think it is important as a reminder of that failure and of the idea that this cannot happen again.

Sir Anthony Hart made specific recommendations for practical provision in health, education and social support, which many people will require. He recommended the need for a commission and an advocate to make sure that those who need that support can access it. He also made recommendations for financial redress, and, as others said, literally no sum could compensate people for the life opportunities and the happiness that were denied them. But it is very long past time they had some comfort and the security of that financial compensation.

The publication of the report is a moment survivors have waited too long for. I think the possibility that we will show them the answers and leave it out of reach for much longer is not acceptable. The state has let them down too many times before and cannot continue to do so. The publication of the report and the direction of travel of the recommendations will not come as a surprise to any of us. The Executive commissioned the report, and I think the provisions should have been enacted, as should the proposals to widen the scope of inquiry to people who were abused in clerical settings outside institutions and those in mother-and-baby homes, which were not in the scope of the inquiry.

In finishing, I commend absolutely those who had the bravery to tell their story, and I hope they feel vindicated.

Mr Deputy Speaker (Mr Kennedy): I ask the Member to conclude her remarks.

Ms Hanna: Everybody in the Chamber has to finish the job and deliver the redress and support that Sir Anthony Hart made clear they are entitled to.

Ms Bradshaw: I do not intend to speak for very long this evening. I think the time for talking is over. It is a time for action, implementation and healing. I put on record the absolute support of the Alliance Party for the recommendations in Sir Anthony Hart's inquiry report. I am particularly saddened for the victims of abuse who have campaigned for justice with the utmost dignity and courage. The Executive have now collapsed, and we are heading into a needless election, and this inquiry report, along with many others, is left waiting urgent attention from the new Executive when they get up and running.

When the victims and survivors of historical institutional abuse and their supporters came to Parliament Buildings last June — I had the pleasure of meeting Margaret McGuckin, who is in the Gallery this evening — they came to tell MLAs and their supporters that Sir Anthony Hart's report was planning to include a recommendation for a process for redress. It could not have been clearer that the most sensible course of action at that time was for the two Executive parties to ensure it was provided for within the Programme for Government and that an associated budget was included. So, eight months ago it was clear the report was going to come out in January and the chair of the inquiry was going to make the recommendation for redress, amongst other things. If the structure and resources for redress had been worked up behind the scenes, instead of us debating the recommendations of the inquiry report this evening, we would be discussing our support for the programme of redress and its immediate implementation. This is to the shame of the Executive parties, which had the power and, more importantly, the opportunity over the last eight months to make this happen. I do not want to make political points tonight, but I think we have wasted eight months, because we knew exactly what Sir Anthony Hart was going to recommend.

10.30 pm

In conclusion, I put on record the Alliance Party's thanks to Sir Anthony Hart. We appreciate his diligence and tenacity in producing such a balanced and fair report. As well as the programme for redress, we support the recommendations for a public, unconditional apology, the creation of the position of a commissioner for survivors of institutional child abuse and the delivery of a memorial. I ask Members here that, unlike with so many other things in Northern Ireland, we do not make the memorial a contentious issue. The last thing that we want to do is fight over where it is located, its format and other such issues.

On the far side of the election, it is incumbent on each and every person re-elected to push for the report's recommendations to be implemented immediately. The victims and survivors of this abuse have been let down time and again, and it is time for that to end. No more talking: it is time for action.

Mr Stalford: Along with other Members, I sat in the Ramada hotel — it is not called that any more — listening to the report as it was presented. Like my colleague Claire Hanna, I

found it difficult. There were three people going through my head: Trinity, Oliver and Cameron Stalford, my children. Listening to a litany of failure, abuse and torture, I thought to myself how I would feel if my children had been subjected to it. It is not that hard to imagine how this happened. These were children who were taken into care maybe because their parents could not support each other or could not support themselves, or because they were born outside of marriage. For whatever reason, they were taken into care. The state — this state — handed over to sadists and rapists children for them to look after.

Mr Poots: I thank the Member for giving way. I omitted to mention when I was speaking the tenacious work that Margaret, Marty and the SAVIA team did to bring this forward. On the subject that he is talking about, does the Member agree with me that we have got some honesty but that we could also do with justice? The PPS and the police should be pursuing the sadists that he is talking about.

Mr Deputy Speaker (Mr Kennedy): The Member has an additional minute.

Mr Stalford: Thank you, Mr Deputy Speaker. I absolutely agree with that.

At the launch of the report, I sat next to a man who said to me, "They tortured me and my brother. They beat us every day, and they shoved bars of soap into our mouth". That man was probably 10 or 15 years older than me. When he was describing what had happened to him as a child, you could see that he was regressing in his mind to that time and to what had been done to him so many years ago. He was still living with it all the years after he had left the Church-run institution that he had been sent to. At every level of the state, this was a litany of failure to ensure the good care of vulnerable children and young people. Almost everything that could have been done incorrectly was done incorrectly.

The report presented by Sir Anthony Hart must be actioned. I listened to some contributions, and I have to say that I did not get involved in politics to bring shame upon myself or to let anybody down. I want to see the report actioned. I think that it was right that we waited for its publication. None of us could have foreseen circumstances in which there would not have been an Executive to implement it, but I want to assure the Member from my constituency that I want to see this report implemented every bit as much as she does, if not more so.

I am involved in politics because I want to help people. In my time on the Executive Office Committee, which is chaired by the leader of the Ulster Unionist Party, there was not one word of disagreement around these issues. We all recognise the seriousness of the situation and the gravity of the suffering that was inflicted on people who should have been protected and looked after. No one has argued or had a disagreement about the nature of the memorial. I have not heard a single person put forward differing ideas. I want us, either in the grounds of this Building or in this Building, to have a memorial that reflects that this shame is an echo back to an era when children were cared for less, when the state took the children of the vulnerable and the poor and pushed them onto the sidelines.

For whatever reason, those who were entrusted with overseeing these institutions decided that it was not worth their time to do so. Here we are, a few generations later, tasked with — I cannot say repairing the mess or cleaning up the mess because that is not right — helping those who have suffered. I want devolution to be used to help those who have suffered. I believe that it is right that there should be an apology for the role that the state played, and I believe that a memorial is a good idea and that financial redress should also be called for. Whilst the state had and should have a role in putting together a financial package, let there be no doubt that the Churches are some of the wealthiest organisations in this land, with the vast reserves of land and property that they sit on. Any Church that had a role in the systematic abuse of children should be made

Mr Deputy Speaker (Mr Kennedy): I ask the Member to conclude his remarks.

Mr Stalford: — to use its assets to bring redress to the people who suffered under its care.

Mr Sheehan: I also welcome the opportunity to speak in the debate, and we welcome the findings of the Hart report. What is important in a general sense is that it acknowledges the hurt and suffering of so many and the wrong done over many years. I suppose that I, like most of us, grew up in a happy family where our parents cared for us. When we had needs, they looked after us and helped us. They ensured that we got a good education. We were kept clean and tidy, and they did all the things that parents do. I pay tribute to all the victims and survivors who came forward and shone a light on the abuse of children in care.

Like others, I was in the Crowne Plaza hotel listening to Anthony Hart read out his report, and it is the stuff of nightmares. For the victims in all those homes, it was not just a nightmare but a reality. I commend them for their courage in coming forward. There is absolutely no doubt in my mind — I agree with Edwin Poots on this point — that we will probably never be able to eradicate abuse in the system completely, but future generations of children will be safer as a result of the actions that the victims and survivors have taken and their determination to ensure that the truth was told. All of us with any leadership role in society or the community owe you a debt of gratitude, and I thank you for your relentless pursuit of justice for all those who suffered in institutions. Your actions have exposed what Judge Hart described as "systemic failures".

We also know that there are many victims who did not or, more likely, could not come forward to give their testimony, and our thoughts should also be with them today. Sinn Féin wants the recommendations of the historical institutional abuse report to be implemented as soon as possible in order to address the needs of victims and survivors. The state and the institutions in question failed in their duty to protect vulnerable children in their care.

It is important that, as Judge Hart recommended, victims and survivors receive compensation for the abuse that they suffered. Of course, no amount —

Mr Ó Muilleoir: Will the Member take an intervention?

Mr Sheehan: Sure.

Mr Ó Muilleoir: I am the first person to say that budgets are very tight, but does he agree that we will and must, as a Government, and whatever way this comes back, fulfil our obligations. Certainly, it is our intention today. I have said previously and publicly that we will fulfil our obligations to those who suffered. They are entitled now, to complement the truth that they have received, to get the justice that is redress. Does the Member agree that, despite straitened budgets, there has to be a significant contribution from a future Government — if there is to be a future Government here — to meet their needs? I hope to meet SAVIA next week — some of our colleagues are here from SAVIA — to start that discussion. Someone should start the discussion that has to take place about the quantum involved in the overall compensation. Also —

Mr Deputy Speaker (Mr Kennedy): I remind the Member that interventions should be short.

Mr Ó Muilleoir: Someone has to start the conversation about what the compensation will look like and what the overall quantum will be. Someone also has to start a conversation with the Churches and institutions that also have to make a very significant contribution.

Mr Deputy Speaker (Mr Kennedy): The Member had an additional minute.

Mr Sheehan: I thank the Member for his intervention. Of course, I agree with everything that he said. No amount could compensate for the loss of one's childhood or innocence, but it is only right that any incoming Executive should make funds available for compensation as an acknowledgement of the wrong that has been done and the suffering caused. Equally, the institutions and organisations that were responsible for the children under their care and let them down should make funds available.

For around two and a half hours, I sat listening to Judge Hart, and I can only imagine the rollercoaster ride that it must have been for the victims and survivors sitting in the packed hall. Anyone who was there will attest to the palpable emotion in the room. I spoke to a number of victims and their families afterwards, and the overwhelming mood was one of vindication. They had told their story, and, in the beginning, no one listened, but they were relentless and persistent. They did not give up. They have now been vindicated.

Mr Deputy Speaker (Mr Kennedy): I ask the Member to conclude his remarks.

Mr Sheehan: Your fortitude, tenacity and courage are an inspiration to us all.

Mr Irwin: I fully welcome the publication of the report. I thank everyone involved, not least Sir Anthony Hart, in the setting up and running of the process of the inquiry and acknowledgement forum through to the publication of the final report. A huge tribute must also be paid to the many people who came forward to give their account of abuse. No one can be unmoved by the plight experienced by the victims of institutional abuse in Northern Ireland and how it has profoundly affected their lives.

It has clearly been a very detailed and thorough inquiry. It was fully supported by Government in order that those tasked with its operation had all the necessary resources to enable the

process to be wholly adequate and robust. The absolute focus must always remain on the victims and the impact of the abuse on the many victims throughout the years. The effect of the abuse was not isolated to the time that victims spent in the place where the abuse occurred. Leaving the institution did not mean the end of their suffering. The horrendous acts perpetrated against the vulnerable and the innocent have stayed with the victims to this day, and the memory of the abuse they lived through is a daily source of pain for them. An important aspect of this inquiry has been to give those victims, who were so deeply and terribly affected by the abuse, a voice and to say to them that Northern Ireland recognises their pain and wants to help to lessen that pain. The inquiry has been a very important process for the victims in this regard.

10.45 pm

Another tragedy in the ongoing trauma for the victims is the fact that, as children, they were not listened to. This is a very concerning fact, especially given what the inquiry has found. It is all the more terrible that young vulnerable children, when they needed assistance most, were pushed away, rejected and disbelieved. It is unacceptable enough that children suffered at all, let alone that they suffered —

Mr Stalford: Will the Member give way?

Mr Irwin: Yes, I will.

Mr Stalford: The Member talks about children being pushed away. Does he agree that it is absolutely astonishing and appalling that they were literally shipped to the other side of the world to Australia where they could be abused by people who were supposed to be caring for them?

Mr Deputy Speaker (Mr Kennedy): The Member has an additional minute.

Mr Irwin: I thank the Member for his intervention. It is almost unbelievable that that happened, as one Member said earlier, not that many years ago. It is unacceptable enough that children suffered at all, let alone that their suffering was disbelieved and their concerns minimised and dismissed. That is a shameful state of affairs.

I fully support the publication of the report. It is absolutely important that its recommendations are carried forward. The fact that we now have a period of uncertainty with regard to the future of the Assembly is ridiculous. That fault lies

squarely with Sinn Féin, which, for its own agenda, has triggered an election only months after the previous poll. It is deplorable that this long-awaited report has been delivered and now the House cannot move to respond proactively to the recommendations. The victims deserve better, and Sinn Féin must face up to the knock-on effects of its decision to bring down the Assembly, a result of which has been to cause further upset to historical institutional abuse victims.

Mr Beggs: On Friday, survivors of historical institutional abuse had their day that many had waited decades for. It was a day of public recognition of their suffering. What happened to them was wrong. It should never have taken place and should have been picked up much earlier through investigations by various statutory bodies. Sir Anthony Hart and his team lifted the cover off the 73 shameful years in our history in which some of the most vulnerable in our society — children — were exploited, degraded and abused by those who had been trusted to care for them. I will pick up on what my party leader said earlier. There are 41 references in the report to systemic failures that should not have happened. As the Member for South Belfast said, some were transported to the other side of the world alone, only to face further abuse.

Those who survived to see Friday saw not only verbal recognition but a list of concrete measures recommended by Sir Anthony Hart. They received recognition that the abuse they had suffered did not just affect their childhood; it scarred them and may have limited their opportunities throughout their lives. Had they been dealt a different set of circumstances, they could have walked another path of better educational, social and economic opportunities. I would highlight that the suffering affected children from throughout Northern Ireland, including my constituency. Adjacent to it is the Bawnmore children's home, Barnardo's Macedon and the Sharonmore project, each of which was investigated as part of the programme. Like other MLAs, I, too, have met a constituent who had been placed, in this occasion, in Lissue hospital. He attended the hearing to report the abuse that he had endured whilst under care.

The package of recommended financial compensation recognises the long-term effect on the potential of these people and the abuse that they suffered, and it attempts to put right some of what was wrong by providing some financial certainty. I also agree that significant compensation should be sought from those bodies in whose care these vulnerable young

people had been placed. They, too, have a responsibility.

The judge also put in place a number of other measures that would create a legacy to prevent this from ever happening again. That is perhaps the best legacy that all of us should ensure happens.

There should be a permanent memorial in Stormont to ensure that those who suffered are always in our thoughts as legislators. There should be a commissioner to advocate on behalf of survivors to ensure that their needs are met.

In the cruellest and most callous of twists, survivors find themselves able to see the end point, but not able to grasp it. Why? Because of the toxic politics of the Executive. We enter an election period without the full publication of the report or even a 2017-18 budget in place to address the recommendations for compensation. I have heard on the radio and TV victims who should now have finally had some certainty expressing their frustration that they have anything but certainty. The recommendations that were made by the historical institutional abuse inquiry are now left in limbo and have been handed to the Executive Office at a time when we do not have a First Minister or deputy First Minister in place to take them forward. Indeed, there is no one sitting in the ministerial chair tonight to respond to the debate and say what will happen. What legacy will we as politicians and an Assembly leave? There will be an onus on those who come after the election to ensure that something is put in place to deliver on the needs of these vulnerable people.

I urge what remains of the Executive to do one thing in the coming days: to be honest. Survivors have walked a long road, where their hopes have repeatedly been raised and then dashed. The Executive ought to be honest with survivors and tell them what they can and cannot deliver. Finally, as an Assembly, it is important that we pause to recognise —

Mr Deputy Speaker (Mr Kennedy): I ask the Member to conclude his remarks.

Mr Beggs: — the strength of those who fought for this day, being forced to relive the terrible memories and be re-traumatised. It is important that they did it in order that lessons could be learned and to ensure that it does not happen again. I salute the courage of those who provided evidence and contributed to these recommendations.

Mrs Cameron: Obviously, the motion starts by welcoming the publication of the report of the historical institutional abuse inquiry. It is a sad day when we are having to welcome such a report, but of course we all give our thanks to Sir Anthony Hart for the valuable work that he has done while chairing the inquiry into institutional abuse; abuse which is abhorrent in all right-thinking minds. That the mistreatment and sexual abuse took place within church and charitable organisations, which we all rightly expect to hold in high esteem and much trust, is utterly deplorable and should be condemned by all in the Assembly. That includes being present to see through any appropriate recommendations that follow the inquiry.

The motion also speaks of noting the recommendations for redress for victims and survivors of institutional abuse. No one could argue against that desire to see redress for these most innocent of victims, who have had their childhoods and indeed lives destroyed by the most vile offenders — people who were put into positions of trust and were to care for our children. I completely agree with my party colleague Christopher Stalford that the scale of failure to protect the most vulnerable children is astonishing and does indeed represent a complete failure by the Ministry of Home Affairs, the DHSS and the criminal justice system. Children and young people were placed in these homes with the certainty that they would be well cared for, nurtured and looked after, particularly because of the regard in which charities and Churches were held.

This is yet another example of some of the most heinous crimes that have been uncovered in Northern Ireland. Of course, we are not alone: we know that paedophiles, in particular, all across the globe will place themselves in positions of trust and power in order to ensure that they fulfil their own disgusting and warped needs. It is right and proper that we should be repulsed by their actions.

The latter part of the motion speaks, of course, about deploring that the political impasse means that the report is not being actioned. You will certainly have no argument from me on that. The decision by the party opposite to pull down the Government in order to fulfil their political wish list disgusts me. We have recently seen again that party's lack of interest, demonstrated by either empty or virtually empty seats. Election preparations are obviously well under way, because its Members have decided to turn up today.

We cannot ease the pain and anguish from which the victims will never be free, but it would

at least show and demonstrate that the Government care about their suffering and recognise fully the wrongs that were committed against these individuals if we took certain action on the back of the report. Mr Deputy Speaker, it is a very sad day when the Government receive a report such as this and are unable or, indeed, unwilling, as in the case of Sinn Féin, to give it the attention and action that the victims of historical institutional abuse deserve.

Mr Lyttle: I welcome the opportunity to speak in the debate tonight. I start by commending my Alliance colleague and Member for South Belfast Paula Bradshaw MLA for her contribution, which goes to the core of the message that needs to be sent out tonight. Given the gravity of the HIA inquiry report, it is now time for action. That, for me, is the key message being sent out this evening.

There is no First Minister or deputy First Minister. However, the victims, survivors and their supporters have been signposting the likely recommendations of this report for months, if not years. We have a Health Minister and a Justice Minister, and if the Executive Office were able to issue a statement about this report on Friday, I genuinely like to think that one of those Ministers could have been here this evening to respond to this extremely important debate and to provide a progress update on the recommendations to the victims and survivors in our community and, indeed, to those who are here tonight.

Deputy Speaker, this has been one of the most challenging issues on which I have worked as an MLA. It has been a privilege to meet the victims and survivors and, indeed, the many people who have supported them along the way. Carmel Hanna has been mentioned, but I also think of Conall McDevitt, Patrick Corrigan of Amnesty International and Professor Patricia Lundy of the Ulster University who were part of the panel of experts that has supported the victims and survivors. It is the courage, the dignity and the perseverance of victims and survivors that drove the campaign and progress towards the truth and redress that they deserve. It is for those victims and survivors that I commend the work of the HIA inquiry led by Judge Hart and welcome the comprehensive recommendations that it has made.

It took a two-and-a-half-hour statement and a 2,300-page report — 10 volumes in total — to set out unequivocally how the action — and inaction — of the state and Church organisations charged with protecting children and young people exposed them to the most

heinous systematic institutional emotional physical and sexual abuse. I pay tribute to the victims and survivors of that abuse who have had to fight with courage and dignity to achieve the long overdue acknowledgement and truth that they deserve.

Mr Deputy Speaker, sitting at the launch of the report on Friday, one of those victims and survivors turned to me, after every bit of detail that had been put forward, and asked me simply, "Do you think that means that they believed us?". That was the most important issue to him, and I am glad that he has been believed in complete detail. It is crucial that the details of those recommendations, the public apologies, the memorial, the services to meet the individual needs of victims and survivors, and the redress and compensation payment are actioned as a matter of urgency. We need to hear an update as to how that will be achieved.

If it is the truth that these recommendations cannot be progressed in the absence of the Executive, victims and survivors deserve to hear that truth. There is an urgent obligation to implement the report; that alone should serve as a reason for a functioning power-sharing Executive to be put back in place.

As an MLA for East Belfast, I mention the reference to Kincora boys' home in the report. The report found that Kincora residents were exposed to numerous acts of sexual abuse of the gravest kind. Judge Hart gave reassurance that he had access to all the information that he required, but I remain concerned that key individuals appear not to have felt able to give oral evidence to the inquiry.

That remains a concern. I also acknowledge the ongoing need for investigation into clerical abuse of victims outside of institutions and mother-and-baby-home abuse as well.

11.00 pm

Mr Deputy Speaker (Mr Kennedy): I ask the Member to conclude his remarks.

Mr Lyttle: We need to hear what the Executive have been doing to progress the need for truth and redress for those victims and, of course, the moral obligation on all those in authority to deliver for the victims and their needs.

Ms Bailey: As someone who has worked for Nexus, an organisation that works with the victims of sexual abuse and rape, I know fine well that this type of abuse has long-lasting and horrific consequences for victims and survivors.

More often than not, it takes decades for them to find the space to speak their voice and reach out for some help. We need to ensure that these types of organisations are properly funded in order that they can continue to offer this avenue of help for those who need it.

It is impossible not to welcome this report. It is truly awful, as has been mentioned, but it is being debated in an environment where our government is crumbling by the day and the Executive are not here to move forward on it. I believe that the victims and survivors deserve much more than a half-empty Chamber and a non-existent Executive to move forward with what, I believe, they have probably just started.

I also share the concerns raised by Chris Lyttle about Kincora and those who did not feel that they could come forward and take part in this investigation and their reasons for doing so as well. I want to try to offer a bit of hope to them, that this report is just the first platform or step, and much more needs to be done, and we can be doing much more, to help.

I also think that the campaigners have done much more than wait for this report. They have fought, suffered and struggled to be believed and heard for most of their lives. I also believe that this House has wasted much more than eight months. We have to acknowledge that we have wasted most of the victims and survivors' lives in bringing this to where it is, and it is still not resolved.

When we hear the words "systemic failure", know that this institution is a major player in that system. I have untold admiration for the campaigners, and we can never again say that we do not know, or did not know, because we know.

We need to say sorry; and I am deeply sorry. I am also deeply sorry to every child in this country who is currently living with this fear and abuse. I want to do all I can to make sure that each and every one of them knows that we are listening and going to take action. We are coming to an election. When we go out with our pledges to the public, make this your number one pledge, because this crime did not end institutional abuse. This crime is prolific in our society. It is happening today, it will happen tomorrow and it happened yesterday. This is our shame.

The real tragedy of all this is the fact that, because of the failures of this Executive, these victims are still not seeing the justice that they deserve. Stormont is fast becoming a byword for corruption, and today its legacy of redress

for these victims is certainly nothing to be proud of. This whole suffering is our entire shame.

Mr E McCann: I want to say first that, having sat here and listened to the debate, there were one or two occasions when I felt a wee bit uneasy. Those were occasions when quite spirited attacks were made on the Sinn Féin party for its actions which contributed to the suspension of the Assembly or the crumbling of the institutions. The suggestion seems to be that, somehow, Sinn Féin was — or seemed to be — less than wholehearted in handling this issue, because it had left us with nowhere to go with it now the institutions are gone. The issue was used in relation to a debate that is going on in the Assembly and society that has nothing to do with child abuse or anything like that. It is simply inappropriate that Members from the DUP over there made those points. I think it is right that somebody other than a Sinn Féin Member should stand up and say that, and I am very pleased to say it.

The singer Christy Moore wrote a song called 'Middle of the Island' back in the 1980s. It had a refrain that he kept repeating: "Everybody knew, nobody said". It was about child abuse, but child abuse in a slightly different context. It was about a young woman, a girl called Ann Lovett, who, on a January day in 1984, came out of school and went to the grotto of Our Lady:

"O clement, o loving, o sweet Virgin Mary",

— in the outskirts of Granard in the county of Longford, lay down and gave birth. She was 15 years old. This was Christy's point: "Everybody knew, nobody said". She suffered in silence. She gave birth, lying there. The child was born dead. She died within a couple of hours. There is a direct connection between that and what we are talking about.

The destruction of truth and honesty in relation to sex in our society is a contributory factor to all this. In some ways, the understanding was absolutely right. Everybody has spoken compassionately about the victims of this — you cannot have an excess of compassion — but, sometimes, it leads you to speak in a way that does not ascribe blame or point the full blame at where it belongs.

I talked about Christy and "Everybody knew, nobody said". I can remember, when I was growing up on Rossville Street on the Bogside, my mother deciding at one point that we should be one of those family-rosary families and say it every night. So, we did. Every evening, she spoke the phrase — only Catholics will

understand this entirely — "The fifth decade of the rosary. We'll say this decade for the home boys. God help them". Other people used it too. That was the phrase: "We'll say this decade for the home boys. God help them". The home boys were the boys from the Termonbacca home, just above the Letterkenny Road on the outskirts of Derry. You used to see them. People talked in whispers about the home boys and the terrible things that were done to the home boys. Everybody knew, and they were decent, kind people. Why did they not speak up? Here is the point I am getting to. It was reverence for the Catholic Church, combined with the oppressive power of the Catholic Church down upon them. The Catholic Church has an awful lot to answer for, and it is not just little, individual instances. It is because of that role and the way in which it was perceived in society that people were afraid to speak out. You did not speak out against the priest. That is one of the reasons why clerical sex abuse lasted for so long and they got away with it.

Peggy Gibson, a woman from Deanery Street in Derry, now living in Queensland, is an example of the result of all of that. She is living in Queensland because she was one of the kids who was exported from this country, North and South, but mainly the North. How did that happen? Why was a five-year-old child taken to Australia? One of the questions that came to me when I was writing about these things was, "What travel documents were involved?". Who gave permission? I finally got it. Jon McCourt, who is in the Gallery, finally came to me with a document that showed what had happened. A priest signed a document certifying that a named nun was in loco parentis and would have the authority to take the child away; the nun countersigned that; the Home Office in London approved it; and off they went. There you had the entire thing. This is a criminal conspiracy. The state colluded in all that. The Catholic Church wanted wee Catholics out in Australia to build them up. The Australian Government wanted English-speaking white kids as part of the "White Australia" policy, and, sadly, sir, nobody in authority in Northern Ireland — in those days, the unionist state —

Mr Deputy Speaker (Mr Kennedy): I ask the Member to conclude his remarks.

Mr E McCann: — was too worried about wee Catholics disappearing from the Termonbacca school. They disappeared. These people were in the custody of the state. I could give you other examples, but I do not have the time. We have to —

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

Mr E McCann: Yes. We should do all the things that are said here. We should also draw certain conclusions about certain institutions.

Mr Deputy Speaker (Mr Kennedy): I call Mr Richie McPhillips to make a winding-up speech on the motion. He has up to 10 minutes.

Mr McPhillips: As a member of the Committee for the Executive Office, I welcome the opportunity to contribute to this evening's important debate, which was brought to the Assembly by non-Executive parties and concerns the publication of the historical institutional abuse inquiry report. I will start by putting on record my thanks to Sir Anthony Hart for publishing the report before us today. I also want to record my appreciation of all those who worked as part of the team that enabled the publication of the report, which has provided vindication for so many victims. I will also take the opportunity to commend the many individuals and organisations that have tirelessly campaigned for justice for the victims of historical abuse. They have run a relentless campaign, and it is important that we give them due recognition today. I know that, for many victims of abuse, the giving of evidence was no easy feat, and I fully commend those people for engaging with the inquiry.

The publication of the HIA report was long overdue. For the survivors of these horrendous crimes, the report represented the hope that they would see justice, their accounts would be vindicated, the conspiracy theories would be verified or dispelled and the whole investigation would be conducted without prejudice. I am glad that that vindication has finally come to those survivors in a report that reveals evidence of systematic failings in the 22 state institutions and homes that were investigated and of the unjustifiable sending of children to Australia for labour.

The authorities failed many, many victims and individuals across a number of institutions, but, most worryingly, the inquiry found that those institutions were seemingly more concerned about their own reputation and protecting the perpetrators than about looking out for the best interests of some of the most vulnerable children in our society. In many cases, those deliberate oversights enabled the continued abuse of the children. In hindsight, it raises this question: what impact would timely intervention have had on these cases? The failure of the authorities is a heinous crime in itself, and the

state duly owes an apology to all the individuals affected. I am glad that various organisations that have been investigated and found to be at fault have come forward over the past few days to offer such an apology.

The report makes clear recommendations, including the establishment of a commissioner for victims and survivors as well as a much-needed tax-free compensation scheme. It also recommends putting a memorial in the grounds of Stormont to show respect to those who were wronged by the state. Those are welcome developments, along with other recommendations in the report.

Just as we get to the end of the line after a decades-long wait for justice for these people and just when redress has been achieved through the inquiry report, it has been taken away from them by the childish actions of those who currently occupy what is meant to be the Executive of the Northern Ireland Assembly. These individuals and their families have suffered long enough, and it is issues of abuse that really put things into perspective as to where the Assembly is today and who it is that we serve. It is now important that the recommendations be brought forward without hesitation, and the compensation scheme must be prioritised to give immediate redress. Following the election, budgetary resources for the scheme must be found, and those funds must be ring-fenced. We need that commitment from any future Executive.

I turn to some of the comments made by Members. The proposer of the motion, Mr Mike Nesbitt, talked about the 41 systematic failures highlighted in Sir Anthony's report. Claire Hanna's mother was the first person to propose a motion of this type to set up an inquiry and get it running. Paula Bradshaw expressed her disappointment at the collapse of the Executive, which, as I pointed out, means that there will be a future delay and a big disappointment that no redress programme has been put in place. Mr Stalford pointed out that there was never any disagreement on the Committee for the Executive Office. That is true in one sense, but, on a number of occasions, I asked the First Minister and deputy First Minister why there was no redress scheme and what was being done and they kept saying that they were waiting for Sir Anthony's report. It is just a pity that nothing was put in place; if it had been, we would have been able to action it now. Mr Roy Beggs talked about the toxic nature of politics here and the message that we send out with no Minister being present to take part in the debate. Chris Lyttle talked about a victim at the report launch who was looking for affirmation

that his story was being believed. Clare Bailey talked about the half-empty Chamber, which is very disappointing in many respects.

I commend the motion to the House and acknowledge the people in the Public Gallery. It is unfortunate that they have had to wait so long to view today's debate.

11.15 pm

Mr Deputy Speaker (Mr Kennedy): I will take the unusual step, on behalf of the entire House, of acknowledging the presence and the dignity of those in the Public Gallery who have listened to the debate.

Some Members: Hear, hear.

Question put and agreed to.

Resolved:

That this Assembly welcomes the publication of the report of the historical institutional abuse inquiry under its chair, Sir Anthony Hart; notes his recommendations for redress for victims and survivors of institutional abuse and deplores that political impasse means that the report is not being actioned.

Assembly Business

Assembly Commission

Mr Deputy Speaker (Mr Kennedy): I wish to inform the Assembly, as required by Standing Order 79(4), that Mr Ross Hussey has given notice of his resignation as a member of the Assembly Commission with immediate effect.

Adjourned at 11.16 pm.

Suggested amendments or corrections that arrive no later than two weeks after the publication of each report will be considered by the Editor of Debates.

They should be sent to:

✉ **Editor of Debates, Room 248, Parliament Buildings, BELFAST BT4 3XX**

☎ **028 9052 1135**

📧 **simon.burrowes@niassembly.gov.uk**

Hansard reports can be made available in a range of alternative formats, including large print, Braille etc. For more information, please contact:

✉ **Hansard Admin Unit, Room 251, Parliament Buildings, BELFAST BT4 3XX**

☎ **028 9052 1463**

📧 **hansard@niassembly.gov.uk**

The Official Report (Hansard) is licensed under the Open Northern Ireland Assembly Licence, which can be accessed here: [Open Data Licence](#)

[To receive an alert each time an updated plenary report is published, you can follow @NIAHansard on Twitter](#)