



# Official Report (Hansard)

Monday 28 September 2020  
Volume 131, No 1

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# Northern Ireland Assembly

Monday 28 September 2020

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

*Members observed two minutes' silence.*

## Assembly Business

**Mr Speaker:** Before I move to the first item on the Order Paper, I want to make the point that Standing Order 18A(2) requires written copies of statements to be made available at least half an hour before the statement is delivered in the Chamber. The Justice statement arrived in at 11.37 am, so, being a little bit late and given the topicality of the issue and the fact that it is the first item on the agenda, I propose to suspend the House for 10 minutes in order to give Members an extra few minutes to read what is, I think, a 10-page statement.

*The sitting was suspended at 12.02 pm and resumed at 12.12 pm.*

**Mr Speaker:** Before we proceed with the first item of business on the Order Paper, I just want to —.

**Mr Gildernew:** On a point of order, Mr Speaker. I would like to draw your attention to an issue that arose in the Chamber last Tuesday. Mr Allister made assertions about me that were completely unfounded and untrue. When he realised that I had not attended the Thomas Clarkes game, he made further assertions, which were equally unfounded and untrue, that I had attended a public gathering. I ask that those assertions be withdrawn and apologised for unequivocally in the same manner in which they were made, and I would like the Speaker to rule on that issue.

**Mr Speaker:** Thank you for that point of order, Mr Gildernew. I will consider that later today and I will come back to you and/or Mr Allister, if needs be.

**Mr Allister:** Further to that point of order, Mr Speaker. I understood that I had apologised to Mr Gildernew about the false allegation. I believe that the record will show that I withdrew it and apologised.

**Mr Speaker:** I have just said that I will consider the matter and return to it later.

The First Minister will take oral questions today on behalf of the Executive Office as the deputy First Minister is unwell and unavailable to attend. I extend our greetings and best wishes to the deputy first Minister.

## Ministerial Statements

### Legislative Error Resulting in Invalid Convictions for Sexual Offences

**Mr Speaker:** I have received notice from the Minister of Justice that she wishes to make a statement. Before I call the Minister, I remind Members that in the light of social distancing being observed by parties, the Speaker's ruling that Members must be in the Chamber to hear a statement if they wish to ask a question has been relaxed. Members still have to make sure that their name is on the speaking list if they wish to be called, but they can do that by rising in their place as well as notifying the Business Office or the Speaker's Table directly. In addition, I remind Members to be concise in asking their questions. This is not an opportunity for a full debate and long introductions will not be accepted.

**Mrs Long (The Minister of Justice):** Thank you, Mr Speaker. I apologise to you and to Members that the statement was late in being issued to you this morning. There was no discourtesy intended but there was a drafting issue at our end, for which I also apologise.

**12.15 pm**

Members will be aware that, on 22 September, the Public Prosecution Service (PPS) announced that the convictions of 15 individuals for certain sexual offences prosecuted between 2009 and 2017 are to be set aside as a result of a historical legislative error that caused them to be invalid. Before I set out how this occurred, first and foremost, on behalf of my Department and the criminal justice system, I want to express my deep regret that it has happened and to apologise to the victims who are at the heart of it all.

Since taking up my post as Justice Minister, I have endeavoured to improve the experience of victims and witnesses in the criminal justice system. That motivation is at the core of the changes that I am driving in the Department. I am acutely aware that, because of this error, some victims are receiving news that is bringing them to revisit past issues that are painful and personal. That is a matter of profound regret. I know that they are being assisted throughout this difficult time by Victim Support and by Nexus. I am grateful to both those organisations for working closely with the Public Prosecution Service in supporting them.

The individuals whose convictions are being set aside were tried and convicted in the Magistrates' Courts. However, a technical change in the law, made in error and prior to the devolution of justice, meant that a small number of sexual offences could only be prosecuted in the higher Crown Court. The removal of certain sexual offences from a schedule to the Magistrates' Courts (Northern Ireland) Order 1981, by the Sexual Offences (Northern Ireland) Order 2008, and earlier legislation in 2003 meant that the Magistrates' Courts lost the legal power to try those cases. Since 2009, 15 prosecutions, resulting in convictions covering affected sex offences committed between 1973 and 2009, were sent to the Magistrates' Courts in error. All were convicted without the necessary authority. As a result, the Public Prosecution Service will shortly be making an application to the courts to have those convictions rescinded. In effect, it will be as though the conviction never happened.

There are 17 victims of those offences: 14 are victims of indecent assault on a female, contrary to section 52 of the Offences Against the Person Act 1861; one is a victim of indecent assault on a male, contrary to section 62 of the Offences Against the Person Act 1861; and two are victims of the offence of unlawful carnal knowledge, contrary to section 5(1) of the Criminal Law Amendment Act 1885. Each and every one of those victims had the right to expect better from our criminal justice system. Those convicted received sentences that stretched from fines and community service orders to suspended sentences and probation orders, with one receiving a custodial sentence. I should stress at this point that there is no question of any of the cases resulting in a miscarriage of justice.

Article 45 of the Magistrates' Courts (Northern Ireland) Order 1981 permits the summary trial of a small number of indictable offences, with the consent of the accused. In other words, selected offences can be sent to the lower Magistrates' Courts, which have lesser sentencing powers and do not involve juries. The offences that can be dealt with in that way are listed in schedule 2 to the 1981 Order.

Members will be aware that these issues relate to legislative changes that predate the devolution of justice matters. Consequently, it is not possible to be certain of all the circumstances. As I understand it, in 2007, Northern Ireland Office (NIO) Ministers wished to consolidate sexual offences law into one statute and align offences and penalties with those in England and Wales. That resulted in

the Sexual Offences (Northern Ireland) Order 2008, which was prepared over a seven-month period between October 2007 and April 2008.

During the preparation of the Order, a number of sexual offences were replaced and, consequently, the pre-existing offence was repealed. One such offence was the section 52 offence of indecent assault on a female. The repealed offences were removed from the list of offences contained in schedule 2 to the Magistrates' Courts (Northern Ireland) Order 1981, as a consequential amendment in the 2008 Order. That meant that offences committed prior to 2 February 2009 could no longer be tried in a Magistrates' Court.

Normally, draft legislation includes supplementary, consequential, transitional and saving provisions. All but a saving provision was included in the 2008 Order. The removal of section 52 from the 1981 Order, without provision for summary prosecution for historical offences, appears to have been an unintended drafting error. There is no recorded discussion or correspondence specifically on the subject of removal of those old or repealed offences from schedule 2 to the Magistrates' Courts Order. There is a very limited record, which indicates that forewarning was given to the police and the PPS of the policy intent to repeal all existing sexual offences, apart from the trafficking offences, which were to remain in the Sexual Offences Act 2003. A record exists of an enquiry made in December 2007, at the request of a legislative draftsman, specifically asking whether either organisation perceived or identified a reason not to proceed in that way. In the limited records available, nothing was received that indicated or highlighted the need for a saving provision to retain summary prosecution as an option for offending conduct covered by the repealed offences but which occurred before the proposed order came into force.

All new legislation goes through a process whereby Ministers set the policy direction, policy officials draft instructions to counsel, which are then checked by legal advisers, and the legislative counsel then prepares the actual legislation. The legislature that scrutinised the legislation, prior to it becoming law, was the Westminster Parliament. In this case, it is clear that the consequences of the changes made to the Sexual Offences (Northern Ireland) Order 2008 were not identified by any of these people or organisations. The draft Order was made in Parliament on 9 July 2008 and the relevant parts of the Order were commenced on 2 February 2009. After the legislation was passed, the PPS, relevant judiciary and legal

representatives all proceeded in the belief that the Magistrates' Court option was available for suitable cases — normally those of a less serious or grave nature, and where the more limited sentencing powers of the Magistrates' Court were deemed to be appropriate. The issue was raised in 2012, when it was concluded that a saving could be implied. However, that approach was reviewed in 2018 and, following further legal advice, it was determined that that was not the case.

The PPS contacted DOJ officials in early 2019 to say that they had identified that there was a potential problem with the removal of section 52. At this point, it was unclear whether there was a significant problem or not, and the PPS sought the advice of counsel. The focus for the PPS at that time was on whether future proceedings for offences contrary to section 52 could be brought in the Magistrates' Court. Following receipt of this advice, it was concluded that the Magistrates' Court did not have the legal power to try historic indecent assault offences that were committed prior to 5 February 2009, the date of the commencement of the 2008 Order, and that all future prosecutions for indecent assault could only proceed in the Crown Court. The PPS subsequently sought further advice from counsel on the validity of the convictions obtained in the Magistrates' Court after section 52 had been removed from schedule 2. Having received and considered that subsequent advice, the PPS concluded that the convictions could not stand and steps had to be taken to set them aside.

The PPS also carried out an exercise to identify all of those cases where it had prosecuted section 52 offences since 2009. An initial search of its database produced a large number of cases that were potentially affected. These had to be reviewed manually to confirm the correct position in respect of each of them. My Department was informed by the PPS at the end of February 2020 that the further work done had clarified that there was a definite problem and identified the cases affected by the removal of section 52. They also noted the need to explore whether any of the other offences removed from the schedule had had prosecutions undertaken since 2009. The PPS also explained that it had instructed staff not to issue any new prosecutions summarily for the affected offence.

Senior management in the Department were alerted to the issue in early March 2020 and engaged with the PPS about the steps that needed to be taken as a result. At that point, the plan was to take all necessary steps by the

end of June 2020, but the lockdown for COVID-19 led to some delays. The Department's legal advisers carefully considered whether any other offences were similarly affected and further offences were, indeed, identified. This, in turn, led to a further scoping exercise by the PPS to establish whether summary prosecutions had occurred. This identified one conviction under section 62 of the Offences Against the Person Act 1861 and two convictions under section 5(1) of the Criminal Law Amendment Act 1885. The PPS also carried out an initial evidential review of the cases identified as it was recognised that fresh prosecutions could still be brought by the Crown Court. Any fresh prosecution will be made in line with the PPS test for prosecution, which involves an assessment of the prospect of a conviction and the public interest in bringing the offence and offender before a court. An important aspect of that will be the views of the victims themselves on what should happen next.

The initial review was commenced by a senior prosecutor in the PPS and will be completed when all relevant information, including the views of the victims, is available. It would be inappropriate for the PPS to conclude the review of the cases without having taken the views of the victims or before the existing convictions have been set aside.

In advance of contacting the victims, PPS asked for the PSNI's assistance in establishing the current addresses for victims and defendants, so that the victims could be contacted to confirm their up-to-date details and to take their views as to how they wished to be contacted, including whether by letter, in person or by email. PPS recognised the sensitivities involved in this initial contact, particularly with victims. Clearly, it is critical in a situation like this to have the full picture of all the potential difficulties. Both my Department and PPS were concerned that the removal of repealed offences from schedule 2 of the 1981 Order, without a saving provision, may have occurred for other offences and, consequently, the Department commissioned a legal audit to identify other, similar problems. The audit identified a further 11 offences that had been repealed and removed from the schedule, including a further two offences that were removed as a consequence of repeals in the 2008 Order. Some offences were removed as a consequence of repeals dating back a number of years. Only one other offence was removed from the relevant schedule of the Magistrates' Court order, without policy intent, and that occurred in 2003. The list of offences identified was forwarded to PPS at the end of April 2020.

In May, a search of the PPS database was conducted for prosecutions under the additional repealed offences. At the end of May, PPS informed the Department that it had completed the analysis of the number of cases that had been inappropriately prosecuted in the Magistrates' Court and would further review the case files to confirm where action was required. Two additional section 5(1) offences were identified and are included in the total of 15 affected cases.

I was first alerted to the issue on 16 June. I was advised of the current position: PPS had confirmed that there was a problem regarding the prosecution of a number of historical cases and it was reviewing case files and considering options on the best way forward. In August, my officials met with PPS who advised that, while the review of case files was continuing, they were developing plans to inform victims. PPS indicated its intention to engage with Victim Support NI and Nexus NI to gain their advice on how best to engage with victims and to ensure that those affected could be given effective support and counselling throughout the process. Their overriding aim was to minimise any distress or re-traumatisation of victims. PPS also indicated that it would seek the views of victims before undertaking the public interest test. No decisions on re-prosecution of the defendants would therefore be taken until sometime after it had informed victims and given them time to digest what has happened.

Following an update on the meeting, I spoke to the Director of Public Prosecutions on 20 September. Like PPS, my main priority was, and is, to ensure that victims should be protected. I am grateful to Victim Support and Nexus for supporting this work. They have been most helpful in assisting with the communications that issued to victims, and stand ready to support any victims who need advice, support and counselling through these difficult times.

Shortly after my conversation, PPS confirmed that its final review of cases had confirmed that there were 15 cases, involving 17 victims. Once confident that all relevant convictions had been identified, PPS began the process of notifying victims and defendants last week. The senior prosecutor responsible for reviewing the cases personally telephoned the victims to advise them that the convictions of those who had committed the offences against them were no longer valid, and that a letter would be delivered by courier the next day, setting out the circumstances in greater detail. Whilst he was not able to reach all the victims to speak to each one of them, letters were delivered to 15

out of 17 victims the next day. Efforts to contact the remaining two victims are continuing. He advised those victims he spoke to that he was happy to meet them and discuss the situation, and its implications, once they had time to consider the letter in detail. Some of these meetings are already arranged, and it is expected that more will follow. Victims were also advised that Victim Support and Nexus were available to help, and named contacts were provided.

I appreciate what a shock it must have been for the victims of these offences to receive this news and I sincerely regret that they have had to go through this process. I realise that there has been some criticism of the delay in addressing the error once it had been recognised.

### 12.30 pm

Once the error had been identified as a potentially serious problem, there was a series of steps to be taken to assess the situation. I have set those out in the statement. It was critical that, at the point of announcement, the full extent of the problem was established and that the PPS had identified precisely which cases, and which victims, were affected. A premature statement could have created unnecessary concern and distress for a wider group of victims who, ultimately, would not have been affected.

As I said, my first concern is the victims who have been affected by this error. I am assured that mechanisms that the PPS has put in place will support them, and I have asked one of my senior officials to keep a watching brief on developments and to keep me fully informed. The Department has also instructed the Office of the Legislative Counsel (OLC) to prepare a clause in the forthcoming justice (miscellaneous provisions) Bill to reinstate the relevant sexual offences to schedule 2 to the 1981 Order where the offending conduct occurred before 2 February 2009.

This error is most unusual. I have therefore asked one of the Department's senior lawyers to prepare an analysis of the factors that might have contributed to it and to develop a quality-assurance check mechanism that can be built into our policy and Bill development processes to cover all future legislation. I will provide that analysis to the Justice Committee when it has been concluded.

I understand that the PPS is also reviewing its practices and procedures in relation to the introduction of the 2008 Order and what

followed and that it will bring a briefing on it in due course.

The cases that I have referred to today are, to the very best of our knowledge, and after considerable research, all those affected by the error relating to pre-2009 cases left off schedule 2 without the saving clause.

I started this statement by emphasising that my primary concern was for the well-being and protection of victims affected by this error. I trust that the efforts of the PPS and of my Department to support and assist victims in these difficult circumstances have assured Members that we are taking victims' welfare very seriously. It was right that we worked through this matter carefully to ensure that we established the full facts and that the PPS was able to engage with victims when it could provide them with detailed information and answers to their concerns.

**Mr Givan (The Chairperson of the Committee for Justice):** My concerns are, obviously, first and foremost with the victims, who will, undoubtedly, have been re-traumatised as a result of this failure. I want to put on record my appreciation for the Minister coming to the House today. I also acknowledge her apology. The Minister was not responsible for this error, but she is responsible for how it is addressed.

I am disappointed that it was the Public Prosecution Service, rather than the Minister, that was first out on the issue last week. I believe that, as she is head of the criminal justice system, her Department should have fronted on this, particularly in light of the PPS's statement that indicated a failure on the part of departmental officials.

That said, the statement raises even more questions. The issue was raised first in 2012 and then again in 2018. Although it was confirmed as a definite problem in February 2020, senior management was told about it only in March of this year, and the Minister in June. I am shocked that it was June of this year before the issue was elevated to the Minister's desk. Therefore, the announcement that a departmental lawyer is to carry out an analysis of the factors and to quality assure it does not cut it. At a minimum, we have to have an independent investigation and accountability clearly taking place.

The Criminal Justice Inspection (CJI) should be called in by the Minister to investigate her Department on the issue, because public confidence has been undermined and needs to

be restored. Therefore I ask the Minister to reflect on that request.

**Mrs Long:** Mr Speaker, there are a number of issues that we need to unpick. First, as people will be aware, it is not as simple as me taking control of these issues. The Public Prosecution Service is entirely independent of the Department of Justice; we have absolutely no locus or vires to speak on its behalf on any matter. Therefore, it was entirely appropriate that it should have been the organisation to raise the issue, because the error was a prosecutorial one, and whether or not that prosecutorial error could be traced back to an omission in the legislation is a separate, and different, point.

The error was about prosecutorial decisions, and the decisions that will be taken henceforth will also be taken by the PPS and not by my Department. I also gently remind the Member that not only did it not just happen on my watch, but it did not happen during the devolution of policing and justice. It is not as simple as saying that my Department will have lost the confidence of the general public; that is an unfair representation of the facts.

The Northern Ireland Office made these changes to the law. As with any Order in Council, it will have been scrutinised at Westminster and many other parties in the Chamber will have had MPs at that time who will have had an opportunity to take part in that scrutinising process. Indeed, this legislation will have been formulated at the Privy Council, and some parties may well have had members in the Privy Council at that time who failed to pick up on this process. I think it is a bit much to say that confidence will be lost in the Department of Justice.

We take this entirely seriously and appropriately, and we have handled it in the proper way. However, for us to speak before we knew all the facts would have placed more victims in danger of being distressed than was absolutely necessary and that, for me, had to be the primary concern in all of this.

**Ms Dillon:** Like the Members before me, I thank the Minister for coming to the House with this ministerial statement. I had tabled a question for urgent oral answer, but I am grateful that a ministerial statement has been made. Obviously, we got the statement a bit late and that makes it difficult for us to ask questions. However, I want to place on record that our deepest thoughts are with the victims. This will have had a devastating impact, not only on the victims but on their families. When

something like this happens, it does not just impact on one person: it impacts everyone around them. Our thoughts are with them, and I am glad that they are getting support. I hope that the support will continue and that they will get all and any support that they need during this process.

Can the Minister outline how she will ensure that justice is upheld in those cases where it has been decided not to pursue fresh prosecutions? How can we minimise the impact on the victims of those cases where there are new prosecutions?

**Mrs Long:** As I made clear in the statement, it is unfortunate that the convictions in question are to be set aside. However, the veracity of those convictions is not in question. Obviously, this creates a significant issue for the victims of those crimes. We are currently trying to support victims with the trauma around this decision. Victims' views will be taken into account by the PPS when it comes to the point of deciding whether the offences should be re-prosecuted.

In many of the cases, people will already have served their complete sentence for the offences, and that will also have to be taken into consideration when a decision is made about whether to re-prosecute. There are a number of complex decisions that need to be taken, but those decisions will be solely for the Public Prosecution Service. They are not decisions that I can be involved in because that would bring a political element to the prosecution, and that would be entirely unacceptable.

We have discussed with the Public Prosecution Service some of the issues that flow from this about other elements of public protection. We have worked through those other elements to provide reassurance that public protection is not being compromised in these cases. Nevertheless, it is correct to say that, if victims decide that they wish to go forward with a re-prosecution, and if that is the final decision of the PPS, they will need Victim Support and the other agencies to support them through that period.

**Ms S Bradley:** I thank the Minister for coming here today and making the statement. I also want to put on record my thanks to Victim Support and Nexus for stepping up.

I note the timeline, and I notice that the change happened in 2009. The issue was first raised in 2012. It is not clear how the issue was raised in 2012 or by whom. Was that at a departmental level? It was further raised in 2018 and,

alarmingly, it took until 2020 before it arrived on the Minister's desk. If the Minister does not intend to include CGI in an investigation, what level of investigation does she intend to seek at this time?

**Mrs Long:** There are a number of issues that we need to address. First and foremost, an error was found in 2018 when a court official undertaking routine work with ICOS, the court record system, came across an anomaly. So that is when it was established in 2018.

A record was labelled as hybrid — that it could be tried either summarily or on indictment — whereas it should have been triable only on indictment according to the ICOS schedule. The Courts and Tribunals Service raised that with the PPS, and the error was then identified, albeit that it was not immediately clear whether it was a significant issue. The honest answer is that I do not know how it was found in 2012, but, at that time, the PPS was advised that it was not a significant issue that would cause any concern, which was why it was then in abeyance until it was rediscovered in 2018.

In terms of the length of time that it took to come to me, I have set out in detail the amount of work that had to be undertaken and also the responsibilities for that work. The issue is that it was not brought to my attention until the views of the Department were integral to being able to move that forward. We then worked quickly to identify whether there were any other potential issues around that particular section or other parts of that Act to ensure that we were not going to go public with something that would have a drip effect, with more cases coming forward over a period of time. I understand that it is very difficult, and I am giving as full and frank an account as I can.

You asked about an inquiry into the issue and how that will be handled. We have conducted a full inquiry. My focus is now on ensuring that we will be able to prevent a recurrence. The problem is, of course, that I am giving as full and frank an account as I can of what happened in 2007, 2008 and 2009. Many of the individuals involved in those original decisions are no longer available. The Northern Ireland Office no longer has responsibility for justice; we now have a new Department. Many of the individuals who would have been there originally doing the scrutiny are no longer in politics. It is quite difficult to establish with any more certainty than we already have. I do not believe that further inquiry into the matter would necessarily yield additional information. We are very clear about what happened, but not why. We are acting to ensure that that cannot

happen again and that we minimise the risk of any repetition. Those are the two most important things that we can do at this state of remove from the original events.

**Mr Beattie:** I thank the Minister for giving us the statement. This is as bad as it gets. Without a doubt, our thoughts have to be with the victims who will have been re-traumatised by the serious error. The statement is littered with mention of victims being first, but the reality is that the PPS knew about it in early 2019, your Department knew about it in February 2020, you were told in June 2020 and yet victims were not told until September, only days before the media were told. They were not even given the opportunity to come to terms with what happened. Those delays are due to a slow, labouring justice system that is not fit for purpose. Is the reality not that the PPS and DOJ ensured that they had minimised reputational damage before releasing it and putting victims first?

**Mrs Long:** I really fail to understand the tone of the question that has just been asked. I have explained in detail why it took so long to reach the public domain. It was clear, once we spoke to some victims, that there would be a risk of it going straight to the press. Therefore, it was important that we spoke to all victims simultaneously so that no victim would find out via the press what they should be told individually and privately, with time to digest it. The reason that it was not spoken of publicly had nothing to do with reputational damage to my Department.

Let us be clear: my Department was not involved in the incident. The suggestion that we would put reputational damage to the Department ahead of victims is a scurrilous thing to say in terms of my approach. It took time because it was a novel error. It was not clear whether that error would affect the vires of the Magistrates' Court in those cases. It had to seek senior Crown counsel in the PPS to ensure that it would. A complex process was then required to identify cases where there may be an unsafe conviction and to make sure that no other similar errors had occurred.

Any suggestion that there was undue delay is genuinely unfair on the PPS and, I have to say, on my officials and my Department.

For any Member of the Assembly to say that the justice system is simply no longer fit for purpose on the basis of 17 convictions, however serious, having to be set aside out of the thousands of convictions is really an

unhelpful public message to give. It is a very limited and very clear error that happened. We are accountable and are being held to account for it, and that is right. We are also informing the public of it, which shows that the justice system is fit for purpose, because there can be no better test of the justice system than for it to admit its mistakes when it gets it wrong.

12.45 pm

**Mr Blair:** I thank the Minister for the statement, which deals ably with the seriousness of the problems but addresses the fact that they originated in a time prior to the devolution of justice powers.

I ask the Minister what actions the Department of Justice might be able to take now. What considerations are being given to whether offenders can seek compensation for being convicted in the wrong court? If they can, would that be fair?

**Mrs Long:** It is my intention that, if any of those who were convicted by the Magistrates' Court — correctly but in the wrong court — were to seek in any way to be compensated for loss, we would resist that compensation claim. We do not believe that these are cases in which the offences were not committed or that there was a miscarriage of justice where people who were found guilty who were not guilty; we believe that people were simply found guilty in the wrong court. We will therefore resist robustly any attempt by those who were involved in the incident to seek compensation in future.

**Mr Frew:** Our hearts go out today to the victims of these crimes, and they are in our thoughts and prayers. The failures of the NIO, past and present, are of no surprise to any of us in the House. We are here to discuss the here and now, however, Minister, and it is clear from your statement that you were first alerted to the issue on 16 June. Even though departmental officials knew as early as 2019 and even though the PPS contacted DOJ officials again in March 2020, you, as Minister, were informed three months later. Is that because it was convenient for the Justice Minister not to know this? If so, what does that say about the transparency and accountability of this place to Northern Ireland? Then, having been fully informed, the Justice Minister takes a further three months to address the issue in the House. What does her failure to provide the House with the transparency and accountability that is so badly needed and that so badly needs reform say?

**Mrs Long:** With respect to the second part of the question, I make no apology for not bringing this to the House before today. I respect the House, and I respect its Members, but my first priority was the victims, so, with all due respect to the Member, I believe that they had to right to know before he had the right to know. It was on that basis that I made the statement today.

On how long it took for it to be brought to my attention, I ask Members to remember that, in 2019, it was identified that there may be an issue. If you read the statement carefully, you will see that I was notified when there was an issue and we were clear that there was an issue. The investigatory work was undertaken, but I was notified at the point at which we knew that there was an actual problem. Remember that, previously, the advice that had been given was that it was not a problem. Further senior counsel advice was sought. When I was made aware of the problem, the reason that it took me three months to come here is all set out in the statement. It was important that we knew exactly how many victims were affected; that we knew that we had checked for similar errors; and that we were able to say with confidence that we had been able to contact all the victims affected. That is the correct way for us to handle such issues.

The Assembly has a crucial role with regard to scrutiny and accountability, but the justice system is ultimately accountable to those who pass through the courts. First and foremost, it is accountable to the victims and to the perpetrators and to ensuring that we deliver justice. That had to be the first priority. As soon as those were indicated and dealt with, I was in a position to come to the House to make the statement and to answer questions. To have done so pre-emptively would have meant that victims would potentially have been in anguish, not knowing whether their case was affected, or, alternatively, hearing in the House, through broadcast media, that their case had been affected. I am sure that the Member, on reflection, will agree with me that that would have been an absolute travesty.

**Ms Rogan:** When does the Minister intend to have discussions with victims to assess whether they want to go through the stress of fresh prosecution proceedings?

**Mrs Long:** Because of the nature of the offences, I am not aware of the victims' names or details, and it would not be appropriate for me to be. The Public Prosecution Service, along with Nexus and Victim Support, will have discussions with individual victims about their cases. The Public Prosecution Service will

weigh the views of victims against all of the other prosecutorial tests that they need to make before they decide whether the prosecutions will be taken forward again. However, it will be with the consent of victims that they will discuss their views and give the appropriate weight to that as they move forward. To be clear, I will not be part of those discussions, nor would it be appropriate for me to be.

**Mr Dunne:** I, too, thank the Minister for coming here to make the statement. Can the Minister give an assurance that proper processes and procedures will be put in place to stop the recurrence of this critical breakdown in the legal system? A proper quality management system would have stopped this failure and reduced the risk of such a major incident.

**Mrs Long:** I absolutely believe that it is vital that we have a system in place that checks for such things. I do not think that there one person in the House who would demur from the truth of the fact that there is less opportunity for scrutiny and less clause-by-clause consideration of Bills during the periods when we have no devolution. To put it in context, most Orders in Council are dealt with as secondary legislation at Westminster. At most, they will get an hour and a half on the Floor of the Chamber, and it will simply be a yes or no to the Order in Council. It will not go through a Committee Stage or the scrutiny that we would give that Order, but that will become primary legislation in Northern Ireland. There is an issue, and it is one of the reasons why I am so reluctant, even where it may speed things up, to ask Westminster to legislate on our behalf. By bringing the legislation here, to the Assembly and through the Committees we ensure that there is clause-by-clause consideration. That is not to say that it is impossible that such an error could happen again, because, of course, human error can happen. The PPS are doing work to review their procedures and practices, and the Department are doing work with regard to seeing that we have a continuing clause for historic offences where we are rescinding or replacing legislation. All of that work is being undertaken. I am at a loss to recall any similar error getting through the system since the devolution of justice, but I am absolutely determined that lessons will be learned.

**Ms Dolan:** I, too, thank the Minister for coming here. Is it true that one convicted sex offender has been removed from the sex offenders register as a result of the error? If so, can she indicate what steps are being taken to mitigate any potential risk to the public?

**Mrs Long:** The risk to the public was clearly the first question that was on my mind when we discussed the number of victims and what would happen, and it is important that we look at that carefully. As you are aware, with regard to the cases in question, there remain two individuals on the sex offenders register. The rest, to the best of my knowledge, have been removed because of their time on that register. I think that there was only other person, and it was to do with their time, but I will confirm that with officials.

There are safeguards, so I want to run through them. These will be removed from the Police National Computer database and therefore would not longer be automatically disclosed on an Access NI check. Two further safeguards are available in those circumstances. First, if the individual had been barred from working with vulnerable groups as a result of that conviction, the bar would stand and would be disclosed by Access NI checks. Secondly, the police intelligence database searched by Access NI would highlight information that was available about those individuals. Access NI would then refer the application to the police, who have the statutory authority to release information for inclusion in the certificate, even where a conviction has been set aside. The chief police officer must reasonably believe that information to be relevant to be included in the certificate. Therefore, checks and balances are in place to ensure that, as a result of this, the public will be protected.

The PPS has also carefully reviewed all of the cases, which are historical and date back to offences between 1973 and 2010. The question of risk is also one of the factors that the PPS will have to consider when making decisions about further prosecutions. Two of the offenders are still on the sex offenders register and will go off it when the prosecutions are rescinded, which will be around a year or so before they otherwise would have done.

**Mr Chambers:** I concur with the Minister's remarks in her statement about her first concern being for the victims. Have the Minister's departmental officials been able to establish an estimated cost to the public purse of potential compensation claims from the offenders, who will, perhaps, exploit unlawful detention claims, and the cost of a package of retrials? I appreciate that, in answer to Mr Blair, the Minister gave a welcome assurance that the Department would robustly resist any such claims, but the fact is that claims from offenders will probably end up being financed and funded by the public purse, and it appears, on the surface, that they would have a strong case. I

hope that they are resisted. Do any of the cases fall outside the statute of limitation for retrial?

**Mrs Long:** I will start with the final question. It is not my understanding that that would be the case, but we can confirm that in writing to the Member, if that would be helpful.

The 17 offences, which, on conviction, resulted in penalties ranging from a £250 fine to one custodial sentence, will be rescinded in due course. As a consequence, any of the offenders could seek the return of fines or any compensation ordered to be paid to victims, and they may use the courts to seek compensation for their conviction. As I said in response to John Blair, my Department will robustly resist any such compensation claims and indemnify victims returning any compensation awarded.

I am conscious that the error that led to the convictions being rescinded was technical and did not affect the conduct of the cases. I understand that more than half of those convicted pleaded guilty. With the cases rescinded, the convictions will be struck down and the offence removed from the offender's criminal record. It is a matter for the PPS to apply the prosecutorial test, as would always be the case, to determine whether there should be further prosecutions. The consideration of cost will not form part of that determination.

**Mr Storey:** I thank the Minister for coming to the House, although it is regrettable that there was no indication on Friday that she was coming to the House about the matter. Perhaps it is as a result of questions for urgent answer being submitted that she has come. However, will the Minister confirm if her officials or PPS officials have been in discussion with the PSNI to establish whether there are any risks for offences currently being investigated or being prepared for submission to the PPS?

**Mrs Long:** My understanding is that there are no such cases, because the issue with these offences was around historical offences that predated this, and I intend to add the historical element back in through the Miscellaneous Provisions Bill. Therefore, were any historical convictions to come forward now, they would know to prosecute them in the Crown Court, so there would not be the same issue.

**Mr McGuigan:** As others have done, I thank the Minister for coming to the Chamber. I note her determination that lessons will be learned.

I also note from her statement that she has asked a senior lawyer in her Department to prepare, for future legislation, an analysis of the factors that may have contributed to this. Are there any remaining legislative problems as a result of the changes that led to these convictions being rescinded? If there are, how will those problems be resolved?

**1.00 pm**

**Mrs Long:** As part of the work that it is doing at the moment, the PPS is looking at its policy and practice around the implementation of this piece of legislation, and also other pieces of legislation, to ensure that there are no other errors that have been missed in this way. Because these are prosecutorial decisions, the Department will not have sight of that, though we will be aware where pieces of legislation have been rescinded. That is one of the reasons why I have asked someone in the Department to look at providing a mechanism that will prevent similar changes from being made without the appropriate alerts being sent to those who are actually responsible for the prosecutions.

As of today, we are confident — as much as anyone can be — that we have identified all of the cases affected by this particular issue. Obviously, as I say, there will be a review in the PPS and a review in the Department to ensure that there is no repeat, but also, on the very slim chance that there may be other, similar cases, we will look at that, but it will not be in relation to this particular issue.

**Ms Bradshaw:** Minister, how will the rescinding of these convictions affect the Access NI records relating to the offenders, and will possible future employers be told?

**Mrs Long:** In respect of Access NI checks, this is obviously going to have an impact in the sense that the convictions will no longer be on record. However, as I explained, there will be the opportunity for the —. They will not be on the police national computer database, so they will not be automatically disclosed. However, if the individual was barred from working with vulnerable groups, that barring will still stand. Secondly, the police intelligence database search will flag it up if there is any information about an individual, in addition to a conviction, that needs to be considered, and that will allow the Chief Constable in question to make that information available to Access NI if someone is applying for a job with those checks.

We believe that there are protections there. Obviously, we would prefer that those convictions did not have to be set aside, but unfortunately in this case we believe that they will have to be set aside, and therefore my concern is that we do not create any risk to public safety as a result of that choice.

**Mr Beggs:** The Justice Department seems to be problematic. It cannot even deliver a written statement here on time, and we are having to disrupt our sitting. I welcome your decision to allow more time for us to read the statement before asking questions.

This debacle has resulted in 17 victims being re-traumatised. Our actions should be focused on the victims, and also on protecting the public. The Minister has indicated that she is bringing forward a new justice (miscellaneous provisions) Bill. Will she be bringing it forth so that it can act retrospectively and not only correct this action for future cases, but also apply retrospectively to put this right, to avoid re-traumatising victims, to protect the public and to avoid considerable cost to the public purse in running additional court cases once more?

**Mrs Long:** I thank the Member for his question and can reassure him that the Justice Department does not have particular problems. This problem does not stem from the Department of Justice. I hope that the Member will be reassured by that.

I can confirm that my Department did look into, and seek legal advice on, a retrospective fix to this particular issue. While there is a presumption against retrospective legislation, it can be achieved by deliberate legislative action through primary legislation. However, such a course would have to be assessed for its fairness, and any such legislative change would not be deliverable before 2022. It would have been unconscionable to sit on the issue for a further 18 to 24 months, and the PPS had a responsibility to advise defendants and victims of the situation and move quickly to resolve it. Consequently, a retrospective amendment would not have helped. However, it is our intention to reinstate these matters back into the system, as it was never intended that these offences would not be able to be tried in the Magistrates' Court. In the interim, offences will still be able to be tried in the Crown Court.

**Dr Aiken:** I thank the Minister for her comments so far. I was struck by those that she has just made about Access NI. She said, I think, that she believes that it would provide a degree of protection. However, there are no safeguards or

guarantees in that, particularly as it is outwith the normal legislative process. Therefore, will she take full accountability and responsibility in the event that safeguarding is not provided despite what she believes?

**Mrs Long:** To be clear to the Member: we have checked, and I am stating clearly that there are two safeguards available. First, if the individual was barred from working with vulnerable groups as a result of their previous conviction, that bar would stand and be disclosed by an Access NI check. That is the first safeguard.

Secondly, the police intelligence database search by Access NI would highlight that information was available about those individuals. Access NI would refer the application to the police, who have the statutory authority to release information for inclusion in the certificate even where a conviction has been set aside. The chief officer of police must reasonably believe that the information is relevant and ought to be included in the certificate.

The Member is, therefore, asking me to take responsibility, first of all, for a decision that is made by the Chief Constable, over whom I have no authority on operational matters, and for a decision that is taken by Access NI with regard to the screening process. What I can say is the factual situation with respect to what is in place. What I cannot do is tell the Chief Constable of the day how they should proceed and whether they would judge those issues to be pertinent. I would, however, find it hard to believe — as, I am sure, would the Member — that they would not find those issues pertinent in the context of someone's applying for a job, particularly if that job involved access to vulnerable individuals.

**Miss Woods:** I thank the Minister for coming to the Chamber. My thoughts are with the victims of those crimes who are affected by the error. I hope that the Minister agrees that it will come as a further blow to trust and confidence in the system by victims and wider society. We must accelerate the Gillen review's recommendations as part of that. Have victims been assured about the safeguards that are in place with regard to those who may have been on a register, as the Minister discussed earlier? What conversations has she had with the Chief Constable on the matter?

**Mrs Long:** I have had no conversations with the Chief Constable on the matter because it is not a matter for the Chief Constable. I have had conversations with the PPS in order to

determine that we give victims all the information that is required. I had a lengthy conversation with the Director of Public Prosecutions about the need to protect victims from additional distress, and also the need where it is necessary, when the prosecutorial test has been undertaken, for those decisions to be prosecuted where that was in victims' best interests.

It is important that Members recognise the limitations of the Justice Ministry. I cannot direct the Public Prosecution Service. There may be those who wish that I could, but I cannot. Neither can I direct the Chief Constable. Again, there may be those who wish that I could, but I cannot. What I can do is have discussions with them and put victims at the heart of what has to be done. That is what I have sought to do.

I absolutely concur that we need to move forward on Gillen. That is why we have an implementation plan, which is being shared with the Committee. That is why, as part of the miscellaneous provisions Bill that is due to come to the Committee, hopefully, in the new year, we will focus very much on taking forward the Gillen recommendations, because I recognise that, of all offences, sexual offences cases are some of the most sensitive and difficult that we will ever have to deal with in the system. They are also complex and, often, take a long time to resolve. That in itself can be traumatising to victims. When we end up in a situation like this, where people have been through the process and, then, find that those convictions are overturned, it is yet another reason for people to be anxious about bringing forward their case.

I want to reassure victims that, out of all the cases that have been tried, this was a very unique and specific error. I ask Members to caution themselves before they try to make it sound as though the whole justice system is in disarray. You do victims a disservice when you go down that road. This was a very specific and narrow issue, which occurred before the devolution of justice. There is no evidence that a similar issue has occurred since. People need to take some degree of balance and perspective for the sake of victims if for no one else.

**Mr Allister:** Minister, you said that the Department conducted a full inquiry. In your statement, you said that the issue was raised in 2012. However, you told the House that you cannot tell us by whom, or with whom, it was raised in 2012. If you know that it was raised in 2012, surely you must know who raised it, and with whom and with what consequences.

Secondly, is there any DNA which will have to be removed from databases as a result of this?

**Mrs Long:** With respect to 2012, the issue was first raised within the PPS, not the Department. I do not know who within the PPS raised it or with whom they raised it. I suspect that at this stage that many of those individuals are no longer there. That is my understanding. My Department has undertaken a review of legislation because that is where we can undertake a review. We have the information available to us to be able to feed back into this and to make sure, for example, that when the PPS were notifying victims, that they considered all other potential offences that might have been caught up in this error.

With respect to 2012, I do not have information on who said what to whom at that time. Information before that period is even more scarce. I suspect that it would be held by the NIO, if it is even held at all.

In respect of DNA on the database, that will have to be reviewed. No DNA would be removed before decisions are taken as to whether or not these cases are to be re-prosecuted. That is something that will have to be looked at in the round.

**Ms Sugden:** I thank the Minister for coming to the House. This is a grave error. We pursue criminal justice not least to provide closure for victims of crime. Unfortunately, this has opened up a very sore wound for them. I ask the Minister to consider compensating them for their loss for the pain that they have suffered and that they will also suffer in the conclusion of this process.

Can the Minister clarify the purpose of the clause in the forthcoming justice provisions Bill? Is she concerned that there is a vulnerability within the system and that this is to protect from any future mistakes?

**Mrs Long:** First of all, if a victim decides that they want to pursue compensation as a result of this they will, of course, be free to do so. The normal processes will apply and they will have the support of Victim Support NI to be able to pursue that option. With respect to why we are adding it back in, the reason that we are doing it is that there are good grounds as to why some offences, which attract lesser sentences, may want to be tried in the Magistrates' Court because it is a quicker route to sentencing. It is not that we believe that we are closing down a potential for further error, it is simply that we believe that that particular route may be a

swifter way to access justice for victims. Therefore, it was never intended to be removed from the PPS to enable them to do that. It is better that we put it back in place for a swift administration of justice.

**Mr Speaker:** No other Members are indicating that they would like to ask questions. That concludes questions on the statement. Members, please take your ease for a few moments.

1.15 pm

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

## **Public Expenditure: 2020-21 COVID-19 Economic Recovery Assessment**

**Mr Murphy (The Minister of Finance):** I wish to update the House on the latest set of allocations aimed at addressing the evolving COVID-19 situation and the need for economic recovery.

Since my statement to the Assembly on the June monitoring round, further funding of £762.2 million has been made available to the Executive from the Treasury. Funding has also become available as a result of revised assessments of earlier COVID-19 allocations. The Department for Communities has surrendered £4 million of funding in relation to its COVID-19 Supporting People programme response due to the use of existing funding to provide that support and lower-than-anticipated PPE costs. The Executive previously held £2.2 million for their contribution to a ferry operator scheme run by the Department for Transport in England. Latest indications are that the cost will be £0.35 million, thereby releasing £1.85 million for reallocation. In addition, as a result of recent departmental assessments, some £30.9 million of capital DEL has been made available for reallocation.

I want to provide an update to the House on allocations made over the summer period. Due to the evolving situation and the need to provide support as expediently as possible, the Executive allocated £123 million of funding on 13 August. That set of allocations enabled schools and further education facilities to reopen safely, provided apprenticeship places and supported social enterprises. Two limited allocations were made on 11 September, reflecting the urgency of additional higher education places and PPE for the education sector as schools reopened.

Following a meeting of the Executive last Thursday, further allocations totalling £165.2 million have been agreed. Given the concerns around waste management and the need to meet pressures resulting from increased landfill and waste management costs, DAERA has been allocated £11.4 million to support those key services. Local councils have been at the forefront of vital recovery services despite experiencing a reduction in their income. Councils will also play a key role in economic recovery, and in recognition of that, £40 million has been allocated to the Department for Communities to support councils. Given the severe impact of COVID on the arts sector and the need to support the reopening of venues, £29 million has been allocated to the Department for Communities for cultural recovery. That is in addition to £4 million that was previously allocated for the cultural resilience fund and means that the Executive have provided £33 million to support that sector.

The Executive recognise the need for further support for businesses, and, in recognition of the ongoing hardships faced, the Department for the Economy has been funded to support a number of initiatives: £8.5 million for assistance to business, to encourage new businesses, help retain employees, attract FDI and boost the screen industry and games sector; £8.4 million for skills and youth training, to ensure that young people can continue learning and employers have access to people with the skills and qualifications needed to recover and grow their businesses; £9.9 million for tourism, to support tour operators, promote the North as a tourism destination and assist businesses to adapt to changed market conditions; £5.8 million for university R&D, to replace and protect jobs and help universities to focus on the research needed to fight the outbreak and support the economic recovery; £1.9 million for air-route support, to develop air routes that are critical to economic development; and £1.4 million for energy, and that funding will implement a demonstrator project to kick-start the hydrogen economy.

Those allocations should all help to spur economic recovery. The Executive have allocated £8 million to maintain a safe environment for schools through to March 2021, with a further £1 million to help preschools meet the additional costs of reopening.

Young people's education has been affected by COVID-19, and an allocation of £0.2 million has been made to support children with additional and special educational needs.

An allocation of £1.6 million was made to the Department of Health in relation to the track, trace and protect app. The mobile app was launched on 30 July to support the Public Health Agency (PHA) contact-tracing programme and help to minimise the spread of COVID-19.

Given the winter pressures identified by the Department for Infrastructure and the need to ensure that key transport corridors are accessible during the winter months, the Executive allocated £5 million for the Roads Service to provide vital gritting and gully-cleaning services. The £14.8 million capital allocated to the A6 demonstrates the Executive's commitment to delivering this vital dual carriageway between Belfast and Derry. That allocation will ensure that delays in construction, caused by the COVID-19 lockdown earlier in the year, will now be made good. Members will be aware of the limitations to development being caused in many areas by historical underinvestment in waste water infrastructure. The £15 million capital allocation to Northern Ireland Water will provide investment to upgrade sewers, waste water treatment works and pumping stations.

Full details of all allocations since August are set out in the tables that accompany this statement.

Following the latest round of allocations, the Executive retain a central fund of £55.2 million to be held for further sectoral support, including airports, travel agents, and a scheme being developed by the Department for Infrastructure targeting the taxi and coach sectors. In addition, £600 million continues to be held centrally pending the Department of Health's assessment of costs for 2020-21. Further decisions on funding will be made following the Department of Health's assessment of need, and proposals from Departments on further sectoral support.

The Executive continue to respond to the changing environment that COVID-19 brings. The allocations that I have set out will contribute to our aims of supporting businesses, protecting the vulnerable and ensuring the continuation of key public services.

**Dr Aiken (The Chairperson of the Committee for Finance):** I thank the Minister for his statement, and for meeting me earlier. Thank you very much indeed for keeping me informed of the information so far.

The Assembly can welcome the £2.2 billion that we have received from the rest of our nation. It

underlines the benefits of being part of our precious Union.

**Mr Allister:** Hear, hear.

**Dr Aiken:** I expect a bit more than that.

**Some Members:** Hear, hear.

**Dr Aiken:** Right, thank you very much indeed.

**Mr Allister:** [*Inaudible.*]

**Dr Aiken:** Minister, I am particularly pleased to see the allocations for resources. However, I note in the statement — this is not a criticism of the Finance Department — issues around the excluded, taxi drivers, the haulage industry and details on the Kickstart scheme. Maybe the Minister could say whether he has received bids from the Department for the Economy or the Department for Infrastructure for those things, which have been at least six months in gestation.

I note that we have £55 million in reserve. I also note, as my honourable friend from South Belfast continuously talks about, the issue of £2.2 million in air passenger duty (APD) that we keep giving back to the Treasury despite the fact that some of our airports need resource to keep going, in particular to maintain a 24-hour operation at Belfast International Airport. There is a real need for financial support to do that, especially with the importance of freight.

The Ulster Unionist Party, and me as Chair of the Finance Committee and leader of the Ulster Unionist Party, welcome the additional money for the A6 and Northern Ireland Water. Bearing in mind that that money needs to be spent —

**Mr Deputy Speaker (Mr Beggs):** Can the Member come to his question?

**Dr Aiken:** — by the end of the financial year, can the Finance Minister explain how that money will be spent by the end of the financial year, bearing in mind the difficulties of writing contracts and getting suitable business cases put forward?

**Mr Murphy:** I thank the Committee Chair for his questions and commentary on the statement and allocations.

It is frustrating that it has taken some time to find a solution between Departments for sectors that were left out. Responsibility for a number of those sectors falls between Departments. It has

taken some time, and an intervention by the First Minister and the deputy First Minister. Additional support and power have been given to Departments to make sure that they could deal with that.

The work on coaches and taxis is being done, and I have not yet received a bid. As the Member identified, we have held aside £55 million to allow for that bid, and, perhaps, a number of others for different sectors. There will also be further airport costs. That money is to try to cover those.

That, as with all the COVID money, as the Member correctly identified, has to be spent within the financial year, so we need to make sure that that work is done quickly and the costings brought forward as quickly as they can be so that the Executive, if they support whatever bid is made, can bring forward further allocations.

I get the point — others have raised it — in relation to APD. The Department for the Economy still feels that it is an important tool to support air connectivity. If it changes its view on that, I will happily consider that. In relation to Northern Ireland Water, it has identified somewhere in the region of 11 schemes that it wants to get on with, but it is obviously a matter for the Department for Infrastructure to ensure that the allocation is spent. Departments know when they bid for this money — we have had long conversations with them about it — that it is COVID money. It has to be spent in this financial year, so those who are bidding for capital know the constraints in relation to that. I assume that they have made those bids in the full expectation that they can spend the money in the time available.

**Mr Deputy Speaker (Mr Beggs):** As Members will be aware, some discretion is being shown to Committee Chairs to ask a question *[Laughter]* so I ask all Members to make a brief introduction and then come to their question.

**Mr Frew:** I want to put on record that I welcome the funding towards the hydrogen energy economy project. I believe that that will assist not only in the recovery but in the coming years with regard to the climate emergency and the recovery of industry in my constituency and wider afield in Northern Ireland.

Is it not frustrating when we have a large pot of money — £55 million — sitting at the centre that could be used to help to alleviate the pain and suffering of some of our industries that have carried on throughout this COVID emergency, not least the haulage companies

and the taxi and coach sectors, who have been penalised further by the Infrastructure Minister's slowness on MOTs, PSVs and licence requirements for drivers?

**Mr Murphy:** I cannot answer for the Infrastructure Minister in relation to those other matters, and I am sure that those are issues that you will raise directly with her. I know that there was an issue between the Department for the Economy and the Department for Infrastructure in relation to supporting those sectors that you have outlined, and it was quite clear that, for the Department for Infrastructure to accept that, it needed to have some additional powers conferred on it. So, it was not just a straightforward, "Who wants to take this case and who is going to run with it?". It took some time to resolve that. That is frustrating, particularly if you are a sector that is waiting on support in very challenging economic times. So, I am glad that that has been resolved, and I look forward to a submission being brought along so that the Executive can consider an allocation to a number of those sectors.

In relation to the hydrogen scheme, there is funding in there to have a test project in relation to that. I am due to have a cross-departmental discussion with a number of other Ministers in the near future to get further information about that, and I know that it is something that people have been advocating very strongly.

**Mr McHugh:** Minister, have you received bids from any of the groups — some are from my constituency — that have been excluded from previous schemes —?

**Mr Deputy Speaker (Mr Beggs):** Order, order. I urge Members to stand adjacent to a microphone to get appropriate distancing and so that everyone can hear for the record.

**Mr McHugh:** I will ask the same question again. Have you received bids from any of the groups — many are from my constituency — that have been excluded from previous schemes? What arrangements are being made to accommodate those people?

**Mr Murphy:** I am sure that we have all received representation from various sectors that, for one reason or another, have fallen through the gaps in relation to the supports that have been made available to date. We have talked about the coaches and taxis, and I know that travel agents, newspapers, self-employed and newly self-employed people have been making cases. There are difficulties with some of those, particularly in relation to the self-employed. It

would involve the assistance, or, certainly, the oversight of HMRC, which may not be available to us.

There have been challenges, and some of those have been because they fall between Departments and getting people to accept responsibility for that. There are also challenges for some of the sectors around giving support and verifying that that support was going to the right people. There are a number of challenges around all that, and I feel very much for those who are continuing to struggle and feel that they have been left out, and I know that the Executive are keen to try and give support as quickly as they can to them. That is why I have kept a pot of money in reserve so that we can do that as quickly as possible.

**Mr O'Toole:** I think that it is worth saying up front that I do not think that there is any legal doubt over whether it was the Infrastructure Minister or the Economy Minister's legal vires to support certain sectors; it was the Economy Minister's. On that note, in a previous life, I used to do improvisational comedy when I was much, much younger, and, unfortunately, there seems to be a high degree of improvisation around business support.

We have £40 million allocated to business support, including £8.5 million that is just called "assistance to business". That seems to be very whack-a-mole and improvised. Why has the Economy Minister not worked with the Finance Minister to produce a joined-up economic recovery plan that explains exactly where the money is going and why it is going to particular places? Further to that, just at the bottom of the table —

1.30 pm

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

**Mr O'Toole:** — there is —.

**Mr Deputy Speaker (Mr Beggs):** Order. I have been flexible with the individual. I allowed him a long introduction. This is an opportunity to ask a question of the Minister.

**Mr Murphy:** Everybody will have their version of where the issues lay between Economy and Infrastructure in assisting some sectors. I am just pleased that the matter has been resolved and that Infrastructure has undertaken to do it. I look forward to working with the Infrastructure Minister to identify how we get support to those sectors.

A statement such as this has to be condensed. I could speak for two or three hours, but the Speaker might take issue with that. The £8.5 million is for:

*"assistance to business, to encourage new businesses, help retain employees, attract FDI and boost the screen industry and games sector".*

I am sure that the Member can get more detail on that from the Department for the Economy, should he choose to engage with it.

The Department for the Economy produced its own economic recovery document. The Executive produced a framework for economic recovery, against which the allocations were set. It took a little time over the summer to get that together, which is why we waited until it was available to us. It was not a question of the Economy Minister and I working together; the Executive made the allocations against their own framework.

**Mr Muir:** I thank the Minister for his statement. I am disappointed that those who have been excluded from support and hauliers are not included in the funds. For hauliers, I note that powers have been passed or were meant to be passed to the Infrastructure Minister, but that has not yet occurred. It is concerning that a significant number of Barnett consequential are coming to Northern Ireland, yet there has not been, for example, a bid for funding and a scheme rolled out for the Kickstart scheme, even though that was announced in Great Britain —

**Mr Deputy Speaker (Mr Beggs):** Will the Member come to his question?

**Mr Muir:** — back in July. What measures is the Minister taking to ensure that the moneys are spent in this financial year and that we will not surrender any moneys at the end of it?

**Mr Murphy:** The Member will know that something coming across as a Barnett consequential does not automatically go to the same issue; it is up to the Executive to decide how to use that money. Clearly, the Executive, having ensured that the health system has enough money to cope with the pandemic, wanted to turn their mind to economic recovery. The economy has suffered greatly because of the pandemic and the associated lockdowns and restrictions. We wanted to ensure that we targeted the limited resource — it is a limited resource — to the best effect for economic recovery.

A significant amount of work has been done among officials in all Departments. They are clear that the COVID allocations are for this financial year. Money that is bid for and schemes that are put forward have to be spent in this financial year. We will continue to monitor that. As I said at the start of my statement, a number of surrenders have been added to the pot, where people identified early on that they did not need money that had been previously allocated and it has been returned. We will keep a close eye on Departments to make sure that that happens over the coming weeks and months.

**Mrs Cameron:** I thank the Minister for his statement. Given the need to change the way in which we operate during a pandemic, particularly in the health service, will any money being held centrally be ring-fenced for the much-needed health service transformation?

**Mr Murphy:** As I said, £600 million is being held centrally. The Minister of Health will bring forward an assessment. COVID money has to be spent this year. It is a substantial amount of money, but the health service can make use of a substantial amount of money. He will bring forward details on that, because we want to be clear that there is enough money to cope with what is coming at us. It is clear that there will be another COVID surge, which will coincide with the winter flu to create significant difficulties for the health service, so we need to make sure that it is properly resourced. In those costs, he is also looking at recovery in the health system. He will bring forward to us an assessment of what he needs and what he can spend in this financial year. As I say, £600 million is a lot of money to cover that. If he does not require it all, that will be put back into the pot and reallocated to other areas, but I know that recovery and assistance for the health service generally is part of his thinking for spending that money.

**Ms Dolan:** I thank the Minister for his statement. Minister, will you join me in encouraging Minister Mallon to use some of the £15 million allocated to NI Water for the residents of Galliagh Shore in Enniskillen?

**Mr Murphy:** I am sure that Members have received correspondence from people involved. It seems to be an appalling situation, and I have strong sympathy for residents there who have found themselves, through no fault of their own, in a situation where the services, in terms of sewage and waste water to their houses, have not been finished and there does not seem to be any route to get that finished. We have, as I said in the statement, allocated £15 million

capital to Northern Ireland Water specifically for schemes. We recently provided additional funding to Northern Ireland Water of £27 million of resource as well, so I hope that the Infrastructure Department can, now that it has sufficient resource, engage with the residents in that Galliagh Shore scheme and see if they can find a resolution to those unacceptable problems.

**Mr Givan:** Minister, how much has been allocated to Translink to date? I note in the statement that the most recent allocation is £20 million, and it has appeared in every statement so far. What is the total that Translink has been in receipt of? Was there a missed opportunity for Translink to avail itself of additional support through the furlough scheme, which would have allowed Executive funding to have gone into other schemes?

**Mr Murphy:** I do not have the figures, but, as I have dealt with this a number of times over the last number of months, I think — if I need to correct this, I will come back and correct it — that we gave an additional £20 million to Translink in the Budget in March above and beyond what the Department for Infrastructure received, and I think that a further £70 million has been allocated from the COVID allocations to Translink. My guess is that about £90 million has been given to Translink since March.

The Member asked a question about furlough. I know that the Infrastructure Minister looked at that. I gave advice because, initially, people considered that furlough was only for the private sector and we then became aware that the public sector could avail itself of it in certain circumstances. Translink was, I think, eligible for that — some of the workers there were — and the Department for Infrastructure and Translink looked at that and decided not to take the route. I do not know why; that is a matter for the Minister for Infrastructure and the CEO of Translink to answer. I think that it has received in the region of £90 million in additional funding since the start of the financial year.

**Dr Archibald:** I thank the Minister for his statement. Minister, £55.2 million has been held centrally and you have outlined that it is for sectoral support, including airports, travel agents, taxis and coaches. Can you give us an update on the planned financial support for airports, please?

**Mr Murphy:** Yes. We provided some COVID support to airports that made a case and needed that money. Business has begun to pick up again, which is good news for our three

airports. There is consideration of security and safety costs to the airports, and we will attempt to provide further support in relation to that. Obviously, that discussion will have to be had with each of the three airports, and we will see what assistance might be required. We also have to match that against the resource that we have to give them. The Executive have held back a pot of £55 million and agreed that some of that will be allocated to airports. We need to have that discussion with them fairly soon to see what is required.

**Mr Catney:** I thank the Minister for his statement, and I welcome the further allocated support, particularly for our arts sector. Will the Minister agree with me that all signs seem to be pointing towards a further lockdown? That being the case, what planning has his Department done to put support in place for when that inevitably happens?

**Mr Murphy:** I am not sure that it is inevitable. I suppose that we can all look at how things are developing and make our own guess. We have not received any advice at the Executive that a further lockdown is required. Obviously, there are restrictions in place in the home setting, but a further lockdown would directly impact on businesses. We have not received that advice. As I said, there is a pot set aside for a number of interventions. Should there be money left when those interventions are made, I will go back to the Executive to ask whether they want to reallocate what is left or to keep, in case we get to the type of lockdown scenario that the Member talks about, some money set aside into the new year, bearing in mind that it has to be spent by the end of the financial year, to see what the pandemic might throw at us in the time ahead. It would be prudent to keep some money in the pot for emergency assistance should that be required.

**Mr Nesbitt:** I acknowledge that the Minister faces two massive challenges: protecting public services and trying to preserve the fabric of society. On the latter, I very much welcome the money for the arts that is now being released.

My question is about sport. The chief executive of the Irish Rugby Football Union (IRFU) has spoken about an existential threat to the future of professional rugby on the island, including Ulster. The all-party group on sport last week heard a common theme from governing bodies. Gate receipts are drying up, sponsors are either withdrawing or seeking to renegotiate and money is very tight. Can the Minister give clarity to the sports on where they stand in the Executive's priorities, please?

**Mr Murphy:** I can speak personally as somebody who continues to be involved in sport. The benefit to society generally is immeasurable. I was fortunate enough to attend a hurling final yesterday in Armagh, and I know about the organisation that goes into that to ensure that people are safe and socially distanced and that the crowds are controlled by people who are volunteers and who put their own health at risk by undertaking to do that to allow people to get the enjoyment and value of attending a live sports event. For me, that is a huge benefit, and it makes a huge contribution to society in engaging with young people and giving them direction, support and positivity in their lives.

By all means, we try to support sport as much as we can. I recognise clearly the limitations that there are with crowds. In this part of the island we are fortunate that we can have some attendance at games, whereas, in the Southern part, you cannot. There is a huge challenge for rugby, Gaelic, soccer and all sports, and we have to keep engaging with them to see how best we can help. I noticed that the Government in Dublin made some intervention with the GAA in carrying out the all-Ireland county championships. I am sure that that is welcome. That will apply in the Six Counties as well. We have to continue that engagement with the sports and see what we can do to support them. As I said, the work that sportspeople do — the vast bulk of it voluntary — for us is immeasurable in its benefit.

**Ms Mullan:** Minister, I also welcome the statement, in particular the extra funding for the A6 development and your ongoing commitment to addressing regional inequalities. The allocations were made alongside the announcement of a job support scheme, which is also critical to economic recovery. What is your initial assessment of the new scheme?

**Mr Murphy:** There was a clear demand from the employers that we spoke to, and we have been articulating to the Treasury for some months the idea that a cliff edge in October for the furlough scheme, as it is more popularly known, would be disastrous for businesses, employers and employees here and would see large-scale redundancies. I am pleased that some form of scheme has continued, but it is nowhere near as generous and will present significant challenges, particularly to low-paid and part-time employees. The support is much reduced from that of the previous job retention scheme and there is a vast difference between the two, but I have to say that it is better than having no scheme. It will present some significant challenges, and I do no doubt that

we will see an increase in redundancies as a consequence.

**Ms Armstrong:** Thank you very much to the Minister. I am delighted to see that the statement includes a kick-start to the hydrogen economy. We now have the opportunity to resolve Northern Ireland Water's problems if only we were to make it produce hydrogen. Do not get my geek up on that one.

When you get to this stage in questions — the Deputy Speaker has been very kind — it can be that all the questions have been asked. Mine is about joined-up working between the Minister's Department and the Treasury. Is this it? Is this the last of the money that we will see this year? We know, as you mentioned, that councils are vital to delivering on the ground. The Society of Local Authority Chief Executives (SOLACE) told us that local government needed £40 million just to break even. Will there be any more money coming from Treasury, or do we need to send a clear message that that is it from big government and the rest has to be brought in with income?

**1.45 pm**

**Mr Murphy:** I have to say that there has been no indication that anything more is coming. As a matter of fact, when we received the significant allocation, particularly for the Department of Health, which we set aside, we were told very clearly that that was the last COVID money from Treasury. Whether that changes will very much be determined not by what goes on here but, more than likely, what goes on in southern England and whether there is a change to that. For instance, when we raised the furlough scheme, which was mentioned in the previous question, we received clear advice that that was it, but they have now come forward with some form of job retention scheme, albeit much reduced.

We do not know whether we will get further allocations. Other pressures might come to bear on the Government in London and force them to change their mind, but we have to operate on the basis of what we know we have. That is why we are saying to people that, apart from the money set aside for Health, which may well all be used by Health, and the £55 million set aside for other sectors, as far as the Executive are concerned, we have no further COVID allocations to make.

**Ms McLaughlin:** Thank you, Minister, for your statement to the House this afternoon. Will you give me a bit more detail about the £80 million

in financial transactions capital (FTC) for Ulster University? This comes on top of a switch earlier this year from FTC to cash allowance. Why is this coming from the Executive Office?

**Mr Murphy:** I thank the Member for her question. She is right: FTC of £80 million has been agreed for the Ulster University's Belfast campus project. It is not an allocation specific to COVID recovery but a planned allocation as part of this project, and it needs to be agreed now to allow the project to access the required funding. Conditional approval has already been given by the Department for the Economy and the Department of Finance for the loan to Ulster University in respect of its Belfast project, and due diligence has been undertaken by Economy on the stability of the project and the capability of the university.

The Executive Office had opted in to playing a role in what is a hugely critical project, not just for Belfast but, by implication, through its knock-on effect, for Magee. It is critical that Ulster University is able to complete these very significant projects. The Executive Office has become involved to ensure that the project, the significance of which goes beyond Belfast or, indeed, the Economy Department, is delivered properly.

**Miss Woods:** Thank you, Minister, for your statement. These allocations will, for some, plug a gap, but not for all. So many are still excluded. What is missing — Mr O'Toole touched on it — is funding for a long-term, coherent green plan for economic recovery. What discussions have there been across the Executive, and your Department, on funding this? When will we see such a plan come forward?

**Mr Murphy:** The process that we are dealing with is COVID allocations: money that we received from Treasury this year that was not in the plans last February/March when we were setting the Budget or even when we were discussing the idea of a revamped Programme for Government. This money has come to us and has to be allocated within this year. So, we are not talking about long-term plans being attached to this; we are talking about economic recovery in the here and now, meeting the challenges of the pandemic and trying to assist businesses to get through this crisis. That does not set aside the fact that the Executive will set a Budget coming into the autumn. We will consult on that and agree it in early spring. I hope that it will be a multi-annual Budget, if we can get clarity from Treasury. That Budget, and the Programme for Government that

accompanies it, will be where the discussion on long-term, green recovery planning should be had.

**Mr Allister:** I assume that all the money announced today is not COVID money. The capital money, for example, seems to be a reallocation of money that was surrendered. Can the Minister give us any indication of how far there has been departure under Barnett from the pigeonholes in respect of which the COVID money was allocated to how it is being spent? I would like some picture of the disaggregation.

**Mr Murphy:** I can get you that detail. I do not have it to hand. Over the last six months, we have made a number of COVID allocations. Generally, they have come in a fairly broad category. We got a significant amount for Health, which we are sitting on until Health decides what it needs. A significant amount came across for PPE, and we have used some of that to purchase PPE for Health and other Departments. I do not see a huge amount of departure. Broadly speaking, there was the economic recovery money and the resilience money for the Health Department. However, I can certainly get those figures. We will supply those to you.

**Mr Carroll:** I thank the Minister for his statement. Most of this money will obviously be welcome, but it will not address some of the longer-term issues re the lack of funding for our services. The Minister will be aware that Rishi Sunak has indicated his preference for corporation tax to increase by 5%. Does the Minister have any views on that? Would you like it to increase by 5% or more? If so, how much extra money would that bring in for public services here?

**Mr Murphy:** There has been no discussion on a corporation tax increase or decrease. As a matter of fact, both myself and the Minister for the Economy said that it is not something that we are considering at this time.

**Ms Sugden:** Thank you, Minister. Minister, forgive me but it does not really feel like this statement, aside from its title, is on COVID-related allocations. Indeed, it could be argued that a lot of the allocations that you have made were gaps that existed before the pandemic. Will the Minister's Department audit how it is spent — for example, within councils and universities — so that it goes directly to difficulties related to COVID-19?

**Mr Murphy:** Yes. Of course we will continue to engage. Departments put forward bids in detail which is not available in the statement, but you are more than free to put questions to Departments to get information on any of the money that they received. Councils have been at the forefront of assisting and fighting this pandemic, in terms of not just the services that they provide but how they harness the public and voluntary spirit that is out there in the country. They assisted with services like food parcels that I do not think that the Executive would have been able to deliver themselves. Councils also suffered a significant loss of income, as many businesses did. They are a critical part of joined-up government.

The bid for councils was more than we were able to give, but it was important to give support to councils. I have had engagements with NILGA and other council representatives to hear at first hand the problems that they continue to have. It is important to give councils support. As we head towards what looks like another increase and possibly another surge in the virus, the role of councils will be critical.

We do engage. Departments put in detailed bids. Those are interrogated. We asked them to rank the bids in order of importance. They were also set against the framework recovery document to make sure that they will make a contribution to economic recovery.

**Mr Stewart:** Minister, a great deal of responsibility tennis has been played by various Ministers about who is responsible for providing additional support for businesses that, to date, have not been able to avail themselves of support or intervention from the Executive. A motion to that effect was passed unanimously in here two weeks ago. Have you had a bid from the Minister for the Economy yet? In the absence of one, are you, with your Executive colleagues, in a position to create a package of support for those SMEs that have, to date, missed out?

**Mr Murphy:** No, not as yet. We can debate all day whose responsibility these things are, and it has gone back and forward. To be quite honest, I can only make a recommendation for allocations; that is what I do. I bring that to the Executive on the basis of a bid made by a Department; I have been very clear about that. I do not have the authority or responsibility to put together packages of support from the Finance Department. We assess what is brought to us and then make a recommendation to the Executive with the funding that is available to us.

To be quite honest, I am more interested in people getting on together, working on these things and starting to get support out to where it is needed. We have done that very well. I am sure that, like many other Members, you engage with people in business and other areas. They have greatly appreciated the rates reliefs and all the support that has been given to the public to assist in fighting the pandemic. However, there are sectors that are still understandably annoyed at being left out. The sooner that we can put that together and get support to them, the better.

**Mr Deputy Speaker (Mr Beggs):** I thank Members for asking questions. All Members' questions have been taken.

Members, the next item of business on the Order Paper is Question Time at 2.00 pm. I therefore propose, by leave of the Assembly, that we suspend the sitting briefly until then. The sitting is, by leave, suspended.

*The sitting was suspended at 1.54 pm.*

*On resuming (Mr Speaker in the Chair) —*

**2.00 pm**

## **Oral Answers to Questions**

### **The Executive Office**

**Mr Speaker:** As I informed Members at the start of the sitting, the First Minister will be responding today.

### **Clerical Child Abuse**

1. **Ms Bradshaw** asked the First Minister and deputy First Minister for an update on the work of the inter-departmental working group on mother and baby Homes, Magdalene laundries and historical clerical child abuse, particularly the issue of clerical child abuse. (AQO 739/17-22)

**Mrs Foster (The First Minister):** The Department of Health leads the work on the mother and baby Homes and Magdalene laundries, while the Executive Office leads the work on historical clerical child abuse. Ministers are aware of the impact that clerical abuse has had on many individuals' lives and the importance of progressing the work. The working group intends to commission a research project on clerical child abuse later this year. The terms of reference will be formally agreed later, but it is intended that it will cover opportunities to improve existing safeguarding practice as well as how best to engage with victims and survivors.

**Ms Bradshaw:** I thank the First Minister. I met Executive Office officials probably three years ago, and they were talking about the terms of reference for this research. Is there any way that you could push that forward? Obviously, a lot of the victims are very distressed at the delay.

**Mrs Foster:** I thank the Member for her question. Indeed, I know that many of the victims have been lobbying hard on that. I very much would like to see the work being taken forward in a more timely fashion. As the Member will know, the Department of Health appointed Judith Gillespie to take forward some of the work in relation to the mother and baby Homes. As part of that, she has been engaging widely. She succeeded Peter McBride, as the Member probably knows as well. All of that was happening during suspension, and then Ms

Gillespie was appointed by the Department of Health recently.

It is important that we take the issues forward. There is a lot to be done on the matter. In some ways, it also goes alongside the Commissioner for Survivors of Institutional Childhood Abuse (COSICA) appointment, which I will address later. It is important that we move all these issues forward so that people can get closure and the restitution and justice that they so rightly deserve.

**Mr McGrath:** Do our joint First Ministers think that the compensation levels that were offered for the data breach by the interim advocate's office were suitable for the level of trauma that some of those people experienced?

**Mrs Foster:** The Chair, better than most, will realise that this is a legal process, and, therefore, we are dealing with our lawyers. They are dealing with all these matters. It would be wrong of me to intervene on those matters because some of them will end up in court. It is important that we reference and respect that.

**Ms Dillon:** Is it intended to have a redress scheme for clerical abuse that is similar in type to that in place for historical institutional abuse (HIA)?

**Mrs Foster:** People who were in institutions such as the mother and baby Homes up to the age of 18 can apply for redress through the scheme that exists. We will have to see, after the piece of work by Judith Gillespie is done and, indeed, given the wider terms of reference for clerical abuse, whether any gaps remain. I should say, very clearly, that those who were in mother and baby Homes up to the age of 18 can seek redress through the historical institutional abuse inquiry.

**Mr Carroll:** How will the Minister's office ensure that the voices of victims, who feel let down and excluded so far, will be heard throughout and at the end of the process?

**Mrs Foster:** We have made good strides in listening to victims' voices. I will answer a question later about the commissioner appointment. It is important that we also reference the fact that Judith Gillespie is proceeding with her piece of work and is working with victims and survivors as well. That is important. The piece of work that she is taking forward is very difficult but important. We wish her well and look forward to what she has to say when she has finished it.

## COVID-19: Update

2. **Mr Humphrey** asked the First Minister and deputy First Minister for an update on their response to the COVID-19 pandemic. (AQO 740/17-22)

9. **Dr Aiken** asked the First Minister and deputy First Minister to outline their approach to reinforcing COVID-19 protection messages. (AQO 747/17-22)

**Mrs Foster:** Mr Speaker, with your permission, I will answer questions 2 and 9 together. Whilst COVID-19 is primarily a health pandemic, it is also causing significant societal and economic impacts. The Executive's response, therefore, aims to deliver a balanced package of measures that will target support where it is needed most across all the areas. The Executive's approach continues to be flexible in responding to the emerging situation. Most recently, it included the introduction of restrictions in domestic settings, initially on a postcode basis and then extended to all households given the concerning levels of transmission across the community. The focus of those restrictions on household settings is informed by the evidence that we have from the test, trace, protect programme, which tells us that household transmission and informal interactions in the community are playing a role in increased positive case numbers. We continue to keep the situation under very close review, and we are prepared to respond as necessary in order to flatten the rate of infection and, ultimately, save lives.

These have been the most challenging of times for people, and we understand that they are weary of COVID-19. However, it is crucial that everyone continues to follow the consistent public health messaging. The Executive's high-impact, cross-platform public information campaign continually reinforces the message on social distancing, maintaining good hand and respiratory hygiene, wearing face coverings and downloading the StopCOVID NI app. We want to ensure that that information is communicated to as wide an audience as possible, and last week the deputy First Minister and I made a public address to update everyone in the community on the current situation and to reinforce those crucial messages. That was broadcast live on a number of platforms, and the viewing figures for the BBC alone were over 230,000.

**Mr Humphrey:** I thank the First Minister for her answers so far. Can I take the opportunity on

this, 28 September, to wish the First Minister a very happy Ulster Day?

Many Members will have been contacted by constituents who are concerned about cancer care for their loved ones or, indeed, for themselves. Is the First Minister satisfied that progress is being made on access to non-COVID treatments in our health service?

**Mrs Foster:** I thank the Member and wish him a happy Ulster Day as well.

Non-COVID healthcare concerns the Executive greatly. I was pleased that the Health Minister brought forward his new cancer strategy paper to the Executive last week and informed the House in a written statement about all that. It is very important that we look at the short and medium-term plan to rebuild and, indeed, to stabilise our cancer, oncology and haematology services, because that rebuilding plan is critical in trying to deal with all those very difficult diagnoses. We very much want to focus on that as well, of course, as dealing with COVID. We want to make sure that the trusts have their plans in place in order to deal with all the non-COVID healthcare as well.

**Mr Speaker:** I call Steve Aiken, whose question 9 was grouped with question 2.

**Dr Aiken:** I am sorry. My apologies. I withdraw the question.

**Mr Catney:** Joint First Minister, has the Department reviewed the communications strategy on the COVID response?

**Mrs Foster:** As I indicated in my substantive answer, we made a communication directly to the people of Northern Ireland last Tuesday. One of the issues that we have been concerned about over these past number of days and weeks is the messaging for our young people and the ability to get the message to them. It is important that everyone hears, understands and acts upon key messages. We have now put in place a digital campaign that is targeted specifically at our young people, and we are working in partnership with organisations like Cool FM and are using social media and something called Mobsta. The Member might be able to tell me what that is, because I am not quite sure. I am sure that many of our young people would be able to tell me. Apparently, we are going to use Mobsta to do some digital advertising that will target 16 to 25-year-olds, including students, based on their location data. Obviously, if they are in Queens or in Ulster

University or wherever we will be able to get some messages to them.

We are very much proactively looking at our messaging and at making sure that we get messages out as wide as we possibly can.

**Mr Beattie:** Minister, I often travel under those electronic road signs on the motorway that say:

*"The speed limit is not a target".*

In other words, just because you can, does not mean you should. Therefore, does the First Minister believe that the other Executive party leaders undermined the Executive's healthcare message by travelling to Dublin to do a meeting that could have been done on Zoom?

**Mrs Foster:** That is a matter that I am sure my colleagues will be able to answer for themselves. It is important that we do give leadership in these issues, and that we set forth what we would expect other people to do as well. I happen to think that the advertisement of the speed limit not being a target is very effective, and I hope that we can use more of those sorts of quirky advertisements to get out our COVID message as well. As I said, it is important that we reach as many people as possible.

## Sectarianism

3. **Mr G Kelly** asked the First Minister and deputy First Minister whether they intend to bring forward legislation that recognises sectarianism as a hate crime. (AQO 741/17-22)

**Mrs Foster:** Mr Speaker, with your permission, I will ask junior Minister Kearney to answer this question.

**Mr Kearney (Junior Minister, The Executive Office):** Ministers in the Executive have a shared commitment to ending sectarianism. Positive work is ongoing across the Together: Building a United Community Strategy to tackle sectarianism and other forms of intolerance in our society.

In May, the Department of Justice appointed Judge Desmond Marrinan to carry out an independent review of hate crime legislation here. Judge Marrinan is due to provide his final report to the Minister of Justice for consideration by the end of November. It is necessary to await the outcome of that review before further decisions can be taken on a way forward.

**Mr G Kelly:** Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. I thank the Minister for his answer up to now. In terms of the New Deal, New Approach (NDNA) commitment, will the Minister confirm his commitment that the Executive will bring forward concrete proposals to:

*"formulate and require all public representatives to commit to an anti-sectarian pledge."*?

**Mr Kearney:** Gabhaim buíochas leis an chomhalta as ucht an cheist sin a chur. A whole-society approach is required to tackle the scourge of sectarianism in all its manifestations in our society. I am very mindful of and fully supportive of the commitments in New Decade, New Approach to ending sectarianism, which include an enhanced strategic focus in the Programme for Government on ending sectarianism; a re-affirmation of support for the right to freedom from sectarianism, sectarian harassment and intimidation; a wish to see sectarianism given legal expression as hate crime; and a commitment that the Executive should formulate and require all public representatives to commit to anti-sectarian pledge.

There is a particular responsibility on all public representatives to lead by example. I am committed to working with Executive colleagues to bring forward practical proposals on an anti-sectarian pledge for all public representatives, in a matter that delivers and is consistent with our NDNA commitments. I am committed to engaging and working with all Assembly colleagues, who are committed to exploring how we may collectively make a stand against sectarianism as the basis for building an inclusive, shared and better united future for all of us.

**Mr Buckley:** Thank you Mr Speaker. You will forgive me for nearly choking on the words "anti-sectarian pledge" from the Member. Does the junior Minister recognise the crass hypocrisy involved in Mr Kelly's question and indeed his response, given that over the course of the weekend Mr Kelly not only glorified in, but gloated at, a terrorist escape at the Maze that resulted in the murder of a prison officer and the injury of another? Does he accept that that stands in stark contrast to building a united community? Those are shameful actions from a member of the Northern Ireland Policing Board.

**Mr Speaker:** As you did not put a question to the junior Minister, we will move on to Justin McNulty.

**Mr McNulty:** Sectarianism is accepted as a form of racial abuse. After over 10 years of a DUP-Sinn Féin duopoly here, will the office of the joint First Ministers tell me at what stage their Department is at with the long-overdue implementation of a racial equality strategy?

2.15 pm

**Mr Kearney:** The Member, of course, will be aware that we have a five-party power-sharing coalition and that his party is an integral part of that coalition. We have commitments in relation to taking NDNA forward that rest at the very heart of the restoration of power sharing. We have the racial equality strategy 2015-2025, and the work that is involved in addressing racism in our society must be seen as part of the overall package for eradicating intolerance and all forms of bigotry in our society, regardless of the source or against which section of society that is targeted.

The work that we have in hand in the context of that strategy continues apace. It is my firm view that all Ministers and, I hope, all parties that are members of our power-sharing Executive will share the common ambition of taking forward and implementing that strategy successfully, so that we can build a genuine, shared, inclusive and united society.

**Mr Allister:** Does the junior Minister think that it would help towards a shared and inclusive society if his party — not least the questioner, in this case — put an end to tweeting the glorification of terrorism, which, in many cases, was crassly sectarian in itself in the choice of victims by the IRA? Would he like to give a lead by indicating that his party will now eschew such glorification of terrorism, or will we be subject to more of the same?

**Mr Kearney:** I thank the Member for that question. The reality, as the Member well knows, is that we all have narratives around our past and the conflict that we have lived through. For the past 100 years, those narratives have been in conflict with each other. What we need to do, particularly in the context of this mandate of renewed power-sharing, is to come together on the basis of respecting different narratives and to agree to disagree. We will not agree on the past, but we can do our level best, collectively and inclusively, to try to build a united future for everyone in society.

Next year marks the centenary of partition in our island and it can throw up the prospect of a very contested year where we disagree vehemently about what happened in the past. Perhaps, however, one of the things that we should try to do next year — I invite the Member to take this point on board for some further reflection — is rather than descend into the vortex of continually and relentlessly fighting over issues of the past, we should look towards the centenary of partition as an opportunity to develop a new dialogue and discourse in society about how we can build for the future.

## North-west Development Fund

4. **Mr McHugh** asked the First Minister and deputy First Minister for an update on the work of the north-west development fund. (AQO 742/17-22)

**Mrs Foster:** The north-west development fund has approved funding in place until December 2021, which includes an extension of the funding period to take account of COVID pressures on projects. The total committed investment by the Executive is approximately £2.15 million. That commitment is match-funded by the Republic of Ireland's Government as agreed in the Fresh Start Agreement of 2015. The north-west development fund has delivered a number of successful projects across three regional development pillars. Some examples are developing economic growth through trade and investment missions, developing the physical environment by contributing to the INTERREG greenways project and, through north-west sports development, strengthening community cohesion and well-being.

**Mr McHugh:** I thank the First Minister for her answer. Will she give an assurance that she will work with the Dublin Government to deliver the NDNA commitments to provide further financial support to the fund?

**Mrs Foster:** I thank the Member for his supplementary. The reference in 'New Decade, New Approach', at page 60, states:

*"The Irish Government is committed to exploring opportunities for investment that will further support opportunities to bring greater economic prosperity and social benefits to the wider region ... and is committed in principle to providing further funding to the North West Development Fund in collaboration with the Northern Ireland Executive."*

I understand that the north-west regional development group wrote to us recently seeking a continuation of the fund beyond the current arrangements that are in place, as I say, until the end of 2021. We will look at that in the future to see what is possible. We will also look at how broad the fund can be right across the north-west, because it is important that there be equity in how the fund is distributed.

**Mr T Buchanan:** Does the First Minister accept that there is much more to the north-west than the maiden city? Are Ministers open to the wider hinterland and areas that extend out further than the maiden city also benefiting from the funding?

**Mrs Foster:** Yes, I accept that the north-west is greater than the maiden city. It is important that that be recognised and taken into account by Derry City and Strabane District Council and Causeway Coast and Glens Borough Council. The north-west goes across a number of regions, and it is important, going forward, that that be reflected in the work.

## Fair Employment and Treatment (Northern Ireland) Order 1998

5. **Ms Dolan** asked the First Minister and deputy First Minister for an update on the work undertaken to amend the Fair Employment and Treatment (Northern Ireland) Order 1998. (AQO 743/17-22)

**Mrs Foster:** Mr Speaker, with your permission, junior Minister Kearney will answer this question.

**Mr Kearney:** There are several potential amendments to the Fair Employment and Treatment (NI) Order 1998 being considered by various business areas in the Executive Office. Those extend to the inclusion of monitoring information as regards nationality and ethnic origin; the repeal or amendment of the teachers' exception in article 71, which was created in 1976 to address the imbalance in employment opportunities for teachers; and an amendment to article 2(4) to reflect the changed circumstances of a post-conflict society, enabling ex-prisoners and their families to transition into making a positive contribution to society.

**Ms Dolan:** I thank the Minister for his answer. Can he outline the progress made in implementing the employers' guidance in respect of public-sector recruitment and vetting?

**Mr Kearney:** Yes, I can. The employers' guidance was designed to assist employers to follow best practice and is aimed at reducing barriers to employment and enhancing the reintegration of those with conflict-related convictions. This week, junior Minister Lyons and I met members of the review panel for an update on their work. We had a very positive and informative discussion with panel members. We recognise that a lot of good work has been and continues to be taken forward. However, whilst there have been key successes and progress in a number of areas to date, including intervention on individual cases, several issues remain to be addressed. Progressing that work and continuing to engage with the review panel will be a priority in the period ahead.

**Mr Lyttle:** Does the Minister agree that the exemption of teachers from the Fair Employment and Treatment Order is archaic? Will the Executive Office bring forward legislation to repeal the exemption of teachers from legal protection in cases of employment discrimination on the grounds of religious belief and political opinion?

**Mr Kearney:** The Member will be aware that article 71 has been enshrined in legislation with a view to effectively providing for lawful discrimination in the employment of teachers in both the controlled and maintained sectors. TEO has responsibility for bringing forward the relevant legislation for amendment, but, clearly, the Department of Education would have significant input and opinion on what those kinds of amendments could or should look like in the future. I can advise the Member that a meeting is scheduled for next week, where officials from TEO will engage with officials from the Department of Education to take forward that discussion.

## **Commissioner for Survivors of Institutional Childhood Abuse**

6. **Mr Gildernew** asked the First Minister and deputy First Minister for an update on the appointment of a Commissioner for Survivors of Institutional Childhood Abuse. (AQO 744/17-22)

**Mrs Foster:** The selection process for the Commissioner for Survivors of Institutional Childhood Abuse was launched in June, with interviews taking place in mid-August. Those candidates assessed as appointable by the selection panel gave a presentation to the deputy First Minister and me on 9 September.

We are in the final stages of the appointment process and, once the requisite pre-appointment checks are completed, the deputy First Minister and I will make a formal announcement regarding the commissioner's appointment.

**Mr Gildernew:** I thank the Minister for her answer. Does the Minister agree that the appointment of the new commissioner presents a renewed opportunity to progress all the Hart recommendations, particularly with a focus on the apology?

**Mrs Foster:** I thank the Member for his supplementary. I remind Members that the Hart report recommended that those who were responsible for each of the institutions investigated by the inquiry, where it found systematic failings, should make a public apology as a wholehearted and unconditional recognition of the failures of the past. That is very much something that the new commissioner will take forward, as well as the memorial that we want to see progressed. Obviously, the commissioner will need to do that in conjunction with the victims and survivors to make sure that it is an appropriate apology and memorial. That is something that the new commissioner should take on very quickly.

**Ms Bradshaw:** Minister, I have heard you mention several times in the Chamber how you will work once the new commissioner is in place. It is 45 months since the Hart recommendations were made. What is preventing you and the deputy First Minister from making a joint apology in the Chamber?

**Mrs Foster:** I think that it is important that all the institutions that have been named in that report should make the appropriate apology. It is one thing for me to stand and make the apology, but the victims and survivors will want to hear it directly from the institutions involved, and that is why we have someone to work with the victims and survivors. I accept that, whilst the interim advocate has been employed in some of that business, there have been some difficulties around that. We wish that it were otherwise but that is where we are at present. However, I am hopeful that we will have the new commissioner in place very shortly. We are in the midst now of pre-security checks and all those sorts of things so that we can take the matter forward, and that they can deal with it very quickly.

**Mr McGrath:** I congratulate the Department on coming to the end of the process of appointing

somebody. Does the First Minister not think that the House deserved a verbal update today about the appointment of the head of the Civil Service, rather than us having to find out most of the information from the press?

**Mrs Foster:** As the Member is aware — at least, I hope that he is aware — a written statement was placed with the Office of the Speaker over the weekend because we knew that this was a matter of some note. Therefore, that written statement is available to all.

**Mr Dunne:** On the payment of compensation to the innocent victims and their families, what progress has been made in recovering some funding from the clerical orders and other institutions that ran these deplorable homes?

**Mrs Foster:** The cost estimates for financial redress range from £149 million, at the lower end, to £402 million, as a central estimate, up to £668 million, at the upper end. Contributions from the institutions, which I have already referenced, would help to defray some of those costs. A potential meeting was discussed with the two archbishops — the archbishop from the Church of Ireland and the archbishop from the Roman Catholic Church. We will shortly write to both archbishops and to the institutions about holding a round-table meeting to emphasise the seriousness of these negotiations, the urgency of making progress and to agree on principles that would govern those negotiations.

It is a moral imperative, and it would be warmly welcomed by the victims and survivors if the institutions stepped up in that way.

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

2.30 pm

## Maze Prison Protest

T1. **Mr Dunne** asked the First Minister and deputy First Minister whether the First Minister can give an assurance that she will follow up with the responsible authorities, including the Justice Minister, the background to the protest that was held at the Maze prison at the weekend, which was, as he understands, facilitated within the grounds of the prison, which is deplorable and unacceptable. (AQT 421/17-22)

**Mrs Foster:** The Justice Minister alerted her Executive colleagues to the fact that the protest

was taking place at the weekend. However, I note what the Member has said in relation to where the protest took place, and we will certainly look for an update from the Minister on that.

**Mr Dunne:** Will the First Minister give us an assurance that this will not recur? I was in the Justice Committee when the matter was raised by the Chairman with the Chief Constable. He made it clear that such a protest was not welcome in the area and that the Chief Constable should take some action relating to it. We are extremely disappointed at the outcome.

**Mrs Foster:** I am sure that the Policing Board will address the matter in due course. Operational decisions by the Chief Constable should be reported there, as he is accountable to the Policing Board. However, I will take up the matter of where the protest took place with the Justice Minister.

## US Envoy Talks

T2. **Mr T Buchanan** asked the First Minister and deputy First Minister whether they have any plans for discussions with the US envoy, Mick Mulvaney, during his visit to Northern Ireland. (AQT 422/17-22)

**Mrs Foster:** Mr Mulvaney has been appointed by the Trump Administration as an envoy to Northern Ireland, principally around economic development. We very much look forward to speaking to him about his ideas on economic development. The deputy First Minister and I were due to meet Mr Mulvaney early tomorrow morning, and I think that he is due to speak to the other Ministers at that stage.

**Mr T Buchanan:** What role does she believe the US can usefully play in helping to build sustainability in Northern Ireland?

**Mrs Foster:** As the Member is probably aware, the US is the biggest international investor in Northern Ireland. Many firms are US-based, and they invest in Northern Ireland because of the strengths of our people and the skills that they have. We want to discuss with Mr Mulvaney where he sees the upcoming opportunities for trade and investment in particular. I understand that he has particular interests in financial technology and cybersecurity. Those are areas in which we are strong. I look forward to having that conversation with him tomorrow, and I hope we can further drive economic investment in

Northern Ireland on the basis, as I say, of our people, our skills and our ability to do business.

## Charlotte's Law

T3. **Ms Sugden** asked the First Minister and deputy First Minister how the First Minister, as Chair of the Executive Committee, is influencing the introduction of Charlotte's law, given that she has publicly voiced her support for such legislation, albeit that it would fall within the remit of the Minister of Justice. (AQT 423/17-22)

**Mrs Foster:** I understand that the matter is to be debated in the House later. I have met both families who are campaigning for this. It is completely inhumane that persons who commit murder do not tell the family where the body is, to allow closure. That should be reflected in the justice system, and I hope that the House will have its say in that. I hope it backs the campaign of the two families, who, no doubt, will watch closely what we have to say on the matter.

**Ms Sugden:** I thank the First Minister for her comments and share her sentiments entirely. How does the First Minister feel that, with less than two years left of this mandate, it is unlikely that we will get this onto the statute book before the next election, in 2022? Will there be another opportunity, perhaps through a legislative consent motion (LCM) on the legislation that is currently passing through the Commons?

**Mrs Foster:** That is something that we should discuss. If we get the House to back the motion today, we should look at how we progress the issue, whether through this House or through an LCM for the Westminster legislation. Obviously, we would always much prefer to have our own legislation in Northern Ireland. However, if we cannot do that, an LCM for the Westminster legislation should certainly be looked at, as it is about bringing closure to a family that is grieving greatly and trying to find a way of dealing with that grief.

## National Police Memorial Day

T4. **Mr Buckley** asked the First Minister and deputy First Minister whether the First Minister will join with him in ensuring that the police officers who gave their all are never forgotten but always remembered for their commitment and ultimate sacrifice, especially because yesterday marked National Police Memorial Day, when we as a nation rightly paused to reflect on those gallant police officers who have

lost their life while on duty throughout the United Kingdom, a day that is particularly poignant in Northern Ireland where, since 1969, over 300 officers have been killed and many thousands injured. (AQT 424/17-22)

**Mrs Foster:** Ordinarily, I would have attended National Police Memorial Day. It happens on a UK-wide basis, and the four nations take it in turn to host it. Of course, it was made all the more poignant yesterday by the killing on Friday of Sergeant Matt Ratana in Croydon police station. We send our sincere sympathies to his family and colleagues. Unfortunately, we in Northern Ireland know only too well what it is to have police officers murdered. Therefore, it is important that our public servants are remembered in this way. I was particularly pleased to see the family of David Johnston meet our Chief Constable. Of course, David Johnston, along with his colleague John Graham, was murdered on the streets of Lurgan in 1997, and it is important and right that we remember their sacrifice.

**Mr Buckley:** I know that the Minister knows full well that the threat to those who serve as police officers today is very real. It was brought into sharp focus, as she mentioned, by the tragic murder of Sergeant Matt Ratana of the Metropolitan Police. Would the First Minister agree that, as a matter of urgency, we must legislate for tougher sentencing for those who attack our emergency services and that we should support mandatory life sentences for those who callously murder them?

**Mrs Foster:** Sentencing is something that, I think, the House will come back to in the near future, because, as I understand it, the Justice Minister has a consultation in relation to sentencing matters. We in Northern Ireland have the lowest sentences for the murder of police officers. When I look south of the border, I see that the Republic of Ireland has a mandatory 40-year sentence for the capital murder of police officers, with no discretion for judges. In England, it is 30 years; in Scotland, 20. Therefore, there is a need for us to step up and look at sentencing as punishment, of course, but also as a deterrent for those who would seek to murder our public servants.

## Ebrington Barracks: TEO Investment

T6. **Ms Anderson** asked the First Minister and deputy First Minister to outline the total amount that the Executive Office has invested in the Ebrington site in Derry. (AQT 426/17-22)

**Mrs Foster:** To date, the Executive Office has invested £38 million in the regeneration of Ebrington, including £15 million from 2016, when we took over responsibility for the regeneration of the site. We have had significant investment in the site, as the Member will know, and it is important that we continue with that development. We have been able to attract private-sector investment as well, which we very much welcome. Twenty-three of the 24 site buildings have an expression of interest, an agreement of lease or a lease in place. That is good progress on the Ebrington site. We will continue to work with our partners in the north-west on the development of Ebrington.

**Ms Anderson:** Thank you for that information; the people of Derry will appreciate hearing it. Minister, there have been lots of engagements between the Executive Office and the council about the transfer of some of the buildings to the council, maybe on a phased basis with a view, ultimately, to it all being held by the council. Can you give us an outline of the nature of the discussions that are taking place between the Executive Office and the council?

**Mrs Foster:** The council is a key partner with us in Ebrington. Like us, it wants to see the site developed to its full potential. The transfer of the site is being progressed using a phased approach; that is absolutely correct. The first phase of the transfer process relates to the delivery of the maritime museum at Ebrington. The council is developing a business case for the project and has identified funders. The Executive Office is committed to providing £3.3 million towards what, I think, is an £11.5 million project. The maritime museum is a significant and exciting project for the north-west, and I hope that it will realise its potential. As I say, we are working with the council and will continue to do so.

**Mr Speaker:** Liz Kimmins is not in her seat. I will move to Paula Bradshaw.

### StopCOVID NI App: Irish

T8. **Ms Bradshaw** asked the First Minister and deputy First Minister whether consideration has been given to the StopCOVID NI app being made available in Irish, given that, following the relaunch of the NHS app last week in GB, it includes the option for Welsh. (AQT 428/17-22)

**Mrs Foster:** I do not think that there has been consideration of that. It would be a matter for the Department of Health on the basis of need and whether people have been asking for the

app in the Irish language. I am not sure if that has been the case, and there has certainly been no discussion about it.

**Ms Bradshaw:** In the spirit of New Decade, New Approach and the moves to take forward legislation for the Irish and other minority languages, would it not be a good idea?

**Mrs Foster:** The primary purpose of the StopCOVID NI app is to protect and save lives, and that has always been the focus. The app is about saving lives and livelihoods, and that has been the collective focus of everyone in the Executive, our five-party coalition. The Executive are not a duopoly, as, I think a Member said earlier. I am always amazed at how it is a duopoly when some people do not like what we do and a five-party coalition when they want to take credit. In any event, it is a five-party coalition, and people should remember that. Therefore, we will work together to save lives and protect livelihoods.

### Holylands Enforcement Group

T9. **Mrs Cameron** asked the First Minister and deputy First Minister for an update on the enforcement group that is being headed up by the junior Ministers. (AQT 429/17-22)

**Mrs Foster:** The enforcement group that is being headed up by the junior Ministers has been set up. It was primarily focused on the Holylands and the difficulties there with the restrictions. It is now much wider than that, and we continue to work with our partners — the PSNI, local government and everyone involved in enforcement — so that we make sure that, as well as having the restrictions in place, there is an effective enforcement regime.

**Mrs Cameron:** What reports have been received in the past week about activities in the Holylands area?

**Mrs Foster:** The police presence in the Holylands has helped with some of the difficulties. I regret that a number of notices were handed down to students and, indeed, that some students were suspended. However, we must continue to work with our young people to get the message across to them. I note that some students are self-isolating in the halls of residence: we send them our best wishes and hope that it does not become a wider spread. The Executive Office is meeting both universities tomorrow to discuss some of the issues. I know there have been many scare stories about our universities and our young

people, but I believe in our young people. I believe that, on the whole, our young people want to do what is right. I appeal to them to abide by the public health guidance and the restrictions.

## **Aerospace Sector: Economic Support**

T10. **Mr Humphrey** asked the First Minister and deputy First Minister what economic support the Executive have been providing, particularly to the aerospace industry here, which is so vital to the city of Belfast, his constituents, people across the city and, in wider terms, Northern Ireland plc. (AQT 430/17-22)

**Mrs Foster:** The Executive Office very much recognises the importance of the aerospace sector. We also recognise that it is an issue not just for us in Northern Ireland but for our colleagues in Scotland and Wales. Along with our counterparts in Scotland and Wales, we took the opportunity to write to the Prime Minister in an initiative that came from Unite the Union. We were happy to do that because we believe that there needs to be more recognition of the aerospace sector. It provides us with some very well paid, highly-skilled jobs. We are fearful for the sector, and we want Whitehall and Westminster to take the initiative because it is something that needs to happen on a pan-UK basis. The aerospace sector is a huge issue and involves huge amounts of money.

**2.45 pm**

**Mr Speaker:** Unfortunately, Mr Humphrey, time is up. I ask Members to take their ease while we change the personnel at the Table.

## **Communities**

**Mr Speaker:** I remind Members that question 7 has been withdrawn. I call Trevor Lunn.

**Mr Lunn:** Go raibh maith agat, a Cheann Comhairle. Ceist uimhir a haon. Question 1, Minister.

## **PIP/Attendance Allowance Appeals**

1. **Mr Lunn** asked the Minister for Communities to outline the impact the suspension of personal independence payments (PIP) and attendance allowance face-to-face appeals has had on waiting times for hearings. (AQO 751/17-22)

**Ms Ní Chuilín (The Minister for Communities):** Maith thú, a Threabhair. I recognise that there is an impact on waiting times for all appeal types as a result of the pandemic. My Department has worked with the President of Appeal Tribunals to offer appellants a range of hearing type options, including face-to-face oral hearings; oral hearings using teleconference; oral hearings using video-link facilities; and a paper determination based on papers before the tribunal panel. Paper-determination cases commenced only on 6 July 2020. Oral hearings using technology options will commence with effect from today, 28 September 2020. Face-to-face oral hearings are set to recommence from mid-October at the main hearing centre. I have asked that alternative accommodation options be sought to facilitate hearings in local towns and villages.

**Mr Lunn:** I thank the Minister for her answer. She will be aware that almost 40% of PIP hearings are unsuccessful at the moment. What is being done to improve that situation in terms of support for the advice sector to build skills and expertise to help people with those hearings?

**Ms Ní Chuilín:** I concur with the Member; the support that the independent advice sector gives people going through that process is very much valued by me and my Department. I am looking at funding for the independent advice sector, including some of the grassroots groups and even through the Appeals Service and others. I am sure that the Member agrees that it is important that we make it as easy as possible for people. When they are applying for that benefit, it is because they really need it. We need to make the process as easy and simple as possible for them.

**Mr McCann:** How does the Minister intend to address the backlog in the Appeals Service?

**Ms Ní Chuilín:** I thank the Member for his question. There is a big backlog. Appeals Service has commenced listing a number of hearings and will continue to work with the President of Appeal Tribunals and DFC to ensure that more cases are listed for hearing. Appeals Service has obtained a number of licences for technology options so that it can run a number of hearings at the same time. It is also refreshing the hearing-type options with appellants using those technology options, and that will hopefully result in earlier hearing dates.

**Mr Catney:** Has the Minister considered making any of the jobs and benefits office

services that have been available by phone over the past months permanently accessible by phone? For example, has she considered allowing the claimant commitment to be completed over the phone rather than in person?

**Ms Ní Chuilín:** Pat, I am unaware of what the process is for the long-term stuff, but I am certainly happy to look at it, because, as I said in response to Trevor Lunn, we need to make the process as easy as possible for people to access.

**Mr Allen:** What impact will COVID have on the capacity for face-to-face assessments to be conducted? What work will the Department undertake to ensure that appellants are offered the appeal type most suitable for them?

**Ms Ní Chuilín:** The Member will be aware that the issue was raised at even the most recent Question Time. It really is important that, first, the hearing take place as close to the person as is possible. As the Member knows, they are all in Belfast. Not everybody who applies for the benefit is from Belfast, so we need to do something about that.

We need to ensure that the ability for someone to accompany an applicant is still there should the hearing take place by telephone, by teleconferencing or in person. As other Members have said, the independent advice sector that supports people needs in particular to be supported properly, in order to ensure that all, should they be an applicant or an appellant, are given the support that they need. More often than not, applying for those benefits is a very stressful process for people.

## **HMOs: COVID-19**

2. **Ms Bradshaw** asked the Minister for Communities whether she plans to bring to the Executive any proposed amendments to the coronavirus health protection regulations in relation to houses in multiple occupation (HMOs). (AQO 752/17-22)

**Ms Ní Chuilín:** I thank the Member for her question. As she knows, the responsibility for coronavirus health protection regulations lies with the Department of Health. My Department has, however, published guidance for private rented sector landlords and tenants that includes information on shared houses. The guidance makes it clear that everyone living in a HMO is a member of a single household. I have no doubt that every Member of the Assembly will join me in appealing for all people

in all types of households to adhere to the regulations and guidance.

The operation of licensing for HMOs is a matter for local government and is currently led by Belfast City Council on behalf of all councils. As well as providing support and assistance to councils on the development of the HMO licensing scheme, my Department has provided detailed guidance for local government on the exercise of its HMO licensing functions and a statutory code of practice for landlords to manage their properties to the required standards.

My officials will continue to participate in various cross-departmental groups, including those convened recently by the junior Ministers, and to work with all stakeholders to address ongoing issues in the Holylands.

**Ms Bradshaw:** Thank you, Minister, for your response. You will be aware that before we had the house parties, we had the house clearances, where they were dumping excessively in the alleyways, attracting all sorts of vermin, and engaging in antisocial and very inconsiderate behaviour. It is clear to me that the HMO Act as it stands is not strong enough, nor are the enforcement powers given to the council. I am wondering, given the experiences of the past few months, what you are planning to do to make the situation better.

**Ms Ní Chuilín:** My officials have been part of working groups along with Belfast City Council officials, and I am quite open in saying that, if they feel that the powers that they have are not strong enough, Belfast City Council officials need to feed that back to us.

There is a big focus on landlords here as well as on tenants, because tenants have to be responsible for their behaviour. If it does come back to us from Belfast City Council, which is operating licensing on behalf of all councils, that there is a need for additional powers and additional enforcement, I am happy to look at strengthening councils' powers.

**Mr G Kelly:** The Minister may have answered some of this, but what are the present licensing standards? We had some comments from a Member who spoke previously about trying to strengthen them, but surely there is an obligation on landlords and managing agents to deal with antisocial behaviour in the buildings that they own or manage.

**Ms Ní Chuilín:** First of all, I agree that there is an obligation on landlords to ensure that their

tenants are behaving responsibly. There is also a focus and, certainly, a responsibility on landlords because in order for them to get their licence for HMOs, they need to have fitness testing. There is also a responsibility on us all to be good neighbours. I concur with Paula Bradshaw that even before the return to university started, there were problems with houses getting cleared out, with the debris that was left for local residents. Unfortunately, that left Belfast City Council to pick up the tab. So there is a need to ensure that landlords fully accept their responsibilities, including before tenants go into their houses, when they are in those houses and when they leave them and before new tenants come in.

**Dr Aiken:** I thank the Minister for her remarks so far. Minister, you talked about the joint approach that we are taking towards dealing with antisocial behaviour, particularly the COVID regulations. Will you outline the discussions that you have had with the Justice Minister, who said last week that she was willing to participate fully in, but not lead, the work of the joint task force, particularly with regard to the Holylands?

**Ms Ní Chuilín:** The Member will be aware that the junior Ministers, on behalf of the Executive, are responsible for convening the group. I will not comment on what other Ministers do. If I am asked to look at additional powers, regulations or even additional support for councils, I am willing to do that. No one should be living in their homes in fear or unable to get a night's sleep: their kids are going to school absolutely exhausted and their quality of life is completely diminished, and that is unacceptable. I know that the universities have stepped up to the challenges well in trying to ensure that if reminders are needed, they have been given, and they were quite public about that last week. We seem to discuss this problem every year and we need to fix it.

**Mr O'Toole:** Minister, you said that if Belfast City Council come to you with a request for enhanced powers around HMOs, you will do something about it, but you have also just said that this has been a problem for years. So, will you take it from me, and from others who are representatives for South Belfast, that there is a major structural challenge around HMOs, their density and how they are managed in the Holylands? Can you please ask your officials not to wait for Belfast City Council to come to you, but to proactively reach out to find out what we can do to sort out this problem, whether it is by legislation, better enforcement or whatever else?

**Ms Ní Chuilín:** The answer is absolutely, yes. This has, unfortunately, been a perennial problem. Up until now there have been a lot of complaints, but there have been absolutely no requests, that I am aware of, for changes in the legislation or even additional powers. I am going to check it out to be sure, but let me be clear again: if there are requests, we will certainly look at them. Indeed, I am not going to pass the buck at all. In April last year, responsibility for HMOs was passed to Belfast City Council, on behalf of all the other councils, but if the councils feel that that arrangement need to be tweaked or to be changed, let us have a look at it before the review kicks in next year.

### **Housing Stress: East Londonderry**

3. **Ms Hunter** asked the Minister for Communities to outline the number of households in housing stress in East Londonderry. (AQO 753/17-22)

**Ms Ní Chuilín:** The most recent waiting list figures for East Londonderry stood at 2,167, from which 1,241 applicants were deemed to be in housing stress. I am acutely aware that the number of people who are on the waiting list, along with those deemed to be in housing stress, remains very challenging, not only for that constituency but right across the entire North. That is why I am focusing on delivering as many new social homes as possible with the available funding, and I am also keen that we consider ways that we can increase the supply of new social homes to reduce the demand.

### **3.00 pm**

**Ms Hunter:** I thank the Minister for her answer. A number of rural communities in my constituency have said that there is not enough social housing provision. Does the Minister share my concern on that issue? What steps is her Department taking to ensure that rural communities are not decimated as a result of a lack of suitable housing?

**Ms Ní Chuilín:** The Member will be keen to know that I have met with the rural community network on that issue. I have a responsibility to ensure that there is rural proofing, but my main focus and responsibility is to ensure that those in greatest housing need are housed. We are tackling a massive list, across the board. I know that many in rural communities have moved to or settled in the private rental sector and that there is a lack of security of tenure. That is a big issue. Transformation of housing is something

that I will be taking forward within the next few weeks.

**Dr Archibald:** I thank the Minister for her response. I know that she will agree that the levels of housing stress are too high and that we need to tackle them. Does the Minister agree that in doing so, and in making more social housing stock available, we need to ensure accessible housing?

**Ms Ní Chuilín:** Absolutely. The need for homes to meet the needs of an ageing population and people with disabilities, as well as accessibility to such homes in areas where people want to live, raise their family and grow, has been raised a lot in the Assembly. In the past, our housing stock was sold under the right to buy, and the stock was never replaced. That is a big issue. In many respects, that displaced a lot of communities. They went to the private rented sector, which was OK at the time, but, because of a lack of security, they have had to move elsewhere — in some instances, a substantial distance away. We have a big challenge, but we are very aware of what we need to do, particularly in rural communities.

**Mr Hilditch:** I thank the Minister for her answers. A few weeks back, the Minister rejected a proposal on the Floor in relation to the Living Over the Shop (LOTS) scheme. Rightly or wrongly, that happened. The Minister is right — the issue affects all constituencies across Northern Ireland — and she is aware of the situation, as she said. How will we increase housing for those in housing stress?

**Ms Ní Chuilín:** My main reason for rejecting the Living Over the Shop grant scheme was that I had received a lot of reports that it was not value for money. Grants for private accommodation over shops, which need disability access, proper storage and space, would mean additional public spend, so it did not work out as value for money.

Ensuring that we increase supply to reduce demand is a big challenge. In the next lot of weeks, I will bring forward proposals, looking at our NDNA commitments, revitalising the Housing Executive and examining how we can make it exempt from paying corporation tax, so that that money could go back into the system. We will also look at historical debt and how we will deal with it so that the Housing Executive will be allowed to build. I am acutely aware that we are moving into three generations of people living in housing stress. That is completely unacceptable.

**Ms Bailey:** I am sure that the Minister will agree with, probably, everyone in the House that housing-stress levels in Northern Ireland are unacceptable. However, given that that is the situation, and the financial hardship being levied with COVID — albeit, I am mindful of the fact that, among the measures put in place in response to COVID was a mortgage holiday for many — can the Minister assure us that no one in Northern Ireland will face eviction due to COVID financial hardship?

**Ms Ní Chuilín:** The Member will be aware that Deirdre Hargey brought forward measures to prevent evictions, particularly during the pandemic. I continued those, and extended them to next March. Unfortunately, the mortgage relief scheme, which helped a lot of people, was taken away by the Tory Government, as happened many, many years ago. I have spoken to people in my constituency who are receiving mortgage holidays, but achieving that is, in itself, a very stressful process. The measures that the Department, along with the Housing Executive and housing associations, put in to ensure that people were not evicted, are still there. The Housing Rights Service is still there to ensure that anybody who finds themselves in that situation gets help as early as possible. We need to ensure that evictions under those circumstances are consigned to the past.

## Arts and Culture Sector: Support

4. **Mr McHugh** asked the Minister for Communities what plans she has to support the arts and culture sector. (AQO 754/17-22)

**Ms Ní Chuilín:** I thank the Member for his question. He will be aware that the Executive announced £29 million of investment to support our culture, language, arts and heritage sectors. This is additional to the £5.5 million creative fund previously announced. These sectors make a substantial contribution to our local economy, the quality of our lives, our health and well-being, and the shaping of our standing as a place to live, work and visit. They have a vital role in delivering social renewal for communities and, indeed, the economy. My Department is finalising proposals for a suite of funding schemes to maximise the impact of this very welcome financial support in these most challenging times.

**Mr McHugh:** I am sure that all Members are only too aware that it is those at the grassroots level who are really suffering throughout the whole of the COVID crisis, particularly in terms of loss of earnings and so on. How can the

Minister ensure that that support to the grassroots within arts and culture is delivered?

**Ms Ní Chuilín:** I thank the Member for his supplementary question. I have literally just come out of a meeting with Minister Dodds on this very issue of people who are involved in events, music, sound and all that background stuff, as well as looking at some of the bigger establishments. What I want to say is this: arts and culture are an evolving thing. People who are recipients of Arts Council funds are still getting their funds, but there are other groups who have been doing really, really great work, particularly since March, and taking the lead who have not got one penny of public funds. We need to ensure that they are looked after as well.

**Mr Nesbitt:** I very much welcome the injection of funding for the sector. Minister, what scope is there for co-design to ensure that all sections of the sector have their needs addressed?

**Ms Ní Chuilín:** I thank the Member for his question, because it is really important, in relation not just to NDNA but to this process going forward. The weakness is that there is no arts, culture and heritage strategy — none whatsoever — and so we are all in a big queue, hoping to join that queue, put in an application and get something. That is not a good way to do business. If we accept — and we do — that culture, arts and heritage not only help people but generate the economy, then they need to be put on a proper footing. I have met a group of musicians who are looking at a music strategy. I spoke to some freelancers who need to be supported as well. They have all said that, long term, they need to see an arts and culture strategy in the same way as there is one for sports. For me, that is a big weakness.

**Mr Lyttle:** I ask the Minister, why is there no culture strategy and how will she ensure that the creative and cultural funding reaches artists and organisations who have lost entire income streams as a result of COVID?

**Ms Ní Chuilín:** An arts and culture strategy was about to be produced, but then the Assembly collapsed. So there is one sitting there that is three years old, but some of the people who contributed to it are saying that it is not reflective of what was there three years ago. I can try to help as many people as possible, but I also want to ensure that those who have never received or had any recourse to public finance or public money are serviced as well. If we just look after the big institutions, there is nothing left for anyone else. I am sure the Member

would agree that that is not a satisfactory position.

**Mr Durkan:** Like everyone else, I was delighted to hear the Executive announcement last week that the arts were finally getting funded. Well done to you, Minister, for your role in that. Now that you have got the money in, the focus is going to be on how you get the money out. It is vital that that is done in a fair and equitable way that gets the biggest bang for your buck — or our buck. Can or will consideration and assistance be given to those musicians and singers who have suffered throughout COVID, but who were dealt another blow last week with new rules on hospitality that have virtually prohibited them from earning money in that way?

**Ms Ní Chuilín:** That is exactly what I want to try to do as best I possibly can.

The health regulations and restrictions that we have had had to bring in as a result of the global pandemic have prevented theatres from opening their doors. Certainly, performers and maybe even one- or two-piece bands who make their living that way faced a double whammy last week, as the Member said. A fund is already available now if the Member knows anyone who needs it. The Arts Council is looking to help people in that situation until the end of October. We need to ensure that we help as many people as possible over, I imagine, the next few months, particularly those who have had no recourse to public funds at all.

**Mr Speaker:** I call Paula Bradley.

**Ms P Bradley:** Thank you, Mr Speaker. You noticed me bobbing up and down several times. I thank the Minister for her answers so far. Indeed, the money is very welcome. Certainly, as a Committee, we have been lobbied now for what seems like months for that money to become available. The Minister mentioned people who have never received a penny and have had nothing from any funding stream. How quickly are we likely to see that money begin to be rolled out?

**Ms Ní Chuilín:** I am certainly looking to finalise the potential schemes this week, talking to Executive colleagues next week with a view to it going straight out into some of the arm's-length bodies (ALBs), and then looking at ways in which we can try to open up applications to others who may never have gone to ALBs before. The Member knows this, but it is worth mentioning that we have also got museums and libraries involved in this. It is crucial that not

only do we keep doors open right across the piece but that, in particular, we support the groups that have emerged that are doing brilliant work to keep people mentally well and physically fit, providing enjoyment and entertainment. A lot of those people are young people from marginalised and deprived areas. They need our support.

## COVID-19 Recovery Revitalisation Scheme

5. **Ms Dillon** asked the Minister for Communities for an update on distribution of tranche 1 of the capital COVID-19 recovery revitalisation scheme. (AQO 755/17-22)

**Ms Ní Chuilín:** I thank the Member for her question. I launched the COVID-19 recovery revitalisation programme, along with Minister Poots, on 27 July 2020. Letters of offer for tranche 1 of the programme were issued to all councils later that day. Payments totalling almost £6 million for tranche 1 have now been made to councils to provide much-needed support to local businesses as they recover and adapt to the impact of COVID-19.

Around £5 million of that funding was provided by my Department, with £1 million from DAERA, to extend the programme into rural towns and villages. The programme was designed to provide maximum flexibility, enabling councils to work with local stakeholders to tailor their schemes to best meet the needs of their areas.

**Ms Dillon:** I thank the Minister for her answer. I also want to thank her and Minister Poots for that funding because it is very much appreciated, I can assure her, by businesses and rural businesses right across Mid Ulster. Can she update the House on whether the criteria for tranche 2 will be changed or remain the same in order to get the most meaningful outcome?

**Ms Ní Chuilín:** I say to the Member and, indeed, the rest of the Assembly that the criteria need to be as flexible and open as possible. There should be no impediments or barriers that prevent people from getting access to much-needed support. That requires working with economic development units in each of the council areas. We are hoping to have additional money; not just from my Department and Minister Poots — even Minister Mallon has expressed an interest around green and blue environment projects and also to look at sustainable travel. My responsibility is for populations of 5,000 and over, and Minister

Poots's is for populations of under 5,000. That covers an awful lot. We know that, up to now, small amounts of money have made a massive difference. Councils need to work with local businesses to ensure that that support is on the ground.

**Mr Butler:** Can the Minister advise the House as to whether the Department was involved in the design of the overall recovery revitalisation programme in order to achieve a consistent approach across councils? I accept that there needs to be a level of flexibility. However, consistency is also important.

**Ms Ní Chuilín:** "Rural revitalisation" is hard to say at times. I have struggled with it myself. Yes, the assurance is there: Minister Poots and I want the programme to be accessible to people. It needs to meet their needs. They need to go through due diligence along with local councils. Local councils have worked with those people for a number of years and consistency, in a good way, is important. If any MLA feels that there has been a negative experience in their constituency, just let me know. I cannot promise or guarantee that I can fix it, but I need to know what it is.

3.15 pm

## Sports Sector: COVID-19 Financial Support

6. **Ms Ennis** asked the Minister for Communities whether financial support will be made available to the sports sector, including grassroots clubs unable to complete their season as a result COVID-19 restrictions. (AQO 756/17-22)

**Ms Ní Chuilín:** I thank the Member for her question. To date, the sports hardship fund has awarded over £1 million worth of grants to 500 grassroots sports clubs and organisations to help them cover essential costs, including maintaining their facilities during lockdown and paying critical overheads. Those clubs have not been in a position to complete their seasons. I have asked officials to explore extending the criteria for funding to include sports clubs that are now experiencing financial hardship due to increased operating costs, costs associated with facility hire and cleaning regimes. As a result of that, I am pleased to announce that the sports hardship fund will reopen on 1 October.

**Ms Ennis:** I apologise, Mr Speaker, for not being in my place earlier. I thank the Minister for her response. How will the Minister's

Department work in collaboration with Sport NI to ensure that there is maximum support for clubs as we continue to emerge from COVID.

**Ms Ní Chuilín:** My Department, as the Member will know, will continue to work very closely with Sport NI. If their inbox is anything like mine, particularly from groups in grassroots areas that have written to me asking for support, they will have no doubt as to where the needs are. In fairness, this is an extension of the scheme on the basis of responding to the demand that is out there.

**Mr Speaker:** That ends the period for listed questions.

### Social Housing: New Builds

T1. **Mr Easton** asked the Minister for Communities what discussions her Department is having or plans to have with housing associations to try to increase the social housing build. (AQT 431/17-22)

**Ms Ní Chuilín:** I work with a number of housing associations and they have been encouraged to try to identify land that is available on which to build. We are also going through an exercise, on behalf of the Executive, in which we are looking at areas of surplus public land on which potential housing developments can be brought forward.

**Mr Easton:** I thank the Minister for her answer so far. Minister, in North Down, I have over 1,229 applicants who are under housing stress and over 1,700 on the housing list. Has the Minister's Department started to look outside of the box and for the Housing Executive to start building again because that might be a quicker process than the housing associations?

**Ms Ní Chuilín:** The answer is yes. Under New Decade, New Approach, there are two aspects around corporation tax and getting rid of historical debt, for want of a better term. It is not just to put the Housing Executive on a better footing to look after maintenance, but also to get them into a better position to borrow money and allow them to build.

I owe Mark Durkan the Member for Foyle an apology. At the last question time, I said that Foyle did not have the worst housing figures, but they actually do; followed by North Belfast, then West Belfast and the figures go down from there. Every constituency is dealing with unacceptable levels of housing stress.

### Social Housing: Common Selection Scheme

T2. **Ms Bunting** asked the Minister for Communities for an update on the review of the common selection scheme for social housing. (AQT 432/17-22)

**Ms Ní Chuilín:** I thank the Member for her question and it is a timely one. I am currently looking at the consultation that has gone out on the allocation of social housing points. Very soon, I hope to bring proposals to my Executive colleagues, to my Committee colleagues, sorry, to the Committee — I am not on the Committee anymore; I have attachment problems — and then to the House.

**Mr Speaker:** I think the Minister has detachment problems.

**Ms Bunting:** On the back of that, I am grateful to the Minister that she is bringing forward something soon, but she will be aware that hostels are sometimes the only option. I am keen to know what action she will take to make sure that hostels are brought up to standard to suit those with mental health issues and women and men who are having to flee a home as a result of domestic violence.

**Ms Ní Chuilín:** Hostels are in receipt of vast sums of public money so they need to meet the very best standards. Your last point is something that I have been committed to looking at as an MLA. It is unfair and unacceptable that people leaving their home as a result of domestic violence are not considered intimidated. It is completely unacceptable that people who are fleeing their homes are joining a very long queue, and people who are not genuinely being intimidated are, effectively, jumping that queue due to so-called threats from groups. That is a fact. We had a debate in the House, brought, I think, by Fra McCann. I think it is wrong, so I am committed — not to ending intimidation points — to looking at another way. It is a really dreadful experience. However, the verification of any claim of intimidation needs to be a lot stronger than it is.

### Casement Park: Redevelopment Plans

T3. **Ms Kimmins** asked the Minister for Communities, after apologising for not being in her place during questions to the Executive Office, for an update on the plans for the redevelopment of Casement Park. (AQT 433/17-22)

**Ms Ní Chuilín:** I am assuming that Sinéad and Liz went for coffee and that is why the two of them are apologising for being late.

The update is that Casement Park is currently waiting for planning permission, which the Minister for Infrastructure and her officials are carefully considering. I met with the Ulster council of the GAA very recently. I also met the MP for the area and, indeed, his colleagues. I have absolutely no doubt whatsoever that everything that can be done will be done. Obviously, there will be an increase in cost, and we will find out what that is fairly soon. Hopefully, the planning decision will be made for Casement Park, and we can get on with developing the last of the three stadia for Belfast.

**Ms Kimmins:** I thank the Minister for her answer. Will she give the House an assurance that she is committed to ensuring that this long-delayed project will be delivered urgently?

**Ms Ní Chuilín:** I want to give the commitment to you and everyone else, inside and outside the Chamber, that Casement Park is an absolute priority for me. As soon as the decision is made, one way or the other — I have action plans for both — hopefully we will get a favourable decision so that we can get on with the construction of Casement Park.

### **Housing Executive: Maintenance Delays**

T4. **Mr K Buchanan** asked the Minister for Communities, while appreciating the impact of the COVID-19 restrictions, whether she is aware of any delay in the Northern Ireland Housing Executive issuing awards to businesses to carry out work, including replacement windows etc. (AQT 434/17-22)

**Ms Ní Chuilín:** I am aware of some delays. I know that there have been procurement challenges that have set back companies that were awarded tenders for maintenance work. I am aware that the threshold is very low now, so it is easier to make a legal challenge on procurement grounds, so that is slowing the programme down, on top of the global pandemic. I have asked the same question as the Member, and I am waiting for a report on how that might be much better advanced.

**Mr K Buchanan:** Thank you, Minister, for your answer. In relation to that, there are several companies in Mid Ulster that are finding it tight to get business and work across Northern

Ireland. They have been awarded contracts but they are not fit to move on. I appreciate your response, and I ask you to press for a response on that as quickly as you can.

**Ms Ní Chuilín:** I absolutely will. I will take it upon myself to write to the Member as soon as I get an update on that issue.

### **Museum Sector's Recovery**

T5. **Mr Harvey** asked the Minister for Communities for an update on the museum sector's recovery since its reopening, particularly in its visitor numbers. (AQT 435/17-22)

**Ms Ní Chuilín:** I thank the Member for his question. I am going to ask for an update on visitor numbers because, although the museums opened up, and there is a lot of loyalty to museums, particularly the Ulster Museum, certainly numbers for all attractions, museums and even Titanic Belfast have reduced due to COVID. I will get an update for the Member and send it to him.

**Mr Harvey:** Thank you, Minister. Is it likely that museums will benefit from the Department for the Economy's voucher scheme?

**Ms Ní Chuilín:** Well, if I know the head of museums, they will ensure that they seek out any opportunity to benefit from any scheme, regardless of which Department it comes from. Let me reassure the Member that museums are certainly on the list for the COVID recovery programme for culture, arts and heritage. They play a vital role. They are all struggling and need our support. I am actively looking to see what support I can give our museums, right across the board.

### **HMOs: Density**

T6. **Ms Bailey** asked the Minister for Communities, in reference to earlier questions and answers about HMOs, to clarify whether there are legal limits to HMO density in a particular area, including wards or district electoral areas (DEA). (AQT 436/17-22)

**Ms Ní Chuilín:** I will tell you something that you already know: south Belfast and Coleraine have the highest densities of HMOs across the North. That is because of the universities, but it is still not good enough.

We need to look at planning and the concentration of HMOs in one area. That was

the biggest issue that I was asked to look at until recently. Paula Bradshaw raised the issue of south Belfast, and the Holylands in particular. If there is a need to change legislation and regulations, I am going to have to have a look at that. There are too many gaps in the way in which HMOs have been given a licence, and then the regulations, and the planning decision, and we need to bridge them.

**Ms Bailey:** I thank the Minister for that answer. Are you aware if there are legal limits? Is there an upper limit to what can be passed in terms of the number of HMOs in an area? If you are unsure, if you could look into it and let me know because I am struggling to find out.

**Ms Ní Chuilín:** That is exactly what I will do because I am afraid of giving an inaccurate answer. I will find that out and write to you.

## Social and Affordable Housing Targets

T7. **Mr McGrath** asked the Minister for Communities for her Department's social and affordable housing targets for each of the next three years. (AQT 437/17-22)

**Ms Ní Chuilín:** The Member will not be surprised to hear me say that I do not have those on me. The targets for social housing are far too low. They are miserable, to be frank. Affordability is also an issue. FTC has gone into co-ownership to support people in getting access to that, because there has been an underspend in FTC. Unless we do something radical about the targets for social housing, we are going to fail to meet them every year,

**Mr McGrath:** Given the housing stress across the island, and within the Minister's jurisdiction, what will you do to address those miserable figures?

**Ms Ní Chuilín:** I will look at implementing procedures that will target areas in most need, and at a new policy to address the miserable experience of people on the housing list for five years-plus. In addition, Foyle and north and west Belfast, the worst-performing areas, will be looked at as a matter of priority.

## Social Housing

T8. **Mr McCann** asked the Minister for Communities, after expressing his surprise at being called, given that he was listening so carefully to the Minister, for an update on how she intends to provide more social housing,

particularly in areas of housing stress, albeit that she has probably just answered a similar question. (AQT 438/17-22)

**Ms Ní Chuilín:** Just to repeat what I said to Colin McGrath, and I can feel Fra's eyes burning into the back of Colin McGrath's head because he stole his question, *[Laughter]* I will commit to look at the areas of highest demand. We need to ensure that supply is increased to reduce that demand as best we can.

**Mr Speaker:** Given that you have had adequate time to get your composure back, do you want to ask a supplementary?

**Mr McCann:** On a matter that was just touched on, will the Minister consider reintroducing ring-fencing in areas of high demand for social housing?

**Ms Ní Chuilín:** I am looking at ring-fencing and other policy changes to try to increase supply to reduce demand for social housing, as well as looking at specific targets for affordability, particularly under co-ownership, and at how our FTC can be better spent to ensure that there are more affordable homes.

## Casement Park: Overspend

T9. **Mr Hilditch** asked the Minister for Communities, in the light of the potential overspend of around £35 million that is projected for Casement Park, whether the subregional stadia programme for soccer will receive a like-for-like funding increase, given that, at the beginning of the process, it was stated that each sport would receive equitable finance and investment. (AQT 439/17-22)

**Ms Ní Chuilín:** I am going to disappoint the Member and say that it is not automatic that that happens. Many big capital projects that we have dealt with have overrun on spending, and that is not good enough. I understand what he is saying, but it is not automatic.

If the figure is x amount, that will not automatically be transferred over to soccer. That is not my understanding at all.

## 3.30 pm

**Mr Hilditch:** Further to that, have you had any discussions with the Minister of Finance or the Executive on that position?

**Ms Ní Chuilín:** Yes, I have met the Minister of Finance to discuss subregional stadia. We are

all looking at guesstimates, and until we bottom out the cost for Casement Park, we will be dealing with speculation. We are looking at addenda and finalising the business case for subregional stadia as well because things have changed since the first one was done. To be honest with the Member, do not assume that an overrun for Casement Park will automatically translate to the remainder going to soccer. I have not heard anything like that at all.

**Mr Speaker:** Time is up. That concludes Question Time. I invite Members to take their ease to allow time —

**Mr Buckley:** On a point of order, Mr Speaker. Earlier today, in questions to the First Minister and deputy First Minister, I asked a question to junior Minister Kearney in response to question 3 from Mr Kelly. I did not receive a response or even an acknowledgement from the junior Minister. I think that I heard Mr Speaker saying to the Clerk that I did not ask a question. There were, in fact, two questions within my question, and I received no response. So, I ask for the Speaker's ruling or judgement as to why that did not happen.

**Mr Speaker:** I will review the Hansard record of that, Mr Buckley, and come back to you. I invite Members to take their ease to allow time for Members to prepare for the next item of business.

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

## Executive Committee Business

### Immigration and Social Security Co-ordination (EU Withdrawal) Bill: Legislative Consent Motion

**Ms Ní Chuilín (The Minister for Communities):** Molaim an rún. I beg to move

*That this Assembly agrees, in line with section 87 of the Northern Ireland Act 1998, the principle of the extension to Northern Ireland of the provisions of the Immigration and Social Security Co-ordination (EU Withdrawal) Bill dealing with social security coordination as contained in the Bill that was introduced in the House of Commons on 5 March 2020.*

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

**Ms Ní Chuilín:** The primary focus of the Immigration and Social Security Co-ordination (EU Withdrawal) Bill is to end the EU's rules on free movement of persons in respect of Britain at the end of the transition period on 31 December 2020. These are currently retained in British law by the European Union (Withdrawal) Act 2018. This will mean that EEA nationals not resident in Britain at the end of the transition period, and their family members, will require permission to enter and remain in Britain under the Immigration Act 1971.

Immigration and freedom of movement within the EEA are excepted matters under schedule 2 to the Northern Ireland Act 1998 and are the responsibility of the Home Office. However, the Bill also makes provision for the Secretary of State, the Treasury or a Department here, acting jointly, to make regulations to modify — for example, amend, revoke or repeal — retained EU law relating to social security coordination.

Social security coordination is part of the ongoing negotiations with the EU on future relations. The legislation in question is regulation EC No 883/2004 on the coordination of social security systems and its associated implementation regulation, EC No 987/2009; regulation EEC No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their family moving within the community and its associated implementation regulation, EEC No 574/72; and regulation EC

No 859/2003, extending regulation EEC No 1408/71 to nationals of non-EU member countries. Any changes to the coordination rules would apply only to people moving between the EU and Britain after the end of the transition period.

The British Government signed an agreement with the Irish Government in February 2019 that protects the social security rights of all Irish and British citizens moving within the common travel area. Freedom of movement is an excepted matter, and the current social security coordination regulations operate in the context of freedom of movement within the EU. The regulations are a somewhat complex web of excepted and devolved issues, including the determination of the state to which contributions should be paid; competency for the awards of benefits; aggregation of contributions and the periods of residence for benefit entitlement; and provisions for some benefits such as child benefit, which are the responsibility of HMRC.

I understand that the aim of the British Government remains to seek a new agreement with the EU, and, in the event of a negotiated deal, it now seems that the British Government process is to replace the retained social security coordination regulations with a new reciprocal agreement. Reciprocal agreements are international treaties and fall within the ambit of international relations. As Members are aware, international relations are excepted matters. In the event of a deal, it seems, therefore, that the British Government propose to revoke the retained social security coordination regulations. The revocation would also apply across Britain under the ambit of excepted matters, including international relations. However, the negotiations are ongoing, and, until the negotiations are complete and a deal is agreed, we will not know the precise scope and content of the new agreement. If a deal is not agreed and there is no reciprocal agreement with the EU, retaining the power in clause 5 for a Department here to amend the coordination regulations may give us some flexibility over the limited devolved issues in the coordination regulations. Furthermore, clause 5 provides a power to make consequential amendments — for example, to address inoperabilities or inconsistencies that may arise from the modification of the retained social security coordination regulations. This provides a power to ensure the continued operation of domestic social security legislation that refers to, or is related to, the social security coordination regulations.

If the motion were not to pass today, it is anticipated that the British Government would

move to amendments to remove the power of the Department here to make regulations under clause 5 of the Bill. That means that we would have no power to modify the retained social security coordination regulations in the event of no agreement on social security coordination being reached between Britain and the EU and no power to make consequential amendments to our social security law. The only option to obtain such a power would be to bring a separate Bill to the Assembly. There would be no power for the Assembly to amend the EU social security coordination regulations until such a Bill had completed its passage.

I am also aware that it is anticipated that there will be very significant demands across Departments for Bills to be progressed through the Assembly before the end of the current mandate, so retaining these provisions in the Westminster Bill would help to relieve some of the expected pressure on the legislative programme.

I know that Members will have seen the briefing provided by the Human Rights Commission in relation to the Westminster Bill. The commission has made a number of recommendations that, in my opinion, are well outside my remit, but I have written to the British Home Office urging the Westminster Government to give the Human Rights Commission recommendations serious consideration. I have weighed up carefully the arguments for and against these proposals, and, on balance, I have decided to move them today.

**Ms P Bradley (The Chairperson of the Committee for Communities):** The Committee thanks the Minister for bringing this motion today. I am sure that all Members will have read the Committee's report, which was published on 8 July 2020, on the legislative consent memorandum on the Immigration and Social Security Co-ordination (EU Withdrawal) Bill, but, just in case, I will provide some background and update Members.

The Committee was briefed by the Department on the main purposes of the Bill and on the legislative consent memorandum on 11 June 2020. The primary purpose of the Bill is to end the EU's rules on free movement of persons in respect of the UK at the end of the transition period, thereby bringing EEA nationals and their family members under UK immigration control. Members will undoubtedly have their own views on the specific issue, but it is important to emphasise that immigration and freedom of movement are excepted matters under schedule 2 to the Northern Ireland Act 1998

and, as such, the Assembly has no powers to amend those laws that pertain to immigration and freedom of movement. However, the Bill will protect the status of Irish citizens in UK immigration law once free movement rights end.

As social security is a devolved matter, the NI Assembly does have a role in considering the social security coordination regulations, and that is really the focus of the memorandum. In particular, clause 5 of the Bill will introduce powers to enable Westminster and the Assembly to amend retained EU law governing social security coordination post EU exit. Clause 5 — consequently, schedules 2 and 3 to the Bill — was therefore the key clause for Committee consideration.

At its briefing on 11 June, the Committee was advised that the Executive had agreed to proceed with a legislative consent motion on this issue. Notwithstanding what I have just said regarding immigration and free movement of persons, the Committee recognised that the retained regulations are a complex mix of excepted and devolved matters and that a joint approach to amending the regulations — that is, between a Minister of the Crown and the NI Assembly — therefore offers the potential to amend the law in a coherent way. That is what the Bill will allow should the motion be supported today.

Members were assured that the devolved competence of the Assembly would be respected and that future subordinate legislation would require the approval of the Assembly. That is, of course, to be welcomed. There was some concern initially that giving Westminster the power to legislate on our behalf might somehow constrain the ability of the Assembly to legislate on social security matters. Therefore, during consideration of clause 5, members asked the Department about the viability or advantage of taking forward an Assembly Bill on these matters rather than agreeing to a Bill being taken forward by Westminster.

However, the Department assured the Committee that the Bill does not deal with the specifics of social security benefit but rather gives the Assembly the powers to make regulations in respect of social security coordination following a future agreement between the UK and the EU.

**3.45 pm**

Some members noted their general uneasiness with the use of LCMs in principle rather than bespoke Assembly legislation. It is not the way that we would prefer to deal with legislation, but we recognise that it is necessary in this instance. I welcome the inquiry by the Committee on Procedures on the use of LCMs, and I am sure that the Committee for Communities will offer its view in due course.

The Committee then noted a draft legislative consent motion at its meeting of 1 July 2020 but recognised that, as a result of the Bill's being amended at Third Reading, the motion would also likely change. The Committee was also briefed on the amendments to the Bill, which were made in the House of Commons on 30 June. They did not reflect changes in policy but were required to omit references to the Scottish Parliament from the Bill to reflect the decision of the Scottish Government not to proceed with the LCM.

At its meeting of 8 July, the Committee agreed in principle to the extension to Northern Ireland of the provisions of the Immigration and Social Security Co-ordination (EU Withdrawal) Bill as contained in the amended clause 5 and schedules 2 and 3 through an appropriate legislative consent motion. The Committee was therefore expecting the amended motion and was briefed on it by departmental officials at its meeting on 16 September. At that meeting, the Committee agreed to support the amended motion. Therefore, on behalf of the Committee, I support the motion.

**Mr Durkan:** I thank the Minister for bringing this to the Floor of the House. This has been discussed in Committee a couple of times, as the Chair has outlined, and I think that it is fair to say that I am not the only member who has been a bit cautious and maybe even a bit confused about committing to supporting this. That has been compounded, I suppose, by the arrival of correspondence from the Northern Ireland Human Rights Commission last week, which the Minister referred to, and I commend her on her action stemming from that.

I will seek some clarifications and assurances from the Minister, and I am sure that she is well able to provide them. My colleagues the MP for Foyle and the MP for South Belfast voted against the Bill in Westminster, and we have concerns about it and therefore, by extension, concerns about the Assembly giving our consent to it. Although the LCM deals only with the social security provisions of the Bill, I should take the opportunity to reiterate our opposition to the swathe of delegated powers that it hands to the Tory Government, the party of the

"hostile environment", to establish a new immigration system after the transition period.

On the social security provisions, I have questions on which I would appreciate a clear response from the Minister. Can the Minister confirm — I think that she already has — that, if the Northern Ireland provisions were omitted from the original Bill, a further Assembly Bill would be needed to ensure that her Department had the necessary powers to amend retained EU law on social security coordination? As the Minister and the Chair of the Committee have alluded to, that would be preferable, as it would give this House the time to scrutinise those provisions and to set out our opposition to the immigration clauses. The SDLP wants the system to work, and we are conscious of the time pressures with the pending exit from the EU, but, to be frank, handing any powers over to a Tory Government should be a last resort.

I must say that the LCM is kind of difficult to square with the Minister's welcome recent confirmation that social security powers would be returned here from Westminster, having been handed over by some parties here to the British Government at the time that the Welfare Reform Act was approved. The Minister has confirmed that the regulatory powers will come to the Assembly, but that raises this question: why not the primary legislative powers? If there is a reasonable explanation for these to be made in London rather than in the Assembly, now is the time for us to hear it.

The SDLP supports social security coordination with the EU and retaining EU provisions, given our border situation. I note the concerns raised by the Northern Ireland Human Rights Commission about the impact that paragraph 6 of schedule 1 may have on the payment of childcare within universal credit for working tax credit for cross-border workers who rely on childcare providers based over the border. I can think of families in my constituency to whom that would apply. The childcare has to be provided in the UK in order to access these elements, and it was EU law that addressed that discrepancy, not the common travel area. It is another example of the creeping "borderism" that Brexit has instigated for those who can least afford it. The Minister and the Assembly must be alert to that, and I am sure that many of us are. I will listen carefully to the Minister's response on the issue of how she will ensure that decisions on protecting practical childcare options for our cross-border workers are made here, not in London.

I urge the Minister to outline the implications of all of these issues and to explain why the LCM

is absolutely necessary now as opposed to a Bill coming through the Assembly.

**Ms Armstrong:** As others have said, the primary purpose of the Bill is to end EU rules on the free movement of persons in respect of the UK at the end of the transition period, which is not too far away. We know that that means that EU nationals who are not resident in the UK before the end of the transition period will be required to obtain permission for themselves and their family members to enter and remain in the UK under the UK's Immigration Act 1971. It will come as no surprise that this is one of the areas that Alliance is least comfortable with and does not support. We support the four freedoms within Europe, but we are realists, and we absolutely recognise and realise that what is contained in Part 2, clause 5 is vital if we are to move forward social security payments for those people.

As the Minister outlined, had we to bring a Bill to the Assembly, it would take time, and, with the end of the transition period, we are heading into what will probably be one of the busiest periods that the Assembly will see for some years. I absolutely recognise, as others mentioned — Mark Durkan stole my thunder — the childcare issue raised by the Human Rights Commission with the Chair of the Committee. Going forward, we need to consider that. However, this time, even though we are extremely concerned about the implications for freedom of movement, the Alliance Party is content that the LCM should be passed and the Immigration and Social Security Co-ordination (EU Withdrawal) progressed, as is necessary.

**Mr O'Toole:** I am grateful to the Minister for bringing the motion today. As my colleague Mark Durkan said, we have both specific and general concerns about the provisions in the Bill to which we are being asked to give legislative consent. Although the provisions that touch on devolved competence and therefore require our consent do not relate directly to immigration — as has been said, immigration is an excepted matter — it is still worth putting it on the record — I intend to do so strongly — that the Bill is the legislative device that puts an end to many of the rights associated with freedom of movement. Representing a proudly pro-European party and constituency — it is a constituency that includes a world-class university with students and academics from across the EU and, indeed, many EU nationals in general — I put on the record my profound sadness and frustration that freedom of movement into Northern Ireland is ending. That is a profound loss to our society, our economy and our culture. Though the people in Northern

Ireland whom we represent can still avail themselves of freedom of movement across the EU through exercising their Irish and EU citizenship, it is a tragedy that we as a society are losing the contribution, through inward freedom of movement, that so many EU citizens have made to our society. That is, in part, why, as Mark Durkan said, my predecessor, Claire Hanna, and our party leader, Colum Eastwood, voted against the Bill at Westminster.

I will move on to the specific provisions. Clause 5, which Kellie Armstrong just mentioned, is on social security co-ordination, and there are clear legal reasons why much of that has to happen. However, what we are being asked to give legislative consent to requires the Minister to give us a little more detail on exactly why she has chosen to bring forward an LCM rather than discrete legislation. First, though we appreciate that it is a complex area of law, given the clear statement from the Department that it would prefer to properly exercise social security powers at a devolved level, why was the decision made to agree to Westminster taking the power to legislate rather than legislate at Stormont? It would also be helpful if the Minister could give us a little more detail on how the legislation interacts with the common travel area. Earlier provisions in the legislation — not the parts that we are being asked to give legislative consent to — set out the rights of Irish citizens, which is welcome. However, there are clearly issues that need to be explained in respect of how it interacts with the common travel area. It would be welcome if the Minister could say a little more about that. I know that she alluded to it in her opening remarks but it would be helpful if the Minister gave a clear statement on behalf of her Department as to why it chose not to introduce primary legislation here and, rather, accept an LCM, given that she said that its preference was to exercise social security powers at the devolved level.

We have heard specifically from the Northern Ireland Human Rights Commission about gaps in cross-border childcare provision and universal credit. Could the Minister say something about how that will be addressed? I know that she is already writing to the Northern Ireland Human Rights Commission.

More broadly, we will do lots of this in the months to come. It is really concerning that we are doing it at such a fast pace. We seem to be getting into a vicious cycle of having to do things quickly because there is not enough time to scrutinise and then not having enough time to scrutinise because there is loads that we have to get through. It reinforces itself, and it is

not helpful. I accept that that will happen across the Executive in multiple Departments. That is why it is important that the First Minister and deputy First Minister give a clear statement to the Assembly about the volume of primary and secondary legislation that Committees and plenary will have to get through in the months to come.

Hopefully, we will have a deal and not complete chaos on 1 January 2021. However, even if we have a deal, it will not be good enough if, in the new year, we have specific bits of difficulty and disruption that come from substandard scrutiny in the Assembly. We will have to explain to our constituents why we rushed through legislative consent motions and secondary legislation without the proper scrutiny. In that spirit, I would like to hear a little more from the Minister on some of the subjects that I have touched on.

**Ms Bailey:** I cannot support the LCM because the Bill repeals the main retained EU law relating to free movement and brings EEA nationals and their family members under UK immigration controls — controls by which, as has been pointed out, the UK Government have deliberately created a hostile environment. It is another reason why Brexit is not good for Northern Ireland.

Let us not forget that we meet today in the midst of a public health crisis that has pulled back the veil on the deep inequalities and unfairnesses in our society and shown the extraordinary value of what so many workers do for our families and communities. Making excuses that we are just too busy or that we cannot foot the bill as reasons to allow this to pass without taking responsibility is pretty shameful. The Bill will send a powerful message to people that the UK Government do not consider them to be welcome here — our shop workers, our refuse collectors, our local government workers, our NHS staff, our care workers: not welcome. Of course, they are welcome. Those who were out clapping for the thousands of EU nationals in the NHS and care sector are now sending the message that they are no longer welcome. That is not fair, and I, for one, cannot support it.

The Bill will destroy opportunities for future generations and split even more families apart. It will result in many thousands of EU nationals losing their rights in the UK. It will copper-fasten the hostile environment even further. The Bill brings to an end the one part of the UK migration system that works well: the free movement of people. Pushing ahead with the Bill in the midst of a public health crisis is badly

misjudged and shows that the UK Government are completely out of touch.

The primary purpose of the Bill is to end for the UK, at the end of the transition period, the EU's role in the free movement of people.

Those rules are retained in UK law by the European Union (Withdrawal) Act. The ending of the rules on free movement will mean that EEA nationals who are not resident in the UK at the end of the transition period — New Year's Eve this year — and their family members will require permission to enter and remain in the UK under the Immigration Act 1971.

We should have had a Bill that makes it simpler instead of harder for the NHS, the social care sector and other sectors to recruit the staff that we need, not one that uses financial thresholds as a poor substitute for skills, experience or contribution. We should have a Bill that sets out a comprehensive system of visa extensions for those front-line workers and their families. We need a Bill that scraps the minimum income requirements for family visas, suspends other financial thresholds and acknowledges that migrant families and workers, just like so many other workers, have had their incomes reduced. That is not this Bill, and therefore I cannot, in good conscience, support it.

We have witnessed, time and again, that the Tory Government care none for the principle of consent, and today everyone in this House should oppose this Bill.

**Mr Allister:** This is the first debate touching upon Brexit issues in which I have sensed any reality coming upon this House. It is very well having all the bravado of opposing a Bill such as this in Westminster, and the SDLP and the Alliance Party preening themselves as great Europeans who are defending the principles of free movement and berating the idea of the United Kingdom controlling its own immigration policy and its own borders. Yet, here they are today. Courtesy of a Sinn Féin Minister no less, this Assembly is about to, quite correctly, endorse the fundamental principles of Brexit, namely that the United Kingdom should control its own immigration policy and its own borders. How luxurious is the irony that it is a Sinn Féin Minister who is bringing to this House that very proposition; that this House should consent to legislation in Westminster that does that very thing? That is progress, it is good and it is the first dose of reality, and it will not be the last, touching upon Brexit. Some say, "Vote down this Bill". Well, if you vote down the Bill, you vote down the survival of the rights of Irish

citizens to social security. Is that what they want? I do not know.

Let us be very clear; Brexit always was a national issue and it always meant that this nation of the United Kingdom was going to have to take some unitary decisions. Those unitary decisions, touching upon immigration and borders, are central to the Bill, and all those who paraded themselves as the people who would never accept those implications of Brexit will be among those who today will go through the Lobby, if a vote is called, to vote for the Bill. That is good, and I look forward to further reality in the House.

**Mr Carroll:** People Before Profit unequivocally opposes the Tories' Immigration and Social Security Co-ordination (EU Withdrawal) Bill. More widely, we oppose Boris Johnson and the Tories' nefarious plans for restricting freedom of movement into Britain and the North of Ireland.

British immigration policy has always been based on exploitation and structural racism, and it is deeply worrying that the Tories wish to repeal laws in way that inevitably harks back to even more racist immigration policies from the 1970s or perhaps worse and aims to implement a points-based system that mirrors the racist practices of many other countries across the world. In particular, we oppose clause 1, which ends freedom of movement from EU countries, replaces it with nothing and opens the door to an even more restrictive immigration system.

To be frank, I am no big fan of the EU as an institution. On the matter of immigration, it has a terrible record in some regards, as thousands of dead migrants in the Mediterranean Sea illustrate in a tragic and painful way. That said, although the EU has a shocking record in the treatment of refugees outside its borders, the freedom of movement between EU states is one principle that should be robustly defended. As a socialist, I am opposed to borders and divisions generally, whether they are erected across states or inside people's heads, and I support the freedom of movement of people across the world, not just in Ireland or Europe but everywhere. If the rich man can move freely across the globe, so too should the poor and marginalised be able to avail themselves of such a right.

The main thrust of the Bill, however, is to ensure that legislation for free movement across the EU will be repealed and, afterwards, EEA citizens and their families who come to Britain will be subject to immigration laws and require permission to enter and remain. The Tories have set out their stall, as others

indicated, towards a future immigration points-based system, which, in my opinion, will be inherently racist. For example, one piece of government-commissioned advice states that only the "brightest and best" talent from around the world will be allowed entry. That is Tory speak for shutting the doors on people who are fleeing war, poverty and climate destruction, all of which were a great responsibility from British imperialism. The Bill may have partially addressed the long-standing question over the Irish community living in Britain, but it jeopardises the lives of thousands and thousands of other migrants living in and entering Britain in the period ahead.

We oppose the Bill because it represents a dark day for immigrants and refugees who are in search of a better life. The Bill is being pushed through Westminster. The LCM relates to the provisions being devolved to here. I recognise that some in the Chamber — the Minister may have indicated this already — who oppose the Tories' Immigration Bill have, in effect, made an argument for passing the LCM, in that it may allow the Assembly to make the most of a bad situation that is being forced upon us and to influence social security payments. I respectfully disagree with that argument and believe that it is a mistaken approach to take, as it represents endorsing dangerous legislation. I urge Members to look closely at the recent report from the Northern Ireland Human Rights Commission, which states that there is no secure protection for those who will have a settled status prior to the closing date of the scheme in June 2021 and:

*"Nor is there any provision for safeguarding the rights of those EU citizens and EEA migrants who arrived before January 2021".*

In addition, clarification is needed on how the changes of rules will apply to Irish citizens in Britain.

We should have no truck with this Tory Bill. Every method of resisting it should be utilised, including rejecting the use of a legislative consent motion. The parties in this Chamber should unite to obstruct the Tories' plans as much as they can. I note that the Scottish Parliament has until now refused to implement an LCM on these provisions. I suggest that the Executive could also follow that path and, instead, as others said, introduce their own Bill that addresses social security payments for immigrants. That should include a rapid expansion of social security payments for all in need. It is still unclear to me why the Executive could not have done that. For all the talk of needing to implement a racial equality strategy,

the truth is that the Executive have presided over the shocking treatment of refugees and asylum seekers for many years.

I say this: open the borders now. Céad míle fáilte to refugees, asylum seekers and immigrants. I reject the Tories' approach to immigration. The Assembly should step up to defend migrants and refugees in a way that offers a positive and equal future for all.

**Ms Ní Chuilín:** I suppose that it was inevitable that, once the LCM was brought forward, people would use it as an opportunity to talk about their opposition to Brexit. I have no issue with that. What you all need to be clear about is that this LCM is to ensure that benefits get paid in the event of a no deal. I know that you know that and that you are making politics. That is fine; that is what the Chamber is for. Let us at least be honest. Giving powers to Westminster in the first place was done so that you could bring half a billion pounds of protections to mitigate the worst impacts of the Tory Government. Let us be honest about that, too.

We are bringing powers back, and if I had an opportunity, I would not be doing this, but, frankly, folks, I am not about to cut people off at the knees over rhetoric. It is all well and good for people to get up and say what they would and would not do, most of which I agree with, but at least I am honest. So be honest and be honest with integrity about why you want this not to happen. I understand. It is anti-Brexit, so I am with you on that, but the rest is guff, and you know that it is guff.

There should be an opportunity to bring bespoke legislation, but that has slipped because of COVID and everything else. I agree with you on this: there needs to be better social security legislation here that we have the ability to scrutinise in order to protect people who are worse off. That should be a *raison d'être* for us all. That is what we all agree on.

I am not going to go into who said what. This is simply about the power to make regulations on the basis of no deal so that people are not left with no child benefit or benefits. Sin é. The rest of it is about free movement. That has nothing to do with me, and it has nothing to do with this either, although I agree with your whole issue.

In relation to everything else that was said, I will faithfully, as I think I have done till now, try to get a proper response to any queries that have been raised. I want to be on the record challenging some of the things that were said as well as giving information. With that, I commend the motion to the House.

*Question put and agreed to.*

*Resolved:*

*That this Assembly agrees, in line with section 87 of the Northern Ireland Act 1998, the principle of the extension to Northern Ireland of the provisions of the Immigration and Social Security Co-ordination (EU Withdrawal) Bill dealing with social security coordination as contained in the Bill that was introduced in the House of Commons on 5 March 2020.*

## **Private Members' Business**

### **Children with Hearing Difficulties and Deafness**

**Ms C Kelly:** I beg to move

*That this Assembly recognises the importance of early detection, intervention and support for children with hearing difficulties and deafness; acknowledges the negative impact that delay can have on their future educational attainment; and calls on the Minister of Health to take immediate steps to identify and address urgently the backlog of postponed audio appointments and cancelled cochlear implant procedures that have arisen as a result of the COVID-19 crisis.*

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

**Ms C Kelly:** Go raibh maith agat, a LeasCheann Comhairle, and good afternoon everyone. As we have just come through International Week of the Deaf, I thought that I would attempt some sign language in support of children, young people and adults who may be watching the debate. Recently, the Minister for Communities committed to bringing forward to the Assembly sign language legislation once co-design and co-production work have been completed. In response to a question for written answer, she informed me that the legislation will be built on the principles of equality and social inclusion and on ensuring that the deaf and the hard of hearing community have the same rights and opportunities as those in the hearing community and are able to access services in their own language.

Hearing is one of the most important senses that we have. The onset of the COVID-19 pandemic has seen the number of people who are waiting for diagnostic testing soar. The latest figures, which were published by the Department of Health's information and analysis directorate in June, reveal an almost 150,000-long waiting list for diagnostic tests. Faced with such a backlog and knowing that, for many people, these are life-saving tests, it is easy to see why almost 8,000 people who are waiting for hearing tests might not be at the top of anyone's list. I argue that they should be. Diagnostic tests in order to identify hearing impairments may not be life-saving, but they are profoundly life-affirming, and for young children late diagnosis and delayed intervention are likely to have a lifelong adverse impact.

**4.15 pm**

The evidence is clear. Early detection and intervention lead to better outcomes in language acquisition — whether spoken or sign — in young children's emotional and cognitive development, and closes any educational attainment gap between hearing and non-hearing pupils. Late diagnosis amongst the young can result in a level of disadvantage that they may carry for the rest of their lives, leading to poorer educational outcomes, worse employment opportunities, and more ill health, including mental ill health.

Right now the new school day could prove detrimental to the education of children not yet diagnosed. The need to juggle learning and follow new school safety measures is very worrying in an already stressful situation.

It is now imperative that we wear face coverings as we go about our daily lives, and that in itself is another barrier to children and adults awaiting a diagnostic test. Where once they may have been reliant on lip-reading to engage in conversation, now they are unable to. That new added barrier and complication must be taken into consideration to alleviate the anxiety that it must cause. It is now vital that the Department of Health and the Department of Education work together, as required by the Children's Services Co-operation Act to urgently oversee the development of an action plan to address any backlog of children with delayed diagnosis of deafness, and it is essential that parents and children have a role in building that plan.

This invisible condition requires regular screening to ensure that the problem is detected sooner and in the hope of a better outcome. Therefore, it is of prime importance

that the Department of Health ensures continued vigilance regarding children's hearing.

Diagnostic testing, or the fitting or adjusting of aids, cannot be carried out remotely. I will mention some real-life experiences of children and their parents during the past seven months, such as parents not being able to reach trust support services when hearing aids break, and parents and carers having to pay for micro-suction for the child when appointments are cancelled.

Recently, a parent from the Western Trust area informed the National Deaf Children's Society about having contacted the audiology department because her son's moulds did not fit. They were able to send out new moulds adapted from the previous pattern, which worked out very well. However, the lady knew other children who were not so lucky. One child had loose vents, causing infection, and the only action was to prescribe, unseen, antibiotics which led to recurring infections because the problem with the vents was not addressed. Those are only some of the issues that have been highlighted by parents and carers with the National Deaf Children's Society.

Remote audiology does not work for children who have hearing difficulties or who are deaf. It has serious implications for the early intervention that is needed. I believe that, currently, there is no framework for paediatric audiology in the North. From what I have read, in 2018 the Regional Audiology Forum agreed that it would develop a set of quality standards for paediatric audiology services, to be applicable from birth to 18 years. The Department of Health was then to sign off on it. Will the Minister take this forward, in light of the increasingly lengthy waiting lists? It could go some way in ensuring measurable and continuous improvement of services, whilst improving access for our children and young people.

In supporting this motion, Members will be adding their voices to calls to the Minister of Health to take a moment, amongst the clamour of tackling the impact of COVID-19, and help around 8,000 young and not so young people to get their hearing test and take action to address postponed cochlear implant surgery. We need seamless access to hearing health services, without interruption or restrictions. I call on the Assembly to support the motion.

**Mrs Cameron:** I thank Members opposite for bringing this very important issue to the fore and for securing this motion today.

If we were to make a list of impacts of COVID-19 we would be here well into the night, but when it comes to prioritising and rectifying those impacts, difficult decisions have to be made. Certainly in our health service, faced with wide-ranging disruptions, that is not an easy task.

Last week the Executive announced the intention to redress the crisis in cancer care, and that is right: it is life or death. I very much welcome that focus, but we must recognise quality of life impacts too, and the life opportunities impacted upon, and that is why I believe today's motion is so important.

Across Northern Ireland today, there will be parents who are sick with anxiety about the health and welfare of their children who need intervention to address deafness. As each day goes by, the despair grows greater for some, and we simply cannot allow that to continue. For the sake of health, education and employment outcomes for those who are affected by deafness, we must focus on getting appointments back and meeting the need. The figures show that education outcomes are not as high for children who are deaf and none of us should accept that. Rather, we should be asking why and then setting about addressing that inequality. The reality is that early intervention is proven to help deal with that imbalance. That is why the motion and the call to action are so important.

Audiology appointments need to be ramped up. We need testing back on track and we need our health service at large to get back to face-to-face appointments because virtual appointments simply do not work in this case. We also need to be aware of the new challenges that are faced by our deaf community. The prevalence of face masks in society now poses a real challenge in communication for those who lip-read. I commend my colleague, the Education Minister, for factoring that into his decision-making on masks in schools. Society at large needs to take similar cognisance of that.

Like so many areas of the health service, we need a speedy return to service in this particular field. Early intervention is proven to help those children and young people and we need to make sure that intervention is, indeed, early, and that it allows that potential to be fulfilled socially, educationally and in employment. We support the motion.

**Mr McGrath:** I thank the proposers of the motion and I support it. Here we are, six months later and coronavirus has altered just about

every facet of our daily lives. We have all had to evolve and adapt and change the way in which we go about our lives in order to flatten the curve and save lives. We have all had to make sacrifices, but what of those who have additional health needs? How have they had to adapt in the current crisis? I am speaking specifically about children with hearing difficulties or deafness and the implications of coronavirus on early detection, intervention and support for those children.

Over the last six months, early detection and intervention appointments have had to be postponed or, at worst, cancelled altogether. Most cochlear implant surgery has been cancelled altogether and there are now more delays in the diagnosis of children with hearing difficulties. We all know that language issues can be particularly contentious in the North, but we can all at least agree that language development for our children is key and critical. For children with hearing difficulties, that is even more important.

I welcome that new-born screening is considered as a red flag and has been taking place in the past six months. However, the overall consequence of coronavirus has been that a number of people will have missed appointments during these last months or have had them cancelled or have not been able to access them at all. There will be people who have fallen through the cracks and it is essential that we identify who they are so that we can remedy that. That could involve carrying out the necessary screening for children who were not born in a hospital so that they can have diagnostics done and have their hearing aids fitted and adjusted in remote or in safe clinical settings. Effectively, we could use local community care settings to carry out those procedures.

While we are here today to bring the motion to the attention of the Health Minister — as seems to be so often the case this weather — there are elements of the motion that are of particular importance for other Executive Ministers and I have no doubt that the Health Minister will relay them to those Ministers. In these days of remote and virtual experiences, that will be more important than ever.

For instance, the Health and Social Care Board is taking steps to introduce a video relay service (VRS) that will allow those with hearing difficulties to make telephone calls using British or Irish sign language to our health services. That is an important step forward. However, we know that those in England and Scotland have had access to that for some time. It is good that

we are finally catching up, but, at present, the service is strictly limited to health services, and it has only been in place from May, so it would be good to see that developing.

The Communities Minister should consider how those with deafness or hearing difficulties could make phone calls, using VRS, to benefits offices, and the Education Minister should consider how they can make telephone calls to the Education Authority about their children's schooling. I know that that is more for adults, but there are lots of different ways in which we can intervene to help.

I welcome the news that the Infrastructure Minister, Nichola Mallon, has approved a new dynamic PPE purchasing system that services the entire public service and that included on the list are transparent face coverings, which people have asked for as well.

The time of coronavirus has also opened up a shift to homeworking, and those with hearing difficulties need to be supported as much as possible through this. That is one of the impacts of coronavirus that our new head of the Civil Service, whomever that is and whenever they are appointed, could take on board.

The most important thing is that those in our community with deafness or hearing loss feel that their dignity is being acknowledged and that we as legislators smooth the way as much as possible and remove every obstacle that we can to allow them to live their life as fully as possible. That begins at childhood, with early detection, early intervention and early support. I support the motion.

**Mr Chambers:** I welcome the motion because it enables us to register our acknowledgement of the importance of early detection, intervention and support for children with hearing difficulties or deafness. As the motion points out, deafness or hearing difficulties can have a negative impact on a child's education. The various delays that the motion identifies are hugely regrettable, but, like many aspects of our health provision, we need look no further than the impact of COVID-19 to understand the problems that it gives our health service in trying to cope with waiting lists, right across the spectrum of medical conditions. There are no easy solutions nor magic-wand cures for the reality of the disruption that COVID is causing to many aspects of our life but especially in connection with routine and planned medical care.

It is reassuring, as seen in a personal family situation recently, that newborn babies are still

receiving all the tests that they normally receive, including audiology tests that can pick up hearing problems at a very early stage. That early detection is vital.

Hearing is one of the most important faculties that we have. Living in a silent world cannot be a pleasant place to be. Many of us may have seen the videos circulating on social media of young children and babies who have been fitted with advanced technology hearing aids that take them out of a previously silent world. The amazement and sheer delight on the children's faces when their mother speaks to them on the first occasion on which they can actually hear her voice would touch the coldest heart.

I am confident that the Minister will support the motion and take every step open to him to address the delays in appointments. It will not be an easy road for him to travel as he grapples with delays across all the medical disciplines. It must be acknowledged that he inherited a health service that was operating on the pure goodwill of everyone employed in it. Nurses were forced to stand on picket lines in the middle of winter to highlight their issues, morale throughout the system was low, and waiting lists were at an all-time high. None of those issues could be nailed to Minister Swann's door, and when he came into office, he pledged to address all outstanding issues as quickly as he could. COVID-19 put paid to the fullness of those plans.

If progress is to be made, it will require the cooperation of everyone in the House, not least his Executive colleagues. We must accept that it will be a case of taking baby steps as we go forward into a winter that may bring more major disruption to all health services. Hopefully, aspirations such as those expressed in the motion can be progressed. The public have a role to play, as do those in the House. Members also have an obligation to provide leadership as our public health services try to reduce the transmission of coronavirus.

If a major and disruptive second wave can be avoided, it will be because of the continued and admirable adherence to guidance and advice by the public. To those who demonstrate outside this building and speak about the pandemic as being some sort of hoax or overreaction of government and who point to the reduction of medical interventions across the board, I say, "Wise up" — I know that I have stolen those words from previous Members — "Follow the guidance and help speed up the return to normal service that we all crave, especially in the field of children's health". My party fully supports the motion.

#### 4.30 pm

**Ms Bradshaw:** I support the motion. Children with learning difficulties are, of course, all different, but one thing that unites them is a desire to live as independent a life as possible. Like everyone else, they want to influence the world around them and develop healthy and stable relationships. Sometimes, it can be the smallest detection or intervention that enables that. That will, of course, usually mean interventions that affect the whole family, particularly when the children have been born to hearing parents. Empowering parents to make informed choices, for example, on treatment or communication options is one of the small but vital interventions that are necessary early on. Another, as we heard, is the relatively minor implant procedures that can have such a major impact. Another is the audio appointments referenced in the motion, which enable those informed choices to be most effectively made.

This is, of course, about future educational attainment, as the motion states, but it is also about so much more. One area of particular concern is the impact that the absence of some of these small detections or interventions will have on mental health, immediately and in the future. Data on the area is not good, but it is estimated that 40% of children with hearing difficulties develop mental health problems, nearly double the incidence in the general population. The main reason for that, research suggests, is communication deprivation. That is exactly why, as the motion states, audio appointments and implant procedures are so important. Delays add significantly to overall stress and strain and, ultimately, to the prospect of falling behind peers and subsequent poor mental health.

The four-tier spectrum of mental health provision from early advice at primary level through to specialist assessment and services, multidisciplinary teams and, finally, specialist outpatient or inpatient units is established and is vital for all children and even more so for children with hearing difficulty. If even tier 1 is not happening, the impact can be long-lasting. That means that child and adolescent mental health services, specialised for children with hearing difficulties, had never been more important than before the pandemic; the pandemic makes them even more so. The particular issue, it seems, is that, if the early interventions do not occur and the referral to specialist services — directly to do with hearing or even in an area such as counselling — does not happen, the impact can be long-lasting.

Again, a small intervention missed means that a significant problem can develop.

This is the concern when we hear lines like "Urgent procedures are being prioritised". A minor implant may not seem like an urgent procedure; an early assessment of communication may not seem like an urgent procedure; an audio appointment, the outcome of which will help the family unit make empowered decisions, may not seem like an urgent procedure, but any of those steps taken now may well avoid the need for urgent procedures later. They will also enhance a child's sense that they can influence the world around them and live as independently as possible, with all the positive effects that has on their mental well-being and that of those around them.

In closing, I place on record my appreciation of the work of the audiology staff and the speech and language therapists who are trying their best in an environment of COVID, staff vacancies and the waiting lists that we have discussed today. I look forward to hearing from the Minister what steps will be taken urgently to ensure that children with learning difficulties do not miss out on basis interventions and procedures that would ensure that they do not suffer from communication deprivation, with the inevitable consequence for mental health and education.

**Mr Easton:** I support the motion.

Communication is fundamental to the development of every child. Learning good communication skills early in life is key to positive relationships with family and friends, good mental health and happiness and educational and employment opportunities in the future. It is particularly key for children who are deaf or have hearing impairments. Early detection, intervention and support for children with hearing difficulties has been shown to improve their mental health and avoid the behavioural problems known to develop in children who do not receive adequate help. Lack of support in communicating can also result in poorer cognitive development and negatively impact on the relationship between the child and their parents. The backlog of postponed and cancelled appointments due to COVID-19 has the potential to have a knock-on effect in the short and long term for children with hearing difficulties. That is why the issue must be urgently addressed, and I welcome the opportunity to discuss the matter.

Before the pandemic, the health service was already experiencing issues with paediatric audiology services. An assessment was carried

out last year from which it became clear that some health trusts struggled to meet the standards of access to the services, including the waiting times they had been set. The South Eastern Trust, for example, which covers the constituency I represent, scored just 58% towards the service accessibility target. The report highlighted the need to improve waiting times at this point. Recent figures show that the situation is likely to get worse rather than better. ENT has shown one of the largest waiting-list increases of any speciality between August 2019 and this year. With shops, cafes and restaurants yet to open for business properly, it is time that the health service started to follow suit, particularly in this case, where early detection and intervention are crucial to ensure the best care plan and outcomes for these children.

With cochlear implants, early detection and intervention is especially important. Research has shown that children with implants inserted before they are six months old possess a vocabulary on a par with or better than that of hearing peers by the age of five. Conversely, when an implant is inserted later than this, that equivalence with their hearing peers is lost. Naturally, that can have a significant impact on a child's first experience of school, their learning outcomes and the development of their social skills. It is, therefore, vital that those procedures go ahead as soon as it is safe, and I encourage the Minister to look at the issue with urgency.

Most parents of deaf children have no experience of deafness. Early diagnosis allows parents to make informed choices about treatment plans. It allows parents to educate themselves on how they can best learn to communicate with their child, support their child to learn the social skills that they will need when they enter school and how they can expand their child's vocabulary.

The disadvantage that deaf and hearing-impaired children face in education already is obvious. One only needs to look at the statistics. Only half of deaf children make the expected progress in maths and English at Key Stage 2, compared with over 90% of their hearing peers. Just over one third of deaf children obtain five GCSEs, compared with nearly 70% of their hearing peers. While, just over 1.5% of 16 to 30-year-olds have a form of hearing loss, fewer than 0.4% of those in higher education declare having such a condition. The evidence shows that the gap has widened in recent years and has not improved.

While all children have lost out on vital schooling due to the pandemic, it will have an

even greater impact on deaf and hearing-impaired children. My worry is that the gap will continue to grow. There are around 1,500 deaf children in Northern Ireland, and 90% are born to hearing parents, many of whom struggle to communicate with their child and will not be able to educate them adequately at home without support. Speech therapy, which is sometimes available through school, has also been missed. Staff members and classroom assistants who help children on a day-to-day basis at school have not been able to do so. COVID-19 has already seriously impacted on the learning of these children, who are often left behind. The least we can do is ensure that they have access to the healthcare that they need.

For deaf and hearing-impaired children, the pandemic causes ongoing problems. Face masks cause issues for those who rely on lip-reading and facial expression to communicate in their schools. Restrictions due to COVID-19 have created an isolating and lonely time for many. For a child with hearing difficulties, starting a new school —

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

**Mr Easton:** Given the ongoing challenges that these children face in the coming months, it is only right that we do everything that we can for them. I call on the Minister of Health to urgently address the backlog of appointments and surgical procedures.

**Mr Gildernew:** I welcome the interest shown in the motion and the tone of the debate. I would welcome any reassurance that the Minister can give the Assembly, the deaf community and the wider public that any backlog in diagnostic audio testing, which is fundamental to gaining access to interventions such as sign, cochlear implants or other social or medical support, will be identified and addressed as quickly as possible. For young people, the earlier the intervention, the better the outcome. I think that that is widely recognised across education, health, in communities and all sorts of areas. The earlier we get in, the greater the impact and the greater the difference.

There is evidence that many children with hearing impairments do less well in education than their hearing peers. That is not inevitable. It is something that we can and should do something about. I recognise that the Minister has, in Committee and in other places, flagged up his interest in dealing with health inequalities. I also recognise that COVID-19 has impacted on our ability to deal with health

inequalities as we would have liked. However, I ask that we guard against people slipping further back, as Alex said, and that we try to protect those who are vulnerable at this time.

The development of language and communication skills is vital to children. During my training as a social worker, we had the benefit of sensory impairment training. I had started out believing that deafness and hearing difficulties were an absence of sound, but, actually, they can also be confused or intermittent sounds that can be very disorientating and could easily, as was mentioned, have an impact on mental health. That is a concern as well.

Studies show that early access to language, whether through sign or interventions that improve hearing, allows a child to develop an understanding of how language works. That means that they are hearing or reading-ready when they begin school and can map their understanding of how language works onto the written page. If we give a child the right tools and support, they will close the gap between non-hearing and hearing pupils and, as a consequence, improve their future economic chances. Improving their economic prospects lifts people out of poverty. As we have discussed in the Assembly, inequality harms the individual primarily, but it also harms the community and our economic development, which is relevant across the sphere. Poverty is a costly alternative to early intervention for life changes, future health profile and public health. I am aware that there is significant research evidence in the United States and elsewhere that every pound invested in early years can, over a lifetime, save up to £17. That is a crucial area for intervention.

I note that the National Deaf Children's Society has noted its disappointment at the lack of detail in trusts' phase 2 plans for audiology and implant services.

The motion rightly focuses on the urgent need for early diagnosis for the young, but I am sure, a Cheann Comhairle, that you will not mind my mentioning that it is also important that older people get access to timely audio diagnosis. Just last week, we debated a motion on dementia, and the Assembly was supportive of the need to develop dementia-friendly communities. However, there is growing evidence that late diagnosis and intervention for older people experiencing hearing loss can be a factor in the onset of dementia. I hope that the Minister will keep that in mind. I welcome the support from all sides of the House for the motion and urge everyone to support it.

**Ms S Bradley:** Like my colleague Colin McGrath, I support the motion. The motion rightly refers to the negative impact that delay can have on a child with hearing difficulties and on their educational attainment. However, I would like to go further. Any delay to a child during its formative years can create a downward spiral that can quickly get out of control. Trying to keep up with their peers and those around them can move a child into a very lonely place. They may not know or fully understand that they have a hearing impairment. Their family, parents or caregivers will be in deep distress until they can put their child on the right track to find the tools to equip them to deal with their deafness or hearing loss.

When that confidence is knocked, it can present in the classroom or formal caregiving setting as a child who presents with what is noted as being disruptive behaviour. It is very unfortunate and unfair to disadvantage a young child at such an early stage in their life.

#### 4.45 pm

When we look at a delay in action versus the action itself, it is not all doom and gloom. There is much to be said for the positive outcome that can come into play when a child is supported and identified through early intervention and help. I will mention the audiologists who support these children during difficult times and empower them with the tools they need to make their way through life.

I acknowledge that the Minister introduced the video relay service (VRS) system in the health service in May. Many will know that the deaf community in Northern Ireland appreciated that system, but it was six years late. I will not go into why the system was late. I will reference the comments made by my colleague Colin McGrath, who said that every Minister at the table has a role to play in supporting the deaf community in Northern Ireland.

On 27 August, I wrote to the Minister for Communities seeking an assurance that she would look into the VRS system, VRS for All, that is being used elsewhere and allows for calls to be made to public- and private-sector bodies to support the deaf community. It is a very sad reflection of our times when the deaf community has to lobby Members of the House because they feel left out. The bulk of the problem was not about COVID, but I appreciate that the task before the Minister is very much about catching up post-COVID with where we need to be. I recognise that the Minister will have a lot of pressure on him, and he will have

to prioritise what piece of work comes first. However, based on the fact that these are young children in their influential and formative years, I urge him to bring this to the top of his work priorities.

**Mr Butler:** I thank the proposer of the motion for bringing it to the House today. My party and I will support the motion. I also welcome the tone of the debate so far.

When I was a member of the Health Committee, the National Deaf Children's Society lobbied heavily and brought to the fore something that many of us are ignorant about, and that is the pressures faced by the deaf and hard of hearing community when accessing just about everything. I know that many Members have touched on some of those difficulties, but we need to bear that in mind when we discuss the motion. The motion points directly to early diagnosis, identification and the much-needed support for not only the children but, crucially, the families.

At the Health Committee, I learned that 90% of children who are diagnosed as deaf or hard of hearing come from a family where there are no hearing difficulties. So those families are not equipped with the skills, knowledge and resources to deal with the challenges being faced by those young people. You will know that the Minister has made an early commitment — even during COVID — to make mental health and well-being a significant priority. The impact on those who are deaf or have a hearing difficulty is that they are four times more likely to suffer from poor mental health, anxiety and loneliness. I know that Sinéad Bradley will testify that it is one of those societal hurts and pressures that we are facing, and the deaf community will understand what that means. That isolation is not just in terms of family or work; it is an issue that is felt society-wide.

The pressures in education have been well addressed. There will also be barriers with regards to employment prospects if we do not address the issues early. There should be no barrier to anybody doing what they want to do if we can get the help in early. We need to give those young people as much of a vision and aspiration as we can.

I think that Colin McGrath talked about the need for cross-departmental working. When it comes to this issue, it is absolutely evident; I do not think that anybody will say that that is not the case. He picked out the need, for instance, for Communities to ensure that there are no barriers and that it is easy for people to access

benefits. He even gave some credit to his Minister with regard to infrastructure and transport. Those things should not be seen as barriers, but, until you speak to some of the advocates for adults with hearing difficulties and deafness, you do not realise that, sometimes, things are missed. I pay tribute to those working in the Health Department, including the trusts, who provide help and assistance to the community and voluntary sector, and to the National Deaf Children's Society for giving us some information on this issue today. It is key to remember that it is about early identification, early diagnosis, early remedial action and, most importantly, early support to give those children the best chance and start in life.

**Mr Deputy Speaker (Mr McGlone):** I call the Health Minister, Robin Swann, to respond. The Minister has up to 15 minutes.

**Mr Swann (The Minister of Health):** I thank the Members for proposing the motion, which provides us with the valuable opportunity to consider the importance of early detection, intervention and support for children with hearing difficulties and deafness across Northern Ireland. I echo many Members' comments in regard to the tone of the debate and the contributions.

I have listened closely to the Members who have spoken in support of the motion. I, too, support the motion. As Minister of Health, I understand fully the unprecedented impact that the COVID-19 pandemic has had on our health service. Our collective and immediate focus, quite reasonably, centred our response on coronavirus, but, as Members indicated, our tremendous health service and the people who work in it have remained steadfast in their work and ongoing efforts to maintain services, where possible, while still taking steps to fight the virus.

I fully acknowledge the continuing need for early detection, intervention and support for children with hearing difficulties and deafness. I advise Members that the newborn hearing screening programme has continued to operate right throughout the pandemic. All those babies who failed their newborn hearing screening have had their diagnostic auditory brain stem response testing completed within the four-week target. That is a specialist test to provide a more detailed assessment of a baby's ability to hear. The service has completed 134 such tests since 1 April. In paediatric audiology, those children classed as clinically urgent are still being assessed within 10 weeks of referral. Around 200 hearing tests for children classed as urgent have been undertaken, alongside 100

virtual assessments and reviews of children who regularly use hearing aids. Routine appointments in paediatric audiology, like many other specialities at this time, have experienced delays. However, every effort continues to be made to address that matter through the use of remote appointments or face-to-face appointments where a remote appointment is not appropriate.

The COVID-19 pandemic has, unfortunately, resulted in some appointments being postponed due to the need to ensure the safety of patients and staff alike in these most challenging of times. The Belfast Health and Social Care Trust paediatric audiology service and the paediatric auditory implant service, which is responsible for cochlear implants, have continued to deliver services to children classed as clinically urgent since the start of the COVID-19 pandemic. The services provided are delivered in line with national professional guidance and public-health guidance on the safe and appropriate delivery of services during the pandemic. As has been indicated, many of the consultations have, where possible, been completed virtually, with safe processes put in place to maintain social distancing, including the appropriate use of PPE for any child who requires a face-to-face assessment.

An extended working day and six-day working are examples of the service being flexible and open to change in order to address the developing backlog. Children with auditory implants are able to avail themselves of technology, so their devices should be programmed remotely to help ensure that their continuing development and hearing potential is maximised. Anyone whose child has issues or problems with auditory implants is able to contact the service directly, and the child will be managed appropriately and without delay, so if the mover of the motion has specific examples or wants to make my office or the Department aware of any specific cases, I am more than happy to follow those up. I can advise Members that I am informed that there are no children awaiting a fitting of a hearing aid. Any child using a hearing aid who has an issue or problem is also assessed and managed appropriately and without delay.

It is the case that there have been some cancellations and patients being rebooked as the service reacts to the impact on staffing levels, risk assessments, and bed and clinical availability during the pandemic. That is likely to continue, but our health service will continue to deliver services to those children who require urgent assessment and treatment. The service is delivered by a small cohort of specialist

audiologists and clinical scientists. Any staff absence therefore impacts directly on the ability of the service to provide assurance on an indicative time frame for managing clinical and routine patients, as was the case before the onset of the pandemic.

Although the health service is doing its level best to maintain paediatric audiology services during the pandemic, I am clear that more needs to be done to tackle waiting lists. I have already referred to the use of virtual assessments, where patients can be seen in triage. Those new ways of working will have to be with us going forward as we continue to deal with the COVID-19 pandemic. I am committed to reducing waiting times for those specialist services and to providing virtual early intervention to ensure that children with hearing difficulties can benefit from the excellent support that our health professionals can provide.

Services will require non-recurrent investment in order to bring waiting lists back to an acceptable level. That, however, will be in the medium term rather than the short term, as the main difficulties during the pandemic are with staffing and facilities' capacity, and that is not expected to change over the next six months.

Members will be aware that my Department, the Health and Social Care Board and the National Deaf Children's Society have worked collaboratively to draft quality standards for paediatric audiology services for Northern Ireland, and we expect those to be adopted and published later this year. The Regional Audiology Forum, acting as the steering group and working with stakeholders and user representatives, has now completed that work and produced the draft paediatric audiology quality standards. The standards are going through the final approval process. They will enable the quality of the service to be evaluated and benchmarked to identify target areas for service improvement focus. That will be particularly welcome in these very challenging times.

In supporting the motion, I thank all Members who have made contributions. It remains vital that we address in a timely way the needs of those children with hearing difficulties and deafness. I thank all the professionals working in our paediatric audiology service, our paediatric auditory implant service and our health and social care trusts, who continue to work tirelessly in these unprecedented times.

**Mr Sheehan:** Will you confirm whether I have five or 10 minutes, Mr Deputy Speaker?

**Mr Deputy Speaker (Mr McGlone):** Ten minutes.

**Mr Sheehan:** Go raibh maith agat. Tá áthas orm bheith ag labhairt sa díospóireacht seo inniu agus ba mhaith liom buíochas a ghabháil le gach aon duine a bhí ag labhairt anseo inniu. I welcome the opportunity to speak in today's debate. I thank everyone who contributed. I especially thank the Minister for his response and for coming along today to listen to the debate. I welcome his acknowledgment that more needs to be done to tackle waiting lists, particularly in those specialist areas.

As has been noted, there is consensus right across the Chamber today on the motion and the issue involved.

Unfortunately, that will not get a lot of column inches tomorrow, and there will not be any sensationalist radio shows congratulating us on agreement in the Chamber, but that is life, I suppose, and we just have to deal with that.

5.00 pm

I was on a Zoom meeting this morning, and I suppose that most of us have experienced difficulties in this Building with the Wi-Fi. I was using my laptop and the signal kept dropping in and out. I was picking up bits and there was background noise and everything. It was while I was half preparing for this debate and I was thinking that that is the experience of people with hearing difficulties. They do not hear everything; background noise interferes and they experience those difficulties on a daily basis.

I was away a few years ago with a crowd of lads — we were away on a weekend at a match or something. As usual on those occasions, there was a bit too much alcohol consumed and the company was loud and a bit raucous at times. I noticed that one of the lads, who was usually the life and soul of the party, was sitting in the background, and he seemed down in the mouth for some reason. I went to speak to him and he explained to me that he had been having hearing difficulties and that he was waiting on a new hearing aid. However, with all of the noise he could not engage, communicate or hear what was going on, and I just thought that for a lad who was always so happy-go-lucky, he was so demoralised. Imagine that situation for people who have hearing loss and who do not get treated.

Colm made the point earlier about making sure that people with hearing difficulties are treated with dignity, and the way to do that is to ensure

that there is early intervention. Practically everyone who has been involved in this debate has talked about early intervention because the earlier that you intervene then the better that the outcomes are.

Of course, in the overall scheme of things, some people may not think that this debate is very important. When we are in here debating big-ticket issues like Brexit, global pandemics and so on, this may seem like very small beer in comparison. However, we have to think about the implications of this.

Educational under attainment among young people with hearing difficulties was mentioned. What is the upshot of that? I know, and any of you who have been involved in the Committee for Education will know, that when children fall behind in school, for whatever reason, it is often very difficult for them to catch up again. What then happens is that they continue to fall behind and they end up leaving school with no educational qualifications. What is the upshot of that? People end up more likely to become involved in the criminal justice system, to have chronic ill health and more likely to suffer mental ill health. That was one of the points that Robbie made about isolation and loneliness. I think of my friend in a crowd of 10 or 15 other fellas, who was sitting outside of their company and not able to participate or communicate, with that sense of isolation and loneliness. In a sense, that is a microcosm of the whole issue of hearing difficulties and deafness that we have to deal with.

The ramifications of hearing difficulties and deafness are much more profound than just, "Oh, tough luck, those kids couldn't get their hearing tested or their implant". It is much more profound than that. I think that when we are dealing with issues like this, then all of us should not be thinking about somebody else's kids, but our own kids. How would we feel if our children had hearing difficulties and could not get the early intervention and treatment that they need, deserve and are entitled to?

I take on board Alan's point: the Minister came into his job with all the good intentions of the world, and COVID-19 put paid to a lot of those issues. I do not want to raise a discordant note. As the Minister said, a lot of the consultations and treatments cannot take place because the safety of patients and staff, and so on. However, the ordinary layperson will wonder why a service such as this, which, I understand, is carried out by audiologists who are technicians — if I am wrong, I stand corrected — cannot happen. There is no aerosol-

generating procedure involved, as far as I am aware.

I remember when I was at primary school. We used to get hearing tests on a regular basis. You put on a set of earphones, a noise came through and you tapped the table with a pencil. Apparently, it has advanced and you now press a button instead of tapping the table. I make a light-hearted comment about that, but the serious point is that ordinary people do not understand why some of these tests have been cancelled. It is not as if audiologists are being dragged into the front line to deal with COVID. I am sorry that I did not get the chance to ask the Minister that before he spoke, but it is a question that I am putting out there.

I know that I have not mentioned a lot of Members. Everybody who spoke mentioned underachievement in education and issues around mental ill health. I think it was Colm who mentioned the fact that last week was dementia week and that there is a suggestion that loss of hearing is a factor in dementia in older people. All of those issues make this a much more serious issue than it would appear on the face of it. Again, I thank everybody for contributing to the debate and the Minister for coming along.

*Question put and agreed to.*

*Resolved:*

*That this Assembly recognises the importance of early detection, intervention and support for children with hearing difficulties and deafness; acknowledges the negative impact that delay can have on their future educational attainment; and calls on the Minister of Health to take immediate steps to identify and address urgently the backlog of postponed audio appointments and cancelled cochlear implant procedures that have arisen as a result of the COVID-19 crisis.*

**Mr Deputy Speaker (Mr McGlone):** I ask Members to take their ease while the Speaker resumes his place.

*(Mr Speaker in the Chair)*

## Assembly Business

**Mrs Long:** On a point of order, Mr Speaker.

**Mr Speaker:** A point of order, Mrs Long.

**Mrs Long:** Thank you, Mr Speaker. I take this opportunity to correct the record in relation to the discussion that we had this morning. It has come to my attention that, in response to a question from Jim Allister earlier this afternoon, I inadvertently referred to the Public Prosecution Service (PPS) having raised a question in 2012 about the removal from schedule 2 to the Magistrates' Courts (Northern Ireland) Order 1981 of a reference to section 52 of the Offences Against the Person Act 1861. I should have said that it was the Northern Ireland Court Service, in September 2011, and that the departmental solicitor responded in March 2012. The PPS was not involved in that correspondence, and I apologise to Members, to Mr Allister and to the PPS for the error.

**Mr Speaker:** I thank the Minister for that very speedy correction of the record from earlier on, which has observed the courtesies of the House.

## Private Members' Business

### Helen's Law: Introduction of Equivalent Legislation

**Mr Easton:** I beg to move

*That this Assembly recognises the ongoing pain and trauma experienced by families in Northern Ireland whose loved ones have been murdered and who continue to have no knowledge of the whereabouts of their remains; welcomes the progression in the UK Houses of Parliament of the Prisoners (Disclosure of Information About Victims) Bill, otherwise known as Helen's law, placing a statutory obligation on the Parole Board to take into account an offender's non-disclosure of such information when making a decision about their release from prison; notes that these obligations apply to prisoners serving a sentence for murder or manslaughter, or for taking or making an indecent photograph of a child; and calls on the Minister of Justice to introduce urgently equivalent legislation in Northern Ireland to ensure that prisoners convicted of murder and child sex offences are not eligible for release until they disclose the location of their victims' remains or the identity of their victims.*

**Mr Speaker:** The Business Committee has agreed to allow up to one and a half hours for this debate. The mover of the motion will have 10 minutes to propose and 10 minutes to wind up. One amendment has been selected and is published on the Marshalled List.

**Mr Easton:** This is a very important motion. It is vital for families who have had a family member or loved one murdered, but have never had a body returned for Christian burial. That is why I state from the start of this debate that the motion is not political in nature. There are no hidden agendas and there must be no politics in this debate, because of the families. I ask the Assembly to back the motion wholeheartedly as we seek to support those families and to send out a message to those who have killed someone and refused to give up the body: "You will stay in jail".

What is Helen's law, or Charlotte's law? It is killers who have concealed victims' remains, who have been sentenced for the crime of murder and done their time, but who then face parole refusal. Murderers who refuse to reveal the location of their victims' bodies could be denied parole under a new law. Helen's law follows a campaign named after Helen McCourt, who was murdered in 1988. Her killer,

Ian Simms, has not revealed the location of her remains. Miss McCourt, aged 22, disappeared in 1988 on her way home from work. Simms was convicted of murder, but never revealed the location of her remains so he can continue to have a hold over the family. He was jailed for life in 1989 and told that he would have to serve at least 16 years before he would be considered for parole.

Nearly 600,000 signed a petition launched in 2015 calling for the introduction of Helen's law to block parole for killers who conceal the whereabouts of their victims' bodies. Mrs McCourt, who is still involved in searches for her daughter, said:

*"It has been a terrible stress on me since I started the petition in 2015. This law will help so many other families. I wrote to him, begging him 'please, please just tell me and you will not hear from me again'. I still hope he will remain in prison until he tells me. I hope one day I will know."*

Unfortunately, it has come too late for the family, as the process of this law through Westminster has not passed all the hurdles, and Simms is now out on licence. Here in Northern Ireland we have a separate justice system, and much of what we ask for and support today will require our Justice Minister to support and introduce it. I hope that she will not be found wanting, because my hopes, and those of the victims' families, rest on her shoulders today.

In Northern Ireland we have our own equivalents of Helen McCourt. We have the Murray family. Johnny Miller was found guilty of murdering Charlotte Murray, his former fiancée. He must serve a minimum of 16 years of his life sentence. Charlotte's body was never found. Miss Murray's family said Miller had put "a cruel suffering" on their family by not revealing where her body was.

I met the Murray family with the First Minister. The family have called on all local politicians to bring in the law to prevent killers who conceal the whereabouts of their victim's body receiving parole. It is working its way through Westminster. Charlotte's identical twin sister Denise said:

*"John Miller murdered our sister and he knows what he has done. We ask of him to tell us where Charlotte's body is and let us bring Charlotte home. We want to say our goodbyes in peace."*

## 5.15 pm

Another such family in Northern Ireland is Lisa Dorrian's family. Lisa Dorrian, a 25-year-old shop assistant from Bangor, went missing in my constituency in 2005. She was murdered and secretly buried, and her remains have never been recovered. The 25-year-old was at a party in Ballyhalbert caravan park, which was deserted because it was off-season. Mark Lovett, the last man to see her alive, was also there drinking and taking drugs. Detectives believe that Lisa was strangled in the Ballyhalbert caravan and her body secretly buried.

The family of missing murder victim Lisa has come out to support the proposed law, which would keep convicted killers behind bars until they revealed the location of their victim's body. They say:

*"We are sending a direct message to the man who hid Lisa's body. We just want to find her. We have asked you, begged you through the media for 15 years to tell us where you hid her body .... When we get a guilty verdict from the jury, we will make sure this law is in place so that you are never released from prison until you tell us where Lisa is."*

The determination and dignity of the local families of those who have been murdered and the location of whose remains is unknown are what drives the debate. We in the Chamber must give them real hope that their genuine concerns will be met not just through our words but through our actions in the Assembly. Ultimately, the debate is about how we support the victims of serious crime and value their grief and trauma.

The Minister should not lose sight of what is at stake. It is not a time for deflection and sidestepping. Non-disclosure of victims' information should always be taken into consideration. It is vital that any decision to release a prisoner who is serving time for these serious offences makes statutory consideration of a failure to disclose their victim's whereabouts or identity. The Minister is correct that those matters are routinely considered, but, if that is the case, why should we hesitate to put it into law? Routine statutory consideration alone cannot change outcomes and decisions; there also need to be binding obligations on parole commissioners to give non-disclosure and the added trauma to victims' families greater weighting in assessing risk to the public. Someone who fails to disclose that information

is a greater risk to the public than somebody who has done so.

**Mr Frew:** I thank the Member for giving way. Does he agree that it is not only a hideous crime to prevent a family from laying to rest their loved one but to deny them knowledge of the final hours of their loved one's life? That disclosure, in itself, would, at least, put to rest that aspect of the heinous crime of murder.

**Mr Easton:** I thank the Member for his intervention. When those who are involved in murder do not give up the location of the body after being sentenced, it shows me that they are not genuinely sorry for their actions. It is important that those disclosures take place.

It seems that victims' health and well-being are not prioritised compared with the risk to the wider community. That is wrong. Helen's law may act as a driver for offenders to cooperate and disclose information early. We believe that there is an opportunity for offenders to provide accurate information on the location of their victims' remains or the identity of their child victims earlier if decisions on parole are seen to differ on the basis of disclosure versus non-disclosure. The problem that we have is that such a distinction is not readily made in current decisions. It is vital that offenders have an understanding that non-disclosure at each stage of the criminal justice procedure will lead to stricter penalties than if they disclose.

There needs to be an overhaul of the current process to ensure a victim-centred approach at every stage. However, the delay in processing the sentencing review continues to be of deep concern to victims and, indeed, many who work in the courts. We cannot kick the can down the road any longer. Parole decisions are more sensitive than sentencing because, if officials get it wrong, release of the uncooperative perpetrator can cause new and ongoing trauma to their victim's family.

We welcome the focus of Helen's law on serious sexual offences where the victim is not identified. The number of recorded sexual offences against children in Northern Ireland has reached an all-time high, according to statistics procured in 2019. In that 12-month period, 2,036 sexual offences against children were recorded, a significant rise of 34%. That is just unacceptable.

Finally, I am frustrated and disappointed by the Alliance Party's amendment. It is clear that the victims of the families were not listened to. I appeal to the Alliance Party to withdraw the

amendment. The amendment states that the issue is:

*"already routinely considered by the Parole Commissioners for Northern Ireland when assessing prisoners' suitability for release on licence".*

If that is the case, why should we hesitate to put it into law? This is not in every case, so why has Simms been allowed out on licence? The amendment deflects focus from the current limited Department of Justice consultation with stakeholders and sentencing review and is less committed to bringing forward dedicated legislation. The Minister of Justice has already commissioned a focused consultation with key stakeholders on Helen's law. A consultation makes no guarantees or commits the Minister to bring this into law. The amendment uses words such as, "including legislation where appropriate": what type of language is that to use in the case of murder and loved ones having no body returned to them? There is nothing more appropriate than the Assembly listening to the victim's family and making this law.

In conclusion, I urge the Assembly to reject the amendment and to support the motion. I also urge the Assembly to show that it is serious about being tough on crime.

**Mr Speaker:** I call Kellie Armstrong to move the amendment. You will have 10 minutes in which to propose and five minutes to make a winding-up speech. All other Members who are called to speak will have five minutes.

**Ms Armstrong:** I beg to move the following amendment:

*Leave out all after the first "child" and insert:*

*"acknowledges that such matters are already routinely considered by the Parole Commissioners for Northern Ireland when assessing prisoners' suitability for release on licence; and further welcomes that the Minister of Justice has already commissioned a focused consultation with key stakeholders on Helen's law, to run in parallel with finalising the outcome and next steps flowing from the sentencing review, including legislation where appropriate."*

Before I speak on the amendment, I start by acknowledging the pain and trauma felt by the families of Charlotte Murray and Lisa Dorian and all families who still wait for their loved one to be returned to them. To deny a family the opportunity to say goodbye is cruel. I say

directly to all those families, "I will not pretend to understand your ongoing pain. All I can say is that I am sorry".

I thank Mr Easton and Mr Givan for tabling the motion. There is much that I can agree with in the motion. The Alliance Party and I welcome the progress of the Prisoners (Disclosure of Information About Victims) Bill in the UK Houses of Parliament. That law, known as Helen's law, is vital. However, the motion before us today goes far beyond what the Bill at Westminster includes. Preventing a prisoner from being eligible for release because they have not disclosed the location of their victim's remains could mean that there are those who are genuinely innocent who would be, in effect, imprisoned in perpetuity. It also does not allow for prisoners who genuinely cooperate but are unable to locate the remains due to the passage of time, loss of memory or difficulties finding distinguishing features and landmarks in the area. You would also find those people trapped in prison for ever. Whilst we may believe that a long prison sentence is commensurate with their brutal and cruel crimes, that would not reflect the sentence as handed down by the judge and would almost certainly be open to challenge on human rights grounds.

We can improve on the content and intent of Helen's law. I know that the Minister of Justice is already committed not to equivalent legislation for Northern Ireland but to more than that. My amendment confirms that there is a consultation under way. There is a sentencing review. The legislation will be brought forward where appropriate. The amendment that I move acknowledges that the parole commission already takes matters into consideration when considering release. However, I do not think that anyone in the House wants the parole commissioner to just take into account or consider an offender's non-disclosure of remains or identification of a victim of illegal images. Surely, we should seek to have a weighting added to that consideration. Would it not be better to take into account when a prisoner has made no attempt and given no explanation for that lack of cooperation when weighing the risk that they pose to the public on release. While some in Westminster called for no disclosure to mean no release, that has not been included in Helen's law. If we bring Helen's law into Northern Ireland, it will not include that clause. It states only that the Parole Board "must take into account" non-disclosure. The resistance to doing so was to allow the Parole Board there to continue to take its own decisions. To deny parole, even on those grounds, would mean a fundamental change to

the basis on which the Parole Commission makes release decisions and, indeed, would potentially impact on the framework for public protection sentences. I think that we all agree that the parole commission should be able to take decisions on the basis of its independent consideration. Politicians should not be able to interfere in sentencing.

As outlined in my amendment, the Minister and the Department of Justice have already commissioned a focused consultation with key stakeholders on Helen's law, and that is to run in parallel with finalising the outcome and the next steps flowing from the sentencing review, including legislation, where appropriate. Indeed, I will ask the Minister to confirm in her response today whether there is an opportunity to enable the parole commission to do more than it does today, which is to consider an offender's non-disclosure when making a decision about their release, and whether we can add a weighting to its decision. No-one in this room wants families to wait any longer for their loved ones to be returned to them. I do not believe that any of us in the Chamber want non-disclosure to be simply taken into account. That is why the amendment goes further than the motion and asks the Minister to take forward her consultation, sentencing review and legislation and not just to replicate Helen's law.

As I said, I thank the DUP Members for tabling the motion. It is a private Member's motion, and the discussion today, no matter what happens, will not bind the Minister of Justice or any Minister to take action. I suggest that, if we are to take this forward, we need to have meetings with the Justice Minister and, perhaps, the Justice Committee could take it under its remit as part of its work. Perhaps, then, we could have an outcome that enables the parole commission to continue to do its work and families to contribute to the outcome.

I have proposed an amendment that reflects the ongoing work of the Department of Justice. I say again that it has a consultation, there is a sentencing review, and it seeks legislation to be taken forward where appropriate, because I believe that Helen's law will not deliver what families want. Families do not need further pain or distress. Helen's law will not keep offenders in prison for non-disclosure. I ask all Members to consider voting for the amendment.

**Ms Dillon:** I do not think that there will be very much between what any of us in the Chamber say today, regardless of whether we support the amendment, because we all support the spirit of the motion. I think that is fair to say. There is little in the motion that we cannot

support, but there is a bit. We will support the amendment, but we will not push it to a vote. I just want to make Members aware that that is our position.

I want to begin by thanking the families of Charlotte Murray and Lisa Dorrian for coming here and meeting me and my party colleagues, as, I am sure, they met representatives of the other parties. Our deepest thoughts and sympathies are with those families and the many others like them who do not know the whereabouts of their loved ones' remains. We cannot even begin to imagine the compounded pain of not having the remains to lay to rest and to have somewhere to visit them. Everyone should have that right. I call on anyone who can give information to give any family peace of mind to, please, come forward with that information to allow them to establish the whereabouts of the remains of their loved ones.

The motion before us today, while it asks for equivalent legislation to Helen's law, appears to go further than Helen's law and, in doing so, potentially strays into the realm of indeterminate sentences, which contravene human rights law. Kellie Armstrong has already outlined the issues around that, so I do not intend to repeat that. I fully support the spirit of the motion, and, as I said, there are only a few words in the motion that we cannot support. I spoke at length with the families over the weekend, as they, too, accept that the amendment does not go far enough and gives no firm commitment on the next steps that will address the issue and meet the needs of the families.

The amendment may allow the Department to put this on the long finger when what we need is the beginning of a process to produce effective and robust legislation that will deliver for the victims and their loved ones.

### 5.30 pm

Regardless of the outcome, this debate is only the beginning of the process. The motion is non-binding. If the House does not pursue the Minister and Department to deliver, and insist that she begins to scope out what legislation would look like, then all we are doing is making politics and raising the expectations of families that are campaigning and are the voices of their loved ones, and this is just not acceptable.

I met the families and spoke with them at length over the weekend. They are determined, articulate and intelligent people fighting a dignified campaign. They will not have the wool pulled over their eyes by Members or the

Minister. We owe it to them to work together to deliver legislation. This issue cannot simply be lumped in with the sentencing review because there are elements to this that are not addressed by the review, particularly the continued offending in relation to child sex offences.

I call on the Minister to commit to a bespoke piece of work outside the sentencing review as a matter of urgency. It is the intention of the Minister to meet the families. It is imperative that the Minister progresses this in a positive and proactive manner. Charlotte Murray's killer was sentenced to a minimum of 16 years. If the Minister and Department of Justice do not bring forward legislation to address the motion, the reality is that although the Parole Board will consider the non-disclosure of her remains, there is nothing in statute to send a signal to the perpetrator of that horrific killing and the Parole Board to give it significant weight.

We will support the amendment and we will not oppose the motion.

**Ms S Bradley:** As the SDLP's spokesperson on justice, I support the motion. Appropriately, it opens with reference to the trauma experienced by families whose loved ones have been murdered and who have no knowledge of the whereabouts of their remains. I acknowledge the ongoing pain being experienced by the families of Lisa Dorrian and Charlotte Murray, alongside the families of the disappeared, but, in particular, all those families that continue to live with the unimaginable pain of not being able to lay the remains of their loved one to rest.

Non-disclosure of the identity of children who were used to take or make indecent images also provides an insight into the level of remorse a prisoner feels when they make no effort to help those who simply want to safeguard that child. Our legal system requires a method of marking out those prisoners who choose to continue with the dehumanisation of their victims and who choose to inflict pain on loved ones by not disclosing critical information about the victims. Helen's law does just that. It is a carefully crafted piece of legislation that includes a level of subjectivity, allowing the Parole Board to make a determination on when a prisoner is making a deliberate decision not to disclose information.

The explanatory notice provided ahead of the legislative change acknowledged that it was:

*"established Parole Board practice to consider the non-disclosure of relevant*

*information by offenders in cases involving living victims".*

The Prisoners (Disclosure of Information about Victims) Bill established that practice in statute. Prisoners in England and Wales are now aware that continued non-disclosure must, by statute, be considered during any deliberations on parole. Prisoners who may never act out of anything other than self-interest will be forced to contemplate the consequences of continuing with their decision to withhold information.

The SDLP has no hesitation in supporting the motion, even if it does suggest contemplating the legislative process going further than Helen's law. I would add that we could consider the possibility of reflecting any delay in a prisoner's chosen time of disclosure to be reflected in the timing of their parole. The right thing to do here is to push ahead and legislate with these deliberations.

To those who have expressed a concern that the removal of eligibility for people may not be human rights-compliant, I remind them of two points. First, a parole board would be charged with making the determination as to whether this is a deliberate decision not to disclose. The subjectivity rests firmly with it. Secondly, those murderers or paedophiles who deliberately chose to continue to perpetrate the crime through non-disclosure, at all times, it is them and nobody else who hold the power to make themselves eligible for parole. Helen's law, or Charlotte's law, as it is lobbied here in Northern Ireland, is the tool that forces the hands of those into doing the right thing. Victims and their loved ones depend on our support to make that happen.

The SDLP welcomes the fact that the Minister has already commissioned a focused consultation with key stakeholders on Helen's law. The level of deliberations and considerations that formed the legislation in Westminster will inevitably assist in injecting speed into any Northern Ireland deliberations. For that reason, the SDLP believes that it would be wrong to subject this mature legislative piece to sit alongside the timeline of a much wider sentencing review. The urgent need to deliver on this legislation cannot be emphasised enough. It is a relatively short Bill with a huge impact. For that reason, we cannot support the amendment.

In supporting the motion, we send a clear message to all those commissioned to sit on a parole board that the direction of this House is to legislate on this matter, and the weight of

non-disclosure during their deliberations should be used with absolute confidence.

The SDLP supports victims via this motion.

**Mr Beattie:** First of all, I thank Mr Easton for bringing the motion to the Assembly. I know that he has put a lot of time into it and into supporting the family. I met the families of Charlotte Murray and Lisa Dorrian for the first time last week. I sat opposite Charlotte's twin sister, and I saw in the family's faces the absolute devastation that they are going through day after day not knowing where their sister is.

Mr Dorrian, the father of Lisa, sat with the family in support, knowing that he has not even reached the first step to getting any form of closure or justice, but he sat there and he gave support all out of hope. Hope is a word that I will use a lot. They sat with hope that we as an Assembly and as legislators could do something to address this great injustice. They gripped on to hope that we would do something. Their concern is that any murderer who refuses to divulge the whereabouts of the victim can receive parole and walk our streets still knowing where that victim's body is and not be held to account.

The parole board and the Parole Commissioners for Northern Ireland can, when the parolee goes before them, say that not divulging the whereabouts of the victim is a reason for parole to be denied. It is an aggravating factor. However, there is no guarantee because that was not the guarantee for Helen McCourt. There was delay after delay, and her murderer was allowed out and is walking the streets now. Not only that, but Helen's mother had to pay him £40,000 because she took a legal case to try and keep him in prison. It is absolutely disgraceful. It is shocking, and we do not want to go down that road.

It did not work for Vanessa George, who was released after 10 years, having abused children and taken pictures, and then refused to divulge who the children were that she abused. In later life, they may well recall what went on, but she is out walking the streets knowing who those children are.

The purpose of sentencing is punishment, protection of the public, deterrents, rehabilitation and reparation. Sometimes we forget about deterrents. I have said it time and time again: what is wrong with an all-life sentence? It is in the sentencing review, it can be considered, and we can do it. This is one

reason why I think that we should do it. Here is the reality for Charlotte Murray's family: they will suffer a living death every single day for the next 16 years. Until Charlotte's murderer goes before the Parole Commissioners, they will not know whether he will get parole. They will not know. They have to suffer that for 16 years. If he is denied parole, they have to wait and suffer for another two years before he is up again for parole. It is inhumane — absolutely inhumane. We should be clear in telling him, "If you do not divulge where the body of your victim is, you will not get parole".

I said that the family live in hope. We all know the limitations of any legislation. Of course we do. However, let us not snuff out the family's hope, because it is all that they and other people have. I will support the motion, but I cannot support the amendment because it snuffs out hope, and there is no requirement for it.

Earlier today, a previous Justice Minister, Claire Sugden, asked a simple question: why can we not approve a legislative consent motion to adopt the legislation that is bound for England and Wales? Why not? Why not show purpose and strong justice? Why not put something in place? If it means a whole-life sentence — do you know what? — it has to be a whole-life sentence. It does not happen very often, but it can happen. I believe that when everybody in the Assembly thinks about it, they will think that it is right that, if you kill somebody and bury their body and do not divulge where the body is, you should not be allowed out of prison.

**Mr Frew:** I commend my colleague Alex Easton for his opening remarks and also the spirit in which the debate has been conducted, with some very powerful contributors voicing their opinions. I value that. I really value the parliamentary spirit in which the debate is taking place. At times like this, you feel proud to be an MLA. I believe that most if not all of us want the same thing. We may take different routes of travel, but we want exactly the same thing. That said, it was Lord Castlereagh who said that he despised:

*"the ... parade of parliamentary spirit, which led to nothing".*

It is on all of us to make sure that something happens after the debate. We can all argue and debate the motion and the amendment, but we need to make sure that we come together to send a message to those victims and loved ones that we are with you, we hear you, and we want to make a difference to your lives. That

would be a very powerful message for those loved ones.

When someone commits the heinous crime of murder or unlawful killing, or is involved in sexual violence towards or abuse of young people, it is a heinous crime. An act of murder may be a one-off action, but it brings misery to loved ones forever and a day. However, a perpetrator who commits murder has a certain power. They may have that power inside them, and, in some hideous way, they may enjoy it. If they do, the power over information becomes much more sinister. Sinéad Bradley said that a prisoner's non-disclosure is a deliberate decision.

It is a deliberate act, and that act heaps more power onto the perpetrator, but, not only that, it impacts on the family every second of their lives. It rocks them to their core every second of their lives. Some of these people are elderly and they have to live with this and face this every waking second of their lives. How could any of us ever manage to fathom what that means for loved ones who are facing this cruelty? For these loved ones, it is a sentence that they will never, ever overcome. They will never, ever get over it, yet the perpetrator will sit in there and decide upon a deliberate action not to disclose.

#### 5.45 pm

What would that disclosure bring? It will not bring their loved one back. Absolutely not. However, it would allow the family to lay to rest the remains of their loved one, but, not only that, as I said earlier, it may well help to piece together the final hours and minutes of their loved one. Horrendous as that may seem, they will be able to piece together that story and maybe even some of the experiences of their loved one as they went through their final hours. That is a horrendous thought and story, but that would bring so much closure to the loved ones of the murdered, and I cannot for the life of me understand why it is not natural to place a duty on the parole board to take this into statute.

It is not good enough to place this in a sentencing review. It has to be much more than that. It is the essence of power that a perpetrator wields on a family, not just on the murdered victim but on the family of the murdered victim. We cannot abide that. The House should not abide that. The House can do something about it. The Minister of Justice can do something about it, and —

**Mr Speaker:** The Member's time is up.

**Mr Frew:** — I plead that —

**Mr Speaker:** The Member's time is up.

**Mr Frew:** — we will move on and produce something for the loved ones today.

**Ms Dolan:** First, I send my condolences to the families of Charlotte Murray and Lisa Dorrian, whose courage and persistence has seen this issue being brought here today. I am totally sympathetic to the need for additional protections to safeguard the rights of victims and their families, and I fully support the families in their search for truth and justice.

Whilst taking another person's life is one of the most serious and horrific crimes, I consider one wilfully holding back information regarding the whereabouts of a victim's remains is another offence and a continued offence. Therefore, there is a serious need for additional protections to prevent such an offence continuing.

When dealing with the issue of child sex offences, there are a number of additional concerns that warrant immediate attention. In relation to indecent photographs of children, unless the identity of that children or those children is known to the authorities, there is a real risk that the child might still be suffering abuse at the hands of child sex offenders, and we must do everything in our power to prevent that abuse happening. Further still, for as long as a photograph is in existence and the identity of the child is unknown, it is continued abuse, which may continue to have a serious and long-lasting impact on the child, including in later life. Everything must be done to track down the victims of these crimes to ensure that appropriate support can be provided to them, and also to ensure that the abuse is not continuing.

Innocent families who are suffering immensely already should not have their grief compounded as a result of offenders continuing to torture them by not disclosing information on their victims. We need to find legislation that has the result of compelling offenders to disclose information about their victims and also has a dual functionality of being a proper, effective deterrent to prevent offences like this being carried out in the future. All victims are entitled to truth and closure.

We are determined to find legislation that makes it much harder for offenders to be

released if they have not disclosed information about their victims, and we are determined to find legislation that is effective and robust.

Our test in setting out what would be an acceptable piece of legislation is threefold. First, that it effectively compels offenders to disclose information around the whereabouts and identities of their victims. Secondly, that it acts as an effective deterrent to any future offenders carrying out such heinous and horrific crimes, and, thirdly, that it is robust, human rights compliant legislation that will not be open to legal challenge in the future, legislation that effectively considers and mitigates against any potential unintended consequences.

I do not believe that the original motion does this, however I do commit to working with the Justice Minister to move this work forward urgently. I would like to see the consultation committed to in the amendment carried out urgently, and we would like to see the outcome of this consultation before committing to a way forward. Any legislation must satisfy the key tests that I have just outlined if it is to be effective and suitable.

**Mr Speaker:** Members, as the business on the Order Paper is not expected to be disposed of by 6.00 pm, in accordance with Standing Order 10(3), I will allow business to continue until 7.00 pm or until the business is completed.

**Mrs D Kelly:** I welcome the opportunity to speak in this debate. I am grateful to the families of Charlotte Murray and Lisa Dorrian for taking time to speak with me and my party colleagues. I think that their physical pain is clearly seen, and I cannot even begin to imagine the emotional and psychological torment that they are experiencing. I also think this evening of the family of Arlene Arkinson, who I understand signed the petition and support this Bill. Her killer went to his grave keeping that secret.

The act of disappearing a victim's remains is such a heinous crime that I think it is still deemed to be a war crime under the Geneva Convention. Some Members have already alluded to coercive control, particularly in relation to the murder of Charlotte Murray. This is a continuation of that coercive control and power, and we are all being better educated, I think, thanks to the work around domestic abuse and violence and getting a better understanding of its forms, other than physical assault, that many victims of domestic abuse have to suffer.

We are pleased to be able to support the motion. I believe that it is the right thing to do. I think that it gives the right message, particularly to those who have been convicted. In speaking to the two families, particularly to Mr Dorrian, it was very clear that, as I have found to be common with the many interactions that I have had with victims' families, if they had to choose between truth and justice, they would want to go for the truth by getting the victim's remains returned. That says a lot. Whilst the family of Charlotte Murray have got some level of justice, they very clearly do not have closure.

In her contribution on the amendment, Kellie Armstrong talked about landscape changes, how difficult it would be and the indeterminate nature of the sentence. Other Members have talked about the sentence not being human rights compliant if it were to be a condition on parole. The earlier that the perpetrator speaks up before there are those landscape changes, the sooner that not only the victim's remains could be returned to the family but the sooner the perpetrator will have done the right thing and can go to a parole hearing having done the right thing.

I do not want to forget to talk about child pornography and child identity, which is dealt with in the second part of the motion. Any of us who are members of the Policing Board hear constantly about the Dark Web and how it is being used not only for sharing information about domestic violence, but about child pornography. The police are always, unfortunately, a step behind, although recently they have had some successes alongside their colleagues in the NCA and internationally.

I think that there has been something like a 60% increase in child pornography, online in particular, and, across my area, more and more children are going onto the child protection register in relation to a number of concerns. I think that it is right and proper that we try to get help to the children who need it and are at risk and that the onus is put on the offender. The sooner that people get the message that their sentencing outcome will depend on their cooperation with the investigators, the better. That is a message that we need to give out, not only to support those families who are tormented daily but those —.

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

**Mrs D Kelly:** I will, yes.

**Mr Frew:** The Member raises a very important point. I think that it was Sinéad who said earlier

that it is not only the disclosure, it is the timing of the disclosure to families. That very important point should be taken into consideration, too, because the perpetrator might disclose information just to get a more lenient sentence.

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

**Mrs D Kelly:** Thank you for that intervention. That point was made very forcibly by the two families; they are very concerned that perpetrators might give up the location of the remains at their first parole hearing. The parole commissioners should make a graduated consideration at any hearing. There has to be a strong message from the Chamber this evening.

**Mr Chambers:** To lose a loved one to the heinous crime of murder is a huge burden for any family to bear, but not knowing the location of the remains is a pain that I find impossible to comprehend. It is a pain that many families have to live with.

I have known the Dorrian family for many years. They were a happy family unit living in the seaside village where my family has a retail business. I recall a lovely, well-mannered young child buying her 10p mixes on pocket money day. That pretty little girl was Lisa Dorrian. Lisa had her life in front of her. She would go on to have dreams and aspirations and a determination to succeed in life. Fast forward to a dark day in February 2005. Twenty-five-year-old Lisa was attending a party in a caravan at a park in Ballyhalbert. This was the last sighting of Lisa alive. Someone was responsible for her death, and some people were responsible for disappearing her remains. The people who carried this out were people whom Lisa may have considered to be her friends.

Despite the best endeavours of the PSNI, no one has been charged with her killing, and no information that would help to return Lisa's remains to her family has been forthcoming. I know that her family appreciate the sterling efforts and the resources that the PSNI has committed to trying to find Lisa.

I watched the devastating effect that all this had on her loving family: her mum, her dad, her sisters and the extended family circle. They supported each other and, to this day, they continue to do so. Lisa's mum, Pat, never recovered from the tragic loss of her daughter and died of a broken heart without being able to lay her daughter to rest. Pat was another victim of this crime.

I do not believe that the Dorrian family care whether someone gets 10 years or 20 years in prison, if anyone is ever convicted of this cruel, heartless murder. Their only prayer is that they can finally give Lisa a Christian burial and know that she can then rest in peace. I do not know how anyone involved in this crime can sleep easy in their bed. Maybe they will wake up one morning and do the right thing. Unless they do, the demons summoned by what they did will haunt them to their grave.

I know the Murray family only through the media and having recently been at a meeting with them. They have seen the killer of their loved one convicted and sentenced but still crave the return of Charlotte's remains. Charlotte had a twin sister, Denise. I have twin daughters and twin granddaughters. You have to live with twins even to start to appreciate the bond that they enjoy. I know that the loss of her sister will be especially and deeply felt by Denise.

These families want just one outcome: it is not revenge; it is the return of their loved one's remains. The implementation of Helen's law would offer them hope of such a conclusion. Without this law, their hope will continue to be hollow. Helen's law may not provide what they seek, but it will concentrate the minds of those convicted of a killing where there is no body. I cannot support the Alliance Party's amendment because I do not believe that it will help families like the Murrays, the Dorrians and others find the closure that they seek.

Mrs Armstrong raised issues with the motion, but there will be future opportunities to fine tune any legislation that eventually comes to the House. I find it disappointing that the House does not feel able to rally around the motion in unity.

## 6.00 pm

**Ms Bradshaw:** I support the amendment. The motion clearly has considerable merit, and I commend its proposers. This is a very important topic. We cannot fail to be touched by the anguish felt by the families of Lisa Dorrian and Charlotte Murray. We are also filled with admiration for the families' campaigns in their and others' memory.

No one should be in any doubt that we are all fully in favour of a process that requires cooperation in locating victims' remains to be considered as a fundamental part of parole, and work is ongoing to strengthen that. To be clear, therefore, our amendment is designed to

strengthen the motion by outlining the steps necessary to achieve a legally watertight route to ensuring cooperation in finding remains and identifying victims that forms a statutory part of the parole process and, thus, maximising the chance of locating the remains or at least knowing what happened to them.

To rob someone of their life and then to rob their loved ones even of the knowledge of their remains is despicable beyond words. That is why we welcome the Bill passing through the UK Parliament known as Helen's law and the support for it expressed by the Chamber today. We want similar steps to be taken here in Northern Ireland, but we feel that it is essential to outline how those steps will be taken. We also recognise that we must move carefully but quickly. As Paul Frew referred to, we have seen too many other instances of trauma being exacerbated by political inaction in this House. This must not become another.

The amendment is also important because it emphasises that we already have the benefit of seeing the route forward adopted in England so as to ensure that it is legally watertight. A lot of work went into Helen's law. It needs to be emphasised that what is required is cooperation in locating remains or identification before release. However, that is not quite what the motion goes on to say. It does not reflect exactly what Helen's law delivers. To try to do something that is, in effect, what Helen's law delivers, as implied by the final part of the motion, would inevitably mean greater complexity and more time taken up. That is in no one's interest. Again, that is why the amendment is important: to make what we are pursuing legally watertight and deliverable as quickly as possible.

We need to be clear that any Charlotte's law would deliver the same as Helen's law, namely that, quite correctly, the parole board would give significant weight to non-disclosure. We also need to be very aware, given that we do not know when a similar case might occur, that even a swift legislative intervention to deliver a Charlotte's law would be unlikely to fit into the legislative programme during the current mandate. This means that years could pass with no change. That is not something that the Minister, my party colleagues nor I are prepared to wait for. Again, that is why the amendment is important.

We will consider all means of ensuring that the parole board gives significant weight to non-disclosure so that the family's objectives can be met. If we can get there by any means in the next few months rather than the next few years,

that is what we will do. With that in mind, it is highly unfortunate that the COVID situation has impeded a formal meeting between the Justice Minister and the families. I am assured that one will take place urgently as soon as it is feasible. That will be the best way for the families to outline just how important their campaign for a sense of truth and justice is, and for the Minister to outline the many steps that she has already taken towards achieving this and ensuring that disclosure forms a part not just of parole but of enhancing the prospect of finding out what happened to their loved ones.

Having a debate such as this helps the process of detailed consideration of the most appropriate and efficient way towards meeting the interests of families who have suffered such appalling grief and trauma. The motion is a useful step as it prioritises the issue and helps to clarify many of the issues around it. We hope that the amendment, which enhances the motion, will make it legally secure. We want support to be given to the Minister today so that she can move as quickly as possible on this issue. We would like unanimous support for our amendment.

**Miss Woods:** I welcome the opportunity to speak to this very important issue. Many Members have spoken about the horrendous pain and anguish suffered by the families of Lisa Dorrian, Charlotte Murray and others who have been denied the right and dignity of being able to lay their loved ones' remains to rest. I send my heartfelt thoughts and sympathies to those families and express support for the continuing campaigns for justice and reform of the law to put specific parole guidance relating to non-disclosure on a statutory footing.

As has been said, Lisa Dorrian, a young woman from Bangor, in my constituency, went missing in 2005 and her body has never been recovered. The PSNI has arrested 10 people but no one has been charged in relation to her disappearance because her remains have not been recovered and evidence is limited. According to media reports, the police have pursued more than 3,500 lines of inquiry and conducted roughly 400 land, air and sea searches. Throughout all of that, her family have continued to suffer and bear the burden of the severe emotional strain of not knowing what happened to her. On the 15th anniversary of Lisa's disappearance, the PSNI stated clearly that it has always believed that a small number of people hold the key to finding out what happened, and I urge any of them to come forward to the PSNI.

Charlotte Murray's family has also suffered terribly since her disappearance in 2012. Last year, after a jury convicted the man who murdered her, police drained a local quarry to search for her body but nothing was found. In his sentencing remarks, Judge Stephen Fowler QC recognised the devastating impact that not being able to lay Charlotte to rest had on her family and noted that the non-disclosure of the location of her remains has caused, and will continue to cause, the family considerable pain, distress and hurt. Judge Fowler also stated that he regarded non-disclosure as the most serious aggravating feature of the case.

Therefore, there is a clear need to reflect that in law, and I welcome the Minister's comments, not just on the introduction of a Bill that is equivalent to Helen's law in England and Wales but her thoughts on how the sentencing review will address the small number of cases in which non-disclosure is an issue. I pay tribute to Charlotte's family for their campaign for the introduction in Northern Ireland of legislation equivalent to Helen's law. I hope that the Minister will be able to bring forward changes that reassure and support the family of Lisa Dorrian in their continuing battle for justice.

The Prisoners (Disclosure of Information About Victims) Bill, otherwise known as Helen's law, in England and Wales places a legal duty on the Parole Board to consider non-disclosure of the location of a victim's body when considering release. It will also apply to offenders who have been convicted of taking indecent images of children and refuse to reveal the identity of the victims. Parole Board guidance states that offenders who withhold information can be denied parole if they are deemed to still pose a risk to the public, but guidance is guidance; Helen's law makes it a legal requirement for the Parole Board to consider the withholding of information when making a decision on early release.

Human rights legislation protects against indefinite detention and the sentence handed down in a court continues to apply, so the proposed new law in England and Wales strikes a balance between further protecting the public and guarding against disrupting the independence of the judiciary. I put it to my Justice Committee colleagues: why can we not take on this work? Perhaps the Chair of the Justice Committee can address that in his remarks, which will be coming later on.

We must, as an Assembly, do all that we can to improve confidence in the criminal justice system, and legislating for that change will provide a more consistent approach for victims

and families. For Lisa and Charlotte, their families and many others, that is the very least that we can do.

**Mr Speaker:** I call Gerry Carroll. The Member has about three minutes.

**Mr Carroll:** Thank you, Mr Speaker. I will begin by expressing my deepest sympathies to the families who are living without the knowledge of the location of their loved ones' bodies, such as the families of Lisa Dorrian and Charlotte Murray. Those people are stripped of the ability to bury their dead and must face unimaginable anguish from knowing that there is a person who holds that information but will not offer it up. That places a block on their ability to come to terms with the untimely passing of their loved one, and it is right that we acknowledge their reality today, as all Members who have spoken have.

Helen's law, which the motion refers to, would legally compel parole officers to consider the withholding of a victim's location when making a judgement about a prisoner's release. That was backed by Marie McCourt, who to this day does not know the location of her daughter Helen's body and has lived with that pain for many, many years. I am aware that — other Members mentioned it — parole officers already take that information into account. The amendment suggests that the Minister consider legislating for that when stakeholders have been engaged. We will support the amendment for those reasons.

We cannot, however, support the motion in its original form. The imposition of a sentence without the option of parole has been questioned in multiple courts internationally as being incompatible with human rights. A blanket ban on parole such as this potentially removes any semblance, in specific cases, of context or any attempt at rehabilitation. Undoubtedly, there are a lot of painful cases in relation to the issues that we are talking about today. We have heard many families speak bravely in the last number of weeks. However, to impose a law that denies parole for a subset of people, regardless of context or extenuating circumstances, is not the appropriate solution. It is easy to envisage how a law of that kind could have undesirable consequences.

It is not for us to determine — I am certainly not in a position to do so — whether any individual is ready for parole, but it is the Assembly's job, when laying down a law that will be used to determine parole, to guarantee that there is room for extenuating circumstances and context. At its foundation, law relating to the

justice system should be rooted in rehabilitation. If adopted and were the Justice Minister to adhere to it, the motion would run horse and cart through those important principles.

I am concerned generally that, when we have debates in the House about crime and criminal activity, the approach, primarily, seems to be to automatically push for harsher penalties and to ignore or curtail the benefits and possibilities of rehabilitation. That is a general point. I think that my time is up, so I will leave my comments there.

**Mr Speaker:** I call the Justice Minister, Naomi Long, who has 15 minutes to respond.

**Mrs Long (The Minister of Justice):** First, I welcome the Assembly's interest in this important issue. I echo Members' words in paying tribute to the family of Charlotte Murray for their courage and commitment in pursuing their campaign for change. Charlotte was a loved daughter and sister who was cruelly taken away from her family. Her killer has been convicted but has refused to say how she died or where her body is. We all share the pain of Charlotte's family: the pain of not being able to lay her to rest, of not having somewhere to mark her life and her death, and of not having the opportunity to lay flowers or to feel close to her. That adds terribly to their anguish and suffering, and I know that from speaking with them briefly last week.

I also pay tribute to the family of Lisa Dorrian. For over 15 years and despite numerous searches, they have suffered the anguish and despair of not knowing what happened to Lisa or where her body is. Bravely, they are supporting Charlotte's family in its campaign. I take this opportunity to call again on those who could help to bring an end to their anguish to do so now and without further delay. We must not forget, as we discuss the motion, that these tragic losses are a personal tragedy for them and will affect their lives forever.

The Bill that is the subject of the motion and which is before Parliament makes changes to prisoner release provisions in England and Wales. It places a statutory obligation on the Parole Board in England and Wales to consider non-disclosure of information on where or how an offender disposed of the victim's remains or about the identity of children in indecent images as part of its assessment of whether such an offender should be released on licence. Those release provisions will apply to those who have been convicted of murder or manslaughter, those serving a life sentence or an extended

determinate sentence, and where the board believes that a prisoner seeking parole has information about those matters. The board must also take into account what, in its view, the reasons for the non-disclosure are. For example, it must weigh up whether, due to the passage of years or illness during their time in prison, the prisoner is uncertain of the details or whether they are making a deliberate decision not to disclose that information. It is then for the Parole Board to decide what bearing that has on the risk that the prisoner poses and whether that risk can be managed in the community. It does not mean and is not "no disclosure, no parole", something that Members have repeatedly suggested throughout the debate.

### 6.15 pm

Under Parole Board guidance, those matters are already taken into account as part of the board's risk assessment of a prisoner's suitability for release. The main effect of the Bill, therefore, is to place existing Parole Board guidance on a statutory footing. It does not place any obligation on the board to withhold release where the prisoner withholds information. The assessment of future risk is the determining factor in release decisions for the Parole Board, as it is for the Parole Commissioners for Northern Ireland. Article 46 and schedule 4 to the Criminal Justice (Northern Ireland) Order 2008 set out the powers of the Parole Commissioners. That legislation confirms that the Parole Commissioners must be satisfied that:

*"it is no longer necessary for the protection of the public from serious harm"*

to detain an individual in prison, to reach a decision that a prisoner should be released on licence.

I should clarify that the Parole Commissioners are involved in release decisions where an offender has been sentenced to a life sentence or to an indeterminate or extended custodial sentence. Those public protection sentences were introduced in the Criminal Justice (Northern Ireland) Order 2008. It is important to note that offenders who are convicted for taking or making indecent photographs of children under the Protection of Children (Northern Ireland) Order 1978 will have Parole Commissioner involvement in their release decisions only where they have been assessed as dangerous and have been sentenced to one of those public protection sentences. Those sentences were also introduced in the 2008 Order in order to replace the earlier

arrangements where prisoners were released on remission at the halfway point of their sentence with no ongoing responsibilities for supervision.

The Parole Commissioners have no role in the release of prisoners who are serving normal determinate sentences, which consist of a custodial period and a period that is spent on licence. The length of both periods is set by the court at the time of sentencing. For those sentences, the commissioners become involved only in the rerelease of offenders who have been recalled to custody for the breach of licence conditions.

Before making a release decision, the commissioners assess all information relating to the offence for which the prisoner was sentenced and all information relating to the offender during his or her time in prison, including any progress toward rehabilitation and their acceptance of guilt. I understand that there have been no cases as yet where the Parole Commissioners have had to consider the non-disclosure of victims' remains or the identity of children in indecent photographs as part of the parole process, but if such a case arose, it would be an important factor in the consideration of release. It would be for the parole panel to decide what bearing non-disclosure and the reasons for it had on the risk that the prisoner poses and whether that risk can be safely managed in the community. A lack of acceptance of guilt, non-disclosure of the location of remains or non-disclosure of the identity of children in indecent photographs could be considered an indication that the prisoner has not addressed their offending behaviour and that it shows a lack of insight, remorse or empathy, and it could lead to a conclusion that the prisoner still poses too high a level of risk to be released.

The Parole Commissioners' Rules (Northern Ireland) 2009 underpin the parole review process. They provide significant discretion to the commissioners to direct information from any party to inform the parole review and consider applications from any person to be a witness in the parole review process. The commissioners are not constrained in what they can consider in their assessment of risk, including the views of victims and their family. Currently, victims who register with any of the three victim information schemes, which are the prisoner release victim information scheme, the mentally disordered offenders victim information scheme and the Probation Board for Northern Ireland victim information scheme, are notified of parole reviews and can apply through my Department to the commissioners to be

considered as an interested party to those proceedings. Where that is approved and agreed, victims and their family may provide written or oral statements on the impact of the offence and, if applicable, provide views on the potential release and licence conditions of the offender.

As you will be aware, Mr Speaker, it is my intention to look in the autumn at the potential of having a victims of crime commissioner, which I am minded to introduce. I see one of those roles as increasing the uptake of those existing rights because there is currently very low engagement with families beyond the point of sentencing, and why that is the case needs to be looked at carefully. Victims who are registered with the schemes are also notified of parole review decisions, but that is currently limited solely to whether the decision is to release the prisoner on licence or for them to remain in custody.

I think that we can do more in recognition of the importance to victims and their families of the parole process and its outcome. Where offenders are released, I appreciate that victims and their families can feel powerless and frustrated when they do not know the factors underpinning such a release decision.

This autumn, I will table an amendment to the Parole Commissioners' Rules (Northern Ireland) 2009 to provide that registered victims, instead of receiving notification solely of the outcome, will be notified of the factors that have been relied upon to inform the Parole Commissioners' decisions. That will be an automatic right for registered victims, regardless of whether or not they have submitted a statement to the parole review. It will also provide a platform for legal challenge if victims or their families consider that the decision was unreasonable, unfair or unlawful.

That is an important change, that, if accepted by the Assembly, will significantly enhance the transparency of the parole review process. However, and most importantly in my mind, I hope that it will help victims and the families feel that their role in the process is fully recognised and acknowledged.

I well appreciate that the pain and anguish felt does not end when an offender is sentenced. Those offences have changed their lives irrevocably and have changed their future. What must it be like to have a dearly loved member of your family murdered, but never know how they died or where their body is? To wonder, but never know, whether your child had

been abused. Those thoughts haunt victims and families daily.

I realise that to be told that the offender will be released into the community must be distressing for victims of all serious offences involving life sentences or public protection sentences. The least that victims deserve is to be told the rationale for those decisions. I believe that this will be a positive step that will help victims have confidence in the parole process and the decisions of the commissioners, who I know are very aware of the weight of their responsibilities.

However, I appreciate that such a change does not address the specific concerns of the families of Charlotte Murray or Lisa Dorrian, or Members who have spoken so passionately on this matter in the Chamber today. I appreciate, having listened very carefully to all the contributions today, that some Members believe that a refusal to disclose information should mean that parole is automatically denied, or that Helen's law will make that the case in England and Wales. That is incorrect. While I can understand such views, it is important that the discretion of the independent Parole Commissioners is maintained. They already have the onerous task, when considering such cases, of weighing the account to be taken of non-disclosure and any reasons for it, in consideration of release.

**Ms Dillon:** Thank you, Minister, for taking the intervention. In relation to Helen's law and Mr Beattie's suggestion that there could be an LCM, earlier we discussed in the Chamber that it is much better for us to make our own legislation, and that is not to take away from the work that has been done. In relation to the Domestic Abuse Bill, we have looked at Scotland and the Westminster Bill, and we do consider them, but it is important that we make our own legislation here in the Assembly.

**Mrs Long:** I thank the Member for her intervention. I will come to that specific point.

It is not an easy task, and I am very conscious that, should release be conditional on disclosure, it is possible that with the passage of time such disclosure may be highly fallible and inconclusive.

It could also potentially have the unintended consequence of encouraging disclosure of inaccurate information in order to become eligible for consideration. It should be remembered that some offenders may be particularly manipulative and wish to inflict more

pain on the families, and that should not be forgotten.

Incorrect information would be particularly harmful in the case of the identity of victims in cases of indecent images of children. In a case such as that of Vanessa George, to which another Member referred, it is also possible that a prisoner either may not have or be sure of the identities of the children, and could incorrectly name children who are not those children who were in the images, and that could cause additional anguish to parents and children alike.

Punishment is one of the purposes of sentencing and it is for the independent judiciary to determine the appropriate sentence. The parole process, however, is not designed to be punitive but is about managing risk. The issue of non-disclosure is already considered by the judge in determining the appropriate tariff or sentence. For example, in Charlotte's case, that was considered to be the most serious aggravating factor when the sentence was determined, as Members have reflected. That is directly accounted for in the calculation of sentence, or in the case of life or indeterminate sentences, in calculation of the tariff.

Where a sentence is imposed that requires release decisions to be made by the Parole Commissioners, that forms part of the sentence. That aspect is made clear to the offender at the time of sentencing. It is at the point of sentence that punishment is applied. We have a long legal tradition that the latter parole stage is focused on assessing the risk to the public in any release. It would be a significant departure from that tradition to use non-disclosure for punitive reasons.

As I have said, the legislative test for the Parole Commissioners is that it is no longer necessary, in order to protect the public from serious harm, for the prisoner to remain in custody. The Parole Commissioners' role is to implement the release provisions of the sentence and to decide release on the basis of risk. To do otherwise would be a fundamental change to the basis on which release decisions are made and could have unintended consequences.

The motion calls for the introduction of legislation similar to the Bill in England and Wales. As I have already highlighted, the Bill does not, as some people seem to think, equal "no disclosure, no release"; it simply puts current parole review processes on a statutory footing. So, it will be considered but it is not determinative.

It is also important to note that what is legislated for in England and Wales is not necessarily appropriate for Northern Ireland. Before considering any change along such lines in Northern Ireland, I want to give very careful consideration to the need for change, whether change is appropriate and how that can be best tailored to ensure that it is right for Northern Ireland. Our sentencing structures and the structure of our parole commission are quite distinct and different from those in England and Wales and an LCM would not be appropriate in that case.

I would caution Members today, of all days, to be wary of the allure of speedy changes to the law. The potential for unintended consequences as well as intended ones is significant and far-reaching. It is right that we consider very carefully any proposed change in the law before embarking on that process. That is why I have already asked officials to initiate a focused engagement with relevant key stakeholders, including but not limited to members of Charlotte and Lisa's families — with whom I will also have a further meeting soon — the Parole Commissioners, the Probation Board and the Prison Service.

I also want to give careful consideration to the points that have been raised by Members today and to review the debates in England and Wales on Helen's law. That will enable me to determine how we address families and Members' concerns in the most effective and appropriate way possible in Northern Ireland. I intend that that exercise should be completed in the shortest possible period of time and I am glad to say that that work has already begun. It is being carried out alongside the work that is currently being undertaken to complete the sentencing review recognising, of course, that the role of the Parole Commissioners sits apart from the sentencing process.

**Mr Speaker:** The Minister's time is up.

**Mrs Long:** I will advise Members and Charlotte and Lisa's families of my conclusions on a way forward later this year.

**Mr Speaker:** I call John Blair to make his winding-up speech on the amendment. The Member has five minutes.

**Mr Blair:** First, I want to echo the sentiments of other Members in applauding Charlotte Murray's family for their courage and commitment in pursuing their campaign and to see change. Charlotte was a loved daughter and sister, who was callously taken from her

family — a family who have endured unimaginable suffering, the pain of not being able to lay their sister to rest and of not having a place to mark a daughter's life and death. For most of us that pain is, of course, inconceivable.

I would also like to pay tribute to the family of Lisa Dorrian who, through their own grief, have bravely supported Charlotte's family in their campaign. For over 15 years, Lisa's family have suffered the anguish and despair of not knowing what happened to Lisa and have never been able to lay her to rest. As we move to vote on the motion and the amendment, we should consider that those malicious acts are a personal tragedy for the families and friends of Charlotte and Lisa and that those tragic losses will, of course, affect their lives forever.

As I wind up the debate, I want to re-emphasise the comments that my colleagues Kellie Armstrong and Paula Bradshaw made earlier when they reflected that there is not sufficient recognition of the importance to victims and their families of the parole process and its outcomes. In situations where offenders are released, victims and their families can, understandably, feel powerless and frustrated when they do not know the factors that underpin a decision. However, having listened very carefully to all of the contributions to the debate, I appreciate that some Members believe that a refusal to disclose information should mean that parole is automatically denied.

While I can understand such views, it is important that the discretion of the independent Parole Commissioners is maintained. They have the onerous task, when considering such cases, of weighing the account to be taken of non-disclosure and any reasons for that in consideration for release. That is not an easy task, and I am conscious that should disclosure be conditional on release, it is possible that with the passage of time such disclosure might be highly fallible and inconclusive.

Time, however, passes, and there might be uncertainty about identities and locations. Those are practical and legislative challenges and are real, but they are matters that can be addressed in the sentencing review process initiated by the Minister, which is under way.

### 6.30 pm

Time permitting, I will reflect, as best I can, on Members' contributions. I do not think that I will

have time to do so individually, but I will try to reflect on contributions in a cross-party way.

Alex Easton, who opened the debate on the motion, stressed the non-political background of the motion and set out the background to Helen's law. He also spoke eloquently of the grief and trauma for families. Kellie Armstrong, who proposed the amendment, pointed out that she believed the motion went beyond Westminster legislation and cautioned on the potential disparity between the sentence that is handed down and that which is served. Linda Dillon spoke in support of the amendment. She said that it could be the beginning of a process to deal properly with these crimes. Sinéad Bradley, for the SDLP, spoke in support of the motion and of the unimaginable pain for families. She then turned to whether or not disclosure is deliberate. Doug Beattie spoke of the existing role of the parole board. He also spoke of the uncertainty for a family in not knowing when a killer will get parole. Rachel Woods spoke on the detail of the sentencing review and said that she would like to see some information on that. She also referred to her hope for change. Gerry Carroll referred, to quite some extent, to the current parole process. We heard from the Minister, who spoke of the Bills in question, the detail of current processes and, of course, the time frames involved in those.

Before I close, I again express my sympathy for the families of Charlotte and Lisa, given the pain and anguish that they have suffered. I urge that we follow the processes already in place to achieve a good outcome, and I encourage Members to support the amendment.

**Mr Givan:** I thank all the Members who have taken part in the debate this afternoon. The breadth of contributions from all parties across the House is a demonstration of how the issue, which we all care passionately about, touches on all our constituents. I do not, for one moment, call into question the sincerity of anybody's motives in what they have said, and nor should anybody call into question our motives. Some Members talked about politicking, and I do not think that that is appropriate. I would not say that about those who have tabled the amendment, even though I disagree with it.

I pay tribute to my colleague Alex Easton for moving the motion. He has spoken to me extensively about the issue and has pursued it for a long time. He has engaged with the First Minister, who supports these endeavours, and with the families on it. I pay tribute to Alex for the work that he has done on this.

I thank the Dorrian and Murray families for the way in which they have given voice to the issue. We can often debate points in a legalistic way, but, when families speak, they do so powerfully. That often resonates with the public in a way in which politicians' words are often unable to do. I pay tribute to the families.

Alan Chambers brought the personal connection to Members very well when he spoke about Lisa, as a little child, coming into the shop to buy a 10p mix-up. That brought home to Members the real personal aspect of what we are talking about and the absolute tragedy for the family, who still have not been able to get justice in any shape or form. I again join Members in calling for those with information to come forward so that the families can get some justice.

Some Members spoke about the coercive nature of the perpetrators and the continued desire to inflict pain on the families. Dolores Kelly, Sinéad Bradley and Paul Frew mentioned those different aspects, as did other Members. How true that is. How appalling it is not only to carry out a murder or to engage in the sexual abuse of children that paedophiles engage in but to then withhold information that could lead to the identification of remains or to the victims. That speaks to the kind of evil that exists among the people who carry out such crimes. That is why we need to have a system in place that can address that and undermine the power that those perpetrators seek to inflict.

I am concerned when I hear Members speak about the rights of the perpetrator in that context and about human rights compliance in what we seek to do: that does a disservice to those who believe in true human rights whenever it is used in that way. I disagree with the arguments that were being put forward around the concerns that Members articulated. Kellie Armstrong made reference to not being human rights-compliant, outlined reasons why we should not support the motion and spoke of concerns about accidental indefinite detention, which, of course, Sinéad Bradley addressed when she spoke about the deliberate withholding of the information and the safeguards that would be there to address those things.

Kellie Armstrong went on to say that politicians should not be able to interfere in sentencing. My, my: "politicians should not be allowed to interfere in sentencing". The judiciary sets the sentence on the basis of a sentencing framework that politicians set. I do not believe for one moment that we should be involved in saying that "X deserves this sentence", but we

set the framework that the judiciary operates in. It is important that politicians engage in the issue and do not avoid their responsibility to others. She made reference to the Minister's consultation; that is good. She made reference to the review of the sentencing framework; again, that is good. We would like to see it. It was commissioned back in 2016, and we still have not seen progress on that coming forward.

The motion sends out a clear message and signal that we want action. We want to see the Minister of Justice lead on that. That will not absolve the Justice Committee of stepping up in the absence of the Justice Minister stepping up. We will have a Miscellaneous Provisions Bill, hopefully, in due course, and that will give an opportunity for not just this issue but other issues that Members have raised in the House to be taken forward. However, it should not be for Back-Benchers on a Committee to lead on this; the Justice Minister needs to lead on this. That is why the motion calls on the Justice Minister to lead on it.

I was concerned when Kellie Armstrong again made reference to how this will just be a non-binding motion, if it is passed. Members should not lightly dismiss a motion passed by the Assembly, because it mandates and calls for action by those who are named in it. This motion calls on the Minister to take action. I am confident that Alliance's amendment will not be successful. Therefore, I hope that the attitude that was displayed by Ms Armstrong is not one that is taken into account by the Minister and that we will see actions brought forward.

The Minister mentioned in response that the sentence takes this into account as an aggravating factor. I remind Members that the murderer of Charlotte Murray got 16 years. That was all: 16 years.

**Mrs Long:** Will the Member take a correction?

**Mr Givan:** Yes.

**Mrs Long:** He got a life sentence and a tariff of 16 years. There is a distinct difference. The tariff is the first point in the sentence where a person can apply for parole. The sentence is life, and it is life, because, even when he is released, he will continue to be a life sentence prisoner.

**Mr Givan:** He got 16 years to serve in prison.

**Mrs Long:** Minimum.

**Mr Givan:** Minimum. That is the point that we are making: 16 years to serve in prison and then the conditions for release. We are talking about those conditions for release. He should not be released if there is not disclosure. The Minister's response to this gives me further concern that she is not listening to what Members say. This is why the motion needs to be passed.

**Mrs Long:** Mr Speaker, if I may?

**Mr Givan:** Is it a point of order?

**Mrs Long:** It is a point of order.

**Mr Speaker:** Will the Member take his seat. Minister, are you making a point of order?

**Mrs Long:** It is a point of order, Mr Speaker.

I am listening carefully to what Members say, and I do not appreciate my position being misrepresented by others in the Chamber. It is unhelpful to do so. I am conveying accurately how sentencing works. That is my duty, as the Minister of Justice. That has to be clarified for the record.

**Mr Speaker:** Thank you for putting it on the record, but that point was made in your remarks earlier. Continue, Mr Givan.

**Mr Givan:** The Minister should not be so defensive when Members raise issues. We do it in a spirit of wanting to see progress made. The Minister does not always need to be so defensive when it comes to Members raising such points.

We need to send out a clear message. I am on the side of the victims, as, I believe, all Members are. We need a clear process to get victims the justice that they need. We need to send a clear message to murderers and paedophiles that, if you do not disclose information, you should not be released.

I want to go further than Helen's law. The motion makes that clear; it says it for Members to see. To use the precise wording, we want to ensure that:

*"prisoners convicted of murder and child sex offences are not eligible for release until they disclose the location of their victims' remains or ... identity"*

That is what I want. Be in no doubt about what the motion states.

Let me say something on the amendment that the Alliance Party has moved. The families can say this better than I can, and maybe the Alliance Party will reflect on it. I appeal to them to listen to the families, not to press their amendment and try to come with the majority of Members. The families said in respect of the amendment — we received it through correspondence — that:

*"This amendment has caused considerable upset for both families. We would strongly urge you to reject this proposed amendment as the content weakens the original motion and diminishes the level of justice that we seek."*

I appeal to Members to reject the amendment and support the motion.

*Question, That the amendment be made, put and negatived.*

**Mr Speaker:** I think the noes have it and the amendment falls, but, given issues around social distancing, I remind Members that it is not always a simple matter to declare a vote passed or failed. I will put the Question again, and, if there are any dissensions, the House will divide.

*Question put a second time and negatived.*

*Main Question put and agreed to.*

*Resolved:*

*That this Assembly recognises the ongoing pain and trauma experienced by families in Northern Ireland whose loved ones have been murdered and who continue to have no knowledge of the whereabouts of their remains; welcomes the progression in the UK Houses of Parliament of the Prisoners (Disclosure of Information About Victims) Bill, otherwise known as Helen's law, placing a statutory obligation on the Parole Board to take into account an offender's non-disclosure of such information when making a decision about their release from prison; notes that these obligations apply to prisoners serving a sentence for murder or manslaughter, or for taking or making an indecent photograph of a child; and calls on the Minister of Justice to introduce urgently equivalent legislation in Northern Ireland to ensure that prisoners convicted of murder and child sex offences are not eligible for release until they disclose the location of their victims' remains or the identity of their victims.*

*Adjourned at 6.42 pm.*

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