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Northern Ireland Assembly

Tuesday 30 June 2020

The Assembly met at 10.30 am (Mr Deputy Speaker [Mr Beggs] in the Chair).

Members observed two minutes' silence.

Matter of the Day

Condolences to the Family of Noah Donohoe

Mr Deputy Speaker (Mr Beggs): Mr John O'Dowd has been given leave to make a statement of condolence to the family of Noah Donohoe, which fulfils the criteria set out in Standing Order 24. Other Members who wish to be called should rise in their place and continue to do so. All Members who are called will have up to three minutes to speak on the subject. I remind Members that I will not take any points of order on this or any other matter until this item of business is finished.

Mr O'Dowd: Thank you to the House for giving Members the opportunity to express their condolences on the death of young Noah Donohoe and to pass on their condolences to his mother, Fiona.

When news started to come through that a young boy was missing in north Belfast, people hoped that it would end up OK and that the young lad would be found, and our hopes and prayers were with him and his family. In a period when there has been so much bad news, sadness and grief in our community, Noah going missing caught people's attention, and the tragedy that unfurled before us is the nightmare of every parent. I am a parent of a young boy who is around the same age as Noah, and we all fear for their safety. We give them the freedom and the opportunities to go out and live their lives as best they can, but every parent fears that the circumstances that young Noah found himself in will come to their door. That is part of the reason why we have all taken a step back and had Noah in our thoughts since the announcement of him going missing and since the tragedy of his remains being found.

Noah's mother said that he would "change the world", and there is little doubt that he has changed all our worlds. Those photographs of him that beam out of our television screens and

from the front of newspapers will be embedded in our minds forever. That infectious smile, that glint in his eye and the tributes paid to him by his friends, his school and particularly by his mother will live with us for a very long time.

I did not know Noah or his family, but it is only right and proper that the Assembly stops, takes a moment, and pays tribute to him and his parents. I also pay tribute to the emergency services, the search and rescue teams and all sections of the community who came together to help in the search for Noah. My thoughts and prayers are with them and with Noah's family.

With your indulgence, Mr Speaker, I will mention a young boy who lost his life over the weekend in my constituency. Young Luke Lawson, a year 8 student at Lismore, died tragically over the weekend. Again, another nightmare for any parent. Our thoughts and prayers are with Luke's family as well. Thank you.

Mr Humphrey: On behalf of the Democratic Unionist Party, I extend our deepest sympathy to Noah's mother, Fiona, and the family circle. May God bless and sustain them in the days ahead. I also extend our sympathy to the principal, Dr Paul McBride, and the school family of St Malachy's College on the Antrim Road where Noah was a pupil.

This is a desperately sad situation. A 14-year-old boy, in the prime of his youth, taken from us far too soon. Noah Donohoe's disappearance united an, at times, fractured community in north Belfast. The many hundreds of volunteers who joined the search across the lower part of the constituency was a testament to that. They came from across the community and, indeed, some came from across the country, with the one aim of finding Noah and bringing him home safely to his mother and family. Sadly, on Saturday, we received the sad news that Noah had been found and his life had ended. It was the news that all of us feared, and none of us wanted to hear. The outpouring of grief was exemplified on Sunday evening at two services, one at Skegoneill and another on the Antrim

Road outside his school, which, again, united the community.

Noah was very clearly a special young man and has left a huge gap in the life of his family, his school and his school friends. He will never be forgotten. He has a special place in the minds and now in the lifeblood of north Belfast and its people. They have united in grief as they united in the search to find him.

I, too, join in the thanks to the emergency services. In particular, I thank Superintendent Muir Clark, who led the team in such a professional way, and all the officers from the Police Service of Northern Ireland for how they conducted themselves in such a committed, professional and dedicated way. I also thank Sean McCarry, the regional commander of the Community Rescue Service. Through the week, I spoke to Sean, and I spoke to him again on Sunday evening to thank him and his volunteers. They are all volunteers, and they came at all times of the day to search for Noah. They gave leadership. The community also gave leadership — as I said, at times, it is fractured — with many hundreds of people coming together. I joined the search for two evenings last week, and hundreds of people turned up at the Hubb. I want to thank the Hubb — Jim Crothers and his team — for the leadership that they gave. I also thank two of my party colleagues, Pastor Brian Madden and Councillor Dean McCullough, for their exemplary conduct and the role that they played.

Many people joined the search. It is a credit to that community and our city. I am deeply sorry about the outcome. I ask everyone to remember in prayer Noah's mother, his family and school friends in the days ahead. Thank you.

Mr O'Toole: No words that we say today will console Fiona Donohoe and Noah's family. The loss that they have suffered is simply unimaginable. John O'Dowd spoke eloquently about the fear that was struck into all parents and people who look after young people when they saw the news about Noah's disappearance. William Humphrey said, correctly, that everyone across this place longed for a positive outcome in the search for Noah. Indeed, people from across Belfast and across Northern Ireland went to north Belfast to look for Noah. I, too, pay tribute to the stellar work of the police and rescue services and to the work, commitment and sheer dedication of people from right across the community — people of different persuasions and none — who simply wanted to find a glorious, lost young

boy and bring him home to his mother. Unfortunately, that did not happen, and all of us in this Chamber and across the community are devastated by the news that we heard on Saturday. Our devastation pales in comparison, however, to the suffering that is being experienced by Noah's mother, Fiona, and her broader family. We can say that our hearts go out to them, but surely that can hardly capture the enormity of the sorrow that we all feel on their behalf.

Noah and his mother were constituents in South Belfast. As I say, the entire community across Belfast and across Northern Ireland is thinking about them now.

William Humphrey said, correctly, that Noah will not be forgotten, and we can be sure of that. For those of us who looked at the beautiful words that were shared by the headmaster of his former school, St Malachy's, that pay testament to his leadership, his love of basketball, his commitment to music and his kindness, it is only more painful and sad to think of the life that we have lost. The motto of St Malachy's is "Gloria ab Intus", which, translated, means, "Glory from within". We can hope that some of the glory that clearly was contained within Noah during his short life remains and consoles Fiona Donohoe and her family in the years ahead.

Mr Butler: I pass on the sympathy, regret and prayers of the Ulster Unionist Party, and on my behalf as a father. There is no doubt, however, that through this tragedy you do not need to be a parent to feel the pain of that family and to feel the pain of the community, which is for the loss of a young life all too soon.

I commend the Members who have spoken so far. What you get is a real sense of loss and of the tragedy that it is. There will be no more important issue that we talk about here today, regardless of the topic.

As Mr O'Toole rightly pointed out, Noah has been painted by his teachers, his friends, his peers and his family as a uniquely talented young man. Mr O'Dowd pointed out his infectious smile. He was a beautiful young man, and I think that every one of us, having looked at the photographs of him, listened to this story and followed the proceedings, will have been brought to tears, or near to tears, at times. When you put yourself in the shoes of Fiona his mother and his wider and extended family, I cannot think of a worse fear as a parent that you could be faced with than the loss of your child.

Our thoughts are with his school and with his family predominantly, but, as was rightly pointed out by Mr Humphrey, a community mobilised to search and to try to attain a miracle, where Noah would be found alive and well and returned to his family. As was rightly pointed out, the emergency services and the voluntary services provided much of the search resource and expertise. I can only say that if you have not been part of something like that, looking for someone who is lost is something that you do with fear and a knot in your stomach. The bigger part of you wants to find the person alive, but there is another part of you that does not want to find something tragic. You do it out of a sense of it being necessary to do in order to bring release and closure to the family or to achieve that miracle that we all prayed for. It is with regret that that miracle did not happen in the way that we know that miracles can. Noah himself was a miracle, however. Noah was a treasure to his family. He is the pride of his family, and that will never be lost. Look at the lives that he touched, through his multiple skills, which Mr O'Toole pointed out: his sporting prowess, his musical ability and his smile. He touched lives both in life and in death.

Mr Deputy Speaker, we will remember Noah Donohoe with absolute pride, and we thank his mother and his family for how they have allowed us to be part of his story.

10.45 am

Ms Bradshaw: Thank you to Mr O'Dowd for proposing the Matter of the Day and giving us the space to express our sympathies. On behalf of the Alliance Party and the people of South Belfast, whom I represent, I express my sincerest sympathies to Noah's family and friends. We all hoped and prayed that this precious boy would come home to his loving mother, Fiona, and to his wider family circle. I hope that she finds the strength to get through these very dark days with their love and knowing that everyone across the country is thinking about them. It is very clear that he was a very special boy who was very energetic and full of life, and it just made it all the sadder when we heard the news on Saturday morning. Like others, I pay tribute to the sterling work of the PSNI, other rescue service providers and the wider community. May Noah rest in peace. Thank you.

Mr Allister: The loss of a child at any time is heartbreaking. There are Members of the House who have been in that position through the loss of children or grandchildren, and many of us have not, but I do not think that there is a

single member of this society who could not and should not have been touched by the circumstances that befell young Noah and led to his death. That, of course, has piled on the agony for the family, and I have no doubt that they are in the thoughts and prayers, as they ought to be, of all of us.

I join and endorse the comments that have been made in expressing, for what it is worth, bearing in mind the deep, dark place where she must be, the sympathy of us all to Noah's mother, his wider family, his school community, who will feel this loss very severely, and to all his friends.

I join in saluting the tremendous efforts of the emergency services and the huge outpouring through community effort. I commend all and join with all in regretting that the outcome was sadly as it was. I trust that that family will find the grace and the comfort that they so desperately need.

Mr Carroll: I offer my condolences and sympathy to the family, friends and those who knew Noah Donohoe. What happened to the young man was truly tragic and heartbreaking. I extend my condolences on behalf of People Before Profit to everybody who knew him and were related to him.

It is hard to imagine the heartache that the community is feeling after this tragic news. That is over last week, today and over the next few weeks, and we offer our sympathy and thoughts to them. Sadly, it seems to be too often that the Community Rescue Service has to carry out actions like this, particularly in north Belfast and that part of our city, but we want to thank them, as others have, for their work and efforts.

This young man had clearly touched the hearts of many people, and that was evidenced by the many heartfelt tributes that were paid to him online. It was also evidenced by the many people who came out to search for young Noah, with hundreds of people from all backgrounds and communities, right across Belfast and the North more generally. That spirit and community solidarity will be important for people to attempt to try to come to terms with this tragic event and grieve. We offer our sympathies. Thank you.

Mr McCrossan: I, too, echo the words that have been shared in the House by colleagues. Quite simply, there are no words that could ever comfort Fiona, her sisters Shona and Niamh, Noah's uncles Gearoid and Ronan, his granny, Margot, and his grandfather, Gerry, during this very difficult time. I cannot even begin to

imagine the pain, worry, stress and anxiety that they suffered in the days prior to finding Noah. There are no words for such a tremendous and tragic loss of young life.

Noah's family are originally from Strabane. Many members of his wider family remain there. As a town and community, many gathered there over the weekend to pay tribute to the family, to offer our prayers, condolences or thoughts and to share in the family's grief at what is a very, very difficult time. Over the last few days, we have all got to know Noah a little bit better from the posts shared on social media; the videos of him cooking, playing musical instruments and sport and that infectious smile. His caring nature shines through in abundance in all those social media posts. There has been an incredible outpouring of grief to support Fiona and her family at this incredibly difficult time. The search for Noah united communities. I know that the prayers of our entire society, from one end of this island to the other, will be with Fiona in the days ahead.

Many young people across the island have lost their life in recent months. I pay tribute to the loss of young life in my colleague Dolores Kelly's constituency and in my constituency, where Dean McElwee tragically lost his life at the weekend. As Jim Allister rightly said, the pain of losing a young person is unimaginable and unbearable for many. My thoughts and prayers, and those of my SDLP colleagues, are with Fiona, her family and all those who are going through this tremendously difficult time.

Ms Bailey: On behalf of the Green Party, I want to take this opportunity to pass our sincere condolences to Fiona, Noah's mum, his family and his circle of friends. It was incredibly tragic to wake up on Saturday to the tragic news that it was Noah's body that had been found. Not many people could even begin to imagine how this has affected his mum. As we just heard from the last Member who spoke, so much of Noah's life has been shared on social media. The clearest thing for me was how close he was to his mum and what a strong and warm relationship they had.

I know that they have not long moved to the Ormeau Road. If there is anything that I can say today to try to offer just a tiny piece of comfort, it is to let Fiona and the family know that the Ormeau Road community cares about what has happened and wants to do all that it can to try to share in their grief and support them through the unimaginable times ahead in dealing with the tragedy of losing such a beautiful boy in such horrific circumstances.

I thank Mr O'Dowd for bringing this to the Chamber today and wish Fiona and her family every strength and courage to get through what will be horrific sadness in the time ahead.

Mr Deputy Speaker (Mr Beggs): That concludes Members' contributions on this sad matter.

Assembly Business

Conferral of Functions on the Northern Ireland Assembly Commission

Mr K Buchanan: I beg to move

That this Assembly notes that Members' salaries and pensions are determined by an independent body and that there should be no change to that arrangement; agrees that alternative provision should be made for Members' allowances; and, in accordance with section 47 of the Northern Ireland Act 1998, resolves that the Assembly Commission may determine the allowances payable to Members of the Assembly, the date from which such allowances are payable, which may be a date before or after the making of the determination or this resolution, and that the Commission shall publish any such determination.

Mrs D Kelly: On a point of order, Mr Deputy Speaker. This is in no way a challenge to your authority in accepting the amendment. However, Assembly Commission members received further advice last night telling us that the amendment's intent cannot be implemented legally. I ask for your view on the matter.

Mr Deputy Speaker (Mr Beggs): Members should be clear: just because an amendment has been selected for debate does not necessarily mean that there is, currently, legal basis for its implementation. I am advised that the amendment purports to confer power on the Commission to issue guidance under section 47 of the Northern Ireland Act 1998 but that that is not a power that the Assembly has under section 47. Nevertheless, I am satisfied, having taken everything into consideration, that it is in order for me to use my discretion to select the amendment for debate and that these matters can be discussed. Therefore the amendment stands. Its intent can be explored further by all Members who wish to contribute to the debate.

The Business Committee has agreed to allocate one and a half hours for the debate, with 10 minutes to move the motion, 10 minutes to make a winding-up speech, and five minutes for all other Members who wish to speak. One amendment has been selected and is published on the Marshalled List.

Mr K Buchanan: Thank you, Mr Deputy Speaker. All parties represented on the Commission have engaged on this matter for a considerable time in order to reach a

consensus, and the motion reflects that consensus, as agreed by all five parties. The motion will enable the Assembly Commission to ensure that Members can legitimately purchase basic items to help them to deliver service to our constituents, that an MLA's contact details can be promoted on the constituency office, and, most notably, to ensure that the terms and conditions of employment of the staff who work in our offices are fair and reasonable.

From discussions with a wide range of Members across the House, I know that there is considerable support for that point. We are talking about the things that every Member needs to deliver a constituency service that meets the needs of our constituents: rent and rates for offices, the electricity, gas and phone bills, and staff salaries. For expenditure on constituency offices, a Member cannot claim a single penny of what are termed "allowances" in the 1998 Act unless a Member has already incurred that expenditure. In fact, the rents and rates bills, and the salaries for support staff, are paid directly to parties, be that to a landlord for rent, employees, or Land and Property Services. The Assembly is absolutely not being asked — I repeat not — to confer a function on the Commission to determine the salaries or pensions payable to Members or former Members. That function should, of course, fall to an entirely independent body.

The Commission intends to bring forward a Bill, subject to the will of the Assembly, that will change the remit and scope of the independent financial review panel (IFRP) to focus solely on Members' salaries and pensions, with a possible change to the name of the body to reflect its revised responsibilities. Members will know that the scrutiny of claims is rigorous and comprehensive; that will not change. I know that every Member, and every party, agrees that all our expenditure must be made according to the rules that have been put in place.

It is reasonable for people inside and outside the House to ask why the motion has been moved at this time. Members will be aware that the Assembly established the independent financial review panel in 2011. While the panel made significant improvements to the overall system, it is felt that the rules set out in the determination of March 2016 failed to grasp the realities that Members face as we try to deliver services to our constituents. The determination certainly did not provide our employees with fair and reasonable terms and conditions of employment for the difficult work that they undertake.

In 2015, even before the most recent determination was issued by the panel, the Commission began to review a range of options for the reform of the system of providing financial support for Members. It is the Commission's position, achieved through consensus from all five parties, that the support that can be made available to Members, especially to upgrade our constituency service, can best be delivered from within the Building.

Issues were raised by Members from all sides of the House. However, the changes to the terms and conditions of employment for support staff that Members were required to adopt is probably the issue that has caused the most concern for Members as responsible employers.

The last determination dramatically reduced sick and maternity pay for employees, even for those who were off work at that time due to illness or maternity, which is a highly unusual practice. Annual leave was also reduced for those employees to the minimum statutory level.

The terms have to be adopted by Members if staff salaries are to be recovered and are considerably less than the terms offered by most public and private-sector employers.

11.00 am

Other issues included the prohibition on letting constituents know our telephone number and email address from our office signage. While that might be a small thing, I have yet to hear any rational explanation for why that is the case or why it is desirable to have the prohibition in place.

The formula for assessing the level of rates for an office that can be paid in any year is another issue. Members may wish to know that almost one sixth of Members in this House had to pay, personally, part of the rates bill for their office in the 2019-2020 financial year. Members will also be aware of the bar on operating a surgery somewhere else in the constituency, maybe by renting a room or a hall once a week or once a month. Again, the purpose of that prohibition is unclear.

The current determinations provision, if untouched, will prevent Members recovering the cost of any expenditure incurred with a supplier who is resident in the United Kingdom once the implementation period for the UK's exit from the EU ends. When we look at the other legislatures across the British Isles, we see a

variety of systems in place to assess the types and levels of expenditure that elected Members can recover. In Dublin, TDs' allowances are determined by a statutory instrument made by the Minister for Finance. At Westminster, MPs' allowances are set by the Independent Parliamentary Standards Authority. In Wales, they are set by the independent Remuneration Board, and, in Scotland, allowances for MSPs are set by the equivalent of the Assembly Commission. There is no single mechanism for determining the allowances paid to elected Members.

Should the Assembly resolve today to confer on the Commission the function of determining the allowances payable to Members, the Commission would bring forward and publish a new determination to deal with the aforementioned problems. Any such determination would continue to apply best practice and ensure value for money for the public purse. Let us be clear: this is the only mechanism presently available to create a new determination. If the motion is not carried, the current determination will remain in place until a successor panel is appointed and a new determination is made.

I want to briefly address the amendment tabled by Mr Allister. Members may wish to note that the only functions that can be conferred on the Commission by the Assembly under section 47 of the Northern Ireland Act 1998 are to determine the salaries and/or allowances that are payable to Members. The Assembly cannot confer a function under section 47 of the 1998 Act for the Commission to direct the panel; indeed, section 3 of the 2011 Act that facilitated the formation of the panel codifies the independence of the panel. In short, the Commission has no power to direct the panel.

When considering the matter, the Commission identified a possible scenario in which the 2011 Act could be amended to require the panel to align the terms and conditions for Members' support staff to a reasonable comparator. While that might resolve the issues relating to terms and conditions of employment for a member of staff, it will not resolve any of the other issues that Members and parties have raised about the 2016 determination.

Today's motion is much clearer and, in the Commission's view, offers the most effective approach to determining the allowances that should be payable to Members, allied with the robust and effective scrutiny of all claims that is already in place and the Commission's ability to adapt more quickly to external circumstances and the changing needs of Members than an

external body. The Commission is firmly of the view that the motion sets out the best way forward.

The motion is about setting reasonable and fair levels of financial support for offices and conditions of employment for constituency staff in a way that fully understands the challenges that Members face each and every day. All parties represented on the Commission have engaged in the matter for a considerable time to reach a consensus position. The motion reflects that consensus position. On the basis of the views of all parties represented on the Commission, I commend the motion to the House.

Mr Allister: I beg to move the following amendment:

Leave out all after "salaries" and insert:

" , allowances and pensions are determined by an independent body and that there should be no change to that arrangement, save that, in accordance with section 47 of the Northern Ireland Act 1998, the Assembly Commission can issue guidance to the independent body on the subject of allowances, with the exception of the quantum thereof, but only in circumstances where the implementation of the arrangements set by the independent body are causing practical difficulties or inequities, and the Commission shall publish all such guidance."

Mr Deputy Speaker (Mr Beggs): The Member has 10 minutes to propose the amendment and five minutes to make a winding-up speech. All other Members who speak will have five minutes.

Mr Allister: Those who tabled the motion must have short memories. I do not think that the public have. The public will remember that, when the system that is proposed in the motion was in operation, namely that MLAs controlled, through the Commission, their own expenses, it was abused and the product was scandal. In the face of a tide of public outrage, the Assembly passed the Act in 2011 and, in doing that, recognised that it was untenable for Members to be in control of their salaries, pensions or allowances. Today, we are asked to retreat from that and recreate the circumstances that gave rise to such scandalous behaviour as Sinn Féin Members pouring £700,000 of their expenses — unknown, it was claimed, by some of their MLAs — into a body called Research Services Ireland Limited, headed by Sinn Féin's finance director. When the BBC's 'Spotlight' did a

programme, they could find no website for Research Services Ireland. They could find no phone number. They could find not even one sheet of paper of research ever produced. It was a scam. It was a rip-off of public money.

Michelle O'Neill, the current deputy First Minister, paid £18,000 of rent to a so-called cultural society for an office in Gulladuff: the South Derry Cultural and Heritage Society. One of the six trustees of the hall for which the money was paid let the cat out of the bag. A Mr Michael McGonagle claimed that Sinn Féin had raised the money to buy the building 30 years ago, and here was a Sinn Féin MLA, now the deputy First Minister, paying £18,000 per year — a colossal rent — to that supposed cultural society. Mr McGonagle went on to say that he had never heard of the South Derry Cultural and Heritage Society and that, as a trustee, he had never received any rent for the use of the building. Those are facts as established.

We had the Church Street office in Ballymena and the scandal of £50,000 in one year claimed by a father and son — Members of this Assembly — to go into an office of which the first director was Seymour Sweeney of "I know of him" fame. He was replaced as sole director by Ian Paisley Jr's father-in-law, who was then replaced by a DUP councillor who, when asked by 'The Belfast Telegraph' about the matter, said:

"I haven't a clue. I know flip all about it ... I know nothing about it, I'm only the landlord."

He later told BBC 'Spotlight', however, that the sole beneficiary of the rent was the bank. What does that mean? That means that rent for expenses was being used to pay off a mortgage to create a party asset.

There was the Sinn Féin MLA who could not drive and who, apparently, was making a claim for £5,000 in mileage allowance. He said that he had never signed the form; someone else had done it for him. We had £9,000 claimed for oil in a former Speaker's constituency office that was not used there. We had an MLA who claimed £7,000 for electrical equipment to create a paper-free office — iPads, laptops and computers — and then went on to claim £8,200 in stamps for his paperless office. What a farce. Such are the circumstances to which we are invited to return.

I know that the panel has been guilty of some of the most irrational decisions, such as not being able to put your phone number on your office signage — I tried to take them to the ombudsman over that — or not being allowed

more than one office; I suffered from that. I know that they made some ridiculous decisions and were most bumptious in trying to defend them. However, the principle here is whether we, as MLAs, should set our own salary. No. Should we set our own allowances? No. So why do we want to do it, particularly in circumstances where the body to which we want to give the powers did nothing about the £700,000 to Research Services Ireland, the Ballymena Church Street office or the fictitious claims to cultural societies? It swept it all under the carpet. Those are the circumstances that we want to recreate.

I respectfully suggest to the House that we are headed very much in the wrong direction. That is why I say that we need to leave the quantum — the amount — of the expenses with the independent panel but we need to take enhanced powers to give guidance to that panel when it makes irrational, unjustifiable or absurd decisions.

I heard the proposer of the motion say that there is no legal power. Has he never read section 2(4) of the 2011 Act? It says:

"The Panel may consider any other matter which is relevant to the discharge of its functions, either on its own initiative or at the written request of the Commission."

The Commission already has the power to write to the panel to say, "You made a decision about not MLAs not being able to put their phone number on their office signage. Would you please reconsider that for the following reasons?". It can make a written request to say, "You have made a decision that is prejudicial to the maternity or paternity leave rights or sickness rights of our staff. Would you please look afresh at it?". The power is there. Why is it not being exercised? Indeed, why has the panel never been reappointed? Why is it that a panel that ran out of office in 2016 has never been replaced? Did some people want the situation to fester so that they could reach this point of saying, "We have to do something about it"?

The Member who proposed the motion left me unclear about what he intends. He said, at one point, that the Assembly Commission would bring forward a Bill to change the range and scope of the panel, and then, towards the end, he said that the Commission would bring forward a new determination. Which is it? Are you just going to wipe out the panel or override it by a determination on foot of a mere resolution of the House? There is legislation. Are you going to change the legislation to do the very things that, you said, you would not do

a few years ago? We need some clarity. Are you thinking that, by mere determination, you can override the decisions made under the 2011 Act, or are you going to change the 2011 Act?

If you want to do something, you have to change the 2011 Act —

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

Mr Allister: — and, when you change it, you can do exactly what is proposed in the amendment and thereby maintain the sanctity of separation between Members and allowances that gives the authority —

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

Mr Allister: — to make sure they stay on the rails at every turn.

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

11.15 am

Mr McCrossan: I thank the House for the opportunity to contribute briefly to what is an important debate. As we have heard already, the public are, rightly, annoyed about the prospect of any increases to expenditure. However, clarification needs to be put into the public domain as to what the motion is about. It is not about Members' pay, and we cannot blame the public for being angry, especially after we had been locked out of the institutions — certainly against our will — for the last number of years. There is no change to Members' pay and nor should there be. Members' pay will still be independently determined and that should always be the case. The SDLP would not support the motion if that was the case. The motion is about how we treat members of staff, deal with complex problems and offer a service to the public every day.

There is a real lack of common sense in the current determination and Mr Allister was right to touch on that in his contribution, even around signage, phone numbers or a very small crest on a door — very simple things that were fineable under the current determination. Even a broken-down printer could not be repaired locally; you had to send for someone to come from Belfast at a cost to the public purse that made no sense whatsoever. When you tried to have those discussions, you were shot down and told, "It is in the determination". That made

things very frustrating for a lot of Assembly Members to continue in their duties.

Many of us in the Chamber proudly support the advancement of workers' rights. Each and every day, I hear Members of the House speak about the importance of protecting those rights. In order for the public to have confidence in us, we need to ensure that we practise what we preach. We are in a situation where our staff are being failed because their rights are not being protected under the current determination. Whilst I understand and appreciate the reasons for the determination, given the previous abuses of some in relation to MLAs' expenses, it is vital that we, as employers and as MLAs, protect the rights of our staff.

I am not proud that we give our staff the minimum legal amount of sick and maternity pay. I am not proud that annual leave is at the minimum statutory level. I am not proud that, under the current rules of the determination, there are staff in MLA offices who could be earning less than the living wage and are struggling. I know full well that we are living in very tough times and that every penny of public spend needs to be accounted for, but I stand here today for my staff and the hard-working staff of many other Assembly Members in offices who deserve fair pay and fair terms and conditions. My office could not run without my staff working more hours than they are paid for, alongside the many volunteers who, daily, help me in my duties as a public representative. They are making an invaluable difference to the communities that I am elected to serve, and all that I want for them is fairness.

We are not seeking a dilution of scrutiny or accountability; the opposite is true. The proposed measures will demand enhanced scrutiny of every penny that is spent in this place. My party is committed to robust transparency measures to ensure that there is no return to the abuse of public money, as was clearly outlined very articulately by Mr Allister, in relation to Research Services Ireland. I have mentioned that in the House on many occasions in previous contributions. The SDLP will be making that position clear and at the Assembly Commission as well.

Now, more than ever, constituency offices are needed to help the many vulnerable people who contact us each and every week and the many businesses that are struggling to make ends meet and to support those who are seeking to improve our communities. The motion is about MLAs deciding what we want to be responsible for, which is the well-being of

our staff, and for running an effective and efficient office that delivers for people. That is vital in supporting our communities at this time. It is not an easy debate, but there are issues with the determination that need to be addressed. Our staff deserve fairness. We cannot go out into the public domain and stand up for the rights of workers if we are not going to practise what we preach ourselves. That is our reason for supporting the change and the motion.

Mr Beattie: I sense a nervousness about the motion in the House and in wider society. We ought always to be mindful that, as an Assembly, we must have the confidence of our society. If we do not have that confidence, we will always fail.

The Independent Financial Review Panel (IFRP) determination felt flawed; it felt irrational. It felt like all MLAs were being punished because of the abuses of some. It felt like a collective punishment meted out to every single one of us.

Mr Allister raised a compelling argument about abuses of the system as it stood. That resonates within the society that we represent, and we must be mindful of that.

We have looked at the ludicrous position whereby we cannot put our telephone number on our signage. So, for the last three months, when your offices have been closed and the shutters were down, nobody has seen the phone number that would enable them to call you. That is the irrational piece in all of this.

The issue has been debated at length by the Assembly Commission, and it is right to bring it before the Assembly for debate: for people to make their arguments, for people to make decisions on the basis of those arguments and to try to explore whether, through the motion or the amendment, there are other ways of achieving the same thing.

Personally, I do not need any extra expenses. My office does not need any extra expenses. I cut my cloth to meet what I have, as every other business does. I have been working quite happily since I became an MLA in 2016. However, I have a real concern about the pay and conditions of my staff. They do not have the right pay and conditions. Their pay is scandalous. They deal with civil servants who get paid nearly twice as much as they do.

The Ulster Unionist Party's Chief Whip, who sits on the Commission, wanted to adopt a NIPSA model. That was not deemed cost-effective, but

at least people were exploring other ways of doing this. I know that other parties did similarly — in fact, I think that other parties did similarly before coming up with the motion. So, it is right that the motion is before us and that we debate it and put our points across. However, let us not just throw out Mr Allister's amendment because it does not match what we have gone through and talked about. Let us use it to test our ability to talk and think, and maybe to push back and postpone what we are trying to do here, in order to have the confidence, transparency and accountability that we have been lacking for quite some time.

I said it before: Mr Allister puts forward a compelling argument. Nothing stops us creating a new panel, and nothing stops us having a new determination. I am not saying that we should set aside the IFRP determination, but it certainly needs to be amendable. As an MLA, my nervousness about the motion and the nervousness of my party is that, in the months and years to come, it will be abused, we will forget the lessons that we learned in the past, and we will lose that confidence. We will lose that confidence individually and, as a House, collectively.

I go back to where I started: it is right to debate this in the Chamber and to get your points of view across, no matter how popular or unpopular they are. We need to do that, and, if we have to change direction, we have to change direction. I believe that Mr Allister's amendment enables us to change direction. I think that it enables us to look at this in the long term and to create a new panel that can make a new determination. Therefore, my party and I will support the amendment.

Ms Armstrong: Interesting issues were raised by the other Members who have spoken. I attended a Commission meeting at which this matter was debated. Alliance has maintained throughout that it would prefer that an independent body look at all aspects of payments to MLAs: salaries, pensions and allowances, even though the allowances do not go into our pockets, which some people do not seem to understand, but are to pay our staff and our rent. However, we were voted down that day, and, that day, the collegiate approach was the motion that is before us.

Mrs D Kelly: Will the Member take an intervention?

Ms Armstrong: I will.

Mrs D Kelly: Can the Member recall that no such vote was taken? This is a narrative that is absolutely shameful on the Alliance Party. No such vote was taken. Can you confirm that?

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

Ms Armstrong: Thank you very much. On the day that I was there, there was a call around the room and each of the parties was to say yes or no to whether they would support having an independent body like the body in Westminster. The Alliance Party was the only one to support that, and everyone else decided that changes needed to be made.

We have in front of us a motion that the Alliance Party, on a collegiate approach, could support, but we will take any available opportunity to support an independent body to look over all of the money that goes to MLAs.

Today is the International Day of Parliamentarism. The United Nations General Assembly resolution states that the International Day of Parliamentarism should celebrate giving confidence to the public, and its resolution states the need for transparency. We would not give our staff the power to dictate their own salaries, but we would be giving ourselves that power. We are saying that we are going to set out salaries for our staff. We are the employers, but we are using public money. They need to be reviewed. The treatment of staff in MLAs' offices by the existing determination is deplorable and would not be put up with in any other place. An independent body such as there is in Westminster would be appropriate.

We were not successful in the Commission, and that is why we say today that we could have gone with the motion, but there is an opportunity with the amendment. The amendment gives us the opportunity to look at an independent body and to bring into scope someone else who will help scrutinise and set standards for payments to MLAs.

Mr Givan: I appreciate the Member giving way. The Member has articulated the view that she wants an independent panel to deal with these issues because of the failures of the previous independent panel. She acknowledges all of those failures. If the previous panel did not treat our staff fairly, what confidence can MLAs have that a new panel would treat their staff fairly?

Ms Armstrong: The Member has helped me to confirm why it is so important. The previous

panel was not independent. It was brought forward through a recruitment process that determined people who could not be on the panel, but did not determine people who should have been on the panel. Where was the expertise in accountancy, HR or HMRC issues? It was not there. We have the opportunity now to have an independent body like the one at Westminster — a body that will include all of the professional qualifications that we need to ensure fairness for our staff and the public.

Mr Givan: Will the Member give way?

Ms Armstrong: If you let me carry on, I will bring you in in a moment. The recruitment of the panel would be key. We can no longer allow our staff to be treated like second-class citizens because people wanted to get at the MLAs. We need people with expertise in business management and HMRC issues. In the period in which the IFRP has not been in place, the Commission has handed over the management of the determination to staff in this place. That has been unfair, because that determination has been unpleasant to deal with, and staff have had to deal with MLAs in that. We should, therefore, be looking at the amendment; we should be considering alternatives. We should be looking at transparency, and we should be above and beyond.

Mr Givan: I appreciate the Member giving way again. She has indicated that another independent panel should have the professional expertise to look at this issue. Is she saying that the former chairman of the Belfast Health Trust and the assistant Chief Constable did not have the requisite qualifications to consider all of those areas around HR and financial accountability, given what was on their CV?

Ms Armstrong: I was not here when that panel was chosen. I can go only by what happened when that panel brought forward its determination: when HMRC had to come to this place and say that the way in which the panel was paying expenses to MLAs was wrong; when there was a recoupment of costs from all MLAs, as otherwise this place would have faced a fantastic tax bill. Something, therefore, was going wrong. When the Alliance Party has an opportunity to go for an independent body, we will take it.

We respect the collegiate approach of the Commission, but I am sure that everybody can respect the fact that, as a party, we have been pushing for this. We put it in our written submission and said it at the Commission meetings. We were not given the opportunity to

take that forward. We would be happy enough to vote for the motion as it stands, but, when there is the opportunity for an amendment for an independent body, we will take that.

11.30 am

Mr Wells: I contribute to the debate as one who has been around the Building for a very long time. I served on the Assembly Commission for 14 years. I have been an Assembly Member's pension scheme trustee for 16 years. I have served on the Audit Committee, and I have been a Member of the House for 26 years. There are people in the Chamber who were not even born when I was first elected to the Assembly. Therefore, I speak with some experience.

In our wisdom, we appointed an independent review panel, and there were two individuals on that panel who had absolutely no time for public representatives, and it showed in their determination. Where they lost my respect in totality was when they had clearly botched the report and made major errors, they did not admit it but tried to defend the indefensible. We had a situation where a very experienced and respected Member of the Assembly was fined almost £10,000 out of his pension because he had the temerity to put his phone number on his sign.

How dare we put our phone number on our signs so that our constituents, particularly during lockdown, can come and find out how to contact us? Would there be a major democratic deficit, would a tragedy occur, if our constituents could find out our phone numbers? What did the two spokes-gentlemen do, when they were asked about this mistake? They defended it when they knew it was wrong. Then they told us we could not have our email address on our office signs because, obviously, that would bring democracy crashing around our ankles. Their argument was that an email address could read something like, "jim_wells_the most wonderful mlas in cetime began.com". They said that it could be abused. Why could they not accept that, if we all had our Assembly ".gov.uk" email addresses on our signs, it would have avoided that? However, again, they defended the indefensible.

We had a situation in North Down where a young lady, who went off on maternity leave, was forced to return, as a result of the determination, because of the change in the regulations, which are much less favourable to fathers and mothers. It goes on and on. Indeed, there is a case at the moment where an MLA is facing a £20,000 fine for something so minor

that most employers would have shrugged their shoulders and forgotten about it.

We have so many issues where they have got it wrong. Unlike the honourable Member for North Antrim, I have no confidence whatsoever that another panel can deal with this situation. We are not, and I repeat not — I hope that the public and the BBC get this, because the reporting of it has been far from accurate, in my opinion — asking for a pay rise, and we should not. We are not asking for a change in our pensions. We are asking for fundamental fair treatment of our staff, none of whom have had a pay rise for five years. They have had their pensions slashed and basic rights undermined, and there is nothing we can do about it. That is the difficulty.

I have to say that Mr Allister was very eloquent. He raised some points about the appalling abuses of the past, and I agree with him. However, he should remember that there is a fundamental difference between now and 2011. Every penny that we spend, in our office cost allowance, will be published and scrutinised by the press. A few years ago, a local newspaper contacted me and asked, "Mr Wells, how can you justify spending £1.50 a week on a local newspaper?" I said, "That is your newspaper." He said, "That is a very good use of taxpayers' money." The point is that that is how minute the available detail is at the moment.

We have learnt our lessons. There is no problem, for instance, with the Commission setting a limit on the amount of rent that can be paid. However, we have the obscenity, at the moment, whereby MLAs have to forcibly go to their landlords and plead with them to increase their rents, so that they can recoup the rates that are payable, because they are tied to the level of rents. We have the obscenity where Members cannot share offices because of the punitive controls that are placed upon them for doing so. They have got it completely wrong.

Mr Givan: I thank the Member for giving way. He makes a valid point about the sharing of offices. In my constituency, my colleague and I share an office with the Member of Parliament. It would be to the detriment of the taxpayer if my colleague in the House and I were to open up our own office and access greater amounts of taxpayers' money. We are saving the taxpayer money by sharing an office, but are, then, penalised for it by the determination.

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

Mr Wells: Thank you, Mr Deputy Speaker, for the extra minute. Clearly, the panel, when they made that determination, got it wrong, but have they ever had the honesty to go on 'Talkback' or 'The Nolan Show' etc and actually admit that they got it wrong? That is why I have lost all respect for that determination.

What we are doing here is not feathering our own nests, but looking after the people who have had to deal with the abuse and the irate constituents who have come in to complain. Many of those staff have drifted off, saying, "If that is how we are going to be treated by the legislators of Northern Ireland, we are no longer interested in working for them". Those are the people who count. I believe that we, as MLAs, must stand by them even if that is unpopular with the public.

Mr Middleton: I support everything that my colleague Mr Jim Wells said. He has clearly articulated some of the many issues with which all Members in the Chamber will agree. Today, we stand with our staff, who have put in a huge number of hours and a huge amount of effort for very little thanks. We need to look at those determinations.

I must say that I am bewildered but, I suppose, not overly surprised by the reactions of some Members in the House. Mr Butler has signed the motion, as has Mr Blair, yet they, obviously, do not speak to their party colleagues. Clearly, there is a communication issue.

Ms Armstrong: Will the Member give way?

Mr Middleton: Yes. Go ahead.

Ms Armstrong: I just want to make it clear that, when I gave my speech on behalf of the Alliance Party, I said that we had worked with a collegiate approach in the Commission but that, when there was an opportunity for an amendment after the Commission had put forward its motion, we chose to back the amendment. Therefore, there is no issue with Mr Blair's having signed the motion.

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

Ms Armstrong: He has the full support of the Alliance Party.

Mr Middleton: I thank the Member for that intervention. However, the Alliance Party's position is far from clear, because it has one position behind closed doors and another one publicly. Unfortunately, that has been the case

with more than just this issue, but that is a matter for the Alliance Party. The public will judge that for themselves, as, indeed, will the staff of our Assembly offices.

The people of Northern Ireland have the right to a clear and reasonable explanation of exactly what has been proposed. My party remains firmly of the view that MLAs should have no role in setting their salary or, indeed, their pension. They must continue to be set independently. Nobody is questioning for one second the fact that that is done independently. However, we also acknowledge that striving for the highest standards in public office means enabling the highest quality of representation. That is why I entered politics; to get results for my constituents and to make a lasting difference. It is, however, a matter of regret that the use of an independent body to decide office and staff allowances has hindered rather than helped that cause; not our cause per se, but that of the people whom we collectively represent. Local communities deserve constituency services that are flexible and responsive to their needs. They are also entitled to have appropriately skilled staff working on their behalf. Sadly, the current circumstances and system do not allow for that.

Ms Bunting: I thank the Member for giving way. Does he agree that there are two fundamental principles that people never seem to bear in mind, or of which they seldom take account? One is that two full-time equivalents, or 74 working hours per week, puts Members in a situation where they have zero flexibility with staffing and that, in times of staff sickness or leave, that often results in lone working, when members of staff, who are often female, are left in a vulnerable position? Secondly, does the Member agree that it is deeply unfair that a very experienced member of staff who happens to move to work for another Member must automatically go the bottom of their pay scale?

Mr Middleton: I agree completely with the Member. Those are disgraceful situations that would not be tolerated anywhere else. Again, although the House is absolutely unanimous on those issues, when it comes to it, it is unwilling to deal with them. That is deeply regrettable, given the fact that all parties have supported the motion. It is an unacceptable position and one that we must rectify.

The reality is that different constituencies across the country have different needs. The singular approach that was decided independently cannot appreciate or address those issues. That is why we support the changes put forward in the motion. We do not believe that the measures set out in the

selected amendment would have the necessary impact or influence in addressing core concerns around the level of service afforded to the public. Indeed, we all had the opportunity to write to the Commission. We all had the opportunity to raise the concerns, but that alone clearly had no impact on the independent panel.

The independent panel met with MLAs. It knew the issues, but as Mr Wells clearly articulated, it did not take those views into consideration. Obviously, setting up a new independent panel, hoping that we will get the right result for our staff, is not the way forward because, as some Members have said, that did not work out well in the past.

I want to emphasise the fact that MLAs will not receive —.

Mr McCrossan: Will the Member give way?

Mr Middleton: Yes, go ahead.

Mr McCrossan: It is also important that we discuss staff safety. Throughout the last mandate, there was a series of incidents in MLAs' offices where staff did not feel safe. In my office in Omagh, that happened to one of my members of staff who was on her own because we could not provide cover for the person who was off, and she suffered a threat that day. Surely, there needs to be some allowance for staff safety as well.

Mr Middleton: I thank the Member for that. I completely agree. Staff safety is something that we have had to deal with in our office on many occasions, and it is frightening. We owe it to our very hardworking staff who have been on the front line throughout the COVID-19 crisis. They deserve the respect. This is not about MLAs; this is about our staff and showing support and appreciation for them. I urge everybody to support the motion and agree to get behind it.

Ms Bailey: I was elected in 2016 after the financial review happened and after the stories of the expenses scandals had broken. The public lost so much faith and trust in us. There is no doubt that there are problems with the independent financial review determination and how we can access and use our office cost expenditure. They are much bigger than putting a phone number on a sign. Ms Bunting was absolutely right when she pointed out the restrictions in flexibility that we can allow our staff: the maximum working hours, the setting of salaries, and, if there are any changes, they go back to the bottom of the pay scale or even

have to reapply through open competition for their own job. There are many problems with that, but, again, we have to remember why we are here.

There are even issues around setting a cap on office rental costs. That applies to everyone equally right across Northern Ireland. It is a very different rate and rent setting in Strabane high street, for example, from South Belfast, but that is not taken into consideration either. Our staff are treated differently. Every single staff contract that I have signed since being elected, I have handed it back to the staff with a recommendation that if they are not already in a trade union, they should join one and that they should challenge me on it. To date, they have all been so nice that they have not done that, but I still recommend that they do.

Ms Bunting: Will the Member give way?

Ms Bailey: Certainly.

Ms Bunting: Does the Member agree that we are also in a situation where not only are the terms and conditions infinitely better in the Northern Ireland Civil Service but they are infinitely better for Assembly staff? Party staff and our local MLA staff have the worst terms and conditions of everybody who works in this sector.

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

Ms Bailey: Thank you. Those issues have been very well made in this Chamber, but what I am hearing is an awful lot about having no trust and no faith in an independent financial review panel because the only one that we have had to date got it so wrong.

Sometimes, the House gets it wrong. Sometimes people in the House get it wrong, yet we always have another chance to get it right. That should never stop us from ever trying to keep getting it right. We have had no independent financial review panel since June 2016. It has not existed. So, what is going on in that process? Why have we been left all those years with no one there?

We really, really need to keep public confidence and public trust in us, because we have not done an awful lot to get over the absolute scandal of 2015 and 2016. We need our independence, and we need to keep building trust, and I believe that we can do both. The Green Party will support the amendment to the motion.

11.45 am

Mr Carroll: It is worth remembering the consternation that the MPs' expenses scandal and the local version caused across communities here a few years ago. People were outraged in the middle of economic austerity, when they were told that they had to tighten their belts, that MLAs — some of them, at least — were involved in unsavoury financial practice, to put it nicely. Never again should we tolerate a system in which people can funnel extremely large sums of public money into research companies that did not do any research, if they even existed in any real sense at all, or questionable heating bills, claiming multiple times for offices and much, much more, as we have heard. I hazard a guess that, if somebody on benefits were accused of that kind of activity, they would probably be in jail now or facing a small claims court case. The same did not happen to MLAs or party reps.

The motion says that "alternative provision should be made" but does not state clearly what that is or should be, and we are left to believe that it will simply be the Assembly Commission itself deciding. Again, are we to have blind faith that a fair and transparent system will be set up if we just take the word of the bigger parties on the issue? Where is the accountability with the proposed alternative system? 'New Decade, New Approach' states:

"The parties have therefore agreed to an ambitious package of measures to strengthen transparency and governance arrangements in the Assembly and Executive in line with international best practice."

Not here, not with this proposal. I am not sure whether the proposal that we are discussing was agreed as part of New Decade, New Approach, but we can safely say that it certainly does not represent a transparent or best-practice arrangement. Many people will be left scratching their heads at that assertion. It falls well short of best practice to have a situation, it seems, where MLAs can decide constituency expenses for themselves and their fellow MLAs. Many would take the view that that does not appear to be an open system and that it could be exploited in favour of MLAs.

It is worth mentioning that many workers would welcome the opportunity to set their own expenses in relation to office costs and support staff but, of course, cannot. Why should there be a different arrangement for MLAs? The last survey showed that at least 15 MLAs employ family members in different roles relating to

constituency work and research activities. Can we honestly say that there will be no conflicts of interest in MLAs setting the allowances and wages of, if not their own, then their party colleagues' relatives? How can we accurately and truly declare this to be an independent, transparent or fair system? Again, I am sure most workers, such as the health workers who had to go on strike recently for fair pay, would love to have family members setting their wages, conditions, allowances and so on.

To emphasise, I believe that all workers deserve a fair wage. I am open to a fair system that treats office staff and other staff who work in the political sphere in a fair and equal way, but the proposed system does not do that. It is worth remembering that we are looking into an economic abyss, with many people unfortunately losing their jobs, and we will have a situation where it is one rule for MLAs setting their own expenses and allowances while people lose their jobs and go onto the dole queue.

We still do not know the clear political rationale for the proposal. Presumably, there have been discussions about the current level of expenses at the Assembly Commission. Can anyone clarify whether that has been the case? If so, have Members indicated their willingness to increase that or to reduce it? Otherwise, what is the point in changing the set-up? The Assembly needs to avoid another situation in which Stormont operates a slush fund for political parties. I do not see how the proposal, coming from the bigger parties, will address the possibility of that happening again. I oppose the motion, and I support the amendment.

Mr Lunn: I say straight off that I support the motion. I have a fair bit of sympathy with Mr Allister's amendment, but, frankly, the motion goes straight to the heart of the matter, whereas there seems to be some doubt about Mr Allister's amendment, its legality and its enforceability. I will just talk about the motion.

It is a no-brainer that we need an independent review panel to deal with our salaries and pensions. As chair of the pension trustees for many years up until a few months ago, I had some dealings with the panel on the subject of pensions, but, naturally, we ranged more broadly than that in those discussions. Quite frankly, Members, I agree with Mr Wells completely. I might as well have spoken to the nearest oak tree as speak to that panel. They did not want to know about amendments and did not want to know about the glaring inconsistencies in their determination on allowances. There were one or two points,

which I will not dwell on, to do with pensions that they could have tidied up. If a new panel is established — I hope that it will be — I hope that it will talk to us again about the pensions side of things. I will have one or two suggestions for it.

I also suggest that, if we are to have an independent panel, it might do no harm if there were a retired MLA with no axe to grind advising it, rather than a sitting MLA. I am not looking at myself, because I have not retired, but who knows? That has been suggested before, and it has merit.

Members have mentioned most of what I wanted to raise on allowances, but, if this goes ahead, the Commission will have a valid template to work from. It is not all bad, but it needs tidied and it needs inconsistencies dealt with in a way that the previous panel refused point-blank to listen to us about. The question of signage is much rehearsed. Apart from not being able to put your phone number or email address on a sign, you are not allowed to have a protruding sign that people can see much more easily when they are driving down the street. Apparently, that is a mortal sin as well. You can put your phone number on your window, apparently, and your email address, but, if you had a bomb at your office, as I did, you probably would not want to leave the shutter up so that people could see the phone number. So it goes on.

There is a question about mileage. Let me say straight away that I do not claim home-to-Stormont mileage because, the past few years, it has been too complicated. If I were a Member from one of the more extended constituencies — East Antrim, perhaps — and I lived somewhere near Cushendun, I would get the same mileage allowance as a Member who lived in Jordanstown. I would find that ironic. One Member would be getting too much, and one would be getting too little. Pointing to something called a "centroid" in the middle of the constituency does not solve the problem, but that is the way that it is at the moment.

Mr Wells: Will the honourable Member give way?

Mr Lunn: Yes.

Mr Wells: Would the honourable Member also say that one of the errors of the determination is that we cannot pay staff travel allowance as they carry out their functions, for instance for attending a planning appeal or a social security tribunal? We are forbidden from claiming for

and paying them a small mileage rate for attendance at those events.

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

Mr Lunn: Thank you. That is one that I had not thought of, but I take the point.

Twenty-eight days sounds like a reasonable, average type of holiday allowance for constituency staff until you take off the 11 statutory days that have to be counted in that. In fact, they only really get 17 days plus days when the office is closed anyway. That is not reasonable. It is not sensible.

The pay scales are set in stone. If I were to retire, a senior member of staff would have to become redundant straight away. The next MLA would, perhaps, move into the same office with the same staff, once you had gone through a totally independent and transparent selection procedure, of course. That person would have to take a £5,000 drop if they were at the top of the scale to retake their own job. If they did not do it, you would lose all the experience that they have garnered. In my case, I have had the same staff for over 13 years. I could go on.

With regard to rent and rates, we need a rent cap, but we do not need a rates cap alongside it. The differential across the country in that respect is stark. If somebody can find an office at £8,500 a year in some areas of Belfast, in particular, and other big cities, good luck to them, because they will then hit the rates cap. I see Mr Stalford nodding at that fact.

There is plenty to be going on with. I encourage the Commission to take this forward but caution them that we are under scrutiny. Everybody is watching this and watching what they do. The things that need to be done are not necessarily totally dramatic; they are to tidy-up wrongs and make this a better place for us to work —

Mr Beggs: Will the Member draw his remarks to a close?

Mr Dunne: — and, particularly, for constituency staff to work with some confidence in the way that they are being treated. I support the motion.

Mr Allister: I am disappointed that, in the course of the debate, we have not had any clarity on the key question from the proponents of the motion. Do they want us to move forward on the basis of amending the 2011 Act and legislating to do that, which is above board and

in order, or do they want the Commission to supersede the legislation — a remarkable suggestion — override it and create a determination of their own? I hope that, when we come to the winding-up speech, we will have an indication of which course it is setting, because both were pointed to by the proposer of the motion.

I understand the temptation to hide behind making this all about staff. I have as many concerns as any other Member about the foolishness of the determination that was issued by the panel. There is a fundamental question here: do we value and want to have independence in governing the amount of our allowances, or do we want to take that ourselves? When the House last did that, it was grossly abused. There is a middle way, and it is quite simple. Pursuant to the amendment, we should introduce a Bill to amend the 2011 Act, to strengthen the powers of the Commission to give guidance and direction to the panel on practical issues and on inequities that they create.

Mr Wells: Will the Member give way?

Mr Allister: I will in a moment.

That is the middle way: to commit ourselves to legislation to do that but to leave the setting of the quantum of the allowances exclusively with that panel.

We seem to have got to a position where we had one bad panel, so to speak, so we never appointed another one to see if anything could be done better. We never issued any directions under the 2011 Act. We were happy to let it all fester. Creating a situation where we use the abuses of the panel of the past simply to supersede the panel and take it all back and obliterate the independence is the wrong way to go. I ask those who tabled the motion to take the motion back to the Commission, without pushing it to a vote, to consider the alternatives, to consider amending the 2011 Act, to give the Commission authority to intervene where it is right. Why do you not do that? If you do that, I will not press my amendment. Trying to keep the Assembly in the dark about what you really intend to do and then, maybe next week, issuing a sudden finding that changes all of this is, legally, very questionable, given the 2011 Act. Is that the intent?

I am saying to the Assembly Commission, or those members of it who are pushing this, let us go for the middle way; let us amend the 2011 Act to curb the excesses of the panel, give the

Commission the status that it should have and strengthen its ability to give some direction, where it is necessary to do so. If we did that we would capture public confidence rather than squander public confidence, which is what this motion, unamended, undoubtedly will do.

I give way to Mr Wells.

12.00 noon

Mr Wells: First of all we did not have a poor panel, we had a dreadful panel. Secondly, as Mr Lunn quite rightly said, attempts were made by Commission members and individual MLAs to try to influence the decision made by the independent panel, but the panel totally ignored them. If we go down the route that the Member is suggesting exactly the same could happen again. The panel could say, "we are independent, we have a right to make a decision and, frankly, we are going to ignore what you say".

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

Mr Allister: That, of course, is why I suggested that we need to amend the 2011 Act to give the Commission the status to indicate guidance to the panel. The problem is that we had a panel that did very many foolish things, but the Commission never seems to have challenged them under the terms of clause 24.

Now we are in a situation where the motion is saying to get rid of all the independence — all of it. That is the essence of it. The motion is taking away any independence, scrutiny and surveillance of expenses and giving it all to the MLAs, through the Commission. It is going back to where we were. I am simply cautioning this House that to go back to where we were is a dark place. It is a dark place open to abuse and scandal.

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

Mr Allister: I do not want to see this House, whatever else I think about it, go to that place. That is why I am offering an amendment, which I think steers a middle way and projects a route whereby we can make the changes, but make them while attaining public confidence.

Mr Deputy Speaker (Mr Beggs): I call on John O'Dowd to make a winding-up speech on the motion. You will have up to 10 minutes.

Mr O'Dowd: I thank the Members who contributed to today's debate and I will try to cover the points made and the questions posed by Members. I suspect that the best way to sum up today's debate is that success has many fathers and failure is an orphan.

Let me be clear that success, in this case, is about rectifying the wrong of the past and all the Commission parties have debated this at length over many years, and more intensely since the Assembly resumed, because all the parties around the table wanted to rectify the wrong. There may be different versions of what happened at Commission meetings and different opinions on what happened at them, but no one, and I mean no one, can deny that there is a motion before the House today, signed by all the parties on the Commission, so what was right on Friday, has to be right on Tuesday.

Mrs D Kelly: Will the Member give way?

Mr O'Dowd: I will.

Mrs D Kelly: I appreciate that the Member does not want to get too much into what was discussed, but I am sincerely baffled by the claim of the Alliance Party that there was a vote that was voted down by the other four parties. That did not happen. Is that your recollection?

Mr O'Dowd: I do not want to get into Commission meetings, but I have no recollection of a vote. I certainly have evidence in front of me of a motion before the House.

Members, you have been informed by some why they think that the amendment is competent, but I think that it is unworkable. Those who want to back the amendment, and they are perfectly entitled to do so, cannot back it with the view that it is going to bring a resolution to all the issues that have been expressed across the Chamber this morning, and by many Members over many years. That will not resolve the issue.

The fact is that when you go back to your constituency offices and meet your constituency office manager and your other members of staff, you will have to look them in the eye and tell them that you had the opportunity to right the wrong and you did not take it. If you back Mr Allister's amendment, it will not solve the issues of workers' terms and conditions, or pay. Go back to your staff in your constituency offices, and some of your staff may be sitting in offices in this Building, sit down in front of them, look them in the eye and say, "I had the

opportunity to correct a wrong, but I backed an amendment in the full knowledge that it would fail".

Mrs D Kelly: Will the Member give way?

Mr Allister: Will the Member give way?

Mr O'Dowd: I am sorry, but I have a number of things to say; I may give way later in the debate.

The idea that there is a middle way is a myth. There are always alternatives, but the questions that you have to ask yourself are: what is workable and what do we need to do now to ensure that the terms and conditions and pay of our staff are rectified? What you need to do is back the Commission's motion. If you want to prolong the situation, back the amendment. If you want to move towards the 2011 Act, that can be done, but it will take about a year and it will take significant discussion. However, as a Commission member, given my experience around this motion, am I seriously expected to believe if I negotiated a Bill with other Commission members it would pass through the House? I would have serious doubts about that, given my experience over the past 72 hours. So, folks, the choice is simple: you either act now or you delay. That is the choice; there is no middle way.

Quite rightly, members of the public and some commentators want accountability in this area, and so they should. Mistakes were made in the past and things should have been done better, but there are things in the IFRP report that we should continue with. Many of the accountability mechanisms recommended in the report should be retained in any fresh Commission determination. It will not be the Commission managing MLA allowances and claims; it will be the finance branch of the Assembly. The body that will manage the claims and expenses of MLAs will be the same body that does it now; it will not be the Commission members. The finance body here had a very difficult task and I am sure faced challenges from many Members over the previous determination, but I have to say one thing; they stuck rigidly by the rules, and I am confident that they will continue to do so. So, it will not be the Commission managing the affairs of Members; it will be the finance branch of the Assembly.

Some Members have suggested that it is an unusual set-up for MLAs to set their own allowances, but it happens in Scotland. Is Mr Carroll suggesting that the Scottish model is unfair, that the Scottish model does not have

accountability or that the Scottish model is being abused by MSPs? I have no account of that happening, and if he has an example I would like to hear it. The Scottish model is what we are following. We follow the Scottish model in many other areas; it seems to be the in thing to do. So, there is accountability at the heart of this.

Members have also said, and quite rightly, that the public are angry about this. Maybe they are not right, because I do not know if the public are angry about it. I know that some commentators are angry about it, but some of them have something in common with us: they are paid from the public purse. That is where what we have in common ends, because I do not know how much that they are paid and I do not know what expenses claims they make. I do not know anything about that. Quite rightly, MLAs are held to a higher standard, and over the past number of years we have learned lots of lessons from the mistakes of the past as well as the opportunities, and that should continue.

I have already expressed my disappointment at the parties that signed up to the motion but are now backtracking from it. It is up to them to explain that. Ms Armstrong said that today is International Day of Parliamentarism. What confidence does it give the general public when the Commission of the Assembly agrees a motion on Friday and walks away from it on Tuesday? The one thing that the public are not is stupid; the public will see through all of that. If political parties have genuine concerns —

Ms Bunting: Will the Member give way?

Mr O'Dowd: I will in one moment.

Do political parties have genuine concerns about the interests of the public or are they reacting to the latest commentary show, radio show, TV show, article or whatever it may be. As Mr Allister said, the public will not forget the past, and nor should they, but they will not be fooled either. They are not foolish; they will examine these matters. The public who come into our constituency offices on a daily basis or phone us appreciate the work that we do for them, but, nine times out of 10, the first people they make contact with are the staff in our constituency offices. Those staff have to deal with some very harrowing cases. We can all recount them. People sometimes come to us when they are at their very lowest, and those staff are paid low wages, have terrible terms and conditions and listen to casework that goes home with them at the end of the day.

Ms Bunting: I thank the Member for giving way. Is he aware that a person's grade-3 member of staff will take 19 years to reach the top of their pay scale?

Mr O'Dowd: Yes, and some of those who are criticising us for doing this would certainly not work under those terms and conditions. We owe it to the staff.

I am shocked at Mr Carroll. People Before Profit: the clue is in —.

Mr Carroll: Will the Member give way?

Mr O'Dowd: No, I will not.

The clue is in the title: People Before Profit. Mr Carroll will go back to his office today and sit in front of his member of staff and say, "I had the opportunity to bring your terms and conditions into line with the other staff who work in this Building and I did not take it". How can he stand on picket lines and support —?

Mr Carroll: Will the Member give way?

Mr O'Dowd: No, I will not. You had your chance.

How can he stand on picket lines for public-sector workers and demand proper terms and conditions when he has the opportunity to do it today for female workers in particular, who are terribly discriminated against in this institution? How can you stand on a picket line and say — *[Interruption.]*

Mr Deputy Speaker (Mr Beggs): Order. I ask that remarks are addressed through the Chair.

Mr O'Dowd: How can he stand on a picket line and tell them that he stands up for workers' pay? He has an opportunity today, as an employer — he is the employer, as everyone else in the Chamber is — to go through the Lobbies and vote to improve terms and conditions for staff.

I will close on this. I am happy, as a Commission member, that, as part of the terms and conditions of the next determination, those Members who want to be set to an independent body can have the ability to sign out of it. They can wait for the independent body, but I —

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

Mr O'Dowd: — and other Commission members are determined to right the wrong now.

Question put, That the amendment be made.

Some Members: Aye.

Some Members: No.

Mr Deputy Speaker (Mr Beggs): Clear the Lobbies. The Question will be put again in three minutes. I remind Members that we should continue to uphold social distancing and that Members who have proxy voting arrangements in place should not come into the Chamber.

12.15 pm

Order. Before the Assembly divides, I remind Members that, as per Standing Order 112, the Assembly has proxy voting arrangements in place. Members who have authorised another Member to vote on their behalf are not entitled to vote in person and should not enter the Lobbies. It is important that, during a Division, social distancing in the Chamber continue to be observed. In order to facilitate that, I ask Members to do the following: any Members in the Chamber who are not due to vote in person should consider leaving the Chamber until the Division has concluded. Those Members who wish to vote in the Lobbies on the opposite side of the Chamber to which they are sitting should leave the Chamber via the nearest door and enter the relevant Lobby via the Rotunda. Those remaining Members who are sitting closest to the Lobby doors should enter the Lobbies first, and any Member who has voted may then wish to leave the Chamber until the Division has concluded. If a Member needs to vote in both Lobbies, he or she should not leave the Chamber.

I remind Members of the need to be patient at all times, to follow the instructions of the Lobby Clerks and to respect the need for social distancing.

Question, that the amendment be made, put a second time.

The Assembly divided.

Ayes 20; Noes 67.

AYES

Dr Aiken, Mr Allen, Mr Allister, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Ms

Bradshaw, Mr Butler, Mr Carroll, Mr Chambers, Mr Dickson, Mrs Long, Mr Lyttle, Mr Muir, Mr Nesbitt, Mr Stewart, Ms Sugden, Mr Swann, Miss Woods.

Tellers for the Ayes: Mr Allister and Mr Beattie

NOES

Ms Anderson, Dr Archibald, Mr Boylan, Mr M Bradley, Ms P Bradley, Ms S Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Catney, Mr Clarke, Ms Dillon, Mrs Dodds, Ms Dolan, Mr Dunne, Mr Durkan, Mr Easton, Ms Ennis, Ms Flynn, Mrs Foster, Mr Frew, Mr Gildernew, Mr Givan, Ms Hargey, Mr Harvey, Mr Hilditch, Mr Humphrey, Ms Hunter, Mr Irwin, Mr Kearney, Ms C Kelly, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mr Lunn, Mr Lynch, Mr Lyons, Mr McAleer, Mr McCann, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Miss McIlveen, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Middleton, Ms Mullan, Mr Murphy, Mr Newton, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Mr Poots, Mr Robinson, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stalford, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Gildernew and Mr Givan.

The following Member voted in both Lobbies and is therefore not counted in the result: Mr Blair

The following Members' votes were cast by their notified proxy in this Division:

Ms Armstrong voted for Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long, Mr Lyttle and Mr Muir.

Mr K Buchanan voted for Mr M Bradley, Ms P Bradley, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Givan [Teller, Noes], Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey and Mr Weir.

Mr Butler voted for Mr Stewart and Mr Swann.

Mr McGrath voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGlone, Ms McLaughlin, Mr McNulty and Mr O'Toole.

Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew [Teller, Noes], Ms Hargey, Mr Kearney, Ms C Kelly, Mr G

Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.

Miss Woods voted for Ms Bailey.

Question accordingly negatived.

Mr Deputy Speaker (Mr Beggs): I wish to pause for a few moments to allow any Member who may have left the Chamber to return.

Main Question put and agreed to.

Resolved:

That this Assembly notes that Members' salaries and pensions are determined by an independent body and that there should be no change to that arrangement; agrees that alternative provision should be made for Members' allowances; and, in accordance with section 47 of the Northern Ireland Act 1998, resolves that the Assembly Commission may determine the allowances payable to Members of the Assembly, the date from which such allowances are payable, which may be a date before or after the making of the determination or this resolution, and that the Commission shall publish any such determination.

Mr Deputy Speaker (Mr Beggs): I ask Members to take their ease for a few moments to allow us to make some changes at the Table.

(Mr Principal Deputy Speaker [Mr Stalford] in the Chair)

Executive Committee Business

The Health Protection (Coronavirus, Restrictions) (Amendment No. 5) Regulations (Northern Ireland) 2020

Mr Principal Deputy Speaker: Before we move to the item of business, I thank all those Members who were in touch with me during my recent illness. It was very much appreciated. I also thank the wonderful staff of ward 5B in the Ulster Hospital.

The next two motions are to approve statutory rules relating to the Health Protection (Coronavirus, Restrictions) Regulations. There will be a single debate on both motions. I will ask the Clerk to read the first motion, and I will then call on the Minister to move it. The Minister will commence the debate on both motions. When all who wish to speak have done so, I will put the Question on the first motion. The second motion will then be read into the record, and I will call on the Minister to move it. The Question will then be put on that motion. If that is clear, we will proceed.

Mr Lyons (Junior Minister, The Executive Office): I beg to move

That the Health Protection (Coronavirus, Restrictions) (Amendment No. 5) Regulations (Northern Ireland) 2020 be approved.

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

Mr Lyons: Thank you very much, Mr Principal Deputy Speaker, and I welcome you back to your position. It is good to see you in better health again.

There are two motions before the Assembly today. With your permission, I will address both of them in my remarks. The pattern of these debates is now well known to Members. We bring a motion regarding the relaxations of restrictions that have already been made and Members then studiously avoid discussing the amendments and instead talk about the further restrictions that they would like to see or, indeed, any other COVID-related matter that they wish to discuss, testing, in the meantime,

the patience of the Principal Deputy Speaker. I do not expect today to be any different.

Some Members: Hear, hear.

Mr Lyons: Let me begin by outlining for Members the changes brought about by these regulations and the reasoning behind the Executive's decision-making. Regulation 4 was amended to allow those who provide holiday accommodation, such as hotels, bed and breakfasts, apartments, campsites and caravan parks, to prepare for their reopening by taking advance bookings. Whilst it is not subject to the motions being debated today, I am delighted that the Executive moved quickly thereafter to give the hospitality sector specific dates when it could reopen.

Our caravan parks and camping sites opened last Friday, and our hotels and other holiday accommodation, as well as restaurants, bars and coffee shops and visitor attractions, will reopen later this week. I am sure that all Members will agree that that is a positive step for a sector that has been particularly hard hit by the lockdown, especially at this time of year when everyone's mind turns to holidays.

Regulation 4 has also been amended to allow places of worship and community centres to open to provide day care for children. That relaxation allowed more parents and guardians and those providing childcare services to return to work, as well as improving the well-being of parents and children and increasing a sense of normality.

12.45 pm

Significant and important amendments have been made to regulation 5, which is concerned with restrictions on movement. People who live alone have been able to form a small support unit with one other household, enabling the person to visit, stay over and spend more time with their support network. That is an important step to help to tackle isolation. The housing market has been opened up, allowing people to move house, visit estate agents, view properties and make arrangements for removals. That relaxation removes the negative physical and mental health impacts on households by not restricting house moves for longer than was absolutely necessary. People can leave their homes to attend to the needs or welfare of an animal or animals. Outdoor sports facilities are now open, and elite athletes can resume their training and use outdoor facilities as they prepare for major competitions.

Regulation 6 has been amended to allow marriages and civil partnerships to take place outdoors where the number attending is limited to 10. Members will agree that that relaxation offers benefits in personal well-being. We send our best wishes to couples who are now able to undertake those celebrations.

Regulation 6A was amended to allow outdoor gatherings of up to 10 people from different households, a relaxation that offers benefits in personal well-being.

Changes were made to Part 2 of schedule 2 to the regulations, which is concerned with businesses subject to restriction or closure, to allow for non-food retail to reopen. The changes were initially limited to certain sections of the retail trade and subsequently updated to include all retail. Those steps have brought about much-needed recovery for the retail sector, which has been particularly affected by the COVID-19 crisis. It is good news. People can leave their homes to buy goods, improving personal well-being and increasing the sense of normality as well as protecting the jobs of those who work in retail outlets and restoring livelihoods.

Technical amendments were made to correct a drafting error in the amendment (No. 3) regulations, which came into operation at 11.00pm on 19 May. They mean that it was not an offence to breach the restriction in regulation 6A relating to outdoor gatherings of up to six people.

We have been clear all along that the Executive will not be rushed into making decisions as a result of artificial deadlines. Equally, we have moved quickly and decisively, as circumstances have allowed, to bring about changes to help to restore our economy and society. The regulations have worked and continue to work. They have saved lives and have prevented our health system from being overwhelmed. However, the pathway out of lockdown and towards recovery has not always been smooth. It is regrettable but probably inevitable that inconsistencies arose when making such detailed regulations. We have addressed those at the earliest opportunity and will continue to do so.

Of course, not all changes have required new legislation. We have striven to ensure that the guidance is up to date and is available to everyone. In recent days, that has included guidance to the many who have been shielding since mid-March. They can now look forward to being able to meet others from 6 July and

further relaxation of the shielding guidance after 31 July.

Strong communications are vital so that the bases for our decisions are understood, sectors have time to prepare and citizens clearly understand what we are asking them to do. While the approach so far has not been to take decisions on the basis of a timetable, we have recognised that some sectors benefit from indicative future dates. That means that our decisions are taken on the basis that sectors and citizens will have the information that they need, including some indicative dates, guidance where necessary and strong messaging.

Since the regulations that are subject to today's motion, the Executive have agreed further significant relaxations. Last week, we announced that indoor meetings of up to six people could take place within the home. We agreed that places of worship could reopen from 29 June and that hairdressers, barbers and other close-contact activities could reopen from 6 July.

Some Members: Hear, hear.

Mr Lyons: I know that many Members are particularly pleased to hear that.

Additionally, we have agreed indicative reopening dates for a range of sectors and activities, including indoor gyms and sports courts — not as much enthusiasm for those, I see, Mr Principal Deputy Speaker *[Laughter]* — libraries, playgrounds and open-air museums. There will also be a gradual return of spectators at outdoor events. Those further indicative dates will allow the sectors involved to make preparations for safely restarting and reopening.

Another key tool is the Department of Health's test, trace and protect strategy, which will continue to play a key role in containing transmission as more relaxations are introduced. I urge us all, if contacted by that service, to play our part and act on the information provided and self-isolate or get tested, as appropriate.

I am pleased that we have been able to relax many of the restrictions that have had such a detrimental impact on the social and economic well-being of our citizens. However, the risk from COVID-19 remains, and it is still the case that citizen behaviour will determine outcomes in terms of transmission, morbidity and mortality.

Mr Allister: Will the Member give way?

Mr Lyons: I give way to Mr Allister.

Mr Allister: Will the Minister agree that the Executive's credibility in making requirements of citizens, particularly about social distancing and the number of people who can gather outside, is substantially undermined today by the fact that the deputy First Minister and other Members of the House were photographed and seen in flagrant breach, it would appear, of some of those regulations at the funeral of a terrorist? Does that not undermine the status of what the Executive require of others?

Mr Lyons: First, I note that many people across Northern Ireland, have had to forgo family funerals and the traditional way in which they would grieve and mourn. That has come at a personal cost to many people. Therefore, although I have not seen any of the footage that Mr Allister refers to, I think it essential that we all provide leadership. We are all subject to the regulations in the same way. We all have to ensure that social distancing is adhered to and that the regulations are adhered to as well. That is particularly important for those of us in leadership, and I would expect it of everybody. There is a requirement and a responsibility on us all to ensure that that takes place. That brings me back to what I was saying. We are, obviously, moving further away from enforcement. With the increasing relaxation of the regulations, citizen behaviour becomes increasingly a product of choice. By relaxing the regulations we have given citizens more freedom, and I urge members of the public to use that freedom sensibly, because I do not want us to be in the situation that Leicester finds itself in today. We need to think of the health and well-being of each other and the huge societal and economic consequences of a return to lockdown. None of us wants to see a second wave of this deadly virus. Therefore, we will closely monitor the impact of the relaxation of the regulations, and we are prepared to introduce restrictions, if that is considered necessary to control the virus.

We now need to look beyond the response phase towards the actions that will be needed to ensure a robust and sustainable recovery, rebuild public services and restore more normal ways of living. The process is under way with the Executive. We have started the development of a comprehensive recovery strategy. Citizens issues are increasingly at the heart of the decisions that we need to take, now that the immediate crisis objectives are under

control. That includes long-term health and economic and societal well-being.

The fact that 95% of the population have avoided the disease is a double-edged sword. It means that 95% of the population potentially remain at risk, so the need for caution remains. Social distancing will remain a vital part of the response and recovery phases. The precise advice may change over time and must be well thought through and explained. As was announced last week, the Executive agree that two metres remains the optimum distance in maintaining physical distancing where possible. However, where appropriate mitigations can be made, a distance of no less than one metre between people should be adhered to.

I know that Members will have additional questions and comments on the points that I have made, and I look forward to them. For now, however, I commend the regulations to the Assembly.

Mr Principal Deputy Speaker: Thank you, Minister. Given that it is 12.55 pm and the Business Committee has arranged to meet at 1.00 pm, I propose, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be Question Time.

The debate stood suspended.

The sitting was suspended at 12.55 pm.

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

2.00 pm

Mr Buckley: On a point of order, Mr Deputy Speaker. I ask for the ruling of your office in the light of what we saw today, when the deputy First Minister attended the funeral of Bobby Storey, at which clear breaches of social distancing took place. I ask you to get a ruling from the Speaker's Office about whether the attendance will be looked at in line with the Members' code of conduct, given the clear breach of the regulations that are in place.

Mr Deputy Speaker (Mr Beggs): The Member has put his point on the record. I am not sure that it is a point of order for here. Others may wish to pursue the matter through other means. That is about as much as I can say at this stage. The point is on the record.

Oral Answers to Questions

Education

Mr Deputy Speaker (Mr Beggs): Members will be aware that, as part of the phased resumption of Question Time, only listed questions will be asked of Ministers. Topical questions remain suspended until 4 July. Members who ask a listed question will be called to ask a supplementary question. I will keep that under review as we progress through Question Time, and it may become apparent that there is additional time for other Members to ask supplementary questions.

Questions 2 and 4 to the Minister of Education have been withdrawn.

Schools: Reopening Arrangements

1. **Dr Aiken** asked the Minister of Education how he plans to communicate with principals and boards of governors on the reopening of schools as lockdown restrictions are eased. (AQO 493/17-22)

Mr Weir (The Minister of Education): My Department has established the Education Restart programme, which, working with a range of stakeholders, will put in place the detailed measures and guidance that will enable a safe phased reopening of schools. I am well aware that my Department cannot deliver the Education Restart programme without the support and confidence of the

education workforce. Over the last number of weeks, my Department has been working to develop the required detailed guidance to support principals and boards of governors to reopen schools in August and September. The guidance has been co-designed with a practitioners group that consists of principals from across all sectors. Their insight has been invaluable, and their willingness to work at such intensity, above and beyond their day job, should be commended.

Schools are provided with regular updates via email and text message, and I wrote to all schools in advance of the initial guidance being issued. My Department has directly advised schools when further supplementary guidance has been published and will continue to do so.

Dr Aiken: I thank the Minister for his answer. I declare an interest as a member of a board of governors who spent three hours on a Zoom meeting last night trying to look at some of those issues.

The drip-feed of information on social media, which seems to have been put out merely to test the water, has been demoralising for many teachers and boards of governors and has created confusion. Will the Minister commit to the schools and parents of Northern Ireland that his Department will only give out guidance that is complete, coherent and gives some certainty and planning?

Mr Weir: I take on board what the Member has said. Unfortunately, during the process, there were two or three occasions when documents were leaked. Sometimes, those documents were for discussion only, giving a range of options, but they were then portrayed on social media or in the wider media as, "Here is what is happening", when it was only one of the options on the table and, indeed, one that had not gone down. That has not been helpful. The leaking of that information by anybody — it came from a number of different sources — has been deeply unhelpful.

On the guidance, there is an attempt to balance, as much as possible, giving complete guidance and certainty, notwithstanding the fact that there is a slightly moveable situation with the overall position, with trying to make sure that the guidance is put in place as quickly as possible. It is about striking that balance. If we were to wait for every piece of guidance that will form part of the overall picture to be there at once, it would probably not be available until some point towards the end of the summer.

We have tried to phase in the main guidance on the new normal school day and any bespoke guidance on, for example, special schools, on remote learning, as soon as we can get it. On the one hand, the message is that people want complete guidance; on the other hand, they want maximum notice.

Schools: Reopening Arrangements

3. **Mr Buckley** asked the Minister of Education for his assessment of how many children will return to school for face-to-face teaching in September. (AQO 495/17-22)

Schools: Social Distancing Guidelines

11. **Mr Frew** asked the Minister of Education how a reduction in the social distancing guidelines, from 2 metres to 1 metre, would impact plans to reopen schools. (AQO 503/17-22)

Mr Weir: With permission, I intend to answer question 3 and question 11 together.

My strategic objective is to achieve the maximum face-to-face teaching time for all pupils at the earliest opportunity. Indeed, the intention is to reach the point of five full days a week, but I will come to that later. The guidance sets out that there will be a minimum of 40% face-to-face teaching in primary schools and a minimum of 50% face-to-face teaching in post-primary schools, with the balance provided by remote learning. However, that is, if you like, a minimum. If schools can achieve more than that in the current circumstances, they should do so.

Whilst the aim is to get as many pupils as possible back to classroom teaching in September 2020, I am well aware that every school is different and every classroom is different. Consequently, in the responses that will have to be put in place, there will be a practical limit to what some schools can do.

Mr Buckley: I thank the Minister for his clarity and for his desire to see schools fully reopen five days a week from September, as the current guidelines permit. The Minister might be aware that schools have been publishing their new timetables, which show great deviation among schools. That has caused much alarm among parents who are getting back to regularised working patterns. For the avoidance of doubt, will the Minister confirm that, if the scientific evidence continues on the same pathway, he will bring to the Executive and the

House a recommendation to remove one-metre social distancing and apply a classroom and social school bubble solution complemented by a hygiene protocol to ensure a full return to education in September?

Mr Weir: Let me make it absolutely clear to the Member: I believe that we are on the right pathway and that we are on a trajectory for further changes to be made. My intention, if that continues, is to bring forward further proposals, before the end of the summer, to enable all schools to be open to every pupil five days a week. That is to the advantage of teachers, parents and schools, but, most of all, it is to the advantage of pupils. It is highly desirable that we reach that point.

The levels of protection that need to be put in place can, in those circumstances, be achieved by different methods. One of the advantages of the guidance that has been issued is that it puts in place a range of mitigation measures that can operate in almost any circumstances.

Let me also make it clear that the guidance is based on the current medical position. If, come September, we are still restricted by that medical position, the guidance that we have issued sets out the minimum that schools should do. There should be no ceiling to what they can do; indeed, I want to make sure that, if we are in that position, no school, in any shape or form, goes below the minimum. Schools should always strive to achieve the maximum. I hope that, in certain regards, that aspect of the advice given will be overtaken by events and that we can reach a point, before the start of the new school year, where what has to be put in place is different and we see every child in Northern Ireland return for five days a week.

Mr Deputy Speaker (Mr Beggs): Again, for the benefit of Hansard, I encourage all Members to address the Chair so that what they say can be clearly picked up.

Mr Frew: I thank the Minister, at a time when we need leadership, for his positive leadership throughout the crisis.

The Minister rightly points out the massive detrimental impact on the education and, indeed, later life of any child who misses a day of school. Will the Minister outline the plans for social distancing in an early years setting? Will it apply? How will it apply?

Mr Weir: Undoubtedly, very young children — this applies to early years but has an impact beyond that stage — cannot reasonably be

expected to remain apart from each other during the day. It is not conducive to play-based learning and development. Taking into account the medical evidence, funded preschool education settings will be asked to organise children into small groups of protected bubbles with consistent membership appropriate to the size and characteristics of the setting. Children in those groups will not be required to socially distance. If you talk to any medical expert, they will say that that is simply not practical. We need to find other mitigation measures, and I think that bubbling will be the route. Social distancing can be applied between the bubbles and adults. Medical experts tell us that there is little danger of transference between children and that we need to mitigate between children and adults. On that basis, I envisage that preschool groups and other early years settings should be in a position to return to a full-time position come the beginning of the year.

Youth Organisations: Funding

5. **Mr McGrath** asked the Minister of Education for an update on the implementation of the funding scheme for regional and local voluntary youth organisations. (AQO 497/17-22)

Mr Weir: Delivery of youth services is the responsibility of the Education Authority, so the implementation of a new funding scheme is in line with my Department's Priorities for Youth policy, which commits to replacing historic funding arrangements with a more consistent, fair, coherent and cost-effective scheme.

After engagement with the sector, key stakeholders and political representatives, including a full consultation on the principles of the scheme, the EA launched its new funding scheme for regional and local voluntary youth organisations on 3 March 2020. In response to the pandemic, I agreed that the implementation of the scheme be postponed until 1 April 2021. The EA Youth Service continues to work to implement the scheme for April 2021. It has reported that there has been consistent engagement with the online application process and that a significant number of applications have already been made across all funding streams.

I am sure that the Member will be aware that there is not always a consistent view within any sector, particularly the youth sector. There are a number of views on the new funding scheme, and a number of organisations have written to me directly. Some wish the scheme to move at pace — perhaps even a greater pace — and others are looking for a further postponement.

After reflection, I wrote to the EA and asked for a short postponement to the application dates — that was raised by some of the uniformed organisations, in particular —but with a view to ensuring that the implementation of the new funding scheme remained at 1 April 2021.

The ongoing development and implementation of the scheme will be kept under review to ensure that it continues to support the services that assist in meeting the needs of our young people.

Mr McGrath: The Minister's answer will give some reassurance to the sectors on the timetables. We are all aware of the critical importance of funding. Will the Minister provide an update on an associated fund that is referred to as "the Minister's fund"? It was the Member for Upper Bann, I think, who introduced it a number of years ago. It was worth over £1 million and was to help tackle problems in disadvantaged areas and provide outreach support to groups of young people who would be on the streets. Has that fund ceased? Has the money been taken back to the Department? Is the money still with the EA and being used for other purposes?

Mr Weir: I do not want one of the Members opposite to accuse me of besmirching his name, but I am tempted to ask if the Minister took it away with him when he left office, but, given the fact that he is still in the Building, I presume that he did not. Rather than give the Member a partial answer, I will write to him with the details.

Autism-specific Learning Centres: Newry and Mourne

6. **Ms Ennis** asked the Minister of Education what plans he has to address the shortage of autism-specific learning centres in post-primary schools in the Newry and Mourne area. (AQO 498/17-22)

Mr Weir: The Education Authority is responsible for the provision of autism support units. Any significant change to a school, such as the addition of an autism support unit, requires the publication of a development proposal, which is a statutory process.

The EA's current proposals for change are listed in its action plan for 2019-2021, which is broken down into local government districts. The action plan for the Newry, Mourne and Down local government district contains two actions in relation to autism-specific provision in post-primary schools: one for the Downpatrick

area and one at St Mark's High School, Warrenpoint. Those changes would form part of a regional approach to reconfiguring special schools and pupil support provision at mainstream schools.

2.15 pm

Ms Ennis: I thank the Minister for his response. I am sure the Minister agrees that it is wholly unacceptable that, if your child has autism and you want them educated in a mainstream setting, you have to travel outside the south Down or Newry, Mourne and Down District Council area. That is unacceptable and it has to end. I encourage the Minister to use his influence with the EA to make sure that these development plans are expedited, so that parents and their children are not further disadvantaged.

Mr Weir: The Member raises a very important point about the provision for autism, and the wider context. There are two responses to that. For placements for children with particular special educational needs, we are working with EA to make sure that, whatever the longer-term position, we provide interim solutions that can be put in place so that there is adequate provision, as we move into September and beyond.

I am keen to see any development proposals move ahead as quickly as possible. The former Minister, sitting opposite me, will be able to testify to that. The one slight restriction we have on development proposals is that, as Minister, I am the person who will give a legal ruling on whether to agree a particular development proposal. Often, proposals are so obviously virtuous that it would be difficult for anybody to say no to, but legally I am bound not to take a pejorative view, for or against any particular development proposal. We want to see the overall process moving as quickly as possible. Where we can find uncontroversial development proposals, I want to see if there is a different methodology by which those can be fast-tracked.

Obviously, I cannot comment as regards individual development proposals. Apart from the broader process, it is difficult for me to say, "I want this individual proposal done at a quicker pace", because I have to give the legal ruling on that. However, I am sympathetic to the points the Member has raised.

SEN: Post-COVID-19 Support

7. Mr Blair asked the Minister of Education what support services are in place for children with special educational needs following the closure of schools and special schools as a result of COVID-19. (AQO 499/17-22)

Mr Weir: Vulnerable children, including those with statements of special educational needs, have been prioritised since the start of lockdown, with schools, including special schools, encouraged to remain open for the provision of supervised learning.

Each child with SEN has their own individual needs. Sometimes, we have a stereotypical view of special educational needs and there is a wide spectrum of those needs. Approaches are, therefore, tailored to the individual pupil by the teacher, in conjunction with the school's SEN coordinator (SENCO).

Schools put in place innovative arrangements, reflective of pupil age, developmental stages and their SEN. Examples of this include learning packs, online learning, and sensory and other specialist equipment that has been delivered to homes. The Education Authority SEN Pupil Support Services have provided ongoing support to parents, children and young people during COVID-19 by telephone, and have developed an extensive suite of online resources. The Middletown Centre for Autism has remained open and operational, to deliver high-quality remote support to children and young people with autism and their families. They have also developed new online training for educational professionals, including classroom assistants, and are delivering a number of webinars during the summer.

The Continuity of Learning project, initiated by the Department and coordinated by EA, provides an opportunity for practitioners, school leaders and education support organisations to work together to produce and disseminate high-quality online guidance, providing for the emotional health, resilience and well-being of learners, and facilitating the progression of learning.

I recently issued guidance to schools which provides advice and support designed to bring together what we are learning about emerging practice, during this unprecedented time for the education sector.

Mr Blair: I thank the Minister for his answer. Given that so few direct support services have been in place for the most vulnerable special educational needs pupils during COVID-19, I ask whether the Minister has secured the

special school places for the 150 pupils still unplaced, who are waiting for placements?

Mr Weir: We are working with the Education Authority, because theirs is the direct responsibility to place pupils. Let me make it absolutely clear. Not everybody gets the place that they want. At the beginning of each summer, there is always going to be a small number of pupils who will be unplaced. To have this number of unplaced children with special educational needs is totally unacceptable.

We are working with the Education Authority. Indeed, last week, while I was in the House, my officials met representatives of the EA. The issue has arisen through long-term systemic failures in the Education Authority, which was subject to an internal report. While some work has been done on that, the level of progress has probably been limited by the response to COVID. We are trying to work with the EA to provide longer-term solutions so that issues of that nature do not arise again, while also being mindful of the fact that whatever long-term solution is put in place by way of a development proposal or, indeed, long-term provision, that is not something that will automatically solve the problem for those particular families. We are looking to solve it for every family. As such, we have been working up a suite of interim solutions with the EA that will feed into the longer term in order to ensure that, from September, all those children will have placements. In particular, that is about providing additional facilities and opportunities because, obviously, some of the limitations that exist with regard to SEN placements do not simply apply to schools that have pressures with mainstream admissions.

Schools: Reopening Arrangements

8. **Ms Sugden** asked the Minister of Education how his Department plans to support teaching and non-teaching staff to return to the classroom for the 2020-21 academic year. (AQO 500/17-22)

Mr Weir: My Department's key focus has been to support and secure, as far as possible, the continued learning of pupils at home and in school during the current pandemic and beyond. The major strategy for achieving that will continue to be the production and dissemination of high-quality support and guidance for schools, learners and parents.

My Department, in collaboration with the EA, CCMS and CCEA, has collated, developed and disseminated a wide range of resources that

will support schools and teachers as they prepare for the new school year. Recent examples include operational guidance on moving to blended learning, feedback and assessment, transition and pupil engagement.

My Department has also produced system-level guidance for schools on supporting remote learning and guidance for schools on curriculum planning for 2020-21. The key message of the guidance is that the aim for 2020-21 is to support pupils to be motivated to learn and to become skilled and independent learners through a curriculum that gives equal emphasis to knowledge, understanding and skills.

Furthermore, I have directed CCEA to put arrangements in place to ensure that young people can progress to the next stage of their learning with confidence in the qualifications that they have attained. CCEA is also exploring how young people can best be supported in the upcoming year to realise their potential to achieve high-quality qualifications.

The COVID-19 situation continues to move rapidly. Further guidance will, therefore, be provided and updated as the context changes.

Ms Sugden: I thank the Minister for his answer. If the current advice remains in September that the distance between teachers and pupils must be two metres, or even if that were reduced to one metre, what challenges would that present for teaching assistants, in particular, who support children with special educational needs in the classroom? If we move towards a classroom bubble, again, how would that work for teaching assistants who may support children across various classrooms?

Mr Weir: I will make two points. First, with regard to movement and the extent to which a classroom could be hermetically sealed, particularly for adults, to the extent that there would be no movement, part of the aim of the bubble would be to try to minimise cross-contact, even, for instance, for those at the upper reaches of the school, where a bubble would not necessarily occur. Therefore, the challenge is not simply with the bubble but with minimising movements between classes and indeed, for example, trying to get particular children to be in the same seats as much as possible. Secondly, we are following PHA guidance with regard to teaching assistants specifically. One significant element of that will be the issue of PPE. There is an acceptance that, in general, in most circumstances, teachers would not routinely require PPE, but that some PPE would be available. However, there are those who

deal with children with particular special needs or vulnerabilities, or who provide more intimate care of a child. Those are the areas that have been highlighted in the guidance. Again, it will be on the basis of following the PHA guidance. There may well need to be additional protection. The health and safety of our children and the workforce in general will be paramount.

We also need to be careful that unnecessary levels of PPE are not used. If, for example, all our teachers were going about routinely in PPE, I suspect that, particularly for younger children, it would not only be unnecessary but it could be quite frightening. It will be about ensuring that what is there and the detail of the guidance that is given is consistent with the public health advice at the time.

School Closures: Long-term Impact

9. **Mr Irwin** asked the Minister of Education, in relation to COVID-19, for his assessment of the long-term impact of prolonged school closures. (AQO 501/17-22)

Mr Weir: I thank the Member for his question. Everyone will have experienced the COVID-19 pandemic uniquely. The short-term disruption has been felt by families and pupils across Northern Ireland. The longer-term impact is more difficult to estimate. Indeed, ultimately, that will be something that we can all make educated guesswork on, but, until we see the impact as pupils return in the autumn, it will be difficult to assess 100%.

Our school leaders and teachers have been working extremely hard over recent months to build, support and develop pupils' learning. Whilst it is important not to underestimate the task facing schools, evidence indicates that missed learning content is not likely to be a long-term problem for most pupils, as long as they are given supportive tools to facilitate learning.

As pupils return to school for the new term, our schools will recognise the key importance of ensuring that pupils have good emotional health and well-being, are engaged and motivated to learn and have the tools and skills that they require for learning.

While many pupils will have coped well with engaging with remote learning activities, some pupils may return to school disengaged and require support to re-engage and move on with learning. I am confident that schools will identify and support those pupils who are most likely to experience difficulties in engaging with learning.

On the long-term impact, schools will be considering the ways that they can address the experiences of COVID-19 in the school environment. It is important to help pupils share and reflect on their experiences, to help them consolidate their thinking and then be ready to move forward.

Mr Irwin: I thank the Minister for his answer. What is the likely impact of educational disadvantage of the COVID-19 pandemic?

Mr Weir: Taking a rough guide of children and young people who are entitled to free school meals, overall, the figures suggest that, in general, those children have been doing less well in school than other pupils. So, it is a priority to ensure that that attainment gap is closed. I am obviously concerned that those school closures have had the opposite effect.

Research indicates that children who have missed significant periods of schooling due to authorised absences see a larger impact on attainment. I will be looking at it on two fronts: first, to re-engage schools to provide support for continuity of learning. I am looking to put in a bespoke programme to target those children from socially deprived areas to provide that additional support; secondly, I hope to move fairly swiftly on the expert group dealing with underachievement in schools, which is identified in 'New Decade, New Approach'.

I am also conscious that, as well as the learning difficulties that children will have, there will be a clear range of mental health difficulties, emotional difficulties and behavioural difficulties. I am keen to support those issues as well. Every Minister would always like to be able to spend more, but there is an increase in the Department of Education's budget this year to deal with mental health issues and support. So, we will look to develop schemes around that, which can provide support to our young people.

COVID-19: Contingency Plans

10. **Mr Chambers** asked the Minister of Education to outline any contingency plans he has in place for a second wave of COVID-19 in autumn 2020. (AQO 502/17-22)

Mr Weir: The COVID pandemic has presented significant challenges right across our society. This has been a particularly difficult time for children and young people, parents and carers and the education workforce.

The education workforce, alongside parents, has risen to the challenge and responded in an effective, innovative manner to minimise the impact of the disruption, while appreciating that distance learning is, and ultimately can be, no long-term substitute for the benefits of attending school.

2.30 pm

We are extremely fortunate that the strengths of our education system have supported and facilitated the transition to distance and online learning. We have a very skilled workforce that has been committed to adapting to the current situation. We also have something that is the envy of other jurisdictions: a centralised education ICT infrastructure framework, with substantial capacity and a wide range of applications to enhance learning in a secure environment.

Plans for reopening schools are flexible and will be guided by the prevailing scientific evidence. The guidance provided has set out minimum standards for face-to-face teaching based on current planning assumptions, and I indicated earlier that it is my hope that schools will be able to deliver more than that and achieve the maximum as we move ahead. However, some of this will depend on school size.

The guidance given to schools can be a template for flexibility, not only for the circumstances of individual schools, but to enable schools to adapt their provision in the light of a potentially changing wider situation. All guidance prepared by my Department on the safe reopening of schools will be reviewed regularly and updated as appropriate.

I am also conscious that we must proactively plan for any further disruption that may occur. My Department and its partners are working to capture lessons learned from the current management of COVID-19 disruption to ensure that there is increased preparedness for the future. It is also important to capture any positive lessons learned — for example, the more extensive use of technology for teaching — and learn how those lessons can best be applied in the future for the benefit of teachers and learners, and, indeed, the wider economy. Work will increase in the coming weeks to ensure that the Department and the education system can respond quickly and effectively in the event of further disruption.

Mr Chambers: Minister, I have just come from a meeting of the Health Committee. Despite one member there considering or suggesting

that we are actually through the pandemic, I think that we all realise that the virus has not gone away. If, God forbid, we should find ourselves back in the situation of March, would you consider a complete closure of schools again or would you look at a different approach?

Mr Weir: The Executive as a whole will be driven by the wider medical situation and by the evidence. I think that anything that leads to the closure of schools is very much the last-case scenario that we want. It is undoubtedly the case that, in the impact on learning — more, indeed, from the point of view that children are distanced from their peer learners — it will have a very detrimental effect on them as individuals, as well as impact on the economy, on parents and on schools.

I would look to take every step possible before reaching that point, and it would only be where it was necessary. We need to look at the wider implications for society, not simply for education but for mental health, and the impact that a complete shutdown has on the economy, not just from a financial point of view but from a broader health perspective. Any complete lockdown will simply increase poverty, and poverty, as well as the virus, will kill. We need to have, as much as possible, bespoke arrangements that can deal with the situation.

As I indicated, one of the advantages of the guidance is that, if there is a shift, either towards a complete recovery of schools or, in the worst-case scenario, a more limited provision, the advantage of the development of remote learning in particular has been that there is an opportunity to move along the spectrum if we absolutely need to. Let me reiterate that, while I completely take on board the Member's point that we are not through the pandemic, it is ultimately about trying to cope with it as best we can. The overriding objective and aim that I and, I think, the Executive have is to see schools fully open for all children, all the time, five days a week.

Key Stage 4 Development Proposals

12. **Mr Beattie** asked the Minister of Education how many schools, across all sectors, have submitted development proposals to his Department to allow the teaching of Key Stage 4. (AQO 504/17-22)

Mr Weir: To date, no development proposals have been submitted to my Department for the establishment of Key Stage 4 provision at a post-primary school. With the exception of

junior schools, which are included in the Dickson plan, and St John the Baptist's College in Portadown, post-primary schools already offer Key Stage 4 provision.

Mr Beattie: I thank the Minister for his very pointed answer to what was a very pointed question, and I congratulate the Minister for his leadership in taking that pragmatic decision, outside of process, to allow St John the Baptist's College to become a Key Stage 4 school. That really did transform things for a lot of people in that area. Therefore, I ask the Minister to show the same leadership and the same pragmatic thinking to allow Lurgan Junior High School to become a Key Stage 4 school so that we no longer have to send pupils to the Lurgan campus of Craigavon Senior High School, which has systemic and long-term safeguarding issues.

Mr Weir: I am always slightly concerned when the Member starts to praise me, because I think that there is always a potential sting in the tail. Let me make it clear that specific provision has been made for this year and this year alone to allow St John the Baptist's College to provide a syllabus at Key Stage 4, given the circumstances where an overwhelming proportion of parents — around 90%, I think — were keen for interim arrangements. That is not the same as a development proposal, and, indeed, it is not necessarily the acceptance of Key Stage 4 at St John the Baptist's College. This is about an interim position, and, consequently, St John the Baptist's College will still need to come forward with a development proposal, which will be considered on its merits.

Similarly, if Lurgan Junior High or, indeed, any other school, as part of the overall process, comes forward with a development proposal, it will be taken on its merits. I am acutely aware across the board of the need to ensure that, whatever provision is made for our pupils, it is done in a safe and healthy environment, particularly given some of the conditions. I appreciate some of the constraints that are there with some of the physical buildings in the system.

Childcare Sector: Support

13. **Mr O'Toole** asked the Minister of Education what support he plans to provide to the childcare sector to enable parents to go back to work. (AQO 505/17-22)

Mr Weir: I thank the Member for his question. My Department has worked closely with the Department of Health to respond to the COVID-

19 pandemic and, in particular, to provide the childcare sector with a support scheme to address concerns surrounding the viability of childcare providers for the period April to June. In addition, we are considering further funding, which has been sought from the Department of Finance, to continue support for the childcare sector in July and August. The details of this follow-on scheme are being developed and will be finalised based on the amount of funding provided by the Executive. The primary objective will be to support the reopening of childcare provision while they adhere to the Department of Health's COVID-19 guidelines. For some, this may necessitate operating at reduced capacity for a period of time, hence the need for ongoing support.

In broader terms, the childcare recovery plan is designed to enable the childcare sector to keep pace with the gradual reopening of the economy. We need to see some alignment between the two, and the plan ensures that all parents are now eligible to access childcare in order to return to work. As schools begin to open, it will be important to ensure alignment between school restart plans and childcare provision so that the impact on working parents is kept to a minimum. If a child is not at school, the availability of childcare may become essential. However, the strategic objective is to have children back in school on a full-time basis as soon as possible. As we move towards what is sometimes referred to as the new normal, the importance of quality childcare provision for our children, our parents and our economy has been recognised.

Mr O'Toole: I thank the Minister for his answer. I appreciate that he said that there has been an intention to support the childcare sector, but, unfortunately, many parents and, indeed, parts of the childcare sector do not feel that that support has come through. Indeed, we know that there has been a challenge for many in the sector accessing that money.

I do not want to preempt the June monitoring round, but can he assure me that if money is announced for additional support for the childcare sector, it will get properly to the childcare sector, the sector will have the information that it needs to access it and parents will have a clear road map to how they can go back to work and how, if other kids in the family are going to school, that can work clearly and in a joined-up and coherent way? Unfortunately, there is a huge amount of confusion out there at the minute, Minister.

Mr Weir: I understand that. It is clear that, if there is further funding, it has to be with an

adjustment to the system. Some of those adjustments have taken place. For example, one of the problems was that, initially, there was a very narrow definition of key workers by the Department of Health. To be fair, the Department of Health has accepted that and has aligned its key worker situation with the rest of the Executive's position. From yesterday, we have moved to a position beyond key workers; everybody is in a position to apply to access childcare in those settings.

There have also been issues around the progression of the roll-out of money. Part of the problem is around the uptake and applications. With the range of other schemes available and alternative options, a lot of childcare settings were seeking another route. It is critical that we have that alignment, particularly with regard to the reopening of schools. The pressure on the childcare sector, if we do not get a full reopening of schools, will exasperate the present situation.

Additionally, the road map that the Executive have adopted around childcare recovery acknowledges changes within the family setting that will allow informal childcare to take place. That is not only important in providing alternatives but means that there will not be the same pressure or temptation for people to use unregistered childcare, which, in itself, has safeguarding issues.

It is a combination of all those things. We need to make sure that everything is aligned and, without sounding too much like an economist, that the supply and demand march hand in hand as we move forward, over the next few months.

Post-primary Admissions: Guidance

14. **Mr Muir** asked the Minister of Education to outline the guidance his Department provides to post-primary schools on admissions. (AQO 506/17-22)

Mr Weir: I thank the Member for his question. My Department provides guidance to, amongst others, principals and boards of governors of post-primary schools on the arrangements for transfer from primary to post-primary. Information is contained in a number of circulars, the most recent being 'Circular 2016/15 - The procedure for transfer from primary to post-primary education'. The circular includes information and advice on a range of issues and lays out the respective roles of the Department of Education, the Education Authority, post-primary schools, primary

schools and parents. It provides information on boards of governors' statutory obligations to set admissions criteria to be used in the event of a school being oversubscribed with applicants. It also provides examples of criteria that my Department recommends and recommends against. How a school sets its criteria will determine a rank order of pupils for each school. The circular also provides advice on areas such as the age that a child is eligible to transfer to post-primary education; the process for setting admissions and enrolment numbers, and the process for varying those numbers; how the admissions procedures should operate; the arrangements for admissions appeals; the exceptional circumstances procedure; and the operation of waiting lists.

As the Member can see, it is not only comprehensive but complex. Boards of governors have a legal duty to have regard to the Department's guidance when setting admissions criteria.

Mr Muir: For the record, I declare that I am on the board of governors for Priory Integrated College in Holywood. Over recent times, the Minister has said that there needs to be an alternative proposed to academic selection and the transfer test. The Department issued it. After months of disrupted learning, why does the Minister not advocate that all schools follow the guidance that has already been issued by his Department?

Mr Weir: Sorry, I did not say that there should be an alternative to academic selection, and I am sure one of the Members sitting opposite would be very quick to point that out. I have said that some of those who are advocating the setting aside of a transfer test, for instance, for this year, have not provided an alternative. That is different.

Ultimately, it is within schools' powers and constraints to apply their own admissions criteria. I have raised concern about some of the schools that are seeking to move away from academic selection for next year. At present, what they suggest as the most likely route is one that seems to be based on the pupil's connections with the school. For example, a sibling at the school, their mother or father went to the school or a staff member at the school is a parent. That runs the danger of places at those schools being selected, effectively, by the old school tie, a hereditary grammar school place. Anyone making an argument that that is a fairer system to the complexities or constraints of a test is not providing a sensible solution.

2.45 pm

I am aware that there will be some schools of a bilateral nature that may move between having a percentage of their pupils who are non-selective and some who are selective. In many ways there is a logic that if they want to adjust between those criteria then that is perfectly fine. However, the point is that I do not believe that a fair alternative has not been provided. I support the right of schools to use academic selection when they are oversubscribed, and I also believe that the use of academic selection has, overall, worked well for our society and our school system.

Mr Deputy Speaker (Mr Beggs): Members, our time is up for questions to the Minister of Education.

Finance

Mr Deputy Speaker (Mr Beggs): We now turn to questions to the Minister of Finance. Tom Buchanan is not here. We will take our ease for a few moments. With the existing restrictions, not all Members can be in the Chamber and that is the case on this occasion.

I now call Mr Buchanan to ask the first question.

PSNI: Funding for Additional Officers

1. **Mr T Buchanan** asked the Minister of Finance whether he will make funding for additional police officers, as agreed in New Decade, New Approach, available as a matter of urgency. (AQO 508/17-22)

Mr Murphy (The Minister of Finance): In the 'New Decade, New Approach' document (NDNA) the British and Irish Governments set out a number of priorities for the Executive, including increasing police numbers to 7,500. However, the funding package accompanying NDNA falls well short of the amount needed to deliver all those priorities.

In terms of length of process, therefore, the key factor to increase police numbers to 7,500 will be the availability of Executive funding. I met the Justice Minister prior to setting the Budget in 2020-21. At that point the PSNI's proposals to increase police numbers were still under development.

The Department of Justice has subsequently submitted a strategic outline business case seeking Department of Finance approval for the

PSNI to proceed to the outline business case stage for an additional 600 officers, at a cost of £40 million per annum. Subject to the outcome of the appraisal process, it will be for Department of Justice to bid for any additional funding. The Executive will consider that in light of the funding available.

Mr T Buchanan: I thank the Minister for his response. It is disappointing that the money still has not been delivered to increase police numbers, as is in 'New Decade, New Approach'. Will the Minister give any indication or timeline for when he intends to come to the House with a more positive response, to say that the money has now been delivered to deliver on the commitment in 'New Decade, New Approach' to bring the police up to the quota that they are looking for?

Mr Murphy: If the money had been delivered by the Governments, as they proposed and promised, there would be no question over how the Executive have to meet these commitments.

I have no doubt that the Executive takes the NDNA commitments very seriously. There is a range of commitments but we have to get a process. We could not just agree on 11 January and then on 12 January start the recruitment of police officers. There is a process. I have engaged with the Department of Justice, which has indicated the outline business case and that it is preparing to move to a business case. That is a process that has to be gone through. Then, when that process reaches its conclusion and a proposition is brought to the Executive. Part of our return to this Chamber was to honour the commitments that we made in the 'New Decade, New Approach' document. It would be much better if the Government honoured their financial commitment, and then, as I said, there would not even need to be a conversation in the Executive as to how these things would be funded.

NICS Pay Offer 2019-2020

2. **Mr Carroll** asked the Minister of Finance for his assessment of the 2019-2020 Northern Ireland Civil Service pay offer. (AQO 509/17-22)

Mr Murphy: My assessment is that, at 2.65% of the pay bill, the 2019-2020 Civil Service pay award represents an above-inflation pay rise.

Mr Carroll: I thank the Minister for his reply, even if it was short. In a previous debate, his party colleague Mr O'Dowd referenced the need to tackle low pay, which I agree with. Given that

Civil Service workers have been working hard throughout the pandemic, and for many years a lot of them have been forced to take up an extra job, will the Minister commit to paying Civil Service workers an above-inflation offer, to help deal with the extra costs and pressures of everyday life, especially those associated with COVID-19?

Mr Murphy: We voted for the Budget to give low-paid workers an increase, but I think that the Member did not vote for it. I fully accept that workers are under pressure, which is why we made an offer to the trade unions. Unfortunately, they could not fully consult on it because of the COVID restrictions. The overall award is worth 2.65% on the Civil Service pay bill. The award for civil servants at the lowest pay grade was 3%, which was a further 2% increase on 2019, meaning that the lowest paid civil servants have received a 5% increase across the last two years. I fully recognise the commitment of many in our Civil Service who have stepped up to the plate during the pandemic and the emergency that we have faced, and it is important to recognise that with an above-inflation pay rise, which is what I have offered.

'Transforming Land Registers: The LandWeb Project'

3. **Mr Chambers** asked the Minister of Finance why the recommendations in the Public Accounts Committee report 'Transforming Land Registers: The LandWeb Project' were not implemented fully. (AQO 510/17-22)

LandWeb Project: Review

8. **Mr Dunne** asked the Minister of Finance, in the light of the recent Northern Ireland Audit Office report, whether he plans to review Land and Property Services' LandWeb project. (AQO 515/17-22)

Land and Property Sales: Charges

12. **Mr Irwin** asked the Minister of Finance why people registering land and property sales were overcharged. (AQO 519/17-22)

Mr Murphy: A LeasCheann Comhairle, with your permission, I will group questions 3, 8 and 12, as they were all asked in response to the Audit Office's report on the LandWeb system.

I fully accept the findings of the Audit Office's report, which was published on 16 June, and my Department is implementing its findings.

The PAC report from 2010 made eight recommendations, most of which have been implemented. One that remains outstanding relates to the contractual arrangements for LandWeb and measures to demonstrate value for money.

The Audit Office report acknowledges that cost savings of £1.8 million were negotiated as part of the 2019 to 2021 contract extension. I expect that further improvements will be secured from the negotiations on the arrangements for delivering the service after 2021, which is when the current LandWeb agreement expires. Those negotiations have already started and are being led by the permanent secretary in my Department. The Audit Office has welcomed that and the involvement of the British Government Commercial Function's complex transactions team.

Two of the PAC's recommendations were on the fees that were charged by Land Registry. Those were addressed when a revised fees order was introduced in 2014. However, the combination of an increase in property transactions and improved efficiency in Land Registry saw surpluses generated again from 2017 onwards. My Department is working on a new fees order that will take effect in 2021.

I cannot say anything further on these issues as the Public Accounts Committee has indicated its intention to take evidence on the Audit Office's update report on LandWeb. Indeed, it has prioritised it to be the subject of its first session in September.

As Members should be aware, the PAC has primacy on considering NIAO reports. While matters are under consideration by that Committee, I must be careful to not be seen pre-empting or prejudging either the PAC report or the subsequent ministerial response

Mr Chambers: Minister, thank you for your answer. Would you consider excluding BT from any future competition?

Mr Murphy: I am not sure that it would be legal to set out to exclude someone before the negotiations have been entered into. Bear in mind that the contract was awarded in 1999 and has been reviewed since. Clearly, the Audit Office report has thrown up questions and issues that need to be addressed, and I do not doubt that they will form part of the consideration on renewing the contract. The contract will be up for renewal in 2021, and, obviously, we cannot preclude anyone from being involved, but we will certainly look at the

lessons learned from the handling of the previous PFI contract.

Mr Dunne: I thank the Minister for his answers. Does he recognise that the LandWeb project was not value for money, considering that the original contract was £46 million and that by April 2019 it was almost £100 million? How did we justify the continuous extensions from 2016, which has brought us to an excess cost of over £107 million?

Mr Murphy: As I said, it was a PFI contract that was awarded in 1999, when PFI was touted as being the answer to quite a few public expenditure issues. Some of those contracts have worked, but quite clearly some of them did not work as intended and arguably did not represent value for money. So, I do not have an issue. There are lessons that need to be learned in relation to all of that. I do not want to pre-empt the Public Accounts Committee's findings after its consideration of the report, but undoubtedly we are taking steps to deal legislatively with the charging issue. That will be done by 2021. It could not be done over the three-year period when the Assembly was down. We will take steps to deal with that and will begin the discussions on the replacement of that contract. I anticipate, and I will ensure, that the lessons that are learned from this report are part of that consideration.

Mr Irwin: I thank the Minister for his responses. Will those who have been overcharged be reimbursed?

Mr Murphy: *[Long Pause.]* This is the trouble with taking three questions at once.

I understand, from reading this, that the charges would not be reimbursed. The report acknowledges that the Department was unable to produce a new fees order to manage surplus fees due to the absence of the Assembly, and the Department is urgently progressing a revised fees order, which is to be in place by 2021. The fees collected by Land Registry over the last three years were lawfully levied under the legislation that was in force at that time. There is no statutory provision under which the Department could return any portion of the fees levied in the past.

COVID-19: Small Business Grant Scheme

4. **Mr Humphrey** asked the Minister of Finance what percentage of applicants to the COVID-19 £10,000 small business grant scheme have not

yet been notified of the outcome of their application. (AQO 511/17-22)

Mr Murphy: Between 26 March and 26 June, the Department made 23,658 payments under the small business support grant, worth a total of £236.58 million, to businesses here. I know that many Members recognise that that has been an exceptional effort by staff who are working in very challenging conditions. In total, 24,768 applications were made to the £10,000 small business grant scheme. As of 26 June, 23,532 applicants, or 95% of all applications received, had been notified of the outcome. A total of 432 applications are still being processed by Land and Property Services. In almost all of those cases, the Department is waiting for information or clarification from the applicant.

Mr Humphrey: I thank the Minister for his answer, and I thank Her Majesty's Government and the Northern Ireland Executive for the easements to Northern Ireland businesses. Small business is the backbone of the Northern Ireland economy and the support that it has been receiving is hugely important. I welcome those figures, which show the importance of the Union to Northern Ireland.

Some small businesses have not yet received information on their application. How quickly can we get that to them so that they can survive and so that we can preserve jobs as we go forward?

Mr Murphy: This may be part of my statement to the Assembly later, but the Member may be aware that a total of £63 million across the three business support schemes — the £10,000 grant, the £25,000 grant and the business hardship fund — has been surrendered back unspent. £65 million has been unspent, £53 million has been returned and some money has been held for legal purposes by the Department for the Economy. The Executive had a preliminary discussion yesterday about how we will use that £53 million, and there is a strong desire across the Executive to address some of the sectors that managed to fall through the cracks, like social economy, childcare, sole traders, which is a very difficult category to deal with, and some other sectors that have not managed to avail themselves of any of the support packages to date. We will continue that discussion in my Department, and we will work on assessing the costs if we were to address some of those sectors and on what use can be made of the £53 million that the Department for the Economy has surrendered.

Constructionline

5. **Mr Storey** asked the Minister of Finance for his assessment of the benefits of Constructionline to the procurement process in Northern Ireland. (AQO 512/17-22)

Mr Murphy: The use of Constructionline reduces tendering costs by removing the need for suppliers to submit their annual accounts each time they apply to tender for a construction contract. That is particularly beneficial for smaller firms as it means that valuable resources can instead focus on delivering projects. Given the impact of the pandemic, it is more important than ever that construction projects are brought to the market as quickly as possible, and Constructionline also saves buyers time by providing a standard assessment of each supplier's financial standing.

Mr Storey: I thank the Minister for reading what the Department gave to him. Undoubtedly, the issue always is, when we come to the House, how the Department views itself on many of these things.

Sadly, many in the construction business will not share this positive response about the practical help given by Constructionline and the procurement process. The Minister knows that this is an issue. I have written to him a number of times on —.

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

Mr Storey: The Minister specifically referred to post-COVID. Will he give an assurance that serious consideration will be given to the help that companies need to allow them to be proactively involved in procurement through Constructionline in a way that is beneficial to them and to start the economy again in Northern Ireland?

3.00 pm

Mr Murphy: As the Member probably knows, Constructionline is a private-sector company that provides a service that is useful in the procurement process. The process gives the financial assessment of companies, offers various levels of registration and makes offers which are proportionate to suppliers' turnover. I imagine that those who are using it will find it of some benefit.

I recognise what the Member has said about procurement. It is a key discussion for us coming out of COVID. The Departments — all Departments — have had the ability, when pressed, to turn things around quickly. Things that would ordinarily have taken months of consultations and, maybe, pilot schemes and all of that. For example, as I said in response to the last question, business support grants have been 95% effective thus far, which is remarkable.

The lessons we have learned from the pandemic can be applied to how Departments can be proactive, engage with sectors, ensure they talk to sectors and how they can best help return the economy to as full a throttle, if you like, as is possible. Clearly, construction is a key part of that as is the public sector procurement of construction. We have been working with CPD to engage with the construction industry on the safety of returning. We have also instructed Departments to bring forward projects and to make sure that issues which may hold up projects are brought forward so that projects are at a point of readiness. When construction can get back to full operation, as it is currently doing, we will be ready to go with projects. We want to streamline this process as much as we can and ensure the engagement with the construction sector works as best it can. Of course, we have to protect the public purse as that is part of our responsibility, but the experience of the pandemic shows that we can do both. We can do things better and at pace and still make sure that there is proper accountability for public finances.

Barnett Consequentials: Additional Funding

6. **Mr Allen** asked the Minister of Finance to outline the additional funding Northern Ireland has received from Barnett consequentials in the past 12 months. (AQO 513/17-22)

Mr Murphy: Over the last 12 months, and covering the two financial years 2019-2020 and 2020-21, the Executive has received Barnett consequentials of £847.6 million resource DEL, £152.3 million capital DEL and a reduction in the financial transactions capital of £57 million. This includes farm support payments of £278.6 million which replaces the EU common agriculture policy payments. In addition, the Executive has received Barnett consequentials of £1,442.2 million to address the impacts of COVID-19.

Mr Allen: I thank the Minister for his answer, and for outlining the important additional funding received from the UK Government. The Minister will no doubt be aware of the additional £30 million announced in March — which seems like a long time ago — by the Chancellor for the Changing Places Fund for toilets.

I believe there is no Barnett consequential due for that fund. Can the Minister outline what engagement he has had with Executive colleagues, particularly the Minister for Communities, about setting up a similar fund for Northern Ireland?

Mr Murphy: I have engaged with all my Executive colleagues and we regularly have discussions. Much of the COVID money we received has been spent because we wanted to get support out to business. Obviously, our primary function has been ensuring that the health service was able to deal with a pandemic, business support and the protection for vulnerable people you are referring to. We have allocated quite a substantial proportion of the COVID-related Barnett consequentials to those three broad areas.

As late as yesterday, I continued to engage with my Executive colleagues, as part of the monitoring round and reprioritisation, to ensure that we have a collective view of what the priorities are going forward, and some COVID money was spent. Of course, we know there will always be many more bids for funding from the Departments than what is available to distribute to them. However, the Executive set itself priorities in those three key areas when we were responding to the pandemic. We are now moving into a phase of trying to emerge from the pandemic and ensure we kick-start the economy, continue to support vulnerable people and that the health service is able to do what it has to do. That discussion will therefore happen very frequently with all Ministers, individually and collectively, and we will ensure that, whatever they are, the Executive's priorities are met as best we can.

Mr Deputy Speaker (Mr Beggs): Members, we are ahead of schedule. There are only four listed questions remaining to be asked, so I will be taking further supplementary questions after the original questioners have had their opportunity.

COVID-19: Rates Exemption 2020

7. **Mr Buckley** asked the Minister of Finance, in the light of COVID-19, what businesses will be

able to access a rates exemption for the year 2020. (AQO 514/17-22)

Mr Murphy: I am pleased to say that, because of COVID-19, I took the decision to support all businesses here with a rates exemption from 1 April. That rate relief applied to 55,000 properties and included the commercial, manufacturing and service sectors, which are not supported in GB. Most businesses, however, have suffered as a result of COVID-19. I then increased that to a four-month rates holiday, which will save businesses some £135 million in total.

A targeted rates relief scheme will operate from 1 August to provide rates support to in the region of 30,000 businesses in the particular sectors identified, following research carried out by Ulster University, as having the greatest need. The sectors included are retail, with some exceptions; hospitality; leisure; tourism; and childcare. Our three main airports are also included. That will save businesses an additional £178 million in business rates. It is important to remember that a raft of other reliefs and exemptions will continue after 1 August, such as industrial derating, charitable exemptions and small business rates relief, to name but a few.

Mr Buckley: The Minister will know, because I have corresponded with him on the issue, that this is a crucial lifeline for businesses. You talk to businesses out there, and it is the very reason that they will continue trading. We need a clear, definitive list of those targeted, however, with a creative approach from his Department being required to help those businesses that might fall through the cracks.

Given the support that the exemption will bring to mitigating the loss for businesses this year, can the Minister indicate any further measures that he may bring forward for his Department to look at to assist business with recovery?

Mr Murphy: We have taken the rates relief process up to the end of the financial year. There may be merit in other measures, and I will certainly continue to consider other sectors. Remember, however, that that money would then have to come off the Executive's Budget, so we would need Executive approval for that.

The rates relief, the business support grants and so on have been hugely valuable and a huge support to business. I understand that some businesses have not been able to avail themselves of measures for a variety of

reasons, but they have been a lifeline for those that have, as you say.

We are anticipating some announcements from Treasury over the next number of weeks about support for economic recovery. The Executive will watch with interest, and the Department of Finance will be paying close attention to see whether there are any consequences that flow to us from those announcements. The Executive are now very much focused on economic recovery. Whatever we can add to that particular pot, we will. We are looking at other areas, such as Peace Plus money, better use of financial transactions capital, the investment fund and other pots of money that may become available to the Executive that we can use to assist our economic recovery. That is very much the focus of the Executive at the moment.

Dr Aiken: You will be aware, Minister, that I, as Chairman of the Finance Committee, have been asked to talk with other regional Finance Committees about getting to a point at which we are looking to deal with some specific issues as part of the future financial settlement. One such issue is the importance of a reduction in VAT. To get some support for businesses, I ask the Minister whether he will join us and say directly to the Chancellor that we wish to see VAT reduced to 15%, or lower if we can.

Mr Murphy: I have an ongoing and regular discussion with Treasury. I spoke to the Chief Secretary to the Treasury on Friday afternoon, I think, and we raised a range of issues, as do the Scottish and Welsh Finance Ministers. The tourism and hospitality sector, as the Member will understand, is one of the sectors most deeply affected. It is one of the sectors that will struggle to recover, because whatever it can save of the summer season will quickly be lost, and it is then into a very lean time of the year again.

We will continue to press the Treasury on a range of measures. We are talking to it about air passenger duty (APD). We will continue to talk to it about VAT. We understand that there are some considerations over there about what to do on those issues, so we want to ensure that our interests are represented and that things that we consider beneficial to our sectors are very much on the table.

Ms Ennis: The Minister will appreciate the need for public services to work efficiently, and with that in mind, will the Minister give an update on the 'New Decade, New Approach' commitment to review arm's-length bodies?

Mr Murphy: Yes, I brought a paper to the Executive in the last number of weeks. It was a commitment in 'New Decade, New Approach' that, with a view to rationalisation, we would undertake an analysis of the arm's-length bodies. The Executive agreed to my approach and we have circulated a questionnaire around the various Departments. We are then going to make an assessment of arm's-length bodies, associated bodies and non-departmental public bodies, and their value, role and what they contribute in the here and now, and how we may be able to do things better in the future with regard to more efficiency. When that assessment is complete we will bring the paper back to the Executive for discussion on the future of arm's-length bodies, as is in line with our commitment under NDNA.

Mr Deputy Speaker (Mr Beggs): I remind Members to connect their supplementary question to their original question or I may not permit it to be asked.

COVID-19: Financial Recovery Strategy

9. **Ms Bailey** asked the Minister of Finance to outline the Executive's fiscal powers in relation to borrowing and revenue raising for any financial recovery strategy following the COVID-19 pandemic. (AQO 516/17-22)

Mr Murphy: The Executive are able to access up to £200 million of borrowing for capital purposes in 2020-21. However, the Executive are not currently facing pressures on the capital budget which would require access to borrowing. This will be kept under review. It should also be remembered that borrowing cannot be used to fund resource costs unless the Treasury agrees to a capital-to-resource switch.

The Executive cannot introduce charges that would be considered a tax or a levy without prior approval from the Treasury. However, Departments can, and do, charge for services that they provide, where that is considered appropriate.

With the significant additional funding that was provided for the COVID-19 response, the majority of departmental budgets are still to be used for the purposes provided for in the Budget for 2020-21. The second Vote on Account, which has been approved, simply provides the legislative authority for Departments to spend the additional funding that has been allocated. It does not indicate that the Executive are at risk of running out of funds.

Therefore, while the position will be kept under review as the Executive develop their recovery plan, it is not considered necessary to borrow at this stage.

Ms Bailey: I thank the Minister for his answer. I am keen to look at the underspend that has happened with COVID. The Minister told us in one of his previous answers, I think, that there was £52 million from the business support package scheme that was unspent. Is it possible to use that money and to redirect it to those businesses and people who have fallen between the cracks? For example, I spoke to the arts sector yesterday and they are engaging with us — it is cross-party — but most of them have received absolutely nothing. They are crying out for a hardship fund or some sort of rescue fund package, so could we use or allocate money to try and save that sector?

Mr Murphy: Yes. In response to a previous question I said that £65 million was actually unspent. The Department for the Economy have held on to a proportion of that to deal with legal matters, but £53 million was surrendered back to the Executive. We had a discussion at the Executive yesterday — yes, today is Tuesday — with regard to what to do with that. There are differing views, but I know that there is a keenness around the Executive to try to address some of the issues.

I referred to social enterprises and that is one of the issues, and there are a number of other sectors. Multiple premises is another sector that feels that it has not been properly addressed and childcare is another one. There is a range of sectors that were not, perhaps, able to avail of that. Some of them did not quite fall into the charities bracket and some did not fall into the business bracket, so they fell between them.

One thing that you learn over the last couple of months is that there is such a huge variety and complexity in the businesses that we have, so it is very hard to design a scheme that will capture absolutely everybody. So, yes, that £53 million that was surrendered can be reallocated. There is an ongoing discussion and my Department is doing a piece of work in relation to some of those sectors that we have identified. They came to us — I am sure they came to Economy and they probably came to a lot of representatives here — and said, "We have missed out on every single pot available". We will see if we can put together packages to provide support to some of them. However, bear in mind that, once you move out of the rates base as a tool for deciding who is in business, it gets more and more complex to verify who is in business, what they are doing,

where they are and what support they need. However, that should not prevent us from trying our best.

Mr O'Toole: With regard to the question that Clare Bailey asked about borrowing powers, does the Minister agree that Northern Ireland faces a long-term crisis in investment? The major challenge in our economy is that we have underinvested for decades and we have low productivity and skills. Therefore, the fact that we are not investing enough and that we have consistent capital underspends, including the financial transaction capital, is not acceptable.

Does he also agree that it is worth communicating to the Prime Minister in London that there are bits of investment that this economy needs far more than a boondoggle, crackpot scheme to build a bridge between Scotland and Northern Ireland and that he should stop gaslighting us by coming up with preposterous ideas like that?

3.15 pm

Mr Murphy: I do not think that anyone apart from himself takes him seriously on those issues. If ever you want a distraction story, that is one to go for.

Yes, it is unacceptable that so much financial transactions capital is not availed of and goes straight back. We could carry over something like £20 million, but that goes back to Treasury. Legislation was to have been passed in Westminster last year to change the status of the Housing Executive to allow it to avail itself of some of that. That would have improved the situation, but it did not happen because legislative time ran out. The Department later today, I think, will bring through the Final Stage of a Bill that deals with that issue.

Once we have that fixed, we will fall into a situation where we have not been able to spend capital. For different reasons, we will probably end up facing into a capital underspend, possibly at the end of this year. We have not yet got a straight answer from Treasury on whether we will be able to transfer that sum to resource. We are encouraging Departments to bring forward capital schemes as best and as quickly as they can, because capital spend will be one way to pump-prime economic recovery. There is no doubt that, for different reasons, capital spend will continue to be challenged this year. However, at this early stage, we are encouraging Departments to do all that they can to ensure that we spend as much as we can.

Mr O'Dowd: The Minister referred to the £53 million underspend. He will be aware that that will come as a body blow to many business sectors that have not yet received support from the Department for the Economy. He will be aware that the Economy Committee has been lobbying strongly for sole traders. Will sole traders be part of the discussions on how the money should be redistributed?

Mr Murphy: The underspend was actually £65 million; £53 million was returned. All sectors that did not manage to avail themselves of previous business support grants should be considered, and sole traders is one that we are looking at. I know that, when the Treasury was doing a scheme, there were particular difficulties in making sure that it correctly identified those who qualified as sole traders. There is complexity to that, but that is not to say that these issues should not be looked at.

You are correct of course: as, I am sure, everyone here is aware, a range of sectors have come forward to say that they have not been able to avail themselves of this and have missed out. Now that the money has been surrendered, we have an opportunity. The Executive are looking forward to economic recovery and at how to target economic recovery, but this pot of money was used in the middle of the pandemic to keep people afloat. So, while there are still people who have not been reached, there is a valid argument for looking back to see how we achieve some of that with the outstanding money.

COVID-19: NICS Childcare Support

10. **Ms Sugden** asked the Minister of Finance what support is being provided to civil servants with COVID-19-related childcare issues to allow them to continue to work from home. (AQO 517/17-22)

Mr Murphy: I appreciate the severe impact that the COVID-19 outbreak has had on childcare availability and the resulting challenges faced by parents who are working from home. NICS has worked hard to support staff to manage their workload against their parental caring responsibilities. Staff are supported with a blend of flexible working arrangements and the use of technology, including the provision of laptops and access to tools such as Webex videoconferencing. An additional 5,750 laptops, around 4,000 reconfigured desktops and 1,400 new mobile devices — tablets and smartphones — have been issued to allow staff to work from home.

Flexitime arrangements allow staff working from home to manage how they arrange their working hours to balance commitments. Staff can discuss and agree with their managers, who are in the best position to support them, how domestic arrangements, including childcare, can be managed during these challenging times. Staff may consider applying for special leave, take annual leave or wish to discuss with their manager a temporary change to working patterns or contracted working hours. Managers are very much encouraged to consider all such requests sympathetically.

Ms Sugden: I am pleased that the Minister was able to put on record the support that is being provided as a response to COVID-19 to enable Northern Ireland civil servants to work from home. As we emerge from the pandemic, I am being contacted by constituents who work for the Northern Ireland Civil Service, who say that they are being asked to come back to work and that childcare arrangements are not being taken into account. Will the Minister provide the NICS COVID-related policy on working from home to the Assembly so that we can provide it to the constituents who are making those queries?

Mr Murphy: Yes. I appreciate the challenge for people coming back, and that is why we have included childcare in the additional rates relief and why we are looking at childcare as a specific sector for support. There are particular challenges in getting childcare in place, as, of course, if it is not in place, people cannot get back to work. It is a chicken-and-egg thing. It involves more than the Department of Finance, but we have responsibility for NICS.

Yes, I am sure that we can publish or make available the guidance to make sure that people are being properly looked after. The instruction to managers in the Civil Service is to be as flexible and as sympathetic as possible and to understand the challenges that people face. I hope that that is the case. If it is not, we are more than happy to hear from them.

Mr Catney: Mr Deputy Speaker, I think that I owe you an apology for the last time that I was here. I have seen you personally, and I am now making my apology publicly as well. You have a difficult task.

I want to ask the Minister about single-person businesses and businesses with an NAV of less than £51,000. We need to give them as much help as possible, not only financially, although that is the greatest help. Can you, when you speak to the Treasury — this is not unlike what my colleague across the way said about VAT —

look at deferring the big-ticket payments that businesses find themselves making at the end of the year? It would be a help and would give much comfort to businesses that are struggling to open.

Mr Murphy: I see that an apology is the way to win a non-supplementary question [*Laughter.*] I must that remember that trick.

Mr Deputy Speaker (Mr Beggs): The Minister may choose to answer the question or not.

Mr Murphy: I appreciate your flexibility, Mr Deputy Speaker.

Quite a lot of businesses and MLAs have come to us with the problems facing the business sector. I am particularly keen to hear — I put this out to all MLAs — from people who want us to make representations to the Treasury, as we are the Department that engages directly with it. I have a regular engagement with the Chief Secretary to the Treasury, and my departmental officials engage daily with the Treasury. We have been able to point out to the Treasury things that have not worked properly in relation to some of their early responses — the job retention scheme and some of the loans issues. We have been able to engage with them and say, "This isn't working here for a variety of reasons". We have secured some amendments and some more flexibility.

Business support is not simply one package; it will be ongoing support. It will be about finding ways of doing things better. An example is the discussions between Infrastructure and Communities about the use of street space and licensing. All those things are important in supporting the hospitality sector. It is not simply a matter of grants; it is a matter of engaging to ensure that things are made easier for business as well.

Mr Deputy Speaker (Mr Beggs): I call Gordon Dunne to ask a supplementary and to connect it to the original question [*Laughter.*]

Mr Dunne: Absolutely. Can the Minister advise us on what measures are being put in place to encourage civil servants back to work? I know that the Minister has touched on it. We want to ensure that they are in a safe, hygienic environment with the necessary adequate supports.

Mr Murphy: There is a range of measures. One is, as Claire Sugden identified, that childcare is a problem. We have to recognise, now that the childcare sector is not functioning as it was, that

it is more difficult for people to access childcare and that that creates a difficulty. There has to be almost a personal engagement with each civil servant by their manager to see the issues that they face. The initial priority was to allow people to work from home, and there was a huge drive towards that through providing people with laptops, smartphones and other devices and through ensuring that people had the technology to contact and engage with the Department to continue meetings and to continue work from home. Of course, the question now is how we get back and how we get more people back in. That will involve a range of measures, including looking at individual circumstances and at childcare. It will also involve looking at where people work from. We had already begun looking at flexi-desks, people working from hubs or satellite arrangements around the country so that people are not spending time in their car or having to travel with other people to and from work if they can work remotely or work from hubs closer to their home. There is a range of measures that will assist people back to work.

I do not see us getting back to full offices any time soon. We will have to continue to be flexible and operate a variety of arrangements to get the best value out of our public services that we can. Those will be challenges for every Department. The Department of Finance is here to assist other Departments and their staff in whatever way we can.

Brexit: Sanitary/Phytosanitary Costs

11. **Mr McAleer** asked the Minister of Finance whether the UK Treasury has confirmed that it will cover the costs of checking sanitary and phytosanitary measures following the end of the transition period. (AQO 518/17-22)

Mr Murphy: The British Treasury has confirmed that it will, in principle, cover the infrastructure costs of checking sanitary and phytosanitary measures following the end of the transition period. I will continue to engage with Treasury to ensure that all costs of implementing the protocol are covered by the Exchequer.

Mr McAleer: The Minister will be aware that the fact that Britain is diverging from EU regulations and standards has increased the need for SPS checks at our ports and airports. Does the Minister agree that, in funding the cost of the expanded infrastructure and IT systems and controls, it would be very unfair if the financial burden was placed here, given the fact that the North voted to remain in the EU?

Mr Deputy Speaker (Mr Beggs): Again, that does not connect with the original question, and I will allow the Minister to decide whether he wishes to answer it.

Mr Murphy: I have been as flexible as you so far, so we may continue in the same vein.

In general terms, the Treasury and the British Government have committed, as part of their manifesto, to cover all costs associated with leaving the EU. From a political perspective, I wish that it was not the case that we were leaving at all. Nonetheless, we want to ensure that the exit from the EU is the least damaging that it can be. I thoroughly expect there to be damage as a consequence of leaving, and that is why it needs to be done in a careful, calibrated fashion. There is a commitment to cover all such costs, and it is incumbent on me, as the Finance Minister, and the Executive as a whole to hold the Government to that commitment.

Mr Buckley: In light of costs incurred by the UK Treasury and Her Majesty's Government, will the Minister join me in thanking Her Majesty's Treasury for the generous contributions throughout the COVID-19 crisis that have secured a lifeline for many businesses and civilians across Northern Ireland? Had it not been for that subvention, there is no doubt that many businesses would have gone under. In light of what he has said, can the Minister outline other potential financial packages or measures that may be introduced by Her Majesty's Treasury in light of COVID-19?

Mr Murphy: I am invited frequently by Members from the Benches opposite to thank the Government for their generosity. I remind the Member that we pay taxes here. The business support was, of course, very welcome. Any of this money is welcome; I have no difficulty in welcoming it.

I talk about the priority for investment. We had to prioritise investing in our health service, which has been under-resourced for years because of austerity measures. Vulnerable people have been under-resourced for years because of austerity measures. We had to channel things into areas that the Government in London have reduced our ability to spend public money on over the years.

We are not aware of further financial packages. We are told that there may be announcements in July. We continue to engage with Treasury to get a sense of what those announcements will

be. The Executive will be able to plan our economic recovery on the back of those.

Mr O'Toole: The Minister may not have seen it, as he has been answering questions here, but, in the last hour, the Treasury has said that there will be what it calls a "summer economic update" next Wednesday. In light of that and linking to the initial question, I ask this: will the Minister and the Executive ask for an urgent update on spending in relation to the EU exit and what will be disbursed to the devolved Administrations? There has been an ominous silence from London on the implementation of the Ireland protocol and broader EU exit matters. I ask the Minister to make representations to that effect, ahead of next Wednesday.

Mr Murphy: I assure the Member that we continue to make representations. Issues such as the shared prosperity fund and others that replace EU assistance, which we have benefited from enormously here over the years, are very vague and not at all encouraging in the lack of detail. It is not only us. In the joint meetings that I attend with the other devolved areas, the Scottish and Welsh similarly press for more detail and certainty on all that. I assure the Member that it is continuously on the agenda, and we will press not only for the cost of the exit to be met by the British Government but for the replacement and the operation and decision-making around whatever replaces EU funds to be the property of this institution.

Mr Deputy Speaker (Mr Beggs): That is the end of questions to the Minister of Finance. I ask Members to take their ease for a few moments.

(Mr Principal Deputy Speaker [Mr Stalford] in the Chair)

3.30 pm

Ministerial Statement

Public Expenditure: 2019-2020 Provisional Out-turn, 2020-21 June Monitoring Round and COVID-19 Reprioritisation

Dr Aiken: On a point of order, Mr Principal Deputy Speaker.

Mr Principal Deputy Speaker: Yes.

Dr Aiken: The first point of order is, welcome back. Thank you for coming back, as well.

Standing Order 18A(3), states:

"The written copy, whether or not embargoed, shall not be given to members of the news media before it is made available to members".

At 10.45 am, I, as Chair of the Finance Committee, and other members of the Committee were given information about the Minister's statement. However, the news media, at 6.00 am, were reporting items of the statement verbatim. There seems now to be a habit among members of the Executive of leaking information to the press before the Assembly has had it. I would like you to ask the Speaker to make a ruling to inform Ministers of the correct procedures in following Standing Orders.

Mr Principal Deputy Speaker: I thank the Member for his valid point. It can be construed as a discourtesy to the House. Statements should be made to the House before their contents are given to the press. I will ask the Speaker's Office to write to him to make clear that that is what is expected from Ministers.

Dr Aiken: I welcome that.

Mr Principal Deputy Speaker: 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 have to make sure that their name is on the speaking list if they wish to ask a question or be called but they can do that by rising in their place as

well as by notifying the Business Office or the Table directly. I again remind Members — yes, I have been away, but I will return to an old trope — to be concise in asking their question. This is not an opportunity for debate, and long introductions to questions will not be allowed.

Mr Murphy (The Minister of Finance): I join with the Chair of the Finance Committee in welcoming you back. It is good to see you back in the Chair.

The monitoring round is usually the method by which Departments can return underspends for their reallocation, identify pressures and manage their budgets. The first monitoring round of 2020-21 has taken on a new significance as the Executive respond to the evolving COVID-19 situation.

Before turning to the current year, I want to update the Assembly on the 2019-2020 provisional out-turn position. The provisional out-turn position provides an indication of departmental budget management during the last financial year, and determines the amount of funding that the Executive can carry forward. The end of the 2019-2020 financial year saw the emergence of COVID-19. Excluding the pressures introduced as part of the COVID-19 response, underspends of £25 million resource DEL and £103.1 million capital DEL have been reported by Departments.

In resource DEL, an overspend has been reported by the Department of Education. While significantly less than reported last year, my officials continue to raise concerns with their Education counterparts. The Department for Infrastructure reported an overspend due to a shortfall in income as a result of COVID-19 and increased expenditure on PPE.

In capital DEL, the underspend reported comprises £102.9 million conventional and £0.2 million financial transactions capital (FTC). The most significant capital underspend is reported by the Department of Health — £48.1 million of that relates to the Encompass digital investment project. The contract for that large-scale digital investment programme was to be signed in 2019-2020. However, the Department carried out additional due diligence, delaying the signing until 2020-21.

The Department for Communities reported a significant underspend of £24 million, which relates to the new-build housing programme. That underspend, along with many other elements of underspend reported by Departments, is due to the impact of COVID-19 on capital programmes, with interrupted supply

chains, site closures and planning or legal delays.

The devolved Administrations can access a limited amount of previous years' underspend through the Treasury's budget exchange scheme. The underspend that the Executive can access in the following year is calculated at block level, meaning that changes in regional rates, income and reinvestment and reform initiative (RRI) interest payments compared to the level forecast must also be taken into account. Taken together, the total carried forward in resource DEL is £28.4 million. In conventional capital DEL, while the total underspend is £101.6 million, the limit on the amount that I can now plan to carry forward is £21.2 million. I am in discussion with the Treasury about additional flexibility that can apply to the exceptional level of underspend related to the impact of COVID-19.

Moving on to ring-fenced financial transactions capital, Members will recall that we finished last year with £91.8 million unallocated. Adding to the small departmental underspend of £0.2 million, that figure results in a total underspend of £92 million. The budget exchange scheme provides the potential to carry forward £20 million of the underspend to the 2020-21 financial year, meaning that £72 million will not be used. Work is ongoing with Departments and the Strategic Investment Board (SIB) to identify the barriers that currently prevent the Executive from fully utilising the financial transactions capital funding available.

Turning to the current year, the challenge of responding to COVID-19 has meant that the June monitoring round has operated differently from that in previous years. One fact that remains is that we face significant pressures with limited funding available to address them. The top-line figures are that £139.9 million resource DEL and £66.4 million capital DEL and £200.1 million financial transactions capital DEL are available to address the more routine pressures and those arising as a result of COVID-19.

I want to provide some details of the available funding, in addition to the budget exchange amounts already mentioned. Since I announced the Budget 2020-21 outcome in the Chamber, Barnett consequentials due to the Executive for non-COVID-19 measures have been increased by £3.4 million resource DEL, £6.4 million capital DEL and £0.2 million for FTC. Since the announcement of COVID-19 support measures, on 19 May, additional funding has been made available by the Treasury for COVID-19 measures, totalling £190.8 million and £3.1

million capital DEL. Adjustments to forecast regional rate income and RRI interest requirements has resulted in £10.8 million resource DEL becoming available for allocation.

The Treasury has now confirmed that funding for confidence and supply will be available in 2020-21, and, as a result, £15 million capital DEL funding that I set aside in the Budget is now available for allocation. I will continue to seek a commitment to the outstanding £195 million in confidence and supply funding.

Changes to a number of central items have had a minor impact on the funding available, reducing resource DEL by £0.1 million and capital DEL by £5.1 million.

Reduced requirements come to £2.9 million resource DEL, largely due to COVID-19 delaying the recruitment of staff, and £33.5 million capital DEL. Adjusting the capital DEL for the Irish Government's contribution to the A5 means that £25.8 million capital DEL is available for reallocation. Full details are included in the tables provided with this statement.

Members will recall that, in May, I announced a significant package of COVID-19 response measures, and, as a result, over £1 billion of resource DEL has been allocated to Departments. Those allocations included £4 million for substitute teachers. DE has reported that uptake of that initiative has been less than anticipated and can be managed from within its existing budget. DE has therefore returned the £4 million resource DEL for reallocation. The Department of Justice returned £0.75 million of the £1.6 million allocated for the temporary resting place.

When I announced the package of business rate support measures in the Executive's COVID-19 response, I highlighted that the cost exceeded the funding available. In this monitoring round, I am addressing that issue by providing the additional £97.7 million required to address that shortfall, as well as the latest cost assessment of that support.

Before I turn to the allocations that I am making today, I want to update Members on the COVID-19 reprioritisation exercise that has been completed by all Departments. In response to the challenges of the pandemic, Departments have been able to reprioritise over £140 million of existing budgets to address COVID-19 pressures. I will keep that position under review and encourage Departments to continue to find ways of addressing their internal pressures.

When I announced the Executive's response to COVID-19 in May, I provided Members with an update on how the Executive are using the £95 million that was set aside to support the transport sector. Alongside support for ferry operators and airports, I allocated £30 million to the Department for Infrastructure for loss of income and particular pressures in Translink. From the remaining funding that was set aside, I am now allocating a further £30 million to the Department for Infrastructure to offset lost income, £20 million of which is for a second allocation to Translink, with the remaining £10 million to replace lost income across the transport sector. Last week, the Executive agreed to further support our three airports and, to that end, we will ask the Department for Transport and the Treasury to address the costs of air passenger duty and safety and security activities. We also want to continue to support City of Derry Airport until March 2021.

Allocations of ring-fenced financial transactions capital totalling £35 million have been made to the Department for the Economy in this round, £20 million of which will provide support to potential start-ups and continued investment in our tourist attractions. The other £15 million is for schemes that were agreed at the time of the Budget. Using financial transactions capital remains a challenge, but I encourage all Departments to seek ways of using that funding.

I will now deal with the allocation of £139.9 million resource DEL and £63.7 million capital DEL. It will come as no surprise that the majority of the resource DEL allocations will go towards helping to combat the impact of the COVID-19 crisis. I have allocated £22.7 million to the Department for Communities, which will provide £5 million to help process the increase in social security recipients, £4.5 million for the community support fund, £4 million for the cultural sector, £3.7 million for the homeless, £3.5 million to purchase PPE for staff who work in the Supporting People programme and £2 million for sport.

The Department for the Economy will receive £4.7 million to support higher education, Invest NI marketing and grants to small and medium enterprises.

The Department of Education will receive £39 million to fund free school meals over the summer months, for an increased child provision from 1 July and for summer activities to support children and learning.

The health service has been at the front line of the COVID crisis. I am providing a further £51.4

million to the Department of Health, which will not only provide for the continued response to COVID-19 but for service transformation, elective care and the mental health plan.

On top of the £30 million for transport-related pressures, I have allocated £5.5 million to the Department for Infrastructure for lost income to NI Water.

I have allocated £13.5 million to the Department of Justice for increased costs in the Prison Service and the PSNI, the cost of PPE and lost income in the Courts Service.

The Executive Office has incurred the cost of work with the press throughout the ongoing COVID-19 response, and I am allocating £500,000 to TEO for that purpose. In addition, I am allocating £2.5 million to the Executive Office for administrative costs in relation to victims' payments. In line with the Treasury's statement of funding policy, which makes it clear that the Department that makes policy will bear the cost of that policy, the NIO is responsible for funding that scheme.

Turning to capital DEL, I am allocating £38.7 million to the Department of Health for the purchase of essential equipment and for invest-to-save projects. The Department for the Economy will receive £25 million to provide grant funding for Ulster University's Belfast campus, which will replace £25 million of the planned financial transactions capital loan.

Departments need to respond as dynamically as possible to the fluctuating financial position. Therefore, I am extending the flexibility that Departments have had in this round to reallocate internal budgets until the October round. All the funding that is currently available has now been allocated. Those allocations help our public services, including the health service; they assist in economic recovery and they protect the most vulnerable in our society, including children who are entitled to free school meals and the homeless.

I commend the June monitoring outcome to the Assembly.

Mr Principal Deputy Speaker: Thank you, Minister. Before I call the Chair of the Economy Committee to speak, I remind Members that I have 19 Assembly Members on my list who are seeking to ask a question and one hour is allocated after a ministerial statement. If you do the maths, you will realise that we need to be short, sharp and focused. I call the Chair of the Economy Committee, Dr Steve Aiken.

Dr Aiken (The Chairperson of the Committee for Finance): I think that Caoimhe looks much better than I do, Mr Principal Deputy Speaker, but, as Chair of the Finance Committee, thank you very much indeed.

The Finance Committee will take detailed evidence on the June monitoring round over the forthcoming weeks. Therefore, I will make these comments as the Ulster Unionist Party's finance spokesperson.

I thank the Finance Minister for meeting me earlier today and, at last, getting the much-delayed June monitoring round through to us. I wish to highlight some of the issues that have become apparent and are worthy of the Assembly's consideration. We welcome that, with the addition of £1.3 billion from our national Exchequer, we have managed to achieve an underspend of £25 million resource DEL and £103 million in respect of capital DEL — a total of £128 million.

The Minister mentioned the top-line figures of £140 million in resource DEL, £66 million in capital DEL and £200 million in financial transactions capital, which I will refer to later.

That, coupled with the existing COVID recovery and support mechanisms is —.

3.45 pm

Mr Principal Deputy Speaker: Dr Aiken, I know that there is a question just struggling to get out [*Laughter.*] Help it out. What is the question?

Dr Aiken: I know. There is, indeed, Mr Principal Deputy Speaker. You normally give the Chair of the Finance Committee a degree of latitude to respond.

Mr Principal Deputy Speaker: I have [*Laughter.*]

Dr Aiken: I will then ask one particular question of the Minister of Finance. It is the question that we have all been waiting for. We are now close to three and half months on and we still have not heard of a fiscal council being set up, of the appropriateness of looking at proper management or of what we will do to ensure that all Committees are given appropriate financial information on time.

That question, Mr Principal Deputy Speaker, probably deserves the extra minute to speak. Thank you.

Mr Murphy: I am not sure that it is the one that we have all been waiting for [*Laughter.*] There is no point in billing your question inappropriately.

The Member will understand that, as we moved into the response to the pandemic and the emergency that we were in, the Executive agreed to suspend normal business and focus all our energy on the pandemic. It is only in the last number of weeks that the Executive and Departments have started to turn their attention back to things like NDNA commitments and other measures that were priorities for all Departments and the Executive collectively in the few weeks that we had before the pandemic hit. We are turning our minds back to those. The idea that the fiscal council has been sitting for three and a half months with nothing happening is inaccurate. Those issues will be taken forward. They were interrupted for the last three months by the Executive's need to collectively face the emergency that we faced and respond appropriately to it. Thankfully, we are now moving out of that, although we are not, by any means, out of the woods with what might emerge from the COVID-19 experience, and are turning our minds to all the issues that have stacked up.

The issue of the financial accountability of each Department to their Committee will be a matter for all the Committees. We can lead by example — I hope that we do in the Department of Finance — but it will be a matter for Committees to hold their Departments to account. I will, as I have always undertaken to do, come here and explain how the Department of Finance is allocating money. I expect Committees and Committee Chairs to hold their Ministers to account on the spending of that money.

Mr Frew: The fact that we had £128 million of an underspend last year proves in some way that the monitoring rounds are important, going forward, so that we do not end up in a situation next year if something further was to happen.

I will go straight to my question. At a time when we should invest in skills and work for those skills in any recovery, why has the Minister refused bids from the Department for the Economy and the Department for Infrastructure? I think that the Minister stated that the current overcommitment in this year's Budget was £100 million: will he update the House on the present level of that overcommitment?

Mr Murphy: The figures for the overcommitment were included in my

statement. The Member's point about the underspend is correct: we do not want to see underspends. They mean that money that we would otherwise have spent on services here is returned to the Treasury, which is never a good situation. We have had three years without an Assembly to hold Departments to account or Ministers to take decisions that they are held accountable for. We were moving into a scenario in which we expected that to improve, but we had the pandemic and all the spending plans were turned on their heads over the first quarter of the year. There will, no doubt, be a challenge with underspend at the end of the year, and we continue to engage with the Treasury to try to get the necessary flexibilities to deal with however our budgets end up as the year moves on.

On the bids for skills, I remind the Member that the Executive approves the bids; I make a recommendation to the Executive, and they decide. Other bids have been supported, and, if it wishes, the Department for the Economy has the flexibility to reprioritise within the Department and meet things that it considers to be of a more pressing need or priority.

Mr McAleer: My question related to the £25 million agri-food intervention scheme that the Minister of Agriculture, Environment and Rural Affairs has announced. However, since the Finance Minister started making his statement here today, the AERA Minister has issued a written statement detailing how that should be allocated. As the Finance Minister is here, I will ask him this question: have his Department's officials been in contact with DAERA officials in relation to a business case for the allocation of that £25 million to an agri-food market intervention scheme?

Mr Murphy: Yes, my Department continues to engage with all Departments to assess the bids that they have made and to ensure that the money is spent appropriately. I have no doubt that the Department of Agriculture will make further bids relating to market interventions in the time ahead. Like all sectors, it will continue to struggle, and we have to continually reassess what the requirements are. The Executive have to try to prioritise where they see that finances are needed most immediately and allocate funds accordingly. Through my officials, we will continue to engage with all Departments, including DAERA, on what, they feel, are the pressures and urgent situations in their sectors and how we might best meet those.

Mr O'Toole: I thank the Finance Minister for making the statement to the Assembly today, albeit that, as others have said, some of it was brought to certain media outlets beforehand. Does the Finance Minister agree that Northern Ireland faces two long-term problems, crises even? One is that we are the most underinvested and unproductive part of the UK or Ireland. The second is that our Government have a long-term structural challenge in getting capital spending out the door. Those two challenges are related, as we have seen today: we have a capital underspend of hundreds of millions of pounds, and I am afraid that today's monitoring round is another missed opportunity to set long-term priorities for investment. Does he agree that, later this summer and in the October monitoring round, his priority and the priority of the Executive should be setting long-term economic goals and ensuring that we have the proper capital spending to emerge from the COVID crisis and, finally, to get our economy working properly for our people?

Mr Murphy: I do not disagree with the Member's assessment of some of the challenges that we face. There is no doubt that the backdrop to people asking me to welcome spending is the long-term underinvestment here. We welcome any additional assistance, but we are not blind to the situation that we find ourselves in.

Yes, of course, bringing forward capital spend in a timely manner will be the most challenging aspect of our public spending this year. We have lost the first quarter. Construction is only beginning to ratchet up and get back to a position in which it can be fully active again, and, undoubtedly, supply chains will continue to be affected by the COVID crisis across the world. That will be a significant challenge. A number of months back, I asked Departments to bring forward capital programmes to make sure that schemes that may have been ready to go were brought to that state of readiness, rather than sitting back and starting to go through assessments, business cases and things like that. We have been engaging regularly with the construction sector. My Department has the responsibility to engage with that sector to make sure that we understand its state of readiness to come back and the type of works in which it can engage. All of that is geared towards ensuring that we can spend as best we can the capital that is available. Capital spend and ensuring that people are working will be one of the key areas in invigorating the economy. It will also be a key area in making sure that we get the money spent, and that is why, as well as trying to do all that is necessary, we have ongoing discussions

with Treasury to ensure that we have flexibility at the end of the year, while recognising that it will be a challenge.

The Executive are having a broader discussion on the economic recovery. With issues like this, it is not simply about what money you get and where you allocate it, it is about how the system of government works to assist with doing things better to get more value from our spend and ensure that it contributes to a growing economy.

Mr Muir: Other Members have outlined the significant underspend of capital moneys. Financial transaction capital moneys have proven difficult to spend. We have not been able to utilise our borrowing powers to make capital investment, the overall focus of which is to safeguard and create jobs. As part of the ongoing Executive discussions, will the Minister give serious consideration to whether we should have an infrastructure commission or panel, similar to those that other parts of the UK already have, to drive delivery and to safeguard and create jobs?

Mr Murphy: We can look at any and all measures. The Strategic Investment Board already assists us and gives advice to Departments on big projects. Clearly, we want to get that capital money spent. There was an underutilisation of financial transactions capital last year, as you say. One of the issues was the loss of legislation on the housing sector. I understand that that legislation has its Final Stage this afternoon. I hope that that will bring about improvement in accessing that FTC. I agree with him: we need to do that. We need to access it better, spend it better and ensure that it is used to grow the economy. The measures are there for us. There are other resources, such as Peace Plus, the international fund and our investment fund. The Executive need to take a collective overview of those resources to ensure that they are used to support the priorities that they have set themselves for economic recovery.

Mr Givan: I welcome the inclusion in the statement of the £2.5 million for administration costs in relation to victims' payments. Will the Minister engage with the Treasury to ensure that the funding of that scheme is delivered? Furthermore, will he assist in ensuring that the Department of Justice is the designated Department and that any hurdles being created around capacity and support from the wider Civil Service will be overcome? Is his party now fully supportive of the scheme being fully

implemented and victims receiving the payment that they deserve?

Mr Murphy: The Member is correct: it is the Treasury's responsibility to fund the scheme under its funding payment process. The Department that devises the scheme and legislates for it is responsible for its delivery and for the finances for its delivery. We have not, as yet, got an assessment from the NIO or the Treasury of what the cost of the scheme might be, while they try to offload responsibility for it. The Member will be aware that the scheme and the processes to which all of the parties agreed in the Stormont House Agreement a number of years back are not replicated in the victims' pension scheme that is being delivered to us by the British Government. It clearly departs from the agreement that the five parties and both Governments came to. In that regard, it is a different scheme, and we have no costs or estimations of the costs for it. Those are issues that we as an Executive, collectively, have to continue to fight with the Government and the Treasury.

The money that I have allocated is to set up the administrative side of the scheme. It does not lend itself to the matter of which Department might be responsible for it. It is a matter for the Executive Office to make a call on that in the first instance. The allocation is simply about providing a resource to set up the mechanics of the facilities needed to deliver such a scheme. Decisions then have to be taken around how it works, who funds it and what Department leads it. Those are decisions for the future.

Mr McHugh: Thank you for your statement. In many respects, it is not surprising to hear that education and health take the greater part of the Budget. I appreciate the continuing support for the City of Derry Airport, which is located in my area. We know that it is important for connectivity. Another element of connectivity that concerns me — internet connectivity for the rural community — relates to our young people and businesses. It will be more vital in the future for distance learning and the like of that.

Mr Murphy: I am pleased that we have managed to deliver so much funding across a variety of Departments. Of course, connectivity is vital. The Member mentioned the airport. All of the airports have a huge role to play in our connectivity, not just in connecting people to places but in connecting economies. Following on from our last discussion about funding that was to be made available by the British Government, some of the confidence and supply money that we managed to secure and

some of the NDNA funding is to be put into connectivity, particularly in rural areas, through the Project Stratum broadband connection scheme. While we were prepared to look at supporting the Department for the Economy on that, we did not give up on the struggle to get the money that had been committed by the British Government. We got that, and I hope that the scheme will roll out as quickly as possible.

4.00 pm

Connectivity will continue to be a challenge, for airports, roads and the rail network, but particularly for broadband. We have seen, over the course of the last three months, that broadband connectivity is more vital than ever, for the connection of families, businesses, and the ability of people to work from home and have more flexible working arrangements. It will be hugely important, and the sooner that we get all those connectivity issues addressed, the better for us.

Mr Buckley: While I welcome the broad allocation, I direct my question towards the further financial allocations for Translink. Surely, the Minister shares my deep concerns regarding the management and oversight of Translink throughout the COVID-19 period. It did not furlough staff, costing the NI block grant budget £3 million per month. It ran trains with, supposedly, only four passengers on board, at a cost of £4,000 per journey. Bad behaviour and mismanagement seems to have merited further budget allocations. Surely, that deserves further scrutiny.

Mr Murphy: The public transport network is vital to us. If we are to talk about returning to economic activity, and the return of pupils to school, public transportation is a key part of it. We need a properly functioning public transportation system. It needs to be resourced by the Executive, because such systems rarely pay for themselves. They will always need subsidy by the Executive. They need to connect rural areas, which are very unprofitable routes. All that said, we need to make sure that we do it in a way that stands up to scrutiny. Clearly, concerns have been expressed about the ongoing costs of Translink to the Executive.

I have asked the Infrastructure Minister to bring a paper about Translink to the Executive, so that we can have a discussion, look behind the scenes and see how we can improve it. Effectively, the cost of keeping the company afloat is about £10 million per month to the Executive. While the Executive have expressed

a very firm view that we want to keep a public transportation system working — it is vital to all those areas of recovery and society — we need to ensure that it functions efficiently. Therefore, I have asked the Infrastructure Minister to bring us a paper about that.

Mr Catney: I welcome you back, Mr Principal Deputy Speaker, and wish you a speedy recovery.

I welcome the fact that the Minister is looking into the barriers to the allocation of FTC. However, that has been long looked at by different Finance Ministers. I hope that you are the Minister who can deliver this. The allocation has been an issue for the Assembly for a long time. Some £92 million unspent is a lot of money.

In the Minister's speech, I saw that there was no help for single-person businesses and sole traders. These businesses received no COVID support. It has been indicated to me that the monitoring round could address that gap. I have already asked about help with VAT. Will the Minister keep these businesses in his mind? They are crying out for help, as I said earlier. They need any help or support. Keep in mind that they are the backbone of our small rural and urban Northern Ireland economy.

Mr Murphy: I outlined that, last year, a significant amount of FTC was returned, and one of the issues was that the necessary legislation was not passed for the housing sector. Hopefully, that is nearing completion. However, we face the challenge of having lost the first quarter of construction activity, which would normally utilise capital budgets. It has been effectively brought to a halt, for a quarter of the year at least, and perhaps it will only gradually reopen over the next quarter. That will be a challenge.

Nonetheless, we are talking to all the Departments about how to access FTC. Additional support and advice is available from the Strategic Investment Board. We want to utilise this, and it is available to us. We want Departments to be able to spend it. We know that it is an important part of trying to assist economic recovery.

In relation to the support, we have not as yet allocated the £53 million that was surrendered by the Department for the Economy, but we have had a discussion on it and we want to try to find ways to support those businesses that did not qualify for the business support grants. It will be more challenging than the first tranche of money, because the cases are more

complex and there are more uncertainties around them, but we have to find arrangements to do that. We engage with those sectors on a regular basis. I am sure that the Department for the Economy is engaging with them as well.

Mr Nesbitt: I am sorry to say that I feel huge caution about welcoming the start-up money for the victims' payment scheme or pension, as it is more commonly known, because I am not confident that Sinn Féin accepts the qualifying criteria. I am sure that the House would agree that it would be beyond cruel to offer victims hope today and, then, dash that hope tomorrow.

My question to the Minister is this: do you consider yourself a victim?

Mr Murphy: No, I do not. I may have qualified under the terms of the scheme, but I do not personally consider myself a victim. The Member knows that we did reach an agreement. I am not sure whether he was part of the Stormont House negotiations. The mists of time have started to cloud my brain at this stage. The five parties reached an agreement. It was a very complex, complicated and challenging agreement. We tried to reach an agreement, if he remembers back — I am sure that other Members do — because the toxicity of the legacy issues was impacting on the work of the institution. The parties sat down determinedly to try to agree a range of legacy mechanisms on which we could all come to agreement; not just those which everybody wanted, but those which we could all stand over. Both Governments stood over that. It was handed over to the British Government to legislate for it, and they changed the terms of reference for the victims' pension. They also decided that, rather than making a contribution or being responsible for it, they would hand the costs of it over to the Executive, uncoded, under the terms that they have now set for it. The Executive have no idea what the costs of that will be.

Of course, I want to offer victims some comfort. I recognise that there has been an attempt to play off what is clearly a point of political difference in the departure that the British Government have taken us on. Regardless of how the five parties reached an agreement, or the Dublin Government's involvement in that, they have taken us off in their own direction and are now trying to play off the fact that we disagree with it against those who are most deserving and need very quick access, as I fully understand, to the support that may come from the victims' pension. The quickest way in which to resolve it is for the British Government to

come back to the type of process that we agreed. Let us do the thing fairly and get it resourced properly by those who are responsible for resourcing it, and let us get it out to victims.

Mr Middleton: I thank the Minister for his statement. The Committee was disappointed when it received the briefing that £2.5 million has been taken away from the £4.7 million that was allocated to the Department for the Economy. What message does that send, particularly to those who are involved in skills and how we move forward at this difficult economic time?

Mr Murphy: First, I want to say that the monitoring round paper is agreed by the Executive as a whole. I make propositions, and the Executive can agree, disagree or amend as they see fit. Therefore, the decision on the allocation or reallocation of various sums of money is taken by the Executive as a whole. Of course, there is flexibility in the Department for the Economy to consider that skills area to be a higher priority than other areas and to reprioritise that money itself in order to meet the skills issue. Of course, I indicated to the Economy Minister that I am happy to continue the dialogue and discussion with her and others. We are coming back to the idea of economic recovery, and skills will, undoubtedly, play an important part in all that. The Executive will have further allocations to make in the time ahead.

Mr Gildernew: Go raibh maith agat, a Phríomh-Leas-Cheann Comhairle, agus tá fáilte romhat ar ais. You are very welcome back, Mr Principal Deputy Speaker.

I appreciate that the Department of Health will receive a degree of support for which other Departments would, no doubt, be glad. However, just £14 million has been allocated of the £69 million that was estimated for New Decade, New Approach commitments on transformation. How do the Executive plan to address that shortfall and the shortfall for surge planning, given the financial pressures on the Budget?

Mr Murphy: There will continue to be pressures on the Budget. As I said, while the COVID-19 allocations have been very welcome and, quite clearly, were needed to ensure that the health system could cope with the additional pressures that it would face from the pandemic, we were, nonetheless, dealing with huge pressures in health, particularly with regard to transformation, before COVID-19 arrived. The

most frustrating aspect of the British Government's reneging on their commitment under NDNA is that quite a bit of that funding was going to be allocated to health transformation. I have undertaken the job on behalf of the Executive to continue to press the British Government to live up to and honour the commitments that they made under NDNA, which were to assist us in those matters. If it is the case that they continue to hold out, the Executive will have to find money to meet all those priorities from their own limited resources. That means that other priorities will, undoubtedly, slip as a consequence.

Mr Lyttle: Thank you, Principal Deputy Speaker. It is good to see you back.

The Finance Minister expressed concern for the Department of Education overspend in 2019-2020. By how much did the Department of Education overspend? What explanation did the Finance Minister receive for that overspend? Does he agree that the Education Minister should lift his suspension of work on the independent review of education as one way to attempt to address this financial crisis in education?

Mr Murphy: It is really not for me to prescribe what the Department of Education does with its allocation. It has a budget allocation, which was an increase this year, and, then, it brings forward bids, and we expect it to bring forward reprioritisation and surrender some money that it considers is not needed in the time ahead.

In relation to the overspend last year, it is concerning and it is reduced. I do not have the detail of exactly where that overspend occurred, but we will continue to work with the Department to try and address that issue. I know that the Education Minister is committed to doing that. It will be a matter for the Committee to provide ongoing scrutiny with the Department in that regard. Clearly, we will want to assist it in doing that because while we are trying to manage the spending of the budget, we cannot allow ourselves to run into overspend situations where those can be avoided.

Mrs Cameron: Welcome back to the Chamber, Mr Principal Deputy Speaker.

I thank the Minister for his statement and very much welcome the extra moneys that have been made available to the Department of Health at this critical time as we emerge from the first wave of COVID-19. On PPE provision, what role will the Department of Finance play in

working towards Northern Ireland being self-sufficient in manufacturing its own PPE supplies?

Mr Murphy: One of the lessons that we have learned from the pandemic is around critical health supplies being procured from the far side of the world because they happen to be cheaper, and we need to re-evaluate how we do our own procurement. We have a very strong, efficient and innovative manufacturing base here, and it clearly showed that when sections of that manufacturing base stepped up, reprofiled their manufacturing and were very quickly able to turn out critical supplies for the Department.

I wrote to the Health Minister earlier this week to say that when the Department is looking at future supply, it should not simply look at price — and I know that it does not look at that alone — but security of supply and assisting the local economy have to come up the procurement evaluation list.

There is a sector here that is willing to step up. We will not have the experience of trying to compete with other larger international players on the other side of the world, trying to navigate our way through very complex systems to get very necessary and vital medical supply. Thankfully, we have now secured a supply from China. From the Health Department's own assessment, it will be enough to carry us through the possibility — and we have to plan for the possibility and, indeed, the probability — of a resurgence of COVID-19. If that coincides with winter pressures, that will put significant pressure on healthcare staff. So, we are in a position now where that early critical issue in the COVID pandemic outbreak is now in a much better place, and that has been through the good work of the Health Department, the Finance Department and TEO officials in securing that. That was such a big, big challenge. One of the lessons that we have to learn is how we have more security of supply, and security of supply means that it is made on this island, or on these islands, and, therefore, it is much more accessible to us.

Ms Mullan: I also welcome you back, Mr Principal Deputy Speaker.

Like my party colleague, I welcome the funding for the City of Derry Airport. I particularly welcome the funding to extend free school meal payments over the summer. Minister, do you agree that now that we have a mechanism in place to make such payments, Departments should work together to continue to tackle holiday hunger and food poverty?

Mr Murphy: From my witnessing of it, there has been, I would suggest, much greater cross-departmental cooperation in the response to the pandemic. It is another one of the lessons that needs to be carried forward from the experience of COVID-19. I know that there has been quite a lot of collaboration between the Department for Communities, the Department of Education and the Department of Health in relation to some of those. The earlier scheme in relation to childcare support that came out of the Department of Health and the Department of Education was not administered satisfactorily, and there was a significant amount of underspend. It was an unnecessarily complicated scheme.

4.15 pm

I hope that the money now given, which is between the Department of Health and the Department of Education, for childcare is administered in a much more efficient way that sees it getting out onto the ground where it is needed. The other schemes, where there has been collaboration between Communities, Health and Education at varying times, are hugely important. I think that, as you correctly point out, the issue of holiday hunger is not just a consequence of the COVID pandemic. It is an ongoing issue, and I would like to see more collaboration in that regard. When you do that, it makes a much better case to the Executive, through the Department of Finance, for the funds and resources necessary for these very worthy schemes.

Mr McGrath: Mr Principal Deputy Speaker, we welcome you back in your role here today, and also look forward to seeing you at Committee again tomorrow.

I thank the Minister for his very comprehensive statement, most of which I read this morning online. It includes £2.5 million for the victims' scheme that has not started and does not have a budget. We are led to believe that we do not know the full list of who will be entitled to it, never mind it not having a lead Department to deliver it.

My question relates to transparency. When was the return made from the Executive Office to the Department of Finance? I am not speaking today as Chair of the Committee for the Executive Office, because we did not get that return until last Friday, when it was too late for us to be able to give it consideration and come back to you here today. Do you think that that is acceptable, given that we have a new era of openness and transparency?

Mr Murphy: Well, the way monitoring round papers are done is that an initial paper is produced, and then there is an ongoing exchange between the Departments in relation to it. For instance, I had a meeting subsequent to that with your own party colleague in relation to her allocation. Some Departments write back to us; some Departments speak to us. They are either satisfied or not satisfied, or they feel that a bid that they made was less important to them than another one which was not secured, or not recommended to be secured. That is an ongoing process. It comes back, eventually, to the Executive, and the Executive have an opportunity to have their say in relation to that.

The Member will know, through his particular role, that the issue of the victims' pensions is a very thorny issue. While he expresses dissatisfaction that it has not been moved on, he will know where the problems have been created in relation to it. The £2.5 million is to help get the apparatus in place so that, when agreement is reached, the system is ready to go, but the Member will understand that there are very significant problems in relation to the British Government's handling of all this — their attempt to rewrite the agreement that was made at Stormont House and their attempt to pass on an, as yet, uncosted bill to the Executive for our resourcing of that particular issue.

Miss Woods: Mr Principal Deputy Speaker, it is good to see you back in the Chair.

I thank the Minister for his statement. The Minister has outlined a number of departmental bids received and accepted or surrendered. In light of safety concerns for employees returning to work this week, notably in the hospitality sector, some businesses are introducing COVID training. Have the Minister or his Department, through the June monitoring round, received any bids from the Department for the Economy to fund this training, or other similar training? If so, does the Department for the Economy intend to spend it? Who is to deliver it? Has he any information on that?

Mr Murphy: I have to say that I am not aware whether a bid was received. I can certainly ask the officials to come back to you, just to be clear about that. I do not want to say that there was none received; there may well have been one. In relation to tourism and hospitality, in particular, I very much recognise the difficulty that it is facing. We have always said that it was not just a matter of rates relief, which we obviously targeted towards that as one of the principal sectors, to the end of the year. There was also going to be a cost attached to re-entering into business in terms of training and

whatever physical infrastructure had to be put in place to allow tourism and hospitality — and also retail. I ventured out into the retail world at a shopping centre last Saturday, and you could see very clearly how people have begun to try to make sure that their staff are protected and the systems within shops are operating correctly, which is entirely the right thing to do.

Partly, the £10k and £25k support grants were intended to try and allow businesses to invest in restart when they had the rates break, although I know that there were other bills that had to be paid. I hope that it did go some way towards that. The furlough scheme obviously took care of staff salaries up to 80%, and many businesses topped that up to 100% from their own resources. They can be commended for doing that.

I am not certain whether a bid was made in relation to that. It is recognised that there is a cost attached to it. The primary issues I was on the receiving end of tourism industry lobbying about were the date for restarting and the how people could not make it work in relation to 2 metres versus 1 metre distancing and how they would operate in those circumstances. Those were the primary things that we are hearing from them. If there is additional cost, I am very happy to talk to the Department for the Economy if it identifies that as a particular need that is unmet.

Mr Allister: I want to return to the £2.5 million that is labelled "victims". Is it just window dressing, so long as Sinn Féin maintain its despicable veto, blocking innocent victims from receiving a pension? As long as that continues can the £2.5 million even be spent? If it is not spent, what happens to it?

I note that the Executive Office is getting half a million pounds for press work, something that it is not in the bids. It did not ask for it. It is not in the bids on page 24, but it is in the allocations on page 29. What is the half a million pounds for press work for?

Mr Murphy: TEO bid for the £2.5 million for victims payments to do administrative work, and it would have to justify how it intends to spend the money from that bid. If for some reason it decided not spend it, it would be surrendered at the next monitoring round, but the Executive Office has bid for money to spend on setting up the administrative structure necessary to deal with that.

It is not simply Sinn Féin that has a disagreement about victims. The entire Executive disagree with the idea that they

should pick up the cost for that, which is as yet not costed, from the British Government. I think that a substantial number of people from outside Sinn Féin and in other parties have issue with the fact that the British Government rewrote the Stormont House Agreement, changed the nature of victims' payments and decided to change the criteria on that. That was an agreement that was worked out between five parties and two Governments. If the British Government decide under their own funding policy statement to bring a different policy forward to legislate for something different to which the parties agreed, the British Government are responsible for that.

To address the issue of the half a million pounds allocation, one of the key issues of keeping businesses alive has been the advertising that has come from the Executive Office on COVID-19. That has been a lifeline to many small newspapers and to radio stations. I recently had a discussion with one of the radio stations, and it told us that that effectively had kept the doors open. So, it is not simply a matter of spending on spin doctors and putting out statements. There has been an advertising campaign that has been a vital lifeline to much of our small and independent media.

Mr Principal Deputy Speaker: Under the more loose arrangements that we have because of COVID-19, there are 21 minutes left. If anyone wishes to ask an additional question of the Minister, they should rise in their place. Poor Robin Swann got this a fortnight ago. Members, if you rise in your place, I will put your name on the list, and I will try to get as many Members in as possible.

Mr Nesbitt: I think that the Minister said that there was £2 million for sport. Can he provide the detail?

Mr Murphy: Unfortunately, I cannot because I do not have the detail. It is a question for the Department for Communities. The Department bid for more than £2 million, and £2 million was all that we were able to afford, with £4 million for the arts for resilience in the arts sector. I am sure that that will be welcome. I think that the £2 million is for resilience in the sports sector. I am getting the nod from my officials, so, yes, it is for resilience. It is for people to try to keep the doors open, not for specific schemes. We can get you some detail, or I am sure that the Department for Communities will get you some detail on that.

Dr Archibald: I too welcome you back and hope that you are feeling better, a Phriomh-

LeasCheann Comhairle. I thank the Minister for his statement, and I welcome the allocation to business and skills in the June monitoring round. Obviously, there is an underspend on some of the business support grants, and we hope to see that reallocated to further support for businesses. Looking forward, as the economy begins to reopen and looking at the experience of other countries and, obviously, that of England, where Leicester is going into a lockdown of its own, we may potentially see similar things here. The Minister will know the concern that was raised last Friday in a meeting that we attended with hospitality businesses in Causeway Coast and Glens that there might be a need for specific support for businesses in those areas or some further flexibility around the job retention scheme. Does the Minister intend to make the case for that with the Treasury?

Mr Murphy: The Member is correct; that was raised at a meeting that she attended. It is something that the Executive will want to consider that, if we end up in lockdown in a certain sector, what we do to support the staff. Not just in the hospitality sector, it could be a factory or a school. Medical discussions and advice, in the last number of weeks, have looked at what future resurgences of COVID might look like and the experiences in some other countries around clusters, not a widespread resurgence of the pandemic. Those issues, and what things would look like if there was a specific geographical or sectoral lockdown, need to be considered.

When the First and deputy First Minister announced last week some of the sectors opening up, it was on the basis of partnership. The Executive have provided what support we can but everyone has to play their part in making sure that the guidance, as best as can be, is being followed. Where it is difficult to maintain two metres, people put in whatever mitigating measures that they can to make sure that there is no resurgence of the virus. It is in the hospitality and tourism industries' interest to ensure that we do not go back to a sectoral or geographical lockdown. That would have a very damaging impact on the economy generally, but particularly in those sectors. This is a partnership; it is not just a matter of handing down guidelines and hoping. It is in all of the sectors and the economy's interests that we all, collectively, do all that we can to continue to suppress the virus, as we have been doing. The behaviour, by and large, has been exemplary.

Mr Frew: The Minister talked about, and has dedicated a page to, the transport sector. We know that there is money held in the centre for

transport support. I am not blaming the Minister, because I do not believe that it is his problem, but I do not see anywhere in his statement a bid to support the haulage industry. What is the Minister's take on it and why will the Infrastructure Minister not bring forward a bid to support haulage companies?

In my previous question, I asked about the overcommitment currently standing. The Minister said it was in his statement but I cannot find that answer. I ask, again, what is the Executive's current overcommitment for this Budget year?

Mr Murphy: One of the things that this pandemic has thrown up, in stark relief, is the sheer complexity of all the sectors that we are dealing with, the overlaps and the way that they fall between Departments. For example, someone has responsibility for regulations and others have responsibility for some economic aspect; the cross-departmental nature of all that has been brought to the fore.

Whether it is haulage, private coaches, taxis, various other sectors or airports, that fell between three Departments. The Department of Finance took the lead on it with the support of the Department for the Economy, and Infrastructure. Some of these issues fall between departmental responsibilities and, to be quite honest, as Finance Minister, I am not overly worried about who takes responsibility. Whether two departments or one, somebody needs to bring forward a policy proposal to say, "Here is a sector, here is the impact, here is what is needed to fix it. Can the Executive allocate the support? Here is how it would be distributed in that sector". We need to see that and we have not seen it yet in a range of issues. That is why the pot that we had held aside for transport is shrinking because we have made further allocations to Translink and the Department for Infrastructure, as part of this statement and monitoring round. That pot is now down to £29.5 million. There was a discussion at the Executive, albeit briefly as these things are challenging when operating remotely, between the Departments for Infrastructure and Economy around getting their heads together on some of these issues. I look forward to propositions coming.

You asked about overcommitment and I did not answer. There is none in the Budget this year. After all the allocations and the DEL resource money is allocated, £2.7 million capital and £180 million financial transaction capital is unallocated, but there is no overcommitment.

Mr Beggs: I thank the Minister for his statement and, in particular, the £20 million that he has allocated to Translink, but that is considerably less than its needs. Will the Minister advise what discussion he is having with the Infrastructure Minister and Translink to ensure that the directors can meet their requirements under company law, and that we can continue to have a public transport service provided in Northern Ireland?

4.30 pm

Mr Murphy: I assure the Member that I am meeting the Minister for Infrastructure. I know that he was doing his Chair duties and out of the Chamber at the time, but the question was asked earlier, perhaps from a less supportive position than his and more critical of the company and its ongoing financial requirements. I said that it was about £10 million a month, which is a significant level of support from the Executive. Nonetheless, as the Infrastructure Minister knows, there is a commitment to make sure that the company does not fail. A public transport system is a vital part of our society, of our economy, of connectivity and getting schools functioning again. We want to make it work, but we want to make sure that the company is run in the most efficient way possible and that it is not continuously seen as a cash drain, as some Members undoubtedly see it, and that we get a good-value public transport system that works for us.

I have had discussions with the Infrastructure Minister, and, as part of the paper to the Executive, I have asked her to bring forward a discussion document on that so that we can have a look at what Translink's requirements are. You are right that we have not met those, but we could not have met what they have identified as their requirements for this year under this allocation. It would have used up more than was available to us for that one company alone.

Mr Principal Deputy Speaker: Mr Jonathan Buckley.

Mr Buckley: No, I withdrew my question, Mr Principal Deputy Speaker.

Mr Stalford: Mr Matthew O'Toole.

Mr O'Toole: I go back, briefly, to the question of press support. I welcome that, and I have spoken to the Finance Minister about the need to support our local media. Will he give a little more detail on the intention to support local,

regional, community media through advertising? May we have some more detail on whether he is looking at rates support? It looks like that they will struggle far beyond the initial COVID wave.

There is also an allocation in here for culture and resilience. I and other Members have been talking to our arts sector, which has been on its knees. Will he work urgently with the Communities Minister to make sure that that money gets out to our artists, who disparately need it?

Mr Murphy: On the first issue, the Member has raised the issue of the local media on a number of occasions. Undoubtedly, the small regional papers and the regional radio stations rely very much on commercial advertising to keep them afloat. My local newspaper — 'The Newry Reporter' — went out of print for maybe two months before it came back. That, undoubtedly, was a huge burden for a small local paper to deal with. The advertising revenue from the Executive has been important.

I am actively looking the issue of rates for them. As he knows, there are different sectors. There are small, independent, family-owned businesses, there are there are larger conglomerates, and there are some international players in our local media. We at actively looking at giving them support.

In relation to the arts, undoubtedly, that sector has suffered. This £4 million is probably not as much as they would have wanted, but we had to try to disperse the limited resources available to us across a range of priority interests. I will be happy to talk to the Communities Minister to make sure that it is distributed as quickly as it can be. It is hugely important to keep the arts functioning. With the lockdown, they have lost the ability to generate income, and we have to recognise that too.

Mr Allister: I think that the figure for free school meals over the summer is around £12 million. It that precedent now set for succeeding years, or is that a one-off situation?

Mr Murphy: It is a one-off payment, but I hope that the idea of the policy that has emerged is a precedent. I sincerely hope that, but, of course, that will be a matter for the Departments responsible to bring forward. This bid was for a scheme this summer, but the issue of holiday hunger has long been identified, and no steps have been taken to address it. If the pandemic forces us into a situation where it is being addressed, I sincerely hope, speaking from a

political perspective, that that is a precedent and that we do get into looking after those children over the summer as well.

Mr Lyttle: Will the Minister detail the purpose of the additional £10 million allocated to transport?

Mr Murphy: From memory, the additional £10 million is to cover the lost income for transport. There is £20 million allocated to the Department for Infrastructure in relation to transport issues, and some was allocated to Northern Ireland Water. I will get the Member the detail, but I think that £10 million of that was to do with lost income. Translink has been projecting the cost to them of lost income for the rest of the year, which is well over £100 million, and the Executive have been able to allocate on a periodic basis money to keep it afloat from month to month. Bigger questions arise in relation to Translink that need to be looked at.

Mr McGrath: I note that there is £6 million for paramedic services. Will the Minister assure us that, whilst a monitoring round allocation is often a one-off payment, that money will help the Ambulance Service, going forward, given that in rural constituencies such as mine and his, many people are left for far too long to wait for ambulances because they are trapped in urban areas?

Mr Murphy: I hope that that is the longer-term outcome, obviously, from a constituency interest point of view. Generally, bids are made in monitoring rounds for particular pressures that a Department faces, so I do not necessarily have the detail on the pressures that prompted that bid. Of course, I am happy to support the health service generally. It has been under enormous strain. It is under enormous strain on a continuous basis, but, obviously, it has been under significant additional strain as a consequence of responding to the pandemic.

Clearly, the Ambulance Service is an important part of rural health provision, and we rely on it very much in the areas that we represent. The bid would have been for a particular pressure. What the Health Department spends into the future will be a matter for you, the Health Committee Chair and others to interrogate.

Mr Muir: Mr Principal Deputy Speaker, I echo the words of other Members and welcome you back. It is good to see you in your place.

The Belfast campus of Ulster University was seen as one of the ways of utilising financial transactions capital funding, but we are now told that that will not happen and that £25

million will have to be replaced from capital funding. Why is that? Why are we not able to use financial transactions capital for that project?

Mr Murphy: We would have been able to use financial transactions capital, but the Department for the Economy made a bid to transfer it into capital money because there was capital money available. That is to do with ensuring that Ulster University has the financial resilience to carry forward that significant project and look forward to other projects that it will be involved in. Perhaps an explanation of some the rationale behind that approach would be better asked of the Department for the Economy. It was not that they could not avail of the financial transactions capital; there was a request to give them a grant of capital rather than a loan, which we did.

Mr Catney: Minister, on your way home, if you take the country road out towards Lisburn, there is a beautiful little bar called Robin Stewart's — it used to be owned by Jackie, who is now retired. The point that I am trying to make is *[Laughter]* that there is a new owner of that establishment who is spending great money and has great ideas for the bar. It was founded in 1610, and it was a spirit grocer's. Contrary to what people say about me, I would be willing to step up to the bar first and buy a pint if you would find the time to get out there. My only "Get out of jail" card is that that might be contrary to the ministerial code of conduct.

Mr Principal Deputy Speaker: We will all drink to that.

Mr Murphy: I think that the price of a pint comes in underneath the threshold for bribery. Generally, when I go home, I go on the motorway, so I do not pass too many pubs.

I am aware that, particularly in the hospitality industry, people continue to struggle. Those people are being very innovative and are investing their own money in their businesses, into which they have put their life and soul over many years. We need to assist them in whatever way we can. As I said in response to previous questions, part of that is the financial assistance that we give them, but it is also about things like planning, licensing laws and other measures to make sure that our hospitality sector, which is a key part of our economic product, is supported in every way possible.

Mr Principal Deputy Speaker: Thank you. No other Member has indicated that they would like to ask a question.

Mr McAleer: On a point of order, during the Finance Minister's statement, the AERA Minister released a written statement on the allocation of the £25 million agri-food market intervention scheme. Given that this is a sitting day, perhaps it would have been appropriate for the Minister to come to the Chamber to release that statement and leave himself open to questions from Members given the seriousness of and the huge public interest in the issue.

Mr Principal Deputy Speaker: Standing Orders are clear: when a Minister is due to deliver an oral ministerial statement, that Minister:

"shall make a written copy of the statement available to members".

It will not be delivered to the media first. It should not be. It has been established practice and convention in the House that Ministers deliver statements to the House rather than issuing them as press releases and then coming and reading them out in the House. I will have the Speaker's Office write to the Chair of the Committee outlining the behaviour that is expected from Executive Ministers in issuing statements. I hope that that satisfies the Member.

Mr Buckley: Earlier today, I raised a point of order with Deputy Speaker Beggs regarding deputy First Minister Michelle O'Neill's attendance at the funeral of Bobby Storey, where we witnessed breaches of social distancing. I asked that her conduct be reviewed by the Speaker's Office and referred to the Members' code of conduct. Further to that point of order, it has now come to my attention that the Finance Minister, Conor Murphy, was also in attendance. I ask that the Speaker's Office also rule on Mr Murphy's conduct via the code of conduct. This may well be a breach of the Pledge of Office, which states:

"to support, and act in accordance with, all decisions of the Executive Committee and Assembly".

This blatant breach of COVID-19 regulations will be seen as a total insult to the many families who have buried loved ones in isolation. The House must prove that no one is above the law, especially Ministers who collectively brought forward such regulations.

Mr Principal Deputy Speaker: Similar issues were raised with me before in the Chair about the conduct of Ministers. It is important, and I will have the Speaker's Office write to the Member about that. Part of the points of order process is about conduct inside the Chamber and dealing with conduct inside the Chamber, but there are elements of it that reflect conduct outside the Chamber. If the Member wishes to raise his issue in writing with the Speaker's Office, I am sure that he will be furnished with a written reply.

Executive Committee Business

Health Protection (Coronavirus, Restrictions) (Amendment No. 5) Regulations (Northern Ireland) 2020

Debate resumed on motion:

That the Health Protection (Coronavirus, Restrictions) (Amendment No. 5) Regulations (Northern Ireland) 2020 be approved. — [Mr Lyons (Junior Minister, The Executive Office).]

The following motion stood in the Order Paper:

That the Health Protection (Coronavirus, Restrictions) (Amendment No. 6) Regulations (Northern Ireland) 2020 be approved. — [Mr Lyons (Junior Minister, The Executive Office).]

Mr Principal Deputy Speaker: The Minister had delivered his address and the next Member to speak was the Chair of the Committee for the Executive Office, Mr Colin McGrath, but we will take a few moments so that Members can clear out.

Mr McGrath (The Chairperson of the Committee for The Executive Office): Thank you, Mr Principal Deputy Speaker. Of course, for all the Members who have left, it is their loss not to hear my remarks.

Further to the Minister's remarks, I promise to talk only about the amendment that is presented to us today. I give that pledge, unlike him, who went on to give us a list of all the other easements that have been made since. It was great to hear about all those, but I will stick to discussing this amendment, given that, in some instances, it was so badly handled.

As has always been the position, the Committee welcomes the lifting of the restrictions when the time is right. We are all acutely aware that the public eagerly await news on what restrictions are being lifted and when, but, with that news, questions flood in from our constituents, and they are sometimes questions that we cannot answer at that stage. I am sure that all Members now expect to receive calls as soon as announcements are made.

When considering the last set of regulations — the amendment (No. 4) regulations — the Committee noted the time difference between the date that they came into operation and the date that they were debated. They came in on

21 May but were not debated until 16 June. Between those times, there was not always clarity on what restrictions were being lifted and what that meant in practice.

In the light of this, the Committee agreed to write to the First Minister and deputy First Minister. Perhaps the junior Minister will relay the message to the ministerial team: if amendments are being made, the Ad Hoc Committee should sit on the Thursday immediately afterwards to give Members the opportunity to seek clarity on questions that have been raised. Often, announcements are made on a Monday or a Thursday, after the Executive meet. However, an Ad Hoc Committee meeting, with a Minister present, on a Thursday afternoon would allow Members to ask the questions that have been raised with them in the intervening time. It would allow us to give that direct clarity back to our constituents rather than having to write through ministerial offices or ask questions in the Assembly. It would be a very helpful approach for Members, so, if possible, I make that suggestion. The Committee has not yet received a response to the suggestion, but, hopefully, it can be given some serious consideration.

4.45 pm

I will now make a number of points in my role as an SDLP MLA. I want to reiterate the remarks that I made on behalf of the Committee on the confusion in our communities about the decisions the Executive are taking. They are now only loosely connected to the road map and, once again, we are left with constituents scratching their head and wondering what the implications are for them. To use terms such as "close contact services" but not detail what they are effectively makes the announcement verge on the useless. We end up with people from across many different sectors contacting us to ask whether we know — and we do not — and we have to try to search and find out who is the relevant person within a Department to give an answer. Often, by the time we find the answer, somebody else has gone public with it, and we are then copying the information from news websites.

This typifies the announcements. They are sometimes a little bit scant on detail and plentiful on confusion. The timings and briefings are being done behind the scenes: they are almost pointless as announcements. As I say, rather than grandstanding upstairs at 4 o'clock in the Long Gallery, it would be better if we could get an update in the House that we can

interrogate, so we can find out what is meant by it. That is further to the remarks that you made about this, Principal Deputy Speaker.

There has been much confusion about this amendment and the process for it. The timing of the emergency addition to the powers on fines was a little bit misjudged. To penalise people for gathering safely and within the guidelines, as they saw it, was, possibly, wrong. However, it is not for this place to determine whether that was appropriate; it is for the police and other authorities. If one was cynical, you could suggest that the power to issue fines was added in a rushed manner to enable the control of planned demonstrations that were taking place in the days after. However, in the Health Committee — I do not want to steal the thunder of the Chairman — we asked specifically about that matter, and we received assurances that the amendments were not introduced quickly to allow fines to be handed out at those events. Therefore, I am quite happy to take people at their word as they have given that assurance to a Committee.

To not support these amendments today would mean that the relaxations that were introduced would be overturned. It would mean that weddings and civil ceremonies would, once again, be banned and other restrictions, such as the number of people who can gather in public places, would be reduced. I am not sure that is what many grandparents who have been able to meet their grandchildren for the first time in months would want to see. I am not sure that it is what those who live alone and are, at last, able to go out and meet with small groups of friends want to see. I am not sure that it is what the public, in general, want to see.

I will support the amendment and the relaxations that it contains. However, I hope that officials and the relevant Ministers are aware of the impact that their oversights can cause, with the negative impact that they can have on community relations in the North. They must exercise absolute care in the future to make sure that there is no repeat of this exercise. Thank you.

Mr Gildernew (The Chairperson of the Committee for Health): I will update the House on the Health Committee's consideration of the statutory rules. The Chief Environmental Health Officer (CEHO) briefed the Health Committee on the amendment (No. 5) regulations on 18 June. He reminded the Committee of the rolling requirement to review the regulations every 21 days and the requirement that restrictions be lifted as soon as they are not considered necessary, given the impact on many aspects

of citizens' lives. He also reminded Committee members of the process by which relaxations are developed by Departments, brought to the Executive, risk-assessed, and considered by the Chief Medical Officer (CMO) and the Chief Scientific Adviser (CSA) before a decision is taken.

It was noted that all the related regulations have come via the urgent procedure under which they come into effect but that they must be confirmed by the Assembly within 28 days. Although doing that is to miss out the important SL1 stage, and the opportunity to influence policy that that provides, in urgent circumstances, it should allow the Committee to be briefed and for it to look at the regulations' initial effect before coming to a view.

The Committee asked a series of questions about the laying of the amendment (No. 5) regulations and their staggered commencement that resulted in enforcement provisions coming into effect on the day on which they were laid, whereas other provisions came into effect two days later. The Chief Environmental Health Officer advised that an omission in the enforcement provisions of a previous set of regulations — the amendment (No. 3) regulations — was noticed only when finalising the enforcement provisions for the amendment (No. 5) regulations. He said that the opportunity was taken to correct the omission as quickly as possible. Asked about the urgency, given the lapse of time since the original error, the CEHO explained that the PSNI already assumed that the missing enforcement provisions were in place, as no one was aware of the omission.

Concerns about the application of the enforcement provisions had been raised in a briefing to the Committee by the Committee on the Administration of Justice (CAJ) and Amnesty International. The briefing argued that an inconsistent approach was taken by the PSNI to issuing fines for participation in different protests in the days after the regulations came into effect. Particular concerns were expressed about penalties issued at Black Lives Matter protests. The CEHO said that the timing of the enforcement provisions coming into effect the day before the protests was coincidental but acknowledged that, with hindsight, it would have been better to bring the correction into effect the following week. He stated that he could not respond to concerns around operational elements of police activity. The Committee also asked the CEHO about the distinction between a socially distanced protest and queues such as those that we have all seen outside large retailers. He advised that the purpose of easements was to

facilitate small groups of friends and family to gather outside and was not intended to cover large groups.

Members enquired about public understanding of the regulations, since they stipulate what is permissible. The CEHO acknowledged that, in amending the original restrictions on activity by allowing further reasonable excuses to leave home, the structure is now becoming unwieldy and may need to be reconsidered.

Members discussed at some length how best to address their concerns. They recognised the distinction between the legitimate cause of the protest and the potential public health and enforcement issues arising from the way in which it was organised and policed. There was further acknowledgement of the fact that COVID-19 has negatively impacted on BAME communities.

The Committee agreed to support the regulations, but, given the concerns outlined, we also agreed to write to the Justice Committee and to forward to it the briefing paper received from the CAJ and Amnesty International.

The Committee was briefed on the amendment (No. 6) regulations on 25 June, and again, the CEHO outlined the main changes described earlier by the junior Minister. Having enquired about the impact of easements on the transmission rate — or R number — or other relevant metrics, the Committee was assured that there is an ongoing downward trend across the various figures measured. We welcome that.

Members highlighted some apparent disparities emerging in the opening of certain types of businesses before others. The CEHO acknowledged that, given the current pace of change and the role of individual Departments in bringing forward proposals for easements, there is a need to address some inconsistencies, and he advised that work is ongoing to do so.

Members enquired about when addiction supports such as Alcoholics Anonymous or Gamblers Anonymous meetings could resume. They were advised that consideration was being given to whether such meetings fall within an existing category of easement. Further questions were asked about the safe operation of caravan parks and restaurants, and the Committee heard that the Department for the Economy is to produce further guidance for the hospitality sector.

The CEHO also confirmed that the guidance in question is non-binding, although open to legal challenge if felt to be incorrect. Members enquired about the speed with which revised guidance is made available to councils and were informed that it is available quickly on the Department's website and sent immediately to councils' heads of service for environmental health. The CEHO also referred to previous Committee requests and confirmed that the guidance is now available in several languages.

The Committee has written to the Department to seek further information on the scientific evidence on which the sets of amendments and other decisions are being based and on the type of data-sharing that is informing decisions in border areas. It is fair to say that there remains a degree of concern around the potential impact of easing restrictions and the safeguards for those at greatest risk as lockdown eases. Reference was made to the Chief Scientific Adviser's comment that he is worried about the low numbers of people in shops etc who are wearing face coverings.

With regard to potential gaps to the amendments, the Committee is also aware of the significant issue of partners not being able to accompany women to antenatal appointments and into delivery and maternity wards. That has had a particular impact on women with health conditions, and there are important opportunities for bonding and attachment at those key moments of life. Members were advised that the matter was under consideration and that it would not require a legislative amendment. The Committee has written to the Department to urge that consideration be given to that, and to the matter of facilitating safe visiting at care homes. We heard from the Minister today and he has indicated to us that that, hopefully, is an area that will be progressed, and we welcome that.

Finally, as a Committee, we explored the potential to reinstate the restrictions that are being relaxed, should that prove necessary. We were advised that although there would not be a technical issue in doing so, the Department was very much aware of the challenge in asking the public to once again accept restrictions. The Committee agreed to support the statutory rule.

I will make a couple of brief marks in my role as Sinn Féin spokesperson for health. We have concerns with how amendment (No. 5) to regulation 6A was introduced through a technical amendment on 5 June, which was the night before the Black Lives Matter protests in Derry and Belfast. We need to clarify why that

approach was taken, and the concern has been justifiably raised by the Committee on the Administration of Justice and Amnesty International. As Chair, I raised those concerns at the Committee for Health and we wrote to the Department of Justice regarding those. We also forwarded the letter that we received from CAJ to the Justice Minister. However, I want to be clear that the concerns raised relate to the mechanism used — the technical amendment — and the timing of that on the night before the protest, which introduced a breach of regulation 6A as an offence within a number of hours and gave people very little notice of when that would come into play. The concern is not regarding the health protection amendments.

There have also been concerns raised regarding the policing of the protest, and Sinn Féin will scrutinise and hold the PSNI to account, as always, via the Policing Board. I am also aware that the Police Ombudsman has launched a review into that. We support the regulations.

Mrs Cameron: The retrospective nature of these debates somewhat limits the merits of discussing the changes that have been referred to. It is clear, however, that the overwhelming public mood is one of welcoming the easing of the restrictions. MLAs were lobbied by many who were seeking changes that were affecting them, including by businesses that are keen to get up and running again and so on.

Good government is responsive government, and I commend the Executive for listening and acting accordingly. One of the most positive changes that has been referred to is the change that allows a return to a wider and more normal family life. Allowing a single household to mix with another household was a very welcome move. This has been a lonely time for so many, not least for those who live alone. Likewise, the outdoor gathering restriction being eased to allow for groups of 10 to participate in an outdoor gathering made a great difference to families and friendships. It is just a shame that the weather did not necessarily agree.

One of the biggest challenges is to get business moving again and to support our retail, hospitality and tourism sectors, and to ensure that they survive what has been a tsunami that has devastated many local businesses. I know from speaking to businesses in my constituency of South Antrim that there is a steely determination to survive and to get things moving again. As consumers, we need to reward that determination with loyalty: loyalty to the local clothes shop, to the family hardware

store and to the coffee shop that offers the best local produce.

Obviously, since the restrictions have been lifted, we have made considerable further progress in returning to some form of normality. I pay tribute to my colleague Diane Dodds, the Economy Minister, for driving forward "with a get Northern Ireland moving approach", and I know that that is greatly appreciated amongst the business community. I know that Diane will not stop with the support that she gives to local businesses in the days and weeks ahead.

We must work collaboratively with local councils to ensure that we work in tandem in delivering support, whether that be in easing outdoor trading rules or in mentoring and advice.

In conclusion, I urge the Executive to look at some of the outstanding restrictions that remain. Those who are looking forward to a wedding day need greater clarity on the timescales for changes to the rules.

5.00 pm

We need a ramping up of our health service, whether that is in terms of surgery, outpatient appointments or the attendance of mothers and fathers at maternity appointments. I welcome the announcement that the Minister of Health has just made on hospital and care home visitation, and accompaniment at maternity appointments. I also want to encourage office workers to return to their places of work. The shutters that are down on many streets are those of non-retail premises but the imagery is one of closed town centres. We need those workers back into their offices as soon as possible to help support our high streets. The same applies to public-sector workers. There should be no hierarchy in how workers are treated. It is vital that we stay safe and save lives, and work safely and save lives.

Ms Bradshaw: I support the regulations as amended. I have said in the Chamber before, but want it to be recorded again, that I do so with some discomfort. I, like many others, look forward to the time when we no longer have to amend the health protection regulations and that life for our people has returned to normal. I place on record, therefore, my concern that announcements on the lifting of restrictions and amendments to guidance seem to take place in the media before meetings of the Assembly, in particular the Health Committee. As the threat of the pandemic dissipates, we should be given sufficient opportunities to scrutinise and engage

on proposed amendments on issues that are so important and far-reaching for our constituents.

It remains vital that we do not forget those who are clinically vulnerable or those who are caring for them. The proposed reopenings that were announced last week were good news for many people across the community, and there was certainly something for everyone. However, we must remember that those shielding must remain doing so until 31 July and cannot, as it stands, take advantage of most of the reopenings. We will need to consider how we not just ensure that they do not feel pressurised into taking risks that they are not comfortable with, but provide them with support to access public services.

On top of that, I remain concerned by the lack of absence of reliable data on which to base our decisions on easing lockdown. I received a very useful document from the Department on how it is calculating and using the R number. I am still content that the reopenings take place over a period of weeks so that we can assess the latest recorded infection rates and ensure, as far as reasonably possible, that what we are doing is not leading to a rise in cases.

We are still told that we are being guided by the science. We need to know what scientific guidance was sought and what scientific guidance was presented. That is particularly important because we will need public support if we need to manage any outbreaks, like the one we see in Leicester today, over the next few months. The more information that we can provide the public with, the better.

I have some concerns that we are not addressing with precision the lessons learnt elsewhere. The risk from the virus is clearly determined by the environment. Indoor facilities with poor ventilation are particularly risky. I am concerned, therefore, that we have opened up and are opening up indoors, and in particular certain indoor locations, sooner than we should. I would like to see the scientific evidence on which these decisions are based to provide some reassurance.

Like Mr McGrath, I am also a little concerned that openings are announced without full and appropriate guidance being in place for business service providers, potential customers or whoever to enable them to fully prepare. That often causes practical confusion but also serious safety concerns. For example, what exactly are the mitigations allowing one-metre distancing? Why were those not stated clearly at the time that the change was announced? Again, that reduces confidence that decisions

are being led by scientific guidance and genuine public health considerations.

In addressing the regulations in general as they are being amended, I remain concerned that some people are being left out of the due consideration. The longer that we go without seeing the scientific guidance and public health considerations upon which these decisions are based, the less that the public will have confidence in them. It is, therefore, essential that decisions are not just announced but explained.

I again put on record my thanks to the public for their consideration during these difficult few months. Significant challenges remain. I emphasise again that, despite the very low levels of transmission, we need to be cautious. We need to maintain the basics, not least hand hygiene, appropriate distancing and ensuring that our gatherings are of an appropriate size.

Mr Chambers: I support the relaxation of regulations, and I welcome other relaxations coming down the line, always with the caveat, of course, that they are based purely on scientific and medical advice. The Health Minister today addressed the Health Committee. Members will have heard him over recent weeks in the Chamber refusing to be drawn into making comparisons with other regions of the United Kingdom or with the Republic of Ireland. Today, however, he said that he felt that he had to say that, in terms of transmission rates, we are probably the best placed of all the regions of the United Kingdom or the Republic of Ireland.

That is down to the emergency legislation that we have all had to operate under in recent months. It is also down to the fact that the people of Northern Ireland have cooperated fully with the regulations. There have been people who have, foolishly, decided to breach and break the regulations. Fortunately, however, they are in a minority.

The chief environmental officer, whom the Chair of the Health Committee mentioned, gave the Health Committee a briefing earlier this month. He openly admitted that there had been an error in the wording of the enforcement part of the regulations. Bearing in mind that this is an emergency, the regulations are all emergency legislation, as are the relaxations. You have to accept that we are making law without the benefit of the normal levels of scrutiny that law needs in order to be put into force. We have to accept that, from time to time, human error will creep in. Unfortunately, on this occasion, human error did creep in.

He also admitted that when the legislation was changed — I think that it might have been on a Friday — he was not aware, and I take him totally at face value, that a protest was planned for the next day. He also said, as the Chair mentioned, that, with hindsight, it might have been better to delay that part of the legislation for one week.

I have said it at the Health Committee, and I repeat it today: I fully and totally support the motivation behind the Black Lives Matter protests — as long as everything is done peacefully. We have seen, in some parts of the world, where it has not been done peacefully. You cannot support that. However, I totally support the motivation behind the protests. I say to the organisers of the protest that perhaps it was ill advised to call a large public gathering in the middle of a pandemic. I think that it was ill-advised. Perhaps they, with hindsight, would say that it might have been better not to have called so many people onto the streets.

There was a lot of talk in the Health Committee about conspiracies, and all the rest of it. There was no conspiracy. It was human error that caused the legislation to have to be revisited and changed.

A lot of people in Northern Ireland have made huge sacrifices. People have cancelled weddings, people have lost a lot of money through lost deposits, and people have been heartbroken about that. However, the biggest sacrifice in Northern Ireland has been around the funerals of loved ones. We know the psyche in Northern Ireland and how much weight we attach to the wake and everything that goes with it.

Just the other day, I watched a hearse stop in the middle of the road, not far from a home, and a wife go over and kiss the side of the hearse to say goodbye to her husband of 60 years. He was in a coffin in the hearse on its way to the crematorium. She was not permitted to travel to the crematorium with her husband. She had to say her goodbyes in the middle of a public street, in front of the public. Saying goodbye to a loved one is one of the most personal things that any of us ever has to do.

People have made huge sacrifices. I believe that to go to that protest that day and to any other protest, people are ill advised and fly in the face of people like the woman whom I have just described. How does she feel when she sees large gatherings of people? We have seen it again today in Belfast.

Mr O'Toole: Today, we are again debating retrospective changes to the coronavirus regulations; regulations that we all, I think, agree were necessary. The restrictions on our liberty have been enacted to protect the public. As other Members said, in Northern Ireland, notwithstanding the immense grief and sorrow caused by several hundred deaths, we have perhaps succeeded in restricting the rate of infection and controlling the virus. People who have made immense sacrifices, as Alan Chambers said, can take heart from that.

We are debating retrospective changes to the coronavirus regulations, and that is the frustrating part of the way in which we have done the process over the last few months. I understand the reason for it, but it is still frustrating. I say up front that I support the retrospective regulation changes in the sense that it would be odd not to, given that they have already happened, though I share the concerns raised by some about the regulation change coming in quite late before the Black Lives Matter protest. Indeed, I raised the issue several weeks ago with the Justice Minister.

However, given the strangeness of having to debate retrospective regulations and with your indulgence, Mr Principal Deputy Speaker, I would like to reflect on something else; another forward-looking regulation change that is happening this Friday. This Friday, in Northern Ireland, pubs are opening. Pubs that serve food inside will be opening to members of the public, as announced recently by the Executive. The Executive have made much, correctly, of the need to do that. Given the low infection rate in Northern Ireland and the extreme level of sacrifice and economic cost, it is right that those restrictions do not remain in place any longer than they have to, and the decision was made to open pubs in Northern Ireland. Let me say up front that I do not have a problem with that. I grew up working in pubs. I care a huge amount about our pub and hospitality sector. They are enormously important not just to our cultural lineage on this island but to our tourism offer and to how we do community life. I think that we should invest more in our pubs. However, I am very concerned about the fact that the Executive have chosen, in a completely unforced and slightly inexplicable way, to open pubs on a Friday. Why?

In the Republic of Ireland, pubs opened yesterday, which was a Monday. Next Monday, pubs will open in Scotland. They will open in a controlled way, serving food. Members may have seen some of the images of pubs serving food in Dublin and other parts of the South yesterday. People were socially distanced; it

was planned. Lots of the customers were older, retired people who were able to go in at lunchtime for a quick drink and perhaps a bite to eat. It happened in an ordered, planned way. It gave the staff the opportunity to deal with that immense change on a Monday afternoon when things are naturally quieter. In Northern Ireland, we have made what is, to me, the bizarre, inexplicable decision to open pubs on a Friday, in midsummer, after a payday and after three and a half months of being closed.

Pub staff will have to deal with — I hate to call it "black eye Friday", but I do not know what it will be. I do not like to predict things that none of us wants to happen, but I have grave concerns about the unintended consequences of what seems like a very unthought-through decision. I would love the Minister to give us some indication of why the Executive did not simply say that the pubs could open in a socially distanced and planned way yesterday or next Monday or even today so that publicans who wanted to do the right thing — I support publicans and the sector, and it is right that pubs open — had several days to get their premises ready, their staff used to the principle of social distancing and get themselves in a place where they could do this properly. Instead, we have taken the slightly surreal and, I am afraid, risky decision to open pubs on a Friday in midsummer.

5.15 pm

Earlier, the junior Minister said that the risk from COVID-19 remained in our community, and he was right. We know what has happened in Leicester. We know that the virus is nowhere near going away. It is also true, as he and other Ministers have said, that we now need to give businesses, workers and us as individuals the tools that we need to manage the risk, given that we in Northern Ireland and across this island have achieved a lower rate of infection than was the case several weeks ago. However, it is the job of the Executive — they have patted themselves on the back enough — to give the public the best possible framework for managing the risk. I am afraid that opening pubs at the height of midsummer after a payday without any preparation is daft and inexplicable. I make much of my experience of work in government. Well, I worked for many years in pubs in Downpatrick and elsewhere, and I would not want to have to deal with a pub reopening on a Friday for the first time in several months. I just ask the Minister to reflect on that.

Miss Woods: I thank the Member for giving way. Would the Member agree that it is crucial that staff safety is at the heart of the reopening of the pub and hospitality sector and that it was a missed opportunity not to have the voice of staff heard on the reopening before this Friday? Would he also agree that no jobs should be lost in that sector after its reopening?

Mr O'Toole: I completely agree. I know that the Member has even more recent experience of the hospitality sector.

I really want us to get this right. Like lots of people, I want to enjoy safe socialising this summer. I want the pub industry to get back on its feet. Frankly, I would have loved them to get back safely yesterday or today, which would have been safer. It is a bizarre decision, in the middle of summer, to reopen pubs on a Friday. Perhaps the Minister could offer clarity on why that is happening.

Miss Woods: Like others, I will comment on the retrospective relaxation of regulations stemming from an announcement made some weeks ago and on the opening of certain types of retailers, amendments 5 and 6 allowing elite athletes to restart training and certain groups of workers to access childcare, which has been circumvented by further announcements by the Executive last week. There are issues around the restrictions on gatherings and enforcement powers that need to be addressed.

The Executive seem to be picking and choosing which restrictions to lift from the menu of options laid out in their plan. I find the announcements made so far hard to correlate with the five-step approach. That raises questions about how they use scientific and medical evidence to come up with that plan and how they use it to make decisions as we speak, given that we do not have the evidence to look at. The manner in which the amendments are made show clearly that the five stages of the plan have not been followed in a linear way and that the recovery plan is not joined up. It seems that some of the most important issues, such as childcare and worker safety, are being treated as afterthoughts, following the relaxation of restrictions on workplaces. The approach that the Executive are taking of picking and choosing what to do next is resulting in more questions than answers and sowing confusion among those seeking clarity on their circumstances on what they should do after each announcement.

Instead of pandering to whomever shouts the loudest, we need a strategic and coherent approach that takes into account the cross-

cutting nature of measures to reopen our economy and support our families. A strategy for childcare and schools, comprehensive workplace guidance and support mechanisms should be in place before we expect people to fully return to work, not thrown together afterwards. Guidance should be sector-specific and work for people in that industry. My inbox has been filling up with emails from business owners who are not only confused by the guidance and its lack of detail but are reading pages and pages that do not apply to them.

Like my colleague who spoke about the reopening of pubs, I want to mention the hospitality sector and the guidance specifically. It is something that I have spoken about many times before, and I declare an interest as a temporary, part-time member of staff in a pub. The guidance issued to the hospitality sector included a section about the use of personal protective equipment (PPE) in hospitals. That does not apply to pubs. I want to reiterate how difficult this will be for pub staff, most of whom are on minimum wage in some of the most insecure employment in our economy. They will have to deal with crowds on a Friday with no security and with guidance that is completely up in the air and left to each owner and manager to do by themselves. They have nowhere to go to get clarity from the Executive, so they come to the likes of me and other MLAs. That is not good enough, because, folks, we are talking about staff safety here.

Many people that I have spoken to are literally freaking out because they will catch coronavirus by the end of the summer if we are not careful. They are not being given the guidance in the detail that they need, so we are effectively just letting them work. Customers will come in, and we just have to take it that they are following the guidance and are in a bubble or are members of the same household. We do not know. What will happen when there are a few pints in? We really have to think about this. I would love to have a conversation about it. If anybody wants to have a conversation about the realities of working in the sector at the moment, please come and speak to me. My door is open.

Mr McGrath: Will the Member give way?

Miss Woods: I will.

Mr McGrath: Does the Member agree with my earlier remarks that that is the very purpose of having an opportunity for the House to question the Ministers a few days after the announcement is made, rather than what we

have been doing, which is having a couple of weeks of speculation and then, four weeks later, amendments are laid and we need to get clarification? Would it not be good if we could get the clarification a few days after the announcement?

Miss Woods: I thank the Member for his intervention. I completely agree. I heard his earlier comment, and I could not agree more. That is what the Ad Hoc Committee should be for. It should be used weekly by any number of Ministers. I would be happy to sit here to listen and question them on every question that I get in my inbox or by phone.

We really have to think about this. Business owners and employers are doing their best, but some of them are doing a lot more than others, and we really need an opportunity and an open line of communication to get actual answers for business owners. This is a matter of staff and customer safety. This is not about the economy; it is about people's health. The basics need to be covered, and people need assurance that the steps that they take are the right ones not only for their customers but, importantly, for their staff's safety, as I have said. It should not be a copy-and-paste job. The guidance must be issued fully in conjunction with the sectors and with the staff that it affects.

As regards today's regulations, every time guidance is issued following an announcement, many more questions need to be answered. People are being left in the dark. Ministers must consider this properly and give us the much-needed clarity, as it is fundamentally missing. We have had situations reported to us that business owners are getting mixed messages and different advice depending on which MLA or MP's office they contact or which council area they are in. That creates confusion and does not bode well for the people who need certainty in order to reopen safely.

We have an issue with restrictions on gatherings and protests as well. I think that everybody here can agree that there have been more difficulties with enforcement than are needed. There have been examples of how the gaps are being tested. Major holes have been identified, and enforcement has not been equal across the board. We have had scenarios where fines have been issued and others where they have not. Some protests and gatherings have been clamped down on, and others have been let go. As has been pointed out by Amnesty International and the Committee on the Administration of Justice, the regulations do not address the right to protest alongside the need to protect public health. The lack of clarity

has led to the police using regulation 6A in the context of protests, fuelled by the inconsistencies that we have all witnessed. Ministers need to address urgently the issues around enforcement, and I hope that the junior Minister can take this back to get actual details for the Chamber. I fully agree with Amnesty:

"The right to protest is a fundamental human right, which may be limited in a public health emergency, but limitations must be proportionate, meet the test of 'legal certainty' – this is, the rules must be clear - and not be enforced in an arbitrary or discriminatory manner."

If the Executive's decisions on the relaxation of the regulations are informed by scientific and medical evidence, the Executive should publish that advice. Every announcement should carefully consider all those it may affect and give the necessary detail, otherwise it opens wider questions and does not bode well for public confidence at a time when it is needed most.

Mr Carroll: It is good to see you back, Mr Principal Deputy Speaker, and I wish you good health in the time ahead.

It is a damning indictment of the political establishment and, indeed, the PSNI's approach that, throughout the crisis — a health pandemic in which workers' safety has been risked by large employers and some of the most vulnerable have, essentially, been left to fend for themselves in care homes where conditions should, at the very least, be the subject of a public inquiry — the only section of our society that has been specifically targeted with a large number of fines, cautions and threats of prosecution seems to have been Black Lives Matter protesters who were taking part in safe, socially distanced events. The issue should be treated with the utmost severity by all in the Chamber because, if the regulations are ratified here today, it will send a crystal-clear message that the Assembly supports discriminatory punishment for anti-racist protesters. I want to lay out in no uncertain terms why that is the case.

We are being asked to support two amendments to the regulations — the amendment (No. 5) regulations and the amendment (No. 6) regulations. The amendment (No. 6) regulations, as we have heard, allow for the lifting of restrictions on workplaces such as non-essential retail outlets, allowing people to gather in their hundreds in queues at IKEA and other shops. Given that the R number, at least last week, was still close to 1

and we have little of a test and trace system to speak of, that could risk the health and safety of workers and see them taken off furlough and put back to work before we can be absolutely sure that it is safe.

At the same time, the Executive ask us to pass the amendment (No. 5) regulations, which were used by the PSNI to fine and threaten BAME protesters for taking a safe stand against racism. You do not need a fine-tooth comb to find the glaring hypocrisy there. Indeed, despite warnings from various medical experts, virologists, workers and trade unions about rushing to reopen the economy — we have heard some already — the Executive seem intent on ploughing ahead. Those in the hospitality sector in particular, as we have heard, have been very clear that they do not believe that there is a means for them to socially distance in their workplace. What is the response of the Executive? Closed ears, the creation of a recovery panel without one trade unionist on it and a Boris Johnson-esque approach that puts profit over the health of our communities.

When it comes to the kinds of gatherings that do not make a profit and are entirely socially distanced, as was the case with the Black Lives Matter protesters on 6 June who gathered in solidarity, fed up with systemic racism, the Executive take exactly the opposite approach by doling out special police powers to facilitate repression and discrimination and giving the PSNI political cover to carry out that repression. Anyone who listened to press statements and interviews by Arlene Foster, Michelle O'Neill and Naomi Long in the run-up to the Black Lives Matter protest could see that political cover was being given to police actions. The Justice Minister's comments, almost immediately after the protests, that police actions were proportionate were particularly disgraceful. They were out of touch with reality and were a dangerous intervention in support of the police actions, which are now being widely described as discriminatory.

One week later, it should be remembered, another crowd gathered in response to the Black Lives Matter movement, including elements of the far right who have threatened the presence of black people, minorities and refugees on our streets. Not a single fine was handed out on that occasion, despite the fact that, clearly, there was no attempt to implement social distancing. I challenge the Minister to tell me in his response how he can comfortably claim that that is not discriminatory policing. I challenge the Justice Minister to take action on that disparity in a manner that she has, thus far,

refused to do. If she is able to intervene to comment on the fines for Black Lives Matter protests, there is no good reason why she cannot highlight that blatantly inconsistent approach and work to make sure that it does not happen again while she holds the Justice Ministry. It should be pointed out that other gatherings that were not of a political nature were also allowed to proceed unchallenged, shop queues being the most widely covered. One has to ask this: if the Black Lives Matter protesters had been holding their placards and chanting outside IKEA or Tesco or were in swimsuits on a crowded beach, might they have met with an entirely different fate? That, incredibly, seems to be the case. How can anyone here sit comfortably with that?

Life, according to Stormont, as we are being asked to approve it today, is one where shops, bars, hairdressers and more should open in order to facilitate the Executive's rush to kick-start the economy even if workers in those fields do not feel safe, rather than taking steps to consider an entirely different economic model that is not entirely predicated on profits.

If those same workers decided to engage in safe, socially distanced, anti-racist protests, they will have the book thrown at them. It is frankly disgusting. In my view, parties should not support the regulations today, especially those MLAs and parties who claim to be opponents of state repression, but will likely endorse this dangerous farce.

5.30 pm

As has been recognised by human rights organisations, such as Amnesty International and the Committee on the Administration of Justice, the treatment of BAME and other protesters was disproportionate. That Stormont handed down those powers without a democratic vote at the final hour on Friday 5 June makes the situation all the more insidious. Who can say that that does not seem targeted? It seemed entirely contrived to police BAME protests the very next day. Imagine the gall that it must take for some in the Chamber to claim that it was just a coincidence. We see you and those protesters see you and your comments. Every anti-racist in the North sees through that attempt to whitewash the issue.

Today, I am asking everybody who is uncomfortable with last-minute, seemingly contrived acts of discrimination against anti-racists and the BAME community to oppose the amendment (No. 5) regulations. To those who say that they must pass because there are

elements in them that are good and that do not relate to the policing of the protests, I say do not use that pathetic excuse. It was entirely within the gift of the Executive to not table the regulations today and to bring only the elements that do not relate to the policing of protests, just as swiftly as they were able to force the regulations through in the first place. If they can do it at 5:30 pm on a Friday, they can sure as hell bring an amended form of the regulations for ratification on a different day.

We live in a society with a clear race problem, a deeply disturbing level of racist incidents and appalling treatment of refugees and asylum seekers. At times, we have had more incidents of racism than sectarianism, yet 86.5% of racially motivated hate crimes go unsolved. What a startling figure. That is 50% less than any other hate crime. A 13.5% success rate is a failure that has put the lives of many people at risk.

Some 79% of asylum seekers recently reported that they are unable to afford enough food. Some 71% of asylum seekers who are parents here reported being unable to afford school uniforms for their children. Those are just some of the figures that highlight the problems that we face in society. The broader point is that attempts to address those policy gaps have been stalled by subsequent Executives for over a decade. There is clearly an institutional problem here, right at the heart of Government: from the top of the Executive right down to the PSNI on the streets and their response to the protests. Instead of tackling the problems of institutional racism, the Assembly is potentially adding to them by rubber-stamping legislation that was used to unfairly target BAME and anti-racist protesters. No other group in society has had those penalties imposed on them despite organising public gatherings. I appeal to all parties and call on MLAs to reject the amendment (No. 5) regulations and stand in solidarity with those who were unfairly penalised during the socially distanced Black Lives Matter protests. Black lives matter.

Mr Principal Deputy Speaker: Before I call the next Member to speak, when the Minister entered the Chamber, she walked in front of the Member while he was speaking. That is considered a discourtesy. I am sure that she did not mean one, but I think that most of us have been here long enough to know that.

Mr Allister: Thank you, Mr Principal Deputy Speaker. It is good to see you fit and well and back at your post. I will try to say nothing that will upset your recovery.

Mr Principal Deputy Speaker: Withdraw
[Laughter.]

Mr Allister: Today, something of a pall of hypocrisy hangs over the Executive with their COVID regulations. For months now, on a high daily basis, up in the Long Gallery, the First Minister and the deputy First Minister and/or substitutes have lectured the people of Northern Ireland about the inescapable necessity of standing in favour of and implementing each and every one of the regulations. "We are all in it together", we were told. When families found it very, very difficult, when burying their loved ones, to abide by these regulations, the deputy First Minister went on record to say that no one was above the law. Today, we saw that she thinks that she is above the law; that the Finance Minister thinks that he is above the law; and that other Sinn Féin Assembly Members think that they are above the law. This very day, the credibility of the Executive on these issues has been shredded by a joint leader of the Executive. What a commentary that, as we meet to debate restrictions such as this, the joint leader of the Government is out on the streets of west Belfast flagrantly breaching the very regulations that she put in place.

Mr O'Dowd: On a point of order, Mr Principal Deputy Speaker. Mr Allister may have a view on whether breaches occurred today, but it is not appropriate for a Member to stand up in the House and accuse another Member or a Minister of breaking the law. It is not appropriate, and I do not believe that it would stand under Standing Orders.

Mr Principal Deputy Speaker: The best that I can say — sorry, I have to rise to respond — in relation to that is that the Standing Orders, rules and conventions of the House instruct Members to be temperate at all times in what they say and how they say it. Mr O'Dowd, you have put your comment on the record. Mr Allister, you have put your comment on the record as well, and I will allow you to resume.

Mr Allister: Thank you. I will express it in the very terms in which the Executive express the rule about funerals on nirect. This is the guidance of Michelle O'Neill. This is the guidance that, in this Building, she has lectured us all on. This is what it says:

"The funeral should be private and only the following should be there, up to a maximum of 30 people".

This is the up-to-date guidance:

"up to a maximum of 30 people (this figure does not include funeral directors or other people needed to officiate)".

There it is. This is what Michelle O'Neill tells the rest of us, across Northern Ireland: when it comes to the most difficult issue of all — funerals — they should be "private" and:

"up to a maximum of 30 people"

should be there. Yet, today, in flagrant defiance of her own guidance, she takes herself, as a joint leader of the Government, to west Belfast to breach the very guidance that she puts upon the rest of us. That is why I say that the Executive, today, shredded their own guidance. The Executive, today, have lost all credibility when it comes to saying to ordinary people, "Do what we say". It is not a case of, "Do what we do" but "Do what we say". That is the inescapable, orchestrated, predetermined message from Sinn Féin and its leadership today. It is not, "Do as we do"; it is, "Do as we say". That is contemptible. Utterly contemptible.

The junior Minister has had to come today and tell us why these regulations are so essential to us. I notice that he is getting no help from junior Minister Kearney. He is not here today to answer the debate. Is it embarrassment that keeps him away? Is he running away from the questions as to why his leaders were in flagrant breach of the regulations today? Is that why it has been left to junior Minister Lyons to handle this alone? It is an appalling indictment of not just the dysfunctionality but the double standards of this miserable Executive, that they say to ordinary folk in the depths of grief, sorrow and despair, "You cannot go to your friend's funeral. You cannot be there". As Mr Chambers told us, even a widow cannot go to the crematorium, but Michelle O'Neill and the rest of them however can go in the throngs unlimited to the funeral of a terrorist. That is a commentary in itself on this Government and their regulations.

Mr Deputy Speaker, I want to turn to some of the specifics of the amendment (No. 5) and amendment (No. 6) regulations and deal specifically and primarily with the issue of marriage. The amendment (No. 5) regulation introduced a revision of the amendment (No. 4) regulation, which, you will recall, related to dos and don'ts and what must be open and what must be closed. It deals at paragraph 6 with places of worship. The amendment (No. 5) regulation put into regulation 4(6) the subparagraph stating that a place of worship may be used to:

"solemnise a marriage ceremony, subject to—

(i) the ceremony taking place outdoors; and

(ii) a total number of ten persons" —

which, I do not think, will be affected by the 30 provision —

— *"being present in the place of worship".*

What does that mean? It says:

"solemnise a marriage ceremony, subject to—

(i) the ceremony taking place outdoors; and

(ii) a total number of ten persons being present in the place of worship".

It does not say "at" the place of worship; it is "in" the place of worship. What does that mean? We have been told in guidance and everything else that you can have only outdoor weddings — fair-weather weddings, as I have called them. That in itself is a burden too far. I do not see any logical, compelling reason for the provision that weddings can only be outdoors. Yes, I understand a limitation on numbers, but I see regulations that state that a place of worship can be used for funerals, inside; can be used to broadcast from; and now, under the amendment (No. 6) regulation, can be used to provide childcare but cannot be used for a wedding.

5.45 pm

We have reached an utterly illogical position. You can use a church for a funeral. You can now go to it for an act of community worship, or use it for childcare, but you cannot get married in it. That act of worship is excluded. I say to the junior Minister that the Executive need to urgently address the glaring — glaring — inconsistencies in these regulations.

What have they got against marriage? What is it about marriage, that you cannot be married in church? There is no justifiable shadow of a reason why that should be. You can now have religious services, Bible readings, all of that, with no limitation on the numbers, but the one thing that you cannot do is get married. You can have your kids minded in childcare, but you cannot get married.

That is absurd. It is the absurdity of that which brings regulations, such as this, into disrepute,

but it is as nothing over the self-inflicted disrepute into which these regulations have been brought today by the deputy First Minister.

Mr Principal Deputy Speaker: The final Member to speak is Mr Daniel McCrossan.

Mr McCrossan: Mr Principal Deputy Speaker, it is good to see you back in your role and, hopefully, fully recovered from your recent illness.

From a societal point of view, there is considerable confusion in relation to how this entire process has been handled. At the outset, when COVID was coming towards us, and we could watch the impact it was having right across the globe, instead of preparing, we were doing very little. Then there was an automatic panic reaction of closing everything or, in some cases, a debate about closing everything, refusing to do so, and then coming back later that day to the Chamber, in the case of the Education Minister, and announcing the closure of schools

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

It seems that this entire process around COVID-19, and the preparation for it, to ensure the health and safety of the general populace, has been badly handled, messily handled. Like other Members, I appreciate that it is an entirely complicated, unprecedented situation.

In the early stage, it was, "Close everything. Shut everything down. Shut your businesses." It is important to recognise the huge sacrifice that has been made by all sectors of our society, and the business community, who have been closed and their doors have been shut for many months. Our healthcare staff, nurses, doctors and front-line workers, for the last number of months have sacrificed their lives and well-being to ensure that we were safe, cared for and looked after in hospitals. Their sacrifices were huge, so huge that we will never be truly able to thank those who have stepped beyond all boundaries to help and protect our population from the threat and risk of COVID-19.

My concern is that, as we emerge from COVID-19 — we still remain in a place of significant uncertainty as to the true impact ahead could be — we are simply now, instead of following a phased reopening, announcing, in a lucky-dip sort of approach, the reopening of this, that and everything that may suit the agenda of particular Ministers, or the First and deputy First Minister, at the Executive.

It is unhelpful in many ways because, whilst we are minded to continually think of those who have made considerable sacrifices throughout this pandemic, there is a reckless or loose reopening, and a lack of guidance around what is expected in the reopening of our society across all sectors. If that is not handled properly, we will return to square one. We are seeing patterns emerge in various countries right across the globe where spikes are happening in the pandemic and infection rates are going up in certain towns and villages.

Members of society are concerned, and rightly so. They have put their trust and faith in us as legislators and in the Executive to ensure that, whatever action we take, it ensures the population's safety. However, as many Members in the House will know, over the course of the past number of weeks, we have been inundated by constituents asking us to clarify the guidance or announcement that has been made here. For example, one of the earliest announcements was about hotels. People could book a hotel, but we could not tell them the date. That is just an example of the inconsistencies and shortcomings that there have been rather than proper planning for the reopening of society.

The public out there are concerned. They are reaching out to us, as individual MLAs and people in positions of authority, to ensure that, whatever steps we take, we can, at all times, ensure that the public will be safe. However, when, each and every week, we hear announcements of the reopening of churches, for example, as Mr Allister mentioned, and that there can be funerals with a certain number of people present, and masses or church services, but that there cannot be weddings, it does not make sense. It causes confusion in our communities that we, then, are burdened with trying to clarify. As legislators, we are, then, in the ridiculous position of being unable to clarify it because the announcement has been so poorly communicated.

We have to remember that, throughout the entire pandemic, whilst we ensured, thank God, in an operational Assembly, that people were safe, regulations were in place and measures were in place to support businesses, the community, and healthcare and front-line workers, we should also have been planning properly, from day one, for the reopening of society. The flick-of-a-switch approach will not work because it puts everybody at risk. I do not think that any Member of the House would argue with that. If we get it wrong, and we reopen society quickly and without proper protections and guidance in place, we will put

people at risk. For the House to do that would be unforgivable.

Today, we have talked about funerals. I am not going to make political points. However, I will point out a glaring frustration that I had today. In recent months, we lost John Dallat, a man who was a public representative for 40 years. My SDLP colleagues could not attend his funeral because we respected the regulations that were in place to ensure the population's safety. We did that, importantly, to show leadership and that it was wrong to go there and put others and ourselves at risk. We are expected to show leadership, folks. It is very frustrating that, across the House, certain parties say one thing at the pulpit on a Monday and do something entirely different on the Tuesday. It damages confidence in the House and these institutions.

There are big concerns about the guidance on education. I know that many MLAs will have heard from schools in their constituencies about the lack of guidance on the reopening of schools that gives confidence to principals, teachers, parents and people who work in the school environment that, when schools can be reopened, the health and safety of people in the wider school environment can be ensured. When guidance and regulations are being drip fed through the BBC, that also damages confidence in the House and the Executive.

It is not acceptable that principals and teachers are hearing about what is expected of them when they are expected to ensure the health and safety of children. They will be the first who will be exposed to large groupings of young people in schools, in small classrooms. Even with one-metre restrictions in place, which I welcome, there are still significant risks because our schools will be expected to reopen. There is no extra money in the budget, there is no money in place to protect staff or ensure the safety and health of our children and young people. That is the point that I am making overall.

For us and for the public to have confidence in this place, in our Executive and in us as legislators, if we are going to make announcements and continue making them to ensure that our society can unlock itself and emerge from this safely and to prevent a recurrence or spike of this infection, we need to provide all the details clearly and remove any ambiguity around what is expected in the guidelines.

I will finish on this point: it becomes very, very frustrating for me each and every day to take calls from the public and not be able to clarify their concern or question because we have not

received the information that is necessary to do so. If we are serious about ensuring confidence in this House and this Assembly, particularly when people's lives are at stake, let us get the finer details and the most simplest of things right at least.

Ms Armstrong: Thank you, Deputy Speaker. I apologise. I thought that my name was on the list from earlier. I really appreciate you allowing me to come in now. I will follow on from Mr McCrossan's contribution when he mentioned the lucky-dip approach to how different aspects of relaxing lockdown are coming forward. I will not take too long today, but I ask the Executive and Ministers to absolutely consider putting the people back to the forefront of our lockdown relaxations.

Like many in this room, I am inundated day in, day out by calls from carers who are at breaking point across our society. They have no respite care, they have no day centres, they have no breaks, they are depending on food parcels, and for those who do not have a shielding letter from their GP, those finished last week.

We have a community out there that is looking to us to show leadership. We have a community out there that needs our help. We have a community out there that is still scared. As my colleague Paula Bradshaw said very clearly, when the easements come forward, they must come with robust guidelines. We still need to help people to understand how to look after themselves when the footsteps are going forward to lead them back into normal society again. When will they get the guidance that says, "As a carer, thank you very much for the last 12 or 13 weeks of looking after" — this could be an 80-year-old — "your their disabled adult son or daughter. Thank you for doing that. We know that you have been on your own. You have been stuck in the house with that person. You have done everything. Normally, you could have got a bit of respite". Do we have any guidance coming forward for those people that says, "OK. We are going to help now. The state is going to help you again"?

I know that we are debating amendment (No. 5) and amendment (No. 6) to the regulations today, and amendment (No. 8) and amendment (No. 9) are planned for the future. Can we please bring people back to the focus? Carers do not understand why a hotel, a pub and a hairdresser are more important than they are. While I appreciate that we need to get our economy back up and running, can you imagine the cost to each and every person across Northern Ireland if our carers collapse? When

those people go, our health service will completely collapse.

I am making a call today to please provide robust guidance from Health, from Communities, from whatever Department it needs to come from to help those carers understand that they have not been forgotten about, that we know that they have worked so hard over the last number of weeks on their own without the support mechanisms that would normally be in place.

Constituents need to know what the changes mean.

Up until very recently, when you clicked into the coronavirus legislation, there was a document that spelt out for you exactly what it meant — what businesses were open and what it meant for individuals. That has not been updated since 12 June. Can we please do that? It was a useful document to share with people, but we have nothing to give them now, as has been highlighted by others. It is time that we put people back to the front and started to look after our society so that their mental health is not in such a terrible way when we come out of this that they cannot cope.

6.00 pm

Mr Lyons: I welcome today's debate and thank Members for the contributions that they have made. I will turn directly to the points that some Members have made and try to focus on the questions that they asked and the clarifications they sought, first and foremost.

I begin with the Chairman of the Executive Office Committee, who suggested that early referral to the Ad Hoc Committee would be useful and provide for scrutiny and clarification. I am certainly more than happy to take that back to Executive colleagues, but I again remind the Member that we are under a duty to terminate these regulations as soon as we believe that they are no longer required in order to protect public health. Additionally, a lot of the time when we are making announcements, we are giving indicative dates, so hopefully there is that time for people to plan and prepare.

Mr Gildernew was next. He made a number of comments, but he will be pleased to hear that, since he spoke, the Health Minister has confirmed that changes will be made in relation to hospital visits, visits in care home settings, and partners being able to attend scans for pregnant women, as well as fathers now being able to attend the birth of their child. I know that that was a hugely important issue and I was

delighted to be able to send a message to one of my constituents who had contacted me and asked me to lobby for this on his behalf. He said that he was absolutely delighted; he and his partner had broken down in tears because it was such an important thing for them to be able to do. He was delighted that I was able to share that good news with him, and I look forward to baby Gordon coming along in a few weeks' time. Maybe they will take that on board as a suggestion.

Turning to the remarks of Pam Cameron, I welcome her support for the changes that allow a return to family life. I certainly agree with her that the mental health and well-being benefits that result from that are vital.

I will touch on Kellie Armstrong's comments towards the end, but she mentioned that we need to put people first. I contend that we have put people first throughout this pandemic. We have been concerned, first and foremost, about their health and well-being. We have been concerned about their jobs and their economic prosperity. We have been concerned about their mental health. We have been concerned about how they are able to interact with their family and friends, and all of the other societal issues. I accept the points that she made about carers, but it is certainly the case that we have put people first and foremost in all that we have done.

I also echo Mrs Cameron's support for the restoration of the economy and the effective partnership working with businesses, trade unions and councils which is, of course, essential for our communities and for our high streets as well.

Ms Bradshaw is still in her place. I want to acknowledge, again, her concern about scrutiny in relation to these issues. It is the nature of the regulations that we have brought through that it is up to the Minister of Health to terminate them whenever it is necessary. I hope that these debates have been useful for Members to raise additional concerns. We have tried to hold them as close as possible to the times when the regulations are introduced, but I can understand the points that she made and will of course take back her agreement with Mr McGrath's suggestion that we look into how the Ad Hoc Committee could be better used in communicating changes and guidance.

In terms of the risks that she mentioned, especially in relation to indoor activities, I want to assure the Member that every decision that is taken by the Executive takes account of the professional, medical and scientific advice of

the CMO and the CSA. Risk assessments are done. We do not, as some Members have said, just pick ideas out of a hat or pursue our own narrow interests. We take all of this with a very collective approach.

I welcome Mr Chambers's acknowledgement of our relative success in tackling the pandemic. I do not think that it is the time or that it is appropriate for a victory lap for anybody, and I am sure that the Member will agree. However, I agree with him that the successes that we have had are down to the actions and the responsibility of the people of Northern Ireland, and it is absolutely right that we put that on the record and, again, thank those in our health and social care sector who have done so much to protect us and the ones who we love. He is absolutely right that it continues to be the case that citizen behaviour is key in all of this. As I said in my remarks earlier, it is not just about how we can enforce these regulations. We are entering into a social contract with people, and they need to ensure that they are following the letter and the spirit of the law.

I also thank Mr Chambers for the very eloquent way in which he spoke about the widow who he mentioned and the very sad circumstances surrounding that funeral. As I acknowledged in my earlier comments, this has been a very difficult time for people who have lost a loved one, and we have to thank those who went through that difficult time and still adhered to the regulations.

Mr O'Toole also mentioned scrutiny. It was a common theme through this debate, and we will certainly do all that we can to allow Members to have proper scrutiny. He did, however, mention the timing of the opening of the pubs and said that he believes that Friday evening in the middle of summer is a bad time to open those pubs. I dare say that we could have had criticism for opening the pubs at any time of the week, but it is important to note that we did work with the sector. We talked with the sector about these issues, and it is also important to note that we did give a lead-in time to help those bars and restaurants to prepare. I also note that we are not just opening pubs for alcohol sales only. That will help to bring this in in a managed way because, probably in most cases, people will have to book a table and sit down. There will not be a lot of milling around, and it should not be the case that these places are overcrowded. I also make the point that there is no requirement on anybody to open. If people feel that they need more time or that they would like to wait a few days, that is up to them. They have that choice and the ability to do that.

Mr O'Toole: I thank the Minister very much for giving way. Will he agree that you do not have to work behind a bar to agree with the idea that, on a summer Friday afternoon, there are more likely to be crowds attending pubs anywhere? That is a matter of arithmetic because it is a Friday afternoon and people are not working the next day. There is a reason why, for example, the South of Ireland and Scotland have chosen to open licensed premises on a Monday. Will he agree that it would be, in that sense, safer to manage crowds to open on a Monday?

Mr Lyons: I understand the point that the Member is making, however we are living in a very different time. Perhaps a lot of people are not in that place where they want to be going out yet. I am not sure how much different it is going to be. I think that there could also be a rush for a lot of people who are eager to see them open, and, whether that was happening on a Monday or a Friday, they would want to have gone and would have booked their table or whatever else. This is not an opening of the doors and seeing who is coming in. In most places, there will probably be a need to book a table beforehand because of the nature of the restrictions that will be in place because of social distancing and so on. The Member has made his point and put it on the record.

Miss Woods is absolutely right to say that the recovery plan is not linear, and we never said that it was going to be. This was always going to be our approach to decision-making on opening up parts of our economy again. The proposals are considered by the whole Executive, and we take all of the medical and scientific advice into account. Remember, we are required to lift these restrictions as soon as we do not believe that it is necessary to have them. That means that, in some cases, we have been able to move further on with some of the regulations than with others. That is why in the plan sometimes we were at step 4 where step 1 had not been completed. That is natural, and I think that it was wise for us to have an agile plan so that we did not have to rush things forward sooner than we needed to do, and we are not waiting on the slowest part before opening up other areas.

I notice that she raised specific concerns about guidance for pubs, and I am more than happy to draw her concerns about that to the Economy Minister, who, I am sure, will consider them carefully.

I will come on to Miss Woods's comment on enforcement and the issues around the protests, in particular. I will also touch on Mr

Carroll's comments, although we have been over this the last time we were in the Chamber for this matter. There continues to be an insinuation that, in some way, Ministers or officials within the Department for Health were trying to pull a fast one and bring this legislation in to specifically target Black Lives Matter. I see that Mr Carroll is agreeing with what I am saying. Let me make it clear, once more, and put it on the record that a drafting error in the amendment (No. 3) regulations, which came into operation at 11.00 pm on 19 May, meant that it was not an offence to breach the new restriction in regulation 6A relating to outdoor gatherings of up to six people.

Regulation 6A was intended to be a concession in respect of families and friends, who do not live in the same household, to enable a small group of up to six friends or family to meet outdoors in places such as a private garden or a public park. Regulation 6, which relates solely to a gathering in a public place of more than two people has never been repealed and has applied from the outset and, accordingly, there has been no interruption to the enforcement powers relating to public gatherings under regulation 6. The omission in regulation 6A was noticed and corrected on the same day by way of an urgent technical amendment included in the amendment (No. 5) regulations, which came into operation at 11.00 pm on 5 June. The amendment (No. 5) regulations were being made that day, following Executive decisions to allow the lifting of some restrictions relating to outdoor marriages and civil partnerships, animal welfare, holiday accommodation and certain types of retail and wholesale premises from 6 June. PSNI and the Department of Justice colleagues were advised of the position on the same morning that the error came to light and were further advised that the error would be addressed by way of an amendment to the regulations to be commenced later that day.

I understand that no fixed penalty notices were issued by the PSNI for a breach of the restriction in regulation 6A, during the period in question. The Department of Health was simply using the opportunity of the amendment (No. 5) regulations to make a technical correction to a previous drafting error that had come to light that day. The timing of the Black Lives Matter protests on 6 June was purely coincidental, and the operational enforcement of the regulations is a matter for the PSNI. It is the second time that I have explained that to the Member and the House. He is still of the opinion and does not accept what I am saying. He has said that it is not just him, but others as well. I think that he said earlier on in the debate that no anti-racist

would believe what we are saying on this. That is certainly not the case. Whether or not he, or others, choose to accept this is up to them but that is the position of the Executive and the Department of Health, and I have read that into the record.

I want to come next to the comments of Mr Allister. I have already said, in my opening comments and to Mr Chambers, that an awful lot of people in our country have had to forgo the normal and traditional funeral arrangements, that are a normal part of the grieving process in Northern Ireland. Mr McCrossan also mentioned the very sad death of Mr Dallat, his party colleague, and their inability to attend the funeral. I said earlier, in the Chamber, that I had not seen the footage. I now have and I agree with the Minister of Health that there appears to be a clear breach of the regulations. The regulations are very clear, and that is what we are here to talk about today, that only 30 people are allowed to attend an outdoor gathering related to a funeral.

Mr O'Dowd: Will the Minister give way?

Mr Lyons: I will give way.

Mr O'Dowd: Is the Minister now advising people that, under no circumstances, should they line the streets when a funeral is taking place; under no circumstances should neighbours come out and stand on the streets, as the cortege passes; and, under no circumstances, can anyone pay their respects from the roadside? That is what he appears to be saying.

Mr Lyons: That is not what I am saying. I understand that many people have taken part in standing outside their houses or standing on a roadside; that is not what I am referring to today. With regard to the numbers that I saw, I do not want to go into the detail —.

6.15 pm

Mr O'Dowd: Will the junior Minister give way again?

Mr Lyons: I will give way.

Mr O'Dowd: He is on record as saying that a breach has taken place, which is quite a serious accusation. He will have to stand over it. Where did the breach take place?

Mr Lyons: I am repeating what the Minister of Health said: there appears to be a clear breach

of the regulations. It is also clear that, when people are moving or when there is a cortege — this is talking about any event — that is limited to 30 people. I do not believe that that was the case today. That is exceptionally worrying for people who have had a forgo a funeral, and it is very unfair. I think that, if you were to ask people today what they thought, they would accept that it is unfair that it appears that some people are allowed to do one thing but others have to do another. I recognise that the police have said that they are reviewing the footage and that it is their responsibility, but the point that I want to make is that it is exceptionally important that we not only follow the regulations that are set down but adhere to social distancing. Social distancing may not be written down in the regulations, but it is a key part of what we need to do to ensure that we control the virus.

As I said, I do not want us to get into the position that Leicester finds itself in. It would be a terrible tragedy for our economy if we had to go back to locking things up. That would be wrong, and it is not where I want to be. I appeal to people, whether it is young people taking part in gatherings or people taking part in funerals or any other sort of gathering, to please adhere to the regulations and please adhere to social distancing. We are trying to combat a disease, and we need everybody's assistance in that.

I want to mention another issue that Mr Allister raised in relation to marriages indoors. The limit of 30 applies to indoor weddings for people who are terminally ill, which are the only circumstances in which indoor weddings are permitted at present. I understand the concerns that Mr Allister has raised and the inconsistency he raised in relation to weddings. The Executive have committed to looking at the issue again. There are other consequences that we need to think of, for example weddings that take place outside church settings, in private hotels or whatever it might be, but, as for all indoor events, we will keep that under review.

Mr T Buchanan: Will the Minister give way?

Mr Lyons: Yes, I give way to Mr Buchanan.

Mr T Buchanan: On the issue of marriage, the churches are opened up for people to meet, as Mr Allister said. You say that you are keeping this under review: when will the Executive look at the issue? Constituents have got on to me because they have had to cancel or postpone their wedding. They wonder whether the Executive have forgotten about them. They are still looking to get married and wonder when

they will get married. There is little guidance for them, apart from, as has been said in the House, a fair-weather wedding. That is simply not good enough, when we have moved on to seeking to get reopened and to a more normal type of society, albeit with all the restrictions that we have to keep in place. When churches can open and funerals can be held in them and other aspects, surely to goodness we can get them opened up for people who want to get married in a church setting and in a church building? We know what marriage is. It is between a man and a woman. It is traditional, and people want to hold on to it. They want to get married, but they are being held back from doing that. It is time that the Executive took the matter seriously, looked at it and made a decision for people to get married in their own church.

Mr Lyons: I thank Mr Buchanan for his comments. I completely agree that there are lots of young couples out there who are keen to get married and want to get married in the churches. They look at the services that are now able to take place in churches, they look at funerals that are able to take place in churches and they say, "Why not us? Why can we not have weddings?". I am sympathetic to the point that the Member made. I trust that Executive colleagues will be able to look at that in the coming days. We need to look at the unintended consequences of that, realising that weddings can take place in other areas and wanting to make sure that there is equity in relation to that.

While we are on the subject of churches, it would be remiss of me not to place on record my thanks to the churches working group, which has done fantastic work over the last number of days and has put together guidance. I am pleased that we are now able to move to a position where churches are able to reopen with a great degree of freedom. The Executive have not placed onerous restrictions on them, but, again, with churches as with the rest of society, with that extra freedom comes responsibility, and we need to make sure that we are responsible.

I think that I have dealt with most of Mr McCrossan's comments in my responses to other Members, but I again make it clear that, when the Executive make a decision on the relaxation of restrictions, it is based on three very clear criteria: the scientific and medical advice that is available, the ability of the health service to cope and the wider societal impacts of any restrictions on the economy, families etc.

Mr McCrossan: Will the Minister give way?

Mr Lyons: Absolutely.

Mr McCrossan: Minister, thank you for touching on those issues. I welcome the reopening of society; I just want the guidance to be crystal clear. Until now, it has been as clear as mud, and that is the issue for our society. We need to be clear about what the regulations mean as we ease the lockdown.

Mr Lyons: It has been easy for us to turn everything off and to flick the switch off. It has been a lot more difficult to open up, because we are opening up in a very controlled way. We are opening up in a way that, sometimes, involves additional restrictions. I completely understand the frustrations that the Member feels when he does not have the answers to the questions that constituents ask. With every set of relaxations, it is clear that there are always people who do not fit neatly into some of the categories that we have announced or there are other issues that constituents have for us. I can understand the Member's frustration about that, but he can get in contact with the relevant Department through the departmental Assembly liaison officer, and it will hopefully be able to provide that guidance and that additional reassurance to the Member.

I have already touched on Kellie Armstrong's comments, but I will certainly bring what she said to the attention of the Minister.

Mr McGrath: Will the Minister give way?

Mr Lyons: Yes, why not?

Mr McGrath: I waited until you got through everybody before raising this. At the beginning, you mentioned the suggestion that I made about going to the Ad Hoc Committee and said that there was a bit that was not clear. I want to clear that matter up. The idea would be that, if you make announcements on a Thursday and a Monday, the Ad Hoc Committee would meet on the Thursday after to clarify any questions that Members have. It is not about agreeing to the changes; it is the questions that you get. A number of Members have mentioned that, when a statement is made, there is a lack of clarity. We get bombarded with questions, and, if we have to go through the departmental system, it can take weeks to get the answers back, which just adds to the confusion. If Ministers were able to come on the Thursday after the announcements have been made, we would be able to seek that clarity and deliver it straight back, which would be a much better system. It is not about agreeing to the changes, which, I think, you mentioned at the beginning.

Mr Lyons: I appreciate the Member's comments. I will certainly take that to Executive colleagues, seek their views on that and come back to the Member. It may not always be the case, though, that the regulations fall exactly to one Minister, but the point remains that, if there are issues of clarification, I encourage Members to get in contact with us. We will also examine the other ways in which that can take place. The Assembly needs to have its place, and the Assembly can be exceptionally useful in making sure that we have the extra clarification that we need on some of the issues.

I think that I have answered most of the questions and queries from Members. If there is anything further that they wish me to address, I will be happy to take that from them in writing and get back to them. In the meantime, I commend the regulations to the Assembly.

Question put and agreed to.

Resolved:

That the Health Protection (Coronavirus, Restrictions) (Amendment No. 5) Regulations (Northern Ireland) 2020 be approved.

Health Protection (Coronavirus, Restrictions) (Amendment No. 6) Regulations (Northern Ireland) 2020

Resolved:

That the Health Protection (Coronavirus, Restrictions) (Amendment No. 6) Regulations (Northern Ireland) 2020 be approved. — [Mr Lyons (Junior Minister, The Executive Office).]

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

Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations (Northern Ireland) 2020

Ms Mallon (The Minister for Infrastructure): I beg to move

That the Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations (Northern Ireland) 2020 be affirmed.

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

Ms Mallon: The regulations will provide a new exemption from seat belt-wearing laws for ambulance personnel when they are providing urgent treatment to patients in the rear of the ambulance. It is made under article 23 of the Road Traffic (Northern Ireland) Order 1995.

Under current law, all adults are required to wear a seat belt, when fitted, with some exceptions. While one of those exceptions relates to the emergency services, it does not extend to ambulance personnel. Ambulance personnel could be prosecuted for removing their seat belt to care for a patient whilst riding in the rear of an ambulance. The current operational practice is for everyone in an ambulance to wear a seat belt unless to do so would impair the treatment of a patient. The proposed change will support current operational practice and ensure that healthcare professionals riding in motor ambulances can carry out their duties properly without infringing seat belt legislation. It will also ensure parity between ambulance, police and fire professionals when performing the duties required of an emergency service.

The new regulations specifically state that seat belts should only be removed:

"while that person is providing medical treatment to a patient which due to its nature or the medical condition of the patient cannot be delayed; or because of the medical situation of the individual being treated."

I expect ambulance personnel to use their discretion when determining what treatment cannot be delayed in any given case. The legislation does not specify which persons are covered by the exemption. That should ensure that any person who provides urgent treatment to a patient whilst travelling in an ambulance will be able to rely on the exemption. I anticipate that that will primarily be paramedics, emergency medical technicians and other ambulance personnel, but it could be other medical personnel such as doctors and nurses. While not explicit, it is not anticipated that the exemption will extend to the driver of the ambulance.

The regulations also revoke a statutory rule similar to the one before you today that was made in 2016 but that could not be affirmed because of the suspension of the Assembly in January 2017. The 2016 rule technically remains on the statute book, so it is necessary to ensure that it is revoked to remove any

ambiguity around the proper operational date of the exemption being granted.

6.30 pm

In concluding, Mr Deputy Speaker, I take the opportunity to place on record my gratitude and appreciation to all those working in our Ambulance Service and across our emergency services for the invaluable work that they do every day but particularly the work that they have done to keep us all safe during the COVID-19 crisis. I commend the motion to the Assembly and ask that it affirm the regulations.

Miss McIlveen (The Chairperson of the Committee for Infrastructure): I welcome the opportunity to speak as Chair of the Committee for Infrastructure on this statutory rule. The Committee initially considered the proposal for the rule at its meeting on 29 April this year and welcomed its introduction by the Department. The rule itself was then approved by the Committee on 3 June. Although its consideration and approval was relatively quick and simple, it was the culmination of a far longer process, as the legislation has been a considerable time in the making. It was initially intended that the regulations would become operational in March 2017, following a consultation in 2016. The regulations were not debated or affirmed, however, as a consequence of the suspension of the Assembly in January 2017, and it is only now, after that hiatus, that the issue can be addressed.

The rule itself amends the Motor Vehicles (Wearing of Seat Belts) Regulations (Northern Ireland) 1993. It creates an exemption for ambulance personnel from the requirement to wear a seat belt when providing emergency treatment to patients in ambulances. The requirement for compulsory use of seat belts in vehicles comes from Council directive 91/671/EEC. That is reflected in the 1993 Northern Ireland regulations, whereby all adults are required to wear a seat belt, where fitted. The 1993 regulations do provide for some exemptions, one of which relates to the emergency services, but that exemption does not extend to ambulance personnel. That means that they could be prosecuted for removing their seat belt in order to care for a patient while riding in the rear of an ambulance. The statutory rule provides an exemption from that requirement and therefore gives much-needed clarity to the Ambulance Service, as well as removing the potential threat of prosecution or of a fixed penalty under the 1993 regulations.

The rule also ensures parity between the position of ambulance professionals and other emergency services, such as the police and fire professionals, when performing the duties required of an emergency service. Therefore, having considered its detail and purpose, the Committee for Infrastructure is content with the rule.

Mr Boylan: Our ambulance workers play a critical role daily by transporting those who are unwell. A lot of the time, they do so in emergency situations. The last thing that our ambulance personnel need to be worrying about when performing their essential duties is that they are at risk of prosecution, when they should be concentrating on their patients' immediate care. The change will provide clarity for the Ambulance Service and remove the potential threat of prosecution. The amendment to existing regulations is to be welcomed.

I had sought further clarity on the consultation from departmental officials and the Minister to ensure that there were no road safety issues for ambulance personnel and patients themselves, and I am content that I got that clarity. I am therefore content to support the regulations.

Ms Mallon: I thank the Chair of the Committee and its members for their support in taking forward the regulations, as well as for their contributions today. As both the Chair and Cathal Boylan pointed out, the rule addresses an anomaly that we were not able to address owing to the collapse of the Assembly. It is an important step forward in removing the risk of prosecution but also in bringing much-needed clarity to our ambulance personnel as they carry out their daily duties of making sure that we are all safe and saving lives.

In concluding, I ask the Assembly to affirm the regulations before us today.

Question put and agreed to.

Resolved:

That the Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations (Northern Ireland) 2020 be affirmed.

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

Environment Bill: Legislative Consent Motion

Mr Deputy Speaker (Mr Beggs): The next item of business is a legislative consent motion (LCM) for the Environment Bill.

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

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Environment Bill, as introduced on 30 January 2020, dealing with: environmental governance Northern Ireland in clauses 45 and 46 and schedules 2 and 3; waste and resource efficiency in clauses 47-53, 56, 58, 62, 64 and 68 and schedules 4-9; water quality in clauses 81 and 83; and amendment of REACH legislation in clause 125 and schedule 19.

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

Mr Poots: Thank you, Mr Deputy Speaker. I am grateful for the opportunity to bring the legislative consent motion forward and to speak about an issue that affects us all. The Environment Bill is a UK Government Bill, containing a range of clauses; some of which apply UK-wide, some only to England and some to Northern Ireland and other devolved jurisdictions. A number of matters that are covered by the Bill are reserved and, as such, do not require the consent of the Assembly for the UK Government to legislate at Westminster. Transfrontier shipment of waste is an example. However, the environment in general is a devolved matter and, hence, most of the clauses in the Bill that apply to Northern Ireland require the Assembly's consent. At this point, I record my appreciation for the work that has been carried out by the Committee for Agriculture, Environment and Rural Affairs in completing its report under difficult circumstances for the benefit of the Assembly.

The original intention of the Bill was to address the environmental governance gaps that will be created at the end of the EU withdrawal transition period, in particular the absence of the environment oversight role that is currently undertaken by the European Commission and the environmental principles that are embedded in the EU treaties. The UK Government published a draft Bill in December 2018 that addressed those specific points and gave a statutory footing for their 25-year plan for the environment. Subsequent iterations of the Bill included a range of other environmental

matters, some of which are driven by EU withdrawal, while others seek to maintain existing UK-wide systems. A Bill has been drafted so as not to constrain the ability of the Assembly to scrutinise the Bill. This is a key point, but with one exception. The provisions that deal with the devolved matters in Northern Ireland can be implemented only after being debated and approved in the Chamber. That one exception, a power to amend specific chemicals legislation, had to be made for technical reasons and would still require the approval of DAERA before it could be implemented here.

It is my general view that, where possible, devolved matters should be legislated for by the Assembly. However, in this case, there simply is not time to deliver fully considered Northern Ireland legislation before the end of the transition period. Failure to take this opportunity to keep open the options presented by this UK Bill would be detrimental to environmental governance and safeguards in Northern Ireland. To be clear, this does not constrain the Assembly from enacting additional or alternative Northern Ireland legislation relating to any of the devolved matters in the Bill in future.

There are 17 clauses and nine associated schedules for which legislative consent is sought. These cover a range of environmental matters, including improving the natural environment, environmental oversight, waste, resource efficiency, water and chemicals. I will start with the relevant provisions in Part 2 of the Bill, which relate to environmental governance. Clause 45 gives effect to schedule 2, which is split into two Parts. Part 1 provides for the arrangements for the development and management of environmental improvement plans. Part 2 outlines the means by which the environmental principles currently enshrined in the treaty on the functioning of the EU can be incorporated into Northern Ireland law and, subsequently, policy-making.

More specifically, Part 1 provides for, first, the preparation, review, revision and renewal of environmental improvement plans and, secondly, the collection of data to assist with monitoring progress on environmental and improvement plans. This allows plans to improve the natural environment to be placed on a statutory footing. Part 2 allows for the preparation and publication of a statement on the interpretation and application of relevant environmental principles to which Northern Ireland Departments and UK Government Ministers must have regard when making policy in respect of Northern Ireland. This would allow

us to address the gaps in arrangements relating to environmental principles as a result of departure from the EU.

Clause 46 concerns the office for environmental protection (OEP) and gives effect to schedule 3, which would allow this body to exercise its functions in Northern Ireland. Its broad role would be to replace the environmental oversight function of the European Commission, holding public bodies to account for any failure to comply with environmental law. The provisions of schedule 3 would give the OEP operating in Northern Ireland broadly similar powers to the OEP operating in England. These powers would allow the OEP to monitor the implementation of environmental law and progress in improving the natural environment in accordance with any environmental improvement plans agreed by the Executive; provide Northern Ireland Departments with advice — for example, on any proposed changes to environmental law; and investigate any failures by public authorities in Northern Ireland to comply with environmental law, taking appropriate enforcement action when necessary. This would allow us to address an obvious environmental governance gap as a result of departure from the EU.

At this point, it is appropriate to advise Members that it is my understanding that the UK Government intend to table a small number of amendments to the provisions relating to the OEP when the Westminster Committee Stage resumes. I have not yet had the opportunity to consider the proposals fully and, obviously, it would not be appropriate for me to announce UK Government policy, but I can say that these amendments are intended to clarify the OEP's role. I will consider whether similar amendments would also be desirable for Northern Ireland and will advise Executive colleagues and the AERA Committee as appropriate. Should any amendments to Northern Ireland provisions proposed during the Bill's passage through Parliament fall outside the scope of this motion, a further legislative consent motion would, of course, be tabled in accordance with the requirements of the relevant Standing Orders.

Part 3 contains provisions on waste and resource efficiency. Clause 47 gives effect to schedule 4, which deals with producer responsibility, obliging business that place certain specified products or materials on the market to take greater responsibility for those products or materials once they have become waste. The Environment Bill provides the means by which the UK-wide producer responsibility schemes can be replaced and

updated and new obligations placed on producers in relation to reuse, redistribution, recycling and recovery of products. For Northern Ireland, schedule 4 confers on DAERA powers to make new regulations under which producer responsibility obligations can be imposed on specified persons and in relation to specified products and materials. It also provides for enforcement of these regulations.

6.45 pm

Clause 47 also repeals the producer responsibility obligations, which are no longer required alongside the provisions of schedule 4. Those provisions will allow me, as Minister, to keep producer responsibility schemes operable, and/or reformed or to introduce schemes alongside the rest of the UK.

Clause 28 gives effect to schedule 5, which also deals with producer responsibility, conferring powers on DAERA to make Northern Ireland regulations that may require those involved in the manufacture, processing, distribution or supply of products or materials to pay for or contribute to the cost of disposing of those items when they become waste. It also provides for the enforcement of those regulations. The provision is designed to incentivise producers to design products with sustainability in mind with the aim of reducing the consumption of raw materials.

Clause 49 gives effect to schedule 6 and is concerned with resource efficiency information, allowing DAERA to make product-specific regulations, setting requirements to provide information about a product's resource efficiency. It also provides for enforcement arrangements. The provision is designed to require clear labelling on products to enable consumers to identify those that are more durable, repairable and recyclable.

Clause 50 gives effect to schedule 7, and also relates to resource efficiency. Under the provision, DAERA can make regulations setting requirements for specific products' resource efficiency. Enforcement arrangements are also provided for. Alongside schedule 6, these provisions are intended to encourage more sustainable and efficient use of materials.

Clause 51 schedule 8 brings into effect and deals with deposit-and-return schemes. The provision allows DAERA to make regulations to establish and enforce deposit schemes. Under the schemes, consumers can pay a deposit when they buy an item — for example, a drink in a bottle or can — which is redeemed when the used item is returned. Such schemes can

reduce littering and increase recycling and reuse.

Under clauses 47 to 51, regulations from Northern Ireland may be made by the Secretary of State for Environment, Food and Rural Affairs, but only with DAERA's consent. An example of where that might be granted is where there is agreement on the benefit of taking a UK-wide approach to a scheme.

Clause 52 and its associated schedule 9 allow DAERA to make regulations for Northern Ireland relating to charging for a range of single-use plastic items by sellers of goods and services. It also provides for the enforcement of those regulations, including the imposition of civil sanctions. It is intended to build on the success of the charge for carrier bags.

Clause 53, insofar as it relates to Northern Ireland, amends schedule 6 of the Climate Change Act to allow DAERA to make regulations requiring the sellers of carrier bags to register with an administrator. The regulations may also make provision about applications for registration, the period of registration, the cancellation of registration and the payment of registration fees, including the amount.

Clause 56 relates to new powers to establish a mandatory electronic system to record and monitor the movement of waste. It includes powers to impose fees and charges, and to create associated criminal offences and civil penalties for the breaches of any regulations made under the powers.

The provision aims to improve the management and tracking of waste, thereby assisting in the detection and reduction of waste crime in Northern Ireland.

Clause 58 updates the powers available to DAERA in respect of the regulation of hazardous waste. That includes providing for the imposition of civil sanctions in respect of contraventions of regulations and the updating of fixed penalty amounts that can be applied in relation to offences.

Clause 62 includes new powers to allow for fees to be charged to recover costs in relation to waste management licensing of producer responsibility schemes. The powers will enable the fees and charges to be updated by way of a charging scheme. Charging for regulatory activities carried out reduces the burden on general taxation. The clause aims to ensure that the costs associated with enforcement activity in Northern Ireland are appropriately

recovered — a practical application of "the polluter pays" principle.

Clause 64 ensures that the Department will have powers to direct a registered carrier to collect specified waste and deliver it to a specified site. That addresses a gap in current legislation with respect to the removal of harmful waste from a site, and its safe treatment or disposal.

Clause 68 is a technical amendment to ensure the amendments to the Waste and Contaminated Land (Northern Ireland) Order 1997 by the Environment Bill, which will confer functions on DAERA, rather than the former Department of the Environment.

I now turn to Part 5 of the Bill about provisions relating to the water environment. Clause 81 provides a regulation-making power to the DEFRA Secretary of State to make provision about the substances to be taken into account in assessing the chemical status of surface water or ground water and to specify standards for those substances or in relation to the chemical status of water bodies. Where those regulations could be made under DAERA's own powers, under clause 83, the DEFRA Secretary of State must obtain DAERA's consent. The provision will ensure that, after the transition period, the UK will still be able to update the list of priority hazardous substances and specify standards.

Clause 83, which I have just mentioned, confers the same powers on DAERA in relation to Northern Ireland to make regulations about the substances to be taken into account when assessing the chemical status of surface water or ground water and to specify standards for those substances or in relation to the chemical status of water bodies. Again, this will ensure that Northern Ireland can continue to update the list of priority hazardous substances and specify standards after the end of the transition period.

Part 8 of the Bill covers miscellaneous and general provisions and includes the final provision for which I seek legislative consent. Clause 125 gives effect to schedule 19, which allows the DEFRA Secretary of State to make regulations to amend two pieces of retained European Union law relating to registration, evaluation, authorisation and restriction of chemicals, generally referred to as REACH. These are the REACH Regulation and the REACH Enforcement Regulations 2008. The Secretary of State cannot make such regulations without the consent of the devolved Administrations, including DAERA, and is also required to consider any request by a relevant

devolved authority to make regulations. The schedule also confers a power on DAERA and/or the Department for the Economy to amend REACH Enforcement Regulations 2008 independently of the DEFRA Secretary of State.

While that concludes the list of provisions for which legislative consent is being sought, I would also like to highlight the commencement provisions in clause 131 to reinforce the point that I made earlier about the implementation of these provisions being subject to the consent or approval of the Assembly. With the exception of clause 125 and its associated schedule 19, all of the provisions that I have outlined to you today require the Assembly's approval of a draft commencement order before being brought into operation. Members will, therefore, quite rightly, have the opportunity to debate the merits of the Bill's provisions before bringing them into force.

Our environment is precious in its own right, but it also contributes significantly to our economic prosperity and the physical and mental health of our citizens. Therefore, it deserves to be properly protected and improved for the benefit of all. I believe that the provisions of the Bill that I have highlighted will help us to achieve that. Accordingly, I commend the motion to the House.

Mr McGuigan (The Deputy Chairperson of the Committee for Agriculture, Environment and Rural Affairs): As Deputy Chairperson of the Committee for Agriculture, Environment and Rural affairs, I welcome the opportunity to outline the views of the Committee in relation to the LCM on the Environment Bill. I thank the Minister for his words of thanks to the Committee for its work on this and the report that it produced.

Minister Poots outlined the Bill, which contains 133 clauses and 19 schedules, many of which apply to the North. Legislative consent has been sought on the provisions that relate to devolved matters. Those are outlined in the LCM and in the Committee report.

As Members will be aware, much existing environmental policy and legislation derives from the EU and is monitored and enforced by EU institutions. The Environment Bill aims to provide a new framework for environmental governance as a result of Brexit. The Bill also provides for environmental improvement in a number of specific areas.

I wish to make clear that the Committee had very little time to scrutinise and fully consider the implications of the Bill. The provisions that apply to the North are detailed and complex.

What is more, the Bill is the reintroduction of a 2019 Bill that was developed when this jurisdiction was without an Executive or a sitting Assembly. There has been no formal public consultation here on the environmental plans, principles and governance elements of the Bill. That is something that concerns the Committee, particularly given the importance of the environment for everyone who lives, works or visits here.

I will now outline the Committee's approach to scrutiny of the Bill. The Committee took oral and written evidence in an all-day meeting on 27 February 2020. We heard from a range of stakeholders and their evidence, which can be found on our website, has been invaluable in our scrutiny. The Committee also commissioned a briefing paper on the Environment Bill from the Assembly's Research and Information Service. That paper was also very helpful and it, too, can be found on our website.

In considering the evidence, a number of key issues were identified by the Committee. The first is that the Environment Bill is a piece of Westminster legislation with provisions for the North. As mentioned earlier, the Bill provides a framework for governance and for the production of environmental regulations in a number of areas. Many of the policy principles that form the Bill were consulted on in the absence of an Executive. Neither Scotland nor Wales are participating in the principles and governance aspects of the Bill — they are making their own separate arrangements. DAERA has indicated that it does not currently have plans to bring forward an environment Bill for the North.

However, the Committee is of the view that an environment Bill for here should be developed locally, taking into account the unique circumstances, and would better deliver environmental governance and improvement locally. For example, we have a border for which rivers, lakes, pollution and waste crime have no regard. We are subject to the Irish protocol, yet the Bill fails to take account of those important matters. Therefore, the Committee recommends a standalone, bespoke environment Bill for the North. Although a consensus was not reached, the Committee recommends that a sunset clause be included in the Bill for the provisions that relate to this jurisdiction and that an environment Bill should be brought before the Assembly. Not all Committee members shared that view, as I am sure you will hear later.

The second issue that was raised by the Committee is the potential weakening of environmental protection provisions, or regression. It has been argued that the Environment Bill does not appear to have the same protections as those provided currently by the EU. Whilst refuted by the Department, the potential for lowering of environmental standards exists. Stakeholders have identified a number of areas where that risk arises and have raised concerns that the Bill does not contain a specific provision on non-regression for the North and the Committee is concerned by that.

It is critical that there should be no environmental regression. The North should act as an exemplar and should set the highest possible benchmark for delivering clearly defined and significant improvements to the natural environment. That should be applied to every Department and across all policies. The Committee recommends that a specific non-regression clause for the North should be included in the Bill to ensure that no weakening of environmental protection provisions occurs, not least because of the protocol, to which I will now turn.

The North is required to adhere to the Irish protocol and to adopt automatically any changes to the EU environmental regulations that are listed in annex 2 of the protocol. New regulations can be added to the annex, yet the Bill makes no reference to the protocol. That could have serious implications not only in terms of environmental standards but in relation to access to the EU single market. As time progresses, any divergence between here and EU legislation as a result of the Bill could have implications, for example, for the agri-food sector. Whilst the Bill aims to address governance gaps that may arise as a result of Brexit, the Committee has real concerns that governance gaps may still arise.

With six months to go, time is very limited to ensure that appropriate governance is in place. Stakeholders, too, have expressed concern at the potential for governance gaps. The Committee has also noted that the Bill makes no mention of the independent environmental protection agency that is proposed in the New Decade, New Approach deal. How will that body and others with a role in environmental protection fit in?

The Committee also has concerns around enforcement and penalties. For example, the office for environmental protection does not have powers to impose fines in the North. There is little to deter those who pollute or

dump waste illegally. The devastating impact of pollution on the natural environment and on the wider community are not reflected in the fines that are imposed on those who pollute. The rewards of waste crime seem to greatly outweigh the penalties. Enforcement, and particularly the level of fines, could be much stronger.

I will now move on to the clauses in the Bill that the Committee had issues with.

7.00 pm

Clause 45 introduces schedule 2, which includes provision for environmental improvement plans and policy statements on environmental principles here in the North. The Committee noted that the Assembly does not currently have an environmental improvement plan to significantly improve the natural environment, and stakeholders expressed concern at the lack of such a plan. The Committee recommended that an environmental improvement plan should be developed and that it should be subject to full public consultation and include targets. Stakeholders also indicated that the policy statement on environmental principles should be strengthened.

Clause 46 introduces schedule 3, which allows for an office for environmental protection or OEP to be extended here. It is proposed that the OEP will replace the oversight role of the European Commission. The Committee has many questions about the OEP. Those include representation on the OEP and its role, enforcement, independence, funding and how it will be scrutinised. There are also concerns that it will look only at public bodies, that there are restrictions on who can report and that judicial review is the only means by which it can enforce its decisions. Stakeholders also raised many concerns and questions about the OEP, including how it will operate. As noted earlier, time is running out. If the OEP is to be established here, it needs to happen as a matter of urgency. The Committee recommended that the OEP be extended to the North, with a base located here and that it should be adequately resourced. There should also be an interim member from the North until it becomes operational to avoid a governance gap. The restrictions on who can report to the OEP should be removed, the ability to impose fines should be included and the maximum degree of independence should be ensured.

Clauses 47 and 48 cover producer responsibility. However, those clauses do not

address the potential for that to encourage cross-border waste crime. Stakeholder concerns with those provisions included the view that they are too focused on end-of-life solutions and that there needs to be shared responsibility.

Clause 51 and schedule 8 provide the power to make regulations to establish deposit return schemes, which can bring about improvements in plastic recycling. Stakeholders raised a number of issues, including those with the retail sector, space and resources to manage the scheme, that councils will be left to collect lower-value recyclates and how it will operate locally in the light of cross-border issues. The Committee recognises the benefits of such schemes and has suggested learning from other places where such schemes are already in place.

Clause 52 allows for the making of:

“regulations about charges for single use plastic items.”

The Committee noted that England, Scotland and Wales are considering restricting certain single-use plastic items. The Committee also noted the planned EU ban on certain items for which there are suitable alternatives that are not made of plastic, such as single-use plastic cutlery, cotton buds, straws and stirrers. Stakeholder concerns included that the cost of that will likely to be passed onto customers, resulting in higher food prices.

Clause 53 allows DAERA to require sellers of single-use carrier bags to register with an administrator, applications for registration and the amount and payment of registration fees. The Committee noted that the use of revenue raised from charging for carriers bags could be used to deliver environmental improvements.

Clause 56 allows for the establishment of a mandatory electronic system to record and monitor the movement of waste. The Committee noted that DAERA has indicated that there is a project in place to deliver that system.

The Committee recommended that the definition of hazardous waste in clause 58 is extended to the North.

Clauses 81 and 83 relate to water quality. Stakeholders raised a number of concerns. The Committee is of the view that those clauses should be strengthened to ensure targets and standards cannot be weakened without

thorough public consultation and independent scientific advice.

Clause 125 relates to REACH enforcement regulation. Stakeholders expressed the view that the clause should be strengthened to ensure that targets and standards cannot be weakened without thorough public consultation and scientific advice. The Committee supports that view and believes that any proposed changes should undergo public consultation.

Although legislative consent is not being sought on clause 59 on the transfrontier shipment of waste, the Committee also expressed concern at how waste is disposed of when it gets here and feels that that is an area that needs to be strengthened to prevent, for example, sea pollution.

The final section of the report concerns matters that are outside the provisions of the Bill but which will have a massive impact on its operation and implementation. The first of these relates to conventions and international laws. The Environment Bill should not contradict conventions such as the Basel convention on the transboundary shipment of hazardous waste and the Aarhus convention. Secondly, the Good Friday Agreement provides for North/South cooperation on environmental protection. The Bill may well have implications for strand two arrangements on the environment, such as North/South cooperation on water quality and, especially, the implementation of the water framework directive.

Parallel to scrutiny of the Environment Bill, the Committee is considering the Agriculture Bill and the Fisheries Bill. The Committee notes the implications of the Environment Bill for other legislation and is concerned that it does not dovetail with, for example, the Agriculture Bill as might be expected. The Environment Bill may have implications for other legislative areas such as planning.

New Decade, New Approach committed to the establishment of an independent environmental protection agency and made a number of other commitments in relation to climate change, including a climate Act. More information is required on what ministerial directives or objectives are being set in relation to the establishment of an independent agency and how this will interact with the OEP, if established. The Committee also raised many questions around the financing and resourcing of the proposals, such as the OEP and infrastructure.

Finally, the Committee noted that the COVID-19 pandemic has brought environmental issues to the fore, including the positive impacts of reduced travel on the environment and the efforts of the community to improve the natural environment through, for example, litter-picking initiatives.

In concluding my remarks as Deputy Chair of the Committee, I can say that the Committee has not taken a position on the Bill. The Committee recognises the risk of governance gaps should there be an absence of legislation to protect and improve the environment here. That said, the Committee believes that an Environment Bill for the North, taking account of our unique circumstances, is, ultimately, the way forward. I thank the stakeholders and NGOs who gave evidence to the Committee. I thank the officials for their work and for helping to prepare these notes.

Briefly, given that extensive outline of the Committee's position, I will speak from Sinn Féin's point of view. My starting point is the same point with which I concluded my comments on behalf of the Committee: without the LCM, there are serious risks of gaps in governance through the lack of important legislation.

The Bill is a result of Brexit, which, of course, the majority of people here did not support. The Committee outlined its uncertainty about the adequacy of the Bill, and Sinn Féin and I share that concern. We want a sunset clause with a short time frame to be inserted to allow the Minister, as he said, to bring to the Assembly additional legislation in the form of an environment Bill that suits the needs of the people and environment here. We live on an island, and, as reflected in the remarks that I made on behalf of the Committee, the environment and climate recognise no borders. The Bill does not take account of the protocol that we will soon be subject to. We share the concerns of the environmental lobby and NGOs that there is the potential for regression from current EU legislation. We cannot allow that to happen and therefore seek the insertion of a non-regression clause.

In the midst of a health crisis, it is more important than ever that we do not ignore another looming crisis, that of damage to our environment and climate. That is why we need what was agreed in New Decade, New Approach to be implemented. We need proper, updated and locally made environmental legislation that is underpinned by an independent environmental protection agency to regulate it.

Finally, all of this needs an overarching climate change Act, as promised in the NDNA that brought about the resumption of this institution. It was further endorsed by an Assembly motion that was supported by a majority of MLAs. We need the Minister to bring that forward as a matter of urgency.

Mr Irwin: I welcome the opportunity to contribute to the debate today, and I welcome the Minister's comments on the issue. As we know and have debated on many occasions in the Chamber, the environment is a highly valued and important asset that must be protected in a meaningful and sensible manner. The Environment Bill is the method by which Northern Ireland, and indeed the rest of the UK, will protect and enhance the environment. Each devolved region will have the capacity to add to the various measures and powers that can be used to help protect our environment in the years to come.

What is important is the opportunity that this presents and, whilst everyone will want to maintain all the various rules that were effective in protecting the environment up to this point, it is important to have an element of control in which to react to circumstances that may be unique to a devolved region, such as Northern Ireland.

As has been voiced at Committee, and referred to by a number of people from DAERA to the Committee, the COVID-19 restrictions have hampered work on the Bill and have somewhat delayed its progress so far. Therefore, I welcome progress on the matter. The Bill will ensure that protection continues for the future, post-Brexit, and that, in Northern Ireland, we can better protect our environment with our own tailored initiatives that best suit practices here and avoid cumbersome and unreflective one-size-fits-all legislation that can, on occasions, be counterproductive, as was the case with some European directives. A lot of work has still to be done on the issue and, whilst the current restrictions limit that work, it is vital that proper work and discussions continue, in earnest, to ensure that we have a workable set of arrangements for Northern Ireland.

I welcome the general thrust of the work around this from DAERA, and the emphasis that there is no intention of making any decisions that will, in any way, reduce protections. That should be comfort to anyone, or any group, that may have concerns that the legislation signals some kind of a relaxation of the types of important restrictions or protocols that ensure that our environment continues to be protected.

In the Committee, in recent days, we heard from DAERA officials, who provided important clarity in this regard. They are on record as having stated to members that nothing in the Bill threatens existing protections. This is essentially enabling legislation, to allow further work to take place in this very important area of governance. That must now be the real focus for everyone, and I look forward to working further on this important legislation. I know that the Minister has a real awareness of the issues, and that has underpinned his ministry thus far. Indeed, I know that he has even pulled his own canoe on the River Bann, a few days ago, to see at first-hand the very real issue presented by waste in our Province. That is the sort of practical approach that must underpin this progress, to ensure that we arrive at solutions and legislation that are effective and protect, promote and enhance our environment.

The environment is our prize asset in Northern Ireland. It must be protected, and I support efforts to do so. I support the motion.

Mr O'Toole: I speak primarily as my party's Brexit spokesperson, though I mostly will not be talking about Brexit, the Minister will be relieved to hear. We are, however, asked to debate yet another legislative consent motion, relating to the effects of exit from the European Union. We have been asked to do it, I am afraid, as the member from the Agriculture Committee said, with insufficient scrutiny or time to think through the broader implications of the legislation and the specific interactions with the Ireland protocol. It is important that I acknowledge, right at the start, that that is not preferable or acceptable, particularly because we are going to have, as the year goes on, a large volume of further legislation and legislative consent motions to scrutinise. At least, I hope that we will, because, as we speak, the Executive should be preparing that, although we have not had much of an update on that.

Many of the aspects and intentions of the Bill are indeed welcome. It is right that, if we have to leave the European Union — clearly, I and my party did not support that — there is not a governance gap. Many of the provisions and principles that are currently provided for by European law must be converted to domestic law. That being the central purpose of the Bill, it is welcome, insofar as it goes. However, there are very specific concerns and challenges, and I will come onto a couple of them.

7.15 pm

A substantial proportion of existing law and policy relating to environmental protection in the UK and, indeed, all member states, comes from the EU. Its implementation is largely enforced and monitored by the European Commission. The Bill, as I said, intends to replace the work of the European Commission but fails as an appropriate replacement on two critical counts. First, there is a lack of ambition on environmental protection and conservation in Northern Ireland. Just a few weeks ago, we passed a motion in this place highlighting the need to acknowledge a climate crisis. The lack of legally binding targets and of commitment to non-regression in environmental standards in the Bill is deeply disappointing. We should be aware of that as we wave through the legislative consent motion tonight. The failure to properly consider the need for specific measures and environmental infrastructure in Northern Ireland means that the Bill simply does not provide adequate protection for the environment; indeed, there are few guarantees, other than some of the verbal guarantees that we have had from the Department for Environment, Food and Rural Affairs (DEFRA) in London, that environmental standards will not be watered down. We are asked, in short, as we were a couple of weeks ago with regard to the Medicines and Medical Devices Bill, to simply take the word of the UK Government on that. As I said then, Members on all sides of the House should be well aware of the value of the words of this British Government.

Secondly, there is a distinct lack of clarity from either Westminster or DAERA on how the Bill will interact with the Ireland protocol or, indeed, how its provisions will be applied if and when the UK chooses — I hope that they do not choose, but I fear that they will — to diverge from EU environmental standards following the end of the transition period. We simply do not have enough information. That goes to a deeper point, which is the lack of information that we have generally about the devolved institutions, their application of the protocol and, indeed, the UK Government's willingness to stand behind those provisions. The Environment Bill, as I said, is yet another example of the Assembly's having to wave through Brexit-related legislation without real scrutiny and with little information on how it will impact on the environment and what it will mean for the agriculture industry.

Philip McGuigan offered the example of water quality. We are asked to take the word for it that the DEFRA officials who drafted the Bill were thinking about the specific conditions on the island, not just the Ireland protocol but the simple fact that the water in Carlingford lough,

Lough Foyle and Lough Melvin does not change at the border. We need to have a properly thought through, joined-up approach to understanding not just the implementation of the protocol but how environmental standards can be managed on an all-island basis. That is not a nationalistic point; it is a simple fact of being on an island and not just sharing natural resources on an island but sharing natural resources that are completely seamless across the border. The word "seamless" is absurd, of course. As I have said, the fish in Lough Melvin and the oysters in Carlingford lough do not pay attention to which side of the border they are on, I am afraid, and we cannot expect them to do that.

I will go into a little more detail on the two critical failings that I have mentioned. The first is the lack of any real ambition for Northern Ireland with regard to environmental regulation. Environmental governance in Northern Ireland has been historically weak, not just internationally but, frankly, in relation to other parts of the UK. England has its Environment Agency. We are the only devolved area of the UK that does not have its own separate and independent statutory conservation body. Frankly, that is absurd. It is overdue.

With the UK's exit from the European Union, environmental law and governance will become even weaker. I am afraid that it started from a weak place. Representatives of the local agriculture and environment sectors have expressed their concerns that the Bill is both incomplete and removed from the specific challenges that we face in Northern Ireland. I thank them for the engagement that my party and I have had with them in recent days. As has also been said, there is no commitment in the Bill to non-regression on environmental standards. Part of the reason why that is particularly critical is that environmental standards are, as the Minister will well know, completely and intimately linked with agri-food standards with regard to food production. When it comes to the development of the new trade deals that the UK will seek to sign, we need absolute certainty that standards, whether they are environmental standards, food standards or labour standards, frankly, will not drop, and we simply do not have it. At the minute, we have verbal commitments not to regress on EU standards, but the Environment Bill fails to enshrine that in law either in Westminster or in Northern Ireland.

An effective environment strategy needs to be underpinned by local legislation. As has been said, this Bill contains no statutory basis for environmental plans or binding targets.

In relation to the governance gap, though I am glad that there will be at least some legislative provision to cover the period when the UK leaves the European Union, as I said, there needs to be some form of continuity in the statute book. The Bill does not sufficiently clarify issues around resourcing nor the interim arrangements for the proposed OEP in Northern Ireland.

We are losing the oversight and enforcement role of the European Commission and the European Court of Justice. That new body — the OEP — will be established for England, with amended function for Northern Ireland, to take on some of the European Commission roles, but there remain serious concerns regarding its independence and its robustness. There is no guarantee either that the OEP will be operational here by 1 January — the Minister may be able to give some clarity on that this evening — meaning that there may be a significant environmental governance gap if those structures are not in place. Environmental organisations here have argued robustly that that OEP needs to be fully independent of government and have stronger enforcement mechanisms. We support their calls. The OEP will only be able to issue notices in the case of breaches or initiate judicial review proceedings, which are both a lower standard than the current powers that the European Commission holds. That might be the desire of Brexiteers in London who wish to maximise freedom by lowering regulation, but it should not be what we want to do here. Frankly, it should not be what we want to do anywhere in the UK in terms of guaranteeing environmental standards.

I reinforce a point that was made by Philip McGuigan, which we support, and many others in the House. Bizarrely, there is no one from the Green Party here, but I am sure that they would support the case for an independent environmental protection agency [*Interruption.*] My apologies. I put on record my apologies to the leader of the Northern Ireland Green Party, who, I am sure, will support me in my calls for an independent environmental protection agency for Northern Ireland. As I said, we are the only country in the UK that does not have one.

Many of the policy principles in the Bill were consulted on at a UK level, as I said, while Northern Ireland was without an Executive, so parts of the LCM create a challenge for specific parts of industry here. I am sure that the Minister has consulted specifically with the food and drink industry around packaging and the

specific challenges that it has. I am sure that he is engaging with them on that.

I will move on briefly to discuss challenges around the protocol and the lack of consideration of the Ireland protocol in relation to the delivery of the Bill. As I said, it was developed without, as far as I am aware — I could be told differently — specific detailed consideration of the application of the Ireland protocol or the post-Brexit position of our environment and agriculture sectors. That is frustrating, and it is particularly deeply frustrating given how little time we have had to consider or scrutinise the Bill. Due consideration has not been given to the potential impacts, as I said, of regulatory divergence between Great Britain and the European Union; indeed, there is no specific reference in the Bill to the protocol at all. If there are any attempts to circumvent or circumnavigate the protocol in how the regulation is applied here, it will, no doubt, have implications for our access to the European single market. It is one of the advantages of the Ireland protocol that our producers here continue to have access to it. If there is any uncertainty about the application of the protocol in relation to, for example, the environmental provisions and how they interact with food production, that could present challenges to our access to that market. I am sure that no one here wants to see that.

A list of potential divergence issues are completely unclarified in the Bill. They include issues around, as we have discussed, water quality, particularly in relation to river basin districts, so many of which, as we know, are cross-border; cross-border waste disposal; labelling and packaging requirements and costs; and questions around judicial review of branches of environmental law, specifically as it relates to cross-border activity. There is a lack of clarity on who will be responsible for enforcement. There is, as I said, no mention in the Bill of who will take precedence should, for example, Northern Ireland find itself non-compliant with the protocol by implementing UK law that is divergent from EU standards in a dramatic way post transition. Those are all questions that we simply do not have answers to.

Mention has also been made of common frameworks across the devolved regions. Many of the areas under the Bill have been identified by the Cabinet Office as areas for a common framework, but we still do not have enough detail from the Cabinet Office around those common frameworks. I am sure the Minister will

agree that we need more from the Cabinet Office on that.

In summary, while I agree with the principle of avoiding gaps in our environmental provision post the end of the transition period, I am afraid that the Bill is a long way from covering it. I cannot, on the record, support the legislative consent motion. We are not going to oppose it, force it to a Division or anything like that. We support some of the provisions, but, as I said, this is nowhere near ambitious enough for environmental protection in Northern Ireland, and nor is there anywhere near enough detail on the application of the Ireland protocol and how it affects everyone in Northern Ireland. We need much more on that. We need it from the Minister's Department, we need it from the UK Government, and we need it urgently, I am afraid.

Mrs Barton: While we debate the extension of the provisions of the Environment Bill to Northern Ireland, let us not forget that the Bill before us is a complex one with very limited scrutiny time. There are 57 of its 133 provisions that apply to Northern Ireland.

The Bill is in two parts. The first is a legal framework for the new environmental governance and accountability that, it is hoped, will address any environmental governance details that have been excluded as a result of exiting Europe. In general, the second part concentrates on improvement of the overall quality of our environment, such as providing for a cleaner environment through better waste and resource management, leading to greater efficiency and an improvement in air and water quality through education and individual and collective responsibility. The second part of the Bill also recognises the need for biodiversity conservation to keep our natural ecosystems functioning and healthy.

The original Bill was introduced at Westminster in 2019 as UK legislation and had Northern Ireland provisions added because, at the time, Stormont was not operational. As a result, there are several issues in the Bill that may cause concern for Northern Ireland as it works towards a cleaner, brighter environment. There is concern that the Bill may bring about a weakening of environmental protection, leaving the UK with less protection than that provided by the EU. However, with environmental improvement plans and the importance of maintaining and protecting the environment, hopefully it will reflect that we do not need to be concerned.

There are also uncertainties around the Northern Ireland protocol. There are concerns that the Bill makes no specific reference to the protocol, which may have implications for Northern Ireland in terms of environmental standards and in relation to accessing the EU single market, for example, for our agri-food sector. Another source of unease is that the governance gaps can still prevail because of exit from Europe. While the Environment Bill attempts to prevent those gaps from arising through the development of an environmental plan for Northern Ireland, there are still many unknowns.

With regard to the establishment of an office for environmental protection, there is no reference to the independent environmental protection agency proposed in New Decade, New Approach. There is also no reference to the potential overlap of those organisations and the overlap of the enforcement bodies such as the Northern Ireland Environment Agency (NIEA). There is a need for clarification around the roles of those organisations and their recognition.

It is because of those issues that it may be necessary in the future to bring forward a bespoke Northern Ireland environmental Bill, something that Scotland and Wales are working towards presently.

7.30 pm

The Bill contains a further number of clauses specifically addressing waste and resource efficiency in Northern Ireland. Those clauses are welcome. They include provisions on electronic waste tracking, the shipping of waste and enforcement powers to discourage waste littering. There are also number of recyclable and reusable clauses applicable to plastics. Furthermore, there are a number of clauses that relate to air quality through the Clean Air Act, with clauses setting out requirements for the need to maintain and improve water quality standards. While there are some issues that may be of concern, the majority of the provisions are welcome, so the Ulster Unionist Party will be supporting the Bill.

Mr Blair: I thank the Minister for his statement and the fairly extensive detail given. On behalf of the Alliance Party, I support the LCM, although I should probably say at the outset that colleagues and I see this as a holding position, an interim measure and a framework on which to build a Bill and policies bespoke to Northern Ireland. That will probably come as no surprise to others, including those who sit with

me on the Committee for Agriculture, Environment and Rural Affairs.

As the only region in the UK and Ireland without an independent environmental protection agency, a climate change Act or specific net zero emissions targets, Northern Ireland is in urgent need of new policies that will protect the environment and restore nature. Some Members will be aware that the 'State of Nature 2019' report illustrated clearly the alarming rate of habitat and species loss. The Assembly will, I hope, commit to sufficient resources to honour pledges already made to ensure adequate progress and protections going forward.

The proposed Environment Bill goes some way towards addressing the environmental governance gaps that our exit from the European Union exposes, however there are a number of issues that remain and which need addressed. We need mechanisms for ensuring that future environmental improvement plans are sufficiently ambitious, deliver meaningful improvement and are relevant to Northern Ireland. Clarification is required around the relevance of and the role for Northern Ireland within the proposed Office for Environmental Protection how that sits with the independent environmental protection agency for Northern Ireland as promised in the New Decade, New Approach agreement.

Furthermore, the Environment Bill outlines that there would be one Northern Ireland representative on the OEP regulatory body. The obvious questions that stem from that are: who will that be; how will they be appointed; and from what sector will they come? The process for appointment, at this stage at least, is completely unclear. The Environment Bill also tells us that DEFRA will report to Westminster every two years on international environmental protection legislation. That does not, it appears, cover Northern Ireland-based detailed scrutiny, and that is another concern of mine.

There are, however, some positives and areas of the Bill that are appropriate to Northern Ireland and which address the specific environmental governance challenges. I am pleased to see the inclusion of polluter pays principles, considering the legacy of environmental problems such as river pollution, and I look forward to seeing the policies and the will to carry them through.

The Bill obviously, as I referred to a moment ago, gives us some continuity on environmental protection from the date of EU exit. On the subject of that EU exit, as has been referred to already this evening, Northern Ireland is the

only part of the UK that shares a land border with a European Union member state. That gives added importance to the need to maintain existing EU standards and to improve upon those further. This also gives us a serious and timely caution on non-regression.

The Republic of Ireland will still be operating under the EU framework, and, if Northern Ireland has a significantly different legislative framework or lower standards, it could be more challenging for us to work collaboratively with our neighbours to protect our shared environment. Few would doubt that, whatever drawbacks there have been, the existing threat of EU fines over the years has served as an effective deterrent on many environmental protection matters. I would have preferred a non-regression clause to be included in the Bill, and I hope that subsequent Bills, strategies and policies can address that shortfall.

With a view to those future solutions and improvements, to build on recent positive statements and initiatives from DAERA and, despite the concerns that I have expressed, to ensure cover going forward, I am happy, on behalf of the Alliance Party, to support the LCM.

Ms McLaughlin: I thank the Minister for his very detailed statement and briefing. This LCM is another unfortunate example of a Bill on which we have been unable to get enough clarity. It is another indication that the UK Government is facing in several different directions at once. Wales and Scotland are developing their own environmental protection agencies, and it is no wonder. Let us recall, for a moment, the New Decade, New Approach agreement to which the UK Government devoted immense time. It referred, very explicitly, to the environment and climate change. The 'New Decade, New Approach' document stated:

"The Executive should bring forward a Climate Change Act to give environmental targets a strong legal underpinning.

The Executive will establish an Independent Environmental Protection Agency to oversee this work and ensure targets are met."

When the SDLP held the Ministry, attempts were made to progress both of these hugely important environmental initiatives but, inexplicably, they were thwarted and blocked at Executive level. We need to resurrect the commitments made in the 'New Decade, New Approach' document.

It is obvious, and it should be obvious to the British Government, that the situation in Northern Ireland is different from England. We have a land border. We have cross-border production built into the agri-food sector. Many of the environmental matters underpinning this legislation are different here from those over the water. Yet we have so little time to properly scrutinise the legislation. We do not have the opportunity to consider, in detail, the specific implications of this legislation for Northern Ireland — that is just not good enough.

We will support this LCM. We are not totally happy with its contents, but the alternative is to have no environmental governance. The SDLP will seek to make amendments to the Bill in Westminster to make improvements that have more cognisance of our unique position in the North.

Ms Bailey: This Assembly is being asked to endorse the extension of these provisions to Northern Ireland, but these extensions are sub-power provisions. They are still under scrutiny in Westminster, yet we are being asked to rush them through, despite knowing that we are doing so without adequate scrutiny. Why are we being asked to endorse provisions that are not even law yet and that do not work for us in our context? Most importantly, we still have the option to amend and improve them.

I have listened to the Brexit and Environment group, which has spoken of their concerns that this legislation has been developed for England, made common by default, fine-tuned for England but not tailored to the needs of Northern Ireland. That is hardly surprising, given the absence of an Executive during the Assembly's three-year hiatus and the lack of formal public consultation, at a Northern Ireland level, and the principles and governance aspects of this Bill.

We are facing huge issues in governance and enforcement gaps, and the provisions extended to Northern Ireland do not adequately address those in the Bill's current form. This Bill and its provisions as they stand in relation to Northern Ireland are simply not good enough. It does not meet our needs. It does not adequately address the issues that we face. We need to develop our own environmental legislation that is specific to our context and is aligned with the Ireland/Northern Ireland protocol. This is nothing close to that, so I find it hard to support the LCM. If we are to pass legislative frameworks to protect our environment at least let us get it right, because time is running out.

When we look at the provisions of the protocol, not only does much of this Bill not fit the Northern Ireland context, in some cases it limits and restricts it. The Environment Bill's provisions, both UK-wide and NI-specific, have not been tested to see if they are compliant with the protocol. In fact the Bill, as other Members have mentioned, makes no reference at all to the protocol. Quite frankly, that is unbelievable.

We know that adherence to the EU environmental standards contained in the protocol is how Northern Ireland businesses will be able to access the single market. We know that Northern Ireland is required to automatically adopt any changes to the EU environmental legislation listed in annex 2 to the protocol. We know that Northern Ireland will find itself extremely vulnerable to the impact of divergence between GB and EU law. Any such divergence would have implications for the protocol and for access to the EU single market.

What we do not know is how the protocol will impact on the UK's ability to create common environmental frameworks. Will Northern Ireland be subject to the enforcement powers of the European Commission and the Court of Justice of the European Union (CJEU) for the protocol, and to the OEP for everything else? If Northern Ireland finds itself non-compliant with the protocol by implementing UK law or vice versa, which takes precedence?

We do not know the answer to those questions because the Bill has not been tested to see how it will interact with the protocol. How is it that we are being asked to endorse the extension of these provisions to Northern Ireland when no consideration has been given to our local context?

The issue of non-regression has been mentioned by several Members, and it is hard to ignore the criticisms consistently levelled at the Bill by experts charged with its scrutiny. The House of Commons Environment, Food and Rural Affairs Committee has stated that the Bill's provisions are not equivalent to current EU environmental standards, and that, in some areas, they mark a significant regression from current standards. That is unacceptable. It is essential that the Government commit to non-regression in the Environment Bill.

Let me remind you that non-regression is an environmental and legal concept that requires regulations and standards that should not be diminished. A strong version of non-regression does not just prevent a row back, but requires continual advancement in environmental law

and commitments. Experts have told us that non-regression is essential for us to meet environmental obligations. How, then, does the Minister account for the fact that the Bill contains no non-regression provision at all for Northern Ireland?

Government and departmental officials have indicated that they have no intentions of weakening environmental protections. That should not need to be explained, but it seems that it must: aspiration and intent do not equate to legislative protection.

Northern Ireland is facing monumental environmental disaster. Of the designated special areas of conservation here, 98% exceed critical levels of ammonia. More than one in 24 deaths here are linked to air pollution and, if we keep going along our current trajectory, a considerable proportion of this region will be under water by 2050.

Intention is all well and good, but let us be honest: there is also form here. Our track record is dismal. How can we trust that there will be any change, when time and again we have allowed environmental destruction to occur unchecked? Aspiration is inadequate. We need a straightforward and substantive commitment to non-regression of environmental law that is written and included in the provisions for Northern Ireland.

The Minister must do his job and get this law right. That is how we will get this done. Anything else, and anything less, will just not be good enough.

There are other issues to touch on, such as agriculture and fisheries. Not only does this Bill not align with the protocol, it does not even align with the other Bills, the Agriculture Bill and the Fisheries Bill that we have been told that we have to give legislative consent to.

We are passing laws that are contradictory to each other and we have no provision to monitor their implementation or revise them when they are not working.

7.45 pm

It should also be noted that, after the House gave legislative consent to the Agriculture Bill, Westminster was still working on it and it is still working its way through the Committee Stage and the Commons. After we gave legislative consent, Westminster then voted, with the support of the Minister's party colleagues there, to lower the environmental and food standards

contained in the Bill. I call upon the Minister to address that by engaging with Westminster to ensure that we have laws that work in practice.

We look at water quality, and it was absolutely great to see the Minister pictured yesterday in his kayak on the river with local people cleaning up the River Bann. While we share the Minister's concerns at the shocking levels of pollution and waste in our rivers, we are not as shocked, because we know, we have been watching, we see it and we hear it from people who continually tell us about the pollution, the damage and the waste in our rivers. Our waterways are already in a deplorable condition, with only 31% of our rivers classified as being in good or better condition. The River Faughan experienced five major pollution incidents between Monday and Friday last week alone. Is the Minister working with his Executive colleagues, including the Minister for Infrastructure, to stop that happening and to identify the polluters and hold them accountable?

The Bill gives DAERA the power to change regulations around the protection of our water. However, there is no requirement for those changes to be positive. We need to see a clear commitment in the Bill to make sure that any change to water regulations and any standards are positive, and I call on the Minister to act to ensure that that is the case.

There is a simple reality that is not being engaged with here, and that is that we live on a shared island. That is not contained in the Bill, but that is our context. We share our nature and biodiversity, our air and our waterways. We share three transboundary river basins with the Republic of Ireland. Changes to the way in which we monitor water quality and any weakening of standards will affect those north and south of the border. At a time when North/South collaboration is so critical, why are we creating barriers to that cooperation on shared environmental issues?

I want to mention Aarhus rights, and I know that the Deputy Chair of the Committee mentioned that. The removal of Aarhus rights from the Bill — rights relating to public participation, public access to information and public access to justice — is a matter of huge concern for me. Article 8 of the Aarhus convention, to which the UK is a signatory, requires effective public participation in changes and decisions that can significantly affect the environment, and yet no public consultation took place at a Northern Ireland level on the contents of these provisions. Does the Minister agree that these rights are important? Can he enlighten us as to

why there is no mention of the convention? Why has that been removed?

In conclusion, I find the evidence of the Bill quite damning. The Bill and its provision relating to Northern Ireland are not good enough. The Ireland/Northern Ireland protocol has either not been considered or just not been addressed. There is no substantive commitment to non-regression or environmental law in Northern Ireland. The provisions relating to water quality do not instil any confidence that there will be no further deterioration on our rivers, lakes and coasts. The questions remain around public access to environmental justice. Let us not forget what is at stake here. It is our future and our homes. Are we willing to accept a future outside the EU with lower environmental protections? As Greens, we will not.

It is my belief and the belief of my party that the provisions of the Bill relating to Northern Ireland pose a threat to our environment, but this is not a done deal. We can do better and here is how: work to amend the Bill. It is great to hear that our SDLP colleagues will be doing that. I am calling on the Minister and everyone else to do exactly the same. Include a substantive commitment to non-regression. Include a sunset clause for Northern Ireland so that we can create our own environment Bill that reflects our unique context.

The Scottish LCM, on the extension of the Environment Bill provisions to Scotland, was recently postponed due to their serious concerns about the content of the Bill. Why can the same not be done here? Fix this Bill, and bring this LCM back when the provisions will work to protect our environment. Westminster has shown no regard for the consent of this institution for previous LCMs, this one will be exactly the same.

As it stands, I cannot endorse the extension of these provisions to Northern Ireland. We have an unprecedented opportunity to build back better with a just transition. To not do so is a dereliction of our duty. Thank you.

Mr McNulty: I thank the Minister for his statement on the LCM. I welcome parts of his statement.

Unless we act strategically and in harmony across these islands and, indeed, across the continent, we are facing a climate and ecological crisis, and the North of this island's unique and iconic environment will be under significant threat. Decades of insufficient environmental governance have led to significant environmental damage. The 'State of

Nature 2019' report clearly demonstrates that our terrestrial, air quality, water and marine environments are suffering, with species and habitats being lost at an alarming rate.

Extensive regulatory dysfunction and unacceptable levels of disregard and the non-compliance of environmental law have resulted in substantial degradation to our environment and have had significant social and economic costs. Environmental NGOs have long argued for regulatory reform and the need for independent regulatory and statutory nature conservation body, as the Northern Ireland Environment Agency is an Executive agency within DAERA and not an independent body and only has limited functions. We are the only part of these islands without an independent public body charged with protecting and enhancing the environment.

The majority of environmental law here comes from the EU, and we have benefited from the further environmental governance provided by the European institutions, particularly the European Commission and the CJEU. The significance of this oversight is highlighted within national UK law and does not sufficiently enforce environmental law nor provide effective remedies and sanctions for breaches.

Following the transition period, the loss of oversight from EU institutions such as the EU Court of Justice risks further weakening of the environmental protection across the North where the threat of fines from the EU has long provided the greatest deterrent. There is a clear and urgent need to replace the lost oversight of the EU institutions. Brexit cannot be allowed to be used as an instrument to reduce environmental standards. It is more important than ever that we seek to proactively protect, recover and enhance the environment to ensure that nature is in better condition for future generations. We have responsibility for the stewardship of our environment: a clean healthy and well-protected environment that supports a sustainable society and economy. It is our duty to protect and improve the environment, as it is a valuable asset for the people of Ireland, and to protect all ecosystems, animals and ecology from the harmful effects of pollution.

I, therefore, welcome the introduction of the Environment Bill and its provisions. However, I strongly recommend technical and substantive changes to the Bill to include more detailed and rigorous protective measures to ensure that it effectively protects and enhances the environment. The proposed office for environmental protection will monitor and report

on environmental progress. This includes environmental improvement plans and targets, report and advise on changes to environmental law and take enforcement action on potential breaches of environmental law by public authorities, with its principal objectives being environmental protection and the improvement of the natural environment.

If the Environment Bill is enacted unchanged, the OEP will be responsible for monitoring the implementation of environmental law and taking action when public authorities are not implementing it properly. The OEP will be able to receive and investigate complaints from the public and initiate their own investigations into breaches of environmental law. The OEP will be able to provide advice and decision notices that inform the relevant public authority of its failure to correctly implement environmental law. In instances in which there is a serious failure or need for urgent action to comply with environmental law, the OEP can apply for judicial review of the public authority's action or lack thereof. Unlike the EU, however, the OEP will not have the enforcement power to impose penalties such as fines in instances in which public authorities continue to fail to comply with environmental law. That is obviously a major worry, as, if there are no consequences to breaches of standards, we may be open to major environmental exploitation.

DEFRA has said that it has plans for the OEP to be operational immediately following the end of the transition period, on 1 January 2021. Given the pandemic, is that date achievable and realistic? That is part of the reason that our party has strongly sought an extension to the transition period. The Environment Bill does not sufficiently clarify issues surrounding resource and interim arrangements for the OEP here in the North.

Subject to the NI provisions in the Environment Bill being commenced, a dedicated member from here will be appointed to the board of the OEP, yet that appointment process lacks involvement of or oversight by the Assembly. The Bill does not clarify the timescale for when the OEP is expected to become operational here. No interim governance arrangements are proposed, so the OEP must be operational by 1 January 2021 to avoid any gap in governance. If the OEP does not receive legislative consent and no other governance mechanisms are established for Northern Ireland, the only mechanism for challenging the legality of public authority decisions would be for civil society to apply for judicial review, which is a resource-intensive process. There is therefore a significant risk of a widening governance gap in

the North in the case of a no-deal Brexit. Although the OEP will provide oversight of the implementation of environmental law as it is currently established in the Environment Bill, there remain limits to both remit and enforcement powers.

Also of concern is the fact that the OEP will be responsible for monitoring the actions of public authorities and that it is limited to providing decision notices. There is therefore a clear need for the establishment of an independent statutory nature conservation body for Northern Ireland that will monitor the actions of individuals and organisations and that can take enforcement actions that can include, amongst others, financial penalties and civil sanctions.

An independent environmental protection agency could be responsible for implementing environmental law through, for example, licensing, monitoring the implementation of environmental law and taking enforcement action when individuals or organisations are in breach of the law.

The Bill provides a framework on which the Assembly could work to ensure the protection and enhancement of the environment. That work must commence apace. The environment cannot wait. The environmental principles, including integration, prevention, precaution, rectification and polluter pays, as well as the duty on the Minister to prepare a policy statement on the need to apply proportionally the principles in the development of policy, are to be welcomed. Enforcement is key. The Bill requires DEFRA, in the process of introducing new environmental regulations, to lay before Westminster a statement indicating that Ministers view the proposed Bill as not having the effect of reducing the level of environmental protection currently afforded by existing environmental law. That provision does not extend to the North but will apply to Northern Ireland as a reserved matter. That demonstrates a lack of environmental ambition. No regression is not enough. In the Bill, there are currently no provisions relating to targets or time frames for Northern Ireland.

The Bill in its current form does not achieve what has been promised, namely gold standard legislation, global leadership for responding to the environmental crisis and a world-leading watchdog. The Minister should set out a straightforward and substantive commitment to no regression on environmental law and to enhancement of environmental standards in the Northern Ireland provisions in the Bill. The duty to apply that and environmental principles should be strengthened to apply to Ministers

and public authorities in the development of legislation, policy and decision-making.

The Assembly and DAERA should legislate for NI-specific environment, agriculture, climate change and fisheries Bills that provide for the protection and enhancement of nature, with standards that set the bar high and that can harmonise across this island and this continent. The Minister should develop the environment strategy to function as a long-term environmental improvement plan. That should be underpinned by an independent environmental protection agency and time-bound targets, covering terrestrial, air, water and marine environments. Without those, the government system here will be incomplete and less effective. Subsequent secondary legislation policies or strategies that come from those Bills — for example, the environmental strategy — should be shaped not around the principle of non-regression but around enhancement and ensuring that environmental protection is not watered down.

A robust Northern Ireland environment Bill, with sufficient associated funding, will deliver a significant benefits for the environment, our health and well-being, the economy and the prosperity of future generations. We support the LCM but qualify that support. There are too many gaps and too few protections.

8.00 pm

Miss Woods: From the outset I reiterate and emphasise that no formal public consultation took place in Northern Ireland around the environmental plans, principles and governance elements of the Environment Bill. Consultation happened UK-wide while Northern Ireland was without an Executive and with no sitting Assembly. It should then come as no surprise that the legislation is designed for England. The Bill is not tailored to the needs and aspirations of Northern Ireland and nor do the provisions extending to Northern Ireland adequately address the major issues that we face in environmental protection and the huge governance and enforcement gaps that lie ahead.

The legislative consent motion before us asks if we endorse the principle of the extension of the provisions. Like many others in the Chamber, I understand the urgent need to plug the legislative gap that leaving the EU will create with regard to environmental protection, but, unlike many here, I will not endorse the extension of the provisions of the Environment Bill as they stand. The Environment Bill in its current form and its provisions relating to

Northern Ireland are insufficient and wholly inadequate to enable us to protect our environment.

Clauses 45 and 46 and schedules 2 and 3 deal with environmental governance and the office for environmental protection. Those parts of the Bill do not address the potential for overlap between the work of an OEP, as proposed, and, indeed, an independent environmental protection agency, as was promised in the 'New Decade, New Approach' document and that the Assembly voted for five months ago. Let us be clear: the OEP, as proposed, will have no powers to issue fines. Even though fines from the EU are rare, this removes the threat of fines, which is a highly effective tool. It will simply have no teeth.

The Bill attempts to address the concerns over the OEP's independence by requiring:

"The Secretary of State ... have regard to the need to protect"

the OEP's independence. However, that could easily be eroded in practice. The Secretary of State plays a major role in the appointment of members. They will appoint non-executive members who will then appoint the executive members. With regard to funding, paragraph 12 of schedule 1 states that the OEP will receive:

"Such sums as the Secretary of State considers are reasonably sufficient to enable the OEP to carry out its functions."

None of those provisions adequately ensure or protect the independence of the proposed body.

There is provision in the Bill for a specific Northern Ireland member to be appointed to the OEP board, but the Northern Ireland member would be appointed by DAERA. No provision is made for the appointment to involve or to allow involvement and oversight from the Assembly. Part 1 of schedule 3 provides for the OEP to report on environmental improvement plans, and part 2 provides for the OEP to report on monitoring and reporting of environmental law. Those reports are to be laid before the Northern Ireland Assembly, and yet, for some reason, the reports on environmental law are optional. I ask the Minister why that is. Paragraph 3 of schedule 3 provides for the OEP to offer DAERA advice on changes to environmental law, but there is no automatic requirement that that advice be communicated to the Assembly; instead, DAERA:

"may, if it thinks fit, lay [the advice] before the Assembly".

That is simply not good enough.

A crucial element of environmental enforcement is the ability of ordinary individuals to provide information and to help initiate actions by an enforcement body. That process is currently facilitated by a complaints procedure to the European Commission. The Bill provides for complaints by individuals to the OEP but includes an unnecessary restriction through excluding individuals who exercise "functions of a public nature". That will surely limit the number of admissible complaints and, therefore, enforcement. Judicial review is an option only where there will be serious damage to the environment and/or human health. It remains the strongest tool for the OEP and is very insufficient.

Schedule 3 does not refer to the interim environmental governance arrangements in the time following the transition period, so the OEP must be operational by 1 January 2021 to avoid a gap. Paragraph 4 of schedule 1 gives powers to DEFRA to appoint an interim chief executive until the OEP becomes operational, but there is no provision for an interim NI member, something that has been suggested by the Northern Ireland Environment Link. However, overall, having a token member on the OEP will not suffice. An office based in Northern Ireland would be required with appropriate staff and the resources to ensure effectiveness. Reporting restrictions on individuals who exercise "function of a public nature" should be removed, and there should be an alternative enforcement to judicial review with at least the power to issue fines.

Our core objective for environmental governance in Northern Ireland should be to establish an independent environmental protection agency that supersedes all other bodies. That was agreed in 'New Decade, New Approach' and voted for by the Assembly, I reiterate, five months ago.

I turn now to the governance gaps. As it stands, DAERA does not have any plans to take forward an environment Bill for Northern Ireland. If the UK Environment Bill does not go forward, it says that it is unlikely that there will be governance arrangements in place in time. We may end up with a gap at the end of this year where we do not have environmental principles or oversight. DAERA has also indicated that, if the Bill gets legislative consent and is implemented, that will not prevent Northern Ireland making changes to it or doing

additional things that it wants to. However, while the Bill offers opportunities to address governance gaps that may arise as a result of leaving the EU, gaps may still arise; for example, during the period it takes to develop an environmental improvement plan for Northern Ireland or until an OEP is established here to take over the functions currently performed by the EU.

If the Bill passes in its current form, there will still be governance gaps in places where EU institutions have exercised governance functions, such as preparing legislation, conducting evaluations, sharing data or overseeing enforcement. The OEP proposes to address the gaps that will emerge in relation to enforcing EU law, but it does not do so in a complete fashion. Other gaps, such as the lack of sharing of environmental information through membership of the European Environment Agency, remain unaddressed. There may be governance gaps in terms of the independence of the OEP and Northern Ireland's limited representation on that. A number of stakeholders have expressed their desire for greater emphasis to be placed on the Assembly's oversight and scrutiny role over aspects of the Bill such as the OEP. COVID-19 and time pressures resulting from the pandemic may also impact on the time frame required to make provision to deal with potential governance gaps.

I turn now to the environmental improvement plan. Clause 45 and schedule 2 contain provisions on environmental improvement plans that require DAERA to take forward a policy statement on environmental principles. Unlike England, Northern Ireland does not have a current environmental improvement plan. Paragraph 1 of schedule 2 provides for a plan to be created within 12 months of the Bill coming into force with the provision that, until then, the current plan is the default. However, as I say, Northern Ireland does not have a plan. This risks an immediate governance gap.

Clause 7 states:

"An 'environmental improvement plan' is a plan for significantly improving the natural environment"

but there is no indication of what "significant" means or how improvement will be measured and against what benchmark. Lack of specificity — I will move on, as I cannot do that word — in the wording allows scope for trade-off, weakening or poorer performance in some sectors against better performance elsewhere so long as the vague overarching goal of

improvement is achieved. Improvement from a low benchmark would satisfy the requirements of the Bill but arguably fail to deliver the environmental improvement that is required to meet the Government's commitment to a net zero by 2050, amongst others. This is particularly relevant for Northern Ireland, as it comes in a context of poor environmental history and considerable environmental issues. Northern Ireland needs to improve, but, more than that, it needs to be ambitious.

I turn now to the environmental targets and principles. No specific targets are provided for in the provisions for Northern Ireland, nor are any timelines specified. Without targets and timelines, the system of environmental governance proposed for Northern Ireland will be significantly weaker than that for England. It will leave Northern Ireland's environmental governance architecture incomplete and potentially ineffective. Clause 1(2) only requires that at least one matter within each priority area be addressed, which leaves open the possibility of a piecemeal approach. The Secretary of State is responsible for ensuring that the targets are met and can also revoke or lower them where costs are deemed inappropriate. If a similar approach were taken in Northern Ireland, the already weak approach to environmental protection would not improve, especially if political will in favour of environmental protection declines. Greater reference should be made to the international standards based on expertise with minimum standards and more aspirational targets such as the UN sustainable development goals. Part 1 of schedule 2 leaves it up to the Department to decide what data it considers appropriate for the purposes of monitoring environmental improvement, but that should not be done without requiring coordination with other parts of the UK, the Republic of Ireland and the European Environment Agency.

Where is Northern Ireland's environmental improvement plan? The Department must bring one forward as soon as is feasible. The draft Northern Ireland environment strategy could be developed into a Northern Ireland environmental improvement plan if it contained clear targets and addressed some of the core concerns highlighted in the consultation. The Department has already indicated that the environmental strategy could be redesigned and redesignated as an environmental improvement plan without the need for further consultation.

Northern Ireland must introduce specific targets, not a copy-and-paste from the Bill proposed for England but targets that address

the core issues for Northern Ireland. The Minister and Department should, therefore, identify suitable priority areas, building on those in the Bill for England and extending them to include Northern Ireland's core issues. Northern Ireland should then, at a minimum, set legally binding environmental targets for those priority areas.

The Bill fails to include priority areas such as soil quality. Soil health is an essential element of our environment and should be included in environmental targets. The lack of EU-derived legislation on that issue makes the role of targets here even more important.

Ideally, targets should be time-bound and front-loaded. Any review of an environmental improvement plan should be undertaken by an independent regulator or statutory nature conservation body. Policy statements developed on the environmental principles should not be subject to vague proportionality reasoning that allows for a trade-off between environmental principles and economic considerations.

DAERA should commit to working with the UK Government, the Republic of Ireland and the European Environment Agency to ensure that a common approach to data is adopted and enable effective, cross-cutting solutions to be devised on the basis of a shared understanding of the problem and consistent measurement approaches. The Northern Ireland Act 1998 provides for cross-border cooperation in environmental protection, so we already have it there.

The question before us today is a simple one: will we accept a future outside the EU with fewer environment protections? We, as Greens, will not accept that. The Bill and its provisions relating to Northern Ireland are not good enough. The proposed office for environmental protection will never fulfil the potential of the independent environmental protection agency that the Executive parties agreed to and the Assembly voted for. The governance gaps, the lack of an environmental improvement plan, targets and principles all need to be addressed. The Bill's architecture is not suited to the Northern Ireland context. It is not tailored to Northern Ireland's needs, so we call on the Minister to fix those problems through engaging with Westminster or bringing forward a Northern Ireland environment Bill. We need substantive commitment to non-regression. When it comes to our environment, we must not accept less protection or risk the erosion of our current standards. We must demand more. For those reasons, I will not support the LCM.

Mr Poots: A number of issues were raised by Members. A number of the same issues were raised by a range of Members, and I will seek to respond to them.

Interestingly enough, one of the first issues that was raised was one of the last that was raised, and that was non-regression. I have to ask the House a simple question: who is regressing? Who is granting regression? Nobody is proposing regression. There is nothing in the Bill that facilitates regression. Regression will happen only if the House decides that it wants to reduce environmental law. Regression lies in the hands of the Assembly, so regression is a straw man and should not have any bearing on people's views of the Bill: there is nothing in the Bill that creates regression. The only opportunity for regression is if Members wish to regress in environmental law.

Time is of the essence. People may have great aspirations. There is nothing wrong with having great aspirations for the environment, but, at this moment in time, we are leaving the European Union properly on 31 December. We will not do what some Members would wish us to do in legislation by that time, so we need to do what we can do. What we can do in terms of this legislation is ensure that nothing changes, nothing is reduced and we are not in a worse position than we currently are. That is what will happen if the Bill passes. The notion that we can legislate for something other than the OEP is for the birds.

8.15 pm

Mr McGuigan raised the issue of fines not being high enough. That was after his having raised the issue of the independent environmental agency. Who imposes the fines? Many of the fines that are actually in law are unlimited, so who institutes the fines? Is it some politician who does not want to fine the individuals enough, or is it some government body that is influenced by politics? No. It is the independent courts. So, if you are looking for independence, and then you complain about people who have independence, the argument does not stack up particularly well.

The OEP can be extended to an exclusive Northern Ireland body, and the Assembly can decide that. If we want to break away, that too is a matter for the Assembly. It is not something that we are stuck to. However, a Northern Ireland member will be appointed by DAERA, and that member will be expected to have experience in environmental law, science

and/or regulation, so that is what will be expected of us.

In terms of a regulatory body to deal with the private sector, the NIEA is, has been and will continue to be the regulatory body that deals with the private sector. No gap is created by introducing the OEP. The work of the OEP simply replaces the work previously carried out by the European Commission. It does not change it; it replaces it. It does the same work and takes the same actions. Therefore, the argument about regression and a move backwards is not something that can be backed up.

There is nothing to stop the Assembly or my Department introducing our own environment Bill. The LCM is something that we are bringing to you now that will ensure that the environmental protections that we currently have are not diminished. Therefore, not agreeing the LCM, as the Green Party suggests, would be foolhardy. It is like Emperor Nero fiddling while Rome burns. In this instance, whilst the Green Party fiddles, the environment burns.

Some Members raised the idea of a sunset clause. What is the benefit of a sunset clause? It merely puts pressure on you to reach a particular date. If you do not reach it, you lose the protections. Therefore, having a sunset clause in a Bill such as this is a high-risk activity. It is much better to have something that offers protections. Then, if we devise something better, we can put it through the House, approve it and implement it, but a sunset clause does not help us to do that.

Some suggested that the Bill does not provide adequate standards. Mr O'Toole was one of the Members who suggested that. He has gone. He must not have been satisfied with the European Union, because we are implementing its laws and standards and they will carry on. So, Mr O'Toole, who seems to be very fond of the European Union, must not be particularly satisfied with retaining the European Union regulations, because the Bill is doing that. Again, if divergence is to take place, there is nobody else to do it but this House. So what have we to fear? Only ourselves, in that instance. We will be taking over the decisions on environmental legislation from the European Union. I know that some people were very slavish in their attitude towards the European Union and their desire to stay in it. Have a little confidence in your own ability to make your own laws, to do what is right for your own people —

Ms Bailey: Will the Minister give way?

Mr Poots: — and to respond to people and to the community's needs. I will give way in a moment. The people in this Chamber know better the needs of the people in Northern Ireland than a commissioner in Europe, who could be from any one of 27 countries.

Ms Bailey: Does the Minister agree that, although the House has always had the power to make changes, we have consistently seen environmental degradation and stubborn levels of pollution in Northern Ireland? While we can look to the EU, we have always had the ability; we have just chosen not to act on it.

Mr Poots: I have to counter that and say that we have not seen environmental degradation; we have seen environmental improvement. The Member said that our waterways and air quality are not good enough. I agree with her, and there is more to be done and more that we will do to improve water quality and air quality. We do not need the European Union to tell us how to do it. We know how to do it ourselves and we need to tackle it. The damage that is being done to many of our waterways is disgraceful and horrible and it needs to stop. We will work out how we can address that better than is currently the case but we certainly do not have to go backwards.

I do not have a particular issue with an independent environmental agency. However, I will say that the environmental NGOs in England, Scotland and Wales do not hold up the work of the agencies there as something that is so much better than the work that the NIEA does. Everybody can repeat it, but it is not some great panacea that is going to deliver brilliance that we currently do not have. We have an agency that is left to get on with its job and, in my opinion, does quite a good job. If the House wishes to create an independent environmental agency, that is absolutely fine, but it is not the panacea that some people make it out to be. It may be good but it may not be any better than what we currently have. That assessment needs to be carried out.

When it comes to casting unfounded aspersions on the OEP, as some people did, we do not have any evidence whatsoever that it will not be independent or robust. The body has not even been created yet and, already, people are casting aspersions that it will not be this, that or the other. That is a ridiculous position to adopt.

I have absolutely no doubt that further change is coming in how we deal with the environment

and ensure that it is well kept. John Blair raised the issue of habitat and species loss and, again, that is something that, I hope, we are slowly reversing.

I launched the environmental challenge fund just the other day and to do that, I went up to Slievenacloy, which benefited from the challenge fund last year. There is a wide range of species of grasses and flowers there that we are allowing to be promoted. Projects like that are making a real difference.

I have previously been to Glenwherry to see a project to bring back many of the breeds of ground-nesting birds that we had practically lost. I have to be blunt: one of the ways that that was achieved was by the removal of foxes. Some people might not like that, but a ground-nesting bird is easy prey for a fox. Therefore, if you want to save the ground-nesting birds and the indigenous species that have been in this country for millennia, those are the actions that you have to take. I agree with Mr Blair; we need to improve those areas, bring back species and create habitats that are suitable in order for them to thrive. We need to look at this as a holding position and then engage in how we can carry out further improvement.

The border was raised as an issue. It is not an issue. All the regulations that we have come from the European Union and we are carrying out the same regulations. The border is not an issue because we do not have different positions at this point. As we go forward, I suspect that we will face challenges, but the challenges may well be with people on the other side of the border keeping up with us. That may be the challenge. One will just have to wait and see. Opportunities exist there with the environmental improvement plan that we will facilitate and bring in, and that is something that we really need to do.

In closing, nothing in the Bill reduces protections. There is not one smidgen of evidence to support that assertion. Therefore, those who are voting against the Bill are doing so based on a straw man. I am thankful that most of the House support the Bill. It is absolutely necessary if we are for real about protecting our environment.

Question put and agreed to.

Resolved:

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Environment Bill, as introduced on 30 January 2020, dealing with:

environmental governance in Northern Ireland in clauses 45 and 46 and schedules 2 and 3; waste and resource efficiency in clauses 47-53, 56, 58, 62, 64 and 68 and schedules 4-9; water quality in clauses 81 and 83; and amendment of REACH legislation in clause 125 and schedule 19.

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

(The Temporary Speaker [Mr Wells] in the Chair)

Housing (Amendment) Bill: Final Stage

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

That the Housing (Amendment) Bill [NIA Bill 06/17-22] do now pass.

I welcome the further opportunity to speak about the Bill and why it is important for the future of our social and affordable housing programmes. Before I speak to the Bill generally, I would like to address a couple of issues that were raised in previous debates.

The Temporary Speaker (Mr Wells): I thank the Minister. I just want to outline the timetable of the debate for Members and the Minister. The Final Stage of the Housing (Amendment) Bill has been moved. The Business Committee has agreed that there should be no time limit for this debate and I will call the Minister to continue the debate on the Bill. As it is a debate on primary legislation, there is no time limit for speeches. So far, six Members have indicated that they wish to speak in the debate. Hopefully, it will not last too long. Minister.

8.30 pm

Ms Ní Chuilín: Thanks very much for that clarification: it was almost an invitation to Members to add their name to the list and talk for as long as they want. I assure Members that I want to cover only the issues that are pertinent to the Bill and to provide clarification on issues raised in the previous debate. It is important that people get that clarification.

As I was saying, Members raised a concern, as did I, about the very late publication of the report on the two consultations on reclassification. During the Consideration Stage debate, I said that I would establish what happened, and I have done so. I wrote to the

Chair of the Committee for Communities asking that an explanation be provided, and I will share the response:

"Minister Hargey considered the report alongside the draft Bill and related materials. She approved the report for publication on 18 March. Officials were advised of this on 6 April, during the period when IT equipment was limited, and rapid decisions were being made on adjustments to allow remote working. At that point, the report should have been prepared for publication, but, due to an oversight, this was not done. That was discovered on 1 June, at which time the officials took action. The report was issued to the Committee on 4 June, and it was published on the Department's website and sent to all MLAs on 12 June. The officials in question have accepted full responsibility for the oversight. They have apologised to me and asked that their apology be extended to the Committee, and I apologise to the Assembly."

The second issue that I want to address is what appears to be a misunderstanding of the role of the Office for National Statistics (ONS). Some Members referred to ONS having rejected the amendments. I can confirm that that is not the role of ONS. The decision on what is or is not included in the Bill is one for the Minister, the Executive and, indeed, the Assembly. ONS will simply review the reclassification decision once the legislation receives Royal Assent.

When I spoke about the possibility of legal challenge, that was not about ONS. To be clear, it was about the risk that the Member for Foyle Mark Durkan had raised in his proposed amendments. I believe that the inclusion in the Bill of provisions to abolish the Housing Executive's sales scheme would cause a legislative competence problem. That is because taking away the right that Housing Executive tenants currently have to purchase their home has the potential to engage article 1 of protocol 1 to the European Convention on Human Rights (ECHR), the right to property. In a process driven by the pressing need for housing association reclassification, the abolition of the Housing Executive's sales scheme would interfere, without any clear reason, with that right to property. Any Assembly Bill provision that is incompatible with ECHR rights is not law, so the removal of the right to buy might be considered by a court not to have been effective.

The only supposed basis for abolishing the Housing Executive's sales scheme as part of this Bill was to prevent a challenge arising from

the difference between the right to buy and those who rent from a housing association not being able to do so. However, no such challenge could be successful, because the reason for taking away the right to buy from housing association tenants simply does not exist in relation to Housing Executive tenants. Removing the right of housing association tenants is a clear and integral argument in achieving reclassification by ONS, and it requires the abolition of the housing associations' sales scheme.

A court is likely to consider that abolishing the Housing Executive's sales scheme through this Bill would unjustifiably interfere with its tenants. There are good grounds to consider the abolition of the right to buy of Housing Executive tenants, but that needs its own policy justification. It simply cannot exist in a Bill that addresses a specific problem: the reclassification of housing associations.

Every Bill, once it has passed Final Stage and before it proceeds to Royal Assent, is passed to the Attorney General for him to consider whether it is within the competence of the Assembly as defined under section 6 of the NI Act. Should the Attorney General consider that the competence of the Assembly is in question, then, before the Bill proceeds to Royal Assent, the attorney may refer the Bill to the UK Supreme Court for a determination. In our current circumstances, this outcome would present a significant and costly delay to the Bill.

If we bring forward proposals with a different and broader objective, as I and my predecessor are committed to do, as part of a different Bill and a process that was considering how to maximise the supply of social housing, the courts would be more likely to consider abolition of the Housing Executive sales scheme as justified in the public interest and, hence, more likely to fit within the competence of the Assembly.

We should address the inequity between Housing Executive and housing association tenants. That is an issue on which the Department has been very transparent in the four years developing this legislation. The Department's consultations on the Bill explored the point exhaustively. They gave particular consideration to the issue of the Housing Executive sales scheme for that very reason. That supported what, I believe, is a correct conclusion: achieve reclassification safely and securely in the first instance through this Bill, and then address the Housing Executive sales scheme afterwards. My predecessor Deirdre Hargey and I committed to do that with all

urgency. When my Department brings forward proposals for that scheme, it will be considered properly, in its own right and not as an add-on to a Bill proceeding under accelerated passage.

I remind the House why we need this legislation, and why we have worked, at speed, to put it in place. ONS determined in 2016 that housing associations should be classified as public sector because they observed a level of control of housing associations by the Executive through my Department. That is why the sole focus of the Bill is to remove or amend those provisions in current housing legislation that provide for that control.

The Bill will replace current consent processes, for a number of functions carried out by housing associations, with a notifications process. It will more clearly frame the circumstances in which the housing regulator may launch an inquiry into the activities of a housing association, and provides that those must be based in failure, or suspected failure, to comply with legislation. The Bill removes the power of the Department to petition for the winding-up of an association, a power that was never used. Creditor bodies can still use this. Finally, the Bill proposes to end the statutory house sales schemes for housing associations and introduces a power to enable the Department to support a voluntary house sales scheme.

I also remind Members and, in particular, I want to reassure tenants, that the Bill will not see a decrease in the regulatory authority exercised by the housing regulator. It does not diminish the relationship between the tenant and the association, nor the tenant's ability to engage with the regulator.

The approach to the legislation has been based on the direction from the Executive in September 2016, and does only that which is necessary to achieve reversal of the ONS decision. The ONS's reclassification decision put at risk the financial arrangements. We have to allow a register of housing associations to provide homes for our most vulnerable and to operate the Affordable Homes programme, which provides a route into affordable home ownership for many.

Passing this legislation will protect those programmes and ensure that the social housing development programme, and the Co-ownership programme, can continue in the future.

Just last week, I announced a £10 million investment from my Department to enable the Co-ownership scheme to open up again to new

customers, following a pause in applications since March, due to COVID-19. While I am glad to be able to support the Co-ownership scheme, it is worth remembering that that £10 million, in itself, is equivalent to the cost of 150 social homes. It is a far better outcome for the public purse, and for those people who are desperately in need of social housing, that this money comes via financial transactions capital (FTC), which it will be able to as a result of this Bill.

I am committed to do more to deliver for those who are in real need, and this Bill means that we are levering in all the financial resources we possibly can to make homes available to those in need.

The maintenance and, hopefully, expansion of those programmes will also help the construction industry. I think that all Members will agree that having a strong construction sector will help to support economic recovery as we move into the recovery phase of dealing with this horrible pandemic.

In the previous debate on the Bill, we discussed the revenue that has been generated by the house sales schemes in the past and what has been done with the money raised. Capital receipts from housing association sales continue to provide funding which is used to deliver the social housing development programme. It must be reinvested in the provision of new social housing within two years, though associations can also use some of the capital that been generated to cover fees, such as solicitors' costs and valuation fees. The Housing Executive's available records indicate that £104 million has been generated by housing association sales, of which £89 million has been reinvested in new builds.

The position is different for the Housing Executive. Receipts from its house sales scheme are returned to the Department each year for consideration in the context of funding in the wider Department for Communities budget. Receipts from Housing Executive house sales since 2008-09 have been in the region of £170 million. The level of receipts that the Housing Executive, through the Department's capital grant, can retain each year is determined by the Department, with the balance used to fund other departmental priorities. Any receipts that the Housing Executive may retain through capital grant are used by its landlord services to fund in part, along with its own rental income, improvements to its own stock. It is not used to finance new build programmes. As I have said previously, there is a huge need for investment in Housing

Executive stock if we are to ensure that its homes are fit for the future. That is a much wider problem. I am sure that we will return to it at a future stage.

I want to acknowledge the many stakeholders who have been involved in the Bill. It is right that I offer my thanks for all their contributions, and also thank the Committee for Communities for its support in getting the Bill through the House by accelerated passage.

Finally, I want to thank those in the Department for Communities and indeed in the Assembly, and the various legal teams, who have worked on the Bill and enabled it to get to this stage. I hope that all parties can give the Bill their full support. I commend the Bill to the Assembly.

Ms Armstrong (The Deputy Chairperson of the Committee for Communities): It is not very often that I have the Dispatch Box in front of me. I wish our Chairperson well. She is unable to be here due to a health issue. She will have the Dispatch Box back the next time.

I want to thank the Minister very much for coming forward and getting the Bill to this stage. It is almost four years since the Office for National Statistics took the decision to reclassify registered housing associations to the public sector and designate them as public non-financial corporations. During that period, we have relied on derogation after derogation from the Treasury to ensure that the impact of that technical issue is minimised. However, that derogation runs out in March 2021. I am, therefore, glad that we have reached the Final Stage of a Bill that provides the housing association sector with some certainty.

The Bill itself is relatively straightforward, but the road to Final Stage was not quite so straight. My Committee colleague Mark Durkan presented a number of amendments, which were considered very sympathetically by Members, but did not get the same level of support when it came to the vote. It is understandable that the omission of the Northern Ireland Housing Executive's house sales scheme should be questioned when the housing associations' right-to-buy scheme is included. However, again, in a narrowly scoped Bill, it is the housing associations' right-to-buy scheme that is of key importance.

The status of the Housing Executive or its house sales scheme are not matters of concern for ONS, as has been highlighted by the Minister. The commitment that has been given by the Minister to quickly bring forward proposals on the future of the Housing

Executive's house sales scheme is accepted by the Committee. Indeed, that will likely form part of a much wider and detailed consideration of the reform or revitalisation of the Housing Executive. The Committee looks forward to engaging with the Minister on that issue in the autumn.

As the Minister has highlighted, during discussions on amendments, it was made clear that the Committee was not in receipt of the analysis of responses from a consultation that the Department had had on key issues relating to the Bill.

When Minister Hargey briefed the Committee on 13 May on the need for accelerated passage, I do not believe that it would have changed the Committee's view, but it was an oversight that should not have happened, and that has been accepted.

8.45 pm

I am glad to inform the House that, as per Minister Ní Chuilín's comments given in the House, the Committee was briefed last week on this matter by a senior departmental official. The Committee accepted that the cause of that oversight was no more than human error and was reassured that the Department is reviewing its procedures to ensure that it does not happen again. I thank the Minister for taking the issue so seriously and getting it resolved quite quickly.

The urgent need to reclassify registered housing associations is clear. These housing associations are the cornerstone of our social housing development programme. To be classified as public bodies renders their ability to raise private funds to build homes an impossible task. There is a tangible impact on those organisations as a result of how they are classified by the ONS.

It is the case that the ONS decision has prevented the Executive accessing funding through financial transactions capital — a government loan scheme that was used to support the housing co-ownership scheme. Clearly, that significantly impacts the funding of the Northern Ireland Co-ownership Housing Association and reduces the opportunity for people to get a foot on the property ladder. Maintaining this funding is costing the Department £3 million per month. That is money that can be spent on a range of other priorities, and any further delays mean that other important issues are denied that funding. The Committee accepted the Department's

position that the Bill had to be passed before the summer recess to reduce any further costs to the Department.

The Committee was informed that the ONS will review the Housing (Amendment) Bill once it has received Royal Assent, so the sooner that is achieved, the sooner ONS can reverse its decision. Registered housing associations will then have the confidence to plan their housing programmes and to access financial transactions capital, and that can be restored. At a time of uncertainty, the more certainty that the Assembly can give the better.

I will conclude where this process began, with the request for the Bill to proceed via accelerated passage. No Committee is ever entirely happy with accelerated passage, and the reasons to support it have to be important enough for the Committee to agree to set aside its statutory scrutiny role. In this case, the Committee agreed that the reasons were that important and the financial and wider societal issues warranted supporting the Minister's request. Today, we are glad to see the Bill reach its Final Stage. We look forward to it receiving Royal Assent and hearing, hopefully, soon after that, that the ONS has reversed its decision.

As an Alliance representative on the Committee, I thank the Minister for taking this forward so quickly. There are issues that we need to deal with with the Housing Executive, but given the fact that, today, we heard from the Finance Minister how much money is handed back because we cannot access the financial transactions capital, it is right and proper that we process this as quickly as possible.

Ms Ennis: I am not going to rehash the many arguments in support of the Bill that have been made over the last number of weeks, but I reiterate my praise for Minister Hargey and Minister Ní Chuilín in their determination to achieve the reclassification of the housing associations. We know the knock-on detrimental effect of not achieving reclassification. It has been well articulated by Members across the Chamber in the last number of weeks, not least of all the effect that it would have on the ability to build much-needed social homes, which would see this drop by 50% in real terms. I know that is something that none of us in this Chamber could stand over.

It was useful for the Committee to have received clarity from departmental officials last week on the ONS reclassification and why the Housing Executive could not be included in the

Bill. It was also very encouraging to hear officials reiterate Minister Hargey's commitment to bring forward proposals around the Housing Executive sales scheme. That would give the Committee proper time for scrutiny, which is what we were all asking for. I am glad to hear Minister Ní Chuilín reiterate her support for that course of action here today.

New Decade, New Approach brings a focus on building homes in areas where objective need has been identified. Sinn Féin believes that adequate housing is a human right, and we will continue to promote that across the island. The unacceptable level of homelessness, North and South, needs to be addressed, and we are certainly up for doing that. Sinn Féin believes that the building of social and affordable homes should be targeted in areas of highest need, and rural areas need to be included and should not be forgotten about in that respect.

As an MLA representing a largely rural constituency, I know that housing development in rural locations has missed its target over each of the past five years. The Housing Executive's rural and place shaping teams need to work with rural communities and their representatives to examine their housing needs and support housing associations in the delivery of new-build schemes to address social housing need in areas such as south Down.

The Bill is about maintaining the support and supply of new homes, which is necessary to help families and people to access housing and have the security and dignity of a home. The Assembly must ensure maximum delivery of social and affordable homes, which will undoubtedly be achieved by the passage of the Bill. Sinn Féin will support the Bill.

Mr Durkan: I support the Bill. The Minister and other Members have outlined the necessity for the Bill and the undoubted benefits that it brings to enabling our housing associations to access more funding and build more much-needed homes as our housing waiting lists continue to spiral and more and more families face housing stress and homelessness. We must take every step within our power to address this shameful situation and afford our people the fundamental right of a roof over their head. Not only will the Bill allow us to build more social housing, but it will free up finance to support co-ownership, allowing some people an affordable housing option and a chance to get on the property ladder. I welcome the Minister's recent announcement in that regard.

While I support the Bill, and always have, I do regret the fact that my amendments at Consideration Stage were not supported. I have

today listened to the Minister's explanation and I do accept it, although I still then question why the scope of the Bill was not wider in the first place. I am going to touch again on the rationale behind those amendments, not to try to argue for them again, but just to underline the urgency and importance of bringing that other piece of work that the Minister has promised to the Assembly.

Ending the mandatory right to buy in the Housing Executive as well as in the associations will stop us haemorrhaging over 400 homes a year from our social housing stock. For context, the answer to a written question that I received from the Minister this afternoon revealed that, in the past five years, we have built a paltry 5,270 new social homes. We have purchased just over 900 off the shelf and, through existing satisfactory purchase and rehabilitation, added around another 1,200 units, giving us a grand total of 7,411 additional social housing units in five years. In the same time, we have sold off over 2,000 units through the house sales schemes in the Housing Executive and the associations. This is madness. The Minister has given a commitment to bring forward a separate piece of work, which we heard about again from her today, to address the mess that has been made of the Housing Executive almost 10 years after a fundamental review of it, and I urge her to do so without delay. I welcome the ambition outlined by the Minister in a press release earlier today, and commit myself to working with her, and with anyone and everyone, to realise and surpass that ambition.

We as an Assembly must also support the Infrastructure Minister in her attempts to secure vital funding for Northern Ireland Water, because no drains means no cranes. If we do not have adequate waste and water infrastructure, our best-laid plans for an ambitious social housing development programme will almost certainly go awry. I commend Minister Ní Chuilín for how she has taken on the baton from her predecessor and almost got to the finish line — it is very much in sight — with this Bill. The Bill will satisfy the ONS requirements to ensure the reclassification of housing associations. It is a start. It is a foundation on which to build — and build and build. I support the Bill.

The Temporary Speaker (Mr Wells): I said earlier that there was unlimited time available to Members, but I am glad to say that none of those who have taken part so far have seized upon that to make a very long contribution. We have just two Members left, Mr Andy Allen and Mr Gerry Carroll. Again, whilst I remind you that

time is unlimited, I am sure that you will exercise restraint.

Mr Allen: Mr Temporary Speaker, I assure you that I will exercise restraint and will not speak for too long. I am sure that Members across the Chamber will welcome that.

I thank the Minister for setting out to the House and providing various updates to it on the queries that were raised at Consideration Stage. Indeed, I thank the Minister for the haste in which the Department came forward to the Committee to address the oversight around the consultation report. I agree with the Deputy Chair and do not believe that it would have had any bearing on the decision process that we have undertaken in the House.

I welcome the passage of the Bill, as all Members across the House do. It is a very welcome development. It is a Bill that has been in the making for nearly four years. Housing associations will all, of course, also welcome the Bill and the much-required clarity and certainty that it will bring for them. I also welcome, as my Committee colleague across the way did, the press release from the Minister setting out her housing programme, which we received today. Indeed, it is referred to as an ambitious housing programme, and I am sure that many Members will agree with the Member across the way who said that, in previous years, housing programmes have been less than ambitious. It is widely recognised that we have not been building enough houses, year-on-year, to meet the demand.

There has been much talk in the House today in various other debates, which I will not stray into, about our Assembly staff, and rightly so. Our Assembly staff and, indeed, my own staff are invaluable to me. A significant area of importance, although it is not the only one, in my constituency office is housing. I have heard many Members speak on that area, and I have spoken to other Members across the House about the many representations and queries that they receive from constituents in relation to housing. Those are not just about repairs to Housing Executive and housing association properties but are predominantly about the lack of social housing.

We in this House really do need to be ambitious. We need to back our words up with actions, and we need to start delivering. I welcome the Minister's announcement of the £10 million investment in the co-ownership scheme, and that is another scheme to enable, help and support individuals into affordable housing. I am sure that the Minister will be looking at other ways to ensure that she can

maximise the uptake of financial transactions capital. Indeed, my party leader has pointed out today that the Finance Minister has indicated that FTC funding may be available. I hope to see the Communities Minister lobbying the Finance Minister to get that funding and invest it into our housing stock. I promised to be short, so I will leave it there.

The Temporary Speaker (Mr Wells): Last but most definitely not least, I call Mr Gerry Carroll.

Mr Carroll: Mr Temporary Speaker, this may be one of the rare times that I am short. Members and you may be delighted to hear that. I will not speak at length. I have raised issues several times in debates during the various stages of the Bill.

I will quickly repeat my concerns and put them on record for the Final Stage. If passed, the Bill will restrict the powers of the Department in relation to the disposal of land and the merging of housing associations. The Bill will loosen controls, allow for deregulation and, in effect and despite comments to the contrary, will reprivatise housing associations. Going by previous debates, it is unlikely that any other Members or parties will support me on this, but I think that it is important that I and other smaller parties put on record their opposition to measures that they are opposed to. I put on record my opposition to the Bill and firmly state my concerns with it. I think that housing associations should remain as public bodies and, ultimately, be reintegrated into the Housing Executive.

Ms Ní Chuilín: I appreciate every contribution that has been made. This process, albeit under accelerated passage, has been very inclusive. Even the debates that we had about our differences were done mostly in a measured way, and I do share some of the concerns.

9.00 pm

When Members who have spoken, and even those who have not, read Hansard, I hope they will accept that, since the last debate, I tried to get answers to some of the queries that were raised then. I also tried to address some of the concerns that Mark Durkan raised through his amendments. I agree that, to proceed, we need the Housing Executive's house sales scheme. The difficulty with this is that they needed accelerated passage to meet the deadline. Other than that, I assume that this would have been taken forward just like any other legislation. Indeed, the less accelerated passage we use the better because, as MLAs

and people who are looking at legislation, it should be the last resort rather than the first option. That has been accepted.

Not to rehearse all of the comments already made, but just under 7,500 homes over five years is quite disgraceful. That is on all of our watches and is quite disgraceful, given that there are 40,000 people on the housing waiting list and at least 26,000 in housing stress. That is a responsibility that we all have to step up to. Gone are the days when I had difficulties — I admit — around co-ownership because I felt that there should have been more options; I still feel that there needs to be more options. However, I know, from my own family and constituents — and we all get housing queries from constituents — that some families are paying £685 a month in rent to the private rented sector and some are paying £328 a month for a co-ownership mortgage. We talk about poverty, for someone who is on family or working tax credit, trying to pay their rent and not getting a house for years in north Belfast, west Belfast, Derry or right across. We all have really big pressures.

We need to be far more ambitious. As I said today, for me, it is the floor rather than the ceiling. I want to look at ways in which we can deliver more social housing. I want to look at surplus land and work with colleagues in the Executive to ensure that the infrastructure is there. I also want to look at opportunities for people to buy into different options to try to get the housing waiting list reduced.

This Bill, in its Final Stage, will mean that we will meet the commitment that most of us signed up to in New Decade, New Approach, because we could not have enabled the Co-ownership scheme to thrive without the financial transactions capital that it needed. Certainly, the housing associations and, indeed, more so, the Department, would face penalties of £3 million a month if this Bill does not go through. So, once again, I thank all the officials and everyone who brought this Bill to this stage for their contributions, and I commend the Bill to the House.

Question put and agreed to.

Resolved:

That the Housing (Amendment) Bill [NIA Bill 06/17-22] do now pass.

Private Members' Business

Concern and Anxiety over the Reopening of Schools

Ms Mullan: I beg to move:

That this Assembly recognises the concern and anxiety that exists among teaching and non-teaching staff, as well as among parents and young people, in relation to the eventual reopening of schools; understands the challenges facing school boards of governors and principals in keeping children and teachers safe while providing high quality education; believes that any reopening of schools should be based on scientific and medical advice consistent with that provided by the World Health Organization and the European Centre for Disease Prevention and Control; and calls on the Minister of Education to engage and consult extensively with education stakeholders as well as parents and young people in advance of the reopening of schools in order to provide clear and early guidance.

The Temporary Speaker (Mr Wells): The Business Committee has agreed to allow up to one hour and 30 minutes for this debate. The proposer of the motion will have 10 minutes to propose and 10 minutes for the winding-up speech. One amendment has been selected and that has been published on the Marshalled List. Please open the debate, Ms Mullan.

Ms Mullan: Thank you, Mr Deputy Speaker. First, I offer my deepest condolences to Noah Donohoe's mother, Fiona, to his family and friends and to the school community at St Malachy's College, Belfast, at this very difficult time.

At the outset of this debate I place on record my sincere gratitude and appreciation to all our principals and to our teaching and non-teaching staff. They have stepped up and delivered for our children and young people throughout the course of this unprecedented public health emergency. They have put their shoulder to the wheel and, whether it was providing supervised learning for our children, or for the children of our key workers, or delivering remote learning, they have played their part during this difficult period.

Likewise, I also pay tribute to parents and guardians who had to quickly adjust and adapt to new home learning arrangements for their children, whilst also balancing all of their other everyday commitments. I, like many others in

the Chamber, am well aware of how difficult it has been, at times.

For our children and young people, this pandemic and the associated measures that came with it have no doubt hit them hardest. Many will have found it difficult to access appropriate equipment for remote learning; many will have had to endure difficult circumstances at home; and for many the sheer isolation and boredom of not taking part in the usual school day and missing out on that crucial social interaction and relationship-building will have had a profound impact on their emotional well-being and mental health.

To support our children, families and our teaching and non-teaching staff, the Minister must work with them and listen to them. We cannot allow the chaos that marked the period leading up to the closures to be replicated come the end of August. That requires firm leadership as well as commitment to work in the spirit of collaboration and mutual respect. No doubt there will be some level of difficulty when schools do begin to reopen, but we can minimise those difficulties if we maximise cooperation and work together.

At this point, I acknowledge the role of our unions, which have worked extremely hard over this period, alongside the many stakeholders who provided support and came forward with solutions. Their role will be invaluable over the coming weeks and months.

It was wrong and absolutely unacceptable for teachers to hear dribs and drabs of information about the eventual reopening of schools, through unofficial channels. Our teachers and principals deserve far better than that. Official guidance released to date has been, at times, slow in coming, and it has also been marred by confusion.

We are now at the end of June and our teachers are preparing to take a well-deserved break. In recent days, many have been in their classrooms trying to redesign layouts and figuring out how many children that they can accommodate, and they are anxious about how remote learning and classroom learning will be delivered at the same time.

Furthermore, school leaders and boards of governors are trying to get to grips with coordinating what the new school day will look like in each of their settings. They are worried about health and safety and cost implications, and they are keen to get clarity on other pressing issues, such as transport.

As I alluded to, and as outlined in the motion, the widest possible engagement with stakeholders across the education sector is crucial. Understandably, one single, perfect solution does not exist, but in collaborating with, and collating all the experience that exists across, the sector, new and creative solutions will certainly present themselves.

I also re-emphasise, in accordance with the motion, the need to bring parents, guardians and young people into the process. We should be empowering them and giving them a sense of ownership, so that when the time comes for a return to school, they can have every confidence in the new arrangements.

I have touched on the mental health impact that COVID and school closures have had on our young people. It is important that, when reopening takes place, the schools are equipped with the necessary resources to support and address the emotional well-being of our young people. I understand that much valuable learning time has been lost due to COVID, but, in the short term, I am more concerned about ensuring that we support our young people in building their mental health and resilience back up.

With that in mind, it is appropriate to take the opportunity to once again commend the compassion and leadership shown by many grammar schools in their decision to suspend the use of unregulated transfer tests this year. That is a timely acknowledgement of the reality of how damaging those tests are for young people. I urge those schools that have not yet made the decision to suspend the tests to please reconsider. If there was ever a time to place the needs and well-being of our children above academic selection, it is now.

Childcare could be the defining issue of our recovery post-COVID. While I welcome the Minister's latest update on childcare, there remain many unresolved issues. That will be of particular importance come the autumn, with blended learning and the possibility that some children may be required to be at home during the week. Making the funding available is one thing, but the settings need to be able to apply for and access it. We do not want a repeat of the last round of funding, which has seen very little of the £12 million spent and seen money returned whilst the sector is struggling. We need our childcare sector resourced and ready to go in time for the reopening of schools, otherwise families will face further hardship.

There remains a lack of clarity from the Minister and from the Council for the Curriculum,

Examinations and Assessment (CCEA) as to where we are with a review of curriculum and exam specifications for next year. I am concerned at the pace of the developments, and our teachers are in the position of having to plan their way ahead without distinct guidance from the relevant body.

The Minister should also remain aware of the fact that we are an island, and it would be helpful if regular engagement could take place with the Minister for Education and Skills in the South in relation to all these matters.

In conclusion, while much work has been done on all these issues through the education restart programme, it is quite evident that there remains much work left to do. I call on you, Minister, to enhance the approach, collaborate widely across the sector in a meaningful way and give reassurance and clarity to allay the concerns and anxieties of all those who will be at the focal point of reopening our schools. I ask Members to support our motion and the SDLP amendment.

The Temporary Speaker (Mr Wells): Ms Mullan mentioned in her speech that we are at the end of June. It would be helpful if the debate did not conclude at the start of July. *[Laughter.]* There are 12 Members down to speak in the debate, which is an unusual level of interest for a debate held at such a late hour, so I will have to try to keep matters under control to ensure that we stick to time.

Mr McCrossan: I beg to move the following amendment:

Leave out all after 'Control;' and insert:

"further recognises the limitations faced by many pupils in accessing online courses and private tutoring; recognises the need for an essential catch up programme to be established for all pupils, especially those from disadvantaged backgrounds; and calls on the Minister of Education to engage and consult with all stakeholders, including teachers, parents and young people, on the reopening of schools and to ensure that no child loses out upon the reopening of schools."

Thank you, Mr Temporary Speaker. I know that it is unusual for so many of us to be looking to speak at this time of night, and I have a two-hour drive beyond the end of the debate. It is good to see you in your temporary post up there. It is almost as if the naughty boy in the corner has been put to the front of the

classroom for being bold, so it will keep you well behaved.

As SDLP spokesperson for education and as MLA for West Tyrone, I welcome this opportunity to move today's amendment on what is an extremely important, emotive and difficult issue facing many principals, teachers and parents across the North.

I want to start my contribution by acknowledging the vital role teachers have played, and continue to play, during the COVID-19 pandemic. They have been active in ensuring that as many children as possible have access to distance learning and they have been planning rigorously for a return to the schoolroom and to teaching our children. I want to make it abundantly clear and put it on record that our teaching workforce is made up of very hard workers. They have not been on holiday; they have spent the last number of months preparing and ensuring that children continue to be educated with the resources available to them.

They commit every fibre of their being to improving the educational outcomes of every child across the North. I fully and wholeheartedly condemn any elected representative or member of the public, for that matter, who brings the teaching profession into disrepute or criticises the huge efforts and contribution that they make to our society and the education of our children. Those comments have been unhelpful, upsetting and inappropriate, and that has been shared with me by many teachers.

9.15 pm

Although I agree with the contents of today's motion as proposed, I believe that it is missing a key component. The key component is ensuring that all pupils return to school on an equal footing following the COVID-19 pandemic. Throughout the last number of months, it has become clear that many pupils face limitations in accessing online courses and receiving tutoring. It is important for the Chamber to recognise that poverty prevents many children accessing online teaching and that many parents cannot afford private tutoring.

Dr Noel Purdy from Stranmillis University College published a report in June this year that sheds some much needed light on the issue. It states that only half of the children in the North have access to devices capable of accessing online courses for schoolwork. It shows that

25% of parents do not have access to a printer at home. The report states that there are significant connectivity issues caused by poor broadband provision in many parts of Northern Ireland. Collectively, those issues have prevented many children from progressing their education over time. The SDLP believes that it is incumbent on the Chamber to do something about that. Despite the Minister's roll-out of electronic devices, which was very welcome, the fact that it was done in late June has meant that catch-up has simply not been possible. It is vital that we acknowledge that poverty has had a major impact on the education of our children and that impact has been exacerbated in the past four months.

The Institute for Fiscal Studies published a report in May stating that children from more affluent families spend 30% more time on home learning each week than children from more deprived backgrounds: a shocking figure. The Education Endowment Fund also published a report in June this year that adds weight to the claim, and it states that the impact of school closures on attainment:

"will widen the attainment gap between disadvantaged children and their peers ... by 36%".

That is another worrying figure. That margin is shocking, and it is one that we cannot allow to continue.

While it is clear that all children have lost out over lockdown, it is especially the case for those from socially deprived backgrounds. The SDLP believes that a catch-up programme paid for by the Department of Education is essential to ensure that no child is left behind. I, therefore, urge Members to support the SDLP amendment. It is important that we do everything we can to support all children in education. However, the most disadvantaged must be looked after. It is reprehensible that the two governing parties in the Executive continue to fall out over the simplest of things and our children lose out as a consequence of that.

Mr Storey: I thank the Member for giving way. I will clarify the point. First, I trust that he is referring to Northern Ireland when he talks about "the North" and is not talking about some other jurisdiction. Secondly, is there not a five-party mandatory coalition, or have I missed something in the last number of months? Is this not a classic case of, when it suits the SDLP, they will have a go, but, when there is credit to be had, they will take credit even for things they did not support in the first place?

Mr McCrossan: I am glad that the concerns I am sharing here will have such an invaluable impact on the education of our children. However, whilst we are talking about the Executive, if every Department is funded fairly — I absolutely include the SDLP in that, instead of the carve-up between the big two — I will be a happier man. Thank you for your intervention.

I now turn to the Minister's plans, which were published last week, on the reopening of schools. The SDLP has engaged with principals and teachers from across the North of Ireland where considerable concerns have been raised. They believe that the guidance has been insufficient and that they have not been given enough time to properly implement the Minister's plan before the end of August. That has been shared with Members from across the House. One of the main concerns surrounds the Minister's plans for a one-metre social distancing rule in schools and plans to create bubbles where that is not possible. At the same time, teachers are expected to maintain a two-metre distance. It does not make sense, particularly with younger children, who may be distressed, need comforting or whatever and will need the attention of the teacher. The two-metre rule will be very difficult. School principals have rightly called out the measure as being unworkable and believe that classrooms can accommodate only 50% or less of the class under the guidance. That is especially the case for many rural schools, which are traditionally smaller. Many are already oversubscribed.

The Minister's guidance also encourages schools to make use of all available space. Principals have not even been told what measures can be introduced to increase class sizes or teaching space. That brings me to a fundamental point.

Mr Weir (The Minister of Education): I thank the Member for giving way. To follow on from a point that Mr Storey made, that is the same guidance as was passed at the Executive unanimously, including the SDLP. All the details, particularly those on social distancing, were approved and supported by the SDLP Minister, so there seems to be a bit of a double standard here.

Mr McCrossan: Thank you, Minister, for accepting my concerns about children. I do not want to comment on the antics of the Executive, because, believe me, you would not like what I have to say.

Those are all questions that have, so far, not been answered. They are all massive issues to be addressed if the plan is to work and be

successfully implemented in nine short weeks' time.

The concern that I have is that teachers and principals have again been thrown in at the deep end and expected to bear a huge amount of stress in order to solve the many problems on which they have been asking for clarification since lockdown began. It is not fair that our teachers and principals continue to carry the burden of such stress.

It is imperative that there be additional cleaning staff in schools. I have addressed that issue with you, and I appreciate that you have recognised that there are issues that need to be addressed there. Other countries have reopened their schools successfully and employ cleaners on a full-time basis to ensure the health and safety of staff. If social bubbles are to work without there being rigid infection controls, there has to be no cross-contamination. That will be difficult to ensure, especially if areas such as toilets are not regularly cleaned. Schools need more guidance and reassurance on the issue, and it should not come at added expense to already stretched or overstretched budgets.

Principals say, "We want guidance that is clear". Guidance has now been provided, although I do not agree with the method by which it was provided — through the BBC largely — but, now that they have received the guidance, the principals' big question is this: "How do we implement the guidance? How do we ensure the safety of staff and pupils if we are not being allocated an extra pound or penny to ensure the safety of staff and pupils?". For the public to have confidence in the safe reopening of schools and to ensure that children are safe and staff are comfortable returning to schools, we need schools to be safe and to have the money to put in place the necessary resources for that aim.

School transport, Minister, will be a huge issue. We can talk about the start and the end of the school day, but it starts when the child leaves the house in the morning and ends with the child's return. If we are to talk about social bubbles and social distancing in schools, we need things to be put in place to ensure that, whilst on school transport, children are kept at a sufficient distance to ensure their safety.

Minister, I will finish on this. Personal protective equipment (PPE) has caused some confusion. You are on record as saying continually that there is no real requirement for it to ensure the safety of staff and pupils. Why is it that other scientific and medical advice has suggested

that it is absolutely essential in a confined space, be that on public transport or in other areas? Minister, will you accept that it is a vital —?

Mr Weir: On a point of —.

Mr McCrossan: Go ahead, Minister.

Mr Weir: On a point of order, Mr Temporary Speaker. I have never said —.

The Temporary Speaker (Mr Wells): Point of order, Minister Weir.

Mr Weir: Is it correct, Mr Temporary Speaker, for the Member to misrepresent my views? I have never said that PPE is not needed in any set of circumstances. I have indicated the limitations of wearing it. The guidance directly gives the circumstances in which it is needed. I have never indicated what the Member suggests.

The Temporary Speaker (Mr Wells): Order. That is not a point of order.

Mr McCrossan, your time is up. I thank you for your kind words. The only criteria for the post of temporary Speaker are extreme old age and the possession of a pulse: nothing else. No talent whatever is required.

Talking of talent, I call the honourable Member Mr William Humphrey.

Mr Humphrey: Thank you, Mr Temporary Speaker, and I congratulate you on your elevation. I declare an interest as a governor of two schools.

We are minded to support the motion and the amendment, despite what we have just heard, because they underscore what the Minister has been doing, and he has been doing what they call on him to do.

Addressing the issues around schools returning safely and protecting pupils and staff is key to rebooting our economy, as is addressing the vital issue of childcare. I, too, pay tribute to our school principals, teachers, ancillary staff and governors for all that they have done to ensure that our young people stay safe during the COVID-19 pandemic.

Indeed, if you look at the motion, it talks about keeping children and teachers safe. It believes that the reopening of schools should be based on:

"scientific and medical advice consistent with that provided by the World Health Organization and the European Centre for Disease Prevention and Control; and calls on the Minister of Education to engage and consult extensively with education stakeholders as well as parents and young people in advance of the reopening of schools in order to provide clear and early guidance."

Consistency of message around COVID-19 and the pandemic are absolutely crucial, and other Members have said that. Therefore, today's funeral, where Sinn Féin Members breached COVID-19 regulations, ignored advice from the Health Minister, the Chief Medical Officer, scientists, the Public Health Agency, the First Minister and the deputy First Minister, flies in the face of all of that. Indeed, at the press conference yesterday in the Long Gallery, the same deputy First Minister, when asked about social distancing and today's funeral by the BBC at the press conference in the Long Gallery, said:

"Everyone who is attending the funeral should observe public health advice".

Therefore, what a message today's events are to the thousands of people who have responsibly stayed at home to shield because of their health. What a message to those people who have been practicing social distancing. What a message to those National Health Service workers and key workers over the last number of months. Indeed, my view is that the advice has undermined the Executive's message.

The Temporary Speaker (Mr Wells): I am sure that the honourable Member will go back to the core issues. Thank you.

Mr Humphrey: Indeed, my view is that today's behaviour undermined the Northern Ireland Executive's message and policy, undermined the Health Minister, undermined the Chief Medical Officer, undermined the scientific advice and undermined the Public Health Agency advice — not only undermined it, but, frankly, ignored it.

Mr Storey: I thank the Member for giving way. Surely we would be in the most bizarre situation if, as a result of this evening's proceedings in the House, with the motion having been passed, as it most likely will be, teachers deciding that, when the schools are reopened, they will just ignore all the guidance. What message would that send to parents? Yet,

today, we have the deputy First Minister and Ministers and Members of the House flagrantly breaching the regulations in a way that has set a disgraceful example.

Mr Humphrey: I thank the Member for his comments and I agree with them entirely. As I said, they have not only undermined the guidance that has been given for months, they have totally ignored it. Indeed, I believe that Sinn Féin have undermined their position and credibility on the issue. Therefore, the question is —

A Member: Will the Member give way?

Mr Humphrey: — about how these Members have behaved and whether their behaviour is a breach of the ministerial code?

No, I have already given way.

The Committee for Education's members will know that the Minister has made himself very accessible and he has been very responsive to the Committee and the House. They have said it in the House and in the Committee. I understand that the Minister has engaged face to face and on Zoom with some 750 principals during the COVID-19 pandemic. The Minister has held two public press conferences, and he is the first Executive Minister to do so. The Department of Education, under this Minister and his leadership, was the first Department to co-design a government policy document with stakeholders — principals — in the form of the New School Day guidance. Minister Weir has sought to work constructively with trade unions and he has sought their opinions.

Northern Ireland provided restart documentation well in advance of the other United Kingdom regions. Indeed — if I might be given some time — with regard to the public health position, in the Republic of Ireland, it states very clearly that the position is:

"Public health guidelines to govern the reopening of schools in late August and September will not be published for some time, according to comments made by the Minister for Education in the [Irish Republic] ... Schools had been hoping for guidelines on social distancing and other public health matters to be sent out before primary schools close at the end of this month. However [the Minister for Education] ... said this afternoon [24 June] that the reopening of schools was 'nine or ten weeks away' and there was time to continue to consult public

health experts to develop and plan appropriate guidance."

The source RTÉ. Therefore, it is very clear that the Minister has been giving the leadership, not just in the United Kingdom but across these islands, including the Irish Republic.

Mr Temporary Speaker, I congratulate you on your elevation to your new temporary position and wish you well. We will support both the motion and the amendment depending on how the debate proceeds.

9.30 pm

Mr Butler: To lighten the mood a little bit, I will say that I am glad not to be following Daniel McCrossan for a change. I follow him on the Education Committee, and I was psyching myself up. I was thinking, "We will have to do this in alphabetical order instead of me following this guy when we are talking about education".

On behalf of the Ulster Unionist Party, I welcome the motion and the amendment and their intent. As has been picked out, they perhaps have some imperfections but, in the round, we will support them. When we talk about our pupils' return to school and the safety of the staff and all those who are connected with schools, it is really important that we are careful not to "catastrophise" every conversation that we have.

Mr Weir: I am not sure that that is a proper word.

Mr Butler: Catastrophise. I will have to eat more Sreen loaf and drink more tea. *[Laughter.]* The motion is good; its intent is good. It talks about looking at the concerns and anxiety of all the stakeholders across the piece, of which there are many. In the debate over the last number of weeks, teachers have been used and abused from different quarters. There seemed to be some people in the print media, for instance, who were itching for a fight. They were itching to get teachers into a corner and pitch them against parents. A number of petitions from other professions were doing the rounds, which worried me greatly. Those professions seemed to be pitting themselves against teachers and calling for the mass return of children to schools in September. I understand why some people might want to see that, but let us be clear: we have never dealt with anything like COVID in our puff; never once. There is no rule book for this.

We are doing our best. I believe that everybody is doing their best. I believe that everyone in the Chamber and each party are doing their best. What we need to do is give the leadership where it is needed. Even after today, we need to give that leadership. I do not want to see teachers getting caught in the crossfire. Mr McCrossan expressed it really well when he said that teachers have stepped up to the mark. The Minister, to his credit, has made himself available to engage with teachers at every opportunity, whether that is through their unions or directly. The Committee, through the Chair, has done that on every occasion. We have met different teacher unions. I have sat in on different Zoom meetings, as the Minister has, with the Ulster Teachers' Union and other unions. There is no doubt that the intent is to have our children return as safely as possible, but the protection of everybody involved is crucial. To be fair, I do not think that the Minister has been found wanting on collaboration, even though we disagree on certain points in the guidance.

Mr Graham Gault of NAHT — he will probably want to kick me in the shins for mentioning his name — posted a tweet of 140 characters on Friday night. I reckon that, in that 140-character tweet, he summarised what the guidance should be. I do not think that it needs to be a huge document. The reality of where we will be at the end of August and the start of September is that, if COVID has been dealt with, we will return. If social distancing is not an issue, we will return.

A Member: What was the tweet? *[Laughter.]*

Mr Butler: I will print it out tomorrow and put my name to it. You will probably claim if it is good, Daniel.

The reality is that what we need to be talking about tonight are the priorities. There are serious priorities, and I want to raise a couple of them. Transport will be a big issue and a serious issue if we are still facing the COVID pandemic. Even more than that, there are our special educational needs children and the complexities of their medical care and their vulnerability. We have all these new terms like "key workers" and so on that we are all getting used to. The reality is that a lot of these children are already facing challenging times in their education.

Mr Lyttle: I thank the Member for giving way. Will he recognise the constructive meeting that the Education Committee had with the National Deaf Children's Society, which is a particular

cohort of children whom we need to be conscious of in our response to COVID-19?

Mr Butler: I will absolutely. I thank the Chair for bringing that to my attention. They are another community within the education sector that is disadvantaged at times. We chatted with them on Monday and they brought a number of things to the fore. If the Minister has not spoken to them already, I am sure that he will. That is where our priorities need to be.

Mr McCrossan raised the issue of the correlation between poverty and educational outcome. Something new happened this time, with COVID. It was not just the children who find themselves socially disadvantaged. The children whose parents are key and front-line workers have not been able to avail themselves of the learning and support during these past three or four months. That leads me to my main point: I have a serious concern about the outcome of blended learning and what we expect it to be. I am not sure how we mark that. The discrepancy between those who have and those who have not has been pointed out. Even if we did give it to them all, the safest, best and most equitable place for any child to learn is in the classroom.

We need to do everything that we can, collectively, to see every child back at school, but safely, and give the guidance as best we can to the teachers and stakeholders that we are speaking about.

The Temporary Speaker (Mr Wells): The next Member to speak is Mr Lyttle. It would be usual for the Chair of the relevant Committee to speak early in the debate, though Mr Lyttle has indicated that he is not speaking as the Chair but as an individual MLA.

Mr Lyttle: I welcome the opportunity to consider how we work with our outstanding teaching and non-teaching staff, parents and guardians and pupils to rise to the challenges facing education.

The first task is to move beyond the unacceptable narrative that some in the education sector are attempting to avoid doing their job. Our teaching and non-teaching staff need us to back them, not attack them.

We also need to move beyond a situation whereby the Education Minister tells me, via the media, that my job is to not be convinced by anything that is said to me. I make no apologies for finding the school leaders, teachers, parents and pupils with whom I engage to be convincing

on a wide range of issues. I can respectfully give way to the Education Minister if he wishes to specify by whom he thinks I ought not to be convinced.

We need to work together. There is enough ingenuity in our community to deliver the leadership, communication and support needed by dedicated and innovative teachers and hardworking parents to help pupils to access their right to education. To be fair to the Education Minister, he and his Department have established ways in which that can be achieved. Clearer communication and engagement are possible via the Education Restart programme, the stakeholder group, the practitioners' forum and the childcare reference group that I was glad to propose, with the addition of improved parental and pupil engagement, and the cessation of announcements via the media and social media on Fridays at 5.00pm.

Mr McCrossan: I thank the Member for giving way. Does he agree that a lot of frustration among principals and teachers is due to the lack of clear communication from the Department of Education and the Education Authority?

Mr Lyttle: I agree with the Member. As I say, I think that the Minister has established avenues through which improved communication can take place if they are used in lieu of some of those other times and avenues.

Clear guidance is needed on social distancing. Whether it is 2 metres, 1 metre or no social distancing, clarity is needed, and acknowledgement by the Minister that anything less than no social distancing may have an impact on the ability of a school to provide full-time access for parents and pupils.

An Education Restart budget is needed. Regardless of the social distancing in schools in August, parents and pupils will need additional support. Additional support will also be needed for school accommodation, cleaning and staffing; classroom assistants; ICT equipment, whether devices, printers and broadband access to deliver digital equality; training for teachers in online learning, the like of which, I understand, is being provided via Stranmillis and C2K; guidance on blended learning; and a curriculum that is appropriate for the amount of time that children will be in learning, focused on educational, social and emotional recovery.

Leadership is also needed on post-primary transfer. It cannot be fair or necessary to test children in November and December 2020.

I think that the Education Minister accepts that position somewhat. He said that those who think that children should not be tested in November and December for post-primary admissions have to come up with an alternative. His Department recommends alternative admissions criteria and statutorily requires boards of governors to have regard to them. They include criteria such as free school meals, applicants from feeder and named primary schools, applicants residing in a named parish, applicants residing in a geographically defined area, applicants for whom the school is the nearest suitable school and applicants who have a sibling currently attending the school. They also recommend criteria that ought not to be used. Time will not allow me to go into those. However, I think that the Minister and I probably agree on some of them.

I ask the Minister this: what is unsuitable about the admissions criteria recommended by his own Department for post-primary admissions? Also, I seek clarification from the Education Minister as to whether his guidance requires primary schools to return P7 classes on a full-time basis in August, regardless of the impact of that on other year groups' access to school. Why is year 7 prioritised and not year 8, which is an actual transitional year to a new school?

Also in relation to post-primary transfer, I ask the Minister to reconsider his decision to decline my request to meet parents to discuss post-primary transfer.

We need leadership in special educational needs. The dysfunction in special educational needs provision alone is reason to immediately lift the temporary suspension of work on the independent review of education. We need urgent delivery of the childcare strategy and the emotional health and well-being framework.

We need to work together with the education sector to overcome the risks and challenges of COVID-19 and deliver the quality, equal educational opportunity for all.

The Temporary Speaker (Mr Wells): The next Member to speak will be Mr Frew. Just before that, I alert Mr Sheehan that because Mr O'Dowd has stepped aside, he has risen up the list considerably and will be the next to speak, after Mr Frew.

Mr Frew: Having looked at the motion and the amendment, I see no issue with them. I think that what they request of the Education Minister is reasonable enough. It is important that we take this opportunity to pay tribute to all the principals, teachers and staff of schools, not

least, all the non-teaching staff, who are working and have worked hard over the past months, beyond the call of duty on many occasions, to provide the children with as much stable education material as possible.

We also pay tribute to all the parents who have had to homeschool under really trying, pressurised circumstances at home, where they are trying to work from home and get quality time with their children too. The whole thing becomes a mishmash, and that is really detrimental to family life. I must say that, when my children were younger, my wife took up the burden of homework duty in my house. The stress and strain of homework is mighty enough, but to homeschool children too must be a massive burden.

Dr Aiken: I thank the Member very much for giving way. Does he agree that one thing that might ease that burden would be to bring in proper broadband across Northern Ireland? Maybe some of the excess profits that BT has been making from the Land and Property Services contract could be used to provide all pupils across Northern Ireland with excellent broadband facilities.

Mr Frew: The Member raises a very important point. Going forward, it is crucial that children and business, right across the Province, have adequate broadband. He is absolutely right to raise that.

Principals know their school and their staff best. Principals and teachers also know their pupils best. As regards the responsibility for moving forward safely, in this day and age, given the risks involved, there is no person better placed in a school to measure risk in that built environment than the principal of the school.

We do teaching staff and principals a grave disservice when we say that they do not have clear and proper guidance.

9.45 pm

The Minister has traipsed round the Province, meeting school principals and teachers in every art and part of Northern Ireland, and he must get credit for that. He has listened and moved where he can and I applaud him for that. Many of the principals and teaching staff whom I speak to on a weekly basis have concurred with and echoed that sentiment and are thankful for it.

There is absolutely no doubt that we are living in very pressurised times and there are strains

and uncertainties that will have to be ironed out. We have always worked with the maxim that missing one day's schooling is detrimental to a pupil's education. It is important that we try to get as many pupils back to school on a full-time basis as soon as possible in order that their educational opportunities are not hurt. That is vital going forward, and the only way to have equitable educational facilities and learning examples and experiences is to have pupils in school; there is no doubt about that. That is what we should strive to do.

Let us look at the wording of the motion. Everything is in a context, especially when we look at the day that we have had. The motion says:

"That this Assembly recognises the concern and anxiety that exists among teaching and non-teaching staff, as well as among parents and young people".

What of their anxiety today when they see and read the news and see Sinn Féin practising no social distancing and no responsibility with regard to what it has been preaching over the last number of months? What of the anxiety of teaching staff when they see that "Do as I say, not as I do" attitude? That has been so hurtful to the messaging and to the psyche of our people when they see the work that they have put in over the last three to four months. They have been trying to keep people safe and now they see people flaunting the regulations with disregard for the safety measures.

The Temporary Speaker (Mr Wells): I ask the Member to bring his remarks to a close.

Mr Frew: It is unbelievable that that has taken place today. It is a shame on the party on the opposite Benches that it has allowed that to happen. There have been many occasions in the past number of weeks —.

The Temporary Speaker (Mr Wells): The Member must bring his remarks to a close.

Mr Frew: I will leave it there.

The Temporary Speaker (Mr Wells): As I said earlier, the debate has attracted a lot of attention. Unfortunately, I have to report that we will have time for only three more contributors — Mr Sheehan, Mr McNulty and Mr Aiken. I realise that that is a considerable disappointment to Ms Armstrong, Ms Hunter and Mr Carroll. Everyone used their time to the maximum and there were numerous interventions.

Mr Sheehan: Go raibh maith agat, a Leas-Cheann Comhairle Sealadach. Agus labhraím anseo anocht i m'athair ar bheirt ghirseach a bheas ag dul isteach i rang a haon agus rang a cúig i mbliana. Agus ba mhaith liom mo bhuíochas a ghabháil leis an phríomhoide, na múinteoirí agus an fhoireann iomlán i mBunscoil an tSléibhe Dhuibh.

I speak tonight as the father of two young daughters who will be going into primary 1 and primary 5 respectively this coming year. I want to put on record my thanks to the principal, the teachers and all the staff in Bunscoil an tSléibhe Dhuibh and Naíscoil an tSléibh Dhuibh for their dedication and diligence in helping us as parents over the last number of months. Bunscoil an tSléibhe Dhuibh is an Irish-medium primary school.

Agus, a Leas-Cheann Comhairle Sealadach, is cinnte go mbeidh fadhbanna ag earnáil na Gaelscolaíochta ag athoscailt dóibh i mí Mheán an Fhómhair i dtaobh sláinte agus sábháilteachta de agus an scaradh sóisialta.

It is certain that the Irish-medium sector will have problems with the reopening in September with regard to health and safety as well as social distancing. As it now stands — the Minister will be aware of it — 60% of the accommodation in the Irish-medium sector is housed in prefab or modular accommodation or buildings that were not designed as schools. That lack of purpose-built facilities will have a detrimental impact on schools facilitating their students, in particular those Irish-medium schools that are located outside urban areas, where alternative space might not be easily found in the surrounding area.

Irish-medium schools are already at full capacity. The Irish-medium sector is the fastest-growing sector and we want that trend to continue, not regress. Take Coláiste Feirste in west Belfast, which is the largest Irish-medium post-primary school on the island of Ireland. When a significant new development was opened in that school a few years ago, it had a capacity of 550. The enrolment now is around 680. How will it practise social distancing in classrooms?

There are concerns about a lack of available school space affecting parents in choosing Irish-medium schools for their children. The Education Authority and the Department of Education have based their social-distancing guidelines on classrooms of 60 square metres. As I mentioned, that does not accurately reflect the reality in Irish-medium education, in which some classrooms are as small as 37 square

metres. Additional classroom space will be required and the Department has an obligation to work with the bodies that represent the sector to facilitate that.

Ba mhaith liom labhairt anois ar easpa na múinteoirí cáilithe a bhí ann roimh an phaindéim agus a bheas ann faoi mhí Mheán an Fhómhair i mbliana. I also want to talk about the lack of qualified teachers who were in the Irish-medium sector before the pandemic. Of course, that shortage will be exacerbated when schools reopen in September.

The Irish-medium sector is likely to be more acutely affected by teacher shortages, as a lack of teachers already existed before the current crisis. That will be made worse as schools return, with the risk of a severe shortage of qualified Irish-medium teachers to fill current vacancies, and Irish-medium substitute teachers to cover for teachers who are shielding. If the Department is to act decisively on the development of the Irish-medium sector, it needs to begin to address that shortage of teachers. We need to begin to engage with teacher training colleges as a matter of urgency to deal with that ever-growing issue.

Ba mhaith liom aird a tharraingt anois ar cheann de na ceisteanna is tábhachtaí don earnáil, is í sin, ceist na n-acmhainní oideachais. One of the areas that I want to draw attention to is the lack of educational resources in the Irish-medium sector. It suffers from a lack of bespoke resources for teaching and the remote learning undertaken by teachers during the lockdown period will have compounded that. Irish-medium principals —

The Temporary Speaker (Mr Wells): I ask the Member to bring his remarks to a close, please.

Mr Sheehan: —requested online resources and apps for appropriate distance learning. That needs to be considered by the Minister in the time ahead.

The Temporary Speaker (Mr Wells): I am pleased to report that Mr Aiken has generously removed his name from the list and, of course, Mr McNulty is entitled to speak in summation of the amendment. I am glad to say that we can get at least another two Members in. We have Ms Armstrong, Ms Hunter and potentially, if things go well, Mr Gerry Carroll.

Ms Armstrong: Thank you so much, Temporary Speaker. I was not expecting that. I will keep it brief, because I would like Mr Carroll to have his opportunity.

From the very start, I will declare an interest. I am a mum of a 17-year-old who is due to go into her A-level year, so my heart is broken with her. I am also a governor of a primary school and a post-primary school.

Of course, we will support the motion and the amendment — why not. However, can I please ask, as my colleague said, that we start building a bit of teamwork? We are talking about our young people across the whole of Northern Ireland. They do not need to hear politicians ripping lumps out of each other. What they do need to hear is that their schools will be a positive experience, that we will come out of coronavirus and that they will be able to get back with their friends again in a safe way.

Mr Frew brought it up, and I have to say to all the parents out there that there is a reason why I did not become a teacher — homeschooling has proved that completely.

I take my hat off to all those parents: to those who are at home all day with their kids, trying to work as well as homeschooling; and to parents who have had to go out to work and been worried sick about how their children are getting on while with whomever they have been with, perhaps they have been at a school in which they sit beside two or three others from very different age groups.

One size will not fit all. I do not know about the rest of you, but I get many calls from the parents of children with learning disabilities asking how, with social distancing, the at shoulder support is supposed to happen and whether we can give them a solution.

We cannot lock the toilets in post-primary schools. Girls have periods: let us not shy away from that. We cannot exclude our young people from having access to space.

We need to see the teamwork for ourselves and for our teachers, while working with pupils and parents. We need to recognise not only the physical but the emotional needs of our young people, which will be one of the toughest things for classroom assistants and teachers, alongside parents, to deal with.

Young people need time to talk. Some have not had a good lockdown experience. Sadly, we know that the increase in domestic violence across Northern Ireland means that a number of young people have had to leave their home. Some have seen family conflict. Let us face it: we are fighting with each other in the Assembly because we are stressed out. It is non-stop. Our whole day, morning, noon and night, is

work. We never get to leave it behind when at home. The children who have experienced loss and bereavement need time to speak. They need time to talk to each other, which is very hard when half of their classmates work at home for part of the week and the other half are at school. They then swap, meaning that they never see the other half of their class.

My heart breaks for pupils who are transitioning from P7 to year 8 — first year, in old money — and for those in upper sixth or fifth year who have left school. There was nothing: there was no real end for them.

We have to be aware that there will be difficulties because of the horrendous pandemic. We could see a rise in racist bullying in schools. Across the water, people of Asian background have been picked on and bullied by people saying that they are the cause of the virus because they are Chinese. There is a lot going on.

You know what? The message that we send from this place needs to be more positive. It has to be a message that young people are listening to because they want to hear about their schools, and we are talking about something that interests them. This is a great motion. We have a good Minister, and he cares. We have a Committee that also cares, and it meets people so often that I do not know how Chris Lyttle does it — my head would be turned. We have a good team here, and, for the sake of your young people, we should be talking more positively.

I am the mummy of a 17-year-old who regularly does my head in. She is looking to get out and torture wee fellas, but she is not getting to do that. *[Laughter.]* She wants to get back to school but is scared. She is scared. If a 17-year-old is scared, what is it like for a seven-year-old? We have a job to do, folks, and I really hope that we can do it and get these young people back to school as soon as possible. Let us work together on this.

The Temporary Speaker (Mr Wells): Many Members were shocked when Mrs Armstrong revealed that she had a child of 17. That is quite remarkable *[Laughter.]* After Ms Hunter, we may have time to get Mr Carroll in.

Ms Hunter: I echo Ms Armstrong's comments and sentiment about working together, which will be highly beneficial for us all. The SDLP recognises the sheer level of pressure and uncertainty that has arisen for teachers and pupils right across the North as a result of COVID-19. Today, our concern pertains to

ensuring the physical health of pupils in the coming months with the slow reopening of schools and reintroduction of classes.

My concerns derive from the different school sizes. Some schools, often the new builds, have capacity for more pupils due to being more spacious. Others, often the rural schools, may have to compensate through more pupils staying off, which could further impact on their education. I hope that the Minister can provide clearer guidance on that today.

We are happy to learn that the Department has received new IT devices for distribution to children who are experiencing difficulty accessing digital learning. Over the past few weeks, other MLAs and I have been contacted by families that are struggling to attain access to broadband, as mentioned earlier, and to the other technological tools needed for remote learning. This is a welcome announcement as we fear that some students, especially those from low-income families, have been left in the dark, and no child should suffer academically as a result of that.

In the light of these difficulties, we welcome the news that an increasing number of selective schools have decided that they will not use academic selection for 2020-21 and 2021-22.

10.00 pm

I think that that shows great compassion and consideration of young people's mental health. At times, when students have been faced with so many difficulties over the past few months, academic achievement bears so much weight to young people. Speaking to young people, it is evident that academic achievement is a huge factor from which they derive their sense of self-worth. Sadly, some schools decided to continue with academic selection, despite the undeniable, unfair education deficits that have occurred as a result of the pandemic.

I have spoken with a young family in my constituency, a single mother who is a front-line worker. She is a carer. Her child gets less homeschooling than other children, due to the fact that, as a mother, she had to continue to work over the past few months. Is it fair that her daughter should be held accountable for an academic decline through no fault of her own? I feel strongly, and agree with other parties, that no child should be left behind. I hope the Minister can provide us with more clarity on health and safety within the schools. A catch-up programme is necessary. We want no child to be left behind. I support the motion and the amendment.

The Temporary Speaker (Mr Wells): Mr Carroll, you have four minutes.

Mr Carroll: Thank you, Mr Aiken. Feel free to step aside in any debate that I am not going to be called. *[Laughter.]* I will happily speak on most things and I am sure that people here, and the public, are delighted to hear me on every issue, so thank you very much.

In all seriousness, the fears outlined in this motion and the amendment are true for teachers, parents and indeed for pupils. I am more than happy to support the motion and the amendment. I thank the Members for bringing them.

Like others, I have been contacted by parents and teachers, and we continue to stand with them, ensuring their safety and the safety of pupils of all ages is maintained and protected.

All along, throughout the pandemic, we have consistently called for the Executive to make decisions about reopening, and lifting elements of the lockdown, on the basis of scientific and medical advice, consistent with the likes of the World Health Organization and other bodies, as the motion urges. However, as Members know, that has not always been the case. We know the devastation caused and the failure to protect the vulnerable, particularly in care homes. As a member of the Health Committee, for two weeks in a row, I have asked for the scientific advice pertaining to implementation of amendments to the Coronavirus Regulations, and I am still waiting on it. It is frustrating that we are not getting that information, and we should, very quickly.

While I support the motion, the fears that the Members who proposed the motion outlined about schools reopening, are the exact same fears that workers in hospitality and other sectors will face by the end of this week. They may be forced into work, essentially, or lose their jobs, as the case may be, and nothing is mentioned or done about that. Obviously, the regulations passed today cement that in legislation.

There has to be a serious level of consistency in approaching this crisis. Earlier, the junior Minister referred to there being no linear approach. I think he is right, and he is being kind. The approach that the Executive have taken throughout the crisis has been very worrying and disastrous in cases.

Trade unions, who represent workers in bars, clubs and restaurants, who have been loud and clear about their inability to socially distance in

the workplace, will no doubt wonder, as I do, why there is no motion calling for protection for them in the workplace, based on scientific and medical advice, as there is in tonight's motion. Staff in care homes will raise similar issues.

I support the motion and the amendment, and will take any opportunity to support teachers, parents and pupils, but other workers have been left without adequate protection and that needs to be addressed.

Robbie Butler said that teachers are used and abused, and that has very much been the case. Disgracefully, we have seen MPs attack teachers and their unions. Some of them are still waiting on an apology from Mr Wilson. He should do the right thing and apologise for his comments towards them. We have to pay tribute to our teachers and teaching staff for working throughout this pandemic, and working to educate our young people throughout the year, and also for taking action to close schools, when the Minister would not act and he dithered. It was teachers who —

The Temporary Speaker (Mr Wells): Can the Member bring his remarks to a close, please?

Mr Carroll: I will leave my comments there. I am happy to support the motion and the amendment.

The Temporary Speaker (Mr Wells): Thank you, Mr Carroll. I now call the Minister of Education, Mr Peter Weir, to respond to the motion. Mr Weir, you have 15 minutes in which to speak.

Mr Weir: Thank you, Mr Temporary Speaker, sir. I know that you have been waiting to hear that terminology for quite a period of time. I congratulate you on your post.

I want to join with other Members, including the mover of the motion, who mentioned the sad death of Noah Donohoe, and pass on my sympathy to his family and his school, St Malachy's College. While, to the best of my knowledge, we have been fortunate enough that no school-aged child in Northern Ireland has died from the COVID-19 virus during the pandemic, it has, perhaps, gone unnoticed that, during that period, a number of pupils throughout Northern Ireland have, sadly, passed away for a variety of reasons. Equally, I want to pass on my sympathies to their families and schools.

I thank all Members who have spoken in the debate. I welcome the opportunity to speak on

these issues. I am sure that not everyone will agree with everything that I say. I would not necessarily agree with everything that was said in the debate.

I will say at the outset that I do not see any particular problem with the motion on the anxiety that exists, or the amendment. As is often the case when motions are tabled in the House, a number of elements of them have probably been overtaken by events that have either already happened or are in progress. However, that is no reason to divide the House.

I am fully aware from speaking to principals, school staff and pupils that there are genuine concerns and anxiety about the reopening of schools. Previously, I have noted that the issues that we face across society, and particularly in education, are unprecedented. Young people have outlined their concerns in a range of surveys. They include the 1,000 children who have contributed to the Youth Forum survey, and, indeed, many young people continue to respond to the Education Authority's weekly survey, which is facilitated by Youth Service.

While there is no consensus on the issue, the biggest concern out there, which is shared by parents, teachers, trade unions and pupils, is about the lost learning and opportunities, and a desire to get back to school. There is consensus on that. I will reiterate what I said earlier during Question Time: I believe that we are on a good trajectory at present, and, if things continue to move in the way in which they have been moving, I hope that the Executive will agree that we are able to move to a position before the start of term where we can ensure that every pupil in Northern Ireland will be in school five days a week. Surely, that is a hope that we all share.

I am conscious of the practical challenges. An incredible amount of work has been done in a short space of time to develop responses to the situation. Again, I want to put on record my appreciation for the incredible work that is being done by schoolteachers, leaders, classroom assistants and, indeed, all those who have been working with such dedication in the wider education sector throughout this challenging period.

The new school-day guidance, which was published by the Executive on 19 June, sets out a framework under which schools can, now, plan to reopen. The guidance was co-designed under the auspices of a practitioners' group, facilitated by my Department, by 20 school principals. It represented every sector and age

range in education. It included the controlled, maintained, voluntary grammar, Irish-medium and integrated sectors. It included special schools. It involved nurseries, primary schools and post-primary schools. It had a very broad range. While the broad principles will be similar across other settings, it is recognised that there is additional work to be done in youth and early-years provision. Indeed, last week, we were able to issue particular guidance for special schools. I pay tribute to the work of the principals. They operated with an intensity that was beyond their day jobs and provided invaluable professional and operational insights.

Drafts of the guidance were also shared with trade unions, sectoral body representatives, the Chief Medical Officer, the Department of Health and the Public Health Agency. All feedback that is consistent with the remit of the practitioners' group is in the drafts of the guidance.

The time frame and notice that we have been able to give schools for preparations has been mentioned. There needs to be a balance. If we are to take account of the views and have that co-designed process, that will mean that, naturally, things will not move as quickly as they can in other bits, but we are ahead of the game compared with other jurisdictions.

Mention has been made that, as yet, there is no clear picture of what is happening in the Republic of Ireland, where one of the parties here sits as the main Opposition in that jurisdiction.

In England, prior to 1 June, there was relatively little notice given. Indeed, we still await the guidance as to what they intend to do in September. Scotland, which is starting at an earlier stage than us, has also issued guidance. It is on a fairly similar time frame to us. Wales, where schools resumed on 29 June, issued guidance on 11 June, which was 18 days beforehand. Whatever criticisms that can be made about timescale, we are a couple of months ahead of that.

Mention has also been made that the Department will try, as much as possible, to provide financial support where additional necessary resources are required for schools to help in reopening. We will work together with the sector on that.

Mention has been made of childcare. There is now an Executive childcare recovery scheme. It will learn from some of the weaknesses in the current system, but it is critical that childcare is aligned with school reopening. Indeed, reaching

a point at which schools are able to be fully open is one of the biggest single actions that can be taken to ease the pressures on childcare.

Mention has been made about year groups. The position of years 7, 12 and 14, as transition years, is consistent with what has happened in other jurisdictions. For example, in England, apart from the very youngest in primary schools, their P6, which is the equivalent of our year 7, was one of the areas prioritised, as was those entering the final year of GCSEs and A levels.

The principals that we worked with emphasised that guidance needed to have broad parameters but also have a level of flexibility. Indeed, the aim was to get that guidance out as quickly as possible with Executive approval. There are a range of other issues that will need to be considered and, indeed, are being considered.

A Member: Will the Minister give way?

Mr Weir: With respect, I am trying to get through quite a few items. I know that there will probably be other issues that can be picked up tomorrow in the Education Committee.

I am aware that some feel that the guidance does not go far enough. I suppose that it is striking the balance between producing a 52- or 54-page document when I know that it has been suggested that it can all be put in 140 characters. I suspect that if the Department issued 140 characters as a response, there would be complaints.

Mention has been made about the issue of transport. Again, that is an issue that the Executive are looking at collectively. It is critical, and I think, probably grasping the nettle of finding routes in terms of transport which means that actually strict social distancing is not particularly compatible with full school transport. The previous position of the Department for Infrastructure was a 15% cap on those who can travel on buses. That is something that I do not think would work or be acceptable.

On the one-metre distancing side of things, this obviously predated any decision as regards the wider Executive position on one metre. Ultimately, there is no distance that is safe. It is about providing mitigation measures. Indeed, if you speak to medical experts, they will not say, "One metre is safe" or "Two metres is safe". It is about providing protection. We worked on the detail of it. The draft guidance was shared with

the Chief Medical Officer and the Chief Scientific Adviser. We worked alongside the Department of Health and the PHA on the detail of the guidance. I would maybe quibble slightly about the references to WHO or others in the motion, but we have worked with bespoke teams in Northern Ireland. It has that level of support and adherence.

As indicated, on the curriculum, detailed guidance has been published on curriculum planning for 2021. CCEA is continuing to work on how we will deal with examinations. This is not just a Northern Ireland issue, but there is an impact on the curriculum in respect of where we are, and that is inevitable. So, it is about concentrating on the basics.

Again, one of the slight restrictions in the curriculum, particularly for those later years when there are public examinations in which pupils here sometimes take examinations from outside Northern Ireland.

We have to ensure, working with colleagues, that we have a level playing field across a range of jurisdictions. We have to make sure that Northern Ireland pupils are not disadvantaged.

10.15 pm

Mention was made of doing things in conjunction with different Ministers. I am in regular contact with the Education Ministers in England, Scotland and Wales. I have spoken directly to and had conversations with the now outgoing, departed Minister in the Republic of Ireland and am seeking an early discussion with the new Minister there. There will be an opportunity to learn from that experience. We are fortunate that the Northern Ireland curriculum is specifically designed to be adaptable and dynamic. Therefore, it can create the ideal scaffold to support and underpin teaching and learning. The limited prescription that we have gives schools the flexibility to choose what to teach and for how long and how often and to use approaches that best suit their pupils.

I turn now to the amendment. In April, my Department conducted a survey of school principals to look at strategic approaches to distance learning and access to online learning. The survey showed that all schools were using either online or hard-copy approaches. I take on board the point that has been made about broadband. Obviously, that lies outside the remit of my Department. The proposals that are being put forward by the Department for the

Economy for rolling out broadband will be of long-term help but will not be there in every case. School principals who reported that pupils might be experiencing barriers to online work reported that the main reason was lack of access to a device, often followed by that lack of access to broadband. Consequently, we have adopted a three-stage process, first of all looking at what devices were already in existing stock. Then, there had been about 3,500 devices that were being sought by EA and being procured. We are now at that second stage, and, during the last week, a number of those have been rolled out to try and address that. The Department is also in a position where it is going to central procurement to try to fill the gap as well.

We will not know definitively where we are until we see in September, but we can all make an assessment that, no matter how brilliant the teaching that has been done and no matter how good the remote learning that has been done in a lot of cases, it is, as, I think, somebody mentioned, there is no substitute for that face-to-face classroom teaching, which is why I am so keen to see that resume in full. We have also been giving some thought for some time to how we do that level of catch-up. Again, while they may have been overwhelmed by the focus on the reopening of schools, as part of summer schemes and, indeed, summer and beyond recapture of learning, proposals were put to the Executive. I will outline briefly the strands within that. I am glad to say that today, in the June monitoring round, there has been agreement by the Executive, and funding has been made available for that. That is for the remainder of this financial year. There may well be other costs that will run into the following year. It has three strands. There are two smaller interventions during the summer. Where schools are looking voluntarily to provide some level of additional summer learning, the Department will provide financial support. Teachers deserve a break, however, and, consequently, it is only where schools have volunteered to do that and want to do that. We feel that they should not do that to their own detriment, and therefore there is a degree of support. We are looking at support over the summer of a virtual classroom that people can tap into. Both of those, in the grand scheme of things, are relatively low-cost, but we are looking, as we roll out into next year, at an engage programme that will ensure that, in particular, those from a socially deprived background are provided with additional support and additional interventions in their learning. From that point of view, I think, I am at one with the amendment, if not always necessarily in the words that are used in the

speech — I look forward to Mr McNulty's summing-up — but at least in terms of the spirit of what is there.

The issue of mental health has also been raised. While a lot of young people are very resilient — perhaps more resilient, at times, than some of us adults in that regard — there is a need for support for mental health. If there is additional help we can give from the Department of Health, it will be welcome, but there has already been an allocation of an additional £5 million into the budget this year for mental health. As with all Ministers, if the budget were considerably bigger, I would be happy to make that stronger.

I appreciate that there are probably issues that I have not been able to touch on in 15 minutes. I am sure that, in one of our lively exchanges at the Education Committee tomorrow, they will be revived in that regard. Although we may have some salvos fired across different parts of the Benches, I take on board the fact that there is a broad consensus on what is being done, what needs to be done and the outcome that all of us seek, which is to ensure that our children get back to that full level of learning. That is shared not only by all MLAs across all parties but by teachers, parents and pupils.

Mr McNulty: It is a pleasure to wind on this important debate. I will begin, however, by offering my condolences to Noah Donohoe's mum, Fiona, his family, his friends and his classmates at St Malachy's College and to the volunteers, the police and the rescue organisations who all put in such a heroic effort in trying to locate him.

I also pay tribute to our schoolteachers, principals, classroom assistants, school staff, pupils and parents. Their roles and environments have been completely reconfigured, and it is sad that many teachers feel that they have been used and abused during the pandemic.

Given the hour, I will not rehash verbatim what each Member has said in the debate. You all know what you have said, and it is in Hansard anyway. Across the Chamber, we are in agreement on a number of matters, including concerns about addressing IT, broadband and online inequality; acting to address the education of children who come from deprived areas or from families with lower incomes; social distancing capabilities and capacity in schools; staggered starts; an accelerated catch-up programme for all kids; social bubbles; blended learning provision that is fair and equitable; accelerated school maintenance;

appreciation for the work of trade unions; and the addressing of school transport concerns.

We have heard a lot about mental health issues but not enough about physical activity, and incorporating physical activity into the restart is another concern. Further concerns to be addressed are staff numbers and possible shortages in specific areas and the ability of schools to meet the needs of students with special educational needs. A major challenge for the education system is that no child should suffer academically as a consequence of the pandemic. We need a reopening procedure that has the capacity to address any mental health issues, zero tolerance of bullying and childcare that must be aligned with school reopening. There was a bit of disagreement on academic selection and the example set by some political leaders today, but, it is important to reiterate what the Minister said: it is a cause for celebration that no school-age child has passed away as a consequence of COVID-19. That is a cause for celebration.

Principals, teachers, pupils, staff and parents seek clear, unambiguous and realistic guidance on a safe return to education in the classroom. As the Minister said, teachers want to teach. I have not met one teacher over the past two or three months who was in holiday mode. They were very caught up in trying to adjust to and address the challenges they faced in teaching kids, some in the classroom and some remotely. Parents have had to change their routines enormously too and have adapted to become even more hands-on in the education of their kids, all the while juggling their day jobs. Major tribute should be paid to them. Most of all, I think of the girls and boys of school age who are dying to get back to see their friends and teachers and dying to get back to school. It is a unique situation where kids are crying for school. At the end of August and start of September, I think, we all want to see a safe, fair, positive, challenging and encouraging learning environment for every pupil, every teacher and every staff member to return to. I support the amended motion.

The Temporary Speaker (Mr Wells): I call Catherine Kelly to wind up the debate. Catherine, you have 10 minutes.

Ms C Kelly: The motion was tabled before the Minister's statement last week. Since then, guidance has been provided, but we feel that tonight's debate is important and has been useful to ensure that the concerns that remain are highlighted.

The past three months have had a significant impact on our children and young people, parents, childcare practitioners and school leaders, many of which we have heard about this evening and I will touch on later.

Never before has our education system faced so many challenges. Many of our preschool children are to begin formal education in eight weeks. Their parents are busy buying uniforms and preparing for their children's first day. What will that actually look like? Some settings and classes are not big enough to hold all the children attending in September. Some settings and classes may be big enough but they do not have sufficient staff numbers to allow for more than one protective bubble. Recent guidance, issued by the Department, mentions a blended learning approach for preschool similar to that of schools. How can this apply to preschool children, when their education is based mainly on play? How do preschool leaders ensure that learning is being achieved at home through play? Department of Education guidance does not take this into account. It is not sufficient to attach the preschool restart with school restart. This is a worrying time for preschool leaders. Will the Department issue its PEGs funding earlier so that preschool leaders can prepare their settings and, if needed, recruit and vet staff? Will the community and voluntary preschool settings receive support through a new scheme from the Department of Education or the Department of Health? Both Departments need to consider these questions. Settings need support to sustain themselves so that they can open their doors, with confidence, in September; reassure parents who are dropping their children off on their first day; and hold on to their skilled staff, whom we rely on so much to educate our children.

Another cohort of parents who received guidance on the return to school was parents of children who attend special schools. Many parents and school leaders had been waiting on the guidance, hoping that it would include a plan and details for a safe return but that has not been the case. Schools have been left having to read between the lines and incorporate their own plans for September. Friday's guidance has not reassured parents. If anything, they have even more questions. How do special schools that are already at maximum capacity welcome all children back and ensure that they are socially distancing? If remote learning will, again, come into play, the Department needs to ensure that all children are being taught remotely. In the past three months, many parents have raised issues around the lack of remote learning and the

absence of any digital connection with teachers, classroom assistants or friends.

Some of us will remember a young person, a number of weeks ago, explaining their feelings during lockdown as being sad, isolated and lonely. There cannot be a return to this kind of remote learning. The guidance also mentions a reduction in health therapies and/or support provided. That is very concerning. For many children and young people, those therapies are a lifeline. I urge the Department of Health and the Department of Education to ensure that every effort is made to remove any barriers to children and young people being able to avail themselves of this.

Tomorrow is 1 July and, as yet, parents have not had sight of what summer provision will look like for their children. There is huge frustration amongst children, young people and their parents. The most vulnerable in our society need to know when summer provision will begin, what it will look like and who will be delivering it. Since March, many parents and their sons and daughters have had little or no interaction with the outside world, no school and no respite. Summer provision is crucial to support families after such a long period with little or no support. The mental health and well-being of children and their parents is paramount. They are crying out for some sort of provision, urgently, to reengage their children. This must begin as soon as possible and without delay. We are all more than aware that our childcare sector is on its knees. My party colleague mentioned in her opening statement that childcare will be a defining issue, and she is right.

We have seen many welcome interventions in recent weeks, where the key worker definition no longer applies to childcare. Capacity has ceased within settings, albeit that a play pod has been introduced, and indemnity will now cover all children until the end of August. These are very welcome easements and especially today's announcement from the Finance Minister that £10.5 million in financial support will be allocated to the sector to enable sustainability.

Mr Lyttle: I thank the Member for giving way. I recognise the consistency with which she has raised childcare provision at the Education Committee. Does she agree that it is vital that details of how to apply for that additional funding for childcare are made clear, as quickly as possible, to the childcare sector?

10.30 pm

Ms C Kelly: Thank you for your comment. I agree wholeheartedly. We need guidance and detail as soon as possible and urgently. We have no detail yet on how this will be administered, but one thing is for sure: it cannot be a repeat of the previous scheme, with its complex and bureaucratic application process, and with many still waiting for support, after the scheme was first announced over eight weeks ago.

The new allocation needs to be readily available, with no barriers in place. Families need childcare now more than ever, and that is why our health and social care trusts need to work as quickly as they can to ensure that settings and childminders can reopen their doors safely, and parents can return to work, content that their child is in the best possible care.

COVID-19 has shone a spotlight on how crucial to society our childcare sector is. Without it, it is likely that many women would not be working, and children would be without vital early education and care. Until we have more information on how the funding that was announced today will be allocated, what the process will be for applying for funds and when applications will open, this vital economic sector is at risk of collapse. Not only will that have significant implications at this time of crisis, but, in the weeks and months ahead, when we are trying to rebuild our economy.

Many comments have been made tonight. Mr McCrossan mentioned the hard work of our school leaders over the past three months. Mr Butler mentioned transport and the huge issue that that is: how can we ensure the safety of children and young people when they travel to and from school? Mr Lyttle talked about the need for a restart budget, given the many costs that are associated with restart when school budgets are already at capacity. Mr Frew mentioned parents and how the past three months of homeschooling has been incredibly stressful. Those are only some of the hugely important issues that have been highlighted this evening, and I thank Members for their contribution. It is imperative that Minister Weir takes into consideration all the points that have been made tonight. I urge Members to support the motion and the amendment.

Question, That the amendment be made, put and agreed to.

Leave out all after 'Control;' and insert:

"further recognises the limitations faced by many pupils in accessing online courses and

private tutoring; recognises the need for an essential catch up programme to be established for all pupils, especially those from disadvantaged backgrounds; and calls on the Minister of Education to engage and consult with all stakeholders, including teachers, parents and young people, on the reopening of schools and to ensure that no child loses out upon the reopening of schools."

Main Question, as amended, put and agreed to.

Resolved:

That this Assembly recognises the concern and anxiety that exists among teaching and non-teaching staff, as well as among parents and young people, in relation to the eventual reopening of schools; understands the challenges facing school boards of governors and principals in keeping children and teachers safe while providing high quality education; believes that any reopening of schools should be based on scientific and medical advice consistent with that provided by the World Health Organization and the European Centre for Disease Prevention and Control; further recognises the limitations faced by many pupils in accessing online courses and private tutoring; recognises the need for an essential catch up programme to be established for all pupils, especially those from disadvantaged backgrounds; and calls on the Minister of Education to engage and consult with all stakeholders, including teachers, parents and young people, on the reopening of schools and to ensure that no child loses out upon the reopening of schools.

The Temporary Speaker (Mr Wells): I remind Members that the next plenary sitting of the Assembly is on Monday 6 July.

Before I finish, I thank Mr O'Dowd and Mr Storey, who remained throughout the debate and did not even have an opportunity to speak. That they were prepared to do that is an example to all MLAs. I thank everyone who kept to time to ensure that the debate finished on time.

Adjourned at 10.33 pm.

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