

Northern Ireland Affairs Committee

Oral evidence: [Work of the Secretary of State for Northern Ireland, 2017-19](#), HC 193

Wednesday 23 October 2019

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Members present: Simon Hoare (Chair); Mr Gregory Campbell; Maria Caulfield; John Grogan; Lady Hermon; Kate Hoey; Conor McGinn; Nigel Mills; Ian Paisley; Jim Shannon; Bob Stewart; Sir Desmond Swayne.

Questions 1 - 96

Witnesses

I: Rt Hon Julian Smith MP, Secretary of State for Northern Ireland; Sir Jonathan Stephens, Permanent Secretary, Northern Ireland Office; Brendan Threlfall, Director, Northern Ireland Office; Chris Flatt, Director, Strategy, Legacy and Rights, Northern Ireland Office.



Examination of witnesses

Witnesses: Julian Smith, Sir Jonathan Stephens, Brendan Threlfall and Chris Flatt.

- Q1 **Chair:** Good morning, Secretary of State. Good morning, colleagues. Welcome, Secretary of State, to, I think I am correct to say, your first ever Select Committee interrogation. I am assured that colleagues will be as gentle with you as they possibly can be. Could I invite you, just for the record, to introduce yourself and your team? If you would like to say a few introductory remarks with regards to your first few months in office, that would be helpful. We will then turn to questions. You are very welcome.

Julian Smith: Thank you, Chair. To introduce my colleagues, we have Brendan Threlfall, a director within the NIO, Chris Flatt, also a director within the NIO, and Sir Jonathan Stephens, who is the Permanent Secretary of the Department, as you know. I do not want to embarrass Sir Jonathan, but I think he may be retiring later in the year. I would like to take the opportunity, because this may be the last Committee session while Sir Jonathan is in place, to thank him for his service—is it centuries or decades?—to the British civil service and the Northern Ireland Office. I would like to put that on record for the Committee.

You asked for a quick summary, Chair, of my first few months in the role. It has been focused on a range of issues, principally on trying to get the Assembly back up and running. There have been good discussions with each party but still a challenge in getting all parties together and working together in order to get the Executive moving. The Irish Government and the British Government are committed and working very closely to try to get a text that everybody can agree on. When the direction of travel on Brexit is secured, that will be much more straightforward.

The second priority has been ensuring that we do everything we can to avoid no deal. I think no deal is a very bad idea for Northern Ireland. The third focus has been on a range of issues such as the Harland and Wolff issue, the issue of Wrightbus and the economic challenges that we have had, and a range of policy issues, including the work we have been doing on delivering on the EFEF Act, same-sex marriage and abortion, and the victim payment scheme.

- Q2 **Nigel Mills:** I apologise, because I have to leave to go and chair another committee in a few minutes. Secretary of State, you said your focus was on avoiding no deal, but we have managed to get a deal the DUP has said no to. Could you explain to us why you do not think the deal involves a border down the Irish Sea, assuming you do not think that?

Julian Smith: We have to be clear what this deal is giving Northern Ireland. Northern Ireland will be out of the European Union. It will be out



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of free movement rules, out of the EU budget, out of the common fisheries policy, out of the common agricultural policy and free to do trade deals. Let us look at the positives of this deal. On the issue you have referred to in terms of NI-GB goods trade, let us remember the economy of Northern Ireland is dominated by the service sector and small business. We are talking about a very limited set of goods areas. On that, I am going to be, as I have been doing since the deal was announced, working with Northern Ireland businesses and working with political parties to make sure the Government are absolutely minimising any challenge between NI and GB. We will be looking both in the Bill—that is why I want to get the Bill moving—and in terms of support for businesses in order to do that.

- Q3 **Nigel Mills:** Can you perhaps clarify for us? I think there has been a little bit of uncertainty on goods moving from Northern Ireland to the British mainland. Will there have to be declarations made for every movement of goods?

Julian Smith: The DExEU Secretary made an appearance before his Select Committee a couple of days ago. There will be some information required, but it is a minimal amount. If you look at the protocol, the opportunities we have to deliver unfettered access, the Government, over the coming days and weeks, both in the legislative process and in the implementation period, will be doing everything to make that as reduced and limited as possible. I am confident we will be able to do that.

- Q4 **Nigel Mills:** Presumably, you have some vision for what the ideal model will look like. Is this going to be some electronic system where you just put in a description of how many of which good, and you can do it a couple of hours before you move it? What is the aim, to get this as non-invasive as possible?

Julian Smith: My aim is to make sure we are talking to any business in Northern Ireland that is going to be going NI to GB, working with them to make sure in the legislation, the withdrawal agreement Bill, we have unfettered access clauses that are as tight as possible. If you look at the protocol, it is very clear. We have every power in order to make sure we have unfettered access. I want to work with businesses to make sure we are delivering that, work here with colleagues and parties to make sure we are delivering that. Obviously the details of that model are going to be outlined over the coming weeks and months. We have to go back to the fact that people who have been wanting us to conclude this Brexit situation are now getting a deal where Northern Ireland is out of the European Union.

- Q5 **Nigel Mills:** Jim Harra, who is the acting head of HMRC, said on Monday that the reason for those checks on goods was to enable the Republic of Ireland to meet its international obligations. Could you perhaps explain what that means?



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Julian Smith: I have said that there will be information that will be required in order to shift some goods from GB to NI, as the Secretary of State had said. I am confident that, in the passage of the Bill, and then in the implementation period, we can absolutely minimise any friction on that front and make sure we are keeping flows as easy as possible.

- Q6 **Nigel Mills:** I accept that, but it would be helpful to understand why the Government think these declarations are important for a good that has been grown or manufactured in Northern Ireland, has never touched the Republic and gets moved over to the mainland. It is hard to see what use the Republic could have for information on that moving within the UK.

Julian Smith: I have been very clear. I am confident that unfettered access, which was a commitment in December 2017, is going to be delivered. I am confident in the protocol. The UK Government have sufficient powers to make sure we can deliver that. What I am not able to do today is go into every detail of a form—or not a form—or level of information required, but it is going to be de minimis. We have already had multiple conversations with business in Northern Ireland and we are going to continue to do that to make sure this is shaped in the best interests of businesses across Northern Ireland.

- Q7 **Nigel Mills:** I had a naïve assumption that the Government might have thought what this model would look like before agreeing to it. I think it would be very helpful for people to understand exactly how the Government would like this to work. Many of us are assured that this will not be that big a deal, but it would be useful for people to know how ideally you would make it not a big deal.

Julian Smith: How I am going to be doing that is to make sure we have the minimal amount of information that is required.

- Q8 **Nigel Mills:** What is the minimum amount of information?

Julian Smith: As I said, we are going to be working through that over the coming weeks and months. Let us just go back to where we are at. We have a situation where Northern Ireland will be able to benefit from the trade deals that the United Kingdom strikes. Trade will be flowing north-south without any impediment. It will be flowing from NI to GB with absolutely minimum additional information. Over the coming weeks and months, I will be working with parties and businesses in Northern Ireland. DExEU and the other delivery arms of Government will be ensuring this is a deal done in the best interests of Northern Ireland business.

- Q9 **Nigel Mills:** Are you planning on building a new IT system for these declarations, or will it be making use of an existing one?

Julian Smith: As Northern Ireland Secretary, I am not responsible for customs. I could not be clearer that we are going to be making sure that there is as little impediment as possible. We are going to be putting as



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much firm commitment as we can into this Bill that I want to go through Parliament as quickly as possible, to deliver for Northern Ireland business and in the interests of Northern Ireland business.

- Q10 Bob Stewart:** I have run a company where, when you ship goods around, every piece of goods has a manifest. It is a piece of paper that says what is on it and where it is going. Whatever company you are in, you have a manifest. I am thinking of Nigel's model. Presumably, it is an additional couple of lines on that manifest that says what is in this, and that is sent to people. That would be the minimum requirement. In model terms, I would think that would be probably largely acceptable to companies. Would you agree with that?

Julian Smith: I would agree. We are talking about minimal amounts of information. What we cannot get bogged down in is the fact there are huge opportunities for Northern Ireland business in this deal. In the NIO we have been fighting to make sure we protect the border and that Britain can get out of the EU. We are delivering that and you are right, Mr Stewart, that we are talking about the minimum amount of information. I am not responsible for HMRC, but we will be pushing hard with them to make sure we deliver for Northern Ireland business.

- Q11 Chair:** Secretary of State, you will be aware that the civil service has a reputation in this country, hard earned and I am sure proudly worn within the civil service, of liking not just to gold-plate but to stick a few jewels on as well when it comes to regulations. Notwithstanding the fact you are not responsible for HMRC, are you and other Ministers seized of the need to make it simple but also to say whatever the "it" is as quickly as possible? Everybody must be agreed that business likes and wants certainty.

Julian Smith: We have had three sessions with business since the deal was announced last week. My background is as a small business owner. I set my business up in the front room of my flat. I cannot be clearer than, if you are in business, you want as minimal hassle as possible. While I am doing this job, I will make sure I deliver that for businesses across Northern Ireland.

- Q12 Sir Desmond Swayne:** Will there be a charge for making these declarations? If so, how minimal will it be?

Julian Smith: Not if I can help it. I am not responsible for HMRC, but I will be making the case that we do everything we can to require nothing more than the bare minimum of information.

- Q13 Kate Hoey:** Following on from that, Secretary of State, you have said "minimum", and everyone goes on about the minimum, but you still did not answer Mr Mills' question. What is the reasoning behind this? Who has requested this? Do you not realise, no matter how minimal, how little paperwork and how little it costs, and even if they get money back, this is saying to people living in a part of the United Kingdom, "In order to do business with another part of the United Kingdom, you are having



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to do all these extra things"? It may be technology, but these were precisely the things that no one wanted to happen in the much smaller trading between Northern Ireland and the Republic, because of this terrified attack upon the Good Friday agreement. People in Northern Ireland are now seeing it simply as, "We do not matter as much in our trade to Great Britain as that much less trade between Northern Ireland and the Republic". What is the reasoning behind it? Can you explain that? Who is saying this has to happen?

Julian Smith: As you know, Northern Ireland will be in the UK customs—

Kate Hoey: That does not seem to mean anything, other than being a legal thing.

Julian Smith: As you also know—and we may disagree on this—my priority and the Government's priority is to maintain a soft border. My view is the biggest threat to unionism was a hard border or no deal, which I believe—

Kate Hoey: Technology.

Julian Smith: I was fighting to make sure any sort of infrastructure at or near the border did not happen.

Kate Hoey: An extra camera. You would not have wanted extra cameras.

Chair: Let the Secretary of State answer, then I will come back to you.

Julian Smith: I strongly believe a camera, infrastructure or anything would have caused a problem at the border. This deal gets us out of the EU, makes sure north-south and south-north trade flows are unimpeded, and we get Northern Ireland-GB goods flowing with an absolute minimum amount of information required. I will do everything I can to make sure I deliver that.

Q14 **Kate Hoey:** So the threat of dissident terrorism supersedes decent, ordinary people in Northern Ireland who never threatened violence. They have to now put up with not being able to trade frictionlessly with their own country.

Julian Smith: There were clearly security concerns. The big issue, as you know, was around the border, dominated by small business, dominated by the agricultural industry, with margins that are very small. Everybody was extremely clear that they did not want any friction. The other thing is that border has been delivered after decades of hard-won peace negotiations and efforts. It is a fragile ecosystem. To have delivered a deal where Northern Ireland maintains that soft border and comes out of the EU, and trade NI to GB and GB to NI will be almost identical to what it is today, is a big achievement.

Q15 **Chair:** Secretary of State, can you give us any indication as to the split of trade from Northern Ireland to GB and then going south?



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Julian Smith: I will turn to my director, Brendan Threlfall, who will talk a bit more about these details.

Brendan Threlfall: Relative trade flows were set out in the impact assessment accompanying the withdrawal agreement Bill. That says that, in terms of Northern Ireland trade in goods, it has a total trade of £18 billion with Great Britain, £5.2 billion with Ireland and £3.6 billion with the rest of the EU.

Q16 **Mr Campbell:** On that particular point, trade on an east-west basis is significantly greater than trade not just on a north-south basis but on any other basis within the EU. It is significantly greater on an east-west basis. That is fair enough. Secretary of State, you are very welcome. On the issue I think Mr Mills raised about the Treasury Select Committee the other day, I noticed that *The Times* today has a quote from that Treasury Select Committee. We know that sometimes the media can be sensationalist, but it says, "British and Irish businesses that trade solely within the UK face a barrage of costs and red tape under Boris Johnson's Brexit deal, the acting head of HM Revenue and Customs has warned". That is newspaper speculation. We will park that.

The comments then quoted are that the acting head says it would "feel like a commercial border" and "will result in additional administrative cost to businesses", which are references that have been made by the two previous members who spoke. Apart from just making assurances—and I understand that Government Ministers would seek to reassure people—can you understand that businesses will want more than a reassurance? On the other side of the equation, people ask for and demand that it be written in stone in a legislative process, because guarantees come and go as Governments come and go, but the legislation is more difficult to change. Do you understand why people would want to see that reassurance that you have given in the Bill?

Julian Smith: I do, and that is why, if we could get this withdrawal agreement Bill started, within that Bill I want to bring forward clauses to make crystal clear that the unfettered access commitment that the Government have made, GB to NI and goods then flowing within the UK, is laid down in law. I not only want to do that. I want to make sure we have worked, as I said earlier, through not only the WAB but then the implementation period, to work with every sector, to make sure every sector is inputting into the sort of people you have referred to in the article today, so we minimise any challenges.

We need to look at funding for any challenges. We need to look at communication. We also need to work through how this is not a threat to those businesses. This is an opportunity. It is a huge opportunity. The biggest thing is, through the withdrawal agreement Bill, which we need to start as soon as possible, we will be putting protective clauses in that legislation to deliver on what you have asked for.

Q17 **Conor McGinn:** Secretary of State, it is nice to see you. The crux of the



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issue here is that the Government's approach to the EU around Brexit—this preceded your tenure and was led by others—has meant that what should be about how you make a trading relationship work best for Northern Ireland has in fact become infected with the toxicity of constitutional issues, political discourse and stalemate at Stormont. We are in the de facto position where we were always going to have to, because a customs union was ruled out, choose between a border on the island of Ireland or a border down the Irish Sea. Because of how this has been approached now, nationalists will inevitably choose a border that is down the Irish Sea and unionists will want to choose one that is on the island of Ireland, if that binary choice is one that is made. Would you not agree that the only and best way to resolve this is, as some of us have been suggesting since the referendum, for the whole of the UK to be in a customs union with the European Union?

Julian Smith: I would not, because that would mean the UK was unable to strike trade deals. That was one big motivation for those supporting us leaving the European Union. The deal the Prime Minister has negotiated allows the best of both worlds. It allows Northern Ireland to have access into Southern Ireland with no friction, it allows Northern Ireland to benefit from trade deals and it will allow Northern Ireland to benefit from the FTA that will be negotiated with the EU going forward. It is a win-win.

Q18 **Conor McGinn:** Is the truth not that, although there is, in the politics of Northern Ireland, some short-term schadenfreude that those who claim to be so close to the Government and navigating this uncharted territory with the Government have been, in effect, thrown under the bus, it is bad for businesses in Northern Ireland to have a border, either on the island or down the Irish Sea? My contention is also that when these very difficult questions, as colleagues have raised, about the border down the Irish Sea were raised about a border on the island of Ireland, they were met with the same response, which was more or less, "It will be grand. You do not have to worry about it. There will not be that much bureaucracy involved". The two things cannot be true.

Julian Smith: The Secretary of State of DExEU and I have been honest that there will be minimal amounts of information required. I have also been clear that in the legislation coming forward there will be clear locks on the fact that there will be unfettered access GB to NI and with goods flowing within the UK market. Within the protocol and the agreement we have reached with the EU, the UK Government have strong powers to make sure that is delivered. The DUP and other unionists have raised important issues that they have been clear need to be ironed out through the withdrawal agreement Bill. I am confident we can do that and I am confident that, in doing that, this deal will be even clearer and better for not only Northern Ireland businesses but the economy as a whole.

Q19 **Conor McGinn:** I do not want to be disingenuous about this. I do not have any particular issues with the proposals in the deal relating to the relationship with Northern Ireland. I think it is a bad deal for businesses in St Helens and the community that I represent, which is why I voted



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against it. Finally, can I just ask when the decision was made in Government and who made it? It is such a seismic one, to move from preparing to introduce light-touch regulation in relation to the border on the island of Ireland, to having a border between Northern Ireland and GB. That was a huge policy shift in terms of the Government's whole approach to the EU. When did you find out about it? Who drove that decision and why was it made? Was it after the Taoiseach and Prime Minister met?

Julian Smith: Since I took on the role of Secretary of State, I have been fighting to make sure there is nothing—anything—at that border, that it is a soft border and that it stays a soft border. I am delighted that is the case.

- Q20 **Conor McGinn:** Your Government, the current Prime Minister and the former Prime Minister all said under no circumstances will there be any question of any type of regulation between Northern Ireland and Great Britain. The whole approach was about finding a way to make relations on the island of Ireland work? When did that change and why did it change?

Julian Smith: There are two things. The complaint about the previous Bill was that we would be trapped in a backstop. The Prime Minister has done away with that. We now have a mechanism that means that Assembly Members in Northern Ireland are able to dissolve this agreement, and the power is in their hands. In terms of the NI-GB trade flows, I have been clear that we are talking about minimum amounts of information. The priority over the coming months and the implementation period is to deliver that, and I am confident that we can.

- Q21 **Conor McGinn:** Would you like to say sorry to unionists for making them a promise that you could not keep?

Julian Smith: I would say to unionists and unionist colleagues that I believe strongly that this has no impact on the constitution settlement in Northern Ireland. It has no impact on the workings of the Assembly. It gives Northern Ireland an opportunity to benefit from UK trade deals and it gives Northern Ireland the opportunity to have the best of both worlds.

- Q22 **Ian Paisley:** Secretary of State, it is nice to see you. Sir Jonathan, best wishes for the future. On the specific west-east issue, just to be clear, Secretary of State, as of this morning we do not know what the system will look like for west-east trade. We do not know if there will or will not be a charge on businesses for that system. We do not know how it will operate. We know, according to Mr Harra from HMRC, that every good moving west to east will require a declaration. This affects trade that is six times higher than anything that we do with the EU, and you want me to vote for this. I will have to go out and tell businesses in my constituency, "I do not know—I do not know what you have to do to carry out £18 billion worth of trade with our country". It is our country. It is not a foreign country. It is our country, moving from one county in



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our country to another county. I will have to say, "I do not know what you have to do, what you have to pay or if you will be charged". You want me to vote for this. You cannot be serious.

Julian Smith: What you do know is that in this agreement that has been reached, the UK Government have the power to deliver on the protocol commitments. With those powers, what we are going to do, as I have outlined to the Committee, is make sure we work with Northern Ireland businesses. We are already getting ideas from them on what legislative changes they want. We are getting ideas from political parties. We have our own commitments we are going to be putting into the withdrawal agreement Bill to deliver unfettered access from GB to NI. We will be looking at communication and technology, and we will be making sure we support Northern Ireland businesses, not just for this issue but to benefit from all the benefits of this deal that I outlined at the beginning of this hearing.

- Q23 **Ian Paisley:** I do not dismiss that, or believe that there is anything insincere in what you are saying. You are clearly sincere in all of that, but the fact of the matter is, when I speak to a trader in Northern Ireland this morning, we do not know what the system will look like. We do not know if they will be charged or not charged. We do not know how it will operate. We know that, for every single movement of goods, they will have to put in place a declaration.

Julian Smith: You can say to them we will be engaging, we will be working and we will be fully committed to making sure that business transaction, the movement of those goods, will be as easy and as straightforward as we can make it. It is obviously in the Government's interest that is the case. It is in HMRC's interest that is the case. It is in the EU's interest that is the case.

- Q24 **Ian Paisley:** What county do you live in?

Julian Smith: I live in North Yorkshire and London.

- Q25 **Ian Paisley:** If you had to move goods from North Yorkshire to London, and had to fill in a form, you would feel pretty aggrieved about that. I have to move goods and tell my constituents to move goods, manufactured or grown in County Antrim, to London and they have to fill in a form. We are in the same country. It is disgraceful.

Julian Smith: Let us see what is required. You have talked about a form. In response, I have said we will work to make sure we work with businesses, we work with the agricultural sector, all sectors of the economy that make those goods trades, and we will work with them to make sure we keep things as minimal and as similar to how they are today.

- Q26 **Lady Hermon:** Welcome, Secretary of State. I am sure you will enjoy your first encounter with the Northern Ireland Affairs Select Committee. Where to start? You will appreciate, Secretary of State, that there has



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been considerable disquiet and anger, to put it mildly, amongst the unionist community since the publication of the Prime Minister's new Brexit deal, which he brought back from Brussels last Thursday. Within the space of a week, the unionist community has felt—and I quote the front page of the *News Letter*—there was a “great betrayal”. That was the front page headline on Friday morning. What steps have you taken, Secretary of State, to reassure the unionist community that there is nothing in the Prime Minister's new Brexit deal that undermines the constitutional position of Northern Ireland, as guaranteed by the Belfast/Good Friday agreement and the consent principle?

Julian Smith: I have been speaking to members of the unionist community across the weekend and will be meeting with them later in the week. I am concerned that people have had these worries. The unionist community is one that has always stood up for the interests of the United Kingdom, as do I, and I will always make sure we do that. In terms of this consent mechanism, as you know, within the Good Friday agreement there is reference to the fact that on reserved matters and on excepted matters the mechanism may not be the same as that in the Assembly. The Good Friday agreement is also clear that the Assembly mechanisms are separate. I am clear they are separate. There is no change to the constitutional position of Northern Ireland through this deal.

Clearly, for an international agreement where people in this House were saying, “We do not want to be trapped in the backstop. We want a way out. We do not want to be constrained”, the goal of this mechanism was to say that Assembly Members in Northern Ireland will be able to get out; they will be able to dissolve it; they will be able to break free. I am content and happy to write to the Committee to make clear that this absolutely preserves the commitments within the Good Friday agreement. We will be not requiring this until the mid-2020s. In the coming weeks and months we will be working through how we put this in place in domestic legislation. There is nothing in this consent mechanism that threatens the union.

Q27 **Lady Hermon:** I wonder if I could come back to the original question. That is about the constitutional status of Northern Ireland. You very quickly moved on to the consent principle and the new consent process brought back in the Prime Minister's Brexit deal. Could we just separate the two out, please? You said very clearly that there was nothing that undermined the constitutional status of Northern Ireland in this particular arrangement. What evidence do you have for saying that?

Julian Smith: If you look at Article 2 within the objectives of the Protocol on Ireland/Northern Ireland, that states, “This Protocol is without prejudice to the provisions of the 1998 Agreement in respect of the constitutional status of Northern Ireland and the principle of consent, which provides that any change in that status can only be made with the consent of a majority of its people”.



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- Q28 **Lady Hermon:** Exactly, Secretary of State. Thank you so much for putting that on the record. Could you explain to me why it is that the Prime Minister, who signed this Brexit deal, signed this protocol on Thursday, came back and recalled Parliament for what was called and built up as “super Saturday”—it became a bit less super after a while—when I asked him, could not remember or recall the details of the agreement that he had brought back from Brussels? Why do you think he was not able to do that? Did he not understand his own Brexit deal?

Julian Smith: I think he does understand it and he has fought hard for it. There are big benefits in it for Northern Ireland.

- Q29 **Lady Hermon:** Could we focus on the fact that the Prime Minister was not able to give any reassurance or even quote what you have just put on the record? The Brexit Secretary was not able to do so. The Chancellor of the Duchy of Lancaster was not able to do so in the wind-up on Saturday. That was deeply unhelpful to the unionist community, who needed reassurance at that stage, not now, almost a week later after the Brexit deal has been brought back from Brussels.

Julian Smith: I am sorry if there are things we could have explained better.

Lady Hermon: Thank you for saying sorry for that.

Chair: Lady Hermon, could the Secretary of State answer your question?

Lady Hermon: Of course.

Julian Smith: I have no doubt, and want to make crystal clear, that the unionist community has nothing to worry about in this agreement. I accept there are issues that have been raised. We have been debating them. I am not denying there are issues we have to work through. In terms of the constitutional status of Northern Ireland, that is completely unchanged through this agreement.

- Q30 **Lady Hermon:** Can we come to what you had alluded to in reply to my first question? That was the new consent process brought back in the Prime Minister’s Brexit deal. The new consent process runs to four pages in the declaration about the operation of the democratic consent in Northern Ireland provision in the protocol. That is Article 18 of the protocol. It is hideously complicated. When the Prime Minister was asked to explain the consent process yesterday, he was unable or unwilling to do so. Would you kindly take a few minutes, instead of glossing over it, to tell us and explain to the people of Northern Ireland how it is that this new consent process is so utterly and completely different from the consent process guaranteed in the Belfast/Good Friday agreement?

Julian Smith: As I said in the answer to your first question, where I may have been fast-forwarding on to this question, the Assembly rules have been laid down and carefully calibrated for the responsibilities the



Assembly has. The Good Friday agreement is clear that, in exceptional matters and in reserved matters, including international agreements, it is going to be a different mechanism, a majority vote. We cannot be scared by a majority vote. This is no change to the Assembly, but in this exceptional matter and in a reserved matter the Good Friday agreement is clear that it can be a different mechanism.

Q31 Lady Hermon: Could I ask you to explain the majority? Is it a majority of the 90 members, or is it a majority of those who turn up and vote on the day?

Julian Smith: If you go to the democratic consent process, section 3(b) says, "Consent to be provided by the Northern Ireland Assembly if the majority of the Members of the Assembly present and voting vote in favour of the motion".

Lady Hermon: Yes, so it is a majority of those who are present and voting. Thank you. That is very interesting.

Julian Smith: If I could come back to why we have this mechanism, we have this mechanism because people in this House would not vote for Brexit because they felt we were going to be trapped in the backstop. This consent mechanism puts the power back into the elected Assembly, on an exceptional basis, to make sure that Northern Ireland is not trapped in a situation it does not want. We cannot get into a situation where we are saying that is not a reasonable position to be in. Three times, as Government Chief Whip, I tried to get this Bill through, to resolve this issue for the country, and three times people said they did not want to be trapped in the backstop. This consent mechanism means nobody needs to be trapped into it.

Lady Hermon: Just for the record, Secretary of State, as you will know as the Chief Whip, I actually voted for the previous Prime Minister's deal three times.

Julian Smith: I am very grateful for that. I was very grateful for that.

Q32 John Grogan: It is very good, Secretary of State, to see my parliamentary neighbour here. I well recall often on a Friday night seeing you on the train. Inspired by my colleague, Conor, to approach the issue from another direction, if this deal is the best of all worlds, as you are suggesting, if it gives an economic advantage to Northern Ireland, presumably an investor, shall we say from the United States, looking at potentially making an investment in Keighley, St Helens, Skipton or Belfast, would go to Belfast. It would put our areas in Yorkshire and St Helens at a considerable disadvantage, if it is the best of worlds.

Julian Smith: As a Minister, I do not want to start to promote the benefits of Yorkshire, my constituency. All parts of the United Kingdom will benefit from this deal. They will benefit because we can strike trade deals through this deal. We can also, in Northern Ireland, access the Irish



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market without friction. Also, with the FTA and the ongoing agreement negotiations we are trying to strike for the whole of the United Kingdom, all parts of the country will benefit. That is absolutely key. I have to say that in Northern Ireland, in terms of business, the economy, the dynamism and Invest Northern Ireland, the work that is being done is inspiring. It is also inspiring in parts of Yorkshire and other parts of the country.

Q33 Jim Shannon: Despite our exchange of words this morning, Secretary of State, it is always good to have you at the Committee. You will know this morning, Secretary of State, I listened to you about the issue of fisheries. I will give you three quick examples of how this agreement will hurt businesses. We already have an example coming from a major supermarket chain in Northern Ireland, which has said that it sources the chicken for its supermarket chain totally in Northern Ireland. This agreement and the east-west section of it will mean it can no longer source all those chicken products in Northern Ireland for all the shops in the UK mainland. That is one example of how this agreement is worse than the agreement Theresa May brought forward, just to let you know that.

Secondly, we also have the issue of an agrifood business in my constituency that has two factories in Northern Ireland, and two factories in southern Ireland. It is a bit different from the situation if it was over here on the mainland, where you could have Birmingham, Leeds, Manchester and Chester, for instance. There is no problem with the movement. With the way the businesses are located, the milk product, liquid form, comes across the border and the powder form goes back across the border. It goes back across the border a third time to be processed and packaged and then sent across to all the world. What are going to be the east-west tariffs and admin? They said to me yesterday that the admin border would be hard enough, but there is the fact of a tariff border and a cost border to that there, not knowing what they will be.

The third one is on the fisheries. The Secretary of State knows this one, because I raised it to him this morning. Last night, I had sight of a document that indicates that our fishermen in Northern Ireland, from Portavogie, Ardglass and Kilkeel, when landing any fish in any of the ports in southern Ireland, which they have done in the past and are probably doing at this moment by the way, will be subject to tariffs before they land those fish. They will have to pay the tariffs.

There are three examples, Secretary of State, of how our businesses are directly affected. It is going to cost them and we are going to lose jobs, all because of an absolutely despicable deal that our Prime Minister and this Government brought forward, which alienates unionist people and alienates me. My shade of unionism is different from yours at this moment in time because of this deal.



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Julian Smith: I would say there is only one shade of unionism. That is that the integrity of the United Kingdom, which I have answered—

Jim Shannon: The union flag in Northern Ireland is a wee bit tattered at the moment.

Julian Smith: There is nothing I can add to the fact that the constitutional status of Northern Ireland remains unchanged by this agreement. There are issues we have discussed that we should work through. On the issues of fisheries, we are coming out of the common fisheries policy. Within this agreement there is reference to relief for tariffs for fishing fleets. I am reticent about accepting the premises of all these scare stories. I am being honest: we need to work through the detail. We need to work through the detail in the legislation. The Government are proactively bringing forward commitments in that legislation.

We will be working through the implementation period to make sure we are delivering on all these commitments. We have flexibility within this protocol to make sure we shape these outcomes in the way we want. To be making small businesses, big businesses, agricultural businesses, fisherwomen and fishermen worried at this stage is not a good position for us to be in. We will be engaging relentlessly, as the Northern Ireland Office, with all parts of the Northern Ireland economy. We will be commissioning work and ensuring that every policy concern is addressed in a timely manner across Whitehall. These things will be worked through. There is no constitutional change. Northern Ireland will be out of the common fisheries policy and into benefit from trade deals, out of the common agricultural policy and benefitting from the new trade agreement that Britain establishes with the European Union.

Q34 **Jim Shannon:** On that last fisheries one, the document I have seen is one that has been exchanged between Government and the EU. They are stating very clearly there will be tariffs on the fishing product that is landed in the Irish ports by British boats, by ships and boats from Northern Ireland and from across the UK. If that is what the document agreed with the Prime Minister says, I am really dismayed that should be the case.

Julian Smith: I have talked about the fact that the document we have—the agreement we have—has reliefs for tariffs for fisherwomen and fishermen. If there are documents you have—I do not know what they are—I am happy to have a look at them and talk in more detail.

Q35 **Jim Shannon:** They are your documents and there is no mention whatsoever of any reliefs.

Julian Smith: How have you got hold of my documents?

Jim Shannon: They are your Government's documents.



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Julian Smith: Why do we not talk about it after? I am happy to write to the Committee.

Chair: Maybe, Secretary of State, if you write.

Julian Smith: I am very happy to.

- Q36 **Kate Hoey:** People watching this in Northern Ireland will have expected to have had some more detail from the Secretary of State about how this is all going to work between Northern Ireland and GB. You have said you are going to go into great detail. You are going to have lots of discussions and talking and so on. Just tell us who in the end will make the decision as to what paperwork is needed, how much it is going to cost, when it has to be in and all of these details. Will it be Her Majesty's Government, who are responsible for Northern Ireland, or will it be the European Union, or will it be the Irish Government? Who will actually make the decision? You have refused to tell us who has made the decision that this has to happen, given that all over the weekend people were not saying this was going to happen. They were suggesting it was only GB to Northern Ireland and suddenly it becomes Northern Ireland to GB. Who is going to make this decision? Who is responsible?

Julian Smith: The United Kingdom, through this agreement, will be making decisions around how this agreement is implemented. When we talk about, "This is going to happen", this goes back to what I was saying. We cannot give Northern Ireland businesses false worries. We need to give them confidence. The confidence I would give is that the United Kingdom will decide how it implements this. The United Kingdom will decide how it improves the withdrawal agreement to deliver on the unfettered access commitments it has made. The United Kingdom will invest in helping Northern Ireland businesses maximise the benefits of the union.

With respect, you have fought long and hard for the United Kingdom to come out of the European Union. We are about to get out. There was a 30-vote majority for the Government yesterday for this deal. Let us make the most of this deal and let us make sure that Northern Ireland benefits from this deal. The biggest priority for me was to make sure we avoided no deal, which would have threatened the union, and we made sure there was no infrastructure and no change to the border.

- Q37 **Kate Hoey:** At least under a no deal there would not have been anything happening between one part of the United Kingdom and another part. You have clarified it is the United Kingdom that will make these decisions. Can the United Kingdom Government not simply say, "We are not going to let this happen between one part of the United Kingdom and another"?

Julian Smith: I would go back to the point that we have not fully worked through what information is required. We will be fully working through that. I want to make sure this is minimal information. What I do not want



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is for businesses watching today or businesses that we, other parts of Government or political parties are engaging with, to accept a premise that I do not think is true. We are talking about a tiny amount of information and we will be working over the coming weeks and months and through the implementation period. There is no change. There is going to be no change for business until at least December 2020. In that time, I am absolutely confident we can make sure any change is as minimal as possible.

- Q38 Ian Paisley:** I do not doubt your sincerity on that, Secretary of State. The point that Mr Harra made was you are having to do this because it is an obligation to the European community. It is not something that Britain actually wants to do, but you are now obliged to do this because of the agreement you have struck. You will have to do this in consultation with the EU and get their approval for the charges, the movements, the paperwork, the computers, the joint committee. You do not have control of this. That is the problem.

Julian Smith: Going forward, in all situations, the whole of the United Kingdom is going to be working through the joint committee process, through its relationships, whatever the long-term status of the trade agreement, closely with the European Union. Our economies are intertwined. We cannot get away from it. This is one portion of that activity. There will be whole swathes of other activity where they are going to want information from us, we are going to want information from them and we have to get real. The access we need to these markets, the arrangements we need longer term, will involve close working relationships with the European Union.

- Q39 Ian Paisley:** £18 billion-worth of trade has been burdened to satisfy £3.6 billion worth of trade. That is the reality on the ground.

Julian Smith: Again, we are scaremongering.

Ian Paisley: They are Brendan's figures.

Julian Smith: We are scaremongering on the fact there will be burdens. I have been clear that some information will be required. I have been clear that, in the legislation going through Parliament, we are going to deliver on the unfettered access clauses. We are going to make sure we work with Northern Ireland business. If we are going to complete the deal successfully and deliver on Brexit, we are going to be working, day in, day out, with the European Union to make sure we deliver that in the best interests of businesses across the United Kingdom.

Chair: Secretary of State, if you were to put your former Chief Whip's hat on, you will have picked up a theme in the House of Commons and in the media, which is one of trust in Her Majesty's Government.

Mr Campbell: Or lack thereof.

- Q40 Chair:** Or lack thereof. Members of the Democratic Unionist Party will have heard at their conference the Prime Minister say something was



not going to happen, which now is going to happen. We are all familiar with the phrase that a week is a long time in politics. What pressure can you bring to bear on the machine of government, irrespective of the status of the Bill, having had the programme motion defeated yesterday, to bring into the public domain the clauses that you were talking about of some sketched out scene of what HMG thinks this new paperwork or whatever requirements will be? Unless or until they are seen, there is a very legitimate concern, as widely expressed around the Committee table this morning, that the devil is in the detail.

Now is the time, if the Government are serious about trying to secure support in the House for their deal, where the nebulous "Trust us. We are on your side. We will be with you. Do not worry" currency is significantly diminished. If there is any message from this Committee to go back into No. 10 in the usual channels, I would hope that all of us would coalesce around that. People might not like what they ultimately see, but they need to see something to be able to analyse it in terms of impact and so forth. Is that something you are happy to take away from this morning?

Julian Smith: Yes, absolutely. I hope that we will be able to publish an explainer and run through these different details very soon. We will ensure and commit that HMG will continue to work with businesses and political parties on this. I would also say that last night was the beginning of the end of this chapter. There was a majority of 30 for the Second Reading of this Bill.

We intend to continue to listen to MPs from across the House. We do not have the votes we want from Northern Ireland MPs. I want to listen to Northern Ireland MPs, get a programme motion that is to the satisfaction of a majority of people in this House and resolve this situation. That is where I feel our responsibility lies. We can work together to address many of these issues and ensure this Bill is completed. The Prime Minister had a big success last night and I hope we can build on that in the coming days and weeks.

Chair: We are now going to go to what might be described as the quick-fire round if it was a quiz, but it is not a quiz, having covered—I am not saying "dealt with"—the east-west proposals.

Ian Paisley: Is this on the EU?

Chair: We are now on anything you want to ask the Secretary of State. As long as it falls within the purview of his remit, colleagues are now welcome.

Q41 **Maria Caulfield:** We are close to three years now without an Assembly. I know talks have been ongoing in the last few weeks. Can you update us on what the outstanding issues are that are preventing the Assembly from being restored?

Julian Smith: This absence of an Assembly in Northern Ireland is a tragedy. If you look at the thousands of political decisions that are not



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being made each week, if you look at the aspirations of the young people we all meet when we are in Northern Ireland, and if you reflect upon what it took to deliver the Good Friday agreement and deliver these institutions, it is an absolute tragedy that this Assembly is not up and running.

The issues that remain are important: issues around Irish language, issues around the petition of concern for the smaller parties, issues around the sustainability of the institutions. I genuinely think all those issues are surmountable. The current challenge is some parties wanting to see the direction of travel on the European issue. That is why I really want this Bill to start and get through, because that has immediate benefit for the Executive formation.

The other area is trust. The second tragedy of this lack of Executive is that we have extremely talented political leaders and extremely talented MLAs, but the trust that binds people to run a democratic institution and run a Government is very weak. I have been lucky, in that the interaction I have had with the different political parties has been one of trust, but the trust between them is not where it needs to be. I extended the EFEF Act to give civil servants guidance on political decisions on Monday. That runs out in early January. Between now and then, we have to get this institution back up and running.

I am sorry to give an extended answer, but could I pay tribute to David Sterling and the Northern Ireland Civil Service? These women and men have not only delivered in the absence of political decision making, but they have been working very closely with the British Government in preparing for all Brexit scenarios.

Maria Caulfield: We have been sitting here for probably a lot of the three years, hearing from the previous Secretary of State and now from you that talks are ongoing and everyone is desperate to get the Assembly up and running. The truth is it is not up and running and Northern Ireland is falling behind significantly. I could talk about education and police. If you just look at the health service, nurses in Northern Ireland are balloting for strike action as we speak, with the RCN. That closes on 6 November. There are 3,000 vacancies for nurses in Northern Ireland. Their pay is significantly less than the rest of the UK and the Republic of Ireland. 300,000 people in Northern Ireland are on a waiting list to see a consultant; that is up 8.5%. It has the highest suicide rate in the UK. Suicide rates are falling in the Republic of Ireland and they are increasing in Northern Ireland. While there is no Assembly, who is accountable for people losing their lives, either through cancer or suicide? Who is accountable for this? Who is taking responsibility to turn that around?

Julian Smith: The Northern Ireland Civil Service is essentially, in the absence of local political leaders.

Q42 **Maria Caulfield:** Is that fair?



Julian Smith: I do not think it is, and they have borne the burden of the absence of political agreement for too long. Just on the health service, we have, through the spending review, added £400 million to the Northern Ireland budget, but you are right that the waiting lists and the issues in mental health and other areas need significant work. Speaking to young people particularly, this issue of suicide is a deeply worrying upward trend.

The alternatives that we have are virtually non-existent. The only alternative, in my view, to the current situation is to get the Assembly and the Executive up and running. I cannot deny that not having it is causing a huge day-to-day problem.

- Q43 **Maria Caulfield:** How long do you go on for? There are many of us in this room who do not believe that Sinn Féin have any intention of getting back around the Assembly table. How long do you leave it? Death rates are increasing in Northern Ireland simply because there is no political decision making happening there. How long do you leave it? I know you have said in the past and in the Chamber that direct rule is not a good outcome for Northern Ireland, and we all agree, but surely, if it gives some political decision making to try to get on top of some of these issues, that would be better for the people of Northern Ireland than this infinite non-decision making.

Julian Smith: I can see why people might take that view. When it comes to actually translating that view into the day-to-day reality, although Dublin does not have a veto if we had to take powers back, we would have to work very closely with Dublin. We would have to make sure that we were extremely careful to deliver on the commitments we made in the Belfast/Good Friday agreement. I feel that it is a completely retrograde step to move back to London taking control.

You talked about Sinn Féin. I said at the start of this section of proceedings that each party has worked very closely with me and my team and each party, I believe, does want to get back into the Assembly and Executive. At different times since I have been Secretary of State, and with my predecessors, obviously getting everybody to agree to be back in has been difficult.

- Q44 **Maria Caulfield:** What is happening at the moment is that Westminster is making some legislation for Northern Ireland and it depends who shouts loudest as to which legislation gets picked and chosen, and other important issues are being completely ignored. That is not sustainable, is it?
- Q45 **Julian Smith:** This hybrid situation is extremely sub-optimal, but I am anxious that to sit here and pretend that we can do something from here that is easy, straightforward and would not have profound consequences would be wrong of me. We have to keep working through—and I would be grateful for any help this Committee can give over the coming weeks on the talks—and focusing on political leaders



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and political members in Northern Ireland to take the leap.

- Q46 **Maria Caulfield:** I just have one quick point on historical institutional abuse, because that is one of the areas in which we are having to make legislation in the absence of an Assembly. It is starting off in the House of Lords and it has its Second Reading next week. Is there a timetable for when it will come to the Commons?

Julian Smith: You are right. First, we are proud and pleased to be bringing this forward. It is late. The Hart inquiry was three years ago and the victims' groups have had to wait far too long for this. This is an example of where political leaders across Northern Ireland have had a consensus on delivering this redress scheme with a commissioner. I want to move forward as quickly as possible. I am pleased it has been introduced. I am obviously no longer responsible for business management, but I will be doing everything I can to get this through.

The big priority I have in this legislation is not only to deliver it but to make sure that those women and men who are over 70, who are ill and who have been waiting and are at a vulnerable period of their lives, get the cash as quickly as possible. I have been working both with the Northern Ireland Civil Service and with business managers here to see what is the best way to do that.

- Q47 **Maria Caulfield:** Gerry McCann from the Rosetta Trust has contacted me, knowing you were coming today, to ask two specific questions: how long before advance payments can be implemented? What will the criteria be? It is not yet quite clear in the legislation.

Julian Smith: That is why I want to make sure that my priority is on delivering on that and getting it as quickly as possible.

Maria Caulfield: You cannot give timescales.

Julian Smith: There will be powers in the legislation to make early payments but I would prefer—I have made a commitment to the victims' groups that this will be my priority—to come back to you as I work with the Northern Ireland Civil Service to see how quickly we can deliver this.

- Q48 **Maria Caulfield:** Do you not understand that it is quite disappointing to the survivors that they still do not have a timescale?

Julian Smith: It is, and all of the groups have been incredibly patient; they have been patient with Parliament. They have got this introduced. It is starting in the Lords. With all of our pressure, we can get it back to the Commons as quickly as possible and get it done.

- Q49 **Maria Caulfield:** Will that be by Christmas?

Julian Smith: I want to be careful on giving hopes when I am not in charge of the business management through here. Knowing your work on this and how persuasive you and other members of this Committee can



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be, collectively we can encourage the Whips and the Leader to get this through as quickly as possible.

- Q50 **Maria Caulfield:** The survivors' groups ideally want to be part of that legislative process. As it comes back to the Commons, will you be open to accepting any amendments that they would like to suggest?

Julian Smith: We are open to considering amendments but it is important to remember that this Bill is delivering on the requirements of the devolved civil service and this report. We obviously have other areas of child abuse inquiries happening across the United Kingdom, and the best way of getting this through as quickly as possible is to have as minimal a set of amendments as we can. I am open, as I have said to the groups, to keep meeting. I am meeting with them every month, but it would be great to host them and maybe we can do a joint approach with groups as the Bill comes back to the Commons.

- Q51 **Chair:** Secretary of State, you are clearly alert to cross-party support for a speedy resolution to this. Is that something that is understood by the business managers?

Julian Smith: I always felt, as Chief Whip, that I understood most things but it is also helpful to continue to remind business managers of the priorities that we have, and we should all do that. Everybody is alert to that fact. The Prime Minister wants to get this Bill delivered. If we can collectively try to make sure that it is at the front of the queue as it goes through its different processes, that will be appreciated.

Chair: I feel some correspondence to both the Leader of the House and the patronage secretary—

Julian Smith: I would not want to encourage the lobbying of Government.

- Q52 **Mr Campbell:** I have a couple of issues, Secretary of State. Just following on from Maria's comment, the restoration of the devolved Government commands cross-community consensus. No matter what their views are, virtually everybody is agreed that that is a better way of dealing with issues. I know, as Secretary of State, you have to take a particular view in terms of non-partisanship and chairing meetings, et cetera, but do you accept that, in the wider community in Northern Ireland, there are a range of political parties who have a range of views but none, apart from one, has put down an absolute fundamental precondition before they would go back into Stormont? I am not asking if you agree with that; I am asking if you accept that that is the case.

Julian Smith: There have been a number of issues that are in the talks process that I just referred to in my answer earlier. There can always be room for flexibility, and I would appeal to all parties to be flexible and to come in with an open mind. All parties want to get back into the Executive but, for different reasons at different times, do not want to make the leap. We need to encourage people to move forward. Clearly,



there are different priorities and demands but, against some of the issues that we have debated earlier, these are less important than the need to get back and serve in the best interests of Northern Ireland citizens.

- Q53 Mr Campbell:** I understand the need for diplomacy in terms of the answers, but there is only one party that is saying, "We will not move until a precondition we have set arbitrarily is met", and that is Sinn Féin. That is the fact that has been repeated ad nauseum for the last two and a half years. Given that the position now is that, through amendments in this House, one of their fundamental preconditions has been met and there was a suggestion in the House in recent days—a ludicrous and absurd suggestion—that the other one should be met in terms of the Irish language Act, do you, Secretary of State, accept that, if you were to contemplate that, people in the Northern Ireland unionist community would say, "This means we have been held to blackmail over two fundamental preconditions and the Government of Westminster have agreed and accepted that blackmail and given into it and moved without asking for cross-community consent or support for it", and people would then say that devolution is over? Either devolution is over completely or we have to fundamentally rewrite the rules about how we get back.

Julian Smith: There are absolutely no plans for any Irish language Act coming from Westminster—absolutely none. On the issue of abortion and same-sex marriage, we have two comments there. These are devolved matters. They should be devolved in Northern Ireland. The challenge is that, as the Assembly continues to be absent, with no Executive, colleagues here at Westminster became frustrated. It was a free-vote issue and these things have gone through. The Government are fully committed to doing everything that is due to be devolved in a devolved manner and that is the focus of our attention.

- Q54 Mr Campbell:** On cross-community consent within the Assembly, again, do you understand that people in Northern Ireland have grown accustomed—they may have been wearied by it—to the fact that difficult, controversial, long-running issues are much better resolved when there is a form of cross-community consensus? That is how the Assembly, up to now, stutteringly and with stops and starts, has reached a limited form of agreement.

Julian Smith: I accept that the current underpinning of the Assembly from the Belfast/Good Friday agreement is, and continues to be, the right way for the Assembly and for the Executive. For smaller parties—not just smaller parties, but particularly them—there have been questions around the topics that are eligible for the petition of concern. We should not shy away from debating that issue, but the underpinnings outlined in the Belfast/Good Friday agreement remain, and that is the best basis for going forward with the Executive and the Assembly.

- Q55 Mr Campbell:** Yes, I understand that, but then you have to understand that many people in Northern Ireland would see a breach of that principle of cross-community consent if the Government, through the



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WAB, were to say, "Yes, but it does not apply, in terms of giving your consent in Northern Ireland in the Assembly by those same members, to any change in structures going forward if the Bill were to become law".

Julian Smith: On that point, I will just reiterate that people in this House and people across the United Kingdom did not like the idea that we would be trapped, as they felt, against our will in the backstop. The consent mechanism that the Government have agreed allows for Northern Ireland Assembly members to determine that arrangements to align with the EU should be dissolved, so it is a way to break free of that.

Q56 **Mr Campbell:** It is not on the same basis as resolving the other difficulties.

Julian Smith: In all of my readings of the Belfast/Good Friday agreement and my most recent readings of the Belfast/Good Friday agreement, there was never a carpet or a total set of procedures that were matching for the Assembly. There were procedures for the Assembly and for devolved matters and there are clear passages in that agreement that state that, for international agreements and excepted matters, these could be dealt with on a different basis. I cannot be clearer; these do not affect anything to do with the constitutional status of Northern Ireland and they do not affect anything to do with how the Assembly or the Executive are run.

Q57 **Mr Campbell:** Secretary of State, you will be aware that, in the whole issue of Britishness and Irishness in Northern Ireland, there are many people who were born in the Irish republic but who have lived virtually all their lives in Northern Ireland and who are not entitled to a British passport on the same basis as people who have never been in the Irish republic are entitled to an Irish passport. I have raised this issue over many years. The Committee has raised it. Do you have any plans to speak to your counterpart in the Home Office to ensure that that anomaly is rectified? Many of those British citizens, taxpayers, residents and voters in the UK have been deprived over many decades of the right that is afforded to others who would have their allegiance to the Irish state whereas these people have their allegiance to the United Kingdom state, where they live, reside and pay taxes.

Julian Smith: I am aware of this issue and I know that you have consistently represented it to my predecessors and others. I am happy, again, to raise this matter with the Home Office and to talk through anything that we could do to improve upon the situation. It is also worth remembering that, under the common travel area arrangements, British and Irish citizens have the right to enter and remain in the other state without requiring permission.

Q58 **Mr Campbell:** That is nothing to do with the passport.

Julian Smith: I accept that and I have said that I will speak to the Home Secretary and see if we can improve upon that situation.



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- Q59 **Lady Hermon:** Secretary of State, you have said not just once but twice that now we know the “direction of travel” in relation to Brexit, that is the key to unlocking the gridlock at Stormont. Your words were, “Now that we know the direction of travel in relation to Brexit”. You have hinted that that could unlock the gridlock at Stormont. Is that correct?

Julian Smith: We got a big boost yesterday, but we need to get the agreement of the House for a programme motion to move this forward. Once we are into that endgame, delivering on the deal with many of the issues that we have debated today as part of that, I genuinely think it will be helpful for Sinn Féin, the DUP, the Alliance Party, the SDLP, the UUP and others. I am not saying it will absolutely do the trick but it will be helpful. If we can deliver an ending to this chapter of Brexit in the next few weeks, as well as an Assembly and an Executive, that will be fantastic.

- Q60 **Lady Hermon:** I am somewhat puzzled by that reply. You have outlined that the main obstacles to the restoration of the Assembly have been, for example, the Irish language Act and the petition of concern. How in heaven’s name does the direction of travel in relation to Brexit affect those key elements? How are they changed by the direction of travel of Brexit?

Julian Smith: You would have to ask the different political parties.

- Q61 **Lady Hermon:** No, I am asking you. Secretary of State, you are here to answer questions. You have hinted to the Committee, as I say, not just once but twice, that, having now settled the “direction of travel”—your words, not mine—in relation to Brexit, you now somehow have confidence that Sinn Féin are going to think differently about coming back into the Assembly. How can that be? How does it affect the key stumbling blocks?

Julian Smith: I do not think it is any one party that said that. I am just reporting what parties have said to me. A number of parties have said that they want to see how Brexit is panning out and what the direction of travel is, and that was interplaying within the Assembly and Executive. Whether or not that is a good thing or not, I do not know, but, in terms of reporting to the Committee the issues that have been raised with me, that has been a consistent one.

- Q62 **Lady Hermon:** That is very interesting. Since the Prime Minister brought back his new Brexit deal last Thursday, which parties in Northern Ireland have intimated to you that this now may be a key to unlocking the gridlock with the Assembly?

Julian Smith: Many of the parties have felt that the Brexit decisions of this House, and how we resolve it, are a factor in getting back into the Executive and the Assembly, for different reasons. There are issues as well. It is a heady mix of issues that are stopping people taking the leap. If the premise of your question is that this is no excuse, I would agree.



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We want people back in the Assembly and back in the Executive, but there are a range of issues, of which Brexit is one, that has made that more difficult.

- Q63 **Lady Hermon:** The question was this: since Thursday of last week when the Prime Minister brought back his new Brexit deal, which of the parties in Northern Ireland have intimated to you that now knowing the direction of travel of Brexit has affected or influenced their commitment and their enthusiasm about restoring the Assembly? Is there a particular party? Could Sinn Féin have intimated that to you, for example?

Julian Smith: No one particular party has intimated that this issue is key. My observation and reporting to the Committee is that I think a number of parties feel that, if there can be a direction of travel that is clear from this House, that could be helpful in resolving and helping to resolve the restoration of the Executive and the Assembly. I am not saying it will do the trick but I think it could be helpful. This context of Northern Ireland, as you know, has been extremely stressful. It has worried people. People have been unclear. Clarity on this front will help.

- Q64 **Lady Hermon:** Do you know what? I would love clarity, Secretary of State. I expect clarity from you. You have been a great appointment as Secretary of State for Northern Ireland, so could you just answer a straight question? Has Sinn Féin intimated to you since Thursday of last week that, now that we know the direction of travel about Brexit, they are more enthusiastic about getting back into the Assembly? Please do not cover it up.

Julian Smith: No one party has spoken to me since Thursday to say that. I referred to my statement because I just think the healing process around this chapter of Brexit could be helpful for getting the Executive and the Assembly up and running.

- Q65 **Lady Hermon:** Goodness gracious—this is a healing process. You had better speak to some of the unionist parties, if this has been a healing process since the Brexit deal was brought home last Thursday.

Julian Smith: I will be speaking to them.

Chair: All things are relative, Sylvia.

- Q66 **Lady Hermon:** Yes. Moving on swiftly, Secretary of State, what is the current salary of an MLA—a Member of the Legislative Assembly—who has not sat in the Assembly?

Julian Smith: It is just over £30,000. We have cut it by 25%.

- Q67 **Lady Hermon:** I think I am right in saying that it might be closer to £35,888. Is that correct?

Julian Smith: Yes.

- Q68 **Lady Hermon:** What is the Speaker's salary in the Assembly?



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Julian Smith: I do not know.

Q69 **Lady Hermon:** Could someone assist the Secretary of State with what the Speaker's salary is?

Julian Smith: We will come back to you. I do not know.

Q70 **Lady Hermon:** The Speaker's salary is in the region of £55,850. Secretary of State, how often has the Speaker sat in the Assembly since the Assembly collapsed in January 2017?

Julian Smith: The Speaker sat, obviously, on Monday.

Q71 **Lady Hermon:** Correct. For how many hours?

Julian Smith: We can go through the details of salaries, and these are important.

Lady Hermon: These are important.

Julian Smith: They are important, and that is why I answered your question on the Floor of the House the other day to say that I am going to review this. If it looks as if the Executive and the Assembly do not get up and running, I will be looking at what we do on salaries. To defend MLAs who are working in their constituencies and doing casework and working for people across Northern Ireland, I believe that the vast majority are doing good work. However, clearly, for citizens doing their jobs, going to work, doing the full extent of their job, this is extremely frustrating and I have committed to you on the Floor of the House that I will be looking at that.

Q72 **Lady Hermon:** Can I just reflect to you, Secretary of State, that it is not just frustrating to the general public; the general public are absolutely furious that MLAs continue to receive handsome salaries for not doing their full job. An ordinary worker anywhere else, not in the Assembly and not in the MLA, has to turn up in order to be paid. They would not be paid almost £36,000—and the Speaker almost £56,000—for sitting for one day. That is absolutely outrageous.

Chair: Just in the interests of time, Lady Hermon—

Q73 **Lady Hermon:** Yes, my last question is this. I am sure someone will have the figures to date. How much has this cost the taxpayer? Hospitals and schools are under such pressure for funding. It is absolutely unsustainable and indefensible that MLAs continue to be paid their full salaries.

Sir Jonathan Stephens: The costs of salaries paid since January 2017 is just under £15 million.

Lady Hermon: Just repeat that—£15 million.

Sir Jonathan Stephens: £14.9 million.

Q74 **Lady Hermon:** Secretary of State, how do you feel about that? Almost



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£15 million has been paid in MLA salaries since the Assembly collapsed. How do you feel about that? Are you comfortable and happy with that?

Julian Smith: I described the situation with the Assembly and the Executive as a tragedy. It is a tragedy. These sums of money for an institution that is not doing its job are completely unacceptable.

Q75 **Lady Hermon:** So you will cut the salaries.

Julian Smith: I have committed to you that, if I feel it is not going in the direction I want, I will be reviewing that and I will come back and I will talk to you and members of the Committee about it. The concern I have in the situation we have at the moment is that the other options for Northern Ireland governance are significantly worse. We have to do everything we can to persuade MLAs and political leaders to talk to me and talk to the Tánaiste if they want to, and ensure that we get this Executive up and running. Your questions on pay and these sums of money are totally correct. They are unacceptable.

Q76 **Chair:** Secretary of State, one of the tools you have at your disposal to expedite the restoration of Stormont is not stuffing their mouths with gold, to negative Bevan's phrase about the BMA.

Julian Smith: Again, I defend the constituency work that the MLAs are doing. I accept, however, that these sums are unacceptable and I will be reviewing, as I have said to Lady Hermon and the House, this issue.

Q77 **Kate Hoey:** Secretary of State, you have just said the salary issue is completely unacceptable. I hope you equally find it completely unacceptable that Sinn Féin, who have never taken their seats here, get huge amounts of office costs, but that is for another day. Can I ask you about Libya and the very welcome appointment of William Shawcross? Now, finally, he has actually been given a job description and it has been set up. You know that this Committee has been incredibly involved with this and wants to get victims of Libyan-sponsored Semtex terrorism to be helped. I suspect that you have looked into all this. Do you personally agree with our Committee that the payments of the interest tax from the entities from the amount of money in there designated under the situation should be able to be used to compensate victims, as has happened in other countries?

Julian Smith: I have arranged to meet with Shawcross in the coming couple of weeks. I am not going to go into any detail now. Our commitment as a Government is shown by the hiring and the commissioning of somebody as well known and as well regarded as William Shawcross. We have said that we want to commit and support all UK victims of Gaddafi-sponsored IRA terrorism but we now need to leave it with William Shawcross to help inform the Government's approach on this issue. As you know, he is doing a scoping exercise at the moment. I welcome that. My officials will work closely with him. I hope that this can be expedited quickly, but he does need time to do that and he needs a



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good number of months. I am anxious not to pre-judge the work that he is doing.

- Q78 **Kate Hoey:** The scoping work is very important, in terms of numbers and so on, but the principle of being able to use that money surely is something that can be settled quite quickly.

Julian Smith: Again, I will look forward, as will the Foreign Secretary and the Prime Minister, to Mr Shawcross' report but I do not want to go into anything further on this other than to say that, by commissioning him, we have moved things forward substantially.

- Q79 **Kate Hoey:** The second question is on victims and the definition of "victim". Do you personally support the current definition of "victim" in Northern Ireland, which equates the person who goes out cold-heartedly and plants a bomb and the person who has been killed by that bomb?

Julian Smith: This whole area is obviously fraught with different views. We have a situation where we are now, as promised, consulting on victims' payments, and I am delighted that we are doing that. We are clear in that consultation. Obviously, we will be taking feedback but in that consultation no one that is injured by their own hand will be eligible. We will not be changing that position.

- Q80 **Kate Hoey:** Finally, you mentioned Sir Jonathan Stephens retiring. When is he retiring?

Julian Smith: He will be retiring in the coming months. Again, I pay tribute to the work that he has done, and also to all civil servants in the Northern Ireland Office and Whitehall who, in this Brexit period, have been working all hours and weekends to make sure that HMG is able to deliver not only on this deal but in other areas of policy responsibility.

- Q81 **Chair:** Secretary of State, I presume you are happy to keep the Committee informed with regards to the progress of your discussions with Mr Shawcross.

Julian Smith: Yes.

Chair: I know that we discussed earlier this morning that we will be asking Mr Shawcross to give us evidence and set out his thinking.

Julian Smith: That is a good idea.

- Q82 **Conor McGinn:** Sir Jonathan, can I wish you well? You have always struck me as a man, in the best traditions of the British civil service; you are courteous, diligent and hugely respected. Secretary of State, can I thank you and Chris and your officials for your work on equal marriage over the last few months and your commitment to implementing that?

In supporting what my colleague from East Londonderry said about the anomaly around British citizenship in Northern Ireland, can I raise with you the case of Emma De Souza, who I have been in contact with, as I



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know other colleagues have as well? Secretary of State, is it your understanding that the provisions of the Good Friday agreement allow people in Northern Ireland to identify as Irish or British or both?

Julian Smith: First of all, the De Souza judgment has taken place. I suspect there will be further court proceedings, so I do not want to go into detail.

- Q83 **Conor McGinn:** The fundamental question I asked was whether it is your understanding that the Good Friday agreement makes provisions for people in Northern Ireland to be Irish or British or both?

Julian Smith: Absolutely, yes. What I was going on to say was that, whatever the details of this case or other cases that are taking place are, delivering on these commitments of the Belfast/Good Friday agreement, for me as Secretary of State, will be a priority and are a priority. The previous Prime Minister instigated a review, and I have been pushing, and will continue to push, the Home Office to encourage the Home Secretary to be absolutely clear with everyone that we need change and we need that change to happen rapidly. Citizenship is very clear in that document and that agreement, and we will deliver on it.

- Q84 **Conor McGinn:** That is very reassuring and very helpful. Just to be clear, it is your understanding that the "Irish or British or both" in the agreement applies to citizenship and not just identity.

Julian Smith: It is my understanding that we have work to do to make sure that we deliver on that Belfast/Good Friday agreement. There are clearly immigration-related issues, which the Home Office quite rightly is responsible for but, as Secretary of State for Northern Ireland, I want to make sure that that agreement is delivered in full for Northern Ireland citizens.

- Q85 **Lady Hermon:** Is there an intention in Government to amend the British Nationality Act?

Julian Smith: There is an intention from me as Secretary of State for Northern Ireland to make sure that we deliver on those commitments, but also the Home Office is right to make sure it is preserving all of the things it is responsible for. As I said, Theresa May had a review that she had set up and I will be making sure that we are inputting strongly into that.

- Q86 **Conor McGinn:** Is that review continuing under the new Government?

Julian Smith: We are looking at all of these issues and we will continue to do that, and I will fight to make sure that the issues we have talked about are represented strongly.

- Q87 **Conor McGinn:** Secretary of State, I know we are working together on introducing one law so I do not want to burden you on introducing another, but colleagues might be aware that the Queen's Speech announced that Helen's law will be introduced, which is for my



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constituent, Marie McCourt, whose daughter was murdered 30 years ago and her remains have never been recovered. That law would ensure that those who do not give information about the location of their victims' remains are not eligible for parole.

Charlotte Murray was murdered in 2012. A fortnight ago, her killer was convicted in Dungannon and I want to pay tribute to DS James Brannigan and the PSNI team who worked so hard for that conviction. Her body has not been recovered. Her twin sister, her mother and her siblings are all, as we can imagine, absolutely heartbroken. Would it be possible for us to have a conversation? I am not in any way impinging on the work of the Independent Commission for the Location of Victims' Remains, which is completely separate, but, on the civil side of this, would the Secretary of State perhaps be prepared to have a conversation with myself and the Lord Chancellor, who has been incredibly helpful, to see if we could extend this measure to Northern Ireland as it proceeds through the House of Commons?

Julian Smith: I would be very happy to do that. I would also like to pay tribute to the work you have done to deliver on the same-sex marriage proposals and on this case as well. I am happy to work with you on it.

Chair: Before I turn to Mr Shannon, in case anybody has noticed on the annunciator, there is a statement on a major incident in Essex. You may wonder why I am mentioning this at the Northern Ireland Affairs Select Committee. 39 people, according to the BBC, have been found dead in a lorry container in Essex that arrived from Holyhead on Saturday, one can only presume from Belfast. I mention that, Secretary of State, obviously for your information but also for Northern Irish colleagues who may wish to be in the Chamber for that statement. There is a statement. 39 people have been found dead in a container.

Jim Shannon: Can I also support what Conor has mentioned there in relation to Helen's law? I have already written to the Minister responsible, hoping that Northern Ireland will be part of that. It is important on behalf of the Murrys who have never had the satisfaction of a place to bury their daughter and their sister. It is really important and I support that 100%. I have two quick questions, and I am very conscious of your time.

Chair: We have Mr Paisley to get to as well.

Jim Shannon: I know, and I won't deny him. Nobody could.

Chair: We have tried.

Q88 **Jim Shannon:** Secretary of State, you know my opinion on abortion. It is very clear where I stand on that issue. Just for the record, at this moment I have had 2,400 emails on this issue wanting no change. The issue has come to the fore. The Government have acquiesced and made sure that it has happened, but nonetheless the opinion of people in Northern Ireland is very much that the majority are opposed to it, in age groups, gender and across political borders. The emails that I have are from all parts of the community and all political persuasions within



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my constituency.

I want to ask two quick questions on this. How is the Church consultation process that you are doing going, and what will that mean? How will the Churches feed into that process?

My second question is this. I made this comment on the night. Secretary of State, I know you were away and could not be there, and the Minister of State for Northern Ireland replied or took the comments. I mentioned that backstreet abortions under this new legislation coming in would then be available across Northern Ireland. I would just quote from a legal person who has said that an individual who may or may not be a doctor or any other form of medical professional who works outside of a clinic—that is a term defined by the 2003 Act—who provides abortions appears to fall outside of the terms of the 2003 order, and this order as well. It seems to me that we have the spectre of backstreet abortions that could happen. Legal opinion is that it would be extremely unwise for women in Northern Ireland to seek access to unregulated abortions. If they would do so and provided informed consent to the carrying out of an abortion operation by an unregulated provider, it may well be that no law will be broken. If that is the case, I am just wondering, in relation to that, if the action that the Government have taken and this law—which I oppose profusely and am annoyed about on behalf of the thousands of constituents who have contacted me in my constituency, never mind across Northern Ireland—enables backstreet abortions to happen.

Julian Smith: First of all, I am aware of the huge sensitivity on this issue. The law has now changed, as you know, and abortion in Northern Ireland has been decriminalised and there is now a moratorium on criminal cases that are ongoing. My Department is conducting a consultation that will be launched in the coming days, and that will be the main focus for all members of society, all groups and all organisations to input into.

I will come to my colleague, Chris Flatt, shortly but, on the issue of backstreet abortions and the law as it relates to the medical profession, there has been now a decriminalisation and we are following the CEDAW principles. The medical profession is heavily regulated and those rules are extremely clear, and we need to be careful, when we talk about the change that has now happened in Northern Ireland, not to overly concern people. We have a regulated medical sector and that will continue. Chris, do you want to talk about religious organisations?

Chris Flatt: I just want to confirm that, in terms of what will happen with the change of law, abortions can only be carried out in regulated premises and they can only be carried out by regulated people. The existing medical regulations will apply, just as they do for other medical procedures. All of our advice in this period is for women who want to access services to go through the central booking system and access those in England, and the Government will now be making sure and making clear to women that there is free and accessible access to



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services in England, and that is the safe and proper way to do that. That will mean that there is proper access to services in the period up until the new regulations come in.

In terms of religion and conscientious objection, there will be full provision within the regulations to ensure that we have conscientious objection and, through the consultation process, we will be talking to religious organisations and others to ensure that there are full processes within the new regulations to allow conscientious objection for medical professionals who, for reasons of conscience, do not want to take part in abortion services. That will be there in the new regulations as it is in England and Wales already. We will be having full conversations with religious organisations so that they are involved in discussions about that.

Q89 Jim Shannon: I appreciate the fact of the contact with religious organisations, but I just want to say that these are legal opinions, which were very much contrary to your own.

Minister, I have a quick question on health spend. I asked you a question on Monday and you came back to say that the Department had been looking sympathetically upon extra health spending in Northern Ireland. I ask the question because the Permanent Secretary of the Department of Health has indicated that he is in big financial straits in relation to not having a Northern Ireland Assembly working, which is a problem. Secondly, the problem is the finance that is available. Although it may be allocated to Northern Ireland under the Barnett formula for health spend, it cannot be allocated specifically to the sections where he wants it to be.

Conor mentioned extra legislation changes that we are looking at, but there needs, Secretary of State, respectively, to be a real root-and-branch look at how spend happens in the Department of Health and how we can make it better. The Permanent Secretary is worried and, as the party's health spokesperson, I am worried as well. I just wanted to say that.

Julian Smith: Thank you but that is why we need an Executive and that is why we need an Assembly up and running.

Q90 Ian Paisley: Secretary of State, you mentioned in your opening remarks some time ago the work that you had done with regards to Harland and Wolff, which was greatly appreciated. I know about 80 or so workers there and I very directly and publicly thank you for the facilitation that you gave to me during the Wrightbus saga with the staff. It was very helpful, as were senior civil servants. I hope that we will see Translink replenished with significant resources that will allow them then to place significant orders and allow buses to be built again for government contracts or state-owned contracts in Northern Ireland. That would be very beneficial, so thank you for that.

Could I turn specifically to the issue of welfare reform? I sat on the joint committee on welfare, along with other members here, to look at the



mitigation issue, and we came to a conclusion that we would like to see mitigations continue to be enabled in Northern Ireland with some improvements, and one of the recommendations was that this should continue despite the absence of an Executive in Northern Ireland. This is going to come upon us very quickly. Many thousands of people will be affected if these mitigations disappear in Northern Ireland, as they are planned to do so. Their disappearance will cause significant financial hardship and will certainly cause arrears in terms of rent, and it could lead to evictions because of the way in which our housing system is very different to what pertains here on the mainland.

Can I ask you this specifically? What steps have you taken as a result of that joint report that we brought into place, which has the full support of Professor Evason from the Welfare Reform Mitigations Working Group and the full support of Kevin Higgins from Advice NI? What steps are you going to take to progress that report? Do you agree with the recommendations that we have made, and how quickly can you move to ensure that, no matter what happens with regards the Assembly, these mitigations will continue in Northern Ireland?

Julian Smith: First of all, the joint report was well received and had important details of the benefits of the extension policy. As you know, the bespoke arrangements and the particular arrangements for Northern Ireland were agreed by the previous Northern Ireland Executive, and the legislative basis for the current payments is, as you have suggested, sunsetted in March 2020. I do not, as Secretary of State, have the power to instruct the Northern Ireland Civil Service and, again, this issue of welfare is another example of why the lack of decision making and the lack of Executive is having such a profound and corrosive effect in Northern Ireland.

The Department for Communities has a power to look at derogation and changes in housing. There are discretionary housing payments. It has done a review of welfare mitigation schemes and looked at this mechanism. I am happy to talk to David Sterling and others to work through their plans but it really is a devolved decision and, again, hopefully, by the time that comes to needing a change and if the decision is to do that, the Executive will be up and running.

- Q91 **Ian Paisley:** There is an avalanche of pain that is about to fall on the most financially vulnerable people in Northern Ireland. They cannot wait and hope that the Executive will soon get their act together and get moving. This really does need your intervention, your direction and for every effort to be taken. If we can sort out other issues, this can be sorted out. I just appeal to you, for the vulnerable constituents across every constituency in Northern Ireland, that that be addressed and that politics does not get in the way of this. We need to get this resolved quickly.

I have 9,300 people in my constituency who are 75 years old or older. Of those 9,300 people, 2,870 of them claim pension credit. That means that



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6,430 of them are going to be deprived of a free TV licence. What are the Government doing to ensure that the free TV licence for the over-75s will continue?

Julian Smith: As you know, that is an area for other parts of Government, but I will take on board your concerns and make sure that the relevant Ministers come back to you.

Q92 **Ian Paisley:** Will you champion that at the Cabinet for Northern Ireland?

Julian Smith: I will ensure that I have represented that strong view.

Q93 **Ian Paisley:** Other excellent questions were asked this morning about the historical institutional abuse, and I do not want to go over that. I must say that victims have come to me and paid tribute specifically to you, sir, because they say that you have listened very carefully to them and you have taken on board their concerns. That is welcome.

Another report has been published by Rodney Edwards, a journalist from *The Impartial Reporter*. He has identified extensive abuse in various homes in that county. That obviously does not form part of the HIA but would it be possible for you to do some sort of desktop review or to ask for a senior civil servant to report on those findings that have been published? We heard from the Chief Constable's office last week that arrests may be made but, given what has happened at state nursing homes and state hospitals in Northern Ireland in the past years, is this something that you could look at directly and make sure that this matter will not be allowed to just be brushed under the carpet?

Julian Smith: Certainly. There have been so many of these extremely depressing and horrendous abuse allegations. The police are looking and there are criminal proceedings in place with the incidents that you described. I am obviously happy to meet anybody that you or the Committee would like and to discuss further. I have also met with victims' families on the issue that your colleague, Gavin Robinson, has been representing over Muckamore. We need to go through every one of these situations and make sure that anybody involved in abuse at these institutions is brought to justice and that we all collectively do that until everybody has paid for their crimes.

Q94 **Ian Paisley:** That would be very helpful. Finally, on the issue of abortion, my colleague, Jim Shannon, raised the issue, and Chris read out some of the details of the rules that will pertain between now and March of next year. On the conscientious objection issue, this does cause me a little bit of concern. The scope of the rules that are now in place in Northern Ireland follow what is called the English system. In other words, only people with a hands-on capacity—the midwife, the doctor or whatever—will actually be able to opt out under conscientious objection. The system that is in place in Northern Ireland is an administrative system, so a telephone call and an enquiry, et cetera, has to be made and administrative and managerial tasks have to be put



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in place. There will be an equal number of people on the auxiliary, administrative and managerial side who will have conscientious objections to this. It is not right that the scope of the Northern Ireland law only follows the English law whenever attitudes in Northern Ireland are very different to those in England where abortion is regarded in a very different way. Can we have a situation where the scope will actually be broadened to take in all conscientious objectors on this matter?

Chris Flatt: There are two things to say there. First of all, this will be included in the consultation to talk about how conscientious objection should work. We are also talking to the Department of Health at the moment about how the actual delivery of services should work to make sure that the delivery is suited to Northern Ireland as well as the regulations.

- Q95 **Nigel Mills:** I just have a quick question on the welfare issue. The Department were clear that, unless they have some certainty that the mitigations would be extended, they would have to start taking action this autumn to advise claimants that the mitigations would stop or they would have to start applying for discretionary housing payments. Is there any form of wording you can offer that says that, if the Assembly and the Executive are not up and running in time to sort this out for the end of March, the Government will take whatever step is needed here so that these mitigations can continue, or are you not even decided that the mitigations should continue?

Julian Smith: I absolutely understand, and have heard from meeting community groups over the last few days, the benefits of this mitigation. I have outlined the legal position, which is that this is a devolved matter, and that the Northern Ireland Civil Service will have to decide but really politicians locally will have to decide. I heard the Committee's concerns, Mr Paisley's concerns, your concerns and others', and I will have a conversation and a meeting with David Sterling, and discuss with him NICS's intentions, but I do not want to misrepresent the actual process, which is that this is a devolved matter and I do not have powers to influence it.

Nigel Mills: You have legislated for quite a few devolved matters, or the Government have, over the last 1,000 days. It would not be unprecedented to do it.

Julian Smith: I have heard this Committee's passion on this issue and I will reflect and speak to David Sterling.

- Q96 **Chair:** There is one final question from me, Secretary of State. We, as the Committee, have embarked upon an inquiry on serious organised crime. You will be aware that Northern Ireland is currently outwith the scope of unexplained wealth orders. Would you welcome its inclusion?

Julian Smith: As you know, the Home Office, during the passage of that Bill, took a decision to not impose that order on Northern Ireland. For full



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transparency, as you are probably aware, I have powers to take action. I will be consulting again with the civil service and others in Northern Ireland but I am concerned that that power is not in Northern Ireland. I have reflected on the Committee's findings and deliberations, and I will be looking at that going forward.

Chair: Secretary of State, on behalf of the Committee, can I thank you and your team for your time and detailed answers to our questions? Can I join you in wishing Sir Jonathan a happy retirement? He is more than welcome to come back and sit in the Public Gallery for our proceedings if he is finding that he is getting withdrawal symptoms.

It does not need us to point out to you, Secretary of State, the interest in and concern about a number of issues that have been discussed today. We are conscious of the size and depth of your in-tray. We wish you well in your endeavours and this Committee will obviously stand ready to assist and to scrutinise wherever and whenever we can.

Julian Smith: Thank you for that. Sir Jonathan just wants to say a word.

Sir Jonathan Stephens: I just want to thank you very much. I have a little time yet to go, so I am not hanging my boots up yet. It has been a privilege of my working life to serve the people of Northern Ireland and, in that, it has also been my privilege to be supported by fantastic colleagues, past and present, who do a great job on behalf of the people of Northern Ireland. They are not often in the public eye and they sometimes get drawn into the robust politics of Northern Ireland, but they do a fantastic job on behalf of the people of Northern Ireland. I am enormously proud of them.

Chair: Thank you, Sir Jonathan. That is a very nice, harmonious note upon which to end this morning's proceedings.