



Official Report (Hansard)

Tuesday 5 October 2021
Volume 143, No 4

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Northern Ireland Assembly

Tuesday 5 October 2021

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

Members observed two minutes' silence.

Assembly Business

Public Petition: Stop the Badger Cull

Mr Speaker: Mr John Blair has sought leave to present a public petition in accordance with Standing Order 22. The Member has up to three minutes in which to speak.

Mr Blair: I am grateful to you, Mr Speaker, the House and colleagues on the Business Committee for providing time during a busy schedule to allow me to present this petition. The petition, which received 10,529 signatures, opposes a badger cull as part of a bovine tuberculosis eradication strategy in Northern Ireland.

In recent years, badger culls have been implemented in other jurisdictions on these islands, resulting in the loss of hundreds of thousands of healthy badgers. The culls have been highly contentious and divisive, both publicly and politically, and have, in fact, had minimal impact on the prevalence of bovine TB in these countries. I am therefore disappointed that more ethical alternatives, such as badger vaccination and test and vaccinate or remove, have not been proposed in the Department of Agriculture, Environment and Rural Affairs' strategy. That is especially relevant considering that, over a five-year period, a test and vaccinate or remove approach was used by DAERA in trials and was shown to be effective at eradicating the disease. It is also frustrating that fuller discussion on the consultation options, along with a conversation on that which was not included in the consultation, was restricted by the fact that the Department brought the consultation to the AERA Committee one day before the Assembly's summer recess, thus leaving no opportunity for the Committee to consider it further until after the consultation had closed.

I welcome the public backing for the petition to stop the badger cull. The huge response to it shows the strength of feeling on the issue. The suggestion of needless slaughter of healthy

badgers is contrary to public opinion, and the petition is clear evidence of that.

Finally, I extend my thanks to the USPCA, Ulster Wildlife and the Northern Ireland Badger Group, which joined forces to launch the petition.

Mr Speaker: The Member knows that I would normally invite him to bring his petition to the Table and present it. In the light of social distancing, however, I ask the Member to remain in his place, and I will make arrangements for him to submit the petition to my office electronically.

I thank the Member for bringing the petition to the attention of the Assembly, and, once I receive it, I will forward it to the Minister of Agriculture, Environment and Rural Affairs and send a copy to the Committee.

Executive Committee Business

Adoption and Children Bill: Second Stage

Mr Swann (The Minister of Health): I beg to move

That the Second Stage of the Adoption and Children Bill [NIA 37/17-22] be agreed.

Mr Speaker: In accordance with convention, the Business Committee has not allocated a time limit to the debate.

Mr Swann: I am delighted to finally open the debate on the Adoption and Children Bill. It represents the first overhaul of adoption legislation in almost 35 years and has been long awaited by all involved in the adoption process. Likewise, the Children (Northern Ireland) Order 1995, the key body of legislation for children's social care, is now more than 25 years old. There have been many challenges and delays in bringing forward the Bill, and we now have an opportunity to make a real difference, not only for children who are adopted in Northern Ireland and those connected with adoption but for the 3,571 children in care, children on the edge of care and care leavers.

Unlike the situation 35 years ago, the vast majority of children who are adopted today are adopted from care. Also, our care population has grown over that time. There has been a 30% increase in 10 years and, significantly, a 6% increase during the pandemic. That demonstrates the strong connection between trauma and its impact on children being taken into care.

Every effort is made to keep families together. Over the last five years in particular, we have been investing more in earlier interventions to try to make that possible. Sadly, however, that is not possible for some children and young people. When they are taken into care to protect them from significant harm, trusts make every effort to find a permanent home for them. For around 90 children a year, their route to a permanent home is through adoption. The decision to recommend adoption for any child is hugely significant. For that reason alone, it is crucial that we have a robust legislative framework around it. Likewise, the decision to take a child into care in the first place is an onerous one for the social workers and their

managers, who have to make care decisions daily. Our expectations of them, when those decisions are being made and subsequently, must be clearly set out in law.

The Bill will strengthen the current legislative framework around adoption and care. For adoption, it introduces greater safeguards and mandates much-needed support. For care, it will enable additional support to be provided to children on the edge of care; it will keep children with a disability, who need regular short breaks, out of care; it will provide greater support to children in care; it will enable some children to leave care; and it will increase support for care leavers.

The Bill has been a long time in development, and that is due to a number of factors. They include legal challenges concerning the eligibility criteria to apply to adopt, the absence of a functioning Assembly for three years and, more recently, the reprioritising of work arising from the pandemic. However, in developing the Bill, my officials considered legislative developments relating to adoption and children in other jurisdictions of the United Kingdom. The Bill introduces measures similar to those in place in England and Wales since 2005 and since 2007 in Scotland. However, we have also sought to deliver legislation that addresses the needs of children and young people in Northern Ireland and a number of challenges specific to Northern Ireland.

As many of you are aware, I published a strategy for looked after children in February this year. The strategy aims to improve the well-being of children and young people who are already in care, those at risk of entering care and those who have left care. The Bill will give legislative effect to the aims and objectives of the strategy and to many of the commitments made under it.

All the Bill's provisions were subject to two public consultations, one in 2006 and the other in 2017, and extensive stakeholder engagement. Respondents to both consultations included key stakeholders from the statutory and voluntary sectors, as well as care-experienced children and young people. Respondents to both consultations indicated overwhelming support for the Bill and the policy underpinning it. I thank those who took the time to respond to the consultations or attended any of the consultation events. As the scrutiny process begins, the Assembly can have confidence that the Bill has had the benefit of extensive stakeholder engagement and input by the stakeholder groups that met on many occasions to consider policy proposals.

The Bill is substantial — it has 160 clauses and five schedules — so I beg Members' indulgence while I take them through its main thrust. It has three distinct Parts: Part 1 updates, strengthens and consolidates the law governing adoption in Northern Ireland; Part 2 makes amendments to the Children Order to extend and strengthen provision, with the aim of enhancing services and improving outcomes for children and families in need, looked-after children and care leavers; and Part 3 contains miscellaneous and supplementary provisions.

On adoption, as is the case with the Children Order, the Bill puts the welfare of the child front and centre of adoption decision-making by courts and adoption agencies. It introduces a welfare checklist that contains things that must be considered when deciding whether adoption is in the best interests of the child. Among other things, the list prompts decision makers to consider the value of a stable and harmonious family to a child, what the child wants and feels and his or her particular needs. Importantly, welfare and connection with adoption means lifelong welfare because adoption is a lifelong commitment. Unnecessary delay in the adoption process is and has been an issue for some time. Despite my Department setting targets on timescales for adoption, existing processes can be slow. The average age of children adopted is four years and two months.

Ms Dillon: I thank the Minister for taking an intervention and for coming to the House today. Given what he just outlined about delays, does he agree that, with the Bill, there is an opportunity to table an amendment to deal with mother-and-baby homes, on which a report will be launched today, to ensure that those who were children and are now adults and who are deeply traumatised have access to their own information? We need to ensure that issues are addressed for those adults who have been left with a legacy of not knowing where they came from or do not have the most basic information on their health history. Minister, will it be possible to table an amendment on that matter?

Mr Swann: I thank the Member for her very sensitive point, especially today, when we will consider the published report and where we are at the Second Stage of the Bill. Parts of the Bill will cover the provision of information, but, if the Member or her party feel that that needs to be strengthened in any way, I will look to her to table amendments through the Health Committee. I caution that she should look to what is already in the Bill because it may contain adequate provision for what she is asking for at a serious time for people who have

been through a traumatic process. That report will be published later today.

I was talking about the average adoption age and delays in Northern Ireland. The average age of children adopted is four years and two months, although the latest published statistics show that that is beginning to fall. Overall, the average time taken to adopt a looked-after child is slightly more than three years, which is such a long time for a young child. Without compromising the safety and well-being of any child and ensuring that we are at all times acting in their best interests, we need to tackle unnecessary drift or delay. The Bill will do that by introducing a statutory principle of no delay in adoption decision-making, and it will require courts to draw up timetables for resolving adoption cases without delay. The current adoption regional information system (ARIS) is a vital tool in ensuring the timely matching of approved adopters with children waiting to be adopted within and across trusts. The Bill will place ARIS on a statutory footing and enable my Department to set out in regulation the framework within which it should operate. That includes the supply, retention and disclosure of information.

10.45 am

The Bill will place a duty on each trust to provide a fit-for-purpose adoption service that meets the needs of everyone connected to adoption: the children to be adopted, the adopted children, the adopted adults and their adoptive parents, birth parents or guardians. The service must be effective in its assessments, placements and provision of support services. It will be possible for trusts to engage voluntary adoption agencies registered with the Regulation and Quality Improvement Authority (RQIA) for the provision of adoption services. That will enable them to draw on the extensive expertise in adoption within the registered voluntary sector. An unregistered voluntary organisation may also provide adoption support services on behalf of a trust. We will specify that in regulations.

The Bill will enable some adoption functions and services to be undertaken or delivered on a regional basis by, for example, one trust on behalf of the region. That could have the benefit of greater efficiency and equity of access to services, and it may also give a more consistent service user experience. Access to effective services will be critical. We know that adoptive children and their families are likely to have a range of additional needs, not just before adoption but afterwards. Good support can be the difference between an adopted child

flourishing or his or her adoption breaking down. Under the Bill, adoption support will include financial support, access to counselling, advice and information relating to adoption, but, importantly, it will be possible for the Department to further specify in regulation other support services that must be provided.

When the new legislative framework is in place, it will be possible for any person to request an assessment of needs for adoption support at any time before or after an adoption order has been made. Trusts will be under a duty to undertake such an assessment if that is requested by a child who is to be adopted, their parents, prospective adopters, adopted adults, their parents and natural parents. In all other cases, the trust will have the discretion to decide whether to undertake an assessment. Following an assessment, if the trust decides that support services should be provided, it will be required to prepare a plan and keep it under review.

Trusts will have a duty to provide information about the types of adoption support services available in their areas. That should ensure that those interested in adopting and adopters are better informed about adoption support services, their rights and other services that are available to them. That has the potential to increase the number of prospective adopters or make adopters more open to adopting harder-to-place children.

The Bill also makes provisions relating to the process of adoption, from when a trust considers that adoption is in the child's best interests through to the final adoption order being made. Important process changes will be made, and the aim is to ensure, at every step along the way, that adoption is the right decision for each and every child.

There are two routes for a child being placed for adoption. The adoption agency can secure a placement order from the court, or the child's parent can give consent to their child being placed for adoption. Placement orders are new and will replace freeing orders under current arrangements. Freeing orders have been widely criticised, partly because, once made, parental responsibility for the child transfers completely from the child's parents to the adoption agency.

Placement orders will authorise a trust to place a child with any adopters it selects. The trust will not need to go back to court if an initial placement fails. Placement orders will last until an adoption order is made, the child reaches 18 or the order is revoked. The parents will be able to apply to revoke the order, but only if the child

has not been placed with prospective adopters and only with the leave of the court. Leave will be given only if the parent's circumstances have changed since the order was made. Therefore, unlike freeing orders, when a placement order is made, the parents keep parental responsibility for their child until the final adoption order is made. It will be shared with the adoption agency and may be restricted by the adoption agency. Once the child is placed for adoption, the prospective adopters will also share parental responsibility.

A parent can also give consent to their child being placed for adoption, and where that happens, the adoption agency will not need to apply for a placement order. Under the Bill, parental consent will replace parental agreement. Under current arrangements, parents give their agreement to the child being adopted, but not to being placed for adoption or being adopted. Also, the scope to withdraw an agreement is extremely limited. Under the new provision, the parents may consent to placement with named adopters or with adopters unknown at the time their consent is given. It is expected that the adoption agency will provide ongoing support and counselling to the parents to help them to come to terms with the eventual adoption of their child.

The Bill enables parents to give advance consent to the final adoption order at the time they give consent to the placement or at any time afterwards. Even though parents may have given consent for their child to be placed for adoption, they can, at any time until the point when an application for an adoption order has been made, request the return of their child. If an adoption agency remains of the view that the adoption continues to be in the child's best interests, it will have to apply to the court for a placement order. However, once an application for an adoption order has been made, the court's consent is required for the return of the child. Where a parent has consented to placement for adoption, he or she may oppose the final adoption order in the course of proceedings only with the leave of the court. The court may give leave only if there has been a change of circumstances since the parent or parents gave their consent.

It is intended that the new system will be fairer to parents, allowing them to continue to have shared responsibility until the making of the adoption order and the opportunity to withdraw consent up to the point at which an adoption order is applied for. It will also minimise the risk of a contested court hearing at the adoption order stage and will provide greater certainty for children and prospective adopters by dealing,

as far as is possible, with parental consent before the child has been placed with them.

As is the case under current arrangements, a court may dispense with parental consent when making a placement order and when making an adoption order. However, only two grounds for dispensing with consent will apply: where the court is satisfied that the parent or guardian cannot be found or is incapable of giving consent or that the welfare of the child requires the consent to be dispensed with.

The emphasis is on the welfare of the child, reinforcing the point that all decisions around adoption should centre on the child. It is also important to mention that it is vital to ensure that any consent by a parent is given freely, unconditionally and with the full understanding of what it will mean. To ensure that it is, court rules will specify what is required. As is currently the case, it is expected that the giving of consent to adoption will have to be witnessed by a lay magistrate.

The Bill sets out the process for applying for an adoption order other than through an adoption agency — that is a non-agency adoption; the condition for making adoption orders; who is eligible to apply; and the effect of adoption orders. In non-agency adoption applications, the child must have lived with the person for three years before an application for an adoption order may be made. Where the person applying is a step-parent or an authority foster parent, a one-year requirement applies.

The current law on who can make an application to adopt has been carried through in the Bill. Applications can be made by single people and couples. That includes married couples, civil partners or two people living as partners in an enduring family relationship. Applications can be made by men or women, including those in same-sex relationships. That was addressed by the courts a number of years ago as a result of a judicial review.

Eligibility to apply to adopt and suitability to adopt are very different things. Prospective adopters are currently, and will continue to be, subject to a rigorous assessment process to ensure that only persons capable of providing a loving, safe and secure home are approved to adopt. The welfare of the child will always be the overriding consideration. The matters to be taken into account when determining whether a person is suitable to adopt a child will be set out in regulation.

Under the Bill, it will be possible for someone whose application to adopt was turned down to

seek an independent review. That is new. There is currently no review mechanism that operates independently of adoption agencies. The establishment of such a mechanism will also support our efforts to build confidence in the adoption approval process and, hopefully, encourage more people to come forward to adopt.

Currently, the arrangements for contact are made informally and, generally, work well. It is anticipated that that practice will continue in the majority of cases. However, it is important to provide effective recourse to the courts for when such informal arrangements are not appropriate or not adhered to. When making a placement order or a final adoption order, the court will be required to consider any contact arrangements that the agency has made or proposes to make. The policy intention is that there should be no presumption either for or against contact, and the welfare of the child will continue to be the paramount consideration of the court. The court will be able to make an order for contact during the period in which a child is placed or is waiting to be placed for adoption. A children's court guardian will be appointed to represent the child's interests in such proceedings. Following the making of the adoption order, the court will also be able to make a further contact order that either requires an adoptive parent to allow the child to have contact, to visit or to stay with his or her natural family or prohibits contact following adoption. Again, it will depend on what the court considers to be in the child's best interests.

I will turn to access to information for adopted adults and the disclosure of adoption information and access to records. That was the point that Ms Dillon made. All adopted people should have the right to find out about their family history and background when and if they wish to do so. Adopted adults will continue to be able to obtain a copy of their original birth certificate from the General Register Office (GRO). People adopted before the Bill is commenced, which I will refer to as pre-commencement adoptions, will continue to request that information directly from the GRO. For people adopted after the Bill's commencement, which are referred to as post-commencement adoptions, the adoption agency, not the Registrar General, will be the main gateway for access to that information. Any adopted person seeking access to their birth record will be advised that a counselling service is available to them, and if a person was adopted before 18 December 1987, which was the date on which the current adoption legislation came into operation, they will have to attend a counselling interview. That interview

will be available through the adoption agency and will take place before the Registrar General can provide access to the original birth record. If they are living elsewhere in the UK, other bodies, for example, the local authority or adoption support agency, may provide counselling services.

The existing adoption contact register will continue to be available and maintained by the Registrar General. It enables adopted adults and their relatives who want to make contact to register their willingness for contact. The Bill will make this change: it will be possible for adopted adults to indicate who they do and do not want to have contact with. Relatives will also be able to indicate whether they want to have contact with the adopted person. Not every adopted adult or natural parent will want contact, and we have to respect that. It is important to balance the privacy rights of natural parents and the wider family with the identity rights of adopted adults.

Adoption case records held by adoption agencies also contain relevant information that an adopted adult and others may wish to access. For pre-commencement adoptions, there will be no change to the way in which people will be able to seek access to such records. The current framework under the Adoption Agencies Regulations (Northern Ireland) 1989 will continue to apply so that adoption agencies can retain the discretion to disclose as much information from the records as is reasonably possible. That is subject to their legislative requirements and considerations, such as data protection legislation.

As a result of the ongoing work on the historical mother-and-baby institutions, work is also under way to develop guidance for adoption agencies on the disclosure of adoption records that they hold. That work is being taken forward on a co-design basis, and survivors of the institutions are working alongside social workers. I am advised that it is going well. I understand that it is acknowledged in the report of the truth recovery design panel, which, as I indicated to the Member, will be published today. That guidance will make it clear that, as far as possible, each agency should operate from the premise that all information relevant to an adopted adult's birth and adoption should be disclosed to them subject to the impact on the other parties being fully considered and the necessary supports being put in place for each adopted adult seeking disclosure.

11.00 am

For post-commencement adoptions, the Bill will enable any person to access adoption case records held by an adoption agency and set out how that should happen. That includes a power to specify arrangements and requirements in more detail by way of regulations. Where the information requests include protected information — that is, identifying information about another individual — the adoption agency will have to take a number of factors into account when deciding whether to provide the information. Those factors will include a consideration of the adopted person's welfare and the views of the person whom the information is about. Where the information is about a child, the adoption agency must consider the child's welfare and take account of the child's views and those of any parent or guardian of the child.

It is intended that the independent review mechanism that I mentioned will extend to decisions about disclosure of protected adoption information relating to an adult. Individuals will be able to ask for an independent review if they are not content with a decision made about the disclosure of such information, including a decision not to disclose.

Intermediary services and counselling services will be made available to support people wanting to access information or make contact. Such services will be available to adopted adults and natural parents and relatives and to people who are not natural relatives but are related to an adopted person by blood, marriage or civil partnership or by virtue of the adopted person's adoption. That includes, for example, the children, grandchildren and other relatives of the adopted person.

Mr Allister: Will the Minister give way?

Mr Swann: I will, yes.

Mr Allister: I understand exactly what the Bill says about the rights of adopted persons to information. On the issue that the Minister now touches on, will he bring some clarity in respect of the offspring of an adopted person who wants to find out about an adopted parent or grandparent — now probably dead — but who, until this moment, has not been able to find out that information? Does the Bill do anything for that family?

Mr Buckley: I thank the Minister for giving way. I will make a different point on the same theme. Although it is not entirely in the Minister's gift, will the same disclosure and support be available for adopted persons from, perhaps, an

international context to gain information regarding birth parents or, indeed, disclosed records?

Mr Swann: I thank both Members for their questions. As I said in my statement, Mr Allister, the intermediary service will be available to adopted adults and natural parents and relatives as well as to people who are not natural relatives but are related to an adopted person by blood, marriage or civil partnership or by virtue of the adopted person's adoption, including the adopted person's children, grandchildren and other relatives. Access to such a service will enable those relatives to make contact with the adopted person's natural parents and wider family. I will get further information on the specific point for the Member.

The Bill also deals with foreign adoptions. It will strengthen safeguards for children being brought into or out of Northern Ireland through an inter-country adoption. All prospective adopters in Northern Ireland will be subject to the same rigorous preparation, training and assessment, regardless of whether the child whom they seek to adopt lives in the United Kingdom or overseas. The Bill introduces a power for my Department to charge a fee for the administration of inter-country adoption casework. I hope that that covers Mr Buckley's point.

We will be able to establish a specific Northern Ireland list of designated countries outside the United Kingdom that have sufficiently robust adoption procedures and safeguards to justify adoptions in that country being legally recognised in Northern Ireland. We will also be able to place countries on a restricted list in circumstances in which their adoption legislation, practice or procedures are insufficient to ensure the proper protection of children and their families. We will move to establish our own designated and restricted list for Northern Ireland, and it is anticipated that all UK jurisdictions will remain closely aligned in their decision-making regarding that list.

That is a summation of the Bill's provision that is specific to adoption. I turn now to what the Bill will provide for children in need, in care or on the edge of care and for care leavers.

The Bill will give social workers more flexibility to provide financial support to children and families in need. My Department will also issue statutory guidance for trusts to ensure that there is a regionally consistent approach to making such payments. Disabled children will be able to benefit from a residential short break

without having to become looked-after. There will be guidance to help social workers to decide the safest and most appropriate way of supporting each child in those circumstances. The Bill also includes a power to extend the provision to other groups of children if required in the future.

Through the Bill, we will give a stronger voice to children and young people who are in care, have left care or are at risk of coming into care. It will support children and young people who receive social care in raising issues or making complaints about the service that they receive and to have their views responded to appropriately. Statutory independent advocacy services will be available to support each child through that process. The Bill will introduce into law a set of principles, referred to as "corporate parenting principles", that trusts must follow when looking after children in care. The principles include having and promoting high aspirations for them, delivering safety and stability and preparing them for adulthood and independent living; in short, giving the opportunities and life chances that any good parent would seek and provide for their child. That includes the same learning opportunities and outcomes. Unfortunately, the educational outcomes of many children in care are poor by comparison with those of their peers. The impact of the early trauma that the majority of them have experienced on their ability to learn can be compounded by multiple school moves. The Bill will require trusts to promote the educational achievement of looked-after children and prevent disruption to their education and training when providing them with accommodation. The Bill will give the Department a power to require or impose additional measures that are considered necessary to address the educational deficits that many such children experience.

Assessing the needs of children and deciding how best to meet those needs is a fundamental part of social work and care for looked-after children. That process is known as "care planning", and the Bill will place a duty on trusts to prepare a care plan for a child within a timescale set by the court and to keep it under review. We will set out in regulations how the care plan is to be drawn up and the information to be included in the care plan.

Fostering panels make decisions about whether a person should be approved to foster. The Bill will enable my Department to make regulations setting out the functions of fostering panels and how they should operate. Individuals who disagree with a decision about whether they should be approved or continue to be approved

to foster will be able to ask for an independent review of the decision. That is similar to the review mechanism being introduced for adoption decisions. The Bill will put dually approved placements on a statutory basis. That enables a child to be placed with approved prospective adopters, initially on a fostering basis. The intention is to facilitate earlier attachment and, potentially, to reduce the number of placements that a child waiting to be adopted may experience. If adoption is the proposed plan, trusts will be required to consider the placement of the child with dually approved carers. Dually approved carers will have access to adoption pay and leave arrangements, including shared parental leave and paid time off for attending pre-adoption appointments.

Most young people are supported emotionally and financially on the road to university, and, as they make the journey out of the family home for the first time, looked-after children likewise should continue to be supported as they take those steps into adulthood. Provisions in the Bill enhance the support provided to care leavers. The Bill will recognise in law the Going the Extra Mile scheme that enables care leavers to continue living with their former foster parents up to the age of 21. Support provided to care leavers who are in education or training will be extended to the age of 25. Care leavers aged between 21 and 25 will be able to apply for further assistance to start a new course of education or training and to request advice and support. That advice or support may continue beyond the age of 25 if a trust considers that it is needed. Young people receiving support, advice or assistance will have a personal adviser and a pathway plan, replicating arrangements that are currently in place. It is vital that young people be aware of the support that they are entitled to when leaving, and the Bill will place a duty on trusts to publish information on the services that they offer for care leavers in preparation for adulthood and independent living. That will be known as the "local offer for care leavers".

The Bill will also introduce some new court orders and make adjustments to existing court orders. Currently, a residence order, which is an order stipulating with whom a child should live, is granted until the age of 16, unless there are exceptional circumstances in which to extend it to the age of 18. The Bill will provide that residence orders made in respect of a looked-after child will automatically be extended to the age of 18, unless a court determines otherwise. The Bill will also amend the period for which a child has to have lived with a foster carer from three years to one year before the

foster carer can apply for a residence order in respect of the child. That amendment will ensure consistency with the residence requirements for adoption and special guardianship orders (SGOs). That reinforces the point that there are different routes to permanence for individual children.

A special guardianship order is a new order that is being introduced in Northern Ireland, although SGOs have been operating in England and Wales since 2005. The options currently available to children and young people to leave care include going home to their parents, living with family under, for example, a residence order and adoption. We know that adoption is not suitable for all children. For example, an older child may not want to be legally separated from birth parents, even though that child may not want to or be able to live with them. Moreover, with support and greater legal certainty, some children may be able to be cared for on a permanent basis by members of their wider family. At present, permanence and legal certainty outside of the care system can be offered to children only by way of adoption. An SGO will offer a new option for those children and young people. Unlike the position with residence orders, special guardians will have full parental responsibility for the child's day-to-day care, and, unlike the position with adoption, the legal ties between the child and their birth family will remain in place. While the Bill's SGO provisions are similar to those in operation in England and Wales, we have strengthened some of the requirements, including the requirement that the child has to have lived with the person for at least one year before that person can apply for an SGO. Those additional residence requirements have been introduced to ensure that, before an SGO is made, the child has lived with the proposed special guardian for long enough to enable a proper assessment to be made of whether the arrangement is in the child's best interest and more likely than not to work for them and their carers.

Trusts will be required to prepare a court report about an applicant's suitability to be a special guardian. That includes any support that will be required. It is anticipated that, for looked-after children, regulations will place a requirement on trusts to submit reports to a panel for review. That will be done prior to submitting the report to court in order to ensure that a robust and comprehensive assessment has been carried out.

Under the Bill and where required, special guardians and the children for whom they care will be provided with support. That is similar to

adoption. There will be a right to request an assessment of need for SGO support services. Support will include counselling, advice and information and financial support. Regulations will set out additional support services that are to be made available. It is anticipated that they may include mediation to assist with contact arrangements; access to support groups and therapeutic services; and training for the special guardian to meet the needs of the child. We are in no doubt that the introduction of the additional order will enable some children and young people to exit the care system, with relevant support and assistance continuing to be provided to them and their special guardians.

The Bill makes other, miscellaneous amendments to the Children Order. The definition of "harm" will be amended to cover harm caused to a child from seeing or hearing the ill treatment of another person. As a result, courts, police and trusts will be required to consider the effect on a child of witnessing domestic abuse when making critical decisions about his or her care or upbringing.

11.15 am

The definition of "family proceedings" will also be amended to include proceedings for female genital mutilation (FGM) protection orders. As a result, a court, when dealing with an application for an FGM protection order, will be able to make other orders at the same time to protect a child. They include an interim care order, a care order or a supervision order, and that change will enable a court to act quickly and effectively to protect girls who are at risk of FGM.

The guardian ad litem, who represents the interests of children in specified proceedings, will be renamed the children's court guardian. That will, among other things, address the concerns that children and young people had about the current title. The Northern Ireland Guardian Ad Litem Agency will be known as the Children's Court Guardian Agency for Northern Ireland. The services provided will not differ, but the proceedings in which a children's court guardian are required to be appointed will be extended to include applications for the making of, or the revocation of, an adoption placement order, orders for contact during placement for adoption and applications for the making of a special guardianship order in respect of a child who is subject to a care order.

The Children Order will also be amended to enable children's court guardians to be directly employed and appointed by the courts to represent children in family law proceedings.

Currently, any person who proposes to foster a child privately is required by law to notify the appropriate trust before the arrangement commences. However, to date, no such notifications have been received. The Bill will introduce a new duty on trusts to raise public awareness of the requirement to notify the trusts of such arrangements. My Department is currently required to produce an annual report on the operation of the Children Order. Taking into account the other reporting mechanisms that we have, which are now well established and working well, it is considered that the production of a report under the Children Order would replicate or duplicate other reporting mechanisms. The duty in the Children Order will therefore be repealed.

Finally, the Bill contains five schedules. They deal with the registration of adoptions; the disclosure of birth records by the Registrar General; minor and consequential amendments; transitional and transitory provisions; and savings and repeals.

I thank everyone for their patience while I provided the overview of the main provisions. I hope that Members will agree that it is vital that this substantial and complex legislation proceeds in order to enable us to achieve the adoption reform that is required and strengthen the support and services for children in need, children who need to remain in care and our care leavers. The work is only beginning. The Bill provides the overarching framework. Most of the operational detail will be set out in a substantial number of statutory rules and guidance. Following the successful enactment of the Bill, implementation will be on a phased basis from 2023.

I am proud to be able to introduce the Bill in the House, and I commend it to Members. It is long awaited and much needed to better serve the needs of some of the most vulnerable children in Northern Ireland, and it is even more important as the number of vulnerable children continues to grow. I am in no doubt that the Bill's provisions will improve outcomes for them. It will keep them safer, improve their life opportunities and, importantly, give them access to family, with the comfort of knowing that it is intended to be permanent and that everything possible that can be done will be done to make it work. It will also give those who offer a permanent family home to children, and who might otherwise be denied that opportunity, the confidence that their commitment will be matched by a commitment to properly support them.

Mr Gildernew (The Chairperson of the Committee for Health): Before I start, I extend my best wishes and solidarity to the Minister in the face of the disgraceful and appalling threats that were made. I extend my best wishes to him and his family. It is disgraceful that a Minister, in the course of his duties, is threatened in such a way.

I also declare an interest in relation to issues arising from the Bill. Previously, I worked as a social worker, and I continue to be on a career break from one of our health and social care trusts.

It is particularly poignant that we are discussing the Bill this morning at the same time as the truth recovery design panel's report is being launched. That is poignant and salutary with the issues that face us today in considering a complex and deeply important Bill for those whom it will impact.

It is worth bearing in mind that, while the title of the Bill is the Adoption and Children Bill, this is really the adoption of children Bill. We need to keep that to the forefront of our minds as we move through.

I welcome the opportunity to make some initial remarks on behalf of the Health Committee outlining the Committee's consideration of the Bill before speaking as my party's health spokesperson. The Committee welcomes the Bill being brought forward by the Department. It has been a long time in the making, going the whole way back to the draft strategy, *Adopting the Future*, in 2006. The Bill seeks to implement the proposals in that strategy and to make amendments to the Children (NI) Order 1995.

It is therefore frustrating that, after such a long wait and delays, the Bill, with 160 clauses and five schedules, was introduced in the Assembly with less than six months until the end of the mandate. In order to allow the Bill to pass through its stages, the Committee will have three months at most to consider it. That is on top of the Committee considering at least another five pieces of important legislation over the coming months. That provides the Committee with very limited time to scrutinise a detailed Bill that will have a significant impact on some of the most vulnerable children and young people, and, indeed, foster parents and adoptive parents, in our communities.

The Committee was briefed on adoption by the Assembly's Research and Information Service (RaISe). Members were advised that there has been a 30% increase in the number of looked-after children in the North since 2010, and there

have been between 91 and 168 adoptions a year over the past five years.

Members were also advised that there are formal targets for the completion of the adoption of children in care. The current target is that 90% of all adoptions of children in care should be completed within three years of their last entry into care. That target has not been met for a number of years. The last data that we received showed that, in 2019-2020, only 57% of adoptions were completed within three years. Members were advised that the average duration was three years and one month, which compares with one year and 11 months in England and two years and two months in Wales. That shows that significant work needs to be undertaken to improve our services and processes.

As the Minister outlined, this significant Bill changes the adoption landscape and brings forward much-needed reforms in the system, which, hopefully, will improve outcomes for children, young people and families. The Bill seeks to do some key things, including aligning adoption law with the relevant provisions of the Children Order to ensure that the child's welfare is the paramount consideration in decisions; and providing a new right for adopted children and adoptive parents to request an assessment of their needs for adoption support services.

Mr McNulty: I thank the Member for giving way. I want us all to commit to no longer using the term "looked-after children" because it has an unfortunate acronym. I have identified that and addressed it in the Education Committee. It would be more positive for us all to identify those children as being "children looked after" because of the implications of the acronym. Members should all commit to doing that.

Mr Gildernew: We should all be careful with our language. However, at times, there may be legal requirements whereby certain terms are recognised, but I take the Member's point on board.

The Bill enables the Department to establish an independent review mechanism for the assessment of prospective adopters and introduces a new legal framework for disclosure of information and establishing contact.

The Bill makes a number of changes with regard to extending and strengthening the Children Order to enhance services to children and young people. Those include reducing the time that a child is required to have lived with a foster carer from three years to one year before a foster carer is permitted to seek a residence

order, which stipulates the person with whom a child should live. It introduces a special guardianship order, which is intended to provide greater permanence for children who cannot return to their birth families; statutory advocacy services for looked-after children and former looked-after children; a power for authorities to provide accommodation to a disabled child for the purposes of short-term breaks; and a new important requirement for authorities to promote the child's educational achievement. It also amends the definition of harm to include harm caused to a child by seeing or hearing ill treatment of another person.

Due to the size of the Bill, departmental officials briefed the Committee on its principles over two weeks: the first week was on adoption services and the second on the Children Order. Officials provided a detailed briefing over the two weeks, a number of matters were discussed and officials agreed to provide the Committee with further information on a number of other matters. I will outline some of the matters that were discussed at the briefing.

First, members asked about the resources that would be required to bring forward the proposals. The Committee understands that significant recurrent funding would be required to take forward the proposals, including the new provision for an assessment of need. The Committee was advised that the estimated cost over the first three years would be £38 million. Departmental officials agreed to provide a further breakdown of the resources that would be required for the adoption and children's needs provisions in the Bill. The Committee looks forward to receiving that breakdown at the earliest opportunity.

Committee members were briefed that significant consultation and engagement with stakeholders had been undertaken by the Department over a number of years. The Department agreed to provide further information on the consultations that it had undertaken and to outline the clauses that stakeholders had indicated concerns with.

Committee members discussed definitions in the Bill and, specifically, its definition of "harm". The Committee welcomes the change to include harm that is caused to a child by seeing or hearing the ill treatment of another person. However, Committee members asked further questions about why it did not include the definition of harm as per the recent Domestic Abusive and Family Proceedings Act. I will return to that point in more detail later. Officials stated that they are considering tabling an amendment to that clause that would change

the definition. The Committee will consider that during its scrutiny of the Bill.

During the briefings, there was discussion about what is meant by:

"a duty to promote the child's educational achievement."

The Committee is all too aware of the significant disruption that there can be to the education of children in care and that their educational achievement can suffer due to that. Although it welcomes that duty, the Committee is keen to see what it means in practice for children and young people. It would like to know how that will be measured, how the outcomes will be reviewed and what continued and ongoing scrutiny there will be to ensure that that happens in a positive way.

The Committee is aware that there are informal and formal care arrangements in place for children, especially in border regions, where many families are split across the border. At the briefing with officials, I and other Committee members raised the issue of cross-border care and asked how the Bill will provide the best care outcomes when families reside across the border, in some circumstances only a few hundred yards away. Officials advised that any official cross-border arrangements would be classed as inter-country adoptions and would require a different set of rules and processes. The Committee will consider that further during evidence. The key to providing the best care that we can to vulnerable children and young people is to place them in the best and most appropriate form of care. That may include placing them in existing family structures — sometimes referred to as kinship care — including those that may be across the border. We need to see how we can best support children, young people and families in those situations, and officials have committed to providing the Committee with a written briefing on that matter.

Committee members raised many other issues during the briefings. Providing the Bill passes its Second Stage, the Committee looks forward to engaging with stakeholders and scrutinising it in further detail.

I would now like to make some remarks in my role as Sinn Féin health spokesperson. A chairde, this is a substantial piece of legislation that has been long overdue since the initial Adopting the Future draft strategy. We in Sinn Féin welcome the opportunity to speak about the Bill, given its importance and the effect that it will have on so many children and families.

While scrutinising any legislation that deals with potentially vulnerable children and young people, it is essential that we focus our efforts on making sure that the process is transparent and that those in adoption agencies, and the Department generally, are accountable and that their efforts are focused on the best interests of the child, as set out in the legislation.

There are only six months left of this Assembly mandate and, given the workload involved, that does not give the Health Committee a great deal of time for scrutiny. Adoption is one of the most emotive situations that a child or family can experience, and it is often a great source of tension in family units. The work done in that regard by social workers and others who work in the field cannot be commended highly enough.

It is often cited as one of the most difficult and stressful tasks for any social worker to be involved in, due to the competing priorities of parental rights and the paramountcy of the child's best interests. Often, those are difficult decisions and complex balances to be weighed. We must ensure that there is circumspection, support and that everyone is aware of the impact on everyone, particularly the child who is at the centre of the proceedings.

11.30 am

I referred to the inter-country adoption issue. Regulations that are made under section 1 of the Adoption (Inter-country Aspects) Act 2001 provide that:

"The Department may charge a fee to adopters for services provided or to be provided by the Department in relation to adoptions".

That has the potential to adversely affect those with familial ties to a child who resides in this jurisdiction if the adopter lives in the Twenty-six Counties. It is incumbent on the Minister and his Department to make sure that those who have familial ties in the Twenty-six Counties are not disadvantaged. I include especially the primacy of the child's best interests in that issue should people potentially have to pay a fee or to cross other barriers or hurdles in order to progress an adoption. Due consideration must be given to those in border areas who may have formal or informal care arrangements in place.

As we all know, many families in border communities are separated by that border yet may live only a few hundred yards apart,

potentially on the same road or indeed even, on occasions, on the same farm. To suggest that additional barriers being placed on those potential kinship adoptions would be in the child's best interests is not credible. The average estimated cost of an inter-country adoption, as identified by RaISe, is over £5,000. While the Bill states that the Department may determine the fee or, indeed, waive a fee, as it sees fit, it is unclear what principles would guide the Department in making that decision on fees.

As well as that, the addition of clause 82 makes it an illegal offence to bring a child into this jurisdiction without prescribed procedures. Given our unique circumstances, it is important to ensure that there is alignment on that North and South and an understanding that there are many families who live less than one mile apart but are technically in two different jurisdictions on the island. We must ensure that those who live in border areas and those with family ties are not placed at a disadvantage.

On the definition of harm, which I have touched on, clause 133 amends the definition of harm in the Children Order to make it clear that harm to a child who may be at risk of suffering includes any impairment of the child's health or development as a result of:

"seeing or hearing the ill-treatment of another"

person, such as in domestic violence. Ill treatment is already defined in article 2 of the Children Order. It is broader than physical violence and includes sexual abuse and forms of ill treatment that are not physical. The effect is that any harm that a child suffers because a parent is being harassed or intimidated is included in the definition of harm. The amendment will apply to all proceedings where the court applies the welfare checklist that is set out in article 3(3) of the Children Order. That includes proceedings for contact or residence orders. While it is welcome that the definition has been broadened to encapsulate the witnessing and hearing of harm that is done to others and the impairment that that may cause to a child's development, it remains an issue of concern that the definition of harm in the Bill has not taken cognisance of the further definition in the domestic abuse legislation at this point. Officials confirmed to the Health Committee that they are considering an amendment on that. I welcome that indeed.

Domestic and sexual abuse are amongst the worst causes of child developmental impairment. Children must be protected from

that as a priority. As the Minister said, work is only beginning on what is a hugely important and complex Bill. I look forward to further scrutiny of it.

Mrs Cameron: I, too, want to express my solidarity with the Minister of Health in the face of the abhorrent threats that he has had to endure in recent days.

My party and I welcome the debate on the general principles of the Adoption and Children Bill. It is a long-awaited Bill. Current legislation is almost 35 years old. It is, however, an advantage to have the experience of the English, Welsh and Scottish legislative changes and, hopefully, to learn from their experiences in a positive way.

The Bill is a huge piece of proposed legislation, with 160 clauses and five schedules. It will undoubtedly be a challenge to scrutinise and process it in what is left of the mandate. It is an extremely comprehensive and sensitive piece of draft legislation. It will, of course, require detailed scrutiny and effective and regular engagement with advocates, health professionals and representatives of looked-after children. The Bill will supersede a significant number of other pieces of legislation that make up the adoption framework. It is important that, in streamlining the Bill into a new framework, there are no unintended consequences.

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

I know of many families who have adopted children and offered them secure, safe, happy and loving homes, yet those parents testify to an arduous process that has so many obstacles and moments of false hope, where hope can be dashed and those without the greatest patience and determination will give up. I also know people who just could not take the process any longer but who would make fantastic parents. We need to ensure that the law encourages those people while providing all the necessary protections to keep children safe.

The DUP strongly supports the overriding aim of the Bill, which is to place the welfare of the child at the heart of every stage of the adoption process. Vital aspects of that include ascertaining a child's wishes where appropriate before decisions are made and ensuring that better support is available in court proceedings.

Over recent years, there has been a decline in the number of adopters coming forward. Interestingly, reports suggest that that trend

was reversed during the pandemic, so we need to seize on that and promote legislation that radically improves efficiency at every stage of the adoption and fostering process.

One of the biggest challenges we face is reducing the time it takes to complete the process. Our timescales are much longer than those elsewhere in the UK. The proposal to enable courts to impose time limits on adoption proceedings is a constructive step toward addressing unnecessary delays in the process. Current targets suggest that 90% of all adoptions in Northern Ireland for children in care should take place within three years of their last entry to care. However, as we are aware, that target has not been met for several years. Timescales for that process must be urgently and sustainably addressed. The provision of tools to allow courts to take that forward by imposing time limits on proceedings is extremely welcome. It would be interesting to know whether there will be accompanying training requirements for those in the judiciary to deliver on that aim. I welcome the statutory principle to prevent delay with the requirement for courts to drop timetables for resolving cases, as we all recognise the negative impact delay has on a child's welfare.

When we consider that most children going through this process are from the care system and the hurt and harm they will have been subjected to in their short lives, we see that we should be seeking to find them that caring, loving home in a timely manner. It is good to see the provisions of the Bill that place a duty on trusts to provide information about the types of adoption and support services that are available in their areas, and it is particularly welcome that adoption support will incorporate financial support and access to counselling along with advice and information relating to adoption.

A vital aspect of that will involve drawing on the extensive expertise of the third sector; therefore, giving trusts the option to engage with voluntary adoption agencies that are registered with RQIA to draw on their extensive expertise is a much-needed move forward. However, it is important to learn from the difficulties in implementing similar legislation elsewhere. The Northern Ireland Association of Social Workers (NIASW) has highlighted that the local authorities in Scotland have had difficulties in fully funding the adoption support aspects of the 2007 Act there, so I look forward to engagement with the Minister on how that aim will be best achieved.

Northern Ireland has the highest levels of post-adoption contact in the UK. Research by the Northern Ireland strand of the British Association of Social Workers (BASW) found that some adoptive parents feel a sense of pressure from courts to facilitate face-to-face contact and are fearful that any opposition to that could harm the status of their application. Therefore, I welcome clause 135, which enshrines the principle that contact can be refused between a child and their birth parent if such contact is not consistent with a child's safeguarding or well-being. I thank Women's Aid Northern Ireland for its contribution on the issue. It emphasised the need to focus on domestic and sexual violence as a key safeguarding issue, and I also welcome the protection against the barbaric practice of female genital mutilation.

The inclusion of a new duty to consider dually approved carers in adoption decisions is a positive step forward and as the potential to reduce the number of moves a child has to make and to promote continuity of care and circumstances for those involved. We recognise that not every child will want to go down the route of adoption, and, in some cases, a secure placement, such as a special guardianship order, may benefit their long-term well-being.

At every stage, the welfare and wishes of the child must be taken into account. However, the arrangement does not extinguish the legal link to birth parents, and there are issues in relation to that that warrant further investigation. There is a need to address children's advocates and health professionals' concerns that the concept might ultimately be used as a cost-saving measure.

The Bill will strengthen the provisions for looked-after children and care leavers, by extending the age of entitlement to 25, placing an emphasis on corporate parenting and promoting educational achievement. We welcome those provisions. There is a need to support every child, regardless of their pathway or circumstances.

The proposal to establish adoption registers covering contact with children currently on an adoption pathway raises issues about data protection and safeguarding. It is important that those provisions be evidence based and rights compatible, particularly where prospective adopters are to be granted access. It is right that adopted persons are able to access information on their birth families. The Bill makes provision for that information to be retained, updated and accessed.

The provision in the Bill for an independent review mechanism against adoption panel determinations is welcome. The opportunity to dig deeper into the potential eligibility criteria for requesting such a review and the provision of an overview of how appeals or complaints by prospective adopters are dealt with presently are positive steps forward and help the entire process to become more robust. It is right that those who have invested so much time and emotion in the process have that right of appeal and that it is dealt with independently.

The specific provision in clause 5 inserting the right to an assessment for post-adoption services is a welcome step forward as well. It is important that we take a holistic and rounded approach to how we support adopted children and those who adopt. It is vital that ongoing support be available to help all parties to adapt to their new life. By ensuring that such support is in place, better outcomes will undoubtedly be supported.

We point out the need to ensure that the plans to place duties on trusts to provide information places sufficient focus on issues such as advance consent for adoption. We want to ensure that those who are pregnant are able to make fully informed decisions regarding adoption at an earlier stage. There is a need to ensure a collaborative and joined-up approach to that among health services.

In conclusion, it is vital that the process be robust and helps to secure happy outcomes for all those involved. We understand that the process to reach that goal is complex, as is the law around it. The process must therefore be right.

Ms Hunter: I welcome the opportunity to speak at the Second Stage of this very important Adoption and Children Bill, and I thank the Minister for moving it. My thoughts are with him, given the threats that he has received. That should be neither an accepted nor a normalised part of public life. I therefore offer my support and solidarity to him.

The SDLP welcomes the legislation, which will see adoption law become fully aligned with provisions in the Children Order 1995, and which sets out that the child's welfare is paramount. That is at the heart of the Bill. I also welcome the fact that that will ensure that our law fully adheres to the UN Convention on the Rights of the Child.

I welcome the expansion and commitment in the Bill to supporting the rights of children, including clause 120, which ensures that the

wishes of children are ascertained; clause 121, which places a duty on authorities to safeguard and promote the welfare of children in need; and clause 122, which places a duty to promote educational achievement and prevent disruption to education and training. That is an issue of great importance, and I am absolutely delighted to see it included. Disruption to the lives of children who go through adoption must be minimised wherever it can be. The fact that that commitment will be enshrined is therefore most welcome.

I welcome that the Bill will play a significant and positive role in reforming the adoption process and place care planning and advocacy services on a statutory basis. Reforming the adoption process will, in turn, improve support for families in need and children in care. I particularly welcome the Bill's emphasis on providing further support for care leavers.

The introduction of this legislation in the North will bring our law into line with changes made across the rest of these islands in 2002 and 2007. The current legislation appears outdated, given that it often causes unnecessary delay and uncertainty throughout the adoption process.

11.45 am

Looking through the clauses, I seek further detail and clarity in order to outline exactly how the legislation safeguards and promotes the rights of individuals and same-sex couples to adopt. For example, clauses 47 and 48 mention civil partnerships, but I am mindful that the Northern Ireland Human Rights Commission:

"recommends that the consultation and proposed Bill outline in detail specific measures to be taken to ensure non-discrimination against same-sex couples and individuals in the adoption process."

I would like to hear a little bit more about that. It is important to highlight and make clear to all those who are involved, including trust employees and prospective parents, the rights of same-sex couples to adopt. The National Adoption Service in Wales, for example, states:

"Adoption is open to people who can meet the needs of children waiting for adoptive families, and we welcome enquiries from all different types of adopters, from across the spectrum of sexuality or gender identity."

I hope that as we progress the Bill, we can see that same enthusiasm and language of inclusivity.

I also welcome wholeheartedly the inclusion of stopping young women and girls from undergoing barbaric FGM.

Lastly, I urge the Department to outline how the additional services in the Bill will be resourced and to ensure that consultation and engagement with the Department of Justice and the Courts Service is maximised so that the changes are implemented with minimal disruption. Along with Barnardo's and the Chair of the Committee, I have some concerns about clause 133, "Definition of harm". The definition should be expanded in order to recognise that children do not need to witness ill-treatment by sight or sound to be affected and impacted by it. That would bring us in line with other legislation, such as the provisions in the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021.

While I regret that the legislation is a long time coming — Paul Goggins unveiled the Adopting the Future strategy in 2006, which set out some of the changes that were needed — I am very grateful that we are here today. I thank the Minister for bringing this important Bill forward. Each year, 85 to 90 children are adopted in the North; that is a lot of new beginnings. I hope that the Bill will go as far as possible to support them and their families in the new chapter of their lives.

Mr McNulty: Will the Member give way?

Ms Hunter: Yes, go on ahead.

Mr McNulty: On a personal note, my uncle is adopted but we do not think of him as our adopted uncle. We think of him as our Uncle Padraig. He is such a loved member of our family — a wonderful father, an adoring husband and a brilliant example to his children. He is a wonderful part of the community and a Trojan hard worker. I just want to recognise the important role that adoptive parents play in our society and to recognise the pain that families who give up children for adoption go through, probably through no fault of their own but because they have met circumstances in which the child is put up for adoption. I want to recognise that so many adopted children are placed in loving, caring homes and thrive and grow to be wonderful people in their own right.

Ms Hunter: I thank the Member for his intervention. I agree; any families that I have

spoken with want more support post-adoption. Hopefully, the Bill will do that.

Mr Butler: I associate myself with the Health Committee Chairperson's comments about the threats that have been made against our Minister of Health. The COVID pandemic has thrown up many anomalies in society and, sadly, one of those has been those who seek to diminish the people who are carrying the burden on their shoulders and trying to lead us through this life-threatening pandemic. What has happened is absolutely disgusting, whether it is online or in person, and people need to desist from what they are doing. In effect, not only are they causing hassle and stress for the Minister of Health and his family but they are endangering other people's lives with the nonsense that they are peddling.

I thank Mr McNulty for his comments about his Uncle Padraig. It is really welcome to hear someone speaking on the Bill from a position of experience. In the first instance, I thank the Minister for prioritising the Bill. As the Committee Chairperson said, we have a compressed time period in which to deal with it, but that is because we did not have a legislative process for three years. The Minister has seen that this is an issue that needs to be prioritised.

I will declare an interest at the outset, if that is OK. My wife and I have been foster parents for over 15 years now, and we have probably had in the region of 23 or 24 children through our home in that time. At the moment, without disclosing too much information, we are privileged to have three children, who are six, four and two years old and whom, we hope, will, in the very near future, be with us permanently. So I have an interest in the Bill.

I will not speak too much to the technicalities of the Bill. I normally do not, so Members will say, "There's no surprise there, Robbie". I will not speak to its technicalities because, although it is —

Mr McNulty: I thank the Member for giving way. I applaud him for the important role that he and his wife are playing in society by fostering children. That is of huge importance.

Although this is not necessarily directly linked to the Bill, I recognise that there is a crisis in foster care at the moment. Agencies are reaching out to families to see who is available to help a child shine. It is important that we note that a crisis is going on and that we say to families who want to help a child develop and shine to come forward to offer that service to children.

Mr Deputy Speaker (Mr Beggs): I remind Members that, although it is good to give some personal experience, we are here to debate the Bill.

Mr Butler: No problem, Mr Deputy Speaker. I thank the Member for his kind comments.

The Bill talks to many of those issues. If not in technical terms, it is OK to speak to the Bill in terms that are not technical, because part of its purpose is to encourage people to foster and to adopt, so, when I say that I will not talk to its technicalities, I pray that you will indulge me, Mr Deputy Speaker, because this is very pertinent to the Bill.

Mr Deputy Speaker (Mr Beggs): General principles.

Mr Butler: OK. As the Member said, we have a problem. The number of children living in care has increased every year for the past 20 years. Almost 3,000 children have been in care over the past 12 months. I talked to Foster Care NI, which told me that roughly 16 new children enter the care system every week. It is a very real and pressing issue that we must deal with. We need to ensure that the homes and the supports that we create for those children are as good as they can be, and I hope that the legislation will have an effect on their lives as quickly as possible.

The majority of adoptions in Northern Ireland are of children who are currently in the care system. Figures have been given of between 91 and 168 over the past five years. That shows the absolute need to facilitate them. We need to make it as safe as possible but relatively seamless for families who want to step into the gap to provide care for those children. There is also an understanding that a lot of those children come from homes that have been disrupted or are finding themselves in difficulty.

The other thing that I want to put on record from my lived experience, which, I hope, the legislation will pick up on, is that it is right and proper that we thank the people out there who provide adoptive and foster homes to looked-after children. We have to recognise, however, that, in those families, there are sons, daughters, extended family and friends who are part of the package and also provide some assistance. They therefore need to be included in the conversation as well. I think of my own son and daughter, who are 22 and 20 respectively. They have played an incredibly important role in facilitating what we have tried

to do with the children who have come through our care.

The legislation will put care planning and advocacy services on a statutory footing. It will create a duty to promote educational achievement and to diminish disruption to education. It will provide a framework and principles for those who are responsible for children in care to ensure their safety and stability, as well as promote high aspirations and prepare those children for adult life. I am absolutely delighted about that Part of the Bill. It is an indisputable fact that a good start in life very often pays out in the form of a more stable and successful later life. Life is inevitably harder for children and young people who are exposed to trauma or dysfunctionality. The support services therefore need to be in place, and that need must be recognised as early as possible. The Minister has ensured that they have been included in the Bill, and their importance cannot be overemphasised. For instance, on the Education Committee, we are currently looking at the pathways for 14- to 19-year-olds. Those pathways can be difficult enough, even for children who have that stability at home and do not have additional difficulties. For those children who perhaps did not get the start to life that they deserved or who had a traumatic start that has led to, for example, attachment disorders or behavioural issues, the Bill has the potential to address those issues at the earliest stage of their life. That will make the difference for those young people. I really look forward to seeing Part 2 of the Bill be developed at Committee Stage.

Adoption of any child ultimately happens only because something has gone wrong, whether that be the breakdown of parental care or perhaps even because of tragic circumstances. Children in care come from less than ideal situations. Whilst adoption can provide a safe and stable home for them, it is not at all straightforward. Often, adoption can place a large and unexpected burden on that family unit. The legislation will further enable the health and social care trusts to provide greater financial and professional support to families, and that will help them to provide the safe and stable environment that is critical to children's successful upbringing.

My final point is that 13% of children in care have a recognised disability, and 25% of those of compulsory school age who are in care have a statement of special educational need. Those percentages are significantly higher than for those not living in care, meaning that many prospective adopters need additional support,

or even specialist input, to create a safe and stable home environment.

The legislation will also set out a viable avenue for health and social care trusts to provide short-term respite care to children with a disability without requiring them to become looked-after. Throughout the COVID pandemic, we have seen the absolute need for respite care, and we have done our absolute best. However, when we come out of this, we must realise that that pathway is vital.

As I said at the outset, I am deeply interested in this legislation, and I am delighted that it will mean a much-needed updating of our adoption legislation. I hope that, like me, everyone in the Chamber can see the positive impact that this will have and will join us in voting for it.

Minister, I put on record that I missed the piece on SGOs when I read through your statement, but I was delighted to hear you mention them. Special guardianship orders exist across the water in mainland UK, and it is really good to see an alignment that will facilitate children who come from there to a family unit here, or vice versa, depending on how it happens. Sometimes, that has been an issue. I believe that it will be better under your ministerial guidance.

I ask everyone in the Chamber to support the Bill.

Ms Armstrong: I join everyone else, Minister, in expressing solidarity with you. The faceless cowards who often bring these threats to many members of our Executive are shameless. We all stand in solidarity with you.

I declare an interest — Mrs Cameron stole my thunder — as one of the parents who joined the adoption system but left it. I may go into that later. The subject is close to my heart. By the way, I chose to withdraw for personal reasons; I was not kicked out.

The Alliance Party, of course, supports the Bill. 'Adopting the Future' was an adoption strategy published 11 years after the Children Order, and it is frustrating that we are now 15 years on from that. This is the vital work that we are elected to do, so let us ensure that we do it with no further delay.

Let us be clear about why the Bill is so important and urgent: we need to align adoption law to make the child's welfare the paramount consideration in decisions relating to adoption; we need to ensure that there is a statutory duty for an adoption service; we need to provide a

new right for adopted children and parents to request an assessment of their needs for adoption support services; we need to introduce a new legal framework for disclosure of information and establishing contact; we need to amend the definition of "harm" to include seeing and hearing the ill treatment of another person; we need to make sure that parents bringing an adopted child into Northern Ireland have followed the appropriate procedures; and we need to establish a regional register to provide matches between children waiting to be adopted and prospective adopters.

We have left children who wish to be adopted in foster care for longer than necessary. We need to be clearer about ascertaining the wishes of children around investigations and child protection. We must act to ensure that children feel permanency in their new adopted home, and we need to provide reassurance in law, through statutory advocacy services, for children who are looked after.

I welcome, in particular, the special guardianship insertion at clause 119. I should have declared another interest: I am a former chair of Kinship Care. As such, I encourage the taking of further evidence on kinship care from that organisation. In particular, one of the Bill's provisions is that a special guardian should be at least 18 years old. It does not include protections or support that could be offered to a sibling, for instance, who is almost 18 and could be their younger sibling's special guardian.

The legislation is aimed at ensuring that many of the children who have the toughest start in life will have their interests prioritised. Among other things, the Bill places the Going the Extra Mile scheme on a statutory footing, meaning that care leavers can stay with their foster parents until the age of 21.

Will we as legislators now go the extra mile to ensure that the legislation progresses swiftly in the interests of protecting children from harm and giving them security?

12.00 noon

I am not here to argue that the Bill is perfect, but it is obvious that it is important legislation covering, vitally, adoption provisions with reference to children entering Northern Ireland from abroad and amendments to children and adoption legislation. In that regard, it serves to modernise and secure our adoption framework. Figures showing that, during the pandemic, adoptions halved only make this more urgent.

Clause 1 places into law what should be obvious but, in practice, may not always be so: the welfare of the child is paramount. That is specifically applied to a court or an adoption agency, but, of course, it needs to apply broadly to everyone involved. Thankfully, that is then threaded throughout the Bill.

Chapter 2 covers the statutory requirement for an adoption service, including, importantly, a statutory right to request an assessment for adoption support. Regarding clause 3, I ask the Minister why there will be five adoption authorities instead of one. If the Bill is to take a child-centred approach, having five adoption authorities creates boundaries in the process and can limit the number of potential adopters available to be considered for a child. Northern Ireland is a small place. Why not enable and expand the pool of adopters with whom to place the child by having one authority that covers all of Northern Ireland instead of children being adopted across boundaries that have been created by the process? Are those boundaries in the best interests of children? I appreciate that there is a discussion about a regional register, but why have those boundaries been included?

In clause 5(4), I am delighted to see a plan for the provision of adoption support services, but the Bill does not specify whether that plan will include checks and balances to ensure that support is provided in a timely fashion and not delayed by resourcing issues. In the past, children have stayed in care longer than necessary, and adopters have been delayed in the process due to staff shortages and staff changes. That must be managed, and I sincerely hope that the detail of the plan will include a measurement of effective service provision.

In the Bill, there is no discussion of support for foster carers. Foster carers will have come to many of our offices particularly concerned about allegations having been made. Those allegations may have been unfounded, but it takes a significant time for them to be taken from a foster carer's record, thus harming their ability to have other employment or to foster children. There is no clarification of that.

On the clauses on the disclosure of information, it is vital that people who are adopted have access to information. Many victims of mother-and-baby homes, with whom my colleague Paula Bradshaw MLA has been working, have extreme difficulty with what should be a simple process of retrieving information about their past. The Bill defines access to information for adoptions that will take place after the Bill

receives Royal Assent: it will be difficult for people adopted before the Bill is enacted to wade through the current system to access their information.

Clauses 7 and 8 are silent on the assessment of the effectiveness of the adoption authorities. Should the adoption authorities also be held to account to ensure that, in a child-centred approach, no child or adoption is delayed through staffing issues or adopters lost through elongated processes? I left the process because, after three and a half years and having finally completed courses and after having many social workers, we faced a further three years before we would be able to adopt. We decided that enough was enough. We do not want to lose adopters because of the elongated process. Clause 9 regulates adoption agencies but does not clarify regulations for adoption authorities. Perhaps the Committee will consider that. Clause 10 talks about the management of adoption authorities and voluntary organisations but not regulation of performance. Through the adoption process, one key thing that has come forward from people who have been adopted is the time that it takes and the performance of statutory agencies.

Clauses 28 and 29 clarify the number of days when a child has to be returned to parents in particular circumstances. That may be 14 days or seven days. However, it does not give any consideration to the upheaval for the child. If this is child-centred legislation, perhaps the Minister can confirm why the number of days cannot be amended to take account of how long a child has been living with foster carers? That will allow a period of adjustment and preparation for the child when they are being returned to their parent.

I have some issues with Clause 42, and it ties in with what Ms Hunter from the SDLP said. Clause 42 confirms that regulations will be provided to confirm the suitability of adopters. The regulations will be made by negative resolution. Is that the best way to do that? If we are to ensure effective equality in the system, would it be better to make the regulations through a positive resolution process? In my experience, prospective adopters are not provided with a list of the regulations. They are welcome to have the list of regulations, but the variance across the trusts has been astonishing. Prospective adopters have been asked to lose weight because they are too fat to be a parent. They are asked to be employed or not be employed. Where there is a marriage of people of different religions, the couple must decide which religion the household will

choose. None of that information is provided in advance to potential adopters. I would like to see the adoption application process become more transparent and those systems brought forward. It would be worthwhile to move from negative to positive resolution. The Assembly needs to use its scrutiny role to ensure that prospective adopters are fully aware of their requirements and that each adoption authority agency follows the same scheme.

I do not doubt that chapters 4 and 5, which provide clarity on status and the establishment of a register, will be warmly welcomed, if considered long overdue.

Part 2 makes important amendments directly to the Children Order, notably on residence and education. That includes, at clause 120, an important requirement to ascertain children's "wishes and feelings". That phrasing is important as it is a change from "will" or "expressed will" to the actual wishes and feelings of the child.

Clause 123 is on corporate parenting principles. Minister, that issue, perhaps, needs to be expanded or amended. It mentions:

"children who are looked after by an authority",

and how they are treated. I am aware of children who are being trafficked out of care homes. Will there be effective guidance to ensure that teenage girls and boys in care —

Mr Swann: Will the Member give way?

Ms Armstrong: I will.

Mr Swann: I hope that the Member has brought that to the appropriate authorities, if she is aware of it.

Ms Armstrong: I have, certainly. Unfortunately, it is an ongoing issue.

There must be effective guidance to ensure that teenage girls and boys in care are parented and protected, so that, for instance, they cannot walk out of a home at 10.00 pm. Social workers and staff should be supported to act as parents and take responsibility for the children in their care. I would not let my children leave the house at 10.00 pm, so why would a child in care be allowed to behave in a way that puts them in danger from people who will ply them with drugs or alcohol and, sadly, lead some of them into prostitution? I have all the time in the world for social workers who deal with children

who have difficulties and present difficult behaviours, but we need to support those social workers so that their first action is not to report that child to the police. I encourage the Committee to talk to organisations such as Invisible Traffick that work with care homes and children to warn them about the perils of the big bad world.

I will draw clause 127 to the Minister's attention. The clause is about the right to contact. What happens if the contact is not working right? Will a child's thoughts on the matter be brought into play? For example, what if the parent or person who has applied for the contact does not turn up? That has a devastating impact on children. We need to consider whether the legislation should make it clear that birth parents can have contact but cannot let children down. Children cannot be left feeling abandoned again. They cannot be left to think they have done something wrong when a parent does not turn up.

I welcome clause 141 regarding the public awareness of fostering.

I draw attention to the need for the Legal Services Agency to be prepared for the orders for contact during placement and for post-adoption contact, which will have legal aid implications. Of course, those situations are not always easy.

I will conclude with general remarks on the context in which the Bill is being brought forward. First, it could conceivably be dovetailed more effectively with the Domestic Abuse and Civil Proceedings Act, particularly concerning children being impacted by domestic abuse even where absent. I am hopeful that a way forward can be found in that regard. Secondly, I remain concerned that, where a child was conceived as a result of rape, the father would still be able to apply for access. That is extremely worrying, as the application alone could cause considerable distress to the victim, and that is intolerable. I am unconvinced that we should leave that to a legal process in a court when we can act now to prevent it in the first place. Thirdly, I am concerned that the consultation supported the Children and Young People's Strategic Partnership being placed on a statutory footing, but complexities have led to it being excluded from the Bill. I am sure that my colleague Paula Bradshaw MLA will seek further information on that, while recognising that it may involve significant amendments to different legislation.

It is time that we enabled children with the security of a forever home. There may be work

to do on the detail, but I broadly warmly commend the Bill.

Ms Ní Chuilín: Like other Members, Minister, I convey my support and solidarity with you and your family and, indeed, your parents and wider family.

It has been mentioned quite a few times — I am sure that this will not be the last time that you hear it, Minister and, to be fair, you mentioned it yourself — that this legislation and reform of adoption procedures is long overdue, so it is welcome. It is not lost on any of us — the Minister mentioned it yesterday in response to a question for urgent oral answer from my colleague Emma Sheerin and in relation to a question posed by Pam about adoption — that the report that we will hear about today, particularly in relation to mother-and-baby homes and Magdalene laundries, will probably outline the worst examples of how things were done.

I appreciate that this legislation will try to amend not only the practices but, as Kellie and others have outlined, the whole process around adoption. It is a stressful journey, to be honest. Even in relation to the mother-and-baby homes from partition to 1990, I know of such — I am loath to call them "homes" — facilities that were in my constituency of North Belfast.

The preamble was good, but I want to touch on some of the absences. This is not about nitpicking; it is just about clarity. This is a substantial Bill; it has 166 clauses. There are constant references to the 1995 Children Order, which had 177 pages to read through, and, trying to cross-reference both, I still did not get an answer to my query. Like many others, I am used to reading legislation, and I will certainly scrutinise the Bill in the Health Committee, but there is a lot to be said for plain English. The less ambiguity around legislation, the better, because we need to ensure that people have a clear understanding.

Minister, I commend you for bringing the Bill to Second Stage. As the Chair, Colm, outlined, the Committee had discussions with and presentations from officials. I want to come back to those at a later stage.

I would appreciate "private fostering" and, indeed, "private adoption" being outlined in clause 1. I would like there to be further explanation of what those private arrangements may entail, because that is really important. That is not to say that it will be as it was in the case of mother-and-baby homes and

Magdalene laundries, but we need to have quite a lot of detail.

Clause 3 refers to the regional adoption board.

My understanding is that the adoption authorities are the five health and social care trusts. The regional board and its relationship to each of those trusts needs further definition. As has been raised, and I will touch on this again later, there needs to be a seamless link between each adoption authority and their procedures. The guidance on that needs to be clearer and seamless as well.

12.15 pm

Colm and other Members mentioned kinship. If kinship is special guardianship, the Bill needs to say so. I know it is not the intention of the Minister and his officials, but the lack of mention of kinship undermines the work involved in and the value of kinship. I know that is not intentional, but, when we are correcting previous legislation and guidance through the Bill, we need to reflect that. If kinship is not special guardianship, fair enough, but I want to know exactly what it is.

Clause 9 covers the general power to regulate adoption agencies. Again, I want to know the differences between those adoption agencies that are under the guardianship, care or the scrutiny of the regional health and social care boards and those agencies that are not. What regulates them? Further on, the Bill talks about RQIA's role, but I want to know what the differences are. The Minister and Members across the House will fully appreciate that I want to see additional clarity on those differences when it comes to private fostering and adoption arrangements.

I referred to the role of RQIA and the management of adoption agencies in clause 9, but I will turn now to the management of agencies in clause 10. What role, if any, will the statutory advocate have? Again, I welcome that advocate having statutory power and vires, but the role is not clear to me, even though I read clause 10 quite a few times.

Clause 12 is headed:

"Independent review of qualifying determinations of adoption agencies".

Again, while the clauses are almost deliberately going into each other because of their connection, I believe we need greater definition, because it is not there. For me, clause 12 also

presented some concerns about, arguably, clause 60 and 61, which are on disclosure. I will touch on that again. I ask for additional information on that because I want to know what the rights of adopted children are, and the Bill is not very specific on them. Colm made the point about how the Adoption and Children Bill should be called the Adoption of Children Bill, because it is a bit misleading. I accept that that is not deliberate; it is probably the nuance of language.

The Minister mentioned data protection, and I welcome that, but I have looked across each chapter and clause, and data protection is not mentioned once. I think that is a mistake, because data protection has, as the term suggests, legal protections that are very clearly laid out. If they are not clearly laid out, there are implications for the Bill under articles 8 and 13 of the European Convention on Human Rights (ECHR).

Clause 17 is headed "Advance consent to adoption". It cross-references with clause 51, which covers provisions that allow a parent to relinquish their child for adoption if they wish. In order to do so, they must have no further involvement with their child. Clause 51 should have a bit more of a focus on consent. I know there are additional and separate categories of consent. As with any massive Bill, you go back and forward. I am not complaining about that; that is what we are here for. I am not being pedantic or nitpicky, but when talking about clause 17, the explanatory and financial memorandum (EFM) uses language that we need to look at as it talks of a parent's consent to "his child" being adopted. As recently as yesterday, we mentioned that a woman has choices, and one of those choices is the adoption of her child. That needs to be reflected in the Bill. The terminology might be something archaic in the law that has been transported, but I do not think it is right.

Clause 18 relates to placement orders, and, again, it references the Children Order. The alignment of adoption law with the Children Order 1995 is very welcome. However, the 1995 Children Order will probably need to be amended, if not fresh legislation brought forward, because it needs to take into consideration and include reference to the Domestic Abuse and Family Civil Proceedings Act 2021. I will make reference to that when I reach clause 133.

I found clause 32:

"Return of child in other cases"

and clause 33 difficult to read. We are talking about human beings here, but it reads as though we are talking about returning items. I know that that is not where the Minister or officials are coming from. Legislation is dry and devoid of emotion at times, but, to be honest, I found that wording a bit inappropriate. That is not what any of us want to see.

Clause 38 concerns recovery orders. The reasons for those have been listed in the context of breaches that are outlined in clauses 15 to 37. Again, we need to look at the definition of harm in clause 133, and at the introduction of subsequent legislation.

We need to consider a welfare checklist. I looked for such a checklist in the Children Order and in the Bill, but I could not find it, even though children's welfare is mentioned throughout the Bill. Perhaps social services, the police or others have such a checklist, but we will need to see it when we scrutinise the Bill. It is important that the concept of consent be included in the checklist. It is mentioned in clause 1(4) and is relevant throughout the Bill, particularly in clause 52, which concerns the modification of the Children Order in relation to adoption. The welfare checklist is important in every clause, but certainly in relation to kinship, which has been missed in that clause and should be included.

Clauses 60 concerns disclosing protected information about adults. Jim Allister raised a point about that at the start of the debate. Often, as I know from some of my constituents who found out that one of their grandparents had been adopted as a child, people want to know about their family history. They want to find things out. That facility is crucial, notwithstanding the implications of the Data Protection Act 2018 and the Public Records Act 1923, for people researching history, particularly that before partition. We need to look at that. While we need to protect people's rights, people need to be able to access information. That is vital.

I ask for additional information about clause 61, which concerns disclosing protected information about children. Subsection (2) says:

"The agency is not required to proceed with the application"

for disclosure for information

"unless it considers it appropriate to do so."

I want to see the guidance and criteria for that. I understand that people are coming at this from

a good place, but, in the past, particularly in the Magdalene laundries and mother-and-baby homes, information was power. That power was used to control people and prevent their access to information. An awful lot of power was in the hands of one or two people. It is hard to legislate for that, but we have an opportunity to ensure that that is not repeated.

Clause 65 concerns the meaning of adoption. It is laid out in chapter 4, and Colm touched upon it. When you look at areas around the border — Fermanagh, Cavan, Monaghan, Derry, Donegal — you see that some parishes there are all-island. That includes not only Catholic but Church of Ireland parishes. I am not sure about others; pardon my ignorance. In the past, some of the religious institutions were adoption agencies, and those parishes were referred to on birth certificates as well as some of the paperwork that people were subsequently able to retrieve. It is important that that is reflected.

I will raise an issue on clause 68. The legislative position has been that:

"it must be presumed that once a woman has attained the age of 55 years she will not adopt a person after execution of the instrument".

As a woman who is just over — well, a good bit over — 55, I wonder what that means. Does it relate to the life expectancy of an adoptive parent? What is that? Our life expectancy is, thankfully, slightly longer now. Given that there is a shortage of people who can foster and adopt, it is important for that to be clarified.

Will the Minister provide further detail on clause 76 on the adopted children register, specifically in the context of clauses 12, 60 and 105 in relation to privacy and disclosure? They are all connected and related to each other.

Colm mentioned clause 88 in the context of inter-country and all-island adoption as I have done.

I mentioned the welfare checklist that is specified in clause 119 on special guardianship. I appreciate that this is new and that it will be improved, but I looked for references to welfare checklists in article 3 of the Children Order, and they are not there. I assume that that is with the statutory authorities, but, when you scrutinise legislation, you should not assume anything; you get it clarified.

Mr Deputy Speaker (Mr Beggs): Order. I remind Members that the Second Stage of a Bill is about the general principles. Many valid

points and queries have been raised, but there will be opportunity at Committee Stage, should the House agree to the general principles of the Bill. I encourage Members to discuss the general principles of the Bill. I have given considerable latitude. I ask the Member to take that on board.

Ms Ní Chuilín: I appreciate that, LeasCheann Comhairle. You are right. I am doing this to give people advance notice; in the absence of clarity, I will repeat it at Committee Stage. I hope that the officials who are listening will have that information when they come to the Committee.

In relation to care plans, I was delighted to hear the Minister say that the Bill takes into consideration young people between the ages of 21 and 25. I considered bringing forward a private Member's Bill on this issue because, having worked with the Children's Law Centre and, indeed, with children who came through fostering and with looked-after children in the system, when it comes to statutory responsibilities, the fact that the age of 25 was not recognised, particularly when children were trying to access housing, made it very difficult. We all know that children who grow up and are reared through a corporate system by corporate parents are really disadvantaged. Personally, I am delighted to see the age of 25 recognised, as it is in Europe. It is great that it has happened, because it will mean an awful lot to those young people. It is really important that, when we look at the legislation, we check it against the UN Convention on the Rights of the Child. I have no doubt that that will happen.

12.30 pm

I ask the Minister to look at contact arrangements and contact centres. They need to be age-appropriate. I know many in social services who try their best, but arrangements sometimes do not suit estranged parents or other siblings, particularly when they are trying to get everybody together and there are gaps in age. I ask for greater flexibility. The fact is that there are massive pressures on social services now as there were well before COVID. When we look at workforce planning and at the roles and the guidance that will be needed for the legislation to be understood, we definitely need to look at the resources that are to be attached. If someone with the best will in the world and the greatest compassion wants to do their job but is not able to execute their duties, they are, although it is not their fault, in breach of their statutory and corporate responsibilities. No one

— none of us here and no one in Health and Social Care — wants to be in that position.

I referred to the fact that the guidance needs to be very clear. I have worked with social workers over many years. They know who they are, and I know that they are listening. I put on record my thanks and gratitude to them. They have done what they were asked to do and then some and in very difficult circumstances. They have put themselves at risk on many occasions, particularly when children have kicked out at them and been violent. I also put on record my gratitude to Voice of Young People in Care (VOYPIC) and other organisations concerned with the rights of children who are looked after. They have been waiting for legislation such as this for years. Many of them have been the voice of the voiceless. I know that they will be delighted that the age will be extended to 25 as a result of the Bill; indeed, there are clauses that talk about adult children who have been through the system. That will be well recognised.

I thank the Minister for bringing the Bill to Second Stage.

Ms Flynn: The importance of this long-overdue legislation has been mentioned numerous times already. You said, Minister, that current legislation dates back 35 years, which is longer than my lifetime. Most of the measures in the Bill are around modernising the current framework, which is outdated for dealing with the adoption process.

The Chair said that we had only six months left in the Assembly term. The Assembly and the Health Committee are pushed for time for giving the Bill the scrutiny that it deserves. It is essential, however, that we use the limited time that we have to treat the Bill with the utmost care and attention, which, hopefully, will allow it to complete its legislative passage and ensure that children and families are supported.

As the Chair mentioned, when scrutinising any legislation that deals with vulnerable children and young people, it is essential that we focus on making sure that the process is transparent and that those in adoption agencies and in the Department are accountable. The Minister said that there was some feedback from the sector in the consultation that was carried out. I spoke to some groups in the sector. Barnardo's reached out to MLAs in advance of today's debate. Like many other stakeholders, it is keen to see the passage of the Bill through the Assembly as quickly as possible.

Some of the elements in the Bill that I will focus on are the child's welfare; the right to an assessment of need for a parent, child or guardian; the importance of the advocacy services; and the requirement for authorities to promote the child's educational attainment. I will address a bit more generally the mental health impact that the complex process can have on families.

The Bill aims to bring adoption law into line with the Children Order to ensure that the child's welfare is the main focus in decisions. That is crucial. Some Members have spoken about their personal experience of the adoption process, but whether it be personal experience or engagement with constituents or social services as they go through the process, which, I am sure, we have all had, the most important factor and number-one priority is the child's welfare, safety and best interests. I welcome the fact that that is contained throughout the Bill and, rightfully, takes its place as a priority.

Another important aspect of the Bill is the provision of a new right for adopted children and adoptive parents to request an assessment of their needs for adoption support services. The Bill provides that that process will also be available for special guardians who might need additional counselling, advice or information. As has been stated, adoption is an extremely difficult process for everyone involved. The process of gaining a child by removing him or her from another family can and does trigger a range of emotions — positive and negative — and those emotions can be difficult to process, particularly for the child. The advantages of a safe, stable home where the physical and emotional needs of the young children are consistently met are critical, as research has shown that adoptees are, sadly, more likely than non-adoptees to be diagnosed with mental health issues. Additionally, research suggests that adoptees are more likely to abuse substances and even attempt suicide than their non-adopted peers. Some of that is, obviously, due to the trauma that some of the young people and kids have experienced earlier in their childhood. When it comes to the relationship between adoption and mental health, knowledge and prevention are power. Access to the right support services at the right time is an important first step for a parent or a child. I welcome that particularly for children who, commonly, are unable to vocalise or identify what they feel. The assessment of needs could address and identify multiple issues. I think that it was Kellie Armstrong who made the point about identifying needs early enough to prevent what could happen down the

line. That better support for the parent, child and guardian is welcome.

Unfortunately, little research has been done on the prevention of adoption-related mental health issues — the Department might consider that — but implementing the practices and the needs assessment is a good place to begin. That is a positive. According to the World Health Organization, a variety of evidence-based programmes can reduce the risk of mental illness, and intervention strategies can target the parent and the child at the different developmental stages. The strategies vary on the basis of the type of mental health you are dealing with, but most focus on the likes of developing social skills and emotional resilience and having general, healthy coping mechanisms. Hopefully, some of those worldwide and international strategies are already entwined in our local support services to support some of the parents or kids who might be struggling.

Another factor to bear in mind when considering an assessment of need for parent and child — Mr Butler is not in the Chamber now, but he touched on this — is having some thought for the rest of the family. You probably do not think about that unless you have been close enough to the experience of adoption, but it is about reaching out to the wider family. Other children in the home might need additional help or support if a sibling struggles to settle into their new environment. Even the youngest of children, no matter their age or how well they are able to comprehend what is happening with their new brother or sister, can pick up on stress and tension in the family, if there is any. We must be mindful of the other siblings in the transition process: they are part of it too.

I will move on quickly to the statutory advocacy services for current and former looked-after children. Mr McNulty made a point about the language around looked-after children. I thank him for that because, to be honest, it has never been brought to my attention. However, like a lot of things and from dealing with suicide prevention, I know that some of the language needs to be dealt with sensitively, so I will bear that in mind. He referred to "children looked after". It is a subtle difference, but it may make a difference to someone watching the debate.

Advocacy is vital for children and young people, who, as we know, often have a lot of major decisions in their lives taken on their behalf. Many children who are looked after in care or are in the child protection system often have choices made for them. A statutory advocacy service should ensure that they will have a say

about some of the care that they will receive. As we know, the ultimate goal is always to ensure that all our children are happy, healthy and safe, but the advocacy services can help to champion some of their rights. Hopefully, they can help to support them and play a role in promoting equality issues and in keeping an eye on current services to ensure that no young person is discriminated against for whatever reason. Hopefully, they should also be able to give confidential help and advice quickly as and when it is requested. The most important part of this is that children and young people will have a statutory service that works exclusively for them and is dedicated to them and their needs. Such a service will help to guide any child through the adoption process and act on their behalf to communicate their needs and wishes.

It is vital that children and young people feel supported. We know that children who feel that they are listened to are more likely to be honest and to open up about things like abuse or other horrible things that might be affecting them. A couple of Members touched on that. We all want the same goal: to protect children from harm and ensure that they are safe: the advocacy role can provide that opportunity.

The Bill proposes a new requirement for authorities to promote the child's educational achievement. As I said, the adoption process is difficult for the parent and, in particular, the child, which is why the requirement for authorities to promote their educational achievement should be the bare minimum in order to give those children and young people only what they deserve, which is the best chance of a happy and successful school journey, followed by a future career or job prospect of their choice if they are supported in the right way, which is, hopefully, what that will lead to.

In many cases of adoption and transition between families, the emotional and psychological distress felt by a child can lead to behavioural challenges at home and at school. Sometimes, that can essentially set them on a course to academic underachievement. Although some do well, the educational achievement of looked-after children or children looked-after as a group, unfortunately, remains unacceptably low, which is clearly why the Department has included the duty on local authorities to safeguard and promote the welfare of a child.

I will bring my remarks to a close, but I am conscious that there are many more important clauses and aspects of the Bill that I have not touched on. Other Members mentioned some of

them, but, as I said in my opening remarks, it is important to get the Bill passed at Second Stage today and for the Assembly and the Health Committee to use whatever limited time we have to progress it as quickly as possible.

Mr Durkan: I welcome the legislation and commend the Minister for bringing it forward. I assure him of our support in getting the legislation through and our solidarity against the faceless cowards who threatened him and his family.

12.45 pm

The right to family life is fundamental in any society. It should be accepted as a right in 2021, yet that right has been denied to thousands of children and young people here. In March last year — other Members referred to it — there were well over 3,000 children and young people in care, the highest on record since the introduction of the Children Order 1995. Over the past year and a half, it has become clear that increased societal and economic pressures have placed growing pressures on an already struggling system, with more and more children unable to stay in their birth homes for a variety of reasons. Although I welcome the fact that the number of children being adopted has risen — the Minister referred to that — it is lamentable that the structures of support have not been available.

As outlined, the North's adoption legislation is almost 35 years old. This is the only jurisdiction across these islands that has been left without legislation that has been updated and made fit for purpose, or, at least, fitter for purpose, and that has been available elsewhere. It is therefore shameful that hundreds of families, perhaps even more, have been denied that support and set at a bit of disadvantage to their counterparts for decades. That has, no doubt, compounded families' frustration at weaknesses in our existing legislation.

It is vital that children are placed in a system that caters to their individual needs and ensures that both those in the care system and adopters are sufficiently supported through every step of the adoption process, not simply left to their own devices post-adoption. I spoke to one parent, who noted that when she sought support after she had adopted her young son, her social worker asked, "Do you want us to come and take him?". That is outrageous. I certainly do not want that incident to tarnish the work or the commitment of our social services workforce, nor do I want to appear in any way incognisant of the major and unimaginable

difficulties of their work. Indeed, I echo Carál Ní Chuilín's gratitude to those who work so hard as social workers in those extremely difficult situations. However, we must and can do better. As such, the inclusion of a post-adoption process assessment that considers the needs of adoptive families is very welcome, if not long overdue.

It is important to bear in mind that some of those children and young people have complex behavioural needs and may have experienced trauma in their early childhoods. Any prospective adopter must have the legal assurance that they will be equipped and assisted to deal with any issues, should they arise. I have no doubt that the framework of support and protections will go a long way towards encouraging more people across the North to consider adoption, and many of the Members who spoke referred to that as central to the Bill.

There is no denying that this is a long-awaited piece of legislation and one that does and will mean a great deal to many families, some of whom have, as I said, contacted me to outline what the gift of adoption meant to them. They were also open and honest about the difficulties that they have faced. One example came from a constituent of mine. She wrote:

"This piece of legislation really matters to our family as it will provide better post adoption [sic] support services. Although adoption brings so many positives and so much happiness, it is the best thing that has ever happened us, there is also negatives and loss connected to it. There is a lack of post adoption [sic] support and we have found ourselves in a difficult position as our address was breached and our child's birth mother was allowed to move 4 minutes away from our home. Both ourselves and others have felt very frustrated through the whole process that the child's rights and safety are not paramount as they should be."

Clearly, families here have been failed. However, like other Members, I hope that the Bill will make a significant and positive difference.

I would like to touch on a few elements of the Bill, particularly its focus on supporting children in care and care leavers and the inclusion of greater opportunities for older children to benefit from the permanence and stability that is offered by adoption. Other Members have gone into much more detail, much to the Deputy Speaker's chagrin, but we look forward

to going into even more detail as the Bill progresses and to ensuring that we collaboratively build as robust a piece of legislation as possible. We certainly welcome the broad principles of the Bill, as well as the strengthening of the relationship between social services, parents, educators and, of course, the children themselves. We are hopeful that the work will remove uncertainty and unnecessary delay for everyone who is involved in the adoption process.

At this point, I want to pay tribute, like others have done, to all those organisations that work in the field and have worked with the Department to inform and shape the Bill. I am sure that they will be on hand to shape it even better and to streamline it further, if required, to make sure that it will be as good a piece of legislation as possible. Most of all, I want to thank the families and children who have first-hand experience of the adoption process for how they are feeding into it. Their insight and assistance will be vital and their contribution has been invaluable. It is important that we take it on board if we really want to know how to make those services work. We look forward to the Bill's progression. I commend it.

Mr Carroll: I want to join others in condemning unequivocally the threats that have been made against the Minister.

It would be remiss of me not to mention briefly the report on mother-and-baby institutions and Magdalene laundries, which is being published today. People have referred to it. I have yet to read the details of the report, but one thing that we knew before its publication is that the state and religious institutions not only failed young people and their families but treated them barbarically. I hope that they can get justice, and how that is defined should be up to those victims and survivors.

Quite glaringly, historically, there has not always been a child-centred approach to adoption issues or putting people supposedly into "care" — I use that term in inverted commas. Whilst it is important to recognise that it is in the Bill, it would be foolish not to mention that that has not always been the case — far from it. I share the view of other Members that the delay to the draft legislation has been frustrating and disappointing for those who wish to adopt and those looked-after children and young people themselves.

Frankly, I am quite astounded that some aspects of the Bill are not already in law. For example, clause 1(5) states that:

"In placing the child for adoption, the adoption agency must give due consideration to the child's religious persuasion, racial origin and cultural and linguistic background."

That sounds sensible, reasonable, rational and fair. Why is it being legislated for only now? I raised that question in the Committee. The Minister and Department may say that it was already happening and that that is a tidying-up exercise. That may well be the case. However, I am concerned because it appears that many people could have been let down if due consideration was not given to those issues.

Clause 6 relates to a duty to provide information on adoption services. Obviously, that is welcome and important. Again, though, people may ask why something so simple and straightforward was not already happening. If it leads to an increase in people adopting and seeking services, it is welcome and important.

Clause 14 relates to inspections of premises where a child or young person has been placed by an adoption agency and allowing the Department or RQIA, as I understand it, to inspect those premises and to request records etc. I hope that the clause increases the safeguarding of children and young people, although I have concerns — I raised them in the Committee as well — about the way in which it is worded: "reasonable time" and "reasonable assistance". My concern is that it could be used or, effectively, abused to delay inspections in cases where young people or children are at risk or are not being protected or safeguarded. I would like the Minister to address that.

Clause 121, which is headed:

"Provision of services to children in need, etc.",

talks about the need to safeguard and promote children's welfare. Again, that did not always, or often, happen, but it is welcome that it is in the Bill.

Most of the Bill seems fine, and I look forward to hearing the views of the organisations, many of which have been referred to, that are affected by it. I hope the Bill can be strengthened and condensed for them. With so many clauses, it is hard for MLAs to go through the Bill and it is probably even harder for organisations that have a lot on their plate, so I hope the Minister and his Department can take that into consideration and maybe provide a version that is condensed or easier to read.

Like I said, the Bill is long overdue, but I welcome it today and ask for further clarity on the issues I raised, either from the Minister today or from his officials at the Committee or in writing.

Mr Chambers: As others said, this is a long overdue Bill. For too long, Northern Ireland has been operating in the shadow of improvements in England and Wales from two decades ago and from 14 years ago in Scotland. Whilst the Adoption Order has served its time well, there is no doubt that the legislation relating to adoption in Northern Ireland needed updating. Its purpose could be summed up as making the entire process more efficient but, more importantly, cutting out some of the unnecessary delay and anxiety for children. Whilst I absolutely understand why due process and checks would be carried out, there has to be an acceptance and recognition that the process of adopting a child in Northern Ireland can take far too long. Setting new timescales for adoption proceedings will be a novel but hugely welcome step forward.

It is a largely technical Bill, but if you scratch its surface, you will see the tangible benefits it will deliver for children and their adoptive parents and carers. For instance, at last, post-adoptive support is recognised. There is also now greater recognition of the need to improve the longer-term outcomes for looked-after children. Importantly, it will formalise the support for adoptive parents through the legal duty to provide it. After the Bill is enacted, never again should a new parent feel that they have been abandoned.

As the Minister pointed out, the proposed legislation has been extensively consulted upon with the public but, more importantly, with the dedicated professionals who deal with this complex and sensitive issue on a daily basis. It will improve and streamline the process of matching up children and adoptive parents. The creation of an appeals process may also help to encourage more potential adopters to come forward.

The new legislation should not in any way be seen to undermine or criticise past work on adoption; it just puts into place a better and more expedient process with clear and uncomplicated guidance. As the Minister said, it will put the interests of children front and centre, and, as I mentioned, it will create circumstances where adoptive parents will receive more ongoing support, as, indeed, will the child as it grows into adulthood.

Today is an opportunity to place on record our appreciation for the people who take on the selfless task of providing a caring and loving home to a child in order to allow them to be fully encouraged to develop their talents and go on to become an important and valued member of society. I commend the Minister and his officials for bringing this very important Bill in the middle of all the other challenges his Department has been dealing with, but it does not reflect very well on the House that it has been residing in the pipeline since 2006. I pray that political developments outside the control of the Minister do not prevent the Bill coming into legislation during this mandate. As the Health Committee scrutinises the Bill, I look forward to helping to address the concerns expressed today. The Ulster Unionist Party welcomes and fully supports the Bill. It is reform that is long overdue.

Mr Deputy Speaker (Mr Beggs): The Business Committee has arranged to meet at 1.00 pm today. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be Question Time, after which we will return to this debate.

The debate stood suspended.

The sitting was suspended at 12.59 pm.

On resuming (Mr Speaker in the Chair) —

2.00 pm

Oral Answers to Questions

Agriculture, Environment and Rural Affairs

Mr Speaker: Before I call John Blair to ask the first question, I wish to point out that the length of time taken by Members to ask a question has increased in recent weeks. I ask Members to put their speech away, turn their laptop off and ask their question as quickly and as succinctly as possible. The downside of it is that you are taking time away from other Members who want to ask a question, many of whom are your party colleagues. I ask that Members keep their questions as short and as succinct as possible. I call John Blair; give us a good example.

Agri-food Sector: Labour Shortages

1. **Mr Blair** asked the Minister of Agriculture, Environment and Rural Affairs what actions his Department is taking to address labour shortages in the agri-food sector. (AQO 2526/17-22)

6. **Mr McHugh** asked the Minister of Agriculture, Environment and Rural Affairs for an update on labour shortages in the pig industry. (AQO 2531/17-22)

7. **Ms McLaughlin** asked the Minister of Agriculture, Environment and Rural Affairs what measures he has put in place to assist the meat processing industry to address the shortage of labour in abattoirs. (AQO 2532/17-22)

Mr Poots (The Minister of Agriculture, Environment and Rural Affairs): With your permission, Mr Speaker, I wish to group questions 1, 6 and 7.

I am acutely aware of the labour problems facing our meat processing sector and the growing shortages, particularly in the number of slaughter plant operatives and butchers in our abattoirs and processing plants. I have engaged extensively and held numerous meetings with stakeholders across our food processing sector about their concerns and how best to resolve the issue.

Despite employers offering competitive wages and other incentives, they have struggled to recruit all the workers that they need, because insufficient appetite exists amongst our

domestic workforce for those types of jobs. For a significant period, we have relied on migrant workers to fill the labour gap in the agri-food industry. Stakeholders, however, have indicated that the new UK immigration system has removed a previously existing route to filling vacancies. The new system, while offering a route to filling skilled vacancies, is cumbersome. Firms report that it is extremely difficult for them to identify migrants who meet all elements of the eligibility criteria and have identified the English language requirement as a particular barrier to entry.

I am obviously very concerned about the situation and am committed to doing what I can. As you know, immigration policy is a reserved matter, so my focus has been on ongoing communication with the top levels of Government in Whitehall. I have written to the Prime Minister, the Home Secretary and George Eustice to highlight the severity of the problem in the hope that we can remedy the situation as quickly as possible. We have seen some movement with the recent announcement of additional temporary visas for HGV drivers and poultry workers, but that is not enough, and I will keep pressing for more.

Mr Blair: I thank the Minister for the detail in that reply. Given his contact with senior officials in Whitehall, has any request been made for an extension to or a review of the previous EU settlement scheme and the time frames for that? Is all of that worth revisiting?

Mr Poots: As a supporter of Brexit, I wanted to see an end to the open-door policy on immigration. However, we should be in a position where we can bring people in where we need them, and we certainly need them in the food industry. I have repeatedly made that point to the UK Government, who have indicated that a lot of people at a local level are still unemployed and that they wish to have them in this well-paid employment. Again, I will point out to them that these are skilled jobs and that you cannot just lift someone out of unemployment and put them straight into a job like butchery or HGV driving. There has to be training and, in some instances, considerable training that takes years. Whitehall needs to look at that yet again.

Mr McHugh: I am sure, Minister, that you will not agree with me, but, at the end of the day, this is as a result of Brexit. What pressure will you bring to bear on the British Government to ensure that EU workers, in particular, can come to the North of Ireland to work and live and to

help to rescue us from the impending crisis in the agri-food sector?

Mr Poots: I would have thought that a gentleman who lives so close to the border would know what is going on just across it. The chairman of the Irish Farmers' Association (IFA) national pigs committee, Roy Gallie, has said that the pig meat sector is under extreme pressure, due to a lack of suitable labour at processing level and on farms. The shortage of large-animal vets was raised by the Veterinary Ireland president, on the back of concerns recently expressed by the Joint Oireachtas Committee on Agriculture, Food and the Marine. Paul Brophy, who is one of the largest growers of broccoli in Ireland, described labour issues in the sector as "chronic" and that it will be the "unwinding of the industry" if it is not addressed.

The Member may have some glowing report that nobody else knows about, describing how good things are in the European Union on this issue, but it is an issue that has been piling up in the European Union as well as in the United Kingdom. We are actually in a better position to respond because we can go to places like the Philippines and other countries where workforces are available. We just need an adjustment in government policy to do it. The Irish Government are stuck with EU rules, which, thankfully, we do not have.

Ms McLaughlin: Unfortunately, skills shortages in the sector were entirely predictable, with EU workers going back to their homeland. What preparations has the Minister made in order to ensure that a pipeline of skills is available to those industries? Has he discussed apprenticeships and traineeships in order to fill the gaps that have been left by our European friends who have left this country because they are no longer welcome?

Mr Poots: I really do have to pull the Member into line for that last comment. Who says that EU workers are not welcome in Northern Ireland and that they left here because they were not welcome?

Ms McLaughlin: Brexit, Brexit, Brexit.

Mr Speaker: Order.

Mr Poots: They have been here for many years and were very welcome to continue to stay in Northern Ireland. The people who supported Brexit voted for it so that we would not have uncontrolled immigration. Perhaps the Member wants uncontrolled immigration, because that

keeps people's pay down and ensures that people work on minimum wage. I am glad to see lorry drivers, digger drivers and people who work in meat plants getting an uplift in their pay, because they work hard and they deserve to be well paid for the work that they do. I welcome those aspects that Brexit has delivered that mean higher pay for lower-paid workers. Perhaps the SDLP will catch on that that is a good thing for the community.

Mr Beggs: The shortage of skilled labour is creating a potential difficulty for animal welfare. Has the Minister been made aware of any concerns, particularly from our pig and poultry farmers, who have limited space capacity? How urgent is the situation and how is it going to be addressed in the short and long term? Has he been in touch with the Minister for the Economy?

Mr Poots: The situation is extremely urgent. We have engaged extensively with the industry and we are actively looking at our options. One of the options includes slaughtering pigs at birth so that the backlog that is building up does not continue unabated. Another option is to slaughter animals on-farm at some stage. However, that does not particularly deal with the instantaneous problem, because we have a backlog now.

One of the other areas that we could look at is putting pigs into cold storage. The problem is not the capacity for slaughter but the capacity for butchery. The processing companies would have to want to do that, but we are open to suggestions from the industry. The industry is best placed to come forward with solutions, and we will work closely with the industry to try to achieve them.

Mr Irwin: The previous Member mentioned pigs on-farm. I heard from a pig producer last night who is concerned that, as the weeks go by, his pigs are backing up on-farm. He has difficulty in relation to that. Does the Minister agree that, while Members in the House blame Brexit, the Republic of Ireland has the very same problem and it is still in the European Union?

Mr Poots: I indicated to Mr McHugh — clearly, Ms McLaughlin did not take it in — what the farming and veterinary communities are saying down there. There is a shortage of key workers, and a lot of that has to do with EU policy, in that they can only bring people from the European Union. We had this problem in the health service many years ago, and we still have it. Many doctors used to come from India, Malaysia and countries like that, but we could

not get them and we had to close hospital units because of a lack of doctors. The same applies in this instance. The workers are out there in the world, and we can bring them in. What I am saying to the UK Government is that we are not looking for tens of thousands of people here; we are looking for thousands — a relatively small number.

That number will not throw immigration out of control. Rather, it will ensure that the food on our farms can be delivered to local people right across the United Kingdom.

Mr O'Toole: In January 2021, the Minister tweeted Arron Banks, one of the main drivers behind the Leave.EU movement, to thank him for all that he did to make Brexit happen. Leave.EU notoriously put up a poster that said "Breaking point" and carried a picture of hundreds of thousands of migrants. What about Brexit did the Minister think was not about ending migration? Would he like to apologise to those who are suffering as a result of the labour crisis in this country?

Some Members: Hear, hear.

Mr Poots: What is very clear is that we had uncontrolled immigration. I have no problem with immigration. I have no problem with bringing in people whom we need. Uncontrolled immigration is entirely different, and I welcome the fact that we no longer have that. I also welcome the fact that our workers at the lower end of the scale are now better paid. If the Member is not aware that lorry drivers, digger drivers and people working in food factories have all had significant wage uplifts, the Member is not living in the real world, because the rest of us do know that. I welcome the fact that low-paid workers have had their pay increased since we left the European Union. That is part of the policy of not having uncontrolled immigration, which resulted in a situation in which everybody who worked in those types of jobs was on minimum wage. That was an unacceptable situation.

Animal Cruelty Register

2. **Mrs Cameron** asked the Minister of Agriculture, Environment and Rural Affairs for an update on the introduction of an animal cruelty register. (AQO 2527/17-22)

11. **Ms Bunting** asked the Minister of Agriculture, Environment and Rural Affairs for an update on the implementation of an animal cruelty register. (AQO 2536/17-22)

Mr Poots: With your permission, Mr Speaker, I will group questions 2 and 11 for answer.

I firmly believe that, where persons have been convicted of animal cruelty offences and banned by the courts from keeping animals, all actions that can reasonably be undertaken to reduce the risk of reoffending should be pursued. As such, I welcome the recent public petition on the potential for an animal cruelty register and am keen to explore how such a register would operate in Northern Ireland. I have already engaged with the Minister of Justice on the topic. My officials have been liaising with their counterparts in her Department. Officials have also been reviewing the effectiveness and impact of similar registers already in operation elsewhere.

Over the past number of months, significant progress has been made on identifying the key issues that need to be addressed if such a register is to be implemented and maintained in Northern Ireland. The issues include compliance with data protection legislation and the appropriate disclosure of, or access to, conviction data. I have requested that my officials take those efforts forward and develop proposals on potential next steps before the end of this year.

Mrs Cameron: I thank the Minister for his answer. The animal cruelty register is a very important subject. I would like to see one come into operation. Would the Minister like to expand on any conversations that he has had with the Minister of Justice and tell us more about any issues that have arisen through those conversations?

Mr Poots: We have had correspondence. We have also had verbal communication in meetings on the issue. It is an important issue that we should progress and move forward.

I do not quite get all the issues around the data. Most of the offences are published. The cases have been through court so are already in the public domain. I am therefore not so sure that we need to be as cautious when it comes to the whole data protection element. If the information is already in the public domain, from what are we protecting individuals? Ultimately, we need to ensure that individuals who have been found guilty of cruelty to animals do not have the opportunity to do it again. The more people who are aware of that, the better. I encourage people to question the Department of Justice on the issue as well. We are very keen to move it forward. It will not be in the lifetime of this Assembly, but I believe that we will get there nonetheless. I believe that the

public want and desire an animal cruelty register, as I do this House.

Ms Bunting: I am grateful to the Minister for that answer. It is a serious issue that is of concern to many in Northern Ireland. As the Minister outlined, the problem is that, if somebody is given a sentence of not being allowed to keep an animal but there is no means of implementing or enforcing that sentence, it becomes immaterial.

I am aware that, a couple of weeks ago, in response to Mrs Kelly, the Justice Minister said that some of the delay was in DOJ. On that basis, will the Minister outline the impact of the delay on progressing the issue? What can be done to address the impasse between the two Departments?

2.15 pm

Mr Poots: The issue was raised with me earlier in the mandate, and I have been prepared to move forward on it, but we have not yet been able to do so. In the Department of Justice, there appear to be considerable issues and concerns about how we can handle the data and engage in compliance with existing procedures. I think that we can overcome all those things and move forward. I hope that, before we get to the end of this mandate, the Department of Justice will be in a position to give the new Minister room to move this forward in conjunction with a future AERA Minister.

Mrs D Kelly: I am aware of the Minister's commitment to delivering on the animal cruelty register. However, the petition had an all-Ireland dimension, and some of the animals sold come from obnoxious puppy farms in Scotland and elsewhere. Has the Minister had an opportunity to discuss the possibility of a shared register not only with the South of Ireland but with England, Scotland and Wales?

Mr Poots: We need to get it over the first hurdle, and that is what we can do here. I have no problem whatsoever in sharing information with colleagues in any of the jurisdictions that the Member mentioned. It makes logical sense. Mr Newton has a private Member's Bill that would outlaw large-scale puppy farms and the production of animals purely for profit. I support that legislation, and I hope that the Assembly will support it and facilitate its delivery. The Bill will go through the House over the next number of months, and it is one of the private Member's Bills that, in my mind, stands out in its importance and in what it can deliver. It will

leave a good mark for this Assembly mandate as it comes to a close.

Ms Sheerin: Further to Mrs Kelly's question, does the Minister agree that an all-island animal cruelty register would be the most effective way of preventing repeat offenders — those who have been convicted in one but not both jurisdictions?

Mr Poots: I recognise that the movements of people who engage in animal cruelty can be very fluid. Establishing a register in the first instance would be very positive, and the ability to share that register with others would also be a positive move, whether on this island or throughout the entirety of these islands.

Mrs Barton: The Minister spoke about compliance with data protection and said that he wants a register that can be shared with others. Is he indicating that the register will be available to the public to check, if they want to buy a puppy, that they are buying from an appropriate source?

Mr Poots: That needs further thought. The register should certainly be available to dog wardens and to people who look after the well-being of animals and monitor compliance. Therefore, the register should be available to veterinary services, dog wardens, police and other bodies. Whether it is made totally available to the public will not be in my hands. That will be a consideration in discussion with the Department of Justice. However, I see merit in it.

Cattle: NI to UK Movement

3. **Dr Aiken** asked the Minister of Agriculture, Environment and Rural Affairs what assessment has been made of the effect of the protocol on Ireland/Northern Ireland on the movement of pedigree cattle from Northern Ireland to and from the rest of the United Kingdom. (AQO 2528/17-22)

Mr Poots: I reiterate that the protocol is unacceptable and unworkable, as was recognised in the House yesterday, even by those who previously wanted rigorous implementation of it.

The movement of pedigree cattle is yet another example of how the protocol disadvantages Northern Ireland farmers. The movement of livestock, including pedigree cattle, from Northern Ireland to Great Britain for agricultural shows, sales or exhibitions is a long-standing

tradition for local farmers and breeders, and it provides an opportunity to access markets and demonstrate the quality of our specimens and bloodlines, which are internationally recognised as excellent.

Since 1 January 2021, additional animal health requirements, as prescribed by European Union legislation in the protocol, have been applicable to Northern Ireland livestock returning to Northern Ireland following a temporary movement to Great Britain. Since then, it appears that cattle movements for breeding and production purposes from Great Britain to Northern Ireland from January to September have decreased by about a third when compared with 2020. That may well be related to the new animal health requirements, such as the residency period.

I am completely opposed to any additional requirements for the re-entry of livestock to Northern Ireland from Great Britain under the Northern Ireland protocol and firmly believe that they place our farmers and breeders, including pedigree breeders, in a disadvantaged position while negatively affecting their livelihood and business. For that reason, I have already written on a number of occasions to Maroš Šefčovič, the vice president of the European Union, and to George Eustice, Secretary of State for Environment, Food and Rural Affairs, to highlight the burden that the new requirements impose on our local industry. I continue to make representations to the EU Commission and to the UK Government, urging them to find long-term, sensible solutions that take into account the actual biosecurity risk to the EU single market, and I continue to make representations on the position of Northern Ireland as an integral part of the UK. I also recently took the opportunity to stress once again the difficulties that the Northern Ireland protocol is having on our livestock breeding sector when I met George Eustice and Lord Frost at the Balmoral show. My officials continue to engage with EU officials and with their counterparts in DEFRA to seek a solution.

Dr Aiken: I thank the Minister for his remarks so far. Minister, what you describe sounds very much like a diversion of trade. Will you explain how that could possibly be seen by anybody in the House as the best of both worlds?

Mr Poots: I cannot see how it is the best of both worlds. I see how we could have the best of both worlds, but this is not it, it cannot be it and it will not be it. Therefore, I encourage colleagues from the other side of the House to recognise that and to start to work in the best interests of the people of Northern Ireland,

irrespective of their views on Brexit. We are now in the circumstance that we are in today. The protocol applies, and it is causing misery to this sector and to a whole series of other sectors.

Mr Allister: If the Minister is unable to do anything about this other than make representations, does it not demonstrate the tyranny of the protocol and his folly in respect of an issue that he could do something about: continuing to implement the checks that keep the iniquitous protocol alive?

Mr Poots: The Member talks about folly, and, for quite a number of years, he has decried the House and the Northern Ireland Executive. If we do away with the House and the Northern Ireland Executive, we then take our executive authority from Westminster.

Mr Allister: You had better tell Jeffrey.

Mr Poots: I remind the Member —

Mr Allister: You had better tell Jeffrey.

Mr Poots: I remind the Member that this is Westminster policy, not Northern Ireland Executive policy. This is Westminster policy that has been imposed on Northern Ireland, and the Member knows that very well because he tested it in court, where he lost his case.

Mr Allister: You are coordinating the checks.

Mr Poots: I also remind the Member —

Mr Allister: You —

Mr Speaker: Order, Members.

Mr Poots: We will not win this battle by going on the streets, by violence or by anything else. We will win this battle by good politics, and that is what I have engaged in: good politics. If we win this battle, it will be through qualitative politics, not through people shouting and carping from the sidelines.

Mr McAleer: The Minister will be aware that this has come about because Britain diverged from EU regulations and rules. Will he agree that the best way to resolve the situation and get the best of both worlds is through a veterinary agreement that aligns the UK and the EU?

Mr Poots: Again, the Member seems to whitewash actual fact. The protocol was to have been about protecting the single market, so perhaps the Member, when he is on his feet and has the opportunity — he will not have the opportunity now — can enlighten us as to what danger is caused to the European Union single market for a breeder to take a bull or a heifer to Scotland to sell and, if it does not sell, to bring it back home again and sell it in the Northern Ireland market. Maybe the Member, who is Chair of the Agriculture Committee, is not aware of this, but our animals are tagged at birth, and they are followed right through. As a result of the protocol, we now have a situation where animals coming from Britain to Northern Ireland have their tags removed, which is absolutely ridiculous. We have animals that have had the same tag from birth, and the protocol demands that tags are removed in the name of protecting the single market. I have never heard of anything so ridiculous.

Mr McGlone: What is the Minister's opinion of Lord Frost? Lord Frost is currently attacking what Lord Frost negotiated months after Lord Frost praised what Lord Frost negotiated: the protocol.

Mr Poots: I commend the fella — Mr McGlone, I should say — on getting the name right today. Yesterday, I think he called him "some fella". I commend him. It is always good to be respectful and courteous about people even when you disagree with their point of view.

I have engaged with Lord Frost on a number of occasions. I hope that Lord Frost has taken on board the issues that I have raised with him and that he will make those recommendations that will lead us to a much better circumstance than we are currently in. The Command Paper was a significant demonstration that the UK Government are getting the arguments that the DUP, in the main — not alone, but in the main — is putting on the table. I trust that the Command Paper will be followed through into actions that will lead us to a circumstance where we do not have trade barriers. It is not logical to put a barrier between you and the place where 65% of your imports come from. As for the Members on the other side of the House, who called for the protocol and its rigorous implementation, I can understand that they feel a little foolish at this point.

Mr K Buchanan: Minister, in an answer to a previous question, you referred to pedigree transfers across the Irish Sea. What issues with sheep imports and movement is your Department aware of? Obviously, there are now

a lot of sales in Northern England and Scotland, and that will incur issues.

Mr Poots: My vets have been engaging extensively on that issue. We were hopeful of a resolution by now. A resolution for veterinary issues is on the table; it is now up to politicians to decide to go with that. However, the impact is that 97% of the previous imports are not happening. We have only 3% of the sheep coming in that we had before the protocol. That is having a severe impact on areas, such as the glens of Antrim and the Sperrins, that rely heavily on imports of high-quality Scottish, blackface sheep. They also sell their high-quality blackface sheep to farmers in Scotland. Given the numbers that are involved, it is important for that exchange of bloodlines to take place to ensure that the quality that has been established can be maintained.

Mr Speaker: I call Kellie Armstrong. It is unlikely that there will be time for a supplementary question.

Vets: Shortage

4. **Ms Armstrong** asked the Minister of Agriculture, Environment and Rural Affairs, given the role vets play in the movement of goods and border checks, to provide an update on the actions he is taking to address the current shortage of vets. (AQO 2529/17-22)

Mr Poots: There is currently a shortage of vets in my Department and, more widely, in the private and public sectors across the United Kingdom. There is also an increasing acceptance that Northern Ireland requires a more assured long-term supply of veterinarians than is available from historical sources. There are a number of options for achieving that, which merit further exploration. I have, therefore, commissioned a formal assessment of the need for vets in Northern Ireland and an independent analysis of the various options for meeting that need.

In the case of my Department's veterinary requirements, my officials are exploring all available avenues, including taking on more permanent veterinary staff, through Northern Ireland Civil Service (NICS) recruitment, and temporary vets, through the NICS agency framework. Officials are also investigating contracting the supply of vets with providers of veterinary services, with the assistance of the Department of Finance's construction and procurement division.

In the meantime, my priority is to ensure that we have sufficient vets to carry out the vital work in our meat processing plants, in field offices delivering TB eradication, to support the agri-food industry and to assure the welfare of animals. The use of scarce veterinary resources to oversee intra-UK trade at Northern Ireland points of entry is unacceptable and unnecessary, just as the Northern Ireland protocol, in its current form, is unacceptable, given the absence of material risk to the European Union's single market as, in so many respects, the standards in the UK's single market equal, if not exceed, those in many parts of the European Union. The protocol is already unworkable and is becoming unsuitable as the number of checks rise to a possible 25,000 per week under its full and rigorous implementation.

Rather than spending scarce resources on checking goods that will, in all probability, never come near the EU single market and with no material risk if they should, it would be preferable that our vets focus on the real priorities facing the Northern Ireland agri-food industry, on animal welfare and on matters of concern to the population.

2.30 pm

Mr Speaker: Members, that ends the period for listed questions. We now move to 15 minutes of topical questions. Questions 1, 3, 4 and 8 have been withdrawn.

Irish Grass-fed Cattle: PGI Status

T2. **Ms Kimmins** asked the Minister of Agriculture, Environment and Rural Affairs for an update on progress to ensure that the North is included in all-Ireland protected geographical indication (PGI) status for Irish grass-fed cattle. (AQT 1642/17-22)

Mr Poots: There was work done on that. We had requested that that would be the case, so it was a bit disappointing when the Irish Government proceeded on their own. Subsequent to that, we have been pressing for our inclusion. There was one issue that, they believed, we were behind on. It is something that, we believe, can be easily caught up. The EU will probably accept that as well.

Ms Kimmins: I thank the Minister for his answer. The protection provided by the protocol is vital to our inclusion in an all-Ireland PGI status for Irish grass-fed cattle. Does the Minister therefore accept that it is vital that we

continue to apply EU standards and regulations in maintaining high-quality produce, which allows it to be considered in an initiative such as the all-Ireland PGI status for grass-fed cattle?

Mr Poots: I would be looking to the PGI British status as well, to be perfectly honest, because I want to maximise the opportunities for Northern Ireland beef producers. If you were a beef farmer in the Irish Republic now, you would be envious of the prices that beef farmers in Northern Ireland receive for their beef, which have significantly uplifted since we left the European Union, I might add. The main market for our beef is, of course, the United Kingdom, so we are in a reasonably good position in terms of beef sales. However, I want to have us in the best position possible across the world, so any marketing opportunity that becomes available to me is one that I would be keen to take up.

Carbon Capture and Storage Technology

T5. **Ms Flynn** asked the Minister of Agriculture, Environment and Rural Affairs what role his Department has identified for carbon capture and storage technology in the local fight against climate change. (AQT 1645/17-22)

Mr Poots: Extensive work is being done on that. Peatland strategy is one area that we are looking at. There are two issues around our peatlands, which are not in as good a condition as they should be. When I say that, our peatlands are in a better condition than those in other parts of Ireland and, indeed, Scotland and other parts of the UK. We need to improve our peatlands to get them to the optimum status. The two things are the wetting of them and reducing the nitrogen deposition that takes place.

On the nitrogen deposition, we had hoped to reduce the amount of ammonia in the environment by around 25%, indeed by around 35% where the peatlands are stressed. Moving to a new payment system will assist us in working with the farming community in areas around peatlands in wetting them.

Ms Flynn: Thanks to the Minister for the response. He is probably already aware that the Climate Change Committee (CCC) expressed its intention for carbon capture and storage (CCS) to form a major part of Britain's emissions reduction strategy, yet the committee indicated that it is not due to operate here in any significant manner. Can the Minister tell us

what interventions and supports his Department intends to offer in the absence of CCS technology to reduce emissions in the fight against climate change?

Mr Poots: There is the capture of emissions and the reduction of emissions. In the capture of emissions, we have our peatlands, our forests and our grasslands. We are doing work through the Agri-Food and Biosciences Institute (AFBI) and Teagasc on our grasslands to identify what capture takes place there, particularly with older grasses and the roots as they go further into the soil, and how much carbon they take from the atmosphere.

Many opportunities exist for carbon reduction. Sixteen per cent of our carbon production comes from households, and 27% comes from agriculture. We can do a lot to capture the emissions that go into the environment from agriculture and translate them into renewable gas to go into people's homes, leading to a win-win situation. That will involve us not just maintaining food production at its current levels but probably increasing it, capturing a lot of the nutrients that come from it and using those nutrients for environmental purposes.

Farmers: Future Entitlements

T6. **Mr McAleer** asked the Minister of Agriculture, Environment and Rural Affairs when he will be in a position to give farmers clarity for the time ahead, particularly in relation to the future of the entitlements that they currently hold, albeit he appreciates that the agricultural policy is out for consultation and its conclusions cannot be pre-empted. (AQT 1646/17-22)

Mr Poots: A lot of the entitlements were based on farming activity between 2003-05 or 2005-07; it was in and around that period. We will probably have a new policy in 2022-23. Entitlements should be based on activity now, not on something that happened 18 to 20 years ago.

Mr McAleer: Thank you, Minister. You partially answered my supplementary question. Do you anticipate that your future policy will become live in 2022-23 and that we will continue as we are, having incorporated your simplifications in the interim?

Mr Poots: A lot depends on the House and how it wishes to cooperate. Obviously, I am keen to get a bespoke policy that may not suit every person but encompasses as many people as possible in a system that works for them. I

will need the assistance of the Committee and, indeed, the House to deliver that. We should all work towards that, because we have a system that has been there for a while. Is it a bad system? No. Is it a system that can be bettered? Yes, so let us get a better system.

Councils: DAERA Pandemic Support

T7. **Mr Weir** asked the Minister of Agriculture, Environment and Rural Affairs what support his Department has provided to local councils during the pandemic. (AQT 1647/17-22)

Mr Poots: The support that has been given to councils has been substantial; in particular, financial support for waste management and through funding has been very substantial. I do not have the figures on me at the moment, but the support that has been provided through my Department to councils runs into tens of millions of pounds. I should add that, in the last year, most councils have been able to have zero or very low rate increases because they found themselves in a better financial position. Much of that was to do with the support that they received from central government.

Mr Weir: The Minister specifically mentioned waste management. How have recycling rates been impacted by the COVID-19 pandemic?

Mr Poots: Recycling rates have gone down slightly. That is unfortunate, but we hope to turn that around and arrest it. We continue to give considerable support to councils for recycling. We have a package set aside of £23 million for councils to install new bins and collection systems that will ensure higher levels of recycling. I was in County Fermanagh last week at Drummee, which is claiming a lot more materials. In the first year, even with COVID, it claimed around 600 tons of materials that went away from landfill and were recycled. That is a saving of £60,000 for the people in the Fermanagh and Omagh District Council area. That work will continue in order to ensure that we drive up recycling and that our councils are motivated to do it.

Driving Tests: Trailers

T9. **Mr Chambers** asked the Minister of Agriculture, Environment and Rural Affairs who will know that, this autumn in GB, drivers will no longer be required to do a test to drive with a trailer, with the B+E category to be automatically updated on GB drivers' licences, whether he has had any discussions with the Minister for Infrastructure about the possible

removal of the trailer test here to help bring down waiting lists for car and HGV tests. (AQT 1649/17-22)

Mr Poots: No, I have not, but I would support its removal. People need to have driven a vehicle for a period and to have had a bit of experience on the roads before they drive with a trailer. Most mature adults will, however, be capable of driving with a trailer.

Mr Chambers: I thank the Minister for his answer. Does he know the legal position on insurance for GB drivers wanting to drive in Northern Ireland with a trailer?

Mr Poots: I am loathe to say what the position is, because I have not had it printed out and clarified. The Infrastructure Minister may be best placed to respond to that question, but I will seek to identify the position. I will raise with the Minister the Member's question about our following suit and doing something similar.

Biomethane and Hydrogen Availability

T10. **Mr Frew** asked the Minister of Agriculture, Environment and Rural Affairs, after congratulating him for maxing out his topical questions by reaching question 10, to state how agriculture in Northern Ireland can support increased availability of biomethane and hydrogen for use in transport and home-heating solutions. (AQT 1650/17-22)

Mr Poots: I thank the Member for his question. Northern Ireland can lead the hydrogen revolution that is needed to ensure that we have renewable energy sources that are close to home, sustainable and future-proofed. My Department works to encourage such opportunities. Having the capacity to produce 45% of our energy from renewable sources gives us tremendous opportunities to utilise that energy for hydrogen production. That energy is not generated at night because the wind turbines are switched off then. Utilising them at night to produce hydrogen would be using, at no extra expense, a resource that already exists. That is entirely logical.

Taking farms down the route of anaerobic digestion — I would press to do that, in the main, from slurry — will lead to our being in the position to extract methane. That methane, mixed with hydrogen, can go into our pipes, and Firmus Energy and Phoenix Natural Gas are keen to use it. We will be able to feed and heat our homes with it. That makes sense for all of

us in Northern Ireland, because we will have fuel security and — pretty much — food security, and we will ensure that we have it at a consistent price rather than being subject to the variations of world gas and oil prices.

Mr Frew: I thank the Minister for his fulsome answer. He is, of course, no stranger to north Antrim and its industries, not least Wrightbus and its work on the hydrogen hub. How can the Minister ensure that his Department can tap into industry so that we can fulfil our dreams and obligations around hydrogen?

Mr Poots: I thank the Member for the question. I have engaged with Wrightbus and look forward to seeing hydrogen used in not just our buses but our tractors, diggers and lorries. Hydrogen will eventually be a much better solution than electric cars; I have to be honest about that. We import a lot of materials that are mined in Africa in circumstances that may not be the most suitable. Hydrogen, however, is a true renewable.

I will continue to work with anybody who comes forward — I will meet people next week and the following week about hydrogen — and with the Department for the Economy in driving this forward. I am working to try to draw down some of the emissions trading scheme money that has gone to Europe over the years, and to invest it in hydrogen, in reducing carbon, in our planet's future and in this country's future.

Mr Speaker: Members, that concludes this section of Question Time. Please, take your ease for a minute or two.

2.45 pm

Justice

Mr Speaker: We will move on to the questions to the Minister of Justice that were deferred from yesterday. I wish the Justice Minister better health today.

Question 8 has been withdrawn.

Victims of Crime Commissioner

1. **Ms Flynn** asked the Minister of Justice when the victims of crime commissioner designate will take up office. (AQO 2511/17-22)

7. **Mr Buckley** asked the Minister of Justice for an update on the establishment of a victims of crime commissioner. (AQO 2517/17-22)

Mrs Long (The Minister of Justice): Mr Speaker, thank you for allowing me to defer until today. With your permission, I will answer questions 1 and 7 together.

On 21 September, I announced my intention to establish a victims of crime commissioner designate for Northern Ireland, and I intend to launch a public appointment competition for the position imminently. The victims of crime commissioner designate will fulfil a new and important role and will provide a voice for victims of crime, promote best practice and drive improvements in policies, practices and services to meet the needs of victims of crime.

This is a significant step forward. The commissioner designate will represent all victims of crime and will have a focus on the specific needs of particularly vulnerable groups of victims, including victims of domestic abuse and of hate crime. Details of the competition will be published on my Department's website in due course, and the position will be advertised through the recruitment pages of the three local newspapers. My intention is to appoint a victims of crime commissioner designate before the end of the mandate.

Ms Flynn: I thank the Minister for that response. She will know that the wider impact of crime goes well beyond the criminal justice system, and, in a lot of cases, it impacts on the health and mental health of the victim. Will the victims of crime commissioner designate have any responsibility that relates to the Department of Health? Will they be able to make recommendations to the Health Minister, for example?

Mrs Long: Part of the purpose of setting this up as a designate office in the first instance is to work with the victims of crime commissioner to scope out the powers that may be necessary for the permanent post when we put it on a legislative footing. I would certainly be interested in feedback from victims and the postholder of the designate office as to the kind of recommendations that they may make. Whilst their main focus will be on the justice system and how victims are supported through it, in the same way as Victim Support continues to support people beyond the point at which they leave the justice system, a victims of crime commissioner will, I hope, be able to take a wider horizon and consider where better joined-up working between Departments is necessary to support victims of crime.

Mr Buckley: I thank the Minister for her answer and welcome her back to the Chamber. Why

has the decision been taken not to place the commissioner on a statutory footing?

Mrs Long: There is not sufficient time in this mandate to legislate for that, and we therefore decided to proceed on the basis of a designate commissioner, with the legislation to follow in the next mandate.

Ms S Bradley: I welcome the announcement of the victims of crime commissioner, albeit on a designate basis. Does the Minister anticipate that, beyond the victims issue, the commissioner designate or the commissioner will look at issues around witnesses?

Mrs Long: The specific purpose of the victims of crime commissioner will be to look at issues that impact directly on victims. As the Member will recognise, however, many victims are also witnesses within the justice system, and there will be a degree of overlap. For those who are witnesses to and not victims of crime or otherwise directly affected by it, there are of course other mechanisms by which they can seek support as they go through the justice system.

Mr Blair: The Member who asked question 1 referenced the wide range of issues that crime impacts on. There is also a wide range of people affected. What support is in place for the bereaved families of those killed by dangerous drivers?

Mrs Long: The specific issue of dangerous driving and death by dangerous driving is one in which I have taken a particular interest over the past number of years. As the Member will be aware, I have made decisions on the increased penalties that I wish to see in sentences for death by dangerous and careless driving. The Department is proceeding with those in the drafting of a sentencing Bill for the next mandate.

Many different groups support those who have suffered bereavement as a result of crime or dangerous driving. I am very much indebted to the families who have been through that trauma for their feedback to the sentencing consultation that we did earlier in the year. It was as a result of discussing with them their journey through the justice system that we arrived at our conclusions. Many of them raised issues that they had going through the court system. As a direct result of the contact that we had with those families, additional changes have been made to how sentencing is announced in the court system and the support that is necessary for families in those circumstances.

LGBTQ+ Community: Domestic Violence

2. **Ms McLaughlin** asked the Minister of Justice whether she will support the introduction of a PSNI database for recording incidents of domestic violence against those in the LGBTQ+ community. (AQO 2512/17-22)

Mrs Long: I start by acknowledging that the LGBTQ community is not immune from domestic abuse; in fact, statistics shared with my Department by the Rainbow Project and Cara-Friend during the development of an e-learning package on the new domestic abuse offence indicate that domestic abuse has been experienced by one in four lesbian and bisexual women and four in 10 gay and bisexual men. In addition, they advised that 80% of transsexual people had experienced domestic abuse from a partner or an ex-partner. In reality, we know that non-reported incidents of domestic abuse could be much higher.

I am also acutely aware of the specific barriers that people in the LGBTQ community may encounter in accessing support and of the additional abuse that they can face. The e-learning package and awareness-raising tool that my Department and its partners are developing seeks to raise awareness of that and to highlight the support that is available to those in the LGBTQ+ community.

Introducing a database for recording incidents of domestic violence against those in the LGBTQ+ community is primarily a police operational matter, in the context of information that is recorded more generally. I understand the potential benefits of better data collection, although it needs to be manageable within the operational context. As Members will appreciate, I cannot interfere in police operational matters, which are the responsibility of the Chief Constable.

Ms McLaughlin: Thank you, Minister, for your answer. Do you agree that a database could be useful when it comes to encouraging victims in the LGBT community to report incidents of domestic violence, bearing in mind that research shows that about 64% of crime against that group is not reported?

Mrs Long: It is hugely important that, first, we gather as much evidence as possible on domestic abuse and violence and how it affects different parts of our society. If the Chief Constable were to decide that he has the resources and the technical ability to collect that data because it would help the police shape

their response, I would have no objection. Encouraging people to come forward is, however, less about statistics and more about reassuring them that, when they present with domestic abuse to the PSNI or any of the support networks, their concerns will be taken seriously, their voice will be heard and the response that they receive will be adequate to support them through what is a traumatic time. Much of what we are doing on the training and learning that goes with the new domestic abuse offence is incredibly important, because it ensures that members of different communities, including the LGBTQ+ community, are able to access those services and have full confidence in them.

Ms Ennis: Section 31 of the Domestic Abuse and Civil Proceedings Act provides for DOJ to issue guidance on information and data collection to the Public Prosecution Service (PPS), the PSNI and other bodies. Will the Minister confirm whether the Department has issued any such guidance to date?

Mrs Long: Not that I am aware of. Obviously, the Domestic Abuse and Civil Proceedings Act has not yet been enacted. Whilst it is an Act, it has not been commenced. We hope that that will happen towards the end of this year or early next year. If we believe that there is evidence or information that would be of assistance in monitoring the operation of that legislation, there may well be opportunities to collect it. That is the context in which clause 31 was drafted.

Mr Muir: The legislation that was passed recently — as the Minister outlined, it is in the process of being enacted — will have a positive impact on enabling the Minister and the Department to tackle domestic violence. Does the Minister agree that the ability to pass legislation that safeguards people from domestic violence and other societal issues is yet another reason why we need to keep the institutions and support devolution?

Mrs Long: Obviously, I agree with the Member that it is important that these institutions are able to make progress. Mr Speaker, it will not be lost on you and your office how busy the legislative programme has been in the past 18 months — much more so than in many other five-year terms. That is evidence of the desire of people in this place to make change, and it is evidence of the desire of the community to see change delivered. If this place were to collapse, we would lose many pieces of legislation and much of the progress that can be made by

decisions taken in the House, and that would be a lost opportunity.

Mrs Barton: When does the Minister intend to introduce the new domestic abuse protection notices and orders?

Mrs Long: Work is ongoing. Hopefully, they will be introduced in this mandate, but there is considerable work to be done to align the computer systems with the operationalisation of that work. We continue to make progress. It is important to say that those additional protections will supplement the protections that are already available to people who find themselves in such situations, and it is important that, in the interim, people make full use of those. I am keen to see the new notices and orders brought forward as swiftly as possible, because, in particular, they will remove some of the onus on the victim to have to seek out that protection. They will place that responsibility with the PSNI, which is the better location for it.

Sexual Offence Convictions: Monitoring

3. **Mr M Bradley** asked the Minister of Justice to outline the monitoring arrangements for people convicted of a sexual offence. (AQO 2513/17-22)

Mrs Long: The public protection arrangements for Northern Ireland (PPANI) bring together a number of agencies, including probation, police, social services, the Prison Service and the Housing Executive, to share information and to provide effective assessment and management of the risks posed by certain individuals convicted of sexual offences. Under PPANI, there are three categories of risk. Individuals assessed as category 1 require no multi-agency intervention, but all those assessed as category 2 or 3 are allocated a designated risk manager. If the individual is subject to statutory supervision with the Probation Board, a probation officer will act as risk manager. Where the individual is not subject to licence supervision, the PSNI undertakes that role. For those category 2 and 3 offenders, the risk assessment and risk management plan are reviewed by a local area public protection panel (LAPPP) every 16 weeks. It is the designated risk manager's responsibility to coordinate all elements of the risk management plan and to ensure that it is delivered when and as agreed.

The Sexual Offences Act 2003 requires certain individuals who have been convicted of sexual offences to be subject to notification

requirements with the police. Such individuals are required to notify when they change address, stay at another address for seven days or more or are travelling outside of the UK for three days or more. It also introduced a number of civil preventative orders.

Individuals subject to statutory supervision with the Probation Board, either on a community order or a licence following a custodial sentence, are managed in line with the Probation Board's practice standards. The level of contact is determined by their assessed level of risk and includes planned and unannounced home visits. A specialist risk assessment tool is used to assess treatment needs and helps to predict reoffending. It provides an evaluation of 13 risk factors that focus on the offence history, enduring psychological characteristics and the current behaviour of the individual. The factors identified become treatment and supervision targets within the overall risk management plan for that individual.

The Probation Board delivers a number of accredited group work programmes to address sexual offending, including specialist programmes for those under the age of 18 who have committed sexually harmful behaviour and to address internet offending.

3.00 pm

Mr M Bradley: Minister, thank you very much. There are around 1,500 registered sex offenders in Northern Ireland. Sixteen of them are women, and 413 live in the Belfast area. I do not think that the police could devote the necessary time to monitor the movements of such criminals. Nor could the landlords, the Housing Executive or the statutory organisations devote the time, manpower and resources to do that job properly. Therefore, Minister, does your Department have any plans to make relevant information on sex offenders more available to the public? People are worried about their children and vulnerable adults being near such people. Is there any way that more information could go out to the public?

Mrs Long: Considerable information is already released to the public. For example, when people apply for employment or volunteering opportunities with vulnerable categories of people, they have to declare any sexual offending behaviour. When an individual is on licence in the community, the DOJ obviously has the authority to revoke the licence and recall an individual to custody where it is considered that the risk posed by the offender

cannot be safely managed in the community. In addition, a breach of a sexual offences prevention order (SOPO) is an arrestable offence. Where an individual subject to a SOPO breaches the terms of the order, the PSNI will arrest that individual and initiate criminal proceedings.

As I said, many of those in the community are monitored not just by the Police Service but by the Probation Board; indeed, last week, as part of Hidden Heroes Day, I met representatives from the Probation Board and spoke to those who have the rather difficult task of monitoring sexual offenders about the complex work that they undertake. They are highly skilled people who take their jobs incredibly seriously because they recognise that it is part of their role of keeping people safe.

Ms Dolan: Minister, will you clarify how people convicted of a sexual offence abroad who now live in the North are subject to monitoring arrangements?

Mrs Long: I would need to come back to the Member in writing on that. I know that someone who commits an offence here, leaves the jurisdiction and comes back will certainly be on our register. I also know that those who come from other parts of these islands will be notified to the PSNI. Those who travel internationally and have sexual offences on their criminal records will most likely come to note when, for example, criminal record checks are undertaken for employment and other things.

I can respond to the Member more fully about how we take that forward and, perhaps, the reverse, namely how we inform other jurisdictions if someone leaves this jurisdiction to live elsewhere.

Mr McNulty: Has the Minister considered a child sex offender disclosure scheme similar to Sarah's law, which was rolled out in 2011 in England and Wales?

Mrs Long: I have not considered that at this time, although I am always open to looking at the evidence for such registers. Part of the difficulty is that we are trying to protect people proportionately. There is a danger, particularly with sex offenders, that it can be difficult to manage them if, for example, people constantly move because the public become aware of where they are and we end up with people being, for example, harassed where they live. That can make it more complicated for the robust monitoring by the Probation Board and the PSNI to be effective.

There is a balance to be found in all those things. If the Member would like to make an appointment to talk to me about his concerns, I would be more than happy to consider them.

Troubles Permanent Disablement Payment Scheme

4. **Mr Nesbitt** asked the Minister of Justice for an update on any aspects of the Troubles permanent disablement payment scheme that fall under the purview of the Department of Justice. (AQO 2514/17-22)

Mrs Long: First, I wish to reiterate my previous comments and say how pleased I am that this important scheme is now operational and that applications are being submitted to the Victims' Payments Board. I trust that the scheme will have a positive impact on the many victims and survivors who suffered a permanent disablement as a result of a Troubles-related incident.

In line with the Victims' Payments Regulations 2020, my Department was designated by the Executive Office to exercise the administrative functions of the Victims' Payments Board on the board's behalf. A project team was established in the Department to put in place the necessary arrangements to support the administration of the scheme.

That included the development of an application form and accompanying guidance for approval by the Victims' Payments Board, development of a website for the board and a portal to accept online applications. Arrangements were also put in place with a range of organisations with which the Victims' Payments Board will engage to access information to assist with the assessment of applications.

My Department is also responsible for providing the necessary number of staff to support the administration of the scheme, subject to the approval of the Executive Office. That includes a secretary to the Victims' Payments Board. Accommodation has been secured for the administration team, and the necessary IT equipment has been provided to staff to enable them to carry out their roles.

My Department also arranged procurement of the service for assessing the level of permanent disablement of applicants to the scheme. The contract was awarded to Capita in February, and my Department has ensured the implementation of the necessary arrangements so that Capita can accept referrals from the Victims' Payments Board.

Mr Nesbitt: Does the Minister have any concerns about the performance of any third party engaged in supplying the service?

Mrs Long: With specific respect to their service regarding the Victims' Payments Board and this particular scheme, it is too early to judge the performance as we are still at the very earliest stages of applications and assessments. However, it is something that we will keep under review, given the very negative assessments of some of those third-sector bodies in their delivery around, for example, the personal independence payment (PIP) scheme. It is something that we are aware of. However, we are also conscious that it is a very different scheme and a very different contract, and it is monitored in a very different way. We hope that that provides reassurance to those who apply.

Mr McCrossan: Minister, you said that additional support will be made available to organisations representing victims following the commencement of the Troubles permanent disablement payment scheme. Which voluntary organisations will receive that? Do you have any indication of how much extra support will be available?

Mrs Long: I thank the Member for his question, but he has mentioned the area that we are not responsible for in the Department of Justice, and that is funding to victims and survivors organisations. Advice workers have been placed in a number of those organisations to help those who need to come forward to fill in application forms. They are there to do that free of charge. Some victims have been approached by solicitors who have suggested that they can help for a fee of £500. I will take this opportunity, again, to remind those who are listening that there is no need to pay for legal advice in order to fill in the forms. There are organisations that will be able to do that, and the Executive Office has set aside money for that purpose. Those advocates are now in place and are undertaking the work that is required of them.

Mr Blair: What measures has the Department taken to protect victims and survivors from scams or potential scams relating to the Troubles permanent disablement payment scheme?

Mrs Long: We were aware that there were some who were soliciting business on the basis that if people paid a fee, they would receive assistance from an organisation to complete their forms. A number of things happened. The Law Society put out a very strongly worded

statement reminding solicitors that they had a duty not to solicit for business in that way. When the Victims' Payment Board was alerted to the issue, it also put out a statement to stress the fact that, whilst victims are free to seek legal advice if they wish, they are under no obligation to do so. The scheme is designed in such a way that it should not be necessary. Furthermore, by putting in place, as we have done, advocates to assist those who need to fill in the forms and who, perhaps, require some assistance with them, we hope that that will be avoided in future.

It is important to say that the victims' organisations within which those advocates are embedded are fully aware, and are very clear with people who ask for their assistance, that they do not need to have had previous engagement with those organisations. They do not need to be a member of those organisations or have a pre-existing relationship with them in order to benefit from that advocacy scheme. It is there for anyone who chooses to apply to the scheme. It is important that people know that that advice is there for them, free of charge and available, so that they can fill in the form to the best of their ability and, hopefully, have a smooth run through the application process.

Police Numbers: NDNA Commitment

5. **Mrs Cameron** asked the Minister of Justice to outline what financial bids she has made to increase police numbers to 7,500 as set out in New Decade, New Approach (NDNA). (AQO 2515/17-22)

Mrs Long: The Member will be aware that the funding package that accompanies the 'New Decade, New Approach' document falls well short of the amount that is needed to deliver all the priorities that are set out by the British and Irish Governments and that delivery of additional police numbers to 7,500 is, therefore, largely dependent on the availability of Executive funding.

In light of the NDNA commitment, my Department submitted bids to the Department of Finance in January, September and November 2020 to increase the number of police officers to 7,500.

In addition to the final opening 2021-22 budget, PSNI was allocated an in-year allocation of £12.3 million. Of that, £9.8 million will enable the PSNI to retain its police numbers of approximately 7,000, with £2.5 million enabling the recruitment of 100 additional officers in

2021-22 towards the police officer numbers in the NDNA document of 7,500.

I will continue to work with Executive colleagues, including the Minister of Finance, and the Chief Constable to ensure that the Police Service is properly resourced in all aspects for the challenges that it faces.

Mrs Cameron: I thank the Minister for her response. The public want to see visible policing on the ground and in communities, providing reassurance, building relationships and deterring crime. Does the Minister agree that much more effort is required to increase neighbourhood policing teams and ensure that there are more officers on the ground and on the streets?

Mrs Long: I understand that, following the uplift of 400 additional officers into neighbourhood policing teams, there are currently 719.5 established posts in neighbourhood policing across the PSNI. However, decisions on the allocation of police officers in the PSNI are entirely a matter for the Chief Constable, who is accountable to the Policing Board. I am committed to respecting his independence and indeed the board's role. It would not be appropriate for me to comment on where additional officers should be located.

Ms Kimmins: As the Minister stated, the funding that has been provided by the British Government to meet the priorities that were set out in NDNA is far short of what is needed. Has the Minister engaged with the British Government to push for adequate funding to ensure that the number of additional police officers will be met by the end of the mandate?

Mrs Long: We have raised that issue with and through the Northern Ireland Office and also through the Minister of Finance, who, ultimately, is responsible for allocating the Budget to Departments. We will continue to raise that issue. It is obviously an issue in reaching the target of 7,500 officers. However, the NDNA commitments, much as they were long, were non-specific in that they did not actually give any completion date for many of the targets that were set. Without completion dates and clarity on that, it is really meaningless for what we can try to achieve. I have focused on trying to ensure that I get the best possible settlement for the Department of Justice and that we pass on that opportunity to the Chief Constable to be able to increase numbers if he feels that that is where the money is best spent. However, ultimately, it is a matter of resourcing. We have not seen the budgets beyond 2021-22, so it is

impossible to tell where we will be in one, two or three years' time. It would be fair to say, based on the ongoing evidence-gathering exercise, that none of it looks particularly optimistic.

Mrs D Kelly: I declare an interest as a member of the Policing Board. The Minister will be aware that the Police Service will recruit over 340 officers later this year and, I am sure, of a trend whereby we have seen an increased number of recruits from the LGBTQ community, as well as the black and minority ethnic communities and, indeed, the Protestant working class, but a worrying downward spiral in representation from the Catholic and nationalist communities. Is the Minister sure and reassured that all that needs to be done is being done and that whatever affirmative actions are available to the Chief Constable are being engaged?

Mrs Long: With respect, it is a matter for the Member, as a member of the Policing Board, to reassure herself in her engagement with the Chief Constable and, indeed, her colleagues on the Policing Board that such measures are in place, because that is the right place to look at it. It is important that the Police Service reflects the community in all its parts. That requires that as many people as possible from under-represented groups are encouraged to come forward.

I will certainly continue to do that in anything I say and do, and I trust that the Member will continue to do likewise, because I believe that, as political and, indeed, community leaders, when we speak out and encourage people to come forward, that, too, can have an impact on whether people decide to apply.

3.15 pm

Mr Speaker: That ends the period for listed questions. We now move on to 15 minutes of topical questions. Questions 8 and 9 have been withdrawn.

PSNI: Senior Leadership Team

T1. **Dr Aiken** asked the Minister of Justice, after welcoming her back and wishing her well, whether she has any concerns about the large number of changes to and resignations from the PSNI senior leadership team in recent times. (AQT 1631/17-22)

Mrs Long: It would be inappropriate for me to comment on changes in the senior

management and leadership team of the PSNI beyond congratulating those who have moved on to more senior positions. That shows that those officers have been well-trained and are well placed to take up senior roles in other places. Of course, the degree of flux that an organisation is subject to will have an impact on any organisation, and it would be good for everyone if there was a period of stability, but the world rarely works in that way. From my perspective, it is for the Policing Board and the Chief Constable to work through the vacancies and changes and to do so in a way that maintains confidence in policing and, indeed, maintains operational capacity. I believe that they are doing so, and I am certainly happy to speak to any Member who is of a contrary view.

Dr Aiken: I thank the Justice Minister for her comments so far, but, as she is aware, any significant changes, including the number of significant changes in the PSNI, will have a worrying effect on morale. As the Justice Minister, she must be aware of the impact the changes are having on PSNI morale at the moment. Has she taken the opportunity to assess that morale, or is that just an operational matter or a matter for the Policing Board?

Mrs Long: The Member talks about things being "just" a matter for the Chief Constable or the Policing Board, and, in doing so, he does the Chief Constable and the Policing Board, including his colleagues who sit on that board, a grave disservice. It is not that things are not important; it is that they are not part of my remit. It is important for me to respect the integrity of the Policing Board as it does its work. It is best placed to assess whether there are major changes and what impact they are having.

I am sure it is difficult to manage any organisation where there is much change, but in an organisation the size of the PSNI, there will be much change. Managing that change is part of the role of the Chief Constable and the Policing Board. I have confidence in both to do that job well, and I am sad that the Member feels that, because I am not involving myself in things that are not my business, it means that I do not believe they are important. He is very mistaken in that view.

High Street Scheme: Doorstep Scammers

T2. **Ms Dolan** asked the Minister of Justice who will be aware that, since the high street scheme was announced, there have been a number of reports of scammers calling door to door in an attempt to target older people and vulnerable

people, what work her Department is engaged in to tackle such crime. (AQT 1632/17-22)

Mrs Long: I thank the Member for her question. As she will be aware, the Department of Justice, the PSNI and our other agencies are engaged with the Scamwise NI partnership. Part of that engagement is to first identify those scamming opportunities that people are picking up on and then to disseminate information on the risk of such scams through a whole variety of different media, whether through social media, printed leaflets, radio advertising or whatever it may be. It is also about giving people the tools to be able to identify scams, which, in many cases, are quite complex and have become more and more sophisticated. It is important that that happens.

As part of the Scamwise partnership, we also rely heavily on other Departments. If they find that scams are particularly prevalent in certain areas within their own remit, they should let us know about that, and we can then talk to Scamwise about how we can tailor the response to deal with those specific issues. All of us want to see scams being dealt with. These people are preying on some of the most vulnerable people in our community, and it is incredibly important that we get proper and helpful information out to the people who need it.

Ms Dolan: I thank the Minister for her answer. Were there any conversations prior to the roll-out of the high street scheme to anticipate potential scams? Were any preventative measures put in place, or was the work done through just the Scamwise partnership?

Mrs Long: From my perspective, no particular measures were put in place. However, I know that my colleague has highlighted the issue to the public, as have a number of other MLAs, to make sure that people are very careful, particularly about cold callers to their home. In a number of council areas, cold callers told people that they could apply for the voucher on their behalf. As with any scam, it is hard to predict what form it will take. Once we are aware of it on the ground, we can respond to it. Of course, October is Cyber Security Awareness Month. The Northern Ireland Cyber Security Centre will run a series of events over the next month that focus on safety and raising awareness of online scams and harms. Scamwise NI is part of that process.

Prison Officers: PRRT Eligibility

T3. **Mr T Buchanan** asked the Minister of Justice what steps she will take to inform retired prison officers of their eligibility for assistance from the Police Rehabilitation and Retraining Trust (PRRT). (AQT 1633/17-22)

Mrs Long: That work is ongoing. As you are aware, we made a formal announcement about that. Through the Prison Service, the POA and those who continue to connect with the Prison Service, we intend to continue to feed that information out. It is important that, irrespective of the manner of their departure, those who leave the Prison Service, particularly those who have suffered trauma, are able to access the available services. We are reaching out through the Prison Officers' Association and the Prison Service itself, which maintain good links with former officers, to try to ensure that they are fully aware of the extra help that will be available as a result of the package of measures that we announced in January.

Mr T Buchanan: I thank the Minister for her response. She will know that the scheme was established some 22 years ago to assist officers and their families in making the transition back into public life. The programmes delivered by the trust have been extremely helpful to them. I am sure that she will agree that prison officers face exactly the same problems and difficulties as police officers. The sooner that information gets out to prison officers, the better.

Mrs Long: I absolutely agree. I will visit the PRRT later this week to engage with it, to see more of the work that it does and, hopefully, to have a conversation about how it will deliver this to police officers and prison officers, who, I completely agree, undertake a very difficult job in often very challenging circumstances. I never fail to be impressed by the work that they do.

PSNI: Sexual Misconduct Allegations

T4. **Mr Carroll** asked the Minister of Justice for her assessment of the deeply disturbing and concerning news that, in the past five years, at least 39 police officers have been the subject of internal investigations over allegations of sexual misconduct. (AQT 1634/17-22)

Mrs Long: Everyone in the Chamber has been touched by what happened in the case of Sarah Everard. It has brought home a reality for many women in our society that even those who appear to be figures of trust are often predators. The fear of being preyed on by someone, which lies with every woman who is alone as they try to go from A to B while going about their daily

business, is all the more acute at this time. I have listened to the evidence, the witnesses and the family and watched the videos. It is very chilling to think that someone in such a position of authority, someone to whom we would turn for help, would abuse that position in such an egregious way.

It is hugely important that the PSNI continues to do the work that it does to challenge such culture in the organisation in order to ensure that it tackles misogyny and sexism in the same way as any other form of prejudice. It is also important that we, as a community, feel confident about being able to go to the PSNI if we become the victim of domestic violence or a sexual assault.

I know that the PSNI is rolling out training at the moment as a result of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021. I hope that that training, in itself, will highlight some of the key behaviours that are of concern. I am aware that disciplinary matters are often spread across a number of different departments. Some will have been dealt with by the PSNI. Some will be dealt with by the Office of the Police Ombudsman. I am aware that not all the cases to which the Member referred have reached the end of that process. However, of those that have, we are aware that a number of people have been dismissed from their post. In cases of serious offending, that is important, because all of us need to know —

Mr Speaker: Time.

Mrs Long: — that, when we turn to a police officer in a moment of distress, we are safe and that we can be confident that we will remain safe in doing so.

Mr Carroll: I thank the Minister for her answer. Sarah Everard and Sabina Nessa were tragically killed, as were many other women on this island. Following those tragic cases, has she reconsidered adopting and implementing a strategy to combat violence against women and girls?

Mrs Long: I am slightly bemused by the question. The Executive as a whole have agreed that they will bring forward a violence against women and girls strategy. That was at the behest of my proposition to the Executive. The Executive agreed that they would do so and that the Executive Office would take the lead on bringing it forward because it was not simply a matter for the Justice Department but for all Departments to tackle violence against women and girls, whether direct or indirect. A

violence against women and girls strategy is being developed, but I encourage the Member to ask the Executive Office at its next Question Time about progress in that regard, as I do regularly at the Executive.

Bail: Criteria Review

T5. Mrs Cameron asked the Minister of Justice whether, in light of numerous recent incidents of individuals who have been charged with offences, including murder and dissident republican terrorism, being granted bail by the Northern Irish courts, she agrees that it is time to review the seemingly lenient conditions whereby individuals who are alleged to have been involved in terrorism are granted bail. (AQT 1635/17-22)

Mrs Long: The decision on whether or not people will be bailed at any stage in the court process is strictly a matter for the judiciary. It is not one that I wish to wade into this afternoon. My intervention in that respect would be neither welcome nor helpful. The decisions that are taken and the balances that are considered when it comes to granting bail are out there in the public domain, including the seriousness of the offence and the likelihood of somebody absconding.

The flip side of that also needs to be borne in mind. If people are remanded in custody, they can often end up serving a long time in prison when they have not yet been convicted of any offence. Of course, there is a risk that they may never be convicted of any offence as a remand prisoner. There is a balance to be struck between public protection and ensuring that the accused individual remains innocent until proven guilty, but that must be struck by the courts and not by me.

Mrs Cameron: I thank the Minister for her answer, which leads me nicely to my supplementary question. Another issue in relation to these trials is the unacceptable delays in the legal process. Does she have any plans to help our under-resourced judicial system to ensure that it is well staffed and equipped to provide timely progress in cases?

Mrs Long: I will take that in two stages. The first is about the plans that we have. We already had plans in place prior to COVID to speed up justice, and we were starting to see them bear fruit. In the first quarter of last year, we saw an increase in throughput in the courts and a decrease in waiting times of about 11%, so there was quite a significant change.

Of course, COVID has set us back some way and, particularly in the Crown Court, there are real challenges. To assist the recovery of the Crown Court, I made a cross-Justice bid to the Department of Finance which was funded earlier this year. We are now working with our partners to ensure that we are working at about 15% above the normal 100% activity level. We have more courtrooms open and operational than was the case before, we are doing more work remotely and in hybrid format, and much more is being done in the courts via administrative procedures.

That is how we are going to go about recovering the court system. We will probably find that the Magistrates' Court will recover reasonably swiftly, probably by the end of this year. The High Court and the more serious criminal issues that go through the Crown Court are likely to take much longer. That is simply the reality of the complexity of the cases that those courts have to deal with and the challenges that they face in doing so. We are ensuring that the Courts and Tribunals Service and the other parts of the justice system, whether it is the PSNI, the Public Prosecution Service or the judiciary, are all allocated additional resources. There is no point in one part of the system stepping up if other parts of the system lack capacity to follow suit.

Mr Speaker: Time is up. I invite Members to take their ease for a moment or two.

3.30 pm

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

Executive Committee Business

Adoption and Children Bill: Second Stage

Debate resumed on motion:

That the Second Stage of the Adoption and Children Bill [NIA 37/17-22] be agreed. — [Mr Swann (The Minister of Health).]

Ms Brogan: I thank the Minister for bringing the Bill to the Assembly. As the Sinn Féin spokesperson on children and young people, I welcome the opportunity to speak in the debate. There is no doubt that this is a substantial piece of legislation and that it is long overdue. It is hugely important and will affect many children, young people and families. I welcome today's debate and support the Bill's proceeding to Committee Stage.

Recent investigations into the history of mother-and-baby homes have exposed what can happen when the best interests of the child are overlooked and others' interests are prioritised. As we consider the Bill, it is worth remembering that the onus is on us, as legislators, to ensure that, going forward, adoption law is properly child-centred.

The number of children and young people in care has grown steadily over the past decade. Numbers have increased significantly during the pandemic as well. There is a clear link among growing economic hardship, family breakdown and children in need of care. As we face another period of Westminster-imposed cuts and austerity, it is likely that the number of children in need of intervention will continue to increase. Many children who are adopted here come from the care system, and children who are in need of care have already experienced difficulties and hardships in their life. Outcomes for children in the care system continue to fall below those of their peers. I am sure that all Members agree that anything that we can do to improve the experience and outcomes for children who are in need of care is of vital importance.

Adoption is only one of a number of possible interventions. Where adoption is appropriate, however, the adoption process must meet

modern standards as well as be underpinned by best practice. Our current adoption legislation is 35 years old, while the Children Order 1995 is over 20 years old. In that time, one of the most significant changes has been the progressive development of rights-based policy. In 2013, a successful legal challenge led to the lifting of the ban on unmarried and same-sex couples applying to adopt. I am glad that the Bill recognises that their right to adopt is the same as that of other couples.

I welcome other parts of the Bill, starting with its recognition of the need to listen to children and to consider their needs. In the past, decisions were made for children rather than with children. There is greater recognition today not only that children have a voice but that their voice deserves and needs to be heard and heeded. I am glad that the Bill shares that recognition. The Bill adopts a more inclusive notion of what constitutes a loving family. In the past, decisions around adoption were often shaped by narrow and outdated definitions of what constituted a family. I am glad that the Bill addresses that. The Bill intends to tackle the undue delays that leave children and young people in care in unsettled and insecure placements for far too long. Research has highlighted the damaging impacts that delays in the adoption process can have. All those factors are welcome.

Adoption, however, is one of the most serious interventions that can be made in a family's life, and that is why the Assembly must be serious about getting the legislation right. I will raise a couple of issues that should be explored further at Committee Stage, if the Bill gets that far.

In the context of the island of Ireland, more consideration of cross-border adoption is required, particularly where there are familial ties. It is important that the Minister, and the Committee members who scrutinise the legislation, ensure that families in the Twenty-six Counties are not disadvantaged by having to pay adoption fees, particularly in border areas. Another issue that needs to be explored further is the definition of "harm". It is a positive step that the definition has been expanded to include a child having heard or witnessed harm done to others, but we need to consider broadening that further. A child does not need to witness ill treatment by sight or sound to be affected by it.

The Bill's passage to Committee Stage will allow greater scrutiny and rigorous examination of what it hopes to achieve against what it is likely to achieve. It will allow expert opinion to be sought, and it will allow any difficulties to be

identified and addressed. I support the Bill's progress to Committee Stage and encourage other Members to do the same.

Mr Allister: I have just a few observations on the Bill. It deals, obviously, with a very important issue, namely that of adoption and the care of children. There are many in our society who, without a loving adoptive mother and father, would not have made their way in this world to the extent that they have. Tribute needs to be paid to those adoptive mothers and fathers who took upon themselves all the burdens and duties of parenting children who would otherwise have had no active mother or father. I can think of people, even in public life, who write, from time to time, about how finding that right place — that right home — was the making of them. Therefore, when we deal with adoption, we deal with a very important and sensitive issue. Adoption is something for which many, as they grow up in this world, have had occasion to be thankful. Likewise with foster parents, who add to their own responsibilities the giving of all that love and care to others. I salute the efforts made by so many in that regard.

In my brief contribution, I want to reflect on two points that Ms Armstrong made very effectively. She questioned why, under clause 3, we could end up with a multiplicity of adoption authorities. Why do we want to have five different adoption authorities when what is required is a uniformity of approach across the Province, without boundary issues and all that flows from them? I do not understand why clause 3 insists on five separate adoption authorities.

The second point that I want to echo also came from that very considered speech by Ms Armstrong. She made a point about clause 42, a clause that is, I think, pivotal. The clause enables the setting of the rules of suitability of those who are going to adopt children. It says:

"Regulations under section 9 may make provision as to the matters to be taken into account by an adoption agency"

— that is, one of the boards —

"in determining, or making any report in respect of, the suitability of any persons to adopt a child."

Those regulations will definitively shape who can and cannot adopt, yet they are proposed to be made, pursuant to clause 155, by negative resolution. There is nothing more seminal when it comes to adoption than examining the rules

that have to be met by a proposed adopter. If those can simply be made by negative resolution without ever coming to the House, we are in dereliction of our duty as legislators and scrutineers as to the presentation of those rules. I say to the Minister that I strongly think that clause 42 should be included in the list in clause 155(2) as those that would have to come by affirmative resolution to the House.

I make this point with a case in my mind that drew great publicity in Great Britain a couple of years ago, where a couple, regarded as exemplary in their treatment of and experience with children, were decreed by an adoption authority to be unsuitable because they had expressed traditional Christian views about the family and had reflected the traditional Judaeo-Christian view of a child needing a mother and a father. Because they dared to offend the populist, politically correct view, they were deemed to be unsuitable to adopt. That was a scandalous proposition from an adoption authority, which eventually found its way through to our courts. If we leave regulations that can dictate the qualifiers for someone to adopt to being, effectively, beyond the reach of the House, where is the assurance that something as offensive as the exclusion of such a couple from adoption could not happen here? I do not distance myself from the view of that family. I think that it is an honourable, defensible and legitimate view that a child will have the best opportunities when they have a male and a female role model. I think that that is very defensible, but that is not really the issue here. The issue is: should the state put itself in a position where that sort of thing could be put in as a criterion without it ever coming before the House? That is the issue, and I believe that the oversight of the House needs to be strengthened by virtue of providing, in clause 155(2), the exception that relates to other clauses so that regulations made under clause 42 have to come by affirmative resolution. I appeal to the Minister and to the Committee, when they come to examine this matter, to take that course of action. That would be a good safeguard, I believe, going forward.

The second issue is that I want to get absolute clarity from the Minister about the subject that I raised in an intervention.

That was about the right of the offspring of adopted persons to obtain information about the adoptee and their background.

3.45 pm

I wrote to the Minister about that subject last year. In his reply, he stated:

"As you have highlighted, the issue regarding direct line descendants of an adopted person and access to information was addressed in England and Wales in 2014 by way of legislative amendments to section 98 of the Adoption and Children Act 2002. The outworking of those amendments is that direct line descendants of an adopted person may access information about an adopted person including their birth certificate through an Intermediary Service."

The Minister went on:

"Work is ongoing to finalise an Adoption and Children Bill which is intended to modernise the legislative framework for adoption in Northern Ireland. As part of a public consultation on the Bill during 2017, views were sought on whether to include provision to enable descendants of adopted people to access intermediary services. Respondents were overwhelmingly in favour and the Bill has now been amended to include the relevant provision, equivalent to section 98 of the 2002 Act."

When I read section 98 of the 2002 Act and compare it to the provisions in the Bill, which seem to appear in clause 56, I am not convinced that they faithfully reflect the position now pertaining in GB. I invite the Minister, in his winding-up speech, to convince me of how and where clause 56 — if that is the particular clause — reflects section 98 of the now amended 2002 Act. It is very important that the direct line descendants of an adopted person can access information about that adopted person, including their birth certificate.

There is a great thirst for family history, and people want to know about their roots. Very often, the people we are talking about are dead and gone, but their descendants want to know. There is surely no data issue once the person has passed. I ask the Minister: have we in the Bill, as he promised in that correspondence, reflected the GB position, as in section 98 of the 2002 Act? If we have, can he put my mind at ease as to where we have adequately done that in the Bill?

Mr Swann (The Minister of Health): I thank the Members who have contributed to the debate for their remarks. It is clear from today's debate that we all agree that the permanence of arrangements for children and young people, particularly those who cannot remain at home, and their families are of the utmost importance. As corporate parents, we want to do the best we can for the children in our care and for those who have left our care. I, therefore, look forward

to progressing the Bill through the House to enable my Department to start the detailed and substantial work required to give effect to its provisions.

Mr Deputy Speaker, with your indulgence, I will turn to comments made by a number of Members across the House. There has been a thorough and detailed debate, not just on the general principles of the Bill but on its core principle of putting the child at the centre.

Before I move to that, a number of Members raised the matter of mother-and-baby institutions, the disclosure of information and access to the report that was produced today. In response to the queries about the disclosure of information and access to adoption records, I can advise Members that the truth recovery design panel has published its report and recommendations today. The panel was established in April, following a decision by the Executive to undertake a future independent investigation into historical mother-and-baby institutions and Magdalene laundries. The investigation was co-designed with victims and survivors.

This afternoon, with the First and deputy First Ministers, I will meet the panel to discuss the report, its findings and its recommendations and to fully understand the thinking behind them. Those were truly shameful events, which were allowed to happen by the state, by Church and by wider society. Those women and, now, adult children deserve to have their stories told, and the truth recovery design panel was established to facilitate that. I welcome the publication of today's report.

At this stage, I know that the panel has made five recommendations. One relates to access to records and their statutory preservation. Access to records has emerged as a matter of particular concern for victims and survivors of mother-and-baby institutions and Magdalene laundries. That includes the difficulties experienced by some in obtaining access to their adoption records and inconsistency in practice across trusts. To address those issues and to provide greater clarity on the issue of disclosure, work is under way to develop guidance for adoption agencies on the disclosure of adoption records held by them. That work is being taken forward on a co-design basis, with survivors of the institutions working alongside social workers.

I will now turn to comments and points raised —

Ms Dillon: I thank the Minister for taking an intervention and for addressing the mother-and-baby homes issue. I was at the launch of the

report in the Stormont Hotel to hear what the panel had to say. In relation to access to information, I understand that the Minister gave direction to the institutions and those who may well have records to retain them. However, direction may not be enough, and we need to ensure that there is no destruction of records. I again appeal to the Minister that his Department brings forward an amendment or that he supports any amendments that come forward for the Adoption and Children Bill in relation to that issue.

Mr Swann: I thank the Member for that. Comments were made by me, the Member and the Chair of the Committee with regard to what we are hearing today but also what the Bill brings about and how it can be utilised to help those people who were so sadly wronged by the state, the Church, and society in general at that point.

I turn now to comments on the general principles of the Bill that were discussed and to points raised, initially by the Chair of the Committee and then a number of Members, about the challenging timescales for the Bill. I realise that the time frame is now extremely challenging. My officials will work closely with Assembly and Committee officials to identify and address, at the earliest possible stage, any issues that might arise in order to minimise the risk of delay.

We engaged with stakeholders throughout the development of the Bill, particularly in recent weeks to ensure that we will be ready to respond as efficiently and effectively as possible to any issues that they might wish to raise in evidence to the Committee. That is why some of today's detailed questioning was useful.

I thank the Committee and the Speaker for their agreement, in recognition of the challenging time frame for scrutiny of the Bill, to publish the final version of the Bill, and the explanatory and financial memorandum, prior to its introduction. That was to give Members, stakeholders and the public as much time as possible to consider its content. We also provided Committee members with a comprehensive summary of the Bill at that stage, again to assist with the early scrutiny.

The Committee Chair raised the issue of the cost of implementing the Adoption and Children Bill. My Department has estimated that the total cost over three years will be £38.8 million: £17.5 million to support implementation of the adoption provision and £19.5 million to support implementation of the wider children's provision,

with the remaining costs relating to training, updating systems, and costs to other Departments and agencies. That issue was also raised in relation to training for the Courts and Tribunals Service.

In year 1, estimated combined costs will be £13.9 million, with recurrent costs of £12.6 million in year 2 and £12.3 million in year 3. The costs are not expected to begin to be incurred until 2023-24 at the earliest. Additional funding will be sought as part of the spending review process, taking account of the timescales for phased commencement and the implementation of provisions once the Bill receives Royal Assent.

A number of Members raised the cross-border placement and inter-country adoption of children between Northern Ireland and the Republic of Ireland. Child cases that have an inter-jurisdictional or cross-border dimension must be handled in compliance with international and domestic law. There is a North/South protocol for handling such cases that has been in place since 2011. It was reviewed most recently in 2021, and the revised protocol came into effect on 1 August this year. The protocol provides a framework to assist relevant social work authorities in Northern Ireland and the Republic of Ireland to work together on children and/or families known to social services and who move or are placed across the border. That includes children known to social services who are in need; the subject of child protection assessments or investigations; on the child protection register or child protection notification system; subject to public law orders, voluntary accommodation arrangements or placements for therapeutic or assessment purposes; or recorded as missing.

I confirm that adoptions of children between Northern Ireland and the Republic of Ireland are conducted in accordance with international agreements and conventions. Those are enshrined in Northern Ireland law. Any changes to the law on that area would require engagement with the Government of the Republic of Ireland and would have implications for each country's commitment under the Hague convention on the protection of children and cooperation in respect of inter-country adoption. I am committed to ensuring that all adoptions, domestic or inter-country, are conducted in the child's best interest. To that end, I am prepared to consider measures for improving the process for adoptions between Northern Ireland and the Republic of Ireland subject to them being consistent with the rights and welfare of the child being adopted and to our commitments under international law. I

emphasise that I do not foresee any circumstances in which a kinship carer who provides a home to a child through inter-country adoption will be charged a fee.

A point about the definition of "harm" was raised by the Chair and reiterated by a number of other Members. There is provision in the Bill to amend the definition of "harm" in the Children Order to include a child being witness to or:

"seeing or hearing the ill-treatment of another".

As a result, courts, police and authorities will be required to consider the effect on a child of witnessing domestic abuse when making critical decisions about the child's care. The amended definition of "harm" in the Bill is broadly in line with the Domestic Abuse and Civil Proceedings Act 2021 in how it recognises the impact of domestic violence on children who witness it. The Act recognises it as an "aggravating factor", and the Bill recognises it as "harm". It is accepted that the Bill and the Act could be further aligned in that respect.

The definitions of "ill-treatment" and "abusive behaviour" and whether they can be fully aligned require further careful consideration, but I have asked my officials to explore that further with Department of Justice officials and counsel with a view to tabling any amendment during Consideration Stage of the Bill.

I will turn to further points raised by the Chair and Ms Kellie Armstrong about support for kinship care arrangements under the Bill. The point was made that kinship care requirements should be supported. Kinship care is when a child is looked after by a relative or family friend who has a prior connection to the child. Kinship care can be formal, where a friend or relative has been approved as the child's authority foster carer, or informal. Most kinship care in Northern Ireland is informal, with limited or no trust involvement. Ms Ní Chuilín covered that, and I will cover it when I get to her points.

I will move on to points raised by the Deputy Chair of the Health Committee, Mrs Pam Cameron, and reiterated by Mr Robbie Butler about adoption support and providing services that have been "assessed as needed". Initially, a trust will have the discretion to decide in all cases whether to provide services that have been assessed as needed. The Bill will also provide a power for the Department to specify by way of regulation certain categories of people to whom the trust must provide the support that has been assessed as needed.

My Department will develop a mechanism for capturing and monitoring the provision of support to determine whether, at a future point, to use the new power to prescribe categories of persons to whom a trust must provide such support. Individuals will be entitled to raise any issues or make a complaint to their trust about the adoption support services that they have or have not received. The independent advocacy service will be available to support any child making such representations or complaints.

4.00 pm

The Deputy Chairperson acknowledged the importance of special guardianship orders (SGOs), as did Mr Butler. I reinforce the point about the SGO's discretion to undertake assessments and provide services. Children's support needs will be assessed as part of the detailed suitability report that trusts must provide to the court when an application for an SGO has been made. Although there is no duty on trusts to conduct an assessment on request, the Bill provides a power to specific categories of people in respect of whom a trust must undertake an assessment of needs, if requested. Once an assessment of needs has been undertaken, the trust will decide whether to provide the support that has been assessed to be needed. The Bill contains a power to specify that certain categories of people, however, must be provided with special guardianship supports where they are assessed to be needed.

Mr Butler gave a personal contribution about his fostering and adoption experience. Many people in this place often forget that we bring personal experience to the legislation that we make. Mrs Cameron and Ms Armstrong talked about the challenges of a process that should not be challenging. As Mr Allister said and Mr Butler reiterated, it is about the power not just to make adoption right for people but to enable a child and a family to be wholesome and to provide support for a child when it is needed and a loving family to support the child.

Ms Cara Hunter raised the issue of the Bill's definition of individuals. As I said in my opening statement, the current law on who can make an application to adopt has been carried through in the Bill. Applications can be made by single people or couples, including married couples, civil partners or two people living as partners in an enduring family relationship. Applications can be made by men or women, including those in same-sex relationships. That was addressed by the courts a number of years ago as a result of a judicial review. Since the eligibility criteria were changed in 2013, the numbers have

shown that adopters come from a range of backgrounds, reflecting the breadth of the designated criteria.

On that point, I refer to Ms Kellie Armstrong and Mr Jim Allister's question on whether clause 56 should be negative or affirmative. I am willing to consider that point, particularly if it helps to deliver a more effective adoption process that has the right balance between safeguarding children and supporting prospective adopters throughout the process. It is an option for consideration, because I want to make the Bill as strong and supportive as possible for children who might benefit and for those who want to adopt.

Ms Armstrong and Mr Allister are not often on the same page, but they each mentioned the five authorities. We are starting with five authorities based on the five trust areas. However, the Bill gives the Department a power to make regulations to enable some adoption functions or services to be undertaken or delivered regionally, for example by one trust on behalf of another trust or on behalf of the entire region. Regionalising aspects of the service could promote greater efficiency, more equal access to services and, as the two Members who raised the issue said, consistency of service and of user experience.

Mr Allister: Will the Minister give way?

Mr Swann: I will.

Mr Allister: Is the Minister indicating firmly to the House that that is the direction of travel that he is minded to take: to use the power in the Bill to regionalise and maybe have a single trust or some other body in charge of it all?

Mr Swann: It is an indication of travel. The Member has heard me talk many times about how we can regionalise health services on a single basis. It is a direction of travel that the Bill, once it receives Royal Assent, will allow. The next holder of this office can then take that direction of travel; the Bill facilitates it. The Bill also allows trusts to work together on how they can more effectively and efficiently support children who can be adopted and parents who want to adopt so that there is consistency across the patch.

Ms Armstrong raised the issue of corporate parenting. The Bill introduces in law a set of principles, referred to as "corporate parenting", that trusts must follow when looking after children in care. They include having and promoting high aspirations for them, delivering

safety and stability for them and preparing them for adulthood and independent living. Trusts will have a legal and moral duty to enhance each child's quality of life and keep them safe, ensuring that they receive the opportunities and life chances that any good parent would seek for their child.

The principles capture in one place the duties of our trusts under the Children (Northern Ireland) Order 1995. They also achieve alignment between the Children Order and the Children's Services Co-operation Act (Northern Ireland) 2015 (CSCA), not only by defining the well-being of looked-after children in terms of the CSCA but by emphasising the need for cooperation between trusts and other agencies with duties to and responsibilities for children, including the Education Authority and the Youth Justice Agency. Ms Brogan also raised that point.

Ms Armstrong also raised an issue on fostering regulations, following on from Mr Butler's personal experience. The new foster placement and fostering agency regulations were developed and consulted on in 2014. They received the broad support of stakeholders. Following consultation, new regulations were drafted and tabled on 9 March 2016 for scrutiny by the Health Committee. As a result of insufficient time to consider the regulations in detail, the Committee Chair advised that the regulations should be brought back to the Committee in the following mandate. The then Health Minister was considering the draft regulations when the Assembly was dissolved in 2017. Given the passage of time since the original consultation, the intention is to undertake a short, targeted consultation on the draft regulations. That will make any changes necessary before submission to the Health Committee for scrutiny. I expect that the consultation will commence within the next two months. It is intended that, following consultation, the new regulations will be brought to the Health Committee for scrutiny in early 2022. The new standards for fostering services will be developed following the introduction of foster placement and fostering agency regulations. In the meantime, existing standards for foster care will continue to apply.

Ms Armstrong went on to raise an issue that her party colleague Ms Paula Bradshaw had raised with regard to rape and legal access to a child and the matter of parental consent in step-parent adoptions. There is no specific provision in the Bill on legal access to a child conceived as a result of rape, but existing legal provision is more likely than not to prevent legal access by a father to a child who was conceived as a

result of a rape for which he was convicted. If a father wishes to seek access or contact with a child in those circumstances, he will need to seek the leave of the court to apply for a contact order, and the child's welfare must be paramount in the consideration of the court when deciding whether to grant such leave or make such an order.

The final point that Ms Armstrong raised was about the regional Children and Young People's Strategic Partnership (CYPSP). She acknowledged that legislation other than what is specifically in this Bill would need to be changed. In working on the general principles of the Bill, my Department agreed with the Department of Education to delay the proposal to establish in statute the regional Children and Young People's Strategic Partnership.

That will allow time for the structures established under the children and young people's strategy to operate for a period, enabling the Department to assess both the role of the CYPSP in the structures and how its effectiveness might even be strengthened. Once that assessment has been made, the merits of establishing it in statute will be reconsidered.

To include such provisions in the Adoption and Children Bill at this late stage would be to risk delaying the Bill's passage and potentially prevent its receiving Royal Assent in the current mandate. With the agreement of other Departments, particularly the Department of Education, on the policy behind it, a separate strand of work could commence to develop a Bill for that purpose for introduction in the next mandate. That strand of work would need to be properly resourced. My Department is of the view — this is supported by the Office of the Legislative Counsel (OLC) — that any new provision to establish a statutory children's partnership needs to be reconciled with the provisions in the Children's Services Co-operation Act 2015. That Act already requires statutory members of CYPSP children's authorities to cooperate with one another and children's service providers to improve the well-being of children and young people. It would be incongruous to introduce parallel legislation requiring the establishment of a partnership whose members are required to work together to improve children's well-being. We would simply be replicating an existing duty. The alternative would be to amend the 2015 Act to establish that priority. Any such amendments would have to be developed in close consultation with the Department of Education, which has lead responsibility for the 2015 Act.

Not only officials but the Chair of the Committee will have an indication of Ms Ní Chuilín's concerns about how much time will be needed to allow for the Bill's full scrutiny, and not just because of its size but because Members are seeking to strengthen it so that the child is put at its centre.

I touched on fostering when dealing with Ms Armstrong's contribution. Ms Ní Chuilín expanded on the issue by talking about private fostering and cross-border arrangements. Further points of clarification about private fostering may be of assistance. Private fostering is where a child under 16, or under 18 if disabled, is cared for by someone other than a parent, a relative or a person with parental responsibility for the child for more than 28 days. Although trusts do not place children in private foster care, they must be notified of such arrangements by the child's carer, parents or anyone else involved in the arrangements. As I outlined in my opening remarks, the Bill further strengthens the current duties and safeguards that are in place to protect children in private fostering by placing a duty on trusts to promote awareness in the area of requirements as to the notification of private fostering and by creating a power to make regulations that set out the actions that trusts must take if notified that a child is proposed to be privately fostered. Trusts that are notified of a private fostering arrangement must ensure that the welfare of the child is satisfactorily safeguarded and promoted and that advice is given to the private fosterer if the trust considers it to be needed.

The five trusts have responsibility for the welfare of all looked-after children in Northern Ireland. Each trust provides a fostering service in its area. Trusts' fostering functions include the assessment and approval of the majority of foster carers, including kinship carers, for the purpose of providing care to children who are looked after by the trust. They also monitor and review foster placements. The majority of children in foster care in Northern Ireland are placed with trust foster carers. It is important that I notify Members that, as of 31 March 2021, out of a total of 2,664 children placed with foster carers, 240 were placed with 197 independent sector foster carers. That compares with 2,219 foster carers registered with health and social care (HSC) trusts.

Ms Ní Chuilín asked detailed questions about the Bill. I have asked officials to review Hansard so that, when they come before the Committee, they will have detailed answers, especially regarding the language in clause 68(5)(a) about women who have reached the age of 55 and how that provision works.

Officials will also look at whether there is read across with the 1923 Public Records Act — this touches on Mr Allister's point — and whether that may have implications for the development of the Bill or what may come in regulations.

4.15 pm

Ms Órlaithí Flynn talked about support services for those who seek to adopt or foster. When the new legislative framework is in place, it will be possible for any person to request an assessment of needs for adoption support at any time before or after an adoption order has been made. The trusts will be under a duty to undertake such an assessment if requested by a child who is to be adopted, their parents, prospective adopters, adopted adults or the adoptive parents and natural parents of adopted adults. In all other cases, the trust will have the discretion to decide whether to undertake an assessment. If, following that assessment, the trust decides that support services should be provided, it will be required to prepare a plan and keep it under review. Trusts will also have a duty to provide information about the type of adoption support services that are available in their area. That should ensure that those interested in adopting, and adopters, are better informed about adoption support services, their rights and other services that are available to them.

Accountability arrangements will be put in place to assess the effectiveness of the implementation of the new legislative framework. Those build on the current performance and accountability arrangements, including the delegated statutory reporting functions.

Mr Gerry Carroll commented on consent and religious upbringing. The current power for a parent to stipulate the religious background in which their child should be brought up when agreeing to their child being freed for adoption is not replicated in the Bill. However, the Bill places a duty on adoption agencies to give:

"due consideration to the child's religious persuasion, racial origin and cultural and linguistic background"

when placing the child for adoption. That is in line with the duty that is already placed on a trust by the Children Order when it takes a decision about a looked-after child. That duty includes where the child should be placed, and it reflects the changing demographic in Northern Ireland and the range of considerations that now applies. Ultimately, the

paramount consideration must be the welfare of the child.

Mr Carroll: Will the Minister give way?

Mr Swann: Yes.

Mr Carroll: I appreciate the Minister's answer. Will he give a guarantee that the cultural and linguistic backgrounds of those who do not fit into the main binaries of Catholicism and Protestantism or unionism and nationalism will be properly regarded in the legislation?

Mr Swann: That is already in the Bill, and the Member will be able to get clarification through the Committee process.

I thank Mr Chambers for his support of the Bill and his appreciation of the work that has been done not only by stakeholders and officials but by departmental officials who have been working on it and looking forward to it being brought forward.

Somebody said that Minister Needham started this Bill in 2006. In fact, Michael McGimpsey designed the crux and bones of the Bill when he was Health Minister. The Bill has been a long time in the cooking and design, but it has been sought by practitioners, stakeholders and, as we heard from Mr Durkan, by the families who have come through the adoption process and would have been appreciative of the post-adoption supports that the Bill brings.

I have covered Mr Allister's points on negative or positive resolution and the fact that that is an option. He also touched on a crucial point: the people in the public eye who have spoken out about what being adopted has meant to them. They have spoken of the gift that it brought to them as a child and of the gift that it brings to the families, siblings and parents who take the step to adopt, foster or take on a child through kinship care. They have spoken not only of the gift that it brings to the child but of the strength that it can bring to the family. I think that it was Mr McNulty who talked about children being given the opportunity to shine because they knew that the support was around them as individuals. Through the Bill, families will know that that support is there as well.

Mr McNulty: Will the Minister give way?

Mr Swann: Yes.

Mr McNulty: Minister, on that point about giving a child the gift and opportunity to shine, a young boy was fostered by a family who were involved

in the local GAA club — Carrickcruppen GFC. That boy was embraced by the GAA club and welcomed into the community. Not alone did the young guy shine but his team shone, the club shone, his family shone and the community shone, all because of the gift and generosity that you spoke of. Well done to Carrickcruppen GFC.

Mr Swann: I thank the Member. We have been debating the Bill for nearly three hours and he managed to get the GAA in at the final kick or touch — whatever it is. *[Laughter.]* I congratulate the Member. Any time that I stand here, he manages to get the GAA in.

There is a stronger point. We talk about the gift that is given to the child, but there is also what it means to local sports teams or communities. The Member referenced his uncle and what he meant to the wider community and family circle.

I think that Mr Allister's point was about the read-across from section 98 of the Adoption and Children Act 2002 to where we are with clause 56 of this Bill. I have not studied those as closely as Mr Allister. When I wrote to him, I committed to a direct correlation between what is in the Bill and what he sought. If I asked my officials to engage with him, would he be content with that step?

Mr Allister: Yes.

Mr Swann: I could also provide an answer to him in writing and update the House. I am sure that the Health Committee would want that as well. We intend to make sure that the same provision and strength is there. It is about making the Bill fit for purpose.

The Bill has been 35 years in the making since the time of the last legislation. I hope that it will not be another 35 years before we review it.

Once again, I am grateful to all the Members who contributed to the debate on what I believe is important legislation. I ask Members to support the Second Stage of the Adoption and Children Bill, and I welcome the opportunity to work with the Committee during its scrutiny of the Bill.

Question put and agreed to.

Resolved:

That the Second Stage of the Adoption and Children Bill [NIA 37/17-22] be agreed.

Mr Deputy Speaker (Mr Beggs): That concludes the Second Stage of the Adoption and Children Bill. The Bill stands referred to the Committee for Health.

I ask Members to take their ease for a few moments before the next item of business.

The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 15) Regulations (Northern Ireland) 2021

Mr Deputy Speaker (Mr Beggs): The next items of business are motions to approve two statutory rules, both of which relate to health protection regulations. There will be a single debate on both motions. I will call the Minister to move the first motion. The Minister will commence the debate on the motions as listed in the Order Paper. When all who wish to speak have done so, I shall put the Question on the first motion. I will then call the Minister to move the second motion, and the Question will be put on that motion. If that is clear, we will proceed.

Mr Swann (The Minister of Health): I beg to move

That the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 15) Regulations (Northern Ireland) 2021 be approved.

The following motion stood in the Order Paper:

That the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 5) Regulations (Northern Ireland) 2021 be approved.

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

Mr Swann: Today, Members will consider two focused and narrow statutory rules, which were introduced following decisions of the Executive taken on 6 September. Those are SR 2021/251 The Health Protection Regulations (Amendment No. 15) and SR 2021/250 The Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 5) Regulations.

With your permission, Mr Deputy Speaker, I remind Members that there have been further amendments made since the amendments in question, following a decision by the Executive on 27 September.

First, amendment No. 15 to The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 followed a decision by the Executive on 6 September. The changes resulting from amendment No. 15 came into effect at 5.00 pm on 10 September and were as follows: they removed the requirement to obtain a ticket in advance of an indoor theatre or concert event and removed the requirement to have allocated seating; they permitted dancing at a wedding reception or civil partnership reception; removed the requirement to be seated at a table at a hospitality venue to order or collect food and drink; removed the requirement for music to be limited to ambient level; removed the requirement for persons at outdoor parts of premises to be seated to consume food or drink; and, finally, increased the number of people permitted to gather at a private dwelling indoors.

Due to a rescheduling of a previous Assembly debate, the amendment also revoked SR 2021/172, amendment No. 7, and reinserted the text into the amendment. That ensures the continuity of the regulation formerly contained in amendment No. 7. That amendment was a technical amendment due to a cross-referencing error relating to the requirement to produce a risk assessment.

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

I will turn now to SR 2021/250 amendment No. 5 to the Health Protection (Coronavirus, Wearing of Face Coverings) Regulations. Again, following Executive approval on 6 September, amendment No. 5 was made and commenced on 10 September. The amendment removes the requirement to wear a face covering while dancing at a wedding or civil ceremony reception. While dancing is not yet permitted in other indoor hospitality settings, the Executive recognise the significance of a wedding or civil ceremony to a couple, their family and friends.

On 6 September, the Executive took the decision that led to those amendments, and I urge all people living in Northern Ireland to continue to abide by those —

Mr Allister: Will the Minister give way?

Mr Swann: Yes.

Mr Allister: At the beginning of the Minister's remarks, he referred to the fact that there have been further amendments. I would like some clarity. Do the relaxations in respect of the 1-

metre rule and the wearing of masks apply to places of worship? I have been asking that in Assembly questions and have not been able to get an answer. What is the current position regarding places of worship?

Mr Swann: When people are seated in places of worship, the guidance is that they can be removed. I think that, in legislation, when entering and exiting, they should be worn, but I will write to the Member with clarity on that.

I urge all people living in Northern Ireland to continue to abide by the regulations that remain in place and to adhere to the wider public health advice so that we can avoid our health service being overwhelmed in the coming weeks and months ahead. After more than 18 months of unprecedented pressures, our staff are exhausted and burnt out, yet I fear that the pressures will only increase this winter. The compassion of our staff is our greatest asset, but we must ease the pressure that they continue to face by doing our bit to stay well. I commend the regulations to the Assembly.

Mr Gildernew (The Chairperson of the Committee for Health): I will make some very brief remarks as Chair and then make a few remarks as party spokesperson for health.

4.30 pm

I take the opportunity to pay tribute to all the Health and Social Care staff who are still feeling the effects of the pandemic. For over 18 months, they have worked above and beyond what could have been expected of them, and pressure continues to be apparent throughout the system. I hope that, over the coming months, we will see a return to more normal working practices in our hospitals and healthcare settings. That is why it is important that we continue to follow the guidance from the Executive and do what we can to protect the health system and ensure that staff can be supported throughout the pandemic. Indeed, I reiterate the Minister's call for people to abide by the guidelines and restrictions as a minimum and to do everything that they can up to and over and above that point, if possible, to protect themselves, their communities and our health service. Again, I encourage all those who are eligible but have not yet had their vaccine to get vaccinated. It is the best way to protect ourselves and others as we continue to come out of restrictions.

The Committee was briefed on the regulations at its meeting on 16 September. At the previous debate on coronavirus regulations, I mentioned

that members continued to voice their frustration at the lack of evidence provided to the Committee to enable it to consider how the Department advised the Executive and the probable impact that the easing of the restrictions would have on transmission of the virus. The Committee is keen to see that learning from the past 18 months has been captured, communicated, understood and implemented and that the learning is used by the Department of Health to inform the Executive on future decisions. The Committee has written to the Department to request that, at future briefings on such regulations, in addition to the attendance of the officials who draft the rules, officials attend who are able to provide information and answer members' questions on the evidence underpinning any given rule changes. That would include the impact of the rule changes and the broader policy context for them. The Committee agreed to recommend that these health protection regulations be approved by the Assembly.

I will make a few brief remarks in my role as health spokesperson. I reiterate that we all travel in hope that we can continue the progress that has been made in moving out of the pandemic and the extraordinary pressures that it has placed on our community and our health service. In so doing, it is crucial that we monitor the impact of the restrictions, because, while we hope that we are moving forward, we must also prepare for the possibility that there could be further variations that pose unique challenges. In that context, it is important that we monitor compliance with the regulations and the impact of them as we go forward in order to inform and advise future work and policy.

Mr Frew: I do not usually take part in the health regulations debates, simply because of the undemocratic way in which they are held and the fact that the regulations and statutory rules are already in operation.

Let me say first of all that I condemn any threats to the Health Minister. It is wrong — absolutely wrong — to threaten any public representative, no matter what party or hue they come from, what policy they espouse or their political spectrum or belief. It is totally wrong to threaten any —.

Mr Swann: Will the Member give way?

Mr Frew: Yes, I will.

Mr Swann: Does the Member agree that it is also wrong to use dog whistles that signal to other people in the community that it is all right

to make those attacks and, either by silence or neglect to publicly condemn, allow those people to think that they have an authority, either through social media or otherwise, that makes it OK to enact those threats or abuses or engender the protests that we have seen outside our vaccination centres?

Mr Frew: I thank the Minister for his intervention. Yes, I agree. It is wrong for anyone to use language that intimates that there should be an attack on any individual, whether they are a public or elected representative or otherwise. It should not take place. I condemn all threats to the Health Minister.

The debates, though, cannot continue as they are, with us debating issues and aspects of draconian regulations that have already been enacted. We need to get back to a democratic standard whereby the Health Minister brings his health regulations to the Assembly in order that they may be passed. There is absolutely no doubt that, at the start of the emergency, the Health Minister needed emergency powers. He needed to act quickly, simply because he did not know the threat, and he did not know —

Mr Swann: Will the Member give way?

Mr Frew: Yes, I will give way.

Mr Swann: I want to make a point of correction and clarification. The Member said that he had not taken part in the debates, but he sat as a Minister between 14 June and 6 July, so I am sure that he understands that, although I bring the regulations, they are not my regulations, they are not the Health Minister's regulations and they are not solely the Department of Health's regulations; they are the Executive's regulations. The regulations are how the Executive of Northern Ireland manage the coronavirus pandemic throughout Northern Ireland across all sectors, should that the economy, community, justice, health or any other.

The Member stands there, putting the focus on me by saying that they are the Health Minister's regulations and the Health Minister has not changed them. They are actually the Executive's regulations, and the Member will well know that, on a number of occasions, I have approached other Ministers to lead on the debates on the amendments. The amendments are brought forward following requests by the Economy Minister, the Communities Minister or other Ministers — even the Infrastructure Minister requests changes to regulations on face coverings on public transport — but, at the

end of the day, I am left to bring them forward. I take responsibility for having to draft them — my officials do that — but they are the Executive's coronavirus regulations. That is the way they are and always have been brought forward throughout the pandemic. I ask the Member to be careful in his language about how he places the sole responsibility on me for delivering the regulations.

Mr Frew: I thank the Minister for his intervention. Interventions are meant to be short, but I grant there was a lot of information there.

Health Minister, they are your regulations. Your officials draft them. You told the House that in the last minute. They are your regulations —

Mr Swann: Will the Member give way?

Mr Frew: — and the fact that you choose to bring them to the Executive is something that you do, and you are entitled to do so.

Mr Swann: Will the Member give way?

Mr Frew: I simply ask that you bring them to the House before you enact any further regulations. I will give way.

Mr Swann: The Member is now deliberately misleading the House about what he knows about the regulations. They are drafted by the policy intent of the Executive Office, as was indicated by the Chair of the Health Committee when he talked about the officials who have policy responsibility. The Member sat as a Minister through three Executive meetings and knows exactly how the regulations come about and who has responsibility. They are not regulations that I bring to the Executive. Papers are brought to the Executive Committee by the Executive's COVID-19 task force, and the Executive then agree that my officials will draft the legislation.

Mr Deputy Speaker (Mr McGlone): Before the Member starts, we do not need any more labouring of the point. It has been amply clarified by the Minister, so we should move on, please. If anything further needs to be clarified, that can be done during the winding-up speech. Thank you.

Mr Frew: I thank the Deputy Speaker for his ruling. I will move on, but, again, the Minister has told us in the House today who drafts the regulations. I take on board everything that he

has said and everything that you have said, Mr Deputy Speaker.

When the Minister first received these powers, there was an emergency. He did not know the level of threat, and people were scared, so it was right and proper —.

Dr Aiken: Will the Member give way?

Mr Frew: I will give way in a wee minute. I will try to make some advancement of my case.

It was important that decisions were taken quickly. That is fair enough. That is good and proper. However, there has to come a point — does there not? — when Ministers, even the Health Minister with all the power that he has through emergency legislation, use the House. I do not know why he would be worried or frightened about that, and he certainly should have the time to do it. We have already heard —

Mr Swann: Will the Member give way?

Mr Frew: I will make progress, Minister, and then I will give way to you and to my friend.

I suspect that, if you do the numbers, you will find that he has the support in the House. Sinn Féin intimated even yesterday that it would support anything that you bring forward. The SDLP and the Alliance Party are also of that ilk; in fact, they would probably want to go further than you do in some aspects of the law and the regulations. I simply ask this question: when will the House be afforded its due respect and be allowed to pass legislation that you, as a Minister, introduce?

I will give way to my friend.

Dr Aiken: I thank my friend from North Antrim for his comments. He talks about "when" there was an emergency. As far as I am aware and everybody across the nation is aware, not only has COVID not gone away but we are still dealing with significant issues to do with it. Does my friend accept that the reason why we have to do this is that the ongoing pandemic has not gone away yet?

Mr Frew: I thank the Member for his intervention. COVID has not gone away and will not go away. Is the Member suggesting that we work under the regulations in perpetuity? To me, that is undemocratic and unjust. All that I ask of the Minister is that he indicates in his remarks when he intends to bring further regulations to the House. It has been OK,

because the last number of debates on the regulations have been about releasing lockdown measures, but there may come a time when the Minister is urged or advised to go the other way. Given the harm, pain and damage caused by lockdown measures and other aspects, which we cannot yet quantify, I simply ask the Minister to set a date for when he will come to the House to change the law in the appropriate, democratic and normal way, which every one of us in the House has been elected to do.

Having a debate about it in the House after the event, after something has been lessened, released or enacted, is a bit of a sham. That is why a lot of Members will not take part. They ask, "What is the point of raising these issues?". I have taken the opportunity today to ask the Minister that question, and, in his response, hopefully, he can indicate when we can get back to normal in the House. People out there want to get back to normal. They want to see things get back to normal, but they have been prevented from doing that.

Another reason why the legislation should be passed in the House is the errors that have been made. The Minister has already alluded to an error with regard to something that he had to enact today. There have been errors throughout this draconian legislation and in the police action taken as a result of it. I could tell you many a story about the police preventing people from running to the aid of elderly family members. They were denied access and told to turn their car around on the road. That was contrary to the regulations, but that is what the police enacted. Someone was prevented from bringing hot food to an elderly family member. That was not allowed under the legislation, so the police were obviously wrong. The speed at which the regulations have been made and, sometimes, the way in which they have been written cause concern.

The Member for North Antrim asked a question that I was going to ask today about wearing masks and distancing in places of worship.

When you look at the regulations that we are not debating today but which have already been enacted, they do not mention churches. They mention concert halls and theatres — I think that there is a third aspect — and then "all such buildings", but they do not specify churches, church buildings or church halls. That begs the question from the Member for North Antrim, which was the same question that I was going to ask. I am sure that every single Member here has the same concerns and questions to raise. I

am simply asking that the House be allowed to get back to normal.

4.45 pm

I would like the Minister to give me some answers, because he has uttered his views around mandatory vaccines and vaccine certification to discriminate against people who are not vaccinated. Will the Minister tell the House today that, if he is minded to bring these measures in, he will bring them to the House first in order that we can debate them in a proper democratic fashion? I simply ask that the democratic standards of this country be upheld when we are talking about these issues. That has not been the case for 18 months. I hope that the Minister can give us some responses to that.

These regulations have been designed for a reason, and I accept that, but they have also done damage in some respects, not least to our young people. We have seen the banning of sport and of congregating with families. Three years ago, we would never have had a debate like this in the House. These are extraordinary times.

Mr Lyttle: Will the Member give way?

Mr Frew: Yes, I will.

Mr Lyttle: Is the Member going to make any allusion to the rationale for taking those measures? It seems like we are whitewashing over the fact that we have been through one of the most serious health pandemics in the history of our community and that we needed to take those actions in order to keep children and young people and the wider community safe and our health service from collapsing. It is getting really difficult to listen to that continued contribution. You have spoken in these debates before, by the way. Are you going to make some allusion to why those steps were taken and, maybe, make some suggestions as to how you think things can be done differently, rather than just continue with that half-baked response and analysis of why this has been taking place?

Mr Frew: I thank him for his contribution, but I find it strange when he knows that, throughout the world, lockdown measures have been disputed. As the Chair of the Committee has already said, very little evidence has been produced as to their effectiveness and the damage that they have caused to our population. Again, today, the Chairperson of the Committee alluded to the fact that it is seeking evidence that it has not received.

Mr Gildernew: Will the Member give way?

Mr Frew: Yes, I will.

Mr Gildernew: Will the Member concede that there is evidence that there are 2,573 persons dead as a result of COVID-19 here in the Six Counties and further thousands across the island of Ireland, and that our health services are operating today at 105% capacity as a result of COVID-19? That evidence is in front of us very clearly.

Mr Frew: I take that point, and the Member is absolutely right. However, what we are talking about today is regulations on our community. All that I am doing is simply asking questions of those regulations and raising issues around errors that have taken place.

Dr Aiken: Will the Member give way?

Mr Frew: No, I will proceed with my contribution. All I am asking for is that democratic norms in this place be afforded so that we, as MLAs, can speak on issues that are important to our people and that we get the chance to speak on them before they come into operation and place a burden on our people and have an impact on them. That is simply what I ask. I hope that the Minister can respond to the questions that I have.

Mr Swann: Will the Member give way?

Mr Frew: Yes, I will give way to the Minister one more time.

Mr Swann: The Member has accused me — I will check Hansard — of causing "harm" and "pain" and of preventing people from getting "back to normal". I take great exception to that. When the Member was speaking earlier, I cautioned him and I spoke about those dog whistles that are blown. I will say to the Member that that is exactly what he is doing in the House at this time.

Some Members: Hear, hear.

Mr Deputy Speaker (Mr McGlone): The debate should be conducted in a temperate manner. A lot of people are watching what is going on here in the debate on the regulations, and a lot of those people may have been grieving at some time during the past year and half. I therefore ask Members please to conduct themselves in a respectful and temperate manner.

Mr Frew: Thank you, Mr Deputy Speaker. I agree with you 100%. Nobody should be sounding dog whistles. I resent that accusation, because what I am doing is simply raising the concerns of my constituents, who have been impacted on by both COVID and the regulations. I did not accuse the Minister of causing harm. I am saying that the regulations and lockdowns cause harm. If people find that hard to hear, surely they are not living in the real world, because lockdowns have had an impact. How could we ever be in a place in which we do not realise that these draconian lockdown measures, which are abnormal, have not have an impact on our people? Really?

I will simply ask this question: if the Minister is going to bring in further restrictions for this country, will he please give some sort of indication as to how he will bring them in? Will he give the House the opportunity to debate them before he brings them into play?

Ms Hunter: I thank the Minister for being here today. I welcome the opportunity to speak briefly on the health regulations. As we are talking about grief, I put on record my sincere condolences to all those who have lost their life with COVID since the beginning of the pandemic. I also give thanks to our carers, nurses, doctors and mental health professionals. They have persevered throughout what has been an exceptionally difficult almost two years. Speaking recently with the RCN, I heard first-hand how COVID has affected their well-being. That shows the impact that constant pressures have on our health professionals. I sincerely hope that well-being measures continue and that they can be extended to support them as we come out of the pandemic.

I welcome the fact that, as a society, we continue to move forward and regain some sense of normality. The amendment regulations being discussed today are a small step towards our returning to normality. I hope that we can continue to do so cautiously and consciously. Businesses in the hospitality industry will welcome the fact that the Health Protection (Coronavirus, Restrictions) Regulations 2021 (Amendment No. 15) Regulations 2021 remove the requirement to be seated at a table to order or collect food and drink. I note the removal of the requirement for music to be played at an ambient level, which will assist in adding atmosphere. We know that our hospitality sector has struggled and suffered significantly throughout the COVID crisis. I hope that the loosening of regulations will assist those businesses to get back on their feet.

I also welcome the increase in the number permitted to gather indoors at a private dwelling from 10 to 15 persons from four households. That will certainly aid events such as wakes and will provide community support in homes and at gatherings following a loss. Such restrictions caused great difficulty and sorrow at the peak of the pandemic.

Many of the points that I was going to raise have been raised by Members previously, so I will wind up and ask the Minister whether he can come back to me on this. As we approach the winter months and flu season, there is concern about the pressures on the health service. I therefore ask the Minister, in his response, to touch on what steps his Department will take to try to ensure that there are no further circuit breakers or lockdowns.

Mr Chambers: Last week, the Minister referred to the abuse that some of his vaccine teams got as they went about the countryside doing their life-saving —.

Mr Deputy Speaker (Mr McGlone): Sorry, Mr Chambers. I ask that you move the mic towards you a wee bit. You are not being picked up correctly.

Mr Chambers: I am sorry, Mr Deputy Speaker. I will start again.

Mr Deputy Speaker (Mr McGlone): Thank you.

Mr Chambers: Last week, at the Health Committee, the Minister referred to the abuse that some of his vaccine teams received as they went about the countryside doing their life-saving work. Another example of that occurred in west Belfast yesterday when picketers with placards stood outside premises in which vaccinations were taking place. They put people in fear: the people going into the premises, but, more importantly, the vaccinators who were in the premises delivering vaccines. At last week's Health Committee, we talked about how everyone has the right to refuse to take the vaccine. If people have deeply held medical or ethical views, they are perfectly entitled to refuse to take it. However, it becomes serious when people who hold such views decide to become campaigners and try to influence others not to take the vaccine. That is where it becomes dangerous.

Mr Carroll: I thank the Member for giving way. He referred to an issue in the Colin area of west Belfast. Does he agree that it is important that people in Colin and Poleglass have accessibility

to vaccines and that they are not faced with intimidation and mixed messaging as they go to get their job?

Mr Chambers: I absolutely agree with the Member. It was disgraceful and disgusting that people who wanted to be vaccinated were put under that pressure. That should not be happening anywhere. I totally condemn what happened yesterday.

To be honest, as Mr Frew's contribution went on, I did not know where he was coming from. I did not, at first, pick up the point that he was trying to make. He started to refer to the regulations as the Health Minister's regulations. I will not deeply rehearse the arguments; the Minister addressed them adequately. It is obvious to us all, and surely it is obvious to somebody who spent time as a Minister, albeit a short time, that decisions in the Executive are made collectively. The Minister involved, whether it is an Economy decision or an Education decision, comes to advise, and the Executive can accept that advice or reject it. I understand that most decisions in the Executive are made by consensus. Therefore, I always feel that, when decisions come from the Executive, they are Executive decisions. The Minister of Health has to appear in the Chamber to deliver all these regulations, but they reflect collective decisions of the Executive. I would certainly like to see the First Minister, deputy First Minister or junior Ministers coming to the Chamber and explaining to us the rationale behind the regulations that have been made.

Mr Frew is quite correct that most regulations are retrospective, and it does not take a genius to work out why they have to be so. Mr Lyttle spoke earlier about our community facing a pandemic. He could have gone further and said that it was a worldwide pandemic. Hundreds of thousands of people are dying all over the world, and we have certainly had our share of deaths.

Dr Aiken: I thank the Member for giving way. He is aware that, this week alone, the death toll in the United States has risen above 700,000. The United States now has a greater death toll through COVID than as a result of the Spanish flu. I cannot think of any legislature in the world that has been able to bring in legislation ahead of what has happened with COVID. I would be very interested to discover whether that is, in fact, the case. We should congratulate the Minister and, indeed, the Executive for getting this legislation through, even at this stage.

Mr Chambers: Thank you. We talk about the democratic process being pushed to one side, but we all get it. We all realise why the democratic process has, at times — in fact, for the past year and a half — had to be short-circuited.

Nobody likes that. I do not like it. We like to do things the democratic way. Mr Frew talked about us wanting to get back to normal. He is almost attributing to the Health Minister the ability to get us back to normal. When I look around the Chamber, what I see is not normal. These empty seats are not normal. Wiping the tables every time that we leave the Chamber is not normal. It is not the Health Minister who is making us do that; I take it that it is the Business Committee and the Assembly Commission that insist that we do those things. We do it because it is the right thing to do, and we have been trying to encourage the public to do those things. We have to set that example to the public. It is not a case of, "Do as we tell you" but "Do as we do". I would have loved it if all these regulations had come from the Executive and been debated in here at length before they became law, official guidance or regulations — whatever you want to call them. However, while we would have been doing that, people would have been buried, having died as a result of our slow reaction to the pandemic.

5.00 pm

Mr Frew: I thank the Member for giving way. The two specific actions that I asked the Minister to introduce, particularly around giving the House its place, were about mandatory vaccination and vaccination certificates. Will the Member explain to the House and to me how either having or not having a vaccination certificate will lead to deaths?

Mr Chambers: Mr Frew, you might be well advised to go and speak to your First Minister, and he might be able to give you some thoughts about what the Executive think about that. I am sure that your party and your party leader have views about that. Go and talk to them and come back and tell us what the DUP position is on vaccination passports. I would like to know where your party stands on that. Please, take the opportunity of speaking to the First Minister and come back and share that with us. I think that the population out there would like to know where the DUP really stands on these regulations.

Mr Deputy Speaker (Mr McGlone): Can we move on to the regulations, please, and stick with them? I appreciate that you were

responding, but please stick with the substance of the regulations.

Mr Chambers: Thank you very much, Mr Deputy Speaker.

I really do not know what service Mr Frew feels that he is delivering in his words today about these regulations. I have had a lot of letters, as, I am sure, the rest of the Chamber has, from what I refer to as the "tin foil hat brigade". I have been getting some very bizarre emails; all Members get them. They reference all sorts of Google links, where you can read all sorts of bizarre statements about the vaccine killing people and all the rest of it. Listening to Mr Frew today, I feel that he could be the author of one of those letters because that is how he comes across to me.

Mr Frew: On a point of order, Mr Deputy Speaker. There is nowhere in my commentary, either today or ever, where the Member could accuse me of being a tin foil hat conspiracy theorist or even an anti-vaxxer. I ask the Member to consider that language. The Minister talked about dog whistles. I might add that that language was atrocious, and I think that the Member should retract that statement.

Mr Deputy Speaker (Mr McGlone): I suggest that the Member reflect —

Mr Chambers: Mr Deputy Speaker, I will reflect on it, and I hope that the Member will go away and reflect on what he said in here today. Thank you.

Mr Stalford: On a point of order, Mr Deputy Speaker.

Mr Deputy Speaker (Mr McGlone): Sorry, just a moment. Members, just calm down here today, please. Instead of the ping-pong back and forward, please discuss the regulations. If intemperate comments have been made, I suggest that Members reflect on their words. Tomorrow, in the cold light of day, Members should look at their words in Hansard and, perhaps, have — how should I put it? — less inflamed exchanges in a quiet corridor somewhere.

Mr Stalford: On a point of order, Mr Speaker. The instructions on the conduct of debate in the House advise Members to be moderate and temperate at all times. I believe very firmly that the outrageous comment made by the Member for North Down that was directed at the Member for North Antrim has fallen very short

of that. The Member should apologise to the House.

Mr Deputy Speaker (Mr McGlone): I suggest that the matter is not, particularly, a point of order. However, the Speaker's Office will reflect on the matter. Thank you.

Mr Lyttle: I begin my remarks by echoing the tributes that have been paid to our health and social care staff and carers, who remain under serious pressure in responding to the impact of the COVID-19 pandemic on people in our community. Also, I remember those who have lost their lives and the families that have been bereaved as a result of the COVID-19 pandemic.

I welcome the participation of the Health Minister at recent press conferences, and I encourage him to continue to use that platform to communicate the key messages at every opportunity, not least —

Dr Aiken: I thank the Member for giving way. Now that the First Minister is in the Assembly, does the Member think it appropriate that he makes a statement in full support of the Health Minister and the health regulations? Would that be an appropriate message for the Assembly to send out today?

Mr Deputy Speaker (Mr McGlone): Unless the First Minister chooses to put his name down to speak or seeks an intervention, I do not have his name on the list of those wanting to speak. Therefore, it is his choice whether he chooses to do that or not. Thank you.

Mr Lyttle: I thank the Member for the intervention. I will do my best to make sure that the comments that I make — that I have control over — are as constructive as possible. If any other Member, including the First Minister, wishes to do the same, the Deputy Speaker can afford them that opportunity.

To echo my previous comments, I welcome the leadership shown at the press conference platform. Throughout the pandemic, we have always been in a place where clear, consistent, key messaging, that puts out an evidence-based approach to the regulations, is critical.

Mr Deputy Speaker, may I also take a short opportunity to condemn the threats made against the Health Minister, Robin Swann, and my friend and colleague, the Justice Minister, Naomi Long. I have experienced what it is like to receive death threats. I stand in solidarity with the Ministers and their families, and I mean

that sincerely. It is completely unacceptable. I trust that you have good people around you who will gird your back at this time and make sure you are not on your own when responding to those threats.

It is my understanding that amendment No.15 to the coronavirus regulations allows people to enter hospitality or entertainment venues without a ticket, to stand for reasons other than entering or exiting premises or making their way to the toilet. The amendment also increases the number of households and people that can meet at a private dwelling to four and 15, respectively. Amendment No. 5 permits people to dance at a wedding and not wear a face covering.

I ask the Health Minister, constructively, to give clarity about those particular amendments. How are they consistent with the clear message to continue to use social distancing and a face covering in particular settings? We have, of course, relaxed those practices in certain contexts, as permitted by medical advice and guidance. However, it is important that the Health Minister continues to give clear and consistent messaging about the importance of ongoing mitigations during the pandemic. Indeed, that is the purpose of those health regulations. What new and evolved measures may be put in place to ensure that we continue to maintain safety?

In the context of these regulations, and others to come, we have heard public debate shift to vaccine passports and vaccine certification. Those are slightly misleading terms. What we are really referring to there is certification concerning full vaccination at least two weeks ago, a negative test within the past 48 hours or recovery within the past three months. The Member for North Antrim asked what was the purpose of that. I think, how he put it was, "How will that not lead to death?", which was quite extreme terminology.

Mr Buckley: I thank the Member for giving way. I did raise that comment at the Health Committee meeting just past. As somebody who is double-vaccinated and believes in the vaccination programme and its merits, I urge the Health Minister and the House to recognise that, as the debate becomes more exercised and hostile towards vaccination certificates and passports, which sit uncomfortably with me and others across the House, it is important that we moderate in our language in that debate to ensure that we do not have a negative impact on the vaccination programme whenever it has been doing so well in rolling itself out across

Northern Ireland. Does the Member for East Belfast agree?

Mr Lyttle: I thank the Member for his intervention. Yes, the vaccination programme has been successful, but we still have further to go. More people still have to be convinced of vaccination, indeed to hear that evidence, and there is the roll-out in relation to younger people as well. There is distance to go.

It was asked what the purpose of certification would be. Vaccination of at least two weeks, test negativity and three months' recovery reduce the risk of serious illness. If we are adjusting mitigations in relation to numbers in indoor venues and face coverings in particular contexts, obviously it is right and proper that we consider other ways and means to ensure reduced risk of serious illness as a result of COVID-19.

Mr Stalford: I am grateful to the Member for East Belfast for giving way briefly. He might have heard a recent discussion on Radio Ulster in which the proposition was raised that, without a vaccine certificate, certain workers would be banned from going to their place of work. I presume that the Member disagrees with that, particularly in the context of care homes. It was reported on that programme that, if such a regime was imposed, the care-home system in this country would collapse.

Mr Deputy Speaker (Mr McGlone): Just before the Member commences, I say go back to the context of the regulations that we are discussing, intriguing or interesting though it might be to diversify into other areas. Let us stay online, please. Thank you.

Mr Lyttle: I appreciate that, Mr Deputy Speaker. I do not think that we are debating that proposal at this stage, as the Member from South Belfast said. Mr Deputy Speaker, briefly, it was asked what the purpose of that would be in relation to these regulations, in that we are relaxing the numbers permitted in households and adjusting the requirements for face coverings in a small number of settings. My contribution today is that we will need to give that due consideration. Indeed, we ought to have been working to have those other tools — those other mitigations — in place.

The vaccination programme is run by the Department of Health. The travel vaccine certification system is run by the Department of Health. We would want to hear that that certification process has been put in place as a tool that is available if we need it.

Mr Frew: Will the Member give way?

Mr Lyttle: Against my better judgement, I will give way.

Mr Frew: Again, language is important. Terminology is important. I would certainly give way to the Member opposite, and I would expect the same respect to be given back.

I simply ask the question. He talks about vaccine certification. Why do we need to spend £10 million on a system when we already have one set up that helps people to travel across the world, especially when we all carry in our wallet a card that proves that we have been vaccinated? Why does he think that we need another electronic certification system for that?

5.15 pm

Mr Deputy Speaker (Mr McGlone): Again, I will make the point that we should go back to discussing the regulations that are before us today. That is probably a debate under a specific heading for another time.

Mr Lyttle: Thank you, Mr Deputy Speaker. Whilst we ought not to be having that debate or discussion, I welcome the fact that the Member appears to be engaging with mitigation and regulation in a constructive way by asking how we can deliver certification. As you said, Mr Deputy Speaker, we may return to that another day.

The Department of Health and others have set out the potential pressure that awaits our health service staff this winter. People have said that it has the potential to collapse our health service and cause it to keel over. That is extreme language. We have to ensure that every tool and proportionate mitigation possible is available to prevent that scenario.

Mr McNulty: I express my solidarity with the Health Minister and with the healthcare teams who have faced threats and abuse. Nobody should face threats or abuse while trying to save lives.

What is the purpose of the regulations? Are they to keep people safe? Are they to ease pressures on our hospitals and all our healthcare staff, who have given so much and are now at breaking point? If the infection levels continue as they are, we could face a winter of discontent in our health service. The latest vaccination figures that I am aware of indicate that less than 12% of the population is unvaccinated. We have to say, "Well done" to

the healthcare teams and volunteers who have ensured that 88% of the population has been vaccinated. That is an enormous achievement.

Worryingly, 72% of the people in ICU are unvaccinated. What we face now is an epidemic among the unvaccinated. Last week, I was speaking to the chief executive of the Southern Trust, and he told me that 100% of people in ICU in the Southern Trust are unvaccinated: 100%. The unvaccinated are filling our ICUs. They are preventing surgeons conducting cancer operations, preventing specialist surgery teams fulfilling elective surgeries and preventing anaesthetists being available for gall bladder operations, hip replacements and pain-relief operations. How will we, as legislators, ease the pressures on our health service? In my view, it is simple: every measure possible should be adopted to encourage people to get vaccinated in order to ease pressures on our healthcare staff and our hospitals and keep people alive.

Mr Stalford: Some time ago in the House, at the commencement of the pandemic — I think we were eight weeks in at that point — a vision was outlined to us of a plague of "biblical proportions"; I think that that was the phrase used. Mercifully, that did not and has not come to pass. I am glad of that. I congratulate our healthcare workers and everyone who works in the NHS and the wider community for the role that they have played in producing that situation.

Our people should be congratulated for their endurance, because people in Northern Ireland have endured a greater loss of freedom and for longer than people in any other part of the United Kingdom. Our people are, in many respects, ahead of the politicians in wanting to move to get life back to normal — not a new normal, but normal — as soon as possible. In that context, for someone who believes in giving people back their freedom and their lives, it is always a welcome occasion when the Minister comes to the House to announce the abandonment of regulations that were imposed at the start of the pandemic. Therefore, I welcome the moves to remove the requirement to obtain a ticket in advance for indoor theatres or concerts that have allocated seating. That is good and is to be welcomed, because one of the sectors of our society that has suffered an absolute hammering over the past 18 months is the arts and entertainment sector.

I welcome the fact that people will be able to have a dance at a wedding reception. A wedding is, obviously, one of the most significant events that people will have in their

lives, so it is a welcome step that they will be able to have a dance at their wedding. I welcome the removal of the requirement for music to be at an ambient level. I am not sure why that was there in the first instance, but I am glad that it is no longer there and that people will be able to enjoy that freedom. I do not play pool, snooker or darts, but I am glad that other people will be able to do so. It is a good thing for people to be able to enjoy the pastimes and hobbies that they have always enjoyed. In that context, this is a good day, because we are giving people back aspects of their lives that they had lost.

The previous Member to speak was right that encouraging people to do the right thing is one thing but threatening them is quite different. There cannot be, hanging over people's heads, the compulsion that they will not be able to go to work. We have just driven our economy off a cliff. In answer to a question, the Minister for the Economy said that the restrictions, of which these regulations form a part, have cost the Northern Ireland economy £6.1 billion. We have to be clear that the worst thing that we could do to people is threaten their ability to go to work. There would be no justification for that, particularly in the context of what was said on Radio Ulster by someone employed in the care sector, which was that to impose other restrictions such as those mentioned in the debate, while we ease these restrictions, would potentially lead to the collapse of the care sector. We need to be careful that the Government do not give the impression of being like a man who cannot walk and chew gum at the same time. There is more than one way to deal with the issues. Threatening and bullying people is certainly not one of them.

Mr Deputy Speaker (Mr McGlone): Be careful. The Member used the words "threatening" and "bullying". I presume that he will want to clarify that that is not —

Mr Stalford: To be clear, I am talking about all of us, not any individual Minister or person. I am talking about the Government as a whole.

Mr Deputy Speaker (Mr McGlone): I am sure that the Member will want to clarify that —

Mr Stalford: I am certainly happy to.

Mr Deputy Speaker (Mr McGlone): — there is no motivation by anyone in the Chamber to threaten or bully anyone.

Mr Stalford: No, but government in general can and does.

Dr Aiken: You are in the Government.

Mr Stalford: Yes. If you do not pay your tax, the Government will threaten to —

Mr Deputy Speaker (Mr McGlone): Will the Member resume his seat, please?

Mr Stalford: Yes, sure.

Mr Deputy Speaker (Mr McGlone): The point has been made. Again, I advise Members to choose their words very carefully. There are people outside the Chamber who have sensitivities and who have lost loved ones. We have to be respectful of them.

Mr Stalford: On a point of order, Mr Deputy Speaker. At no point should that have been viewed as disrespectful or lacking in respect. Certainly, that was not my intent. I was clear that I was not talking about any individual in the Chamber.

Mr Deputy Speaker (Mr McGlone): I am glad that the Member has clarified that.

Dr Aiken: On a point of order, Mr Deputy Speaker. I apologise for chuntering from a sedentary position, which I should not have done. I was just a bit confused, because the Member was talking about the Government, of which, of course, his party is the key part and, indeed, the First Minister —

Mr Deputy Speaker (Mr McGlone): The Member will be aware that that is not a point of order. It is probably a point of information.

Mrs Cameron: The amendments are particularly welcome in the main. They help some of the sectors hit hardest during the pandemic to take the next strides forward in their recovery. As my party's health spokesperson, I recognise the complex relationship between health and the economy and the need to ensure that we strike a balance between supporting our businesses so that they can flourish once again and continuing to put the necessary measures in place to protect our health and our health service.

Our wedding industry has been decimated, and the loss of income at some wedding venues across Northern Ireland has been counted in seven-figure sums. Some are family-owned businesses in my area of South Antrim. It is essential that we support our businesses and encourage them to progress out of the restrictions safely, recognising that healthy

businesses and a healthy economy contribute to better health overall. The hospitality, entertainment and photography jobs that those businesses sustain are vital for our economy. The jobs that they provide are also the first jump into paid employment for many young people. We must support those businesses as we continue to emerge from the pandemic. The amendment before us today, therefore, helping the industry return to some more industry norms, will help.

The lifting of restrictions on dancing and music at wedding and civil partnership ceremonies is welcome. The lifting of those restrictions will help to stimulate our wedding and entertainment industries and will have a real, meaningful impact on families. Families will once again be able to gather to dance and celebrate with their loved ones. The amendment lifting the necessity to wear a face covering while dancing at a reception is, of course, a welcome part of that. There are also important easements for our wider hospitality industry. The change in the rules on table service is most welcome and, again, reflects a changing dynamic in the course of the pandemic. Removing the requirement to obtain a ticket and have an allocated seat in advance of an indoor theatre or concert event will help to stimulate our arts and entertainment sectors, providing not only employment across Northern Ireland but much-needed nights of enjoyment and laughter.

As a representative of South Antrim, the home of Northern Ireland's number-one snooker player, Mark Allen, I welcome the resumption of snooker, pool and darts. Those much-enjoyed sports and pastimes of many people contribute to the local economy.

As we continue to plot a road map to complete our return to much-loved ways of life that we all took for granted but do not take for granted any more, it is important to emphasise that the easements impact not only our industries and economy but our general health and well-being. Over the course of the pandemic, we have become increasingly aware of the impact of restrictions on our mental well-being. The continued progression back to a normal way of life will be welcomed by so many who have been devastated by the pandemic. It is essential, however, that we continue to assess the situation and progress out of restrictions safely, ensuring that we strike a balance between protecting our health and our health service and continuing to bring back our normal and much-missed ways of life.

In conclusion, I urge the Minister and the Executive to continue to promote the benefits of vaccination. I am concerned by reports today that only 60% of Belfast Trust nurses had been vaccinated by June or July of this year. Does the Minister have more up-to-date figures on that? Our health service has to set an example to the rest of us in the vaccination process. We all need to do our bit to help us return to normal. Increased levels of vaccination can protect the progress that we have made in greatly easing restrictions to date and enable us to go further.

Mr Carroll: There are two sets of regulations today. Although they are both important, I will focus specifically on the relaxation of the rules in the hospitality sector and how the Executive intend to protect workers in that context. The amendment (No. 15) regulations remove the requirement to be seated at tables in hospitality settings for food or drink in bars and restaurants. To be frank, I have heard mixed reports about that. Many bars may be supportive of it because they are under massive economic pressure and there has been a lack of support for hospitality workers throughout the pandemic. Many medical experts, however, express general caution and concern about the swift reopening not just here but in other parts of the world.

We are now obviously deep into the pandemic, and everyone wants to see some level of whatever normality is and will be. That leaves workers struggling to make ends meet. It has to be done in a safe way that is secure for workers. Table service worked well at the start of the reopening, so I ask why the change has been considered and made.

For me and many others, it was easier and simpler to avail ourselves of table service. It is easier for staff as well if they are not faced with deep queues or being pushed by impatient punters. At the weekend, I saw at least one bar with queues that were 10 or 20 people deep, which was very concerning. What medical consideration has been given to that? What work has the Minister or his Department done on engaging with unions, bar workers, hospitality workers and, especially, representatives of Unite Hospitality? What work has been done around increasing and encouraging the proper ventilation of those workplaces? That could mitigate workplace clusters emerging and protect individual staff members in hospitality. Those are serious concerns that have to be addressed, and if not today, very soon. Otherwise, we will potentially see a spike in cases in those hospitality settings.

5.30 pm

Mr Deputy Speaker (Mr McGlone): I will call the Health Minister, Robin Swann, to conclude and wind up the debate on both motions, but, before I do, I want to condemn any threats against you personally, Minister. I have known you for quite a while, and I know a few of your friends. They will share those sentiments. I find the threats disgraceful.

Furthermore, can we tone things down a bit? I am thinking of the 2,570 people who have died through COVID and their extended families. I had hoped that the debate would have been a bit more respectful to those people, their memory and their families. There may be interventions as the Minister speaks, but can they be made in a respectful way, please?

Mr Swann: Thank you, Mr Deputy Speaker. My note states that I welcome today's debate, but how it developed means that it has been one of the more obtuse debates that we have had in the House on the amendment regulations. More issues were raised than are in the regulations being debated, and Members have taken an opportunity to take public positions on other issues.

I thank some Members for their contribution to the debate on the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 15) Regulations (Northern Ireland) 2021 and the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 5) Regulations (Northern Ireland) 2021, and I note the contributions of others.

I will now respond to some points that Members made during the debate. I thank the Chair of the Health Committee for the Committee's support during what has been a very trying period in respect of how the regulations have been brought forward. I note the commentary from Mr Chambers about what a member of the Health Committee said about the timing and the processes. If the regulations were to be brought forward differently, and if the Executive were to take a decision this Thursday about further easements, if that were their direction of travel, that decision would have to go through the full scrutiny procedure. It could be a number of weeks before businesses, families and the community would see the benefit of that change. The Executive have taken the approach that they have to the regulations so that changes can be enacted in as timely a fashion as possible.

Mr Allister asked for clarity about face coverings in places of worship. It is a legal requirement to wear a face covering when entering and exiting the building. As I said, exemptions are included. I stress that. The legal requirement to wear a face covering in a place of worship during an act of worship has been removed, but it is still strongly advised. Face coverings must still be worn as part of any other activity that takes place in a church building, unless the primary purpose of the activity is an act of worship. Social distancing is still recommended in places of worship, but it is not required in regulation. I hope that that clarification helps the Member.

Ms Cara Hunter asked what actions will be taken to prevent further lockdowns over winter. I have been clear —.

Mr Buckley: On a point of order, Mr Deputy Speaker. I apologise for interrupting the Minister, but it is increasingly hard to hear him. I do not know whether that can be controlled from the Chair.

Mr Deputy Speaker (Mr McGlone): Are the mics pointed directly towards you, Minister? We will look after the technical end of things from here.

Mr Swann: Ms Cara Hunter asked what actions will be taken to prevent further lockdowns over winter. I want to be clear: I do not want further lockdowns or to maintain restrictions for one day longer than is necessary. However, the reality is that we do not know what lies ahead. The past 17 months have been unprecedented, and the Executive have sought to balance individual and societal liberty with public health requirements in the face of, as has been pointed out, a global pandemic. Our hospitals are still working to capacity, our waiting lists are getting longer, and new variants continue to develop. Decisions on restrictions or relaxations need to be weighed against family, societal and economic considerations. That is what the Executive do. Again, I want to be clear: these are not solely my regulations, although some in the House want to portray them as such.

Mr Chris Lyttle asked what other measures can be taken to ensure that we keep the public safe from infection. Again, the regulations form only one part of our response to help to reduce the rate of infection of COVID-19 and to ensure that we keep the public free from COVID infection. We all have a role in reducing infection by following the guidance on social distancing. Everyone should adhere to those measures at all times. On occasions when social distancing may not be possible or practical, other effective

measures, including good hand hygiene and respiratory hygiene practices should be considered crucial and adopted, and the wearing of a face covering in those circumstances is recommended.

Mr Lyttle also raised a number of points on messaging. I thank him for noting the clear, consistent messaging that comes from my Department. However, what I would like to see, and what other Members have clearly said that they would like to see, is clear, consistent messaging from the Executive, because we have seen the best response from the people of Northern Ireland when that message, and how it is taken forward, has been consistent, unanimous and clear.

I will not go into the debate on COVID certification or verification. That debate can be held in this place. Members and parties have the opportunity to table no-day-named motions, should they wish to bring the matter to the House for a full debate outside the Executive. They could air their issues across the Chamber. What is interesting, especially with regard to COVID certification, is how members of certain parties, on the airwaves or in this place, oppose domestic certification, but their party colleagues and Members of Parliament write to me asking how the same constituents can prove that they have been vaccinated so that they can go to a bar in Dublin or Donegal, or attend an Old Firm match in Glasgow. I will not —

Mr Deputy Speaker (Mr McGlone): The point is well made, Minister. Stick with the regulations, please.

Mr Swann: Thank you, Mr Deputy Speaker.

Mr Stalford came to the Chamber to make a brief contribution, and he welcomed the easements that have been in place.

Pam Cameron, the Deputy Chair of the Health Committee, talked about a healthy economy and a healthy business. I want to see healthy people who are able to fully support our businesses and the economy. I want them to live a full community, societal and family life. Vaccination and following the regulations and restrictions will bring us to a better place.

This morning, I saw the media report on the number of nurses in the Belfast Trust who have been vaccinated. It was concerning, but the commentary from the Belfast Trust and the Royal College of Nurses was that this was at a point in time and that nurses had the ability to get vaccinated through other avenues. I have asked for clarification that bank nurses were not

included in that number. Further clarification is being sought in that regard.

Mr Carroll asked about the requirement for engagement with different sectors, unions and workplaces. Again, that work and engagement are taken forward via the Executive's COVID-19 task force. The Chief Medical Officer and the Chief Scientific Adviser attend the meetings of that task force and can provide that help and information when those sectors are engaged with. Also, the Member, being a member of the Health Committee, will be well aware that I engage regularly with the health service unions to make sure that we are working in partnership with them.

I may not have answered every point or opinion expressed by Members during their contributions to the debate. In closing, I remind Members that the choices that we make now will be crucial in ensuring that the virus does not begin to spread once more. As we continue to remove the remaining restrictions that are in place, our society will move closer to a return to normal life. By making safer choices, following public health advice and complying with the regulations, we can all do our part to help to lower the spread of COVID-19. I commend the regulations to the Assembly.

Question put and agreed to.

Resolved:

That the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 15) Regulations (Northern Ireland) 2021 be approved.

The Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 5) Regulations (Northern Ireland) 2021

Mr Deputy Speaker (Mr McGlone): The second motion on the health protection regulations has already been debated.

Resolved:

That the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 5) Regulations (Northern Ireland) 2021 be approved. — [Mr Swann (The Minister of Health).]

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

5.45 pm

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

Private Members' Business

Waste Water and Sewerage Capacity Crisis

Mr Buckley: I beg to move

That this Assembly expresses concern at the deepening crisis in Northern Ireland's waste water and sewerage infrastructure; notes the Department for Infrastructure's Living with Water programme in Belfast; highlights the importance of adequate capacity in other parts of Northern Ireland to prevent delays to housebuilding and capital investment in critical facilities such as schools, public offices and factories; notes that addressing the weaknesses of current provision in all areas will be essential to maximising our whole region's economic potential, including through city deals and other key levers; and calls on the Minister for Infrastructure to bring forward a new strategy to enhance and expand Northern Ireland's water and sewerage infrastructure, with a particular focus on ending regional inequalities.

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

Mr Buckley: Whilst there are many things that we can disagree on in this House, the current state of and stresses on our waste water and sewerage capacity is not one of them. It is something that can and should concern us all because it affects all of us collectively.

The network and maze of water mains and sewers in Northern Ireland extends to 27,000 kilometres and 16,000 kilometres respectively. It incorporates our water treatment works, pumping plants and waste water treatment works. If those are not enough reasons to make sure that we get it right, Northern Ireland Water also provides drinking water to approximately 840,000 households and businesses. The stakes could not be higher.

The running failure to address the underinvestment in our waste water

infrastructure is severely hampering economic development and house building in every part of Northern Ireland. I am sure that Members can attest to that. To put it simply, without drains, there can be no cranes.

Every month that passes without a sustainable approach to meeting current demand for connection to the network leads to further missed opportunities. Let us look at those missed opportunities. There are missed opportunities to support business expansion. How many Members have dealt with businesses in their constituency that are unable to expand and bring job creation to their locality because of lack of infrastructure in the waste water system?

There are missed opportunities to boost employment in the construction and aggregates sector. How many Members have been inundated with correspondence from developers or private homeowners who cannot get connected to the grid and are, therefore, being swallowed up by a planning system that, with regard to NI Water and consultees' responses, is not fit for purpose?

There are missed opportunities to provide new housing provision for those in need or those who want to get on to the property ladder. That is something that I can relate to, as a young Member of this House, and, during the pandemic and since, young people have been coming to me because they have been unable to get through that statutory planning process, particularly because of delays relating, primarily, to NI Water.

We believe that the current investment strategy, albeit welcome, lacks the ambition or direction needed to get this situation under control. We are not alone in that opinion. As I have mentioned, frustrated prospective homeowners and developers, up and down the country, want to see a tangible, Province-wide plan, and it is no surprise that they are of that opinion.

I have recent reports from developers — I am sure that Members have looked at them in their packs — and they are no longer willing to invest in Northern Ireland due to the waiting times. On 7 July 2021, the 'Belfast Telegraph' reported that:

"A lack of investment in the sewage network is holding up the construction of much-needed new homes, house builders have said.

Braidwater Homes, Fraser Houses and Lagan Homes said NI's ageing water

infrastructure was adding to pressure on the housing market here, where demand is far exceeding supply.

Soaring demand has led to bidding wars on homes, which in some cases in Belfast has pushed prices up by around £4,000 a day."

That is simply not sustainable. Another homebuilder talked about the "planning nightmare" that was driving them out of Northern Ireland. They talked about pulling business out of Northern Ireland to work in the north of England and the Republic of Ireland. They talked about the delay that there was, in particular, surrounding the process with consultees. A complicated planning process, as well as consultee bureaucracy, has led to an absolute nightmare. In relation to NI Water, they talked about some consultees having a minimum 65-day turnaround to see whether a new site was available for sewerage, for example, compared with Scotland, where, they said, the same service would come back in five days. That is the difference. We are losing business because of the lack of sewerage infrastructure and waste water capacity.

I also want to bring Members' attention to the fact that 25 of the 27 economic hub towns have compromised water infrastructure, but only 12 will see investment by 2027. Ninety-one additional towns currently face similar problems, and another 30 will join that category over the next six years. Despite that, only 37 towns will receive improvements in their waste water infrastructure during that time. Just yesterday, Minister Mallon said in the House that Northern Ireland's waste water problems will take at least 12 years to fix and have the potential to undermine the economic recovery from COVID-19 and to limit the number of new homes. Further to that is the risk of breaching statutory environmental obligations.

The Minister is not alone in her assessment. On 16 October 2020, a headline in the 'Belfast Telegraph' read:

"Worn-out NI water network on brink of a catastrophe".

The paper reported that:

"Part of Northern Ireland could be engulfed in a major catastrophe if urgent upgrades to 'worn out' water services are not carried out, a High Court judge warned.

Mr Justice Horner identified risks of homes being flooded and millions of litres of raw

sewage spilling into an estuary with disastrous environmental consequences.

The potential dangers were set out as he removed a suspension on NI Water awarding contracts to carry out work on its network."

It is hard to disagree. That places an ever bigger onus on the Minister and, indeed, the Department to get it right with a Province-wide plan of action. The Living with Water programme focuses only on greater Belfast, with a feasibility study for Londonderry, and ignores the legitimate challenges that face businesses and households in other parts of Northern Ireland as a result of that crisis. Developers have indicated that, because the planning system in Belfast is more proactive than in other areas, it is likely that a disproportionate level of other investment in the next price control will be spent there.

We recognise that price control 21 (PC21) envisages that £2 billion will be directed to capital projects over the next six years, which is a 100% increase on the previous allocation. Capital investment will include £529 million as part of the Living with Water programme and £816 million to maintain existing capacity, yet we cannot look over the fact that half of the affected towns and villages will see no direct benefit. It appears to be a damage limitation exercise, which threatens to generate further regional inequalities for people who live and work in areas right across Northern Ireland. The Minister for Infrastructure did not provide the Utility Regulator with any indication of the budget that is available over the next six financial years ahead of the latest price control determination. Was that a missed opportunity to adopt a more ambitious approach? The Minister has talked in the House of levelling up. Talk must now be backed up with action. The Department —.

Mrs D Kelly: I thank the Member for giving way, but it is a bit outrageous to talk about six years ahead when we do not even have a three-year Budget and when it was the Member's party that tightened the screws when Danny Kennedy was the Minister. Now, the chickens are coming home to roost with the lack of investment in infrastructure per se.

Mr Buckley: I know the Member will have an opportunity to speak when she contributes to the debate. As Chair of the Infrastructure Committee, I have identified a real problem, and I am sure the Member has done the same in her constituency.

There is a need now for investment and planning ahead. The main reason for the motion, as the Member will read, is because the current state of our waste water infrastructure means that we are stymieing economic development, stymieing house growth and stymieing young people from getting on the housing ladder and contributing to society in their own right. I noted that, as I am sure did other Members, when dealing with NI Water in the days previous to the debate, and I will, no doubt, continue to note it in the days ahead.

Since 1 April, hundreds of applications for connections to the water and sewerage network have either been rejected or have stalled because of capacity issues. Some of those applications relate to hundreds of sites. That does not even tell the full story, Members. We do not know how many proposed developments have been cut off at source through NI Water's pre-development inquiry process. There is a real concern among developers that, at the moment, NI Water is using a delayed response to deal with the planning system in order to stymie development and put pressure on more investment. As Members, we have to ensure that we can have confidence in the planning system in order that we can have an adequate, fit-for-purpose waste water infrastructure.

I see my time is nearly up. There has always been a strong lobby for NI Water to be able to borrow like other bodies elsewhere in the United Kingdom. If we are to maintain the position on domestic water charges, it is right that we examine all available options in order to ensure that we are not storing up problems for the future. Solutions are out there, whether via city deals — I am keen to hear what the Minister has to say about that — or other bespoke funding avenues that have development and prosperity at their heart. Equally, we cannot get away from the fact that we must spend resources wisely. In closing, I hope that Members can support the motion. I call for better waste water infrastructure for all.

Mr Principal Deputy Speaker: With the greatest of respect to my friend, "in closing" should have come 20 seconds ago.

Mr Delargy: Water and waste water infrastructure is an essential part of any functional society as it provides a vital service with many health, environmental and economic implications. From supplying us with safe, clean water to waste water treatment, it is a foundation for sustainable economic growth. It is unacceptable that our sewerage and waste water infrastructure has reached a crisis point

across the North due to historical underinvestment.

Many sewerage networks and treatment plants are now operating at or beyond their capacity. That, in turn, has limited opportunities for new connections. That is having an impact on housing, development, business and promoting regional balance by restricting the development of over 100 areas across the North. It has led NI Water to warn that investment is going down the drain as our failing waste water infrastructure prohibits connections in new houses and businesses. It has also led to inadequate environmental protection through increased sewer flooding and pollution.

NI Water has repeatedly warned of its chronic and historical underinvestment. Take a look at NI Water's investment during Tory austerity. For its business plan for 2015 to 2021, it received only around half of what it actually needed. That is a far cry from sustainable development. Failure to provide long-term funding will lead to a worsening crisis, with widespread detrimental impacts for our community, local economy and natural environment.

Derry is, sadly, no different, as the lack of investment in waste water infrastructure is preventing thousands of new homes and other developments being built in the Buncrana Road and Skeoge areas, as several capacity issues have been identified across the Derry City and Strabane District Council area. It is vital that those works are delivered as a matter of priority to allow people access to much-needed homes and to allow our city to grow and prosper. However, due to the scale of the issue, there are real concerns that some communities will get left behind while other areas will be prioritised for investment. It is absolutely vital that areas such as my constituency of Foyle get the investment they need to allow communities to prosper and to ensure that regional inequalities are not exacerbated by the waste water crisis.

This year, the Department has committed £215 million in capital for NI Water, which is more than the funding of £178 million that the Utility Regulator identified as necessary this year.

That was possible due to the unprecedented allocations from the Finance Minister, Conor Murphy, to the Department, which helped to accelerate the PC21 capital works. I ask the Minister to explore whether, on reflection on that fact, there is room for a more ambitious capital works programme and further prioritisation of waste water in the Department for Infrastructure's budget.

6.00 pm

The motion references the Living with Water programme, which started as a specific programme for greater Belfast. It is a strategy to support economic growth, protect the environment and address flood risk. While it is mostly a plan for investment in sewerage and waste water, it also includes blue-green infrastructure and sustainable drainage systems like rain gardens and permeable paving to make our society more liveable and more adaptable to flood risk. It is a new holistic and integrated approach to the provision of drainage and waste water infrastructure. At the Infrastructure Committee, Sinn Féin has consistently stated that the Living with Water strategy should be rolled out across other areas. I welcome that the Living with Water feasibility study has commenced in Derry and includes looking at the A2 Buncrana Road scheme to bring forward integrated drainage solutions for the Skeoge river and Pennyburn catchments. That is a positive development, but I urge that the strategy be rolled out to Derry and across other areas of the North.

It is worth noting that the Living with Water programme, along with essential sewerage investment, was one of the British Government's funding commitments in 'New Decade, New Approach'. However, they have reneged on that financial commitment from the outset, leaving us with a financial package that pales in comparison to the money needed to deliver on the commitments in that deal. It is vital that the North gets access to the funding necessary for adequate investment in our public services. Furthermore, NI Water has indicated how multi-year Budgets would allow for the more efficient planning and execution of its capital works programme. A multi-year Budget is needed to plan services properly, but the Executive were only provided with a single-year Budget by the British Government. It is vital that, in future, NI Water can utilise multi-year Budgets to allow for stronger, long-term planning.

Mr Principal Deputy Speaker: Sorry. The Member's time is up.

Mrs D Kelly: Whilst the SDLP supports the motion, we are aware that the Executive's 'Sustainable Water: A Long-Term Water Strategy for Northern Ireland (2015-2040)' is already in place. We need not another document but funding for implementation. It would be helpful to hear from the Minister about what support she has been given with future funding, given that the wider Executive have

responsibility for this, as water infrastructure cuts across virtually every aspect of life.

It is a bit rich for the party to my right to talk about delays, given that the House was stood down for three years, during which time no Ministers were in place and no decisions could be made. The community that we all seek to serve was bereft of democratic accountability, through us, for the civil servants, although the Ministers should have been in place. A lot of people seem to want to rewrite the last mandate. For three whole years —

Mr Buckley: I thank the Member for giving way. In that vein, I am sure that she will agree with me on this. The Minister for Communities said that she was working to develop a fundamental housing supply strategy to remove barriers to increasing housing supply, which would obviously include water and sewerage. What interaction has there been with the Minister for Communities to support adequate funding measures for NI Water?

Mr Principal Deputy Speaker: The Member has an additional minute.

Mrs D Kelly: Thank you very much, Mr Principal Deputy Speaker.

Minister Mallon is clearly on the record as saying that infrastructure is the way to build an economic recovery, particularly post COVID. It is clear that there is a disconnect in the Executive. It is unreal that, for the 14 years that Sinn Féin and the DUP have been in charge, we have seen chronic underinvestment year in, year out in waste water infrastructure. They recognise that infrastructure is a key economic driver, but, when it comes to putting their money where their mouth is to drive the economy forward and to meet the real and pressing demand for social and affordable housing in particular, that money is not forthcoming. Yes, Minister Mallon has recognised that there is additional funding this year, but that was after a lot of hard work on her part. There was nowhere left for Sinn Féin and the DUP in particular, in charge of the Executive, to hide from the people who were waiting for a home and all the developers who were waiting for planning approval and the investment that is needed in waste water and sewerage to allow those developments to proceed. It is not just about housing, of course; it is about factories, as others have said, the manufacturing base and some of our public buildings.

A Member: Will the Member give way?

Mrs D Kelly: No, I will not give way any further, for I have only a short time left and there are a few other points that I want to address.

Minister Mallon, like, I am sure, other Members — the proposer of the motion spoke about it — recognises the key climate change challenges and the need to allay people's anxieties around flooding and investment in water, particularly with regard to rainfall and the other causes of flash flooding that we have experienced and which have a devastating impact on citizens and businesses. Without more capacity in the system, however, there are real and genuine concerns that we could see increased flooding that will further damage our local communities and environment. Our infrastructure needs investment in order to withstand those pressures and to deal with the historical underinvestment but also to plan for the short, medium and long term.

I said in an intervention that I was here and saw how Minister Kennedy was treated. I saw how Sinn Féin and the DUP ganged up on other Ministers, in the same way that we saw in the earlier health debate. They want power, but they will take responsibility for nothing. Nothing is their fault — absolutely nothing. They like to point the finger all around the Chamber and to create identity and cultural politics warfare so that the voter loses sight of what is really going on in terms of their failure to deliver not only on investment in waste water and sewerage infrastructure but on social and affordable housing, on education, on the health service and on communities. They have failed to stop the Tories denying the universal credit uplift to people who are not just on the breadline but below it. Yet, here we are, and, without shame, Sinn Féin points the finger at Minister Mallon while it was the party that caused the Assembly to collapse for three years — three whole years when no decisions could be made on health, on education, on housebuilding, on waste infrastructure or on welfare. There was absolutely nothing. There was no anti-poverty strategy — zero, zilch. Take a long, hard look at yourselves before you start pointing the finger at Minister Mallon.

Mr Beggs: I support the motion. We have a crisis in our water and waste water industry, and we now see the outworkings of that failure to invest in planning restrictions in many areas and, on occasion, waste water spilling onto our streets and into our rivers as a result of our aged sewerage network and an inadequate capacity to deal with the pressures of today and the extremes of weather that are being experienced.

I welcome the motion, but I find it rather strange. You would think that it was being proposed by someone whose party had been in opposition for the last 14 years and had had no involvement in where we are today. In fact, the proposer's party has been the biggest party and the lead party in the Northern Ireland Executive for 14 years, playing a key role in setting Budgets annually. Indeed, the contribution from the Member for Foyle seemed to ignore his party's role. His party has had deputy First Ministers and Finance Ministers, and it put in place the three-year gap and caused difficulties. Indeed, his Finance Minister was a Regional Development Minister in the past. His party has had a responsibility for where we are today.

Successive Budgets have underfunded Northern Ireland Water, diverting limited public funds to other priorities that they have decided on. Funding water is not optional; it is essential. The absence of adequate funding now affects our economy, with private-sector investment being held back on occasions. Northern Ireland Water needs significantly increased capital funding to meet its PC21 targets, which are set by the Utility Regulator, and to protect the public and our environment.

Yes, a significant amount of the initial target of £199 million for 2021-22 was provided. I welcome that, but we all have to be aware that significant further moneys will be needed in subsequent years: over double that amount. Capital investment is rising to some £477 million in 2025-26, with the vast majority of that to be spent on waste water treatment to address environmental concerns.

There are choices to be made. Will the Executive guarantee the final determination of funding that is stipulated in PC21 over other capital funding? That might at least enable some longer-term planning by Northern Ireland Water. At present, it can plan only one year ahead, or whatever guarantees the Executive give them.

The problem of limited end-year flexibility will remain. What happens if a contract is delayed, and the money has to be returned? There are still practical problems. It is not just about the funding being provided but about having a model of Northern Ireland Water that can maximise the benefit achieved from the funding that it receives. Northern Ireland Water is a Go-co. It was set up to become a stand-alone body eventually, but it has remained like a non-departmental body. At present, Northern Ireland Water must conform to company accounting but also to public-sector accounting, which results in extra bureaucracy and cost. Northern Ireland

Water plans on an annual basis, which reduces its flexibility. It does not have the flexibility to borrow independently and is subject to public-sector borrowing restrictions. We have been advised that the ability to borrow on the value of its assets would increase its effectiveness.

We need to talk about solutions, not just problems. Yes, city deal might help to a degree, but we need to change the set-up of Northern Ireland Water to make it drive down costs and give better value so that it is more effective, and more cost-effective for us, the customers of Northern Ireland Water. What sort of solution am I therefore suggesting? We need to look seriously at Welsh Water, which was created on a not-for-shareholder dividend basis to make more effective use of the money that it receives. I would argue that we need to consider a mutual model. That potential solution is aside from the issue of water charges. Would such a model provide better value for money for the public-sector money that is going into it? I do not know, but I am asking that question. We need to look at those models.

The current model is not working. There are planning restrictions in significant areas of my constituency, such as Larne and Greenisland. Social housing in particular is being held back because of the additional costs. The private sector can choose to invest in additional, bespoke sewage treatment systems, but that option is frequently not available for social housing. We need to look at what we are doing and provide better value for money in all that we do.

Mr Muir: The Alliance Party supports and welcomes the motion. Like others, it finds it strange that it has come from a party that has been in government, and leading in government, over the past number of years.

The impact of the lack of, and need for, investment in water and waste water infrastructure has a massive impact not just on our economy but on housebuilding and the environment. No one here today should be surprised at the situation in which we find ourselves. Northern Ireland Water has been issuing warnings about the situation for years.

PC15, which covered the six years from 2015 to 2021 was underfunded: £1.7 billion was required but only £990 million was invested. Upgrades to 81 large waste water treatment works were deferred within the time frame of PC15. PC21, which we are currently within, states that £2 billion of investment is required. There are currently more than 100 areas — over 50% across Northern Ireland, including 25

of our main cities and towns — where sewerage and waste water infrastructure has little or no capacity left. As an MLA for North Down, I know about that and the impact that it is having on applications for housing in my area.

It is expected that, by 2027, another 30 towns will reach capacity. We are making it almost impossible to build new housing or new business premises. This is a serious and critical crisis and will add another level of crisis to our housing shortage, about which my colleague Kellie Armstrong will speak later.

6.15 pm

The lack of investment means that Northern Ireland Water cannot create the employment opportunities that are needed. Also, the risk of pollution increases. Since 2014, Northern Ireland Water has been fined 73 times for instances of significant water pollution, resulting in fines of approximately £250,000.

As a result of the lack of investment, the use of septic tanks increases because people cannot connect to the public sewerage infrastructure. There are risks to the environment and to public health, particularly from the chemicals used in these tanks and their impact on water and soil quality.

Northern Ireland Water's investment in, for example, hydrogen production, is to be welcomed. Green technologies are the way forward, but they need investment to continue. Particularly in the context that Northern Ireland Water is the biggest electricity consumer in Northern Ireland, we need to invest to save, not only financially, but to save our planet.

So far, we have heard, and we will hear yet more during the debate, about the problems and issues. What about the solutions? That is where the House fails. If we are not prepared to face up to difficult decisions, we will have the same debates again and again, with some Members searching outside for magic money trees that they can shake, but no money will fall.

The investment in Northern Ireland Water, whilst it is to be welcomed, is, we should remember, at the expense of opportunities to invest in other areas. As Mr Beggs outlined, we need to urgently consider the mutualisation of Northern Ireland Water. That is a clear, positive solution that the Alliance Party brings. Welsh Water provides a track record of success in that regard.

The Alliance Party's position on investment in water and waste water will come as no surprise to anyone. Our 2017 election manifesto clearly states:

"the current governance model for NI water combined with the absence of a sufficient level of independent income distinct from the direct subsidy, restricts the ability of NI Water to borrow money for investment in infrastructure from commercial sources."

Northern Ireland is the only region where the water utility is not funded to the level required by the independent regulator.

If we are to make this motion have any meaning, and if we are to address the serious issues in relation to the lack of investment and the housing shortage in Northern Ireland, we have to step up and take difficult decisions. No doubt, going into the elections next May, a lot of parties will offer the electorate opportunities in manifestos promising change. However, if we are not prepared to take difficult decisions and face the public on them, these issues will continue, and we will have a serious economic and housing crisis in Northern Ireland. Unless we fix this, our economy, housing and environment will be put at risk. We need to address it.

Mr McGuigan: I welcome the debate about the crisis in our waste water and sewerage infrastructure, which is certainly a reality for many of the communities that I am elected to represent.

According to NI Water, as of January 2021, in my constituency of North Antrim, the waste water treatment works in the villages of Armoy, Dervock, Mosside, Stranocum, Clogh, Grange, Cargan and Martinstown had reached capacity. NI Water also states that, in addition to the treatment works that I have just mentioned, network capacity issues are emerging in Ballymena, Ballycastle, Bushmills and Rasharkin. It goes on to state that, as a result of these capacity issues, new planning applications may be declined in parts of these catchments — "no drains, no cranes" is a catchy phrase that has already been used.

Eight villages are at capacity, Bushmills and Rasharkin are heading in that direction, and there are network problems in Ballycastle and Ballymena. All are in my North Antrim constituency.

I would not be doing my job properly if I did not say that I find that totally unacceptable. Water and sewerage infrastructure, even though

mostly underground, is essential. It is not only essential to enhancing the quality of life for citizens, it is required and, indeed, vital for driving local economies through development and expansion. However, because this important infrastructure has reached capacity in the locations that I mentioned, housebuilding and building for business development across North Antrim are, or very soon will be, at a standstill. Again, I find that totally unacceptable.

Worse still is the fact that there are no plans for investment in the majority of these villages, not this year, not next year nor the year after. Indeed, there are no plans to invest in most of these North Antrim villages in NI Water's development plan, which takes us up to 2027. Investment is, at the very least, five years away. Again, that is totally unacceptable.

The outworking, or should I say the consequence, of this is that, without upgraded waste water and sewerage infrastructure in, for example, Armoy village, no social housing can be built. Similar restrictions will be imposed on Cargan and Martinstown and all the other places on the list. So, no social housing will be built, and, as others said, developers are seeing planning permission being refused, constrained or delayed. None of that will change for at least the next five years, which has real-life consequences in rural communities and small villages. It means no homes for young couples and young families who want to live in the communities in which they were reared. In some instances, it means numbers dwindling in village and rural primary schools. It means local GAA and other sports teams struggling with numbers. It means services, facilities and funding opportunities being curtailed.

It is clear that investment is needed in NI Water and in our infrastructure. I noticed that the Minister smiled when my colleague congratulated the Finance Minister on his allocation to her Department. I think that it was a smile in agreement with my colleague, unlike her party colleague, who gave her version of the now famous single transferable speech, in which she blamed Sinn Féin for everything. I think that she even blamed the Sinn Féin Finance Minister for allocating additional money to the Infrastructure Minister this year. Years of historical underinvestment in our water and sewerage infrastructure and the British Tory-imposed austerity on our block grant are the root causes of the current problem. It is not a problem of Minister Mallon's making, and I do not think that my colleague made any aspersions that it was Minister Mallon's problem.

If we want to grow in a balanced and sustainable fashion, we need to address this issue in a way that does not facilitate further regional inequality or impacts on rural communities. That is why many communities in North Antrim, such as Armoyle, Dervock, Mosside, Rasharkin, Stranocum, Martinstown and Cargan, will wonder why they have been left out of investment plans for the next five years. I am deeply disappointed that that is the case. On their behalf, I urge Minister Mallon to look at ways to improve the current NI Water plan, to explore ways to draw down additional funding without imposing a further burden on families, to incorporate multi-year budgets into investment planning and to deliver urgently a fit-for-purpose waste water infrastructure that delivers for the citizens and communities of North Antrim.

Mr Robinson: The state of Northern Ireland's water and sewerage infrastructure does Northern Ireland a great disservice. To say that it is hopelessly outdated is being polite. My East Londonderry constituency is a prime example of how the current infrastructure is keeping Northern Ireland from developing and is causing damage and inconvenience to private property when there is heavy rainfall. That is unacceptable and has to be rectified.

I know of major housing developments that have been severely delayed due to the lack of capacity of a 21st-century water and sewerage network. Housing pressure is increasing, and this is unacceptable. Nothing that is being examined will change that situation. Chronic underfunding is costing jobs. I understand that, throughout Northern Ireland, hundreds of schemes are stalled due to the lack of capacity in our water and sewerage infrastructure. Will the Minister give a figure for developments that have not even made it past the Northern Ireland Water pre-development inquiry process? I am sure that that figure is substantial.

Housing Executive developments are affected as well, so this problem involves quite a few Northern Ireland residents. We need a proactive solution from the Minister to tackle gross underfunding, which costs jobs and housing.

I also think that the Finance Minister needs to step up to —

Mr Beggs: Will the Member give way?

Mr Robinson: Go ahead.

Mr Beggs: Will the Member accept that, over the years, inadequate money has been given to the Department for Infrastructure to enable Northern Ireland Water to put in that infrastructure? The budgets were grossly incorrect.

Mr Robinson: I take your point. Thank you.

I also think that the Finance Minister needs to step up to the mark to provide some much-needed extra funding to help the Infrastructure Minister to tackle this serious water and sewerage underfunding situation throughout Northern Ireland. Northern Ireland Water intends to direct £2 billion towards capital projects in the next six years, yet over half of towns and villages will see no direct benefit. That is a disgrace. Outside Belfast, regional differences make that figure even more startling. Regional variation means that anyone living outside the greater Belfast area will experience greater inequality. An effective investment strategy will see businesses expand, boosting the construction industry and associated industries and, of course, employment.

Figures show that only 12 out of 27 economic hub towns will get investment in the next six years. Another 91 towns have similar problems, but only 37 will receive improvements to their water infrastructure. With another 30 towns due to join the list, no progress will be made in addressing the chronic capacity shortage in the water and sewerage infrastructure. The Minister must develop a plan to ensure that the shortcomings in the current system are addressed as a matter of urgency. I support the motion.

Mr Principal Deputy Speaker: Members, it is 6.25 pm, and I am due to call the Minister at 6.50 pm. The debate can last for only an hour and a half. There are more Members who wish to speak than time. I am mindful of the fact that all of the Government parties will have participated in the debate at least once. Therefore, it is my intention that Mr Allister will be called to speak because he has been in the Chamber from the start of the debate. If you are further down your party's speaking list, it might be an idea to make a few interventions.

Ms Kimmins: I, too, welcome the opportunity to speak on this important motion. As others have said, waste water infrastructure across the North is in a dire situation, and it is essential that urgent action is taken to address that. As my colleague said, this is not about blaming the Minister; it is about underinvestment. It is about

the House coming together to recognise the need to consider the other options that may be available.

Currently, there are well over 100 areas where the infrastructure for waste water and sewerage is at capacity. As everyone has said, that has a significant impact on existing and future development, particularly for much-needed housing across the Six Counties.

In my constituency, Newry city is one of the key areas that have seen the detrimental effects of the lack of investment in waste water infrastructure. I am aware of a current social housing development that is already experiencing delays due to network capacity issues. If that is not addressed, there will be serious implications for future housing provision in the Newry area. Therefore, it is imperative that solutions are found across the board.

Similarly, the Meadow area of Newry has had long-standing problems with the sewerage system that spans decades. Today, in the area, residents are experiencing sewage overflow into their gardens, and there are problems with domestic toilets and waste water systems. Whilst NI Water staff are actively working on the ground to deal with that, the underlying problem is the network capacity.

As many have mentioned, the NI Water slogan, "no drains, no cranes", has rightly been re-emphasised. The slogan is an important focus for us all because it encapsulates the impact on our communities if the issue is not addressed.

In addition to the obvious problems associated with waste water infrastructure, a key priority for my party is to ensure that those issues are addressed in the whole of the North in an equal manner that does not facilitate further regional inequalities. NI Water has identified that a total of £21 billion is required for its 2021 to 2027 business plan, known as PC21. That will enable appropriate action to be taken to improve the capacity issues.

This year, the Department has committed £215 million, which is actually over and above the full funding requirement as determined by the Utility Regulator. It is very welcome that the Finance Minister, Conor Murphy, has recognised the importance of making that allocation despite the Executive receiving a standstill resource Budget. Yesterday, whilst the SDLP was pontificating about meeting the shortfall from the Tory austerity Budget that we have been left with, our Ministers were trying to find ways to do what they can, within the constraints, to find the funding for areas where it is needed.

It is no secret that long-term, sustainable funding is needed to address the historical underinvestment in our water and sewerage infrastructure. It is inevitable that the need will continue to be critical as the capital requirement continues to grow. To give a sense of what we are dealing with, £300 million will be needed next year and £400 million the following year.

However, in true form, as many have mentioned, the British Government reneged on a substantial number of their financial promises immediately after the NDNA agreement was reached. One of those was the commitment to:

"Essential sewage investment (Living With Water Programme)".

It is clear that the financial package was inadequate to fund public services, even prior to the onset of COVID.

Maybe if the Minister and her party colleagues who went to Westminster to stand up to Boris cannot sway the Tories to review the block grant, we need to start thinking outside the box. Unlike others who want to stand up here and just blame everyone in the House, I want to look for solutions.

6.30 pm

We have learned that NI Water is currently unable to draw down money because of its large government subsidy and its status as a non-departmental public body. In the South, meanwhile, Irish Water can go to the money markets to borrow and raise bond finance. In 2018, over 70% of its revenue was derived from government subsidy. That could be a solution to addressing some of the issues that we have raised today. I therefore ask the Minister to explore options to enable NI Water to draw down more funding within the existing model.

Mr Storey: I thank the Member for giving way. The hypocrisy of the party opposite never ceases to amaze me. Here we have a Member of the House advising the Minister to go to private finance, but her party blocked, when I was Minister for Social Development, going to the private sector to get money to build more houses. You cannot pick and choose to go the private sector whenever it suits you.

Mr Principal Deputy Speaker: The Member has an additional minute.

Ms Kimmins: I thank the Member for his intervention. As I said, it is about exploring all options and trying, on a cross-departmental

basis, to find solutions for something that is critical.

As I said, the block grant has suffered cut after cut as a result of Tory austerity, which has certainly played a significant role in the detrimental position that we are in. That legacy of historical underfunding demonstrates the need for the Department to take the bull by the horns and look at ways to improve its current plan, for example — others mentioned this — by expanding the Living with Water programme outside Belfast to areas such as mine in Newry, which are in priority need of such an integrated approach that seeks to make communities more sustainable. I ask the Minister whether a feasibility study to extend the programme to Newry has been commissioned, as it has been for Derry.

It is inevitable that everyone in the House is in agreement. I ask others to come on board and look at how we can do this together, exploring options and finding ways to address the regional imbalance. That is fundamental. Those who have faced disparity and inequality in the past can no longer be left behind. We want to see equal balance across the North.

Mr M Bradley: The direness of the waste water capacity and sewerage infrastructure situation in Northern Ireland has been referred to across the House. The problem is not specific to any one area of Northern Ireland but is right across the country. As such, it is having a severe impact on investment in housing, industry and retail.

It is also not a problem caused by the current Minister or her Department. It is solely the fault of continued underinvestment in waste water and sewerage infrastructure. Minister, you hold the portfolio, but this is not of your making. Waste water and sewerage infrastructure needs massive investment to negate the lack of investment over the years. Most of the current 40,000 to 50,000 kilometres of water mains and sewers operated by Northern Ireland Water have been in the ground for the past 50 years or more. That is at least 60% to 70% of the network.

Rising rainfall associated with climate change, and heavier and more frequent flooding, are causing waste water and sewage to mix more often, at a risk to health.

Since vital investment in the 1970s, much has changed across the country. I ask the Minister to put a realistic figure on what her Department needs for this service alone, and the likelihood of her Department getting proper finance in this

mandate or, indeed, in the next mandate. Perhaps it is time for the House to look at multi-year Budgets. I certainly think so.

It is my understanding that capacity issues exist at most of the 70 treatment works, with Northern Ireland Water advising that no additional development can be accommodated in places such as Armoy in my area of Causeway Coast and Glens Borough Council, as was mentioned by the Member for North Antrim, or Ballybogy, Dervock, Ardgarvan, Aghanloo, Mayboy and Mullans. Those are all small settlements where young people cannot find housing to allow them to remain in their own communities.

Those are just some areas, but they are a snapshot of what is happening across Northern Ireland. A proposed 19 out of 70 water treatment plants had been committed to. How many have actually been upgraded during the 2015-2021 funding period, and how many are at or nearing capacity? The impact is serious not only in housebuilding but in industry, with investment opportunities and potential employment being lost through a lack of infrastructure. My constituency is a massive tourist area. That industry, too, is being impacted through a lack of investment in infrastructure.

Waste water and sewerage should be a priority for the Assembly. It needs massive investment right across Northern Ireland and should be treated as a priority. If we fail to invest in the future, we are leaving a legacy of failure to those who come after us, just as those who came before us left a legacy of failure to us.

I support the motion, but I also refer to the remarks two Members made about the Welsh model. What is the finance for the Welsh model compared with what the Minister has at her disposal? I did not hear that. How much money have they got in Wales compared with what the Minister has to spend on infrastructure? Perhaps —.

Mr Muir: Will the Member give way?

Mr M Bradley: Certainly.

Mr Muir: The simple answer is: the utility regulator in Wales determines that the investment that is required is met, whereas, here, the required investment is not met. It is a no-brainer.

Mr M Bradley: I thank the Member for his intervention.

Mr Principal Deputy Speaker: The Member has an additional minute.

Mr M Bradley: No, I have finished. Thank you.

Mr Principal Deputy Speaker: That is very generous.

Mr O'Toole: I will try to be brief, since others wish to contribute.

Like other people, when I read the motion, my first reaction was to say, "Yes, obviously". It is hard to disagree with the motion, and, as my colleague Dolores Kelly said, we as a party certainly do not disagree with it; we support it. As Minister Mallon has said throughout her time in office, of course Northern Ireland Water has been in crisis. It has been chronically underfunded for not just years but decades. It is encouraging to hear what sounds like unanimity today in the Chamber alternating with urges to have a kick at the Minister. There is a degree of unanimity in agreeing that the matter needs to be a priority for funding when there are multi-year Budgets.

I hope, therefore, that, when we get a multi-year Budget from the Treasury later this autumn — indeed, that will happen in exactly three weeks' time from today — the parties in the Chamber that so stoutly stood up and said that we need to provide multi-year funding to address the long-standing crisis in Northern Ireland Water will be exactly as robust and unified in calling for the requisite allocation to the Department and to Northern Ireland Water as they have been today. Let us remember something, because there will be a Hansard report; someone up there is taking a record. We will keep the receipts in order to ensure that those who have been calling for that funding are exactly as fulsome in their calls for allocations. It is worth saying in parentheses that, when it comes to things like health, we as a party have been consistent in saying that it needs adequate, upfront, prioritised, multi-year funding when we get past the spending review from London. I hope that others in the Chamber will be as good as their word today and, perhaps, a little more fulsome in funding Northern Ireland Water than they have been in years gone past. When there was a Minister from the Ulster Unionist Party, they perhaps were not as keen to fund it, or when they have had the Ministry themselves, they did not give it the requisite prioritisation. I have not been here that long. Maybe I am naive or a hopeless romantic for —

Mr McGuigan: Will the Member give way?

Mr O'Toole: I will give way briefly.

Mr McGuigan: It seems to be the opportune moment to allow the Member to congratulate the Sinn Féin Finance Minister for giving increased funding this year to NI Water.

Mr O'Toole: I will hold off on that. If you are asking me to thank the Finance Minister for every single allocation that he makes, I would be here all day, although that seems to be Sinn Féin party policy. You will be aware that it is literally the job of the Finance Minister to allocate funding, so not a penny can be spent in Northern Ireland without him making allocations.

Ms Armstrong: Will the Member give way?

Mr O'Toole: I will give way in a second. The next time the Finance Minister declines to make an allocation, I will come to the Member and ask him why the Minister has done so. I will give way very briefly, and then I want to make some progress.

Ms Armstrong: Does the Member agree that Northern Ireland Water is a cross-departmental issue and that, instead of us picking at each other, it is time for us to find solutions and come together to fund a problem that is hitting all Departments?

Mr O'Toole: Yes, and the Member brings me on to my next point. The consistent underfunding of Northern Ireland Water, which has been addressed this year because the Minister has been able to provide it with full funding, is not just about the Department for Infrastructure, despite some of the Punch and Judy display that we have had today. Clearly, as people have said, it is completely interlinked with how we address climate change and economic development.

I want to specifically talk about climate mitigation in my constituency. Others have talked about development issues in their constituencies. In the last few weeks, I met NI Water and Department for Infrastructure officials who are involved in the delivery of the Glenmachan project, which is part of the Living with Water programme. The Glenmachan project will ease waste water capacity issues, particularly in south and west Belfast. Works are ongoing in the Finaghy and Balmoral area, which are overdue. From talking to my constituents in the area, I know that they want the works to happen as quickly as possible, because they are having more flash flooding and, very often, it is waste water that has not

been properly treated. It is unhygienic, for a start, but it is also deeply disruptive to their lives.

Frankly, we will see more of that because of the effects of climate change on our lives, so we will have to deal with it. In addition to the robust cases that have been made for economic development in rural areas, it is important for all of us to see Living with Water and, indeed, funding Northern Ireland Water as a critical part of dealing with climate change, which will be the dominant issue in all our lives for the rest of this century.

I am pleased, on behalf of my party and along with my colleague, to underline our party's support for the motion. I hope that there is as much unanimity when we come to allocating budgets later this year, because the issue is critical not just for economic development and the development of housing but for climate mitigation.

Dr Aiken: The Ulster Unionist Party will support the motion, as my esteemed colleague Mr Beggs has already outlined. I thank the Minister's staff and, indeed, Northern Ireland Water for coming to meet me in Ballyclare last week. The discussions that we had there epitomised the problems that we have with infrastructure in Northern Ireland. We are dealing with 100-year events every year. What is more, we are getting 100 years of rain — or one month's rain in one hour. No infrastructure anywhere in Northern Ireland can cope with that. Indeed, no infrastructure anywhere in the world can deal with that. We are dealing with a climate emergency right now.

There is a solution, however, in how we fund Northern Ireland Water. I note with interest the number of times that we have heard about — allow me to get this right — Dŵr Cymru, Welsh Water, which is managed by Glas Cymru. Members will be aware that, as part of the funding mechanism in Wales, consumers pay up to about £300 a year for domestic water. In Scotland, people pay up to £375 for water as part of the council tax bill. We do not know, because it has not been fully desegregated, how much of our rates bill goes towards water. That might be a useful starting point from which to go forward.

We have heard quite a lot about the Finance Minister and the fact that he has asked the fiscal commission for a report. Paul Johnson has already done an interim report saying that levelling up with the rest of the United Kingdom could bring in an extra £600 million across the board to Northern Ireland. I know that the

Minister's party and other parties are not advocating water charges or any of the other things mentioned, but that report demonstrates the funding that could be there. Paul Johnson also reports that, if we were taxed at the same level as people in the Republic of Ireland, we could be looking at significantly more than £600 million. I do not think that any of us wants to go in that direction either.

The key to this is the mutualisation of Northern Ireland Water. In a uniquely Northern Ireland situation, we have turned what should be a Government-owned and commercially operated company into a hybrid that is neither. We need to be able to take its shackles off and make it a properly mutualised company. If we did so, particularly using the Welsh Water model — it is a not-for-profit company and all the money that it makes is reinvested in the company — that would give us a good opportunity to transform Northern Ireland Water. I look across at the Minister and say this: it is not just an opportunity for Northern Ireland Water; it would create a model for other utilities in Northern Ireland or transport companies or other areas that are having real difficulty.

Ms Armstrong: I thank the Member for giving way. We have been banging on about this over and over again since I was on the Infrastructure Committee back in 2016. We take money through rates for water. We do not separate it out. We give the money, as a grant, to Northern Ireland Water. Does the Member agree that, if that money were treated as an income, the company would be free to borrow and then, finally, we could have a water company that could be sustainable?

Dr Aiken: Thank you very much for pointing out the fact that it needs to be a mutualised company. It needs to be a company that is capable of borrowing off its asset base. We have the ludicrous thing, seen by anyone who has been to a waste water treatment plant in Northern Ireland, of every one of them having an anaerobic digester that it is not allowed to use to make electricity that it could sell. It is not allowed to do it because it is a Go-co; that is absolutely ridiculous. I cannot understand how we cannot see the ridiculousness of that.

6.45 pm

We have an opportunity for the Assembly to say very clearly, "Let us set up a decent company around Northern Ireland Water". We have a model, and, if we are going to be radical, why do we not look towards a synergy or even a cooperation agreement with Welsh Water to

make it work? How about that for all-islands cooperation and something that could work?

Mr Allister: An outsider listening to this debate, having listened to the litany of complaints, neglect and obvious failure, would surely by now be saying to themselves, "What bunch of incompetents is in charge of that place for its waste water treatment to have got to this dire state?". The answer is this: the bunch of incompetents that have been populating the Executive of Northern Ireland. Who has been governing for the last 14 years but the very parties in this House that make these issues?

The parties of Government in this House need to own the mess that they have made. Yes, part of it has been because of inter-party rivalry and wanting to expose Ministers by holding back funding. We saw it in Danny Kennedy's time; maybe we are still seeing it in this particular Department. But, really, you cannot look beyond those who govern to find the problem here, particularly as they have had nearly 15 years to address the issue. It is in a worse plight than it was when devolution returned in 2007 — much worse.

Apply it in my constituency. Rural villages across North Antrim are starved of development opportunities. Armoy, Dervock — all of them. I have met the Minister about those issues. Because of no investment, social housing and private housing cannot be built. Nothing is on offer in the current cycle; it will probably be the next decade before anything is done. Take the major town in my constituency, Ballymena. Development in large parts of it ground to a halt because the Spencetown treatment works cannot cope.

Ms Armstrong: Thank you, Mr Allister, for giving way. It is not very often we agree, but this is twice in one day. Does the Member agree with me that our waiting lists for housing are only growing larger? It will take two decades to fulfil the waiting list because we cannot build social housing to meet demand.

Mr Allister: Yes. Take the small village of Armoy because so often it is the rural villages that are at the front edge of neglect. For years, there has been an approval for a scheme for social housing. It cannot be built, yet there is a crying need for such housing in that and many other villages. There is no joined-up, authentic approach to these matters.

I referred to Ballymena. We have the Spencetown terminal pumping station. It is already operating above its designed capacity.

In consequence, effectively, there can be no new approvals. Indeed, it is in contravention of its own Water Order consent. It is at risk of being prosecuted by the Environment Agency.

All that this Executive have to offer the people of Ballymena and North Antrim are excuses. They say, "It's someone else's fault. It's Tory austerity". My goodness, look at what we do with largesse from the Treasury. I got an answer from the Finance Minister a few weeks ago. At the time of his answer, there was £750 million in Barnett consequentials, in this case for health. How much of that did we spend on health? Five hundred million pounds. We would far rather prioritise all sorts of vanity projects than put it into hard infrastructure. Here we have it again: what is the Department for Infrastructure's priority? Is its capital project priority the Narrow Water bridge, or is it the sewage works in my constituency and many others? Are political vanity projects overriding real need? That is what seems to be happening. I say this to the House: you cannot point the finger other than at yourselves, because you are the Government, and —

Mr Principal Deputy Speaker: Thank you.

Mr Allister: — you are a Government who have failed fundamentally.

Ms Mallon (The Minister for Infrastructure): I thank the three Members, including the Chair and the Deputy Chair of the Committee for Infrastructure, for tabling the motion on the crisis in waste water and sewerage capacity. As Mr Buckley pointed out and many Members reiterated, it is a very important issue that affects all of us. I have listened carefully to the views that Members expressed. The significance of the issue is reflected in the fact there were more Members who wished to speak than time allowed for this evening.

As Minister for Infrastructure, I am well aware of the importance of our waste water infrastructure and the critical role that it plays in our health and well-being and, as many Members pointed out, in the economic prosperity of Northern Ireland. As Mr Beggs, Mr Bradley, Mr O'Toole and Dr Aiken pointed out, in recent years, flooding has had devastating consequences for those living and working in affected areas. We can be in no doubt that climate change will place even more pressure on our ageing infrastructure.

As a result of the continued underinvestment in sewerage infrastructure, there are, as Members pointed out, estimated to be over 100 areas

where a lack of capacity in sewerage and waste water infrastructure is having a detrimental impact on local development. That lack of capacity means that Northern Ireland Water may not be able to accept future connections for new developments. In addition to the economic constraints, a lack of capacity can cause increased instances of flooding and sewage spills, leading to increased pollution, damage to the environment and an increased risk to health.

Members will be aware that I have consistently made the case for additional investment in our water and waste water services. The Utility Regulator has determined that Northern Ireland Water requires over £2 billion over the six-year PC21 investment period. I have to say that I noted with interest Mr Buckley's criticism that I have not presented the Utility Regulator with confirmation of subsequent years of funding. Of course, we are still locked in a single-year budgetary process, so it is absolutely impossible for me to give any certainty beyond the current financial year. Over £1.5 billion of the funding that is identified in this price control period needs to be invested in waste water treatment works and sewerage networks across the whole of Northern Ireland, including projects to address the lack of capacity at 49 locations. Those include a number of significant projects to upgrade waste water treatment plants in Belfast at a cost of approximately £126 million; in Kinnegar at a cost of £108 million; in Greenisland at a cost of £33 million; and — this will interest Ms Kimmins — in Newry at a cost of approximately £27 million.

As I have said many times in the House, the scale of the waste water capacity issues across Northern Ireland will, realistically, take at least 12 years — over two price control periods — to address. Without that investment, as Members rightly identified, Northern Ireland Water will be at risk of breaching statutory environmental obligations, and the delivery of much-needed housing will be constrained by a lack of capacity in the waste water treatment works and sewerage works.

Rightly, Mr Allister challenges Ministers on identifying their strategic priorities. He referenced Narrow Water bridge. I take this opportunity to remind Mr Allister that the Irish Government have committed to the funding of Narrow Water bridge. As Minister for Infrastructure in Northern Ireland, I have absolutely prioritised investment in our water and waste water infrastructure. In responding to the challenging environment in which we find ourselves, I have allocated over £210 million of capital funding to Northern Ireland Water for

2021-22. That allocation includes an additional £20 million over and above the Utility Regulator's final determination to bring forward and accelerate capital projects.

I also note with interest the propensity within Sinn Féin to claim credit for positive financial announcements that other Ministers make. I look to see the same fervour, enthusiasm and ownership being taken when Ministers have to implement cuts, which we will, inevitably, have to do in the Budget. I assure Members —

Dr Aiken: Will the Minister give way?

Ms Mallon: I will indeed.

Dr Aiken: It seems strange that Sinn Féin never seems to mention the fact that the £15.6 billion that we got last year came from our nation's Exchequer.

Ms Mallon: I assure the Member that, in my remit as Minister for Infrastructure, I have identified that that is an issue of strategic importance. I have done so not solely by way of offering platitudes but by following through in making bids to the Executive and allocating sufficient funding for this financial year. This is the first time in a long time that that has happened.

Earlier this year, as part of my commitment to a green and sustainable recovery, and to delivering the commitments made by the Governments in the New Decade, New Approach agreement, I completed a public consultation on 'Living with Water in Belfast', a draft integrated plan for drainage and waste water management in the greater Belfast area. The plan aims to deliver a new, strategic, long-term approach to drainage and waste water management, protect from flooding, provide a cleaner and greener environment, and ensure that Belfast is open for business and investment. That plan, which I hope to get onto the Executive agenda shortly, makes a robust case for the investment needed to provide a 21st-century waste water system to serve the growing population and allow for economic growth.

As Mr Delargy, rightly, pointed out, I am keen that we see the rolling out of the Living with Water programme so that it is extended beyond Belfast. On 2 June this year, I gave the go-ahead for the development of a strategic drainage infrastructure plan for Derry, similar to the 'Living with Water in Belfast' plan that I just referred to, and my intention is to roll out that approach, which is very much focused on our

natural environment, to many more areas across Northern Ireland.

The motion calls for a new strategy to be brought forward to:

"enhance and expand Northern Ireland's water and sewerage infrastructure, with a particular focus on ending regional inequalities."

It is important to point out that a strategy is already in place in Northern Ireland to manage our water and waste water infrastructure and to work towards the achievement of a sustainable water sector. It is the Executive's 'Sustainable Water — A Long-Term Water Strategy for Northern Ireland (2015-2040)', and I assure Members that it is Northern Ireland-wide.

Perhaps, there is a misunderstanding that the Minister has the authority and discretion to identify which projects to accelerate. It is true that the price control period has a clear and robust process. For each price control period, a prioritised list of schemes for waste water treatment works is identified to deliver defined quality improvements or major upgrades. Those proposed schemes are evidence based, agreed by all key water stakeholders and prioritised. There is a strong emphasis on environmental compliance, headroom capacity issues and the potential to ease developmental constraints. The investment plan and supporting business cases for the upgrade of specific works, sewerage networks and their pumping stations are reviewed for robustness and value for money by the Utility Regulator.

I assure Members that Northern Ireland Water does not take a Belfast-centric approach.

Northern Ireland Water is statutorily obliged to have due regard for individuals who reside in rural areas when it considers how to carry out its activities properly, and those duties are exercised and monitored throughout the price control period. Northern Ireland Water's rural waste water investment programme is a great example of a focused package of works that is being undertaken to refurbish waste water treatment facilities in hamlets and villages in rural areas across the North where the population is below 250. The aim of that programme is simple: to deliver significant environmental benefits, including improving water quality in local rivers, and to increase capacity for development in rural areas.

7.00 pm

Therefore, in light of the existing strategies and the robust processes that are already in place, a new strategy is not what is required at this point. What is needed is the remainder of PC21 and future price controls to be fully funded to help to address the legacy of underinvestment in water and sewerage infrastructure and to facilitate economic growth and housing development.

The cross-cutting benefits from a fully funded water and sewerage sector are clear. Economic development, connections for social and affordable housing and environmental health are fundamental building blocks of any functioning society. It is, therefore, the responsibility of the Executive and the Assembly to ensure that sufficient funding is provided for our water and sewerage systems over subsequent years to help to unlock those areas that Members across the House identified as being under economic constraint as a consequence of the historical underinvestment in that critical infrastructure.

I will end on this point. Given that the strategies to expand and enhance our water and sewerage infrastructure already exist, the call from businesses across Northern Ireland and our environmental sector is not, as Mrs Kelly said, to create another glossy brochure. The plan and the strategies are there. What is required is that we all prioritise our water and waste water infrastructure and that, going forward, we ensure that sufficient funding is provided so that we can upgrade it to ensure that we achieve the many outcomes that we want for our businesses and citizens across the North.

Mr Buckley: To say that Members had a lot to get off their chests in the debate is probably an understatement. In typical Northern Ireland fashion, Members from different political parties across the Chamber said that they supported the motion and then tore it to shreds. That is becoming a theme.

Mr Beggs's contribution really gave me cause to smile. First, he welcomed and supported the motion, then he said that it was worded like an Opposition motion, and then he supported what looked like an Opposition motion as a member of a Government party. I remind Mr Beggs that he is the longest-serving Member in the House right now. He has been in the Chamber for nearly as long as some of the main sewers and waterworks in —.

Mr Beggs: Will the Member give way?

Mr Buckley: In a moment. He was an Opposition Member for only six months of his 23 years here.

Getting back to the topic, Members, collectively across the House —

Dr Aiken: On a point of order, Mr Principal Deputy Speaker. I could not possibly call the esteemed Member for East Antrim a main sewer. That is very unparliamentary language.

Mr Principal Deputy Speaker: The Member is aware that that is not a point of order. Mr Buckley.

Mr Buckley: Thank you. If you look at Hansard, you will see that I said that the Member has been about this place for as long as some of our sewers. It was not the Member in particular, but maybe you can reflect on that now that you have brought it to his attention.

What I am trying to say is that Members brought up issues time and again. Similar concepts were raised, and, although people came at it from different directions, we all recognised the problems that exist.

We heard, first, about capacity issues. We heard about those from Newry and Armagh to North Antrim. There were many contributions from Members from the Antrim area in particular, who spoke about the issues that they face there.

We also heard about funding concerns, and I think that that point was universally recognised. It must also be pointed out — I will put it on record — that it is a no-brainer to say that this has not happened overnight. It has long-term consequences, and we, as a political body, must be mature enough to recognise that, if we are to address the significant issues faced by NI Water, we must give it a sustainable budget. We also talked about multi-year budgeting and how the existing funding model made it difficult for NI Water to function properly.

The importance of this being a cross-departmental matter was also raised. I am not sure who raised that point — I think that it may have been Kellie Armstrong during an intervention — but it is important. As I have mentioned, the issue with NI Water affects not just the Department for Infrastructure but has an impact on our schools and in our communities, whether that is to do with social housing need or our economy, with the economic development that sustainable and

long-term sewerage and waste water infrastructure can create.

Members also mentioned climate change. Dr Aiken pointed out the level of rain that can fall in an hour in his constituency and how the infrastructure that is in place cannot deal with the quantity of rain that we face.

Mr Beggs: Will the Member give way?

Mr Buckley: I will, indeed.

Mr Beggs: On climate change, the fact that 25% of fresh water leaks from our pipes means that we have to process water unnecessarily, so we need investment to prevent that. Northern Ireland Water is one of the biggest electricity users in Northern Ireland. It has a carbon footprint, and it is imperative that we invest in that infrastructure. Does the Member agree?

Mr Buckley: Indeed. The Member makes a very valid point. I note that Members universally mentioned the chronic housing shortages in their respective areas and how the waste water infrastructure has limited the social housing growth that they need, as well as economic prosperity. Members know the trouble that they will face, whether they are dealing with a development or a scheme that they know is needed for the local area but cannot progress because of the infrastructure problems for NI Water.

Ms Armstrong: Will the Member give way?

Mr Buckley: I will, indeed, on that point.

Ms Armstrong: On the point about developers, will the Member agree with me that, at this stage, there is almost an unregulated levy on developers? It costs up to £2,500 per home to fit pipes because there is no capacity for Northern Ireland Water to do it. That cost is being passed on to customers and it is adding costs to our society.

Mr Buckley: Absolutely. That goes back to a point that I raised in my opening comments. If anyone thinks that a 65-day turnaround is good for economic development, it simply is not. Members have to realise that there are issues with the planning process and the delay, particularly with NI Water. Come the sixty-fourth day, we see a response from that consultee, requesting further information and funding, but effectively all that is doing is kicking the can further down the road. That approach is not

sustainable, and I hope that the Minister will take away those real concerns, which I am sure other Members have, about the length of time that NI Water is taking to get back to prospective developers to improve and enhance the quality of social housing stock and other developments.

Members also mentioned the need to be prepared to take difficult decisions. That is a recognised point. I do not care what party anyone is from, we have to recognise that difficult decisions will have to be made about NI Water. We will have to prioritise and look at funding NI Water in a sustainable way to ensure that we can avoid the gridlock that will inevitably come if we do not invest sustainably.

Members came forward with solutions today, and that was very useful for the purposes of the debate. Mr Muir touched briefly on mutualisation, which found agreement and support from Mr Beggs, Dr Aiken and others. Reference was made to the Welsh Water model, and I think that deserves further scrutiny and may be of merit. It is something that the Committee can take away, but I know that the Department will also look at whether there are ways to learn from best practice and ensure that we find a sustainable way forward.

Mr Storey: I thank the Member for giving way. One thing that has not been mentioned is the fact that the Minister and her Department have a duty under article 149 of the Water and Sewerage Services (Northern Ireland) Order 2006. There has been a lot of talk in the House today about money, but clearly there is a legislative requirement for the Minister to ensure that she is compliant with article 149.

Will the Member also accept that, when the Minister's officials came to Causeway Coast and Glens Borough Council in January 2001, they said that they were ready to provide engineering solutions to short-term constraints where possible and would help new housing and business developments to go ahead? We have not seen any of that to date, and I would like the Minister to outline to us, at some stage, what those are.

Mr Buckley: I am sure that the Minister will come back to Mr Storey on that particular point, but we need more than words. Action is required if we are to see that housing stock coming forward.

Mr Muir: I thank Mr Buckley for giving way. I will be brief. In winding, the Member has outlined his frustration that Members came to

the House and welcomed the motion, then criticised it and him. Does he agree that, rather than bringing motions to the House — we will see, in the Order Papers for the weeks ahead, numerous motions to be debated — we need to bring legislation to actually enact change? One of the biggest signs of progress would be to bring legislation to the House on the mutualisation of Northern Ireland Water.

Mr Buckley: I thank the Member. Indeed, I recognise the point that he has raised. However, I believe that bringing today's motion to the House has been helpful, because, while Members may have had political jibes at each other, or there may have been disagreement about what has been done in the past, it has crystallised the problems that are faced by NI Water and given the issue prominence on the Floor of the Assembly for discussion of possible solutions. If one of those possible solutions is mutualisation, that is on the record. Let us continue that conversation and ensure that we can find a sustainable solution.

We have also talked about the need for increased funding and, indeed, prudence with the money that we have.

Dr Aiken: Will the Member give way briefly?

Mr Buckley: This is the last one. Yes, go ahead.

Dr Aiken: I want to make a brief point as, indeed, the Minister is here. I understand that the Minister of Finance has been looking at a whole raft of issues, particularly through the fiscal commission. Maybe there is an opportunity now for the Executive parties to ask the fiscal commission to look urgently at Northern Ireland Water and its move towards mutualisation, because I understand that that is part of the work stream.

Mr Buckley: I thank Dr Aiken for his point. Indeed, it has been well put on the record and is one that may be explored by the Minister and others round the Executive table.

In closing, I thank Members who have contributed to the debate. It has been lively and good. It has brought forward and teased out potential avenues and solutions. Members have recognised the deepening crisis with Northern Ireland's waste water infrastructure. They have recognised the impact that that is having on housebuilding and capital investment in schools, factories and other builds. Members agree and recognise that it is a region-wide problem, the strategy and approach must

recognise that reality, and sustainable funding must be put in place to ensure that that happens. Let us ensure that it happens and not let the debate be just another talking shop. Let us ensure that the comments that have been raised in the debate, and the highlighting of problems by Members, can be used productively to improve the waste water infrastructure.

Mr Principal Deputy Speaker: While I have got her in the Chamber, I want to thank the Minister for writing to me, promising me a new pedestrian crossing on the Ravenhill Road. *[Laughter.]* Now that it is in the Hansard record, I shall hold her to it forever. Members should take their ease until the next item of business.

I beg your pardon: I was too enthusiastic there. *[Laughter.]* All politics is local.

Question put and agreed to.

Resolved:

That this Assembly expresses concern at the deepening crisis in Northern Ireland's waste water and sewerage infrastructure; notes the Department for Infrastructure's Living with Water programme in Belfast; highlights the importance of adequate capacity in other parts of Northern Ireland to prevent delays to housebuilding and capital investment in critical facilities such as schools, public offices and factories; notes that addressing the weaknesses of current provision in all areas will be essential to maximising our whole region's economic potential, including through city deals and other key levers; and calls on the Minister for Infrastructure to bring forward a new strategy to enhance and expand Northern Ireland's water and sewerage infrastructure, with a particular focus on ending regional inequalities.

Mr Principal Deputy Speaker: Members should take their ease for a few moments.

7.15 pm

(Mr Speaker in the Chair)

Motion made:

That the Assembly do now adjourn. — [Mr Speaker.]

Adjournment

Greenway and Active Travel Infrastructure Provision: North Antrim

Mr Speaker: In conjunction with the Business Committee, I have given leave to Mr Philip McGuigan to raise greenway and active travel infrastructure provision in North Antrim. The proposer of the topic will have 15 minutes.

Mr McGuigan: Whilst it is not a debate about cycling per se, it is close enough for me to use the opportunity to begin my contribution by passing on my congratulations to the glens of Antrim cyclist Kevin McCambridge, who won the Irish national under-23 time trial championship in Wicklow last week. I also pass on my congratulations to George Peden from Ballymoney, who came second in the same event. Both are impressive young athletes who will hopefully have a bright future in cycling. I also congratulate Katharine Smyth and Sharon Bird from Ballymena Road Club for their performances at the same event in the women's road race. Sharon finished an impressive fourth, and Katharine won the national masters title. All are brilliant performances and results from cyclists connected to North Antrim, and they are worthy of congratulations from Stormont.

The debate is about greenways and active travel, specifically in my constituency of North Antrim, but I want to take a few minutes, a Cheann Comhairle, with your indulgence, to set the context and outline the importance of the subject. As elected reps, we rightly place a huge focus on the state of our health services. Rarely, if ever, does a day pass in the Chamber without a debate, statement or question about a health-related issue. It may be the length of our waiting lists and how to deal with them, the type of health services we need, where those services should be located and how we fund them. What we do not do as well, in my view, is give as much attention to policy decisions and preventative directions that are not directly within the remit of the Department of Health but could and would have a major impact on

reducing the demand on our health services, save us money and improve the health of our population.

Sometimes, as politicians, we need quick wins, measurable successes and instant results, and I totally understand that. It is not easy to measure the results or success of an illness that does not occur because of a policy decision taken years before, but what is that saying? Prevention is better than cure. I am not sure if Minister Mallon has read the books 'Bike Nation: How Cycling Can Save the World' or 'The Miracle Pill', but, if she has not, I recommend that she does; in fact, I recommend those books as essential reading not only for our Health Minister, the Infrastructure Minister and other Ministers but for every MLA.

Cycling, walking and active travel, if properly utilised, could be, as it is often described, the magic pill and could provide a sensible long-term solution to many of our current problems. They could save us millions of pounds in funding for our health service and would create a healthier environment and produce a healthier population, both physically and mentally. Type 2 diabetes, strokes, heart disease and cancers are just some things that being active can reduce. Reducing air pollution and traffic congestion and helping to tackle climate emergencies are some other non-health-related benefits.

Before I get labelled a hippy or, maybe worse, a zealot boring people with my favourite subject, I will state that I am not some dreamer devoid of reality searching for a two-legged or two-wheeled utopia. I am also not anti-car. How could I be? Whilst I may accumulate 10,000 miles a year on my bike for fitness purposes, most of my functional journeys in North Antrim and beyond are made by car. Despite how I would like things to be, that is the reality of life in rural North Antrim.

A lot of the debate on cycling issues over the air waves and on social media focuses on Belfast and, to a lesser degree, Derry and perhaps Newry, and I understand the reasons for that. All those places deserve much better cycling and walking infrastructure than they have, but, in North Antrim, we do not even have the opportunity to really criticise the Department for substandard cycling-only infrastructure because the reality is that, at the minute, it does not exist.

I have tabled this debate because rural constituencies such as mine in North Antrim cannot be left behind or, worse, left out. I want the citizens whom I represent all across North

Antrim — children going to schools, adults making a short journey to the shops and commuters travelling to and from work — to be able to avail themselves of the benefits of active travel opportunities. How uplifting was the article in last week's 'Derry Journal' about the children of Gaelscoil na Daróige cycling and scooting to school during Bike to School Week? In the paper, the principal, Fiachra Ó Donghaile, said:

"We encourage regular active travel to school because it is good for the heart, for the mind and leads to wider societal benefits."

Yet, every September, I am guaranteed to receive calls from parents of primary-school children in places like my village of Dunloy, Glenariff and many other North Antrim villages who want to allow their children to cycle or walk to school but feel that it is too unsafe to do so. The lack of any segregated infrastructure to cycle on or perhaps the lack of a pedestrian crossing, as is the case in Dunloy, to make it safe for children to cross the road create unnecessary car journeys. Some of the solutions are simple and virtually cost-free, yet they are sometimes met with resistance from the Department for Infrastructure.

I want to be fair, so I need to state that I believe that the Minister is trying to implement a step change. When I engage now with local offices and the local division, I sense the growing importance being given to the topic. However, progress is still slow, and, at times, the process is overly bureaucratic. As an elected representative, I find it frustrating that active travel is always subject to the leftover finance that amounts to crumbs in real terms.

I met Sustrans recently re its hopes for manifesto commitments from politicians. There was nothing earth-shattering in what it was asking me or other politicians to do. In Scotland, the Government spend 10% of their transport budget on walking, wheeling and cycling. The Southern Government have committed to investing €360 million per year over the next few years in walking and cycling, which equates to €66 per head or 20% of their transport budget. Meanwhile, the North's budget pales in comparison. Last year, only 2% of the Department for Infrastructure budget went towards active travel, and the Department committed only approximately £6 million to active travel schemes. If we could get to 10%, that additional funding could help make a reality in my constituency of the recent recommendations contained in a Mid and East Antrim Borough Council commissioned report,

'Prioritising New Walking and Cycling Routes'. In that excellent report, designed by Sustrans, there are proposals such as creating a link path between Galgorm Castle and Cullybackey via the Maine riverside walk. There is also a proposal and a design for a path from Galgorm to south Ballymena via the Braid riverside walk. How transformative would a north Ballymena cycle loop, via Ecos park, be for the citizens of Ballymena town? That proposal is for an entirely motor traffic-free route and has great potential to link people to the Ecos Visitor and Conference Centre and to link the south of Ballymena town to the neighbourhoods north-east of the town centre. The route would also pass close to Castle Tower School, the Northern Regional College, the former St Patrick's barracks site and sports facilities at Ballymena Showgrounds, all of which have the potential to generate local walking and cycling trips.

Also in the report is Glenone riverside walk. That entirely motor traffic-free route has great potential to provide traffic-free riverside access for Portglenone residents and visitors. The route would link the recently renovated Portglenone marina, via a new pathway adjacent to mature woodland and the River Bann. We also want to see a footbridge over the River Bann connecting to the "Fisherman's Walk" in Portglenone become a reality.

In the Causeway Coast and Glens Borough Council part of North Antrim, I and, more importantly, the local population want to see a path connecting Ballycastle to Carey village. With Barnish Primary School being forced to close recently, could we not make it safe and easy for the children who now have to travel to Ballycastle to do so with an active travel option? The people of Rasharkin cannot understand why the path from Ballymoney town along the Finvoy Road and beyond Finvoy is not connected to the path that comes from Rasharkin; it just ends for no reason.

Minister, you appointed a cycling champion, and I welcomed that initiative at the time. If I am being honest, however, I now feel — this is no reflection on any individual — that that role should be given to someone outside the Department who has the freedom to be a real champion, who can be vocal and who can not only carry the argument to the Department but help to convince the public of the merit of those schemes. It should be someone who is not afraid to praise you when you get it right and to criticise you and the Department when that is needed.

I know, Minister, that you are rolling out the 20 mph scheme around schools, which I applaud, but we can and must go further. Not only are too many unnecessary journeys being made by car to schools in the mornings, but we are missing an opportunity to ingrain the habit of being active among our young population — a habit that could stay with them for a lifetime, creating healthy, sustainable citizens. My constituents, just like me, are forced to make too many journeys by car because it is unsafe to do otherwise. We need to integrate active travel policy into wider infrastructure plans and demands in an effort to enhance communities. Adults, parents and children in villages like Rasharkin, Portglenone and Cloughmills in my constituency are forced to get into their car and drive relatively short distances out to Gortgole Road, Ballyveely Road and Townhill Road to their local GAA pitches because, again, it could be deemed unsafe to allow their children to walk or cycle there. It is madness that, while we encourage children to engage in sport and physical activity, we have to drive them to those activities. I picked those three examples, but there are many other similar ones across North Antrim that, no doubt, my colleagues will point to. Those are the three that I and my Sinn Féin colleagues on the council have been pushing for years — in some cases, 20 years.

I could go on, Minister, to identify other schemes and gaps in North Antrim, but, with new town centre plans and redevelopment in Ballymoney on the way, as well as consultation on the Ballycastle master plan, I urge your Department to ensure that pedestrian zones and safe walking and cycling infrastructure are central to both schemes, moving forward. At a time when we are looking to revitalise our high streets and begin a green recovery, active travel can help achieve that.

I should say, Minister, that your Department needs help and buy-in from local government — some of the schemes are the responsibility of councils — to make some of what I am talking about a reality. That is certainly the case with regard to two greenway schemes in North Antrim. I am 11 and a half minutes in, and I am only getting round to mentioning the two greenway schemes now. I have spoken at length in the Assembly on the subject; I have asked questions and met you, Minister; and I have handed over a public petition about the North Antrim greenway projects. Those two projects could be truly transformative for the local communities and the whole economy across North Antrim. Towns like Ballymoney, Ballycastle, Dervock, Stranocum, Armoy, Ballymena, Cargin, Martinstown and

Cushendall will all be boosted if those projects become a reality.

We need the Ballycastle to Ballymoney greenway to become a reality. I welcome the increased vigour from the Causeway Coast and Glens Borough Council, which now has a commitment to a development timeline. I want to see the same vigour from Mid and East Antrim Borough Council. I commend the community of Glenravel, who have put a section of that greenway in place connecting the GAA pitch to the chapel. That community is ahead of the game and is benefiting as a result. We now need to see the rest of that greenway connected to Ballymena on one side and Cushendall on the other.

One of the issues, Minister, that seem to slow down progress on greenway development — other, obviously, than securing funding — is the intensive consultation engagement work required to get everybody on board. In the South, this year, the Government announced funding for up to 248 new jobs to work with local authorities to expand walking and cycling facilities all over the Twenty-six Counties. In the North, it would be great if we could get 248 jobs; that might be ambitious, but it is something that the Minister should look at. Perhaps she should engage with Sustrans or other groups that can help and be funded to carry out that work. We need to push the greenway projects and all other active travel and cycling-only infrastructure that I have mentioned.

I know that the Minister is committed, but she needs to test the rest of us on the projects. In a previous debate we talked about funding coming from the Executive. I want the Minister to test the Executive and MLAs and push the boundaries in her Department and in wider society. Active travel is a success in many places across Europe, and the sky did not fall down.

More infrastructure in my constituency will improve the lives of the citizens whom I represent, so I will certainly do all that I can to help and support the Minister and her Department to demonstrate and implement ambition.

7.30 pm

Mr Speaker: All Members who are called to speak will have five minutes.

Mr Storey: I thank Philip McGuigan for securing this evening's Adjournment debate. I

concur with him and extend our congratulations to those whom he mentioned at the commencement of his contribution. I also thank him for a very comprehensive overview of many of the opportunities and challenges that we face. The Minister will not be surprised to hear, however, that this is the only occasion on which I will be happy to support the greening of North Antrim. *[Laughter.]* This is a unique opportunity for us to discuss issues on which we can all concur.

The Minister's Department's strategic plan for greenways talks about:

"A region where people have ready access to a safe traffic-free environment for health, active travel and leisure."

Of course, that comes from a report that was published in 2016. It is interesting that the report went on to outline the comprehensive nature of who needs to be involved. Yes, it would be very easy to focus on one particular element or to place all the responsibility on the Minister's shoulders, as we may have done in the previous debate. That report clearly set out, however, that there was a need for work from the Department for Infrastructure, the Department of Agriculture, Environment and Rural Affairs, the Department for the Economy, the Department of Health — Philip outlined the issues around improving access in order to improve the overall physical and mental health and well-being of our citizens — the Department for Communities and, most importantly, our local councils.

Mid and East Antrim Borough Council is to be commended for the recent report that it produced, in which it outlined its vision. I welcome the fact that Causeway Coast and Glens Borough Council eventually took up opportunities. There has been a more intense engagement over the past number of months, and I welcome recent correspondence from the Minister outlining how that has progressed over the recent period. Indeed, that council submitted an application for somewhere in the region of £450,000. That will be only for development of the integrated ICT team and management costs, but that figure does not come anywhere near to what the cost of the build of a particular greenway will be, and that is what I want to come on to.

As he was coming to the end of his remarks, Philip spoke about having a greenway between Ballymoney and Ballycastle. Some 71 years ago, on 2 July 1950, the last train left Ballycastle railway station. That was, of course, a very sad day, because the narrow gauge

between Ballycastle and Ballymoney closed. My late father was born and brought up in Cape Castle. To this very day, the tunnel is just outside the hamlet of Cape Castle. Not far from there is the school that my father went to. He used to refer to it as "Cloughanmurray Academy", a very rural school. There you have a number of communities, from Ballycastle through to Ballymoney, who had the benefit of the narrow gauge. It was taken away, but there is now an opportunity. Yes, it is a challenge, and it is estimated that it would cost somewhere in the region of £10 million. There are also challenges to be faced with the acquisition of the land, but no one looking at the Comber greenway — a scheme that will benefit from further lighting work that is to be carried out — would say that it has not been a success or that it was not worth doing.

I encourage the Minister to continue on the road that she is on and to follow the road map that she has set out.

I encourage us all, collectively, as elected representatives, to work with our local councils, Causeway Coast and Glens Borough Council and Mid and East Antrim Borough Council, to ensure that the vision that has been set out is achieved.

I look forward to the day when places like the Dark Hedges, Stranocum, Armoy and Ballycastle — that whole region — is regenerated. If the old narrow-gauge railway carried something in the region of 85,000 people every year, the thousands who benefited from that connectivity would make a huge contribution —

Mr Speaker: The Member's time is up.

Mr Storey: — to the well-being of our citizens in North Antrim.

Mrs D Kelly: I apologise in advance to you, Mr Speaker, and to the Minister. I have another commitment at 8.00 pm, and I may not be here for the Minister's response.

I thank the Member for North Antrim for securing the debate. People might wonder why I am speaking in it, but the Member said that the people of Glenravel were very advanced and perceptive. Well, I married a man from Glenravel almost 40 years ago, so there you go. My in-laws would hold me to account if I did not support the Member in his endeavours this evening.

The Member talked about social prescribing. In the new normal, post COVID, we need to get to grips with the benefits of that. The Minister, Nichola Mallon, with the money that she has set aside both for greenways and blueways, embodies the SDLP's commitment to tackling climate change.

I was very pleased that the Minister visited Lurgan and Brownlow. What we call the Black Paths are widely acknowledged as the oldest cycleways on the island of Ireland. I do not know whether Mr McGuigan has had the opportunity yet to cycle some of those paths, which join Lurgan to the Brownlow area and run across to the South Lakes. The Minister recently announced a £400,000 investment in the South Lakes.

Mr McGuigan and others are quite right to acknowledge that greenways were badly neglected in the past. A huge amount of maintenance work is needed to bring those cycleways and footpaths up to a standard that will allow us to encourage our children, young people and keen cyclists of all ages to feel safe and confident to use them and to enjoy the natural environment, of which we should all be very proud. We are privileged to enjoy it, and we saw that during the COVID-19 pandemic. We have been luckier than most; certainly, we have been much more privileged than those living in our urban landscapes.

I acknowledge that this is a very important debate. We need to readjust our thinking. Not only do we need to think more about social prescribing and the importance of the natural environment to our physical and mental well-being, we need to think about active travel initiatives and reducing our carbon footprint on the environment.

Mr Frew: I support the Member for North Antrim who secured the Adjournment debate. I thank the Minister for her attendance at this debate on what is, I believe, a very important topic.

I agree wholeheartedly with what the Member across the Chamber has said. I will not always say that, but, in this common interest, we are at one and united. That is simply because we value getting outside and being active, and we value what that does for people's physical and mental health. That must be encouraged by all.

The Member is right when he says that it is hard to measure that benefit and contain it within a budget line. In a lot of cases, Ministers nearly have to take it on trust that their promotion of such things is of benefit, and this

Minister is no different. It is hard to quantify such benefits, but there is most definitely a benefit for all people, young and old, in getting out, getting active and getting healthier than they currently are.

Our Programme for Government straddles many Departments.

Getting active, getting outside and getting fitter are key elements that we should have in any Programme for Government because they greatly enrich a person's life. The Member will always be passionate about cycling. I do not cycle, but I do walk. I love the green glens of Antrim, the Antrim hills and the coastal walk. When you are walking up a hill and you meet people, you will always talk to them. You may not have anything in common other than the fact that you are on the side of a mountain, but that is enough. You can make friendships and meet different people through being active and being up a mountain. That is key too. Connectivity for the individual and for the community is key, and greenways, cycling and walking activities do that considerably well, which is why we should promote those.

I really believe that North Antrim misses a trick. I walk the green glens of Antrim a lot, and there are multiple opportunities to open up and connect further with a wider population and tourism offer. I would love to see the day when that is promoted and more actively sought because some of our best walks are our best-kept secrets, and that should not really be the case. We need to get that out there and show the beauty of this country and its countryside, and the warmth and friendliness of our people because people will travel in order to walk and cycle. We should harness that because that will promote, even in our own populations, a more active sell. The offer of North Antrim includes the green glens of Antrim, the Antrim hills way and some of our glorious and amazing parks, even in our population centres.

However, I am as guilty of this as anyone: do we take the time to walk through those areas to see the beauty, to keep active and to get fresh air? Sometimes we neglect that. Maybe we are just too busy. Even adventure play parks can play a part in getting young people out, getting their minds working and getting them fresh air. Ballycastle forest, Breen native wood, Knocklayde Mountain, the Braid valley and even Slemish Mountain have some smashing walks. You can cycle to all of them and even do trial biking in many of them. We should encourage as many people as possible to be active because, in their prime and in older age, the fitness benefits are immense. You cannot

put a price on that, especially with the Health Department struggling at present.

Mr Allister: There will be no dissent in this debate, and certainly none from me, as to the health benefits of activity, walking and cycling. I have no objection to the advancement of riverside walkways and parks and all of that, but I make the point that there has to be proportionality with cost. We just had a debate about the huge needs of our water infrastructure, which, as the debate illustrated, are horrendous. There also has to be proportionality in the application of such schemes. I am going to raise an issue that I raised in the House last week: the madness of a scheme outside Slemish College in Ballymena by the active travel unit in the Department for Infrastructure. The Minister has written to me to explain that the scheme is under the aegis of encouraging children to walk and cycle. We have seen the installation of a 6-metre-wide pavement — wider than the carriageway — and the removal of lay-bys for buses that deliver children to the school, all in circumstances that give no regard to the needs of the school.

7.45 pm

As it is an integrated college, the catchment area is huge. The principal told me that there are 100 kids from Antrim and 70 kids from 20 miles away, in the glens of Antrim, and that is why the school is serviced every day by seven or eight buses. It was essential to have lay-bys for the buses to prevent the traffic from clogging the Larne Road. What happened? The active travel unit of the Department came along with a madcap scheme to take away the bus lay-bys, widen the footpath to make it wider than the road and force the children to cycle and walk from Cushendall, 20 miles away. There is no regard for reality.

Most significantly — and here we really touch on the zealotry of some in the active travel unit — there was no consultation, even with the principal. There was no consultation with Translink to ask, "Do you need buses to come to this school? Do you need lay-bys for the buses?". There was no exploration with the principal about how many kids cannot cycle or walk to school. There was no consultation with local businesses, whose premises are now cluttered with parked cars. There was no consultation with local residents, whose streets are now cluttered with parents parking up in the mornings and afternoons.

When I brought an official from the active travel unit to the site, all I got was the most brazen zealotry. When I asked to meet a senior official, I was refused. When I asked the Minister to meet me, she refused. Now, really. The active travel unit in the Department needs a dose of proportionality and reality. How could anyone have thought that it was sensible or wise to build obstructions to travel on the Larne Road, outside a school that depends on that artery to deliver its pupils? How anyone could have thought that is beyond me. How the Minister can think that it is right to refuse to meet a public representative about the issue is also beyond me. I would like to hear an explanation from the Minister about why the school principal, Translink and public representatives were not consulted. Why did she refuse to meet public representatives, including councillors? That has to be explained and addressed. That scheme has to be reversed; end of.

Mr Beggs: First, I pass on the apologies of my colleague Robin Swann, the Health Minister, who is, unfortunately, unable to be here. I know that he recognises the benefits that come from greenways and active travel.

Exercise improves our health, and the more greenways and travel routes that exist, the more that we will be encouraged to walk and cycle. It can also help to improve the environment by reducing car usage. Walking and cycling improves our mental health as well as our physical health. It is a well-known fact that being outdoors, often in a green environment, will improve mental health. I can see many benefits from that, and I thank Mr McGuigan for bringing this topic to the House. I am pleased to say that I still cycle a little. However, I am more pleased that my three children, who are now adults, have all gone back to cycling and are seeing benefits from that.

I will highlight the proposed cycling routes that exist in Mid and East Antrim Borough Council's 'Cycling Routes Masterplan'. The master plan contains significant proposals that will link North Antrim to neighbouring areas, including South Antrim and my East Antrim constituency. There is an existing cycle route in North Antrim. The route goes north from Ballymena towards Broughshane, and it goes on to Glenarm before linking to the A2 Coast Road. That is an on-road cycle route, and preferably we have to develop off-road routes. There is also a proposal for an on-road route to Randalstown from Ballymena, but there are also new, exciting greenways that seem to largely follow the old narrow-gauge rail network that existed in the north Antrim area. There is a proposed

greenway from Ballymena, Kells, Ballynashee — an area that I know well — onto Ballynure, which would link up to a new proposed route from Larne to Ballyclare. There is another proposed greenway in north Antrim from Broughshane on to Martinstown, Carrigan and on to Cushendall, which is in my East Antrim constituency.

There is much potential, and it is important to develop such a master plan. We have to develop and prioritise sensitively yet also have a long-term vision. In the plan, there are town centre development plans, particularly for Ballymena. They have to be developed sensitively, yet there is much potential. They will improve the air quality in town centres and enable people to exercise more and improve their physical and mental health.

In general, Minister, I encourage you to continue to invest. I welcome the investment that you have committed to date on new greenways and active travel routes. We need to step up the investment for long-term benefit. There has to be a long-term vision and a plan that is implemented for the benefit of everyone. There are benefits to commuters, potential benefits to the leisure market, and for tourism. An increasing feature that I have seen over the years is more cyclists touring Northern Ireland. If we create safe routes for them, we will encourage even more to come to this location. Those routes will be of benefit primarily to local people by encouraging exercise and enabling them to access the green, outdoor environment.

Mr Muir: I thank Philip McGuigan for bringing this Adjournment debate. As a Member for North Down, I will speak more in generalities than about the specifics of North Antrim, but I do value this subject being raised.

As Mr McGuigan outlined, the Department for Infrastructure's available budget for cycling initiatives is extremely low. My notes state that it is 2.3%. Northern Ireland has the lowest spend on active travel in the UK at approximately £7 per head, compared, for example, with Wales at £23.80. There is a real need to invest in our infrastructure to be able to deliver the benefits required.

I look with a degree of envy at the national development plan announced by the Irish Government yesterday in terms of their commitment to weight investment in transport 2:1 in favour of public transport, cycling and walking over investment in roads. We need to have a step change in how we invest our moneys if we are to respond to the climate emergency that we face.

As outlined by a number of Members, cycling, active travel and exercise have great benefits, whether for physical or mental health. I know that personally as someone who goes out running, sometimes with Philip and with others. I now cycle quite a lot more as a result of a running injury. I do that largely for two reasons: one is that you can eat the buns in the canteen. If you do that, you can go out running. If you do not do the running and cycling, it does not work out very well. The other aspect is mentally. If you are stuck in this place until what is going to be after 8.00 pm and do not go out and do physical exercise, it will drive you round the bend. The mental health benefits of physical exercise are very clear, and that is one of the reasons why I did the relay in the Belfast city marathon on Sunday. Getting up at 6.00 am, you may wonder why you are doing that, but, when you are at the start line and participating in an event, it is very clear why you are doing it: it is because you are engaging in physical exercise with other people and are enjoying that. That is a clear reason.

One issue that I and others have raised is the need for investment. There has been an active discussion in the media about investment in health. Let us be clear: whatever investment we can make in our health and social care system is to be welcomed. We need that investment so that we have good-quality public services for our people but also to ensure that staff are well paid.

There has not been a discussion about whether we should take money from other Departments to invest in health and social care. That is a discussion that we need to have. While the reasons for taking money from investment in active travel and putting it into health and social care may be clear, we should also have a preventative approach to the health of our people in Northern Ireland. We need to be conscious of that. We need to be very clear about the impact that taking money from, for example, sport or the Department for Communities and sending it to the Department of Health may have. We will also then have a health and social care system that is even more reactive than preventative. We need to be very clear about the policy decisions we will be making in the time ahead.

The walking and cycling champion in the Minister's Department is to be welcomed, but, like others in the House, I support that role being independent. To me, it should be a sustainable travel commissioner, encompassing public transport and active travel, because we need to have an independent person who will support the Minister but also carry out the

required scrutiny, particularly on greenway schemes.

Greenway schemes are to be welcomed, and the benefits of the greenways in North Antrim were mentioned in the debate. However, councils in particular are charged with the delivery of greenway schemes, and, in relation to the debate, that means Mid and East Antrim Borough Council and Causeway Coast and Glens Borough Council. Councils need to be given revenue support as well in order to carry out engagement on the ground, build support for schemes and fund One Path initiatives to ensure that conflict among greenway users is managed. In North Down, there is a real need to secure hearts and minds through sustained engagement. I do not think, frankly, that we have got that right for the North Down coastal path. There is a need to have engagement with people on that, otherwise, you are fighting an uphill battle. Greenways are good, but we need to bring people with us and engage them, and the Minister needs the funding to be able to deliver what we are asking for in the debate and in the previous motion. I welcome that, and, hopefully, in due course, Philip and I can get out running again.

Mr Speaker: Thank you. The Member did well to speak about almost everything with the exception of greenways and active travel in North Antrim. *[Laughter.]* Nevertheless, the experience is growing on you. I call the Minister. You will have up to 15 minutes if you want or need to avail yourself of that time.

Ms Mallon (The Minister for Infrastructure): Thank you, Mr Speaker. First, I thank Mr McGuigan for securing the debate on greenways and active travel infrastructure provision in North Antrim. I add my congratulations to those offered by other Members to our local athletes. They are inspirational and wonderful role models, particularly for our younger people.

One of my key ambitions as Minister is to put in place measures that will enable people to do more walking, wheeling and cycling for the many short journeys that we all make every day. It is about giving people the freedom and confidence to travel by walking and cycling as part of their daily routines. I am committed to investing in active travel, as we have to address how we travel, if we are to deal with the challenges that we face in health and well-being, and the climate emergency, as many Members rightly identified. We simply cannot continue to travel in the ways that we have become accustomed to if we are going to effectively deal with those challenges. I

wholeheartedly concur with Mr Muir's presentation of the issue as one of public health. It is very important that we do not lose sight of that in the wider current debate on investment in health.

Members may know that, in June this year, I published 'Planning for the Future of Transport: Time for Change'. That sets out my determination to call time on the slowness of change here. I recognise Members' frustration that we are not delivering the pace of change that we need and our citizens deserve. I have been very focused in the Department on turning the curve. A lot of that work has necessitated culture change work in my Department as well.

The benefits of developing greenways and active travel infrastructure are many, and Members who contributed to the debate rightly identified them. The challenge is that we all know the benefits that are derived from active travel and greenways, and we all talk about them, but there is still a reluctance to grasp the nettle and change things when they are at our front door. We have to be open and honest about that. There is a challenge when we are looking to reallocate road space and trying to challenge people to adapt their behaviour.

I recognise, however, that greenways can make a huge difference to people's daily lives by providing the opportunity to enjoy safe and easy access to fresh air and exercise. They provide a vital leisure resource for local people and visitors alike, which is particularly pertinent to the north Antrim area.

8.00 pm

Earlier this year, I committed another £20 million of capital money to blue-green initiatives. My Department is investing £11 million in active travel schemes across the North. I also announced £2.5 million of funding for greenway development in the 2021-22 financial year for projects that are ready to be delivered, and I am ready to make further funding allocations available to councils that are in a position to start construction soon. That is why my walking and cycling champion wrote to councils again this year seeking details of greenway and active travel projects.

I understand the point that Members make. The appointment of a walking and cycling champion at the heart of the Department was a positive step that was taken after listening to active travel stakeholders. The pace of change, however, has been slow. I did not appoint someone externally. My initial approach to the

issue was that I wanted to change the culture at the heart of the Department by embedding active travel across the Department rather than parachuting in someone external and making it that one person's responsibility. Having said that, I am open to considering other avenues in approaching the issue. I note the independent sustainable travel commissioner that Mr Muir talked about. Of course, that would require legislative change, but I will keep it under active consideration. I have established new blue-green teams in the Department. That is a first: we have never taken that approach before. It is about ensuring that, when we look at our infrastructure projects such as resurfacing projects, we do so through the lens of active travel as well.

The 1,000 signatures in Mr McGuigan's recent petition for the delivery of the Ballymoney to Ballycastle greenway and the fact that around half of those were from the local area are a clear demonstration and indicator of local support for greenways. I will take a minute or two to update Members on some of the progress on greenways in your area. Mr Frew was right: you represent a beautiful part of the world. We should maximise the opportunities for people to walk, cycle and enjoy it.

As Mr Storey said, in 2016, the Department provided funding to Causeway Coast and Glens Borough Council for a feasibility study of the Ballymoney to Ballycastle greenway. In 2018, a grant of £25,000 was offered to the council for a detailed design. The council did not progress the study at that time, but my officials have had meetings with elected representatives who are keen to see the project advanced. Officials have also met the council and received a briefing on the work that it has done to advance its proposal for a greenway along the route. I am pleased that Causeway Coast and Glens Borough Council has designated that greenway as a priority project and is progressing to an outline business case for it. The council has made an application for capital funding from my blue-green infrastructure fund. My officials are considering the application, and I hope for a positive outcome.

The Cullybackey to Ballymena greenway is, I know, an area of interest for Members as well. In response to the letter from my walking and cycling champion earlier this year, Mid and East Antrim Borough Council requested funding from my blue-green infrastructure fund to complete a detailed design for the route. The greenway is identified as a secondary route in my Department's strategic plan for greenways. It would open up and offer an opportunity for employee modal shift, which is really important,

given that the Galgorm hotel has 700 staff and the Wrightbus employees are there as well. I am pleased to advise that my Department is assessing that application, among others, as we determine which can be invited forward for business case analysis.

The Glens of Antrim greenway is another one identified as a secondary route in 'Exercise Explore Enjoy: A Strategic Plan for Greenways'. A small section of the greenway was completed from Martinstown to Glenravel due to the strong community support for the project. Mr McGuigan is right that the community was ahead of its time. It is important that we are able to harness that community support in the delivery of other greenways. Last year, an additional section of the Glens of Antrim greenway from the Ecos centre in Ballymena to Broughshane was reviewed by the charity Sustrans as a potential council priority scheme. The council has not yet submitted that proposed greenway as one of its projects for capital grant funding from the blue-green infrastructure fund in this financial year, although I hope that it will be submitted in following years.

I understand the points that Members made about trying to have a more strategic approach to the development of our greenway network in Northern Ireland and across the island. We need to look afresh at how we might drive forward that strategic approach through the work of, say, a third partner. The challenge is that we are still in single-year funding. An organisation needs to have some financial security if it is to take up that work, which will be resource-intensive, but, with the national development plan and a clear commitment to greenway development across the island, there are real opportunities for synergies. I have asked my officials to look at that.

On school safety, we have the cycling proficiency and active school travel programmes. Mr McGuigan also identified the 20 mph scheme that we are rolling out. Some 16 schools, I think, in North Antrim benefit from that. It is a positive step, but we also need to provide infrastructure. I take Mr Allister's point on the new active travel path linking Slemish College to the active travel path on the Larne Road Link. I understand the frustrations that he has expressed — he has written to me about them — and I assure him that my officials are monitoring the impact of the scheme on traffic at school opening and closing times and are in discussions with Translink and the school. As for a ministerial meeting, I would be keen to have an engagement after those discussions have taken place, so that we have an informed

approach, but the situation encapsulates the difficulties that we have. We are criticised on the one hand for not doing enough, and we are criticised on the other for pushing ahead. The truth is that it is a learning process. I will, where appropriate, hold my hands up and say where the Department and I get it wrong. We have to work together, and we have to challenge ourselves to encourage children to engage in active travel to and from school.

Mr Allister: Will the Minister give way?

Ms Mallon: Yes.

Mr Allister: I welcome the fact that the Minister now anticipates that she may have a meeting, but it was a most embarrassing experience to have to explain to the principal of one of the premier schools in Ballymena that the Minister was refusing to meet him about an issue that had caused immense upset outside the school. The very least that you have to do is reinstate the bus lay-by. Without that, Larne Road will constantly be choked by traffic. It is a question not of the Department acknowledging that it got it wrong — clearly, it did — but of righting the wrong that it did.

Ms Mallon: I say to Mr Allister that I do not refuse outright to have meetings. I understand that discussions are being held between Translink, the school and my officials, and, rather than having a meeting at this stage, it is important to let that engagement take place and to monitor the impact of the scheme.

I am conscious of time, so I will not rehearse the points, but we have a number of live active travel schemes that we are initiating through the area. Partnership working is important in all of this. I am very struck by the encouragement from Members across the House to continue encouraging, facilitating and providing active travel opportunities for citizens. I will end with the words of Mr McGuigan about testing ourselves. If we want change, we will have to "push the boundaries". The challenge will come when we bring change to our own front door. Communities may be resistant to it because they are anxious about the impact that change might have. It is important that, at those testing moments, we hold the line. We absolutely have to do things in a new and transformative way. Active travel, I believe, is the magic pill.

Adjourned at 8.09 pm.

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