



# Official Report (Hansard)

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Dunne, Stephen (North Down)  
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# Northern Ireland Assembly

Monday 7 February 2022

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

*Members observed two minutes' silence.*

## Executive Committee Business

### **Damages (Return on Investment) Bill: Royal Assent**

**Mr Speaker:** The Damages (Return on Investment) Bill received Royal Assent on 2 February 2022. It will be known as the Damages (Return on Investment) Act (NI) 2022 and is chapter 1.

### **Horse Racing (Amendment) Bill: Royal Assent**

**Mr Speaker:** The Horse Racing (Amendment) Bill received Royal Assent on 2 February 2022. It will be known as the Horse Racing (Amendment) Act (NI) 2022 and is chapter 2.

### **Health and Social Care Bill: Royal Assent**

**Mr Speaker:** The Health and Social Care Bill received Royal Assent on 2 February 2022. It will be known as the Health and Social Care Act (NI) 2022 and is chapter 3.

## Assembly Business

**Mr Speaker:** I wish to make a number of remarks. I have dealt with some of the formalities that have arisen since the former First Minister tendered his resignation. I will deal briefly with some of the uncertainty that we have all heard being expressed in the community about the impact on legislation that is passing through the Assembly at the moment.

While the absence of Executive meetings undoubtedly creates constraints for Ministers, I can give reassurance that the Assembly remains able to fully discharge its functions, including the consideration of legislation. Even outside those circumstances, there are decisions to be made towards the end of every mandate as to whether there is sufficient time to take particular Bills forward. However, Members will know that I have been highlighting that issue for a number of months and seeking, with the Business Committee, to find ways for us to pass as much legislation as possible towards the end of the mandate. At this point, there has been no engagement with me in relation to the potential for ending the mandate at an earlier stage, and I welcome the fact that all parties have focused on the importance of dealing with the legislation that is in front of us in the time ahead.

In addition to the discussions that we have had in the Business Committee in recent months, I had a constructive discussion this morning with the party Whips. Officials and I will look further at a number of issues, and discussions with the Whips will continue over the next short while. I will update Members on any decisions that are taken.

It should remain the objective of the Assembly to pass robust legislation. Therefore, there is a careful balance between making the maximum use of time and ensuring that legislation is rigorously scrutinised. That might mean that it will be challenging, in particular to complete the passage of some private Members' Bills that

are still in their early stages. However, it is my expectation that, in the seven weeks remaining until the end of the mandate, it should be entirely possible for the Assembly to complete the passage of all the Executive legislation in front of us.

The process of dealing with legislation will be made all the easier with goodwill from all concerned. Therefore, while there are, very clearly, political differences, which will be aired at appropriate times in the Assembly and elsewhere, we should not let that interfere any further with the business to be done here. In particular, the same standards of courtesy, good temper, moderation and respect will continue to be expected in the Chamber from all Members.

Finally, I can inform the House that I have written on behalf of the Assembly to express good wishes to Her Majesty Queen Elizabeth on the occasion of her platinum jubilee.

## Matters of the Day

### Resignation of the First Minister

**Mr Speaker:** Miss Michelle O'Neill has been given leave to make a statement on the resignation of the First Minister, which fulfils the criteria set out in Standing Order 24. If Members wish to be called, they should indicate this by rising in their places and continuing to do so. All Members who are called will have up to three minutes in which to speak. Interventions are not permitted, and I will take no points of order on this or any other matter until the item of business is finished.

**Mrs O'Neill:** The Executive will not meet as a result of the DUP First Minister resigning from office. However, Ministers will stay in Departments and discharge their duties, and the Assembly, to which Ministers are accountable, will function, dealing with the important issues that matter to the public.

The DUP's actions in unilaterally resigning from the Executive are reckless. They have caused concern and uncertainty for businesses, workers, families and campaigners on many important issues. They have caused real hurt and trauma to the victims and survivors of historical institutional abuse. While the DUP must bear responsibility for that, those of us who are serious about showing responsible leadership and delivering for people can and should seek to salvage what we can from the chaos that the DUP has caused. There is a wide range of important legislation before the Assembly that we should protect and progress to completion: laws on climate change and organ donation, the Integrated Education Bill, the Autism (Amendment) Bill, abortion services, safe access zones, a ban on fracking, the extension of welfare protections, the anti-stalking Bill, the Private Tenancies Bill to protect those in rented accommodation, and many more.

Those are hugely important issues that have real-life impacts and consequences. Sinn Féin wants to work with the other parties to ensure that they are taken forward in the limited time that we have left in this mandate. I stand ready to do that important work. Whilst time is of the essence, progress is still possible across a range of areas. That should be the singular focus of the Assembly in the weeks ahead.

**Mr Muir:** So here we are again: Stormont in crisis. The First Minister has resigned, no Executive meetings can take place, no Budget

is in place for the next year, the regional rate has not been struck, and no rates bills can be sent out. Sadly, we have all been here before. For three years, we had no Government. I recall, in the dying days of the last mandate, one MLA stating:

*"As we sit here today, the electorate needs good healthcare, good education and a functioning Executive who deliver for them. Unfortunately, some took the decision to walk away. I trust that people will scratch the surface, look beneath the surface and realise that those who have walked away are to blame for this mess."* — [Official Report (Hansard), Bound Volume 123, p65, col 1].

That was Carla Lockhart from the DUP.

Collapsing the Government and starving public services of funding, including vital health and social care provision, is wrong. Just when we had the prospect of a three-year Budget to give certainty to invest in and improve our NHS, it has been dashed right in front of our eyes. On a day when we are hearing that over 250 people died waiting in emergency departments in 2021, the people of Northern Ireland deserve much better.

Concerns about the Brexit that the DUP birthed ought to be resolved through the negotiations under way between the UK Government and the EU, not by collapsing Stormont and subjecting local people to the pain that a lack of Government causes. It says a lot about the DUP's respect for the rule of law that the Agriculture Minister announced, on Wednesday, his desire to breach international law, and, by Friday, the party was once again choosing to cosy up with paramilitaries and meeting the Loyalist Communities Council, which is group that includes the outlawed, proscribed terrorist organisations of the UVF, the UDA and the Red Hand Commando.

Whilst the DUP fights internally like cats in a bag, continuing its own stunt politics as a pathetic attempt to claw back votes lost, it is our duty as MLAs to get as much legislation passed as possible. Now is not the time to knock off early. We need to get the job done and work to the end of the mandate.

**Mr Buckley:** There has been a lot of posturing and revisionism in the House today. Some are mystified by unionist outrage at the Northern Ireland protocol. It is important, for the record of the House, to say that the Irish Sea border does not have the support of a single elected representative in this place. There are those in

the House who simply expect unionism to stand idly by whilst they call for the rigorous implementation of an Irish Sea border. They would have us do nothing in the face of the continuing economic and constitutional carnage that the protocol is causing, but what if the shoe was on the other foot?

Last Thursday, the Sinn Féin Member for Upper Bann told 'Good Morning Ulster' that Sinn Féin will:

*"use whatever powers we have at our disposal to ensure that the protocol remains in place".*

The hypocrisy and double standards are staggering. Sinn Féin would collapse this place in a heartbeat over narrow pet projects like the Irish language, for example, but is happy to ignore the Irish Sea border, which is a threat to the prosperity of everyone everywhere.

We have heard much from the other parties in the past few days about democracy being denied, and there has been talk of unionists imposing their will on nationalists. Remember that certain nationalists in the House would not even consent to the planting of a tree or a rose bush to mark the centenary of Northern Ireland, and, indeed, this is also Her Majesty's platinum jubilee year. Well, I have news for them: the protocol and the Irish Sea border are completely undemocratic. Businesses and consumers have to abide by rules made by a foreign power without their input or consent. It has added the insult of disenfranchising an entire community — the unionist community.

Many Members here want to talk about how the Belfast Agreement is a settlement for peace in Northern Ireland. At the core of the Belfast Agreement is the principle of consent; a principle that was tossed in the dustbin by Europe and, indeed, by those involved in the design of the protocol. They have played fast and loose with the Northern Ireland settlement, so we will not accept the artificial outrage of some parties in the House.

Concerns have been expressed about the lack of a functioning Executive —

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

**Mr Buckley:** — over key issues like reform of our health service. That is why we need to resolve these issues now. My warning to those who do not agree is that —

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

**Mr Buckley:** — the protocol must go and must —

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

**Mr Buckley:** — go soon.

**Ms Mallon:** The people of the North deserved to have politicians working for them for the full five years of this mandate, but what did they get? They were already robbed of three years when Sinn Féin collapsed the place, and now the DUP is intent on robbing people of the little time that is left. At a time when people are struggling to feed their families and to heat their homes and when businesses are struggling to recover from a pandemic, the actions of the DUP leadership represent a gross betrayal of people here. Whatever community you are from and whatever your background or beliefs, no one benefits from this. It is a cynical and totally predictable electioneering stunt.

Resigning from government when people face a cost-of-living crisis tells you all that you need to know about the DUP: for it, the party will always come first, and ordinary people come last. Yet again, it is trying to treat the people of Northern Ireland as if they are fools. The people of Northern Ireland are not fools. They watched Brexit unfold; they know who helped to deliver a hard Brexit; they know who owns the protocol; and they deserve better than yet another manufactured political crisis. The party political interests of the DUP cannot be allowed to eclipse the interests of people waiting for hospital treatment, those in need of welfare mitigations, children in need of special educational needs support and people who expect and should be able to access good public services.

### 12.15 pm

This DUP drama has been concocted by Jeffrey Donaldson as a last, desperate attempt to resuscitate its flagging poll numbers ahead of an Assembly election. The SDLP is ready for an election, but we can also see the trap that the DUP has, in its desperation, set. It wants an early election so that it can manipulate and scare people to the polls. The SDLP urges other parties not to fall into that trap. Do not give the DUP the toxic backdrop that it so desperately needs for the election: put people first. There are key Bills at key stages working their way through the Assembly, and they

should not be put at risk for party self-interest. People want us to get on with doing the job that we are elected to do with the time that we have left, and we should use every minute that remains in the mandate to get the remaining legislation through, be it on climate change, organ donation, violence against women, period poverty or the many other issues. Rather than playing into this self-serving stunt, we should put our people first, address the cost-of-living crisis —

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

**Ms Mallon:** — and not fall for this shameful stunt.

**Mr Beattie:** Walking away from our responsibilities will not resolve any of the issues that surround the protocol. The only thing that it will do is to hurt our people — the old, the young and the vulnerable — and the future of our children in Northern Ireland. I met the leader of the DUP on multiple occasions to talk this through. I said to him that collapsing the institutions or removing the First Minister would be a bad idea and explained my reasons for saying that. He has, however, now taken that decision; that decision is there. What we have to do is to analyse where we are right now and what we can do to maximise the legislation that is going through the Assembly for the betterment of the people of Northern Ireland. If we can stay focused on that, we can mitigate some of the damage.

There are issues and genuine concerns around the protocol, and we cannot just ignore them. We never supported the protocol. We warned of the protocol on 2 October 2019, when the then leader of the DUP said that it was a pretty good idea, and in March 2020, when the now leader of the DUP told us about the great virtues of the protocol and about how it was an opportunity and would not affect our sovereignty. That was then, and this is now.

The protocol has created a feast and a famine. The feast is that some businesses are doing well out of the protocol. I have met them, and — I cannot lie — the protocol is good for them. However, there is also a famine in that some of our businesses are absolutely on their knees. We have to fix that, but we will fix it only by speaking to the UK Government and the EU and getting them to understand that feast or famine issue and to fix the problems.

There is absolutely no requirement for an Irish Sea border. It should not be there; there is no need for it. The rigorous implementers probably



look at it and say, "When I refer to this, I don't think we actually need it". In the House, we could all come together, be it five parties, all parties or all 90 MLAs, and write to the EU and the UK Government to say, "We do not believe that there need to be checks on goods that come from Great Britain to Northern Ireland if those goods are remaining in Northern Ireland". If they are going on to the EU single market, they absolutely should be checked, but they do not need to be checked if they are staying in Northern Ireland. That is only one issue around the protocol, but, as a House, we could do that. If we genuinely believe that there is no reason for checks between GB and Northern Ireland, we can absolutely do that together. We can be united and try to mitigate the problems and fix the issues, or we can stand here and poke each other in the eye. If the aim is to stand here and poke each other in the eye for the sake of it, we will not make this place better for the people here.

I urge Members to come together. I urge that we write that letter. It can be from the Speaker or from party leaders. We can do that, and we can fix this problem.

**Miss Woods:** Paul Givan's resignation as First Minister on Thursday marks another sad day in our country's political history. The actions of the DUP are completely irresponsible and reprehensible. It is a pre-election stunt. The question remains around what happens to all of the important legislation that we are looking at. If there is any form of early election, and decisions cannot be taken by the Executive, the most vulnerable will be the hardest hit. With no Budget agreed, where does that leave us? How are we supposed to support our local communities? How are we supposed to support our community organisations? They do the fantastic work of supporting our most vulnerable, but they will have to wait to hear, yet again, about funding and whether it is coming. There is the absolutely unforgivable situation in which survivors of historical abuse might not get the apology from the First Minister and deputy First Ministers when they were informed that they would.

A raft of important legislation is moving through the Assembly, including a number of Bills that would introduce critical new legal protections for people in Northern Ireland. Should an early election be called, they may fall. What happens about welfare payments? What about the climate Bill, the adoption Bill and the autism Bill? What about the other legislative proposals that were to come from the Executive? What about the commissioning of abortion services and the protection of women and girls

accessing those services? What about organ donation, the flexible school starting age, tackling period poverty and a proper ban on fracking?

For 18 months, my staff and I have been working on legislation to protect and support victims and survivors of domestic abuse and to ensure that they have the right to paid leave from work. As a member of the Justice Committee, I have been working on strengthening child protection laws, introducing new sexual offences and human trafficking legislation, all of which are jeopardised by this latest crisis.

It is time to let the rest of us get on with our job, which is to legislate to make life in Northern Ireland better. I want Stormont to work. The election in May will give voters the chance to have their say on how they want politics to change — something that is very long overdue. The time for playground politics is over. It is time for us to do what we are elected to do: to deliver for our people by passing crucial legislation. While other parties manufacture crises, we in the Green Party remain focused on delivering for every person in Northern Ireland.

**Mr Allister:** Though it may be the approach of an election that drove the DUP, my only complaint is that it did not act sooner. The protocol is a full-frontal attack on Northern Ireland's constitutional position within the United Kingdom. To place Northern Ireland in a foreign single market for goods, under a foreign customs code and a foreign VAT regime, all overseen by foreign laws and adjudicated upon by a foreign court, is wholly incompatible with our position as part of the United Kingdom. It is summed up in the fact that, under the protocol, the rest of the kingdom is deemed to be a third country — a foreign country. That cannot be reconciled with our position as an integral part of the United Kingdom.

Therefore, so long as Stormont had to implement that, it was a price that no unionist could ever — should ever — have paid. There was the folly of allowing the protocol to bed in with the Poots posts and checks. That was an unnecessary and foolhardy step, but we are now in a position where the chickens of the protocol have come home to roost. We were told that the protocol was about protecting the Belfast Agreement institutions. Now, they are in tatters, thanks to the protocol. It is the supporters of the protocol who need to examine themselves. The protocol is the destroyer of not just our position in the United Kingdom but these institutions. It is your protocol that has

brought us to this point. It is your protocol — you own it.

**Mr Lyons:** I am a supporter of devolution. I want to see political stability in Northern Ireland, but that has been threatened and put under severe pressure by the protocol. Let me be clear: the protocol does not have the support or the consent of unionists. The protocol does not protect the Belfast Agreement. It actually requires changes to the Northern Ireland Act 1998, which removed the cross-community consent mechanism. The protocol changes the position of Northern Ireland within the United Kingdom without the consent of the people. The protocol is not the basis on which we can build secure and stable government.

That is what the protocol does not do, but what does the protocol do? The protocol necessitates border infrastructure. It requires control posts at our ports. It necessitates checks, even checks on personal luggage that is being brought from Great Britain to Northern Ireland, and it necessitates changes that would require charges in order to bring goods from Great Britain to Northern Ireland under the official control regulations. That is what the protocol requires. Sinn Féin, the SDLP, the Alliance Party and others want it rigorously implemented — rigorously implemented.

Mr Speaker, let me ask a question. If we required checks and charges and control posts on the border between Northern Ireland and the Republic of Ireland, would Members on the other side of the House demand that that be rigorously implemented? Would Members on that side of the House say that that was a firm basis on which devolution could be built? Of course they would not. S

We are not in a place now where we will have stable and secure government until the poison of the protocol is dealt with. It is time for the UK and the EU to take action, and, if they fail to do so, the UK must take action unilaterally. Progress can be made only when the process commands the support both of unionists and nationalists, and the protocol has ensured that such support does not exist today.

**Ms McLaughlin:** The resignation of the First Minister will have and is having dreadful consequences, none more so than on the victims and survivors of historical institutional abuse. It is difficult to think of a worse event in the life of a child than to be abused by those who are in charge of protecting them and caring for them. For some of those children it was sexual abuse; for others, it was physical abuse. For many more, it was psychological abuse,

and, for some of them, it was all those things. Those children who survived are now adults, many in declining years, with some having tragically died in the years since.

That abuse was made much worse over the years by the knowledge that society looked the other way. Those who should have taken responsibility did not do so. In some instances, those were institutions of the Catholic Church. In others, it was institutions of the Protestant faith, and some children were abused and neglected by homes run by charities. In all those cases, the institutions were operating on behalf of the state, and that is why it is right and proper that an apology be issued in the name of the state by its most senior representatives, the First Minister and deputy First Minister.

After decades of campaigning, victims believed that progress had been made with the inquiry led by Sir Anthony Hart. The inquiry reported in January 2017, which is more than five years ago. Victims expected the recommendations to be adopted and implemented. They expected redress, a memorial and an apology. Five years on, some victims have received financial redress, but there has been no memorial and no apology, which many of the victims see as the most important element of the redress. Those victims have been contacting me all weekend to tell me that they feel insulted, hurt and upset and that they are re-traumatised because the apology that they expected five years ago and that they still have not received was promised to be finally delivered on 11 March of this year, yet it seems that it will not be delivered to them. In fact, how can it be delivered on behalf of the state when the First Minister walked out of his job?

I understand totally why the victims and survivors feel that hurt and fresh trauma. I share their upset. I have spoken with groups and survivors, and I feel the pain that they have expressed so clearly and distinctly to me. We all have our political priorities. We all have concerns that drive us as politicians, but, quite frankly, how can we do this to those people? How can we neglect so badly our people who have been hurt so badly —

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

**Ms McLaughlin:** — and have waited such a long time for an apology? The action of the First Minister —

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

**Ms McLaughlin:** — was unforgivable.

**12.30 pm**

**Mr Nesbitt:** As we all know, there are 90 Members of the House. They represent different parties and none, different philosophies, different policies and different constitutional preferences. However, I would be bold enough to suggest that we should all have one common aim: to make Northern Ireland work, measured by the quality of our public services, by the sense of prosperity of our people, by their physical and mental well-being and by the sort of society that we bequeath to future generations. It is the same whatever your constitutional preference, because, after all, we are going to ask people to vote for the status quo or for change. What is the first rule of marketing? It is, "Whatever you are selling, make it easy to buy". That is why I have never understood why some in the House describe this place as a "failed statelet". Who wants to buy that?

Making Northern Ireland work should be our common aim, and the Executive Office has a clear leadership role in delivering on making Northern Ireland work. Members will know — I find it a matter of deep regret — that it is the fifteenth year in a row that the two parties that occupy Stormont Castle are in that leadership role but, to my mind and to that of many others, failing to deliver that leadership. We see in the resignation of the First Minister short-term, self-interested tactics, when people want societal strategies and long-term visions for our health service, for our housing, for the education of our children and for our economy.

Yes, the protocol is an issue for many of us on this side of the House, and Mr Beattie has made clear how we might tackle that. However, what we have done with the protocol is what we often do in the House: we take a challenge, and we turn it into a crisis. If we were mature politicians, we would accept it as a challenge, and we would work together as politicians, as we are committed to do, consociationally, to achieve a resolution.

**Mr Lyttle:** The impact of the resignation of the First Minister is potentially far-reaching. It is already being felt by the most vulnerable in our community, including the victims and survivors of historical institutional abuse, with whom it has been my privilege to work for over 10 years. To jeopardise in any way the apology due to victims and survivors of historical institutional abuse is a gross, cruel and unacceptable abdication of responsibility.

I have spoken to Margaret McGuckin, chairperson of Survivors and Victims of Institutional Abuse, and the resignation is causing significant hurt and concern. I asked Margaret what the scheduled apology meant to the victims and survivors of historical institutional abuse. Margaret said:

*"It tells people who have carried the shame of institutional child abuse for a lifetime, 'It was not your fault'. It means that a lifetime of blame, shame and stigma is lifted from our shoulders and put on the shoulders where it belongs. The weight of carrying so much pain, shame and blame for a lifetime was slightly lifted by the setting of a date for our apology of 11 March 2022. This announcement, five years after the anniversary of the Hart inquiry findings, vindicated us, telling us we were believed. How can you now ask us to take this weight back on our shoulders? Shame on you. We continue to carry a heavy burden that does not belong to us. Take it from us. Let it be released."*

I hope that the DUP is listening to that plea. It is my privilege to deliver it on behalf of the victims and survivors.

**Mr Poots:** I have heard a lot being said about this matter today, but I am surprised that people could not see that it was coming. I am also surprised that people cannot see the role that they have played in bringing it about. We had a debate in the Chamber some time ago in which the SDLP, Sinn Féin, the Alliance Party and the Green Party all called for the rigorous implementation of the Northern Ireland protocol. We got a report from the EU Commission some weeks ago, which was placed in the Assembly Library, that indicates what the rigorous implementation of the protocol means.

For some years, people who had travelled back from various parts of the world through Aldergrove airport would have seen a notice about what they were supposed to do with food and other items that they were bringing in from third countries. The EU expects us to do that with food that is coming in from Britain. How many planes, trucks and cars come into Northern Ireland from Great Britain every day? The EU is demanding that we ask people to open their suitcases and bags, and if there are a few mandarin oranges in there that they bought for the children on the ferry on the way home left over, those are deemed to be an at-risk item. That is the perversity of what Members across the Chamber are demanding, yet they then scratch their head when it all goes wrong.

Mr Beattie is right, and, on a number of occasions, I appealed in the Executive for the need to come together to arrive at a position that is good for Northern Ireland, not one that is good for nationalism. It is evident to me today that we have a group of people who are happy with majority rule now but who, 40 years ago, were demanding an end to majority rule. If majority rule was not right for unionism, according to nationalist politicians, why now is it the right thing for nationalist politicians on issues such as this?

The basis for having this place back together is cross-community agreement, but we do not have it. We have appealed again and again to the European Union to come to some logical position on the protocol, but it has dragged its feet. The operational Command Paper in July was good as far as it went. It would have been a basis for moving forward, but we have had foot-dragging ever since. I am sorry: you can drag your feet as long as you like, but there will not be —

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

**Mr Poots:** — an Executive to come back to while those checks exist.

**Mr Speaker:** That concludes that Matter of the Day.

## Her Majesty The Queen's Platinum Jubilee

**Mr Speaker:** Mr Jim Allister has been given leave to make a statement on Queen Elizabeth II's platinum jubilee, which fulfils the criteria set out in Standing Order 24. If other Members wish to be called, they should indicate that by rising in their place and continuing to do so. All Members who are called will have up to three minutes in which to speak on the subject. I remind Members that interventions will not be accepted and that no points of order will be taken on this or any other item until this item of business has finished.

**Mr Allister:** Yesterday, in the history of our nation, we passed a remarkable landmark in respect of a remarkable lady, Her Majesty Queen Elizabeth II, who, for 70 years, has been the head of state of the United Kingdom. Her rule has been remarkable not only in its longevity but in its style and in its substance. She brought to that office graciousness, outreach and incredible success, at which other nations can only marvel. She brought to this kingdom and to the Commonwealth stability

and respect across the world, and so much of that is down to Her Majesty and the manner in which she conducts herself.

Though in the past year she has had the great sadness of the loss of her life partner, His Royal Highness Prince Philip, this marks the start of the platinum jubilee. I trust that across the House that will not be treated in the churlish way that some treated it by denying even the planting of a tree to mark it in the grounds and that it will be recognised for the momentous occasion that it is. For many of us, it is an occasion of celebration and thanksgiving. My only prayer is this: long may she reign over us.

**Mr Middleton:** I thank the Member for tabling this Matter of the Day.

In the early hours of 6 February 1952, the 25-year-old Princess Elizabeth acceded to the throne, following the death of her father King George VI. Yesterday officially marked 70 years of the reign of Her Majesty The Queen. A platinum jubilee has never before been achieved by a sovereign in the history of this country. This is truly an extraordinary occasion. The seven decades have seen so much change across our communities: societal and technological changes and advances in many other areas. Prime Ministers, presidents and other world leaders have come and gone, but Her Majesty has reigned on.

Her Majesty The Queen has a special relationship with people of all ages, backgrounds and traditions across Northern Ireland. In total, she has visited our Province 25 times. Her first visit came in the aftermath of World War II, as Princess Elizabeth. Many of my constituents in Londonderry have fond memories of her first visit to our constituency as Queen in 1953, and many more cherish her most recent visits.

Throughout her unprecedented reign, the Queen has exemplified dedication to public service, a characteristic that even those outside the British tradition often acknowledge. Her Majesty is held in the highest regard and admired across our communities for her lifetime of selfless dedication, devotion and service to our country. Her fortitude during periods of loss and personal difficulty has resonated with many communities across the United Kingdom, particularly in Northern Ireland during the darkest days of the Troubles.

We have been inspired by Her Majesty's commitment to bringing communities together and by her constant leadership. In her message over the weekend, Her Majesty renewed the

pledge that she gave in 1947 to always be devoted to our service. That is such a remarkable message. Therefore, it is appropriate that the Assembly marks accession day 2022 and that we pay our tribute to Her Majesty's outstanding contribution to our United Kingdom. We also look forward, over the coming months, to the significant celebrations that will take place during the special four-day jubilee weekend.

**Mr O'Dowd:** I will make a few comments on the matter.

I am clearly not a royalist. I do not come from a tradition of royalism, and my party is republican both in the Irish and the international sense of the word. However, it is clear, understandably so, that Queen Elizabeth is a significant figure in the lives of many people in our society. Many people pay homage to her, and it is their right to do so.

I acknowledge, as I have done before in the Chamber, Queen Elizabeth's role in the Irish peace process and in building reconciliation on the island of Ireland. Both she and her late husband actively involved themselves in that, despite the fact that they had lost a loved one as a result of conflict. That is testament to the individual as well as to the institution.

On behalf of my party, I wish all those who wish to celebrate the platinum jubilee a successful celebration and a joyous time. No doubt, Queen Elizabeth will continue to play a significant role in the lives of those who pay homage to her. I hope that she will also play a significant role in encouraging her Government and future Governments to be active and supportive in the peace and reconciliation processes.

**12.45 pm**

**Mr Catney:** I join the tributes to the service of the Queen on her platinum jubilee. I am proud to represent a shared community at its best, and one united community, in Lagan Valley. Although I am a nationalist — I am not a monarchist and nor is my party — the jubilee will be significant to many of my constituents and friends, so I am happy to join in paying tribute to the Queen for her long service. If this society is to move forward, it can be only on the basis of mutual respect and celebration of diversity. That was core to the message of our former party leader John Hume.

I also acknowledge the Queen's significant contribution to reconciliation between Britain and Ireland. Her state visit in 2011, in which,

famously, she spoke cúpla focal and visited the Garden of Remembrance, was a very significant moment for this island and for relationships between Britain and Ireland. As a proud Irish nationalist who believes passionately in mutual respect, I wish her well, and, as a former publican, I would be happy to raise a dram to her service.

**Mr Butler:** How do you follow the last words from the Member for Lagan Valley?

Yesterday marked 70 years since Queen Elizabeth II ascended the throne. Our 96-year-old Queen is celebrating her platinum jubilee. The Queen has made history, becoming the first British monarch to achieve that milestone. She spent the anniversary of her accession day privately at the Sandringham estate in remembrance of her late father, George VI, whose death, at the age of 56, marked the start of her reign. It is also the first jubilee that the Queen is marking without her husband of 73 years, Prince Philip, Duke of Edinburgh, who, sadly, passed away in April last year at the age of 99.

One of the most remarkable aspects of Her Majesty Queen Elizabeth's reign will be that she epitomised an attitude of leading by example and of requiring only the level of loyalty that she showed and service that she carried out herself. That was clearly demonstrated when she insisted on adhering to the COVID regulations at the time of her husband's death. The picture of her, sitting alone at the cathedral service, displays a level of humility and leadership that has been evidenced since the early days of her reign in 1952.

We will be forever in our Queen's debt. Her heart for Northern Ireland and, indeed, for Anglo-Irish relations has been evidenced many times and should be a marker not only for royalty and those who hold power but for all of us, regardless of background and upbringing. God save the Queen.

**Mr Dickson:** As others have said, yesterday marked 70 years since Queen Elizabeth became monarch of the United Kingdom of Great Britain and Northern Ireland. Seventy years ago, in the United Kingdom, in Commonwealth states and around the world, flags were flown at half mast, theatres were shut and sporting events were cancelled to mark the death of her father. We are now moving to a time of celebration and jubilee. Her Majesty The Queen has served the United Kingdom in her role as head of state for a long time, clearly welcomed by many people and

citizens around the world and in the Commonwealth.

Seventy years of service requires generosity of spirit, and we have seen that acknowledged in the Chamber today. For many in Northern Ireland, the Queen will be admired and revered; for others, given their politics and where they believe that we should be, she is a more difficult individual. I do not believe, however, that many can genuinely say that they cannot recognise her devotion to service over that very long period. She has been a constant through many of our lives. She has shown compassion and strength of character over those years.

I have the vaguest recollections of her coronation and her first visit to my home town of Carrickfergus. One of the most memorable times for me, however, was her visit to Ireland in 2011 and her visit to Northern Ireland in 2012, which was marked by a historic handshake with Martin McGuinness.

That visit to the Republic of Ireland was vital. It was important to our peace process and it was important to who we are, to what we are, and to where Northern Ireland sits today. Her words will ring clearly — as they should — with us all. The ability to bow to the past but not to be bound to it sums up Her Majesty The Queen and her commitment to Ireland, North and South.

**Mrs Dodds:** I join others in offering my congratulations to Her Majesty on this very historic occasion. For over 70 years, Her Majesty has been a beacon of hope; for over 70 years, she has been the strength of our nation; for over 70 years, she has been our Queen. On behalf of the people of Upper Bann, I offer my heartfelt thanks and unwavering gratitude to Her Majesty on the historic occasion of her platinum jubilee. Her dedication to duty and service and the people of the United Kingdom has been steadfast and unyielding. She has been a beacon of reconciliation in Northern Ireland and has led by example. As we begin the official celebration of the platinum jubilee, I look forward to events that will take place along the length and breadth of Upper Bann and, indeed, throughout Northern Ireland. Those events will be befitting of this occasion and will offer families and communities the chance to reconnect after very difficult times.

Mr Speaker, I am glad that you passed on the congratulations and good wishes of the House on this very significant occasion, but I am perturbed, as many people in the wider community of Northern Ireland will be, by the petulance and begrudger of some Sinn Féin

Ministers who refused to allocate specific budgets for people to celebrate this very great occasion. I do not wish to turn this into a political narrative, but it would be remiss of me not to say that.

May we all say, with a good heart, "Long to reign over us".

**Mr Lyons:** On behalf of my constituents in East Antrim, I welcome the opportunity to pay tribute to Her Majesty The Queen on the occasion of her platinum jubilee. She is the first British monarch to have reigned for 70 years. It is not just the remarkable length of her service to her nation that causes us to be thankful but the manner in which she has served during that time. Of course, her service began long before her accession. She joined the Auxiliary Territorial Service during the Second World War and, at the age of 21, Her Majesty pledged:

*"my whole life whether it be long or short shall be devoted to your service".*

That devotion has been evident to all.

Over the last seven decades, life has changed in ways that would have been unimaginable in the 1950s, but her constant service and the unwavering devotion to duty that she exemplifies have endured. That duty has been evident in Northern Ireland. She has frequently travelled here and has taken part in hundreds of engagements. Importantly, she has played a key personal role in advancing peace and reconciliation. Her incredible service has been possible, in no small part, due to the unwavering support of her family and, in particular, that of the Duke of Edinburgh; I pay tribute to him again today. I know that she has been sustained and upheld by her faith in Jesus Christ, which has been so important to her both in the good times and through the challenges.

When Her Majesty visited Northern Ireland for the first time as Queen, during her coronation tour, she addressed the Northern Ireland House of Commons, saying:

*"I assure you that I will always strive to repay your loyalty and devotion with my steadfast service to you."*

The then Speaker responded by saying:

*"It is our heartfelt prayer that Your Majesty may be blessed with health and strength, long to reign over us."*

That continues to be our prayer. God save the Queen.

## Members' Statements

**Mr Speaker:** If Members wish to be called to make a statement, they should indicate so by rising continually in their place. Those Members who are called will have up to three minutes to make their statement. Members are reminded that statements will not be subject to debate or questioning, and interventions will not be permitted. No points of order will be taken on this or any other matter until the item of business has finished.

### Glasnevin Cemetery

**Dr Aiken:** Please do not start the clock until I have actually stood up, Mr Speaker, thank you very much indeed.

I wish to speak about the desecration at Glasnevin cemetery. The news that the memorial in Glasnevin cemetery to the fallen from all sides has been desecrated again comes, regrettably, as no surprise. That those who sought to maintain the respectful monument to those who perished in 1916 and beyond have decided to cover up the memorial is a matter of regret.

A century ago, the events of 1921 led to the unionist community in what was then the newly formed Irish Free State being subjected to discrimination, house burning, ethnic cleansing, terror and murder. That is, far too often, conveniently ignored. The outrage that was raised by some when the role of the Royal Irish Constabulary was to be debated, never mind commemorated; the faux virtue-signalling of preventing modest memorial stones to celebrate our centenary; the failure by the Communities Minister to fund community celebrations and events to mark the platinum jubilee of Her Majesty; the refusal to even countenance a rose or a tree in the grounds of Stormont; and the despicable failure of the Irish President to attend an ecumenical church service, all point clearly to one thing: the sense of seeking to eradicate the British identity on this island is so deeply ingrained that there is, for far too many, no mutual respect and, indeed, very little hope of accommodation.

In April 2014, along with many other business, civic and political leaders, I attended an event in Windsor Castle in the presence of Her Majesty, President Higgins and the then First Minister and deputy First Minister, one of whom was an acknowledged ex-senior member of the Provisional IRA. He personally acknowledged then that, although he did not agree with the UK Government or unionism, the British identity

had equal validity to the Irish identity. Much has changed — for the worse — but what has not changed is the attitudes that were prevalent a century ago, and, to many of us, the hypocritical talk of mutual respect, understanding and a shared island is just that: hypocrisy. The time has come to recognise that our Britishness has as much validity as Irishness and that the constant denigration of our aspirations is destabilising. If we are ever to be serious about sharing these islands, there needs to be a sustained and marked change of attitude. Is the stopping of the desecrating of memorials, or even the planting of a rose or a tree in our Parliament's grounds, or helping our community groups to celebrate Her Majesty's platinum jubilee, just too much to ask?

### **Victims and Survivors of Historical Institutional Abuse**

**Ms Ennis:** I listened to and watched the reactions of victims and survivors of historical institutional abuse to the news last week that the DUP First Minister had walked away from his responsibilities to these institutions and, ultimately, to them. Their justified sense of disappointment was palpable and gut-wrenching. How many more times will victims and survivors who were abused at the hands of various institutions operating on behalf of this state be let down and retraumatised by this state? It is a horrendous situation that victims and survivors have been put in. I feel so bitterly disappointed and angry for them. I stand in complete solidarity with them today, and every day.

Victims and survivors of historical institutional abuse have already faced trauma after trauma, and delay after delay. Now, when we were finally at the point of delivering an apology for what was done to them by this state — an apology that they so much deserve and need — the DUP, for nothing more than its own self-interest, has taken that important and necessary step away from the victims. For its part, Sinn Féin's clear focus has been on ensuring that that apology was delivered in a way that was victim-centred. Michelle O'Neill made a commitment in good faith to deliver on that.

It was not Michelle O'Neill who walked away from her commitment or who put narrow party interest before the needs of victims. Those who walked away from that process and turned their backs on victims and survivors need to explain clearly to them why they chose to do that. The apology to victims and survivors of historical institutional abuse needs to come from the

heart and the top of government. That is the only way that we can send a clear message that what happened to the victims and survivors of historical institutional abuse was wrong and that we are committed to ensuring that it never happens again.

**1.00 pm**

### **Protocol on Ireland/Northern Ireland**

**Ms Bunting:** The Northern Ireland protocol is driving a wedge between Northern Ireland and Great Britain, socially, economically and constitutionally. Every week, it is costing our economy millions of pounds. Do not take my party's word for it: it is the view of a leading economist whom the Sinn Féin Minister deemed to be qualified enough to be appointed to the Fiscal Council. This party has been patient with the Government and the EU. We have given time and space, but still the protocol cheerleaders in the House ignore the damage that the Irish Sea border is doing. They ignore the fact that it trashes the principle of cross-community consent that is central to making this place work. So much for protecting the Belfast Agreement in all its forms.

The unionist people have had enough. They have had enough of Sinn Féin's disrespect for our British culture and identity. They have had enough of the SDLP labelling us as reckless when its support for the protocol fails to acknowledge the damage that has been done to the principle of consent. They have had enough of the Alliance Party lecturing us about treaties and international law while it supports agreements that breach the Belfast Agreement. We cannot go on like this. Decisive action is long overdue to restore Northern Ireland's place as a constituent and integral part of the United Kingdom, to restore fairness in our politics and to hit the reset button on relationships and respect in the House.

Let me be clear to those in the House who believe that cross-community protections apply only to nationalism: the days of casting aside the concerns of unionism are over.

### **Resignation of the First Minister**

**Mr McGlone:** Before I make my statement, I want to say that the actions of those thugs in Glasnevin cemetery do not represent me or the culture that I come from: far from it. In fact, they have been roundly condemned by most politicians on the rest of the island.



In recent weeks, more and more constituents have contacted my office concerned about the growing cost-of-living crisis. The price of groceries is rising. Electricity costs are increasing weekly. Gas and fuel costs are on an unending upward spiral. There are daily calls for Executive action on those and other issues. This is the time that the DUP has chosen to undermine the Executive and Assembly. It read the runes and saw its political demise in May. It has gambled the Assembly's future on short-term headlines in the hope of bouncing everyone into an early election to save its own skin.

The Assembly must work through a raft of Bills before then, but, because of the DUP, there can be no new Executive action, policies, legislation or urgent decisions, and there will be no agreed Budget at the end of the financial year. Waiting lists will continue to rise and healthcare reform will be delayed again.

The people who elect us will ask why. Why has the DUP gone on strike over an agreement that is the direct result of the Brexit that it campaigned for? Why did the DUP vote against Theresa May's deal, which would not have required border checks at Northern Irish ports? Why did the DUP play a part in putting into office a Prime Minister who has led what may be one of the most corrupt British Governments in living memory? DUP members attacked the Irish Government, yet they place trust in a British Prime Minister who, despite the evidence, they still believe will act in their interests rather than his own. It is absolutely incredible.

At this stage, it is appropriate to quote the age-old Chinese proverb:

*"Fool me once, shame on you; fool me twice, shame on me."*

It is incredible. Where we are is absolutely incredible.

That is the basis on which the DUP has decided to threaten the stability of the Assembly, not just as an election stunt — it certainly is — but even after the election has been held. It has abdicated a role of leadership in the Assembly. The public may not offer it that role again.

## **Impact on Health Service of Inability to Approve Budget**

**Mr Gildernew:** I would like to address the impact on the health service of not being able to approve a Budget. We are all acutely aware

and understand, or we should understand, that our health service is in crisis. The COVID pandemic has worsened that crisis, but we were already seeing huge difficulties in waiting lists and in our workforce.

At this particular time, with one in four people on waiting lists, it is an absolute disgrace that people have brought down the Executive and taken action to ensure that we will not see the long-awaited three-year Budget that would enable us to start the transformation journey. That must be addressed. Instead of transformation, as a result of the actions of the DUP, we are being offered stagnation, and we will see no progress of the kind that is required to address those waiting lists.

The other issue is the retention and recruitment crisis within the workforce. For years now, throughout the pandemic and before it, we have been asking our workforce to go beyond what we should expect it to do. Our workforce does not have the luxury of walking off the job. Instead, people are putting on PPE and walking into hospitals and social care settings to care for our loved ones. Yet, seemingly, we are willing to countenance a situation where, as a result of not having a Budget, the retention strategy that is being worked on will not be funded, and the recruitment that is needed will not be funded.

So, I have to say this to the DUP: where you are stepping down, staff are stepping up. It is incumbent on you to reflect on the impact that your actions are having on our health service today. Those on waiting lists and those in our workforce deserve better than stunts and posturing.

## **'Still Waiting' Report**

**Mrs Cameron:** I wish to speak briefly on the concerning third review, published today, of how government is progressing the Commissioner for Children and Young People's 2018 'Still Waiting' report, which made recommendations to improve mental health support and services for young people.

It is not an exaggeration to say that we are facing a mental health pandemic. Figures from the review show that referrals to child and adolescent mental health services (CAMHS) from hospital emergency departments rose by 24% from 2019-2020 to 2020-21: those are children and young people turning up at A&E departments across Northern Ireland in mental health crisis.

In November 2021, 451 children were waiting for over nine weeks for their first appointment with step 3 services, which is a substantial increase from March 2021 when the figure was 167. Additionally, in 2020-21, more than 1,800 children and young people disengaged from CAMHS before their treatment or intervention was complete. The question must be asked: why is that happening? Is it because of the lack of face-to-face services that are so badly needed for those young people? Is it because it is much easier to disengage and simply not log in when the service is via online video calls?

It is fair to say that our mental health services were not in a great position pre-pandemic. However, COVID-19, the reduction of many services and the impact of lockdowns on mental health have exacerbated the backlog to overwhelming levels.

Professor Siobhán O'Neill said:

*"Before the pandemic children and young people in Northern Ireland were 25% more likely to have mental health difficulties than their counterparts in other regions. Research shows that their mental health has been more heavily impacted by the pandemic and the restrictions than any other age group."*

Many recommendations from the 'Still Waiting' report, which was published in 2018, have yet to be implemented. Effort must be made to address that. I encourage all MLAs to access a copy of the review published today. We have to look after the well-being of our children and young people. We have to deliver much better services, and we have to resume and fully reopen mental health services.

## **Steelstown Brian Ógs: All-Ireland Champions**

**Mr Durkan:** Tá áthas an domhain orm seasamh anseo le mo chomhghairdeas a dhéanamh le foireann Bhrian Óg Bhaile Stíil as an bhua stairiúil a bhí acu inné. I am delighted to stand here to congratulate Steelstown Brian Ógs GAA club from my constituency for its historic victory yesterday. The team were crowned all-Ireland intermediate football champions.

Over many years, I have sat in the Chamber and listened, maybe with a wee bit of envy, as colleagues rightly praised the achievements of clubs from their respective constituencies. The Foyle constituency and Derry city have not been renowned as hotbeds of GAA success.

Despite the heroic efforts of players, coaches and volunteers, clubs from the city have not been able to make the breakthrough at county level. That has now changed utterly.

Steelstown Brian Óg's, which is a club that was formed only 35 years ago, has encountered no shortage of adversity on and off the pitch, and it is now champions of Derry, champions of Ulster and champions of Ireland. That can and will inspire more people in Derry to get involved and to stay involved in Gaelic games. Yesterday, it was truly uplifting to join supporters not only of Steelstown but of other clubs and sports from across the county and beyond in Croke Park to see history being made. What made the occasion all the more emotional was when the victorious captain, Neil Forester, invoked the influence and inspiration of Brian Óg McKeever, who tragically passed away over 13 years ago and who the club is named after. To see the McKeever family there in the midst of the celebrations was truly humbling.

While yesterday's triumph is, of course, a testament to the efforts of all those who are involved with Brian Óg's at every level, it is also a testament to the work of all those who are involved with all our clubs across Derry city and beyond. The role that they play in developing our children not just as players but as people cannot be overstated. The analogy of little acorns and great oaks is well worn, but never has it been more appropriate. I am sure that Steelstown's success will inspire every club from every sporting code, but the real measure of success will not be the number of championships and trophies that are won but the number of lives that are improved. All sporting organisations and clubs deserve much credit for the hugely positive role that they play in our communities, and they require more support in order to keep doing so.

## **Queen's Parade Development**

**Mr Chambers:** When the House delivers for the people of Northern Ireland, it is at its best. However, when we cannot agree or compromise on important issues or when Ministers choose to delay signing off a decision, we hand ammunition to those who hold the view that nothing positive happens on the hill.

In my North Down constituency, the local council set out on an ambitious project nearly 25 years ago to pull together a regeneration site along Queen's Parade that consists of derelict properties alongside properties that have been denied maintenance for a number of years. Many false dawns arrived and went. A few

years ago, the Department for Communities took over the project, adding more properties to the site and enhancing its potential. A private developer signed a development brief with the Department and committed to a £50 million mixed-use scheme that would lead to many jobs in the local construction industry and to further employment opportunities as the scheme moved forward.

Last January, the local council's planning department passed the plans as submitted by the developer, but the Rivers agency, which is a part of the Department for Infrastructure, intervened with concerns about a reservoir called Clandeboye lake, which is situated in the Clandeboye estate some miles away. DFI Rivers raised concerns about the potential for flooding emanating from that lake. Those concerns were not based on a visual inspection; rather, they arose, I understand, from a remote computer-modelling exercise. One year later, the Communities Ministry, which is the lead Department, revealed that a section 10 reservoir inspection report has been commissioned in recent weeks.

Where has that action been since last January? The Minister for Infrastructure has revealed that, if a report suggests that work needs to be carried out on Clandeboye lake, she has no powers to force the owner to carry out any of that work. The Reservoirs Act (Northern Ireland) 2015 has not been fully implemented and gives the Minister no powers of compulsion. Are we serious about attracting private-sector job creation and investment? Why, one year after planning permission was granted, are two Departments appearing to sit on their hands? We are at our best when we deliver.

The Minister for Infrastructure can sort it out with a stroke of a pen. How much longer are her officials prepared to hold back the project, when their paper objection is not even covered by government powers to force the lake owner to carry out any work needed? If public safety is an issue, tell us and produce the proof. I plead with the Minister on behalf of the citizens of North Down, the business community and every elected representative to sign this off and get the diggers on to the site.

1.15 pm

## Schools: Post-primary Transfer

**Mr Lyttle:** I begin by expressing my condolences to the family of Eileen Harding,

who passed away following a serious collision in east Belfast.

Following the post-primary transfer test results being issued at the weekend, Angeline King posted on Twitter asking the Executive to explain to her 10-year-old daughter why we have a post-primary transfer process from the past. Angeline's daughter asked why, as a result of that anachronistic, unnecessary and unfair process, she has no option of accessing an integrated school in her area. I cannot explain it. I feel the hurt and agree with the questions that she asks.

The Assembly voted by a majority to end the use of academic criteria for admission to publicly funded post-primary schools in Northern Ireland. Report after report refers to the post-primary transfer process in Northern Ireland as systemic inequality. I encourage anyone who believes that the post-primary transfer process in our education system must be reformed to make their views known to the independent review of education and anyone who wishes to see that reform implemented to vote for an Education Minister who will deliver it.

## Resignation of the First Minister

**Mr McCrossan:** I rise to reflect on the events of recent days and to echo in the House the real frustration that people feel. People are fed up. They are sick to the teeth of this place failing them. They are sick of the distraction politics that emanates so strongly from the DUP around the Assembly. They are disgusted, to say the least, that a First Minister and a party — the DUP — would make a call to withdraw from the institutions and resign from an important post of leadership simply because he and the party were not getting their way. Imagine if the British Prime Minister or the Taoiseach did not agree with something and simply said, "Well, I am resigning. I am going home. I am sitting in. Get on with it yourselves". It is an absolute failure and a huge abdication of that important position of trust.

Members of the Assembly are elected to deliver, to lead and to show leadership in times of crisis and difficulty. That has, by far, been lacking in this mandate, more than in any other mandate since the institutions came about post the Good Friday Agreement. We had already had a stop-start to the mandate, with three years of an absent Executive, when waiting lists went through the roof and schools were suffering. Ordinary, hard-working people have

paid the price. Now, we sit on the brink of an election with political stunt-playing by the DUP.

Make no mistake about it: this is about an election. It is not about a protocol; it is an electoral stunt. Quite simply, members of the DUP and the new leader are concerned more about seats than people. After their performances this week, I can say that some members of the DUP would not have any difficulty in securing a job: they would be good in a pantomime — although no one would be laughing. Whilst they play games, people suffer incredibly. People on waiting lists are literally dying as we stand here. That is unforgivable and unjustifiable.

The DUP professes to speak for unionism. What about the people on waiting lists? What about the people who are worried about their children's education? What about the people from all walks of life who come to my office and tell me that they need strong representation on issues that matter to them? Where is the DUP on those issues? The legacy here is 15 years of failure — complete and utter failure. It is totally disgraceful.

I think, in particular, about the hard-working health care staff, our teachers, those who stood firm throughout the pandemic, toughed it out and worked hard to save lives, improve lives and help our children. When the going gets tough in this place, those in privileged positions of power walk away and sit at home. That has to end. People have had enough. They deserve better, and they demand better from this place and our politics.

**Mr Speaker:** That concludes Members' Statements.

## Assembly Business

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

*Resolved (with cross-community support):*

*That Standing Orders 10(2) to 10(4) be suspended for 7 February 2022. — [Mr O'Dowd.]*

### Standing Order 62: Suspension

*Resolved (with cross-community support):*

*That, unless the Assembly previously resolves, Standing Order 62 be suspended to the end of the 2017-22 mandate. — [Mr O'Dowd.]*

### Standing Order 20(1): Suspension

*Resolved (with cross-community support):*

*That Standing Order 20(1) be suspended for 7 February 2022. — [Mr O'Dowd.]*

**Mr Speaker:** Members, please take your ease for a moment or two before we move on to the next item in the Order Paper.

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

## **Executive Committee Business**

### **Motor Vehicles (Compulsory Insurance) Bill: First Stage**

**Ms Mallon (The Minister for Infrastructure):** I beg to introduce the Motor Vehicles (Compulsory Insurance) Bill [NIA 53/17-22], which is a Bill to amend retained EU law relating to compulsory insurance for the use of motor vehicles; and for connected purposes.

*Bill passed First Stage and ordered to be printed.*

**Mr Deputy Speaker (Mr Beggs):** I ask Members to take their ease for a few moments.

### **Parental Bereavement (Leave and Pay) Bill: Final Stage**

**Mr Lyons (The Minister for the Economy):** I beg to move

*That the Parental Bereavement (Leave and Pay) Bill [NIA 22/17-22] do now pass.*

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

**Mr Lyons:** Before I begin my remarks on the Bill, I acknowledge the debt of gratitude that is owed to my party colleague Diane Dodds. When Diane first asked departmental officials in early 2020 to begin work on extending to working parents here the same parental bereavement leave and pay rights that were due to be introduced in GB, she did so against the backdrop of uncertainty at the beginning of the COVID-19 pandemic. As the enormity of the challenges brought by COVID became increasingly apparent, there was pressure to delay progressing the Bill and for the sole focus of all our energies to be on meeting and addressing the very real challenges from COVID. Indeed, Bills across many Departments have had their deployment delayed or shelved as a result of COVID.

Despite all the enormous challenges that she faced from the outset, Diane prioritised the Bill. That allowed Paul Frew to bring the Bill to the House for its Second Stage, and, upon taking office, I made it my priority to see this vital piece

of legislation successfully brought through the House. Without the early determination shown by Diane, I fear that the Bill might have joined so many others from across all Departments in being delayed until the next Assembly mandate. So, I thank Diane for championing the Bill from the outset and guiding it through its difficult early stages.

There are others whom I wish to acknowledge. I thank those bereaved parents who, with dignity and great bravery, shared their heartbreaking experiences during the consultation and evidence-gathering processes. It behoves us all to acknowledge and reflect on the pain and loss that so many parents and families have heartbreakingly faced following the death of a child. Unfortunately, we must also recognise, no matter how difficult it may be to do so, that parental bereavement will be a burden that some working parents may, all too tragically, face in the future. That is why the Bill is of such importance and why so many families will now be able to receive a small but critical degree of support at a time of great need. That is a degree of support that, until now, not all bereaved working parents have been able to rely upon.

Most bereaved working parents will have received the support and understanding of a caring employer. However, following the introduction of parental bereavement leave and pay, that same support and understanding will now be afforded to all, not just those who happen to work for a good employer. By no means is the Bill a reflection on the vast majority of employers in Northern Ireland. Most employers are understanding and sympathetic and do the right thing at the right time. Many employers already go far beyond the provisions in the Bill, and I encourage them to continue to do so and all employers to do the same. Rather, the Bill is the statutory minimum level of support that every employer will be legally obliged to provide.

There will, no doubt, be further employment Bills brought before the House in the coming years, but the Parental Bereavement (Leave and Pay) Bill is special and unique in so many ways. It acknowledges the almost unimaginable pain and suffering that is parental bereavement and attempts to alleviate one small aspect of parental bereavement for working parents, namely their employment. The Bill and its provisions go further and, arguably, will be more comprehensive than any other piece of parental bereavement legislation anywhere in the world. While I am somewhat circumspect and touched with a degree of sadness, that is,

nevertheless, an achievement from which all of us should take comfort and pride.

From April 2022, the Bill will provide working parents in Northern Ireland with the same parental bereavement entitlements that are afforded to working parents across the rest of the UK. That is a good thing, and it is absolutely the right thing for us to do now. When I look at the detail of the Bill, it reminds me of its simple, single-issue focus on something that is important for bereaved working parents. From April, the Bill will lead to the provision of two weeks' paid statutory leave for working parents who suffer the death of a child or a stillbirth. Following a full public consultation and agreement on subsequent regulations, those provisions will be extended to include working parents who suffer the loss of a child through miscarriage. Finally, alongside the extension of the Bill to include miscarriage, working parents will become entitled to all those rights from day 1 of their employment. As I said, these are perhaps the most comprehensive parental bereavement employment rights anywhere.

### 1.30 pm

I will finish by again acknowledging those parents who have suffered a child bereavement. Again, I thank all who contributed towards this moment, all who shared such deeply personal testimonies, the Members who supported the Bill with sensitivity and respect, and all who contributed towards this process.

I commend the Bill to the House.

**Dr Archibald (The Chairperson of the Committee for the Economy):** I will speak, first, as Chair of the Economy Committee before speaking in a party capacity.

The Committee welcomes the legislation. It is long overdue, given that there was no statutory entitlement to parental bereavement or miscarriage leave and pay for people at what must be the most difficult times of their lives. People need adequate time to grieve and should be supported by their employer to do so. The Bill will ensure that that is the case.

There was overwhelming support for the Bill as originally drafted. Responses were positive in relation to the introduction of a legal entitlement to employee parental leave and pay with the expectation that it would be a minimum provision in ensuring that parents and carers would be supported in the event of a parental bereavement.

The Committee focused on two main areas where, it felt, the support and provisions offered by the Bill could be widened and improved. These were the inclusion of miscarriage provision and the allowing for a day-1 right, rather than the application of a 26-week qualifying period as was in the Bill as drafted. The Committee amendments to bring these two aspects into the Bill received the support of the Chamber at Consideration Stage and were refined at Further Consideration Stage.

The Committee would like to thank and congratulate the Minister and his officials for their work in supporting that happening and for their engagement throughout the process. The role of the Bill Office Clerks was vital to the amending of the Bill. On behalf of the Committee, I would like to thank them.

The Committee is appreciative of the evidence that it received from individuals impacted by parental bereavement and miscarriage. Without their evidence to inform the Committee, the Bill would not be passed as it is today. Like the Minister, I pay tribute to those who contributed.

The Committee is delighted that the Bill is completing its Final Stage before dissolution in order that these important entitlements can be put in place as soon as possible. The Committee understands that much of the detail will be specified in regulations. I am sure that the successor Economy Committee will work closely with the Department to bring those forward according to the schedule.

The Committee is happy to support the Bill.

I will now make some remarks on behalf of Sinn Féin. Today is a good day for workers as the Assembly passes legislation that ensures the right to paid leave under the terrible circumstances of a death of a child, a stillbirth or miscarriage. Those rights will become day-1 rights, and that will ensure this important protection for workers from the first day of their employment.

I am delighted that the Bill has got to Final Stage and that we have ensured that, as well as the important provisions introduced to support parents whose child dies or who suffer a stillbirth, the North will now lead the way across these islands and, indeed, Europe by having the statutory right to paid leave following a miscarriage. That issue was raised with Sinn Féin when we engaged with organisations and individuals in the initial consultation on the Bill. We included it in our response to the consultation, and, along with other parties and Members, we raised it at every stage as the Bill

progressed. I am glad that the Assembly has ensured that these provisions will be in the legislation.

Sinn Féin is committed to standing up for workers, and this legislation delivers for workers. It ensures compassionate support for workers in the most difficult circumstances. It will make a real difference to people's lives. I am proud of the role that I, John O'Dowd and my party played, along with our fellow Committee members and other parties and MLAs, in delivering this important legislation. I am so pleased that it passes through the Assembly today.

**Mr Weir:** I support the Bill in its Final Stage and welcome its passage into law.

Somewhat ironically, while it is a very good Bill, I am sure that all in the House would agree that, in an ideal world, it is a Bill that would never have to be used by any parent. A single death is a tragedy, and, unfortunately, this is a Bill that will, sadly, have to be relied upon by many families.

I join others in congratulating the Minister and officials on bringing it to this stage, and I also pay tribute to the Minister's predecessors, Paul Frew and particularly Diane Dodds, who acted as a flagbearer for this legislation. It is through their hard work and, indeed, the hard work of bereaved parents that we have come to this stage.

I came to the House today from a funeral. A friend of mine was burying her father. The bond between a parent and their son or daughter is an extremely strong bond. In any circumstances, the tragic loss between parent and child is a terrible thing. However, while that is sad, it is much magnified when it is the loss of a child to a parent. Parents see that, as well as anything else, as somehow going against the natural order of things, so it is critical that we give that level of support to parents, and that is why I believe that the Bill is so important.

As the Minister indicated, many private employers — perhaps even the vast majority — out there have an understanding attitude towards this. In most cases, there is already something good in place, but the Bill ensures that there is that guarantee that every worker is given that support at a time of great tragedy. It will never make up for the loss of a child, but it at least provides a level of support for them. I am also glad that, through the work of the House and through the cooperation of the Minister and the Department, we have been able to reach a point where we have a strong

sets of laws that not only covers the situation of the initial direct bereavement but has been extended to miscarriage and, indeed, to day-1 rights. That is a good example of cooperation in the House in making something that is fit for purpose.

While it is a Bill that I hope, in one sense, is never used, I acknowledge that, sadly, it will have to be. At least it provides that level of support. I welcome the passage of the Bill and look forward to ensuring that, from April 2022, parents are able to benefit from it.

**Mr O'Toole:** Like others, I am pleased to be able to speak today at the conclusion — the Final Stage — of the Parental Bereavement (Leave and Pay) Bill. I speak as the SDLP's economy spokesperson but also as the Deputy Chair of the Committee, having joined the Committee midway through the procession of the Bill through the Committee and then into Consideration Stage. I can safely say that, in my two years in the Assembly, the passage of this Bill will be one of the most important things that I have been involved in. I hope that we will have an operating and functioning Assembly after May, but it is definitely true that, in my time here, one of the most important things that has happened is the passage of this Bill, and, in that, I concur with all the remarks made by the Minister and the two Members who spoke previously.

First of all, what does the Bill do? As has been said, the Bill introduces the first statutory right to paid leave for parents who suffer the profound trauma of the loss of a child. As the Minister said, it provides for, in statute, at least two weeks of paid leave for workers. That is a huge step forward in workers' rights, particularly for people in that unimaginable situation of the loss of a child. As was also said, this jurisdiction was previously an outlier in terms of its provision for parents who had suffered loss of a child. Now, with the passage of this legislation, we will hopefully, with some of its more ambitious tenets, be a model for other jurisdictions. In addition to the Bill as introduced, as Members have said, after the Committee took evidence, the House passed amendments at Consideration Stage, and there were, at times, quite robust conversations between members of the Committee, the Minister and his officials. We got to a place where we now have, in addition to paid leave for the loss of a child, both those rights becoming day-1 rights, as it were, but also ultimately — not immediately in April 2022, but in the next few years — those rights applying to people who have suffered loss through miscarriage. That involved a lot of work by the

Minister's officials, to whom I pay tribute, my colleagues on the Committee and, indeed, the Minister. It is, as Peter Weir just said, an example of people cooperating and making hard-headed but serious legislation to get the best outcome.

For whom do we want to get a positive outcome? They are people whom, in large part, we will never meet. As has been said, and, indeed, as I have just said, the loss of a child is an unimaginable trauma. It is one of the worst things that any parent can experience in their lifetime. We are legislating today for people who will be in that truly appalling situation. We are legislating for people whom we may never meet. We are legislating today for people who, years hence, will benefit from this law — little do they know that at the minute — not in happy circumstances but in the most difficult and profound circumstances. That is, after all, what we are here to do: to legislate for people and to make their lives better and a little easier. Today is an important day. I am proud to have worked on the Bill with colleagues from across the House. It is an important example of what can be achieved. It is a reminder of the importance of having these institutions and of us focusing on our central role, which is to make better the lives of the people who send us here, and that is why, frankly, we should be here.

With that, I will close. I commend the Parental Bereavement (Leave and Pay) Bill. Today illustrates to the people whom we serve that we can do the most important thing that we were sent here to do, which is to make better their lives and those of people in very difficult situations.

**Mr Nesbitt:** As economy spokesman for the Ulster Unionist Party, I say that it is a pleasure to commend and support the passage of this legislation. This is a good-news moment for the House — there is no doubt about that — because, undoubtedly and sadly, there will be occasions on which the Act will help people in their hour of need and tragedy. It is good to close a loophole and to say, "We're not going to leave this to chance. We're not going to leave it to hope and expectation that, in the event of a tragedy, every employer will always be empathetic, understanding and caring and be willing to offer paid time off. We're now putting it into statute".

I commend the Committee. The Committee's work on the Bill is a fine example of what we are here to do, which is to deliver power-sharing, consociational government. It was not always easy, because, originally, the Department was seeking simply to establish

parity with the legislation in the rest of the United Kingdom, but the Committee took the view that it wanted to go further. As the Minister said in his opening remarks, we now have what is arguably the best set of protections anywhere on the globe. As the Committee Chair said, that applies particularly to the introduction of week-1 rather than week-26 rights and the inclusion of miscarriage in the legislation. Breaking parity with the United Kingdom led to some interesting and ongoing debates in Committee about the potential implications of not just breaking parity but, further down the line, parity being restored from another place. As I say, those negotiations and discussions and that debate have not matured to the point where we have an agreed understanding of the implications.

That said, this is very good legislation about bereaved parents. The next debate will be about acknowledging the call from the Coalition for Bereaved Workers (CBW) for similar rights for those who lose a close relative or partner. I pay tribute to that coalition, which is led by Marie Curie and includes Action Mental Health, Alzheimer's Society, Carers Northern Ireland, the Chartered Institute of Personnel and Development (CIPD), NIPSA and the Irish Congress of Trade Unions. I support the coalition's call for similar rights for those who lose a close relative or partner, but I recognise that that is a debate for another day and another mandate.

**1.45 pm**

**Mr Dickson:** I rise to support the Final Stage of this important legislation not only as the Alliance Party spokesperson on the economy but as a member of the Economy Committee. As others have said, the Bill will make a significant and important contribution to people who are going through what will be the darkest period of their lives. I thank the Minister and his officials and colleagues. It was not always an easy task to work through the Bill, but they rose to the challenge. It is important that we record our sincere thanks to them for dealing with the issues that the Committee raised and on which it challenged the Minister and officials. I give a genuine thanks to the Minister and his officials for the way in which we were able to collaborate on and deliver the Bill.

As others have said, it is important legislation. It adds a further piece to the jigsaw of what I have been trying to achieve over many years. As an employment law practitioner for over 30 years, I can say that it has been significant for me, on a personal basis, to have participated in the progressing of an important piece of employment law. It is also right that we have



been able to achieve this as a day-1 right. There are areas about which I still have concerns, but those are for another day and another mandate. I hope that, when regulation is brought forward, we will be able to work collectively and collaboratively through those issues as they may arise.

It cannot go unsaid that the addition of miscarriage to the Bill has been crucial. As the Chair and others said, the Committee received powerful testimony from people on that issue, none more so than my colleague Kellie Armstrong, who came to the Chamber and gave a personal and open-hearted explanation of her journey and how she had had to deal with the situation with a number of employers. I thank all those who contributed to amendments at Consideration Stage and Further Consideration Stage. We are here to deliver for our constituents. I am proud to have participated in that process. The lesson of today and of passing the legislation is that there is much potential for what the House can deliver. Today is a clear signal of what we can achieve together.

*The debate stood suspended.*

## Assembly Business

**Mr Deputy Speaker (Mr Beggs):** Question Time is due to commence at 2.00 pm with questions to the Executive Office, but, in the absence of a First Minister and deputy First Minister, that cannot take place. At the start of the sitting, the Assembly agreed a motion to suspend Standing Order 20(1). That allows business to continue until 2.45 pm, when questions to the Minister of Justice will take place.

We now return to the debate on the Final Stage of the Parental Bereavement (Leave and Pay) Bill and will take any other scheduled business on the agenda until Question Time at 2.45 pm.

## Executive Committee Business

### Parental Bereavement (Leave and Pay) Bill: Final Stage

*Debate resumed on motion:*

*That the Parental Bereavement (Leave and Pay) Bill [NIA 22/17-22] do now pass. — [Mr Lyons (The Minister for the Economy).]*

**Mr Deputy Speaker (Mr Beggs):** I call the Minister for the Economy to conclude and give his winding-up speech on the debate.

**Mr Lyons:** I welcome the tone of the debate. In particular, I am delighted that we have secured support for the Bill from across the House. I do not intend to comment on the contributions from Members. We are for the most part in agreement on the issue. That is because, as an Assembly, we recognise the gravity of the situation in which bereaved parents find themselves, and we understand the seriousness of the issues and the problems that we are trying to alleviate.

I am pleased that we have been able to reach this stage of the Bill. It has not always been easy. I confess that there were times when I thought that the Bill would not be able to proceed. At one point, I thought that it would be scuppered because of the weight of the amendments and the challenges that they presented, but we were able to deal with those issues at Further Consideration Stage. On that point, I pay tribute to my departmental officials, who put in an incredible amount of work in a short time to get us to Final Stage today. We are all in agreement that we have provided the protections and have the provisions in the legislation that mean that, from the beginning of April, the support that we had originally set out to provide will be brought in and that the additional support will be able to be brought in, particularly for those who have suffered a miscarriage, as soon as possible. I am grateful to the officials for their work, their dedication and their long hours. It would not have been possible without them.

There is little left for me to say. I acknowledge that we will never be able to take away the grief, the pain and the sorrow from those who face this situation. We hope that people will not have to avail themselves of the Bill, but, as Mr Weir and others have pointed out, it is likely that many will have to do so. Although those

challenges will remain, we have been able to ensure that there is one less thing for those who suffer in this way to have to think about. We have provided, I hope, some comfort in doing that. Therefore, I commend the Bill to the House.

*Question put and agreed to.*

*Resolved:*

*That the Parental Bereavement (Leave and Pay) Bill [NIA 22/17-22] do now pass.*

**Mr Deputy Speaker (Mr Beggs):** I ask Members to take their ease for a few moments.

### Non-domestic Rates Valuations (Coronavirus) Bill: Final Stage

**Mr C Murphy (The Minister of Finance):** I beg to move

*That the Non-domestic Rates Valuations (Coronavirus) Bill [NIA 44/17-22] do now pass.*

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

**Mr C Murphy:** The Non-domestic Rates Valuations (Coronavirus) Bill is a short but important Bill. It is important in securing the finances for local and central government; it is important in safeguarding the Executive's only devolved tax lever; and it is important in protecting the source of 75% of the funding stream for councils. In short, it is important to the public interests in funding a range of public services here.

The Bill's focus is on correcting an unintended consequence of the public health measures that were introduced in response to the pandemic. It does that by addressing a normal effect of article 39A of the Rates Order 1977. That provision means that events that affect the physical enjoyment of a property and how they affect its rental value have to be taken into account when assessing the net annual value.

Article 39A was intended to apply to localised events such as the Primark fire in Belfast in 2018, but, as with many elements of the statute book that have been adjusted over the last two years, it was not intended to deal with the measures required to address a pandemic. Put simply, the Bill removes the impact of COVID-19 as a valid ground for appealing net annual values in the 2020 valuation list. Similar

legislation for England and Wales has passed through Westminster, and Scotland has followed the Assembly's lead by introducing a Bill after my introduction of the Bill to the House.

I pay tribute to the work of the Finance Committee in its scrutiny of the Bill and for the quality of the report that it provided to my Department on it. The Chair, Deputy Chair, Committee members and the Committee team have all played a pivotal role in ensuring that the Bill has been subject to scrutiny in the time available to the Committee and that it has been tabled for its Final Stage debate prior to the statutory deadline of 15 February for councils to set rates.

I originally tabled a motion for the Bill to proceed by accelerated passage. That was due solely to my sincere concerns about the Bill not making it to Final Stage by early February, had the Committee Stage taken the standard 30 working-day period determined by Standing Orders. The Assembly ultimately decided that accelerated passage was not to be used for the Bill, which is its right, and I fully accept that. Nonetheless, I commend the Committee for expediting its work during the Committee Stage over the Christmas and New Year period so that it could complete the report ahead of the normal time frames in order to facilitate the Bill's progression in a timely fashion. The Committee Chair committed to that during the debate on the motion on accelerated passage, and he has been good to his word on that. As I noted in the debate on the motion on the suspension of Standing Order 42(1) last week, I appreciate his Committee's efforts.

I will briefly highlight the detail of this short Bill before touching on some of the key aspects of the discussion on it as it has passed through the Assembly and Committee. In short, the Bill performs one important technical function. It mitigates the risk of an appeal brought on COVID-19 grounds to rateable valuations in the non-domestic valuation list. To complement that, the Bill contains a power to allow the Executive and Assembly to respond to any change in the naming conventions surrounding coronavirus or any new pandemic that may arise. The exercise of that power will be subject to Assembly agreement under the draft affirmative control mechanism.

In layman's terms, the Bill primarily serves to mitigate an unintended consequence of the Executive's emergency public health measures that were implemented in March of the year before last. Following Executive agreement, the Health Protection (Coronavirus, Restrictions)

Regulations (Northern Ireland) 2020 came into effect at 11.00 pm on Saturday 28 March 2020, specifying businesses here that either were required to close or were restricted in their operation. That once-in-a-generation public health intervention occurred just three days ahead of the publication of the new valuation list. If the health regulations had been introduced on 1 April or later, today's Bill would not be necessary.

Those emergency health steps obviously had to take priority at the time, but Members will appreciate that they were not intended to erode the tax base of a rating system that delivers critical revenue. As noted in the evidence provided during the Committee Stage, neither the traditional kinds of challenge received by my Department nor the ability to appeal valuations are removed by the Bill. All the traditional reasons for and forms of valuation challenge, such as structural alterations and roadworks, remain unaffected by the Bill. The Bill is solely concerned with the challenges that could lead to a double benefit from the system; namely, a reduction in rates bills due to amendments in net annual values because of pandemic restrictions on top of rate relief and grants that have already been provided to compensate for those restrictions.

As the Bill moved through the Assembly, issues were raised about timing and consultation. Those issues were noted in the accelerated passage debate and at Committee Stage. There was also a discussion about the retrospective nature of the legislation and how best to compensate businesses affected by the public health measures and the steps taken both within and without the rating system.

On timing, this is an extremely complex issue to arise at the end of the mandate, and Members will note that our Bill has to be tailored to our local needs and rating legislation. Extensive legal advice from experienced counsel underpinned the thinking behind the Bill. For the Bill to be precise in its effect, that process could not be rushed. Despite that, Members will note that the complexity was navigated successfully in a matter of months, enabling the Bill to be brought forward in the devolved context in time for passage before the end of the mandate. Neither my Department nor the Executive could plan around the timing of the pandemic or the time required to address the complexities arising from it. The alternative, which would be to have no Bill or a delayed Bill, would only make the issues that face us collectively even more difficult.

**2.00 pm**

On consultation, we have not been in a standard policy environment since the start of 2020. The Bill falls firmly within the brackets of an extraordinary measure, taken in the public interest, during an extraordinary time. It needs to be looked at in that context. Prior to the pandemic, my Department had just concluded a comprehensive review of the business rates system, providing some 32 briefings, soliciting 239 written responses, and conducting a series of innovation labs with stakeholders and academics. That was a model process of consultation, which is what Land and Property Services (LPS) does in a standard policy environment. Following Executive agreement to the Bill, my Department undertook subsequent engagement in order to raise key stakeholders' awareness of the Bill and its objectives. Such engagement would, however, have been inappropriate prior to Executive agreement. As I have noted, that Executive agreement was, in turn, sought at the earliest opportunity.

The Department may have undertaken a wider engagement on the Bill had it not been faced with the requirement to pass legislation in advance of the close of the Assembly mandate. Consultation, as opposed to mere engagement must, however, be meaningful. It has already been recorded that England, Scotland and Wales did not adopt a process of consultation. Their equivalent Bills were also undertaken as fiscal tax decisions in order to preserve revenue streams. It is a fact that no better policy options for dealing with the issue have emerged in any jurisdiction. Nonetheless, I am receptive to the points that are made in paragraph 52 of the Committee's report on the more strategic engagement on business rates as we move out of the pandemic, which will allow the findings from the 2019 business rates review to be reconfigured for the post-pandemic environment.

Other issues raised during Committee Stage include the retrospective nature of the Bill. As with the interventions that were made in England, Scotland and Wales, the Bill has effect from the start of the pandemic. It is critical to note that, in our case, that is not only justified but necessary because any change to a valuation following an appeal is backdated to 1 April 2020. For the Bill to have the necessary effect of protecting rates revenues, therefore, it must be retrospective to the same date. In this case, that is the date of impact of the valuation list. To do otherwise, and to only look forward, would render the Bill ineffective in protecting revenues.

In most cases, however, the retrospective effect is only notional. Many businesses have not had

rates bills since the start of the pandemic, so no backdated rates bills will arise from the Bill. If anything, the Bill does the opposite, in acting retrospectively to prevent the misguided scenario of backdated reductions being processed and awarded to ratepayers who, thanks to Executive support, have had no rates liability at all for the last few years. I would find that situation inappropriate at a time when public finances are so squeezed and we need funding for services such as health and education, which have been at the front line during the pandemic. That is why the Bill steps in to act in the public's fiscal interest. That accords with the sentiment in the Committee's report, where it notes that support of the type that has been provided to date, and the £50 million that is to be made available on foot of the successful passage of the Bill, is a much more sensible way to support businesses during the pandemic than a piecemeal unpicking of certain valuations with undetermined consequences for business sectors and the public finances.

I can confirm that, following the successful passage of the Bill, the additional £50 million that was announced at the time of the Budget will be used to provide additional support to ratepayers and to further consolidate the tax base for local district councils. The draft Budget laid out a £50 million rates support package for businesses in 2022-23. As COVID has had an impact on all sectors of the economy, the proposed package provides a one-month rates holiday to all businesses, with the exception of utilities and larger food stores, and a three-month rates holiday for retail, tourism, hospitality, leisure, childcare and airports, which are the sectors that have been hardest hit by the pandemic. The Executive have already provided funding in the form of compensatory and mitigating rate relief for business ratepayers who were affected by the health restrictions, through the separate provision of more than £515 million in COVID-related business rate relief for the 2020-21 and 2021-22 rating years.

We all wish that the pandemic had not occurred and that the public health measures that were taken by the Executive in March 2020 had not been necessary. That, in turn, would have rendered the Bill unnecessary. What the Executive did not intend to do with those public health measures was to destabilise our only devolved tax or to create a massive risk to the tax base and local government income. The Executive share my view. As has already been decided in England, Scotland and Wales, the COVID rates holiday and the supplementary rate relief funding that will be provided upon the

Bill gaining Royal Assent at Westminster, together with the array of business grants, is the correct means of dealing with the effects of the pandemic; damaging wholesale valuation reductions are not. The Bill secures that objective and preserves the rating system as we know it. I, therefore, commend the Bill to the Assembly.

**Mr Deputy Speaker (Mr Beggs):** I call the Chairperson of the Finance Committee, Steve Aiken.

**Dr Aiken (The Chairperson of the Committee for Finance):** Thank you very much indeed, Mr —. After you, Mr Butler. Please, please.

**Mr Butler:** Thank you.

**Dr Aiken:** Let me know when you are nice and settled, there, Mr Butler. Thank you very much indeed.

I thank the Minister for his opening remarks. My comments are made on behalf of the Committee for Finance. I begin by expressing the Committee's thanks for the oral and written briefings that the Department and a range of stakeholders provided on the Bill. That was all done, as the Minister noted, at short notice and during a period in which the adverse impact of the omicron variant on our hard-pressed local businesses became rapidly evident.

Although the Committee agreed to support the Bill, members were very much aware of the considerable and ongoing adverse economic effect of coronavirus on non-domestic ratepayers in Northern Ireland.

The Committee believes that the best way ahead is not to revise non-domestic rates valuations. It is for the future Executive, whenever that will be, to bring forward targeted and generous support packages for those sectors that are badly affected by either COVID restrictions or varying levels of customer confidence.

The Committee was concerned about a number of things to do with the Bill. The first of those was the absence of consultation. Neither I nor the Committee is sure why the Department chose not to consult. Perhaps, as the Minister has already explained, it wished to avoid generating a very large number of valuation appeals, which there have been in another jurisdiction. I am not sure how successful that strategy has been. The absence of consultation, however, was the main reason that accelerated passage for the Bill was

denied. It also hampered the Committee Stage, as stakeholders, including councils, struggled to comment on important legislation that they had not seen before. The Committee agreed that the Department should not do that again. In future, it should properly explain its policies to its stakeholders and subject itself to the reasonable and considered scrutiny of the Committee for Finance, again in a timely manner.

The second area of concern related to the Bill's retrospective nature. The Committee understood that that was necessary, as appeals valuations can be made only for issues that arise between the antecedent valuation date and the issuing of the net annual value (NAV) list. The first restrictions were issued just days before the NAV list, so the appeals valuation criteria were met for the current NAV period. As things stand, more recent COVID restrictions might also engage those criteria for the next NAV list, which is to be issued on 1 April 2023.

The Committee felt that the retrospective aspects of the Bill covered a period during which non-domestic ratepayers were in receipt of Executive pandemic supports. The supports were targeted and reportedly more generous than those available in other parts of our nation. The Committee also felt that, without the retrospective legislation, the ramifications of valuation appeals for whole business sectors and localities could take a considerable time to resolve and, indeed, could be significant. Those appeals could, in turn, have adverse and unpredictable consequences, which might only materialise in subsequent mandates, for the public finances.

I turn now to the loss of a right of appeal. The Committee was concerned that the impact of the pandemic might be hard to predict. It seemed counter-intuitive to set aside an important related avenue of appeal for businesses. As I have just indicated, the problem with retaining the appeal mechanism is the legal and public finance uncertainty that it will generate. That is discussed further in the Committee's report.

The Committee welcomed the £50 million payment to businesses by way of a rates holiday in 2022-23, which we hope will still happen. The Committee also noted the absolute assurances from LPS that the economic impact of the pandemic will certainly be taken into account in the next and future non-domestic rates valuation processes. I and the members of the Committee note, Minister, the absolute assurances that LPS gave that that will take place. All of that was just about

sufficient to persuade the Committee to support the relevant loss of appeal rights, but, again, Minister, I come back to the absolute assurances that we received from LPS. As indicated before, the Committee also accepted that in the expectation that targeted and well-thought-out Executive pandemic support measures would continue. Members believe that those measures are a much better way to support businesses than to constantly and partially revise non-domestic rates valuations.

The Committee was not at all convinced that the delegated powers in the Bill are required. The reasoning for them appears to be that the COVID pandemic might be renamed or that there might even be another pandemic during which such measures will be needed and quickly. I understand the scientific advice that the current pandemic may not be our final one. However, whether it is or is not, a successor Assembly would be minded to pass related emergency legislation promptly, thus obviating the need for the Henry VIII power in the Bill.

Notwithstanding that and the fact that the delegated powers in the Bill will be subject to an appropriate level of Assembly control, the Committee agreed to accept that aspect of the Bill as introduced. Consequently, the Committee agreed to support the Bill, although one member indicated that he might set out a contrary position.

**Mr McHugh:** Ar dtús, ba mhaith liom buíochas a ghabháil leis an Aire fosta as an Bhille seo a chur chun cinn. I congratulate the Minister on bringing forward the Bill and welcome the opportunity to speak in the Final Stage debate. I will keep my remarks brief and touch on just a few of the main points.

There is no doubt whatsoever that the Bill is needed. The legal advice is clear that COVID restrictions on businesses curtailed "physical enjoyment" of their premises, which, under article 39A of the Rates Order 1977, constitutes grounds for an appeal of their NAVs. The Rates Order was not designed with the COVID pandemic in mind, and I doubt whether many of us could have foreseen a situation in which nearly all businesses were forced to close at the same time as a public health measure. The Minister said that his officials calculated that a worst-case scenario would result in £250 million of rates revenue being lost to the Executive over a three-year period. That is a real threat, and we cannot allow it to happen. That would mean £250 million being directed away from key public services, such as health and education, and local councils in particular, which rely heavily on the district rate to raise

the revenue that they need to carry out local services.

It is important to remember that England, Scotland and Wales have almost identical Bills that deal with the same issue, so the problem is not unique to the North of Ireland. It is true that the Bill will remove the right of any business to appeal its NAV, but only in a limited and specific way relating to COVID. Appeals for other reasons will continue.

The Bill is not about taking anything away from businesses; it is about ensuring that we support them in the right way. Since the start of the pandemic, the Executive have offered general support in the form of rates holidays and support grants such as the localised restrictions support scheme (LRSS) and the omicron hospitality payment. Those supports have made a huge difference and kept many businesses afloat during the worst period of restrictions.

Hopefully, we are nearing the end of the pandemic. However, we still need to support our businesses as they try to rebuild and become profitable once again. It is welcome that £50 million has been included in the draft Budget to support our struggling businesses so that they can emerge from the pandemic, and it is absolutely vital that we pass the Budget. The Bill will also give reassurance to local councils, which will be setting their rates for the upcoming year, a process that has to be completed by next week.

Once again, I thank the Minister for bringing forward this vital piece of legislation. I am happy to support its passage at Final Stage.

**2.15 pm**

**Mr K Buchanan:** Thank you for the opportunity to add my comments about the Bill. We have previously discussed the Bill, and it has been through Committee.

As was noted, the Non-domestic Rates Valuations Bill is necessary for securing income from business rates for district councils and the Executive. It is not a popular Bill, especially not in our business community. Businesses have struggled for two years and still struggle with the impact of current fuel prices and the continued impact of the Northern Ireland protocol, which some in the House fail to recognise.

Support for businesses included two years of rate relief. The grant schemes that were made available were essential for many of our businesses. They were a lifeline that enabled

those businesses to survive and to continue trading. Restrictions have made it difficult for many businesses, especially for the hospitality sector. Businesses that are beside others that have been forced to shut have also suffered. During the pandemic, people tended to shop and do their daily business where everything could be bought in the immediate vicinity, rather than to travel. That was due to restrictions or to one's choice.

As the economy reopens, many businesses are re-evaluating their market position. Many still struggle and will continue to struggle, especially as there is no right to appeal their net annual value on the basis of coronavirus and the effect of the pandemic. Therefore, their NAV will not change on that basis. Did this business or any business enjoy their physical enjoyment of their property? Under normal processes, businesses appeal their net annual value for a range of issues but, under the Bill, businesses will not be able to use coronavirus as a factor in the loss of their business or income.

Reval2023 will have an impact, especially on our small business community. It is important that feedback is considered and that businesses provide information for the revaluation. Unfortunately, despite knowing the problems that that could present to our businesses and being aware of economic activity since early 2020, the Department did not act on the issue until relatively recently. I appreciate the valuable and vital work that Land and Property Services carried out in administering grants to our business sector, but should the Department not have taken the impact of the pandemic and the loss of income due to restrictions into consideration earlier? Should the Department not have consulted stakeholders on the Bill earlier?

The Bill will undoubtedly have an impact on our businesses. The House was right not to support accelerated passage and to have further scrutiny by the Committee.

**Mr O'Toole:** I rise to speak briefly at the Final Stage of the Non-domestic Rates Valuations (Coronavirus) Bill. It is fair to say that the Bill is not ideal. The manner by which it came to the Assembly and the Committee was, frankly, not acceptable. As others, including the Minister, have said, the Bill is a product of the unique situation that has been created by the pandemic and the fact that that unique, once-in-a-lifetime situation has come to pass. Yes, that will have affected the rateable value of non-domestic properties across Northern Ireland and, when it comes to business property taxation elsewhere, across the world. As others

have said, the Bill would remove coronavirus as a potential reason for appealing your extant or future valuations, which include the Reval2023 exercise that was just mentioned.

I will give a bit of context and background. The UK Government first introduced legislation comparable to this in March last year. That was nearly a year ago. The Scottish Government have brought forward comparable legislation because they face the same challenge. The Minister referred to that, as he has referred to it in the past. Before I get on to the meat of the Bill, it is worth saying that it is disappointing that it was quite a long time before we in the Committee and the Assembly more broadly were told the Department's plans in relation to the legislation. There have been specific bits of correspondence from whistle-blowers and others. There has been some media reporting about that and about suggestions relating to the timeline for the legislation: what the Department knew and when it knew it, as it were. In Committee, we have been able to get to the bottom of some of those allegations or statements, but, for others, we have not. The Committee simply is not able to get to the bottom of all of that, and, in a sense, it will not be able to do so ahead of the voting on the Bill.

The substance of the Bill is that there could be a significant fiscal risk to the Department if we do not pass it. There clearly is some merit to that argument, which is why other jurisdictions have introduced similar legislation. Making that statement does not preclude me from saying that the approach that the Department has taken was not ideal in terms of giving us an early warning and not substantively consulting. The Minister talked about the definition of "consultation" and why it should not be done if there is no chance of the policy being amended or changed, but, in the absence of consultation, better communication with affected sectors would certainly have been far preferable to what happened. That was a message that we heard from the business sectors that we spoke to, albeit that some of those groups acknowledged that there was a degree of inevitability to the legislation, given what had happened elsewhere. It is worth putting on record some of the frustrations around the process.

It is also worth saying that, given where we are in the mandate and given some of the great risks that we have been talking about and will be talking about today and in the coming days in terms of political stability here and our ability to get things done, we are in even less of a position to take risks around our fiscal and revenue position because of, sadly, the political

instability that we find ourselves in or that others are determined to put us into.

It is worth saying that there has been and continues to be significant support for businesses through the rating system. It has been one of the primary areas of support through the coronavirus crisis. That continues, and it is welcome. However, it is also worth saying that we have a long-term challenge in defending what is, basically, our only revenue stream: the rating system. We have a regional rate and a local rate, and we have domestic and non-domestic rates, but, beyond that, we really do not have that many other sources of revenue in this place. The Minister appointed a Fiscal Commission, which is reporting on potential other areas of fiscal devolution, but the hard truth is that we cannot be flippant about one of the few areas of revenue that we have at our disposal, particularly given some of the irresponsibility that we see and have seen in relation to the stability of the institutions. I am cautious about putting at risk one area of revenue. That is not to say that we are delighted with the Bill. We will certainly not push it to a Division, but there is a degree of inevitability about it.

Many people in LPS worked hard to implement the policy around ratings holidays. They were also closely involved in some of the work around becoming a grants payment agency over the past two years. I again put on record my support for what LPS did in that regard, but it would have been far preferable if we had had earlier sight of the content of the Bill, earlier acknowledgement from the Department and LPS that it would be necessary and a clearer insight around timelines and what they knew and when. That would have obviated some of the problems that we have seen around the Bill. It is novel legislation. It is sweeping and retrospective, albeit that it relates to very particular circumstances. We have to acknowledge that, in passing the Bill today, if that is what happens, we are doing something quite novel.

It is also worth saying that we in the Committee and other parties in the Chamber were right to decline to give accelerated passage to the Bill. If it is, at least in part, unavoidable, given the fiscal position in which we find ourselves and given the risk, that makes it even more important that people get the sense that we have done a little more than the bare minimum of scrutiny. We were able to do some scrutiny; it was not a huge amount, but we were able to do a proper job of scrutiny at fast pace in the Committee, including extraordinary previously unscheduled meetings on the Bill. I do not say

that with any great degree of glee, and I retain some deep concerns about the process by which it came to the Assembly.

We will not oppose the Bill today. We think that it is unavoidable in the circumstances, though I reiterate that there were and remain real concerns in the business community about how the Bill came to the Assembly. It is important that we get clarity on policy around Reval2023 going forward. I look forward to hearing that from the Minister in his closing remarks.

**Mr Muir:** I rise today as Alliance Party's finance spokesperson and will begin by thanking the Finance Committee for its speedy scrutiny of the Bill. Accelerated passage was considered for the Bill, and, given the associated time pressures, I am pleased to see it come to the Final Stage before the end of the mandate.

The past two years have been an incredibly difficult time for our local businesses, with huge uncertainties, financial worries and a range of restrictions all being faced throughout the pandemic. It is important that we acknowledge the hardships that many business owners and staff have faced and the strain that it has put on everyone. The current situation that we find ourselves in risks putting additional financial pressure on households and local businesses. As things stand, without the passage of the Bill, there is a real risk that businesses and households will face a significant increase in rates.

Councils that are considering their rate-setting process will be aware of the current risk of a mass payout needed for thousands of non-domestic properties on the basis of appeal due to COVID. With that in mind, they would need to make financial preparations to cover the cost of that, increasing rates to ensure that they have enough money to pay out on any successful claims. That would have a detrimental effect on households and families across Northern Ireland and local businesses, hitting them hard with higher rates bills. We cannot afford to let that happen.

We take the opportunity to welcome the £50 million in rate support packages for businesses in the next financial year that has been included in the draft Budget. However, the decision of the DUP to walk out and resign the First Minister post means that applying that support is now in serious doubt, as is the ability to strike a regional rate, as well as the other serious implications that, sadly, we know, come as a result of having no Government. We know that from 2017 to 2020. I want the Minister to comment on that, because, whilst we pass the



Bill today to give assurances on rates revenue, the issue about the ability to send out rates bills, strike a rate and give rates relief is in doubt.

The Alliance Party will support the Bill today in the hope that its passage through the Assembly will prevent any further increase in rates for businesses that have been hit hard through the pandemic. The Bill is an example of the exceptional legislation that is needed in exceptional times. Similar legislation is being brought through in Great Britain, and it is important that we do the same.

**Mr C Murphy:** I thank Members for their contributions. Once again, I thank the Committee for expediting its scrutiny of the Bill. As most Members are aware, I had only one option to expedite the Bill, and that was to ask for accelerated passage. I cannot force the Committee to expedite its work, but the Committee wanted to undertake that, as is its right. I commend the Committee for the approach that it took to the Bill.

There were questions about consultation. Of course, this is a fiscal taxation matter that does not require consultation, and that was also the case in Scotland, Wales and England. Nonetheless, there were opportunities during the Committee's scrutiny to engage with people in that regard.

The question of timing and why the Bill had taken so long was raised. The Department has outlined that and provided timelines to the Committee. Our legislation could not automatically follow the English and Welsh model, although Scotland is more aligned to that model. In many ways, it is simpler for Scotland to align its Bills to that model, although Scotland is behind us. The Scottish Government are at the beginning of their mandate and do not have the same time pressures as us.

Over the summer, there was an extensive legal back and forward to get the Bill right, as it is a complex area. October was the earliest that drafted legislation could be brought to the Executive for approval, and the Department did that at the time. That was to ensure that there was no unnecessary delay or attempt to run the clock down and then try to bounce the Bill through the Assembly.

It was being done to get a handle on a changing and complex legal position and to make sure that the legislation that we brought forward correctly identified the problems that needed to be resolved and did so in an effective

manner, and that is what we have brought forward.

### 2.30 pm

Mr Muir asked about the £50 million in the Budget. When the draft Budget was released, the Executive noted and approved a range of issues. One of those approved was the commitment to provide rates relief in the next financial year using that £50 million. That is secured by way of agreement with the Executive. Unfortunately, from my perspective and, I am sure, from the perspective of many Members in the Chamber, they did not agree or approve the central focus of the Budget, which was to give an uplift in spending on health and to prioritise the Department of Health in the time ahead. That is a matter of deep regret because we cannot do that in the absence of an Executive. However, a number of factors in that paper were agreed, of which this is one, so we will be able to conclude that issue and offer rates relief in the early part of the next financial year.

I thank Members, but this is not the way that we wanted to do things. It is a response to an extraordinary emergency situation. It is a response that needs to fix something very quickly and make sure that it does not damage public finances and our very scarce resources to try to allocate to things like health, education and other very demanding and worthy public services. It is an attempt to fix that in a way that protects our revenue and local government and to do so at a time when local government can set its own rates.

I thank Members for their engagement throughout all the stages, including Committee Stage, and urge them to support the Bill.

*Question put and agreed to.*

*Resolved:*

*That the Non-domestic Rates Valuations (Coronavirus) Bill [NIA 44/17-22] do now pass.*

**Mr Deputy Speaker (Mr Beggs):** I ask Members to take their ease for a few moments before we move on to the next item of business.

### Protection from Stalking Bill: Further Consideration Stage

**Mr Deputy Speaker (Mr Beggs):** I call the Minister of Justice, Mrs Naomi Long, to move the Further Consideration Stage of the Bill.

*Moved.* — [Mrs Long (The Minister of Justice).]

**Mr Deputy Speaker (Mr Beggs):** No amendments have been tabled, so there is no opportunity to discuss the Protection from Stalking Bill today. Members will be able to have a full debate at Final Stage. The Further Consideration Stage of the Protection from Stalking Bill is therefore concluded. The Bill stands referred to the Speaker.

I ask Members to take their ease.

### **The draft Single Use Carrier Bags Charge (Amendment and Revocation) Regulations (Northern Ireland) 2022**

**Mr Deputy Speaker (Mr Beggs):** The next item in the Order Paper is a motion to approve a draft statutory rule (SR). I remind Members that section 63 of the Northern Ireland Act 1998 applies to the regulations, as they will impose a tax. The Speaker has confirmation from the Minister of Agriculture, Environment and Rural Affairs that a recommendation has been received from the Minister of Finance in relation to this rule. Members should note that the vote will require cross-community support.

**Mr Poots (The Minister of Agriculture, Environment and Rural Affairs):** I beg to move

*That the draft Single Use Carrier Bags Charge (Amendment and Revocation) Regulations (Northern Ireland) 2022 be approved.*

**Mr Deputy Speaker (Mr Beggs):** The Business Committee has agreed that there should be no time limit on the debate. I advise the Minister that we will have to break for Question Time at approximately 2.45 pm.

**Mr Poots:** Today, I seek the Assembly's approval for the Single Use Carrier Bags Charge (Amendment and Revocation) Regulations (Northern Ireland) 2022.

In Northern Ireland, the 5p carrier bag levy was introduced in 2013. Since then, the levy has removed in excess of 1.7 million bags from circulation and delivered a significant, tangible result on the initial policy objective of protecting the environment by regulating against the unnecessary use of bags. The levy, in its eight years of existence in Northern Ireland, has generated proceeds in excess of £35 million, which have been subsequently reinvested to support a broad range of environmental

projects across Northern Ireland. While the levels of funds have varied to support small, medium and large projects, many of those initiatives have been funded through the Northern Ireland environment fund, which enables not-for-profit organisations and councils to deliver key environmental interventions.

The levy is the broadest and most detailed of all the carrier bag levies and charging regimes across the UK in that it applies to all materials, including paper. All retailers who dispense bags must charge the levy, and the Department can demonstrate a high level of compliance across the Northern Ireland retail sector. Evidence gathered across the retail sector shows that, since the levy's introduction, a significant number of large retailers have already increased the price of their bags to more than 5p. It is clear that, despite those consistent and ongoing increases, consumers across Northern Ireland have continued to purchase a range of bags at a cost of up to and over 20p. A large quantity of those bags are heavier, thicker and have a higher adverse environmental impact. Many go to landfill where they take longer to degrade than single-use bags. In the worst-case scenario, some end up polluting our watercourses. Change is needed in order to positively redress and re-educate customer and retailer behaviours. Given that the market is now swamped with heavy-duty bags that are priced at 20p or more, only by increasing the levy to 25p on all bags can a significant positive environmental change and outcome be delivered. With the removal of the exemption on the 20p threshold, where bags that are sold at 20p or more do not attract the levy, all retailers will now be required to charge a 25p levy on all bags that they dispense with a price not greater than £5. Many of the larger supermarkets already dispense bags at 20p or more, which consumers continue to purchase. It is expected that customer behaviour will change by increasing the levy to 25p.

Some exemptions for various bag sizes are no longer considered relevant, and amendments to the exempted categories will simplify the regulations for consumers and retailers. An increase to the levy and an amendment of the 20p threshold to £5 is considered necessary in order to better inform, influence and shape consumer and retailer behaviour, thus encouraging the reuse of carrier bags and reducing the number of bags that are in circulation. An amendment of the threshold has been informed by retailer pricing points, significant changes in consumer behaviours and representations following consultation. The pricing point of bags in most of the large

retailers has steadily risen over the last five years and is now matching the threshold of 20p or more, making the threshold no longer relevant and resulting in those retailers being outside the reporting requirement. Updating and simplifying the exemptions will simplify compliance for retailers. Amending the threshold from 20p to £5 will potentially and initially impact a small number of retailers who have always priced bags at 20p and above, primarily as they will have to set up IT and staff training costs. Most NI retailers will incur minimal additional transitional costs for staff training as their IT systems and personnel are already in place and are similar to the departmental systems that are in place to collect and enforce the levy.

The environmental benefits of a reduction in carrier bag usage feed into a reduction in waste management, reduced litter on our streets and in our oceans, improved air quality, green growth, resource efficiency and a circular economy. The carrier bag levy in Northern Ireland leads the way in the UK, and any legislative change must deliver continued improvement, customer awareness and positive behavioural change. The existing carrier bag legislation in Northern Ireland is very clear, and it has been agreed and ratified by Her Majesty's Treasury that all proceeds from the levy must be used to fund environmental projects across Northern Ireland. Indeed, we are the only UK jurisdiction with those arrangements. The reinvestment of levy proceeds to environmental projects across NI is benefiting everyone, as what is good for the environment is good for the economy in the long term.

Finally, I will point out the following key messages: do not pay to throw away; bring your own bag; reuse your bag; and purchase a bag only when really necessary.

I thank the Committee for Agriculture, Environment and Rural Affairs for the prompt scrutiny of the SL1 for the statutory rule, and I thank the Business Committee for scheduling the motion in what I appreciate is a busy time in the run-up to the end of the mandate.

**Mr Deputy Speaker (Mr Beggs):** Thank you, Minister. As Question Time begins at 2.45 pm, I suggest that the House takes its ease for a few moments. This item of business will continue after the question for urgent oral answer, when the next Member scheduled to speak is Philip McGuigan.

*The debate stood suspended.*

2.45 pm

*(Mr Speaker in the Chair)*

## Oral Answers to Questions

### Justice

**Mr Speaker:** Questions 2 and 7 have been withdrawn.

### PSNI Recruitment

1. **Ms Bunting** asked the Minister of Justice what action she is taking to ensure police recruitment can proceed as planned. (AQO 3080/17-22)

10. **Mr Easton** asked the Minister of Justice what plans she has to address the PSNI's reported postponement of the recruitment of 85 officers due to financial pressures. (AQO 3089/17-22)

**Mrs Long (The Minister of Justice):** With your permission, Mr Speaker, I will answer questions 1 and 10 together.

At the outset, I wish to explain that the recruitment of police officers is an operational matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting his operational independence and the role of the board.

In my recent letter to Executive colleagues, I advised that the Chief Constable has decided, on a precautionary basis, to defer the March 2022 recruitment intake. That decision is based on the assessment of the impact of the draft budget for the PSNI. That is one of many steps that will need to be taken to live within the draft Department of Justice budget settlement, of which the PSNI will receive the largest part. The PSNI has indicated that, in proceeding with the March intake, it would incur between £4 million and £5 million of fixed costs for 2022-23 and beyond. In the context of a draft Budget that requires major reductions in spending, the PSNI has concluded that it would be best to defer that intake and review the situation once the final Budget has been set.

I have made it very clear to the Finance Minister and the Executive that the draft 2022-25 Budget would be incredibly damaging and create major challenges, for not just policing but the entire justice system. However, I still

strongly encourage anyone with concerns about the impact of the draft Budget on policing to have their say before the consultation period closes on 7 March.

**Ms Bunting:** The Minister will be aware that increasing police numbers is a key component of New Decade, New Approach (NDNA) and that it is one aspect of that agreement that will benefit everybody in society. I appreciate that the Minister may consider that it is an operational issue, but we all know that the money can be found if the political will is there.

Will the Minister outline what bids and representations she has made to the Minister of Finance to ensure that we do not regress to impractical numbers of police officers and a vast reduction in service?

**Mrs Long:** First, it should be recognised that we lobbied hard last year to ensure that funding was made available for an additional 100 officers to meet the NDNA requirement. However, as I explained and for the reasons that I set out, the Chief Constable will now not recruit the additional 85 officers in that cohort.

From the first iteration of the draft Budget until quite recently, I have raised concerns consistently with the Minister of Finance. He is well aware of my views: I made them known at the Executive and in writing to the Department of Finance. My officials continue to engage with the Department of Finance, and the Minister of Finance has indicated that he continues to engage with Treasury to see whether additional flexibilities can be found for the police. However, that will not resolve the fundamental problem, which is that the Department of Justice faces an unprecedented challenge to its budget. Essentially, it has absorbed cuts of 9% since devolution, and it is now faced with another 2% cut. In practice, as indicated by the independent Fiscal Council, it has the worst budget settlement of any of the nine Departments.

**Mr Easton:** I thank the Minister for her answers so far. Minister, at a time when the police are undermanned, under-resourced and morale is at an all-time low, is it not up to you to find the money to fund police recruitment so that we can tackle issues of law and order across Northern Ireland?

**Mrs Long:** I am not sure exactly from where the Member thinks that I will find the money. It is not as though we keep the budget down the back of my sofa in the Department. Ultimately, in order for me to be able to find the money, the

Executive have to decide to prioritise those issues in the Budget for the next three years. There is an onus on me to make my views clear and to make the case strongly. I have done that. I have done it with the Policing Board, and I have made my concerns clear to it and other parts of the justice system, but I cannot magic up the money. If the Executive do not prioritise justice, we will have to live within our budget when it is set, as will every other Department. Although there is an onus on me to make the case, I am afraid that there is no way that I, as an individual Minister, can make money available that the Department of Finance has not allocated.

**Ms Ferguson:** Minister, you mentioned operational independence, but can you confirm whether you have received a business case from the PSNI that sets out how it aims to meet its shortfall over the next few years?

**Mrs Long:** We continue to work with all our colleagues. At the moment, their priority has been to look first to their own budgets. The PSNI's operational business cases go through the Policing Board, as opposed to coming directly to the Department. It is only where it is seeking additional funding for particular measures that it comes to our Department and the Department for Finance for approval. That is not the case here. Rather, it is a matter of the PSNI managing its budget from within the resource that the Department of Finance allocates it.

The PSNI is, of course, keeping us abreast of some of the challenges that it faces. Recruitment is one particular challenge that it will face, because, although the money that the Department of Finance allocated for an extra 100 officers has been set aside and is still available, the PSNI's baseline budget will reduce, with the result that, although we may have an additional 100 officers, the existing complement will drop, and not just by the figure of 85 in Mr Easton's question. The PSNI has indicated that there could be a significant reduction in the number of officers.

It needs to be recognised that much of what happens in justice is heavily dependent on personnel. When 68% of your budget goes to the PSNI, with the lion's share of that going on salaries, taking 2% out of that budget means that there is therefore no alternative but to look at where numbers can be reduced.

**Mrs D Kelly:** Minister, will you update us on the pay award claim from PSNI officers?

**Mrs Long:** All the matters that have been brought to me about the pay award have been cleared. We are still, I think, waiting for receipt of some papers from the PSNI, but I can update the Member in writing to give her the most up-to-date view, as of today.

**Mr Nesbitt:** I declare an interest as a member of the Policing Board. The draft Budget impacts not only on headcount. I would be grateful if the Minister could update the House on discussions between her Department and the PSNI on what it is calling its "campus", which will embrace the new policing college, the new headquarters and the crime and logistics branches.

**Mrs Long:** We continue to engage with the PSNI. Its plans for a campus are still at a relatively early stage. From the Member's engagement at the Policing Board, he will be aware that that is the case. The first stage will be for the PSNI to get the Policing Board's support for those plans and then come back to seek capital investment. As the Member will recognise, the difficulty is that it is not just about the resource budget, which is by far the biggest challenge that we face, as the capital budget is slightly more generous. A real challenge is that, in order to deliver on the capital budget, human resources are needed. Unless we have the resource funding to be able to make the changes, capital expenditure can also be constrained. We will be working very carefully with the PSNI to realise its vision of a more modern and appropriate form of campus for the future, but that vision will be constrained by budgetary pressures. We will make the case as strongly as we can. I am sure that the Policing Board and the Chief Constable will assist us in doing so.

**Mr Blair:** As a member of the Policing Board, I will say that those of us who serve on it have had a fairly stark picture painted to us, reflecting that issue and the problems around it. The Minister has previously mentioned the consequences of the proposed budget settlement for the entire justice system, including those which go beyond policing. Will she outline her main concerns?

**Mrs Long:** My concerns have been well rehearsed. At the moment, we would see a fall of 2% in the Department's budget. Unlike other Departments, there is not significant add-in from other Government sources, and, as a result, we face a significant challenge. That will make it difficult for us to manage court recovery in the context of COVID, and it will make it incredibly difficult for the Prison Service to do its job given the resources available to it.

We have a number of statutory functions that are not easily avoided. Therefore, there are inescapable pressures. Before we even look to do, I suppose, the positive things that the Department wishes to do, those statutory functions need to be met. There is a question mark as to whether or not we will have sufficient resource under the current Budget settlement to fully meet all our statutory duties. So, to say that it is a serious issue is not to exaggerate the challenge.

I do this as Justice Minister now but it will potentially be a new Justice Minister who has to face that scenario, so this is not about a Minister trying to protect their own silo. I am concerned about the impact that this will have on the justice system. I hope that whomever ends up standing at this Dispatch Box in years to come will have the opportunity to make progress in Justice rather than simply standing here to announce a series of cuts and reversals in good progress that has been made to date.

### **Loyalist Paramilitary Murders: Police Ombudsman's Report**

3. **Mr McGuigan** asked the Minister of Justice for her assessment of the Police Ombudsman's report of the 'Investigation into the Police Handling of Certain Loyalist Paramilitary Murders and Attempted Murders in the North West of Northern Ireland during the Period 1989 to 1993'. (AQO 3082/17-22)

**Mrs Long:** As I said to the Member in my answer to him on 20 January, I found the findings in the report extremely distressing. I acknowledge the pain felt by bereaved families and injured victims. The report again highlights the need for implementation of a comprehensive approach to dealing with the legacy of the past, and the Stormont House Agreement, while not perfect, remains the best model for doing so. Parties have, rightly, expressed their opposition to the UK Government's proposals with regard to legacy. I urge everyone to continue to challenge those proposals and to help ensure that victims and their families have access to justice. To do otherwise only compounds their suffering.

The report reminds us of the significant reforms in policing that have taken place, including robust oversight arrangements that are supported by all the main parties. At the time that the report was released, I noted the comments of the Deputy Chief Constable, who acknowledged the hurt and anger felt by the families, and I welcomed his apology to them for the findings in the report. He also

recognised, as do I, the significant reforms of policing that have taken place since these terrible events occurred.

It is primarily a matter for the Chief Constable, who is operationally independent of the Department and accountable to the Policing Board, to decide what actions might be necessary following the publication of the report by the ombudsman. It would not be appropriate for me to comment on any matter that may be the subject of a police investigation. I repeat my call for anyone who has evidence in regard to these crimes to come forward and assist the PSNI with any future inquiries.

**Mr McGuigan:** Minister, the Police Ombudsman's report demonstrates that there was collusion between state agencies and loyalist death squads, which resulted in a campaign of murder that went unchecked across north Antrim, County Derry and beyond. Person K, who was alluded to in the report, was a key suspect in the murders of Gerard Casey, Councillor Eddie Fullerton, Thomas Donaghy —

**Mr Speaker:** Will you get to the question, Member?

**Mr McGuigan:** — Danny Cassidy, Malachy Carey —

**Mr Speaker:** Could you get to the question?

**Mr McGuigan:** — and in the Castlerock and Greysteel massacres. Given that that covers at least 17 murders and that substantial evidence in the report points to person K being a mass murderer on behalf of the British state, should person K be brought to justice?

**Mrs Long:** I know what the ombudsman, after a thorough investigation, said about collusive behaviours, and I accept her findings. Where evidence of criminal behaviour by police officers is identified, it should, of course, be investigated. The investigation found no evidence that the RUC had prior knowledge of the attacks. The report also recognises that the police investigations into the attacks were prompt and thorough and resulted in a number of convictions.

The role of members of the UDR outlined in the report is a matter for the MOD to take forward and comment on. I am clear that where there is any suggestion that people broke the law, it should be fully investigated.

**Mr Storey:** It ill becomes the party opposite to be crying about bringing people to justice for

murder given that they supported murder in Northern Ireland for 40 years.

**Mr Speaker:** The Member needs to get to a question.

**3.00 pm**

**Mr Storey:** Will the Minister assure me on the use of the phrase "collusive behaviour" — a phrase which has no legal basis but continues to be used? Unless there is evidence, we cannot continue to besmirch the memory of the RUC, which served the people of Northern Ireland faithfully and was not a terrorist organisation.

**Mrs Long:** The use of the phrase "collusive behaviour" was set out by a judge in their determination that the ombudsman was not in a position to determine whether collusion had taken place but was in a position to determine whether collusive behaviours had taken place. As I said when I answered the previous question, the ombudsman's office did a thorough investigation. The ombudsman has said that there were collusive behaviours, and I accept her findings. However, I recognise that she found no evidence that the RUC had prior knowledge of the attacks and that she recognised that the police investigations into the attacks were prompt and thorough.

There are a number of findings in the report that are very shocking and concerning, but it is important to recognise that, at the same time as the collusive behaviours substantiated by the ombudsman's office were happening, there were those who were working hard to try to protect the community against all paramilitary activity.

**Mr Lyttle:** Does the Minister of Justice agree that the UK Government's legacy proposals represent a retrograde step on the Stormont House Agreement and that a comprehensive mechanism will be necessary for justice, information recovery and reconciliation to be delivered for all in Northern Ireland?

**Mrs Long:** I absolutely agree with the Member for East Belfast. It is hugely important that there is a proper investigation in order to ensure that families can have confidence in the current justice system, because the Government proposal denies people justice. We all know that, with the passage of time, the degradation of memory and all the other challenges that families have faced over many years, being able to successfully pursue a case in court to prosecution would be incredibly difficult in

many, if not all, of these cases. However, that is a different assessment from one that says, "You may not pursue a case where the evidence is available for you to do so". I believe that that intervention is damaging to justice and to people's confidence in the justice system. I have been clear with the Secretary of State and with the Government that I believe that it would be wrong to do that.

We have to accept due process, and, yes, it can be long and frustrating, but at least it gives families the reassurance that their concerns are taken seriously, and it gives the rest of us in society, who are not direct victims in these cases, the confidence to know that if something equally awful were to happen to us, there would be due process in our case, too.

The ombudsman's office and many of the parts of the justice system that are currently dealing with legacy issues were never designed for that purpose, and, in the next Budget settlement, there is not the kind of resource that will be required for them to continue to shoulder that burden. Therefore, I agree entirely that the UK Government need to progress a comprehensive strategy for dealing with these issues that does not disrupt due process.

**Mr Durkan:** Does the Minister support the report's finding that families' concerns about collusive activity are "legitimate and justified"? If so, can the Minister outline, or at least suggest, next steps for those families who have suffered for so long?

**Mrs Long:** As I have already said, I accept the findings of the ombudsman's report. It was a thorough investigation, and she has made her views known about collusive behaviour. I do not think that any of us, at a human level, would doubt that that would cause huge concern and distress to families. The Deputy Chief Constable has apologised for what happened during that period, and it was right for him to do so.

As for next steps, at this stage, some of these cases may well end up before the courts, therefore, it would not be appropriate for me to say what those next steps should look like. However, I am clear that, in cases where there is still the opportunity to find those who are responsible guilty in a court of law, there should be a thorough investigation, and I encourage anyone with information that would assist the police in such enquiries to come forward and share that information.

## Prison Staff

4. **Mr Newton** asked the Minister of Justice whether the number of prison staff is at the required level to ensure the safe and effective running of the prison system. (AQO 3083/17-22)

**Mrs Long:** The director general is content that the current operational staffing complement in the Northern Ireland Prison Service (NIPS) is sufficient to safely and effectively manage each of our prisons. However, staffing levels — that is, the number of staff available for duty on a daily basis — have understandably been under pressure in recent months due to high levels of staff COVID absences.

The Northern Ireland Prison Service is committed to an ongoing process of recruitment to ensure that staffing levels are consistently maintained through the appointment and training of new staff. Under the most recent recruitment campaigns, 162 staff joined the Northern Ireland Prison Service. The latest recruitment campaign, which concluded on 31 January, is planned to recruit a further 120 officers over the next two years, subject to budget being available. However, as Members will appreciate, the growing uncertainty regarding the Budget for next year has made any realistic planning all the more difficult for our front-line services, including the Prison Service.

In response to COVID-19, the Northern Ireland Prison Service headquarters and the governor of each prison establishment have been reviewing the availability of staff each day. Governors and their teams have been able to dynamically adjust the regime that can be delivered for people in our care, focusing on safe, decent and secure custody. In real terms, that has meant that prisons are rightly focused on ensuring that healthy regimes can be offered on landings and that prisoners do not spend lengthy periods locked in their cells, which has meant refocusing some staff from peripheral to core functions in the short term. It is to the credit of NIPS governors and staff that, despite the impact on staffing availability in all sectors as a result of COVID-19, the Northern Ireland Prison Service has continued to deliver safe and predictable regimes to people in our care.

**Mr Newton:** I thank the Minister for her answer. Two weeks ago, the Youth Justice Agency came before the Justice Committee to give oral evidence, and, last week, the Probation Board did so. Both organisations expressed concerns about the draft Budget, indicating that it might indeed mean staff reductions in both cases. What would be the implications for the Prison Service if the Finance Minister were, if I may

use this topical phrase, "to rigorously implement" his draft Budget?

**Mrs Long:** I have been clear that all parts of the justice system will come under considerable pressure, and none more so than those that are incredibly reliant on the availability of suitably skilled and trained personnel. That clearly applies to the Prison Service. The issue is about how we ensure that we can maintain safe custody, hold people in a dignified manner and allow them opportunities for rehabilitation. My primary concern with prisons is less around the safety of the institutions and more around our ability to facilitate, for example, free association out of cell, meaningful purpose, work and activity and the opportunities that prison officers offer on a daily basis to support people's needs and provide challenge for rehabilitation. All of those could be impacted by a significant reduction in the budget.

Members will also be aware that we have plans for significant capital investment in prisons, and resource will, of course, be required in order to be able to do that. To put it in context, we have people still in isolation when they are committed to our prisons; we have been able to, by and large, maintain most people not having to double up in a cell, though there has been some doubling up because of rising numbers; we have been able to ensure that there is free association each day for prisoners on their landing; and we have been able to reintroduce, for example, normal education through our outside providers during the COVID period. That has been incredibly resource-intensive. No one should underestimate the cost of that and of maintaining it going forward. I do not want to see anything that is going to limit the flexibility that we have in prisons or the quality of the provision for those held in our care. However, again, we will have to live within whatever resources are allocated by the Northern Ireland Executive.

**Ms Ennis:** Minister, the safe and effective running of the prison system is, we know, about so much more than just housing prisoners. You alluded to effective measures around rehabilitation and reducing reoffending and said that they could be impacted as a result of future Budgets. Can the Minister outline whether current prison staffing levels allow that crucial work to take place now?

**Mrs Long:** At the moment, the current staffing levels allow it to take place, but it is not taking place in the way that it had been before. Restrictions are still in place in our prisons as a result of COVID, so some things that may have

happened in the past in the management of post and packages, for example, have had to be restricted. They are resource-intensive and personnel-intensive operations, so some of those processes have slowed down during COVID so that we can ensure that officers are available to support prisoners in their cells, on their landings and with their rehabilitation.

Where COVID restrictions have been relaxed in the community outside, we have tried to reflect that inside by reintroducing in-person visits, for example, and trying to expand those to include children, in particular. We have also maintained our commitment to virtual visits. However, those are resource-intensive operations. At the beginning of the pandemic, when people were not attending court, we could use some of our prison escort custody (PEC) officers to come into prisons and provide some extra supports, but, with our court system now running at full capacity, it is difficult for us to get that balance. However, the governors are consistent that what they have been able to offer prisoners is a predictable regime. We are still carrying on training, and so on, in the prisons, which is important. I know, having visited Hydebank Wood, for example, and spoken to some of the young people in the college there, that it is incredibly important to them that they are able to proceed with their courses, whether through remote learning or in-person learning, get their certificates and move on, because that is a crucial part of their rehabilitation and strategy for when they leave prison to find work. We are doing all those things, but we are having to do them in different ways and, often, more resource-intensive ways, in order to manage the demands of COVID.

**Ms S Bradley:** Many red flags, and projected red flags, have been raised with the Justice Committee on issues from across the justice family and the Prison Service due to the 2% cut that is outlined for the Department of Justice. All those uncertainties are making people nervous. Will the Minister spell out what the absence of an Executive would mean in her trying to deliberate on those issues?

**Mrs Long:** As the Member will be aware, a Budget cannot be set without an Executive. However, I have sought advice as to what would happen with future spend were that situation to extend beyond the new financial year and into the next financial year, which it looks likely to do. It will make things very uncertain, because we will be back to the situation in which Departments can spend only a particular percentage of their budget, although there will, potentially, still be Ministers in place for at least part of that time, which will



ease some of the pressure. However, I have been trying to determine what weight would be given to the draft Budget in the settlement that would be agreed for departmental spending, but that remains unclear. Even though the content was not agreed or cleared by the Executive before going to consultation, it may carry weight in respect of the allocation to Departments in future years. Therefore, even if the incoming Executive agreed a different Budget, we might, in the interim, have to live within the draft Budget rather than go back to last year's allocation, for example, which may have been more favourable. That would certainly be the case for Justice.

The Member's question highlights a wider point: in order for us to do business, certainty is required. As the Member is aware, given her involvement in the Committee, many of the things that we do involve working with third-sector partners who are reliant on contracts from the Department of Justice. Therefore, when these things become protracted and uncertain, so too does the stability of our partners and their ability to retain the people with the right skill set, abilities and experience to deliver at the optimum level for people in the justice system. It is an incredibly difficult position to be in. It is never a good thing not to have an Executive. It is a very uncertain time, when we have no Budget in place, to not have an Executive to make decisions.

## Care and Supervision Units

5. **Mr Gildernew** asked the Minister of Justice how many prisoners have been placed in care and supervision units (CSU) for more than 10 days, in each of the last three years. (AQO 3084/17-22)

**Mrs Long:** In my statement to the House last week, I explained the challenges faced by the Northern Ireland Prison Service and its staff as they seek to manage and rehabilitate people who have very complex and difficult behaviours and needs. At that time, I also expressed my determination, which was shared by the Prison Service, to apply the learning and to address the recommendations from the recently published review of the operation of care and supervision units.

CSUs are necessary because, at times, prisoners cannot be managed safely elsewhere in the prison estate. That may be because they are violent to other prisoners and staff, they repeatedly damage property, they are determined to traffic drugs or they exhibit behaviours that are extreme and would put

themselves and others in custody at risk. It can sometimes be a combination of those factors.

### 3.15 pm

The safety of everyone who lives and works in our prisons must be considered, and that sometimes means that a decision is taken to relocate someone to the CSU. Those decisions are often finely balanced between the complex needs of an individual and the safety and well-being of everyone who lives and works in that residential landing. The majority of people who are relocated to the CSU are there for a short time before being relocated to their usual accommodation. For others, a longer stay in the CSU is needed, depending on the circumstances of each case.

Over the past three years, the number of prisoners who were placed in a CSU for more than 10 days is as follows: in 2019, there were 209 prisoners; in 2020, there were 187 prisoners; and in 2021, there were 156 prisoners. I am encouraged that that data shows that fewer individuals are being held for more than 10 days, and I hope that implementing the recent recommendations of the report will lead to further reductions.

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

## Justice: Legislative Programme

T1. **Mr Lunn** asked the Minister of Justice to outline the implications for her Department's legislative programme of not having an Executive in place over the coming weeks. (AQT 2021/17-22)

**Mrs Long:** I remain on target to complete the Assembly passage of the two remaining Bills in the Department of Justice's primary legislation programme, subject to the mandate running to completion. Further Consideration Stage of the Protection from Stalking Bill was held earlier today, and Final Stage is provisionally scheduled for the week commencing 21 February, although I may speak to the Speaker to explore the possibility of bringing the date forward, in line with some of the discussions that have been ongoing.

I have some concerns that the Justice (Sexual Offences and Trafficking Victims) Bill is potentially vulnerable if flawed amendments were tabled. I would find it difficult to correct those in the current circumstances, and the Bill is vulnerable to the Assembly rising in the event

of an early election. Consideration Stage of that Bill is scheduled for 15 February. I have already secured Executive agreement to table a small number of necessary amendments that introduce new policy content, but, in the absence of an Executive from this point forward, I will not be able to table any departmental amendments to correct future amendments that are either defective or impractical. The worst-case scenario would be that if an amendment were to represent bad or unworkable law, my only option would be to withdraw the a Bill. That is not an option that I would want to exercise given the important provisions of the Bill and the important impact that it will make for vulnerable victims.

Secondary legislation, legislative consent motions and many of the other things that we would wish to do over the next period will, of course, also be impacted because, in order for us to bring them to the Chamber, particularly where they are cross-cutting or if it is a legislative consent motion, we first need to have Executive approval. I have already sought Executive approval for a number of LCMs, but a number of others may emerge over the coming weeks for which we will simply have to wait until the next mandate. The fact that we do not have a Budget for next year is also an issue of concern, as I already stated.

**Mr Lunn:** I thank the Minister for her answer. She rightly highlights the situation around the Justice (Sexual Offences and Trafficking Victims) Bill, which is vital. Every effort should be made to finalise that in this mandate. Does she agree that the worst outcome of the current shenanigans would be that we have an early election? She referred to that, but can she put on the record what that would mean?

**Mrs Long:** I believe that the Executive should be in place and that we should use all that remains of this mandate to deliver for the people of Northern Ireland. We have lost three years already in this mandate due to suspension. We need no more shilly-shallying, which could cost the public the opportunities that we have to deliver for them now. It is my intention, in as far as it lies to me, to wring every possible benefit out of these last number of weeks for the people whom I represent, and it is incumbent on all of us to ensure that we complete this mandate, deliver what we promised and go to the election on that basis so that we are judged on what we have done rather than what we have not done.

## Victims of Crime Commissioner

T2. **Mr Beattie** asked the Minister of Justice for an update on the appointment of a victims of crime commissioner. (AQT 2022/17-22)

**Mrs Long:** I can give a very quick update on the victims of crime commissioner. I have agreed on an individual to be asked to be the commissioner. We await their response, and I will further update the House and Committee once that is settled.

**Mr Beattie:** I thank the Minister, and that is fair enough. An awful lot of time and effort has been expended on the issue. Minister, will you confirm that it will not be derailed by the fact that we do not have an Executive with a First Minister and deputy First Minister?

**Mrs Long:** It will not be derailed by that. In all likelihood, as I have indicated my preferred candidate from the rigorous interview process and taken that forward with Executive approval, it should be able to continue. The biggest challenge for the victims of crime commissioner touches, again, on budget, because there are additional costs. At one stage, people wanted both a domestic abuse commissioner and a hate crime commissioner. When I said that we could not afford to do that, people rolled their eyes and thought that I was being dramatic.

I have to say that it has been somewhat challenging to continue with the issue in light of the Budget settlement that we have ahead. I have, however, made a commitment to it because I believe that it is important — vital, in fact — to victims. As a Department, we need to prioritise it, irrespective of the Budget settlement.

## Prisoners: Mental Health and Complex Needs

T3. **Miss Reilly** asked the Minister of Justice, in light of the recent Criminal Justice Inspection NI (CJINI) report that exposed serious failings in the operation of care and supervision units and the treatment of prisoners with severe mental disorders and complex needs, for an update on a mental health court. (AQT 2023/17-22)

**Mrs Long:** As the Member is aware, I have written to the Minister of Health to seek an urgent meeting with him to discuss how to deal with those who have mental health issues. As I said at the time of the report, no one in our CSUs is awaiting a transfer direction order. The difficulty is that many people who have significant mental health issues do not meet the

very high threshold that is required for them to be transferred to a mental health facility.

It is important to put on record the fact that the vast majority of people in our prisons who have mild, moderate or even serious mental health issues are managed effectively in the main prison population. CSUs are not routinely used to hold those with such issues. A CSU is used only on an exceptional basis when, for whatever reason, those prisoners are not able to be managed within the main population. It is not routine for the Department or the Prison Service to place people who have mental health issues in a CSU. I will put it in context: only about 1% or less of the prison population is in a CSU, and we know that well over 35% of those in prison have serious mental health issues.

**Miss Reilly:** The idea of a mental health court was first recommended over a decade ago, so we need to see a wee bit of progress on that. Have you committed any staff or funding resources to carrying out a scoping review?

**Mrs Long:** We have had a recommendation, but it is clear that, in a population of the size of Northern Ireland, as I said last week, there is absolutely no scope for a mental health prison. That just will not work. At the moment, for example, only one person who is held in a CSU is there because of behavioural issues. The rest are there because they have committed offences, whether violent or to do with suspected drug smuggling, not because of their mental health. The person who is there because of behavioural issues has been assessed, and their behavioural issues are not sufficient to require them to be transferred to a secure mental health facility.

The solution — the landing zone — is to ensure that people in the prison system receive the same access to mental health care as anyone outside it. Perhaps it is possible, working with the Department of Health, to provide access to beds in a secure mental health facility, but there will never be a mental health prison of the same kind as Broadmoor, for example, because that facility would need to be serviced and resourced but, 90% of the time, would stand empty.

## Prisoners: Remand

T4. **Mrs Dodds** asked the Minister of Justice to state the percentage of the prison population that is currently on remand. (AQT 2024/17-22)

**Mrs Long:** I can summarise that by saying that there are too many for our liking. There is an

issue with the number of people whom we have on remand. I think that around 35% of our prisoners are currently on remand. If the Member will bear with me for a moment, I have some figures on that that I can share with her, because I think that they are important.

On 31 January, the percentage of the overall Northern Ireland prison population on remand was 38%, which is 608 of the 1,600 individuals in our care. Looking specifically at the female population, 58.3% of the 72 women in our care were on remand on that date. Comparative figures for England and Wales, Scotland and the Republic of Ireland are 16.2%, 26.6% and 21.5% respectively.

**Mrs Dodds:** The House will be extremely interested in those figures and will register shock that 38% of the prison population are on remand and that 58% of women who are in prison are on remand. Surely that is an unacceptable figure. Will the Minister indicate what she is doing to remedy that? In doing so and having expressed her concerns numerous times, will she also indicate why she did not just vote against the Sinn Féin Budget as proposed?

**Mrs Long:** The Member is aware that discussing votes in the Executive is not really appropriate, and she will know that from her time as a Minister. No motion was put to the Executive to vote against the Budget. I made it clear — it is minuted in the Executive minutes — that I did not support the Budget, but no motion was brought to the Executive that would have permitted a vote. My focus was on ensuring that the public had their say, because it is important that all those who will be affected by the Budget are able to feed into it. Rather than hold the Budget up with another squabble in the Executive, we all, including her colleagues, agreed that, whilst we did not agree with the content of the Budget, we were happy for it to be put out for consultation.

The main part of the question was about prisoners on remand. There has been a continual rise in the remand population over the last four years. It has risen from about 25% in 2017-18 to what we have at the moment, which is significantly higher. In my view and as the Member rightly says, that is unacceptable. It is a complex issue, however. We do not make the decision about whether someone will be remanded in custody — that is a matter for the presiding judge — so we cannot control the number of people on remand. We can, of course, work to speed up justice, and we have been investing heavily in speeding up justice through the Criminal Justice Board and the

Criminal Justice (Committal Reform) Bill, which, the Committee was helpfully able to ensure, made it through its passage in this mandate. All that will help to speed things up.

The Department undertook a review of the remand population in 2019. There were no clear underlying factors that would explain the increase, but it is an accumulation, we suspect, of minor challenges. First, there are issues with the Prison Service and so on, so we now have a working group with the director general of the Prison Service to consider the options available. We are also looking particularly at housing, and I have asked for a meeting with Minister Harghey about that. One of the reasons why people are often —

**Mr Speaker:** The Minister's two minutes are up.

**Mrs Long:** I realise that. It was a compound question, Mr Speaker, so I ask you to bear with me for two seconds.

We are also looking at the opportunity for extending GPS monitoring beyond simply "present" and "not present" at home to monitor where people are. That may provide more security and allow judges to be more willing to release people on bail as opposed to keeping them on remand. As I say, it is not always in our gift, but having suitable accommodation is a key factor.

### **Bobby Storey Funeral: Justice**

T5. **Mr K Buchanan** asked the Minister of Justice, given that this part of the United Kingdom has watched with interest the goings on with parties etc in Number 10, where a few dozen dressed up in fancy attire, an issue on which she has been very vocal, was she, in her role as Justice Minister, equally vocal about a different type of party, namely Sinn Féin, following the Bobby Storey funeral, at which thousands dressed up in fancy attire, and does she, for the benefit of the man and woman in the street, believe that justice was carried out then. (AQT 2025/17-22)

**3.30 pm**

**Mrs Long:** Anybody in the Chamber who is genuinely interested in that issue will recall that I was particularly vocal on it. Those of us who set the rules must keep them. That applies in the Chamber and, for example, to the national Government when they negotiate with international bodies to set rules. We should abide by those laws. It also applies to COVID regulations in the House. I am surprised that

the Member needs to ask, because I have been fairly clear and consistent on it throughout.

**Mr Speaker:** You have less than a minute left, Keith Buchanan.

**Mr K Buchanan:** I thank the Minister for her good answer. You called for the Prime Minister to go: did you ask for the deputy First Minister to go?

**Mrs Long:** I did. If the Member cares to read any of the news reports from the time, he will see that that is clearly identified. I will not assume that the Member reads the 'News Letter', but it is recorded there. It is also recorded in the 'Belfast Telegraph'. There are numerous other reports of me having done so. It is a bit of a waste of the House's time for Members to refer to issues that happened a year and a half ago without doing their research before they arrive.

**Mr Speaker:** The Member's time is up. Members should take their ease for a moment or two before we move on to the next item in the Order Paper.

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

## Question for Urgent Oral Answer

### Agriculture, Environment and Rural Affairs

#### Checks at Sea Ports

**Mr Deputy Speaker (Mr Beggs):** John Blair has given notice of a question for urgent oral answer to the Minister of Agriculture, Environment and Rural Affairs. I remind Members that, if they wish to ask a supplementary question, they should rise continually in their place. The Member who tabled the question will be called automatically to ask a supplementary question.

**Mr Blair** asked the Minister for Agriculture, Environment and Rural Affairs to outline whether he will reverse his decision to cease sanitary and phytosanitary (SPS) checks at ports.

**Mr Poots (The Minister of Agriculture, Environment and Rural Affairs):** My Executive paper on the continued implementation of sanitary and phytosanitary checks at Northern Ireland points of entry under the Northern Ireland protocol was not considered by the Executive at their meeting on 27 January 2021. I, therefore, do not have an agreed Executive decision on the matter at this time.

As you are aware, on Friday 4 February, the High Court suspended the implementation of my decision until a further order from the court or until the conclusion of the judicial review proceedings. I await a response from the court.

**Mr Blair:** I thank the Minister for his answer. He has repeated on numerous occasions his opposition to the detail and outworkings of the hard Brexit that he campaigned for. Given the legal obligation on the UK Government to implement the checks, the ongoing negotiations between the UK Government and the EU and the role of the Joint Committee compared with the minimal role of DAERA in all of this, is it not the case that the Minister is pursuing a strategy of protest rather than process that will bring undue pressure and added difficulty for the Civil Service and businesses alike?

**Mr Poots:** The Member did not seem to mind bringing added burden to business and the public when he and other Members voted for the protocol's rigorous implementation. As a consequence, we now have proposals from the European Union for a massive number of checks.

People have not seen the implications of the Northern Ireland protocol yet, because so little of it is being implemented at this stage. Were it not for grace periods and other reasons, we would be in a circumstance in which business would be crippled as a consequence of the checks. Over 50% of our trade, both import and export, is with Great Britain. The consequence of putting barriers between from where you import 50% of your goods and the individuals who receive those goods will ultimately be to cause great harm to the latter. Who are those individuals? They are the Member's constituents and my constituents, and they have been complaining. Whether it be the Amazon deliveries that are not coming, the hundreds of companies in Great Britain that are now saying that they will not supply Northern Ireland or the supermarket lorries that are being turned away, with hundreds of thousands of pounds' worth of goods perishing as a consequence, all those things are already happening. Were the grace periods to go, and were we to carry out all the checks that the EU expects us to, the problems arising at our ports would be inconceivable.

I ask these questions to Mr Blair and anybody else in the Chamber: do you still want the rigorous implementation of the protocol? Did you not understand what its rigorous implementation meant, or do you now not want its rigorous implementation?

**Mr McAleer:** On Thursday, we received evidence from the chief executive of the NI Pork and Bacon Forum (NIPBF), who mentioned the importance of the protocol. The very notion of checks stopping would damage us and risk our being delisted. Is the Minister of Agriculture, as someone who reminds us constantly of his care for the agri-food sector and for agriculture, not concerned about the potential recklessness of his decision for the industry?

**Mr Poots:** There are two issues there. One is the food that comes in from Great Britain to Northern Ireland that stays in Northern Ireland and therefore causes no risk whatsoever to the European Union's single market. Does the Member think that it is a good thing for lorries for the likes of Asda and Sainsbury's, which do not even have shops in the Republic of Ireland, to have to go through checks? Applying official

controls regulation (OCR) costs to those goods will drive up the costs for people in Strabane who buy their food in the Asdas of this world. If he thinks that that is a good idea, let us hear it.

The other issue is this: if the Member is referring to the likes of a pork company that imports raw pork from Great Britain to reprocess it, most of which then goes back to Great Britain but some of which goes to other places, we have no problem whatsoever in facilitating checks to do that so that our companies can continue to import and export. We do not, however, need checks on the vast majority of things that come in here at the minute. Exports have to be dealt with differently. We are happy to do that and to engage with the business sector to ensure that it will have as free movement as possible between Great Britain and Northern Ireland, between Northern Ireland and Great Britain, between the European Union and Northern Ireland and between Northern Ireland and the European Union.

**Mrs Dodds:** Minister, thank you for explaining to the rigorous implementers on the other side of the House exactly what the cost of the checks would be to our constituents, both in the price of goods and in the lack of choice. I see some of them smiling. Perhaps they will not be smiling when their constituents outline that to them as well.

Does the Minister agree that the checks are merely a symptom of the problem and that the real cause of the problem is the fact that Northern Ireland remains under EU law?

**Mr Poots:** One of the reasons why I voted for Brexit was that I wanted accountability in decision-making. Irrespective of everything else, I wanted the people making laws for me to be people whom I could influence. That is a right of every citizen. The place where you will have most influence is local government. Councillors are the people who are most available to the public, followed by Members of the Assembly and then by MPs. The Member was in the European Parliament. She knows how much influence three Members of the European Parliament had amongst the many hundreds of Members in that body and how deals were done and stitched up beforehand and all of that. She knows, better than most, about the circumstances that prevail there, and they are particularly undemocratic.

We are now in an even worse situation in that the EU is still making laws for us but we have no Members of the European Parliament and no means of holding anybody to account. There

was a saying that Irish people used to say: no taxation without representation. It seems that those who are great people about being Irish no longer hold that line, because they want legislation without representation. There is no democracy involved there.

**Mr McGlone:** Another saying is: if it ain't broke, why try and fix it? That is probably not Irish, but it is a definite one.

Prior to his instruction to stop the checks at the ports, did the Minister seek legal advice from the Attorney General and/or the Departmental Solicitor's Office (DSO)? If so, did that advice entirely support his decision to issue the instruction to stop the checks?

**Mr Poots:** I assure the Member that I have been working with both the Attorney General and the DSO. It is very common — it has happened over the years that I have been in Government — for Ministers to seek advice from senior counsel who specialise in a particular area. Given that this is constitutional law, I specifically sought the advice of a constitutional lawyer as well. My advice is there: it will be tested in court, and we will see the outcome, but the grounds for me making the decision are soundly based on sound legal advice.

**Dr Aiken:** I declare an interest as a pet owner. I own a young dog, and I am filled with worry, Minister. When you talked to the other members of the Executive, particularly those who wanted the rigorous implementation of the protocol, were they aware of recommendation 6 from the European Commission? That is:

*"To ensure that documentary and identity checks of non-commercial pet animals moving into the EU-SPS area via points of entry in Northern Ireland from Great Britain are carried out."*

Did any of them think that that was a good idea, or did they think that the full and rigorous implementation of the protocol should be carried out, despite what all Northern Ireland pet owners want to see?

**Mr Poots:** I unilaterally made that decision. Nobody has challenged that in court yet, so I will probably be challenged on that one tonight by some individual who thinks that it is more important to suck up to the European Union than it is to provide services to the people of Northern Ireland.

There is no need for checks for rabies. The last time that that happened in Ireland, or on these islands, was in 1922. There is no need for our animals to have rabies vaccinations or tapeworm treatments, but the European Union seems to think that that is a good idea. It also thinks that it is a good idea that we do not get veterinary medicines that were previously available to us from Great Britain. We hear a lot about how the European Union was so generous with its deal on medicines that it actually allowed people who are suffering from cancer and other illnesses to get generic medicines into Northern Ireland to treat them. That is not generous; it is downright arrogant to deny people medicines. The European Union was supposed to include veterinary medicines in the arrangements that it proposed for human medicines, but it has not done so. As a consequence, the British Veterinary Association has highlighted that 40% of the veterinary medicines that are currently available to them will no longer be available to them.

### 3.45 pm

Agriculture is our biggest industry. It employs around 10% of our population. The European Union is denying it access to up to 40% of the medicines that it currently uses. Think of all the pet owners and how much they love their pets. When they go to their vet, the vet will say, "We can't get you that item any more, because the Europeans don't allow it to come in here. We can't get you that item any more, so we can't treat your pet, or we'll have to treat it with a more expensive product that comes from the European Union". I would really love the people who are calling and bawling for the rigorous implementation of the protocol to represent their constituents' needs, as opposed to their political ideology.

**Mr Deputy Speaker (Mr Beggs):** Answers should be succinct and within the two-minute guidance.

**Ms Bailey:** By taking the action again, the Minister must have thought that the first time was so good that he needed to do it twice. Minister, what good was achieved the first time that you made the move?

**Mr Poots:** Good will come if we succeed, at some point, in getting to a much better place, at which people will not have their bags unpacked as they come into Northern Ireland in their cars. They will not have food taken off them in their family car. If Members care to read the report that is lodged in the Assembly Library, they will find that that is what the European Union wants

to do. Maybe Ms Bailey did not realise that when she put her hand to the rigorous implementation, but that is what you want, Ms Bailey; you want people to have to go through that rigorous implementation, which involves people's cars and luggage being searched when they travel from Great Britain to Northern Ireland. That is a wholly unsustainable position. As I stated, given its unsustainability, if it remains, it will not lead to the restoration of the Executive.

**Mr Allister:** If the serious situation arises in which the courts overrule the Minister's legitimate decision — we have already seen the ill-judged interim intervention — will his position as a Minister and that of any unionist Minister become untenable?

**Mr Poots:** As I indicated, I do not believe that the Executive, now not functioning, will be re-established until the issue is resolved. I cannot see how an issue of such gravity and seriousness can continue to be pushed down the road, with talk of mañana and promises of tomorrow but tomorrow never coming. We had what happened last week because tomorrow did not come. There is a consequence to that. You need cross-community support to operate the Northern Ireland Executive. You will not achieve cross-community support while the European Union continues to impose burdens that do not have cross-community support on the people of Northern Ireland. Someone in Europe needs to wake up to the reality that they are not doing this to assist the peace process. A bomb has been put in the political element of the peace process not by terrorists but by the European Union, which is insisting on destroying the political processes here by its actions. That is unacceptable.

**Mr Deputy Speaker (Mr Beggs):** I also encourage Members to be succinct in their questions. A considerable number of Members have still to ask a question.

**Mr McGuigan:** Minister, following on from previous questions about the legal advice on the SPS checks at the ports, will you confirm whether the legal advice was commissioned by your Department or by you as an individual? Further to that, who met the cost?

**Mr Poots:** The legal advice was commissioned by the Departmental Solicitor's Office, as is normal practice. I do not know what the costs are, because I do not have a bill.

**Mr Harvey:** Minister, do you believe that the rigorous implementation of the protocol that

many in the House have called for is not in the best interests of all citizens of Northern Ireland?

**Mr Poots:** It cannot be. It cannot be, because we have had the issues with human medicines, and we now have the issues with veterinary medicines. We have had the problems with ordinary, basic food items coming into the supermarkets. I am aware of one company that lost just short of half a million pounds in the week before Christmas because goods were not accepted into Northern Ireland as a result of the protocol. It will get to the point when companies turn round and say, "Much and all as we really want to continue to service Northern Ireland, it is not worth the hassle". If you want to drive out choice and drive out companies that have served here for many years, just keep going the way things are going.

People need to be alert to the fact that the protocol is hugely damaging, and we have seen only the edges of it yet. The full and rigorous implementation of the protocol would be devastating to Northern Ireland's economy and consumers. It is devastating to the political process here to the point where we now do not have a First Minister.

**Mr O'Toole:** Minister, as you well know, it is the rigorous implementation of the hard Brexit championed by you and your party without the consent of the people of Northern Ireland that has brought us to where we are now.

I want to ask you about process. You have acknowledged that a decision needs to be taken. You said that the reason why you brought the legal advice in the first place was that you wanted there to be an Executive decision on the continuation of checks. Have you had that conversation with your party leader and the former First Minister? Is it not the case that, given that the DUP has now collapsed the Executive's ability to meet and the First Minister has resigned, there can be no decision —?

**Mr Deputy Speaker (Mr Beggs):** I think that the Member has asked his question.

**Mr Poots:** I thank the Member for the question. Yes, I brought it before the Executive, and it was blocked from coming onto the Executive table. The matter is for those who blocked it from coming onto the Executive table. I do not think that they intended to change their minds, so I can have all the conversations that I wish to have with either Sir Jeffrey Donaldson or Paul Givan, but, as Sinn Féin was determined to block it coming onto the agenda, it was not

coming onto the Executive table, and therefore the Executive had never given authority for those checks in the first place.

**Mrs Barton:** Minister, do you understand and have you quantified the increased costs of administration, delays and transportation as a result of the checks?

**Mr Poots:** I do not want to pre-empt Mr Allister's question, which I will deal with as an oral question, but the cost runs into millions of pound. That is without recruiting anywhere near the number of staff whom we were supposed to have recruited at this stage. I have to say this: the more staff we recruit to carry out needless checks, the more staff we take away from other tasks. Veterinarians are in short supply in Northern Ireland. We need our veterinarians to work in our meat plants to assure the public of the quality of meat they get. We need our veterinarians to deal with avian influenza. The farming community and the public in general need veterinarians to carry out care for their animals and ensure that there is good animal welfare throughout Northern Ireland. Opening containers on lorries and checking whether Sainsbury's, Asda, Tesco, Henderson or whomever it happens to be has all the items in the precise order that is on the paper, in my opinion, is a complete and utter waste of time and money and of a veterinarian's time when they should be getting on with the job of providing care for animals and assurance to the public about the quality of food that they get.

**Mr Dickson:** Minister, what positive contribution have you made to resolve the issues? At the end of the day, what is needed is the resolution of the sanitary and phytosanitary issues that have been raised as a result of the failure of Brexit not only in the United Kingdom but particularly in this part of the United Kingdom. What I want to hear from you is not what you are opposed to, but what you are doing positively to negotiate the changes that are required to improve the protocol that you so vehemently oppose.

**Mr Poots:** I will point out to the Member that I am not part of the negotiations. I wish that I was, but I am not. The negotiations take place between the United Kingdom Government and the European Union, and they are not about Brexit; they are about the protocol. I have engaged consistently, particularly with Her Majesty's Government, to the point where we got the operational Command Paper, which was a significant step forward. Then we got the negotiations reopened with the European



Union, and I have engaged with Maroš Šefčovič.

We need to be clear that the negotiations have been running on for many months now. We need to get down to the detail and to get the negotiations concluded, because what we have is unacceptable. If the European Union does not care about the peace process in Northern Ireland, it will continue to dig its heels in, to drag its feet and to oppose change. If people here are foolish enough to encourage it to do that, the consequences will be massive damage to the political process.

**Mr Lunn:** I go back to Mr McGuigan's question about the legal advice. Minister, is it not unprecedented that the Departmental Solicitor's Office should go to a previous Attorney General for advice? Is it not the case that it was most likely directed to do so by you?

**Mr Poots:** When someone steps out of one position, it does not preclude them from providing advice in the future. Is the Member suggesting that some form of discrimination should exist and we have a particular person whom we are not allowed to take advice from?

The individual who gave advice is an experienced constitutional lawyer and has significant standing as a constitutional lawyer. People of his standing are not that common in Northern Ireland. Therefore, using someone of that standing gives me a sound basis for making the decision that I made.

**Mr Deputy Speaker (Mr Beggs):** I encourage Members to be succinct in their questions. There are five more Members to speak.

**Mr Irwin:** Will the Minister outline the process that he used in coming to issuing the instruction last Wednesday to officials to stop the checks at the ports?

**Mr Poots:** The process was a fairly simple one. In the first instance, I went to the First Minister and deputy First Minister to request permission to go to the Executive with a paper that would seek permission to continue the checks. Sinn Féin denied me the opportunity to go with that paper through the deputy First Minister, and, consequently, we were left in circumstances where the Executive had not ruled on it. Given the court hearings that had taken place over the autumn months and the pre-action protocol letter that had come in, I required legal advice. I received legal advice, and that took me to the position where we needed to stop the checks

until the Executive had given clearance for those checks to be carried out.

**Mr Nesbitt:** The Minister referred to the EU recommendation that people moving here from Great Britain should have their cars and personal luggage searched. Does he agree that the logical end point of that policy is strip-searching?

**Mr Poots:** I am not sure, but the Member may draw that conclusion if he so desires. I will say that none of this is required, none of it is necessary and none of it helps the integrity of the European Union's single market.

I will say this clearly, because the European Union needs to know it: we have no intention of being used as a back door to import materials to the European Union's single market that undermines the integrity of that single market. I am happy to be helpful on that front, but it cannot expect us to impose such punitive checks on all the people of Northern Ireland, in spite of the fact that some of their public representatives would slavishly comply with the Holy Grail of Brussels.

**Ms S Bradley:** I appreciate that I may be asking one of the final questions today, but not even at the bottom of my barrel did I find the previous question that was asked of the Minister.

The Minister has put on record the very deep-rooted grievance that he clearly has with the UK Government who negotiated the Brexit protocol. After reflecting on his actions over recent days and weeks, does he recognise that he has now ultimately silenced himself as a player in where we move forward to in Northern Ireland?

**4.00 pm**

**Mr Poots:** The Member is right: I have a grievance about that, which I am well entitled to have. The grievance is shared by hundreds of thousands of people across this country, so it is a genuine grievance. I do not believe that we are silenced, and that will be demonstrated over the weeks and months that lie ahead. We are pressing hard to get an acceptable outcome. We may have different ideas about how we go about challenging the protocol, but, given that no unionist party supports the current circumstances, nationalism would do well to reflect on that and recognise the need to work with its neighbours to get an outcome that is good for unionists, nationalists and others, and is good for this country as it continues to thrive and grow its economy. We should all be about

that, not about raining down political solutions that cause harm to the political process.

**Mr T Buchanan:** Is the Minister at liberty to divulge to the House the contents of the legal opinion, which directed him to consider that as the most appropriate and only course of action that could be taken?

**Mr Poots:** Legal advice is privileged and, therefore, does not have to become public knowledge. However, I am happy to indicate that the legal advice discussed extensively issues around the Belfast Agreement and our role to ensure the implementation of that agreement. I note that some Members of the House who previously stood up as the biggest defenders of the Belfast Agreement appear, on this occasion, to think that another agreement supersedes the Belfast Agreement and, therefore, we should just ignore it.

**Mr Chambers:** Will the Minister give his assessment of the number of UK suppliers that are choosing not to supply this part of the United Kingdom? Does he agree that that is having an adverse impact on every citizen of Northern Ireland?

**Mr Poots:** The relevant Minister stated in Parliament that he was aware of over 200 companies that have indicated they will not supply Northern Ireland. There could be many other smaller businesses. For many people, the problem is that the checks are so laborious. For many importers, the checks are laborious. It is easier to import from the USA and China than it is to import from Scotland, which is less than 20 miles away. We have people who can import trees from Latvia but not from Lancashire, which is entirely illogical. We are planting Her Majesty's canopy to celebrate the platinum jubilee and the 70 years of service that Her Majesty has given. It is more than likely that the trees will have to be imported from a third country rather than planting trees that have been grown in Her Majesty's United Kingdom. That is how perverse the protocol is. For anyone who thinks that we are going to go along mildly, ignore all that, roll over and accept it — sorry, that will not happen. People need to wake up to that reality.

**Mr Deputy Speaker (Mr Beggs):** I thank Members for their cooperation. That concludes questions on the question for urgent oral answer. I ask Members to take their ease for a few moments.

## Executive Committee Business

### The draft Single Use Carrier Bags Charge (Amendment and Revocation) Regulations (Northern Ireland) 2022

*Debate resumed on motion:*

*That the draft Single Use Carrier Bags Charge (Amendment and Revocation) Regulations (Northern Ireland) 2022 be approved.*

**Mr McGuigan (The Deputy Chairperson of the Committee for Agriculture, Environment and Rural Affairs):** I welcome the opportunity to speak today, as Deputy Chair of the Committee for Agriculture, Environment and Rural Affairs, and to outline the views of the Committee on the regulations being proposed. The Committee is acutely aware of the importance of protecting our local environment by ensuring that all steps are taken by the Government and the public to reduce littering and unnecessary waste. All Members will agree that the sight of discarded plastic bags in hedgerows, at the sides of paths and on roadsides is an eyesore that not only detracts from the beauty of our natural landscape but can be a threat to wildlife.

The 5p charge on carrier bags, introduced here in 2013, was a very extensive and detailed levy. It has been very successful in discouraging members of the public from unnecessarily purchasing bags, which has reduced plastic consumption and helped to protect the local environment. The revenue generated from the levy has also provided valuable resource through investment in and support of environmental projects. Whilst, however, it has become routine for many of us to bring our own bag when shopping, single-use bags are still commonplace in the high street. Large retailers are producing thicker heavy-duty bags that take longer to degrade than flimsier plastic and therefore carry a higher environmental burden.

In the context of pledges from the Government to protect the environment and mitigate the impacts of climate change, it is an opportune time to reinvigorate and re-educate the public on this issue through the regulations being debated today. The regulations will require retailers to increase the charge for a carrier bag from 5p to 25p and amend exemptions to make it chargeable on all bags priced up to £5. They will also extend the charge for purchases made

on certain forms of travel and simplify processes for retailers and customers by applying the charge on bags of one overall size.

In May 2021, the Department notified the Committee of its intention to consult on this matter and then provided a written briefing on the results, which the Committee considered at its meeting on 7 October 2021. The Committee noted that the vast majority of respondents were supportive of an increase in the charge and that a price of 25p would discourage people from buying a single-use bag. The Committee sought assurance and clarity in writing from the Department on the rationale for the proposed 25p price and asked whether other potential charges had been considered.

The Department informed the Committee that it had looked at the potential effect of 10p and 20p charges and, based on the information available, it was evident that many consumers purchasing single bags already pay that amount for them. Therefore, the higher charge of 25p was preferred as the means to positively impact consumer behaviour. The Committee was content with this rationale and advised the Department to bring forward the regulations. After the Examiner of Statutory Rules identified that the rule was laid under incorrect procedure, the regulations were subsequently relaid with the Business Office under the correct procedure, and the AERA Committee, at its meeting on 27 January 2022, recommended that the Assembly affirm the regulations.

In summary, the Committee is very supportive of the regulations and considers that the increase in charges for single-use bags and the extension of the levy will discourage unnecessary purchasing of bags, reduce the amount of plastic that is used and go some way to protecting our health locally.

**Mr Irwin:** I welcome the motion from my colleague Edwin Poots. In an era when our environment and its protection have never been more to the fore, this is a timely piece of legislation that will further reduce the use of plastic bags generally across the Province.

The history of the issue is important. When the levy on carrier bags was brought in back in 2013, approximately 300 million single-use plastic bags were distributed per year. That is certainly a shocking statistic. To back up the necessity for the scheme, from its inception, the impact of the levy has been significant and has meant a reduction of some 80% in the number of single-use plastic bags over that period. I understand that, in contrast, 56 million bags were issued in the past year. That sizeable and

welcome reduction shows that the legislation has had an important impact. However, there is still a significant way to go, and the increase of the charge from 5p to 25p will have a further impact on driving down the use of plastic bags and will help to again reshape the habits of consumers away from using single-use bags to more sustainable solutions that have much less of an impact on the environment.

The Minister has taken decisive action by proposing an increase in the levy from 5p to 25p, which will make the levy here the highest in the UK. However, as I said, that is necessary because, as with the original levy, it will change consumer habits. Plastic that ends up in landfill is a huge and mounting problem that must be tackled robustly. The increase in the levy is the type of bold step that must be taken to encourage consumers to consider the impact of their shopping habits and to adjust them towards more sustainable methods.

The fact that larger-volume reusable bags are being sold in greater numbers is a further call to action. Given the fact that those bags are made of heavier-duty plastic, they have an even greater impact on the environment when they end up in landfill and blow around hedgerows. As they are made to last longer, that problem is intensified.

In the era of renewed focus and determination to act on environmental issues and how we use and reuse a wide variety of resources, the levy offers a clear pathway for improvement, and I welcome this further legislative drive. With Northern Ireland set to have a higher levy than the rest of the UK, it positively signals our intent to lead by example and to deliver meaningful and lasting environmental change on a matter that each and every one of us can play a real part in. The throwaway culture must end. Indeed, when we look across the countryside, we see that littering is a significant concern generally. In my constituency, the Armagh City, Banbridge and Craigavon (ABC) Borough Council spends a considerable sum cleaning the borough. Much of that work is as a result of people discarding rubbish, including carrier bags.

I support the motion as a signal of our continued intent to address environmental concerns across the Province.

**Mr Durkan:** The SDLP supports the approval of the draft Single Use Carrier Bags Charge (Amendment and Revocation) Regulations.

The single-use carrier bag levy has been hugely successful since its introduction. Sadly,

we do not have too many pieces of legislation that have been anywhere near as successful. The levy has raised the awareness of the environmental damage that is caused by those items, and it has encouraged people to reuse carrier bags instead of repeatedly buying new ones. It has dramatically reduced the number of bags that are in circulation, the amount of waste from them that has gone to landfill and the number of them, which are not just eyesores but pose dangers to our wildlife, that we see floating around our streets or tangled in our hedgerows. At the same time, the charge has assisted in funding local projects that help to enhance and improve the environment.

During my time as Minister of the Environment, I had the pleasure of visiting many communities and schools that used very little funding to have a very big impact on promoting and protecting their local environments.

While the motion under consideration has our unreserved support, what consideration have the Minister and the Department given to the removal of that funding stream from groups that are doing very important work? I hope to hear that consideration has been given to that and that money will be ring-fenced in the departmental budget to allow such good work to continue.

#### 4.15 pm

The proposed changes will raise the levy per bag from 5p to 25p. I raise this note of caution for the Minister: we have to be careful how we pitch that in the current cost-of-living crisis. Obviously, if you buy one bag, that should do you. However, sadly, that is not the way things work in the real world. We need to be careful about how the changes are conveyed or, in some instances and in some sections of the media, possibly misconstrued as an attempt by Stormont to screw people over. I do not know whether any budget, given that there is a lot of money sloshing around in Departments that needs to be used by the end of the year, or scope exists to identify where the use of single-use bags is still very high and to target those areas by giving free bags to shoppers.

Most of the existing exemptions to the levy will be removed. The remaining exemptions will be simplified for the benefit of customers and retailers. As other Members said, the changes will address the trend towards the purchase of heavy-duty bags that were previously exempt but that have a worse environmental impact. It is appropriate that we take those steps in response to changes in customer behaviour in

order to keep the momentum going towards a more environmentally responsible society. Small changes in our individual behaviour can combine to have a great impact.

The amendments to the Single Use Carrier Bags Charge Regulations will encourage changes that have a positive impact on our environment. The rise in online purchases highlights an area where more action is and will be required. Many producers and manufacturers have already taken steps to reduce the amount of waste caused by packaging by reducing the amount of plastic in packaging and increasing the use of natural materials that can be recycled more easily, but a lot more needs to be done to improve the environmental impact caused by excessive and irresponsible packaging. The Department is working hard to progress a bottle deposit return scheme. Will the Minister provide us with a wee update on that?

The carrier bag charge has shown that simple but effective measures can be introduced to encourage more environmentally responsible behaviour by customers. The SDLP believes that the same focus should be put on producers and manufacturers to encourage a similar change in behaviour.

**Mrs Barton:** On the introduction of the carrier bag levy legislation in Northern Ireland in 2013, there was an understanding that it may be a phased approach. At that time, the levy was set at 5p. However, even then, there were some suggestions that a much higher levy would be more appropriate. The 5p levy appears to have been very successful in that it is estimated to have removed in excess of 1.7 billion bags from circulation and to have delivered significant results on the initial policy objective of protecting the environment by regulating against the unnecessary use of bags. It has generated proceeds in excess of £35 million, which have subsequently been reinvested to support a broad range of environmental projects across Northern Ireland.

Evidence gathered from across the Northern Ireland retail sector outlines that, since the introduction of the levy, a significant number of the larger retailers have already increased the price of their bags to more than 5p. It is clear that, despite those consistent and ongoing increases, customers across Northern Ireland have continued to purchase a range of bags at a cost of up to and over 20p and, frequently, £1 or more. As with everything, there have been downsides to the scheme. A high quantity of bags now in circulation are heavier and thicker and have a highly adverse environmental

impact. Many go to landfill, where they take much longer to degrade than single-use bags. In the worst-case scenario, some end up polluting watercourses.

Positive change is needed to redress and re-educate customer and retailer behaviours. Moreover, given that the market is now swamped with heavy-duty bags priced at 20p or more, only by increasing the levy on all bags to 25p can a significant, positive environmental change and outcome be delivered.

It is anticipated that the increase in the levy will generate additional income for the Department to fund environmental projects across Northern Ireland. Minister, it would be useful if you can advise and inform us of what plans are in place for that additional spend.

Furthermore, Minister, there has been a question from butchers regarding the additional levy on bags. In the interests of hygiene, many butchers place sausages and minced meat in plastic bags that are not very strong. Those bags are then put into a slightly stronger plastic bag for the consumer to carry so as not to mix them with her or his other products. Will you give an assurance that that single-use plastic bag will be exempt from the levy?

There is general public support for the proposal, to which the Ulster Unionist Party adds its support.

**Mr Blair:** On behalf of the Alliance Party, I generally welcome the increase of the carrier bag levy in Northern Ireland. We also need to focus on addressing plastic pollution, which can be distracting and divert attention from addressing the crux of the climate emergency, for example.

The fight against the climate crisis requires much more than environmental policy tweaks. It demands urgent, radical change based on long-term security and collective prosperity. That is not to say that plastic pollution is not a problem. Rather, there are greater problems and increasingly urgent crises facing the world, such as catastrophic storms, droughts and other severe weather shocks linked to climate change.

In October last year, the Intergovernmental Panel on Climate Change (IPCC) produced a report detailing the drastic action needed to limit global warming to 1.5°C. Much of that focused on what individuals could do to reduce their carbon footprint, but it is important not to forget the large-scale, systemic changes needed internationally to tackle all environmental

concerns. Those include longer-term and more-effective solutions to the plastic problem but also more radical, large-scale action to reduce consumption and decarbonise economies rapidly. The focus needs to be on making the necessary legislative changes to tackle the climate emergency rather than on having a narrower focus on sustainable customer choices such as using a reusable carrier bag.

We have a narrow window of opportunity to address the critical challenge of climate change and mitigate deadly disasters. Now is not the time to be distracted by the convenient truth of plastic pollution, as it presents relatively minor threats compared with the threats posed by systemic global climate change.

In closing, I will briefly address the implications that the levy increase may have on working families facing the cost-of-living crisis. Government actions mean that people across the UK face a cost-of-living nightmare, with a National Insurance rise and the biggest increase in the price of domestic energy since records began. Raising the single-use carrier bag charge — in this instance, a fivefold increase — will add to the pressures faced by many. Although I welcome the increase in the carrier bag levy, I hope that it will lead to significant success in reducing litter, protecting wildlife and influencing customer behaviour. It is important, however, that steps be introduced to support those who are under mounting pressure as the cost of living increases. That having been said, I support the regulations.

**Mr Dickson:** This is a very important issue and I am delighted to support the proposal.

It is no secret that we, as humans, are altering our environment at a terrifying rate. For some of the problems that we face, the solutions are difficult and complex. Others are within our reach, and this is one that is within our reach, at least in part. I am talking about the subject of plastic pollution and our throwaway culture. This is about changing our attitudes to that type of culture, which is having a devastating impact on our climate.

Plans to build on the current plastic bag levy are very welcome, and I do not doubt that they will make Northern Ireland a better place to live in from an environmental perspective and from a tourism perspective, as we will hope to see fewer plastic bags hanging in hedges and polluting our rivers and waterways and, indeed, polluting the whole of our communities.

Investing in this is important. The initial plastic bag levy has been positive and successful, and

I congratulate the Minister on that. Prior to its introduction in 2013, some 300 million bags were estimated to be distributed each year. There has been a significant drop — to around 84 million — since the inception of the levy. That is a massive reduction, and I hope that the proposed change will see that reduce even further.

It is, of course, great to see that overall reduction in plastic bag usage. However, like other Members, I am concerned about the soaring sales of so-called bags for life, which have become the new go-to single-use bag. I hope that the levy will go some way in ultimately addressing that as another root cause of the crisis — the myth of the throwaway plastic bag.

Resources are extracted, manufactured and transported to be used only once, yet, according to the British Antarctic Survey, plastic bags float from the Arctic Circle to the Falkland Islands in what are called plastic islands. The largest of those is the Great Pacific garbage patch, which is the size of the state of Texas and is made up of degraded single-use plastic items like bags, cutlery, bottles and cups.

There are undoubtedly many things that we can do personally, and we all try to make our own efforts, but, regardless of whether we recycle more, use more items for life or make healthier and more environmental choices, we all have a role to play in ensuring that plastic does not end up in our natural environment because that can cause risks to animals, such as cows or others in fields, and to our wildlife in general and can destroy and disrupt our watercourses. One of the most horrific things is the amount of microplastics that is getting into our water supply, many of which come from the plastic bags that we are trying to legislate on today and take many, many, many years to degrade. They do not actually degrade; they end up in our watercourses as microplastics. The United Nations predicted that, by 2050, there will be more plastic in the sea than fish. Let that sink in. How terrifying a prospect is that?

The Chamber is leading the way today, and initiatives like the carrier bag tax have a positive impact on behaviour, but much more needs to be done. Along with promoting good behaviour, people need fiscal drivers to make those changes. We often speak about recycling and reusing, but the reality is that we need to be reducing and, where possible, reducing to zero use. We need to be inventing, and we need to be inventive. We need to be using new materials — natural materials — that are truly biodegradable in the best sense of the word in

that they will contribute to our biodiversity, and we need to legislate for a just transition to greener alternatives.

My party, the Alliance Party, has published 'A Green New Deal', which is a very clear and very positive image that sets out a vision for a sustainable future and a vision of a single-focus management system that will reward people for recycling and end the overuse of waste that ends up as landfill. We want to strengthen our domestic and commercial incentives to recycle, and we want to implement deposit return schemes, one of which has happened in my constituency in Whitehead: a very positive scheme engaged the community, allowed people to recycle and incentivised them to do so.

Reducing plastic waste will undoubtedly be a mammoth task, and I do not underestimate the task that the Minister and his Department have in playing their part.

Raising the plastic bag levy is welcome and has a role to play. However, it only scratches the surface compared with what is needed. Consumers want action. "Waste" is the operative word: we must not waste any more time, Minister. Thank you for bringing in this welcome legislation.

#### 4.30 pm

**Mr Allister:** I cannot support the proposal, primarily because of the extortionate 500% increase involved. It may be on a very selective item, but it comes in the midst of a cost-of-living crisis. To me, it is wholly punitive and beyond anything that, in conscience, should be considered. From 5p to 25p may not sound much or be much to many Members of the House, but, cumulatively, it could be too much for those who struggle. It is wrong-headed at this time, and it is not appropriate for the House to indulge in an increase of such massive proportions.

**Mr Poots (The Minister of Agriculture, Environment and Rural Affairs):** Thank you to the Members who raised issues and to the House for its significant support of the motion that I have proposed today.

Mr Durkan raised the issue that less money might come in as a consequence of the carrier bag tax. It would be good news if that were the case. Mrs Barton thought that more money might come in. The truth is that we do not know. I anticipate that fewer bags will be acquired, albeit, as Mr Allister points out, the bags will be

five times as expensive. If that leads to an 80% reduction, we will bring in a similar amount of money. If it leads to a greater reduction, we will bring in less money. That is, ultimately, what I want.

I do not want, as Mr Allister points out, to cause hardship to any family. The truth is that 10 or 12 bags would last you for the year. I know that because I see what is used in our home. If you buy 10 or 12 bags at 25p, you are looking at £2.50 or £3 per year, which is a cost of 5p or 6p per week. I do not, therefore, accept the argument that it will cause people hardship. It will cause people hardship only if they continually throw away bags, and we do not want them to do that. If it is punitive, it is because it is self-punitive, not because it has been imposed on them by the House. I encourage people to recognise that.

Further steps need to be taken to further reduce the number of bags. When it was introduced by Minister Durkan — I always give him credit for it — there were 300 million bags in use. That reduced to around 56 million, but there are still 56 million bags in use. That sounds close to 82% to me, so this is the next step towards net zero. We will not achieve net zero with it, but continuing to drive down the use of bags will certainly be a step towards achieving more than 82%.

I was struck by what Mr Dickson said about the plastic pollution in our seas. That is one of the issues. I suspect that not properly managing our waste and, consequently, exporting it has potentially led to much of it ending up in our seas. Unscrupulous companies may have indicated that they were taking material to China, but it may well have never seen China, because there was a cost to offloading it there. There was no cost to offloading it in the sea when nobody was looking.

We all need to take our responsibilities seriously. I hope that Mr Allister will join us in taking those responsibilities seriously. This is not about punishing individuals. It is about cleaning up our environment and sending out a message that buying a bag, using it once and throwing it away is not acceptable in society, because it causes harm to the environment, to the community and to wildlife and sea life.

This is not forcing individuals to do anything. Let us clean up our act, and let us all get behind cleaning up our act.

**Mr Deputy Speaker (Mr Beggs):** Before we proceed to the Question, I remind Members that

cross-community support is required under section 63(3) of the Northern Ireland Act 1998.

*Question put and agreed to.*

*Resolved (with cross-community support):*

*That the draft Single Use Carrier Bags Charge (Amendment and Revocation) Regulations (Northern Ireland) 2022 be approved.*

**Mr Deputy Speaker (Mr Beggs):** I ask Members to take their ease before the next item of business.

*(Mr Speaker in the Chair)*

## **Climate Change (No. 2) Bill: Consideration Stage**

*Debate [suspended on 01 February 2022] resumed.*

### **New Clause**

**Mr Speaker:** We now come to the fourth group of amendments for debate. With amendment No 43, it will be convenient to debate amendment Nos 44, 50 and 52 to 54. Within the group, amendment No 43 is mutually exclusive to amendment No 38. Amendment No 52 is mutually exclusive to amendment Nos 38 and 43. Amendment No 53 is mutually exclusive to amendment No 50, and amendment No 54 is mutually exclusive to amendment No 44.

I will not call amendment No 43, as it is mutually exclusive to amendment No 38, which has been made. I call Clare Bailey to move amendment No 44 and to address the other amendments in the group.

**Ms Bailey:** I beg to move amendment No 44: After clause 16 insert—

### **"Just Transition Fund for Agriculture**

**16C.** *The Department must establish a scheme known as the 'Just Transition Fund for Agriculture' to provide financial assistance and advice to the agricultural sector to deliver its contribution under proposals and policies for the purposes of section 16."*

*The following amendments stood on the Marshalled List:*

No 50: After clause 16 insert—

**"Just Transition adviser**

**16I.—(1)** *The Executive Office shall appoint a person, persons or body to provide advice and constructive challenge to Northern Ireland departments and public bodies in respect of duly applying the Just Transition Principles (see section 16B) across the plans, policies, services and budgets of departments and the Executive at large, on a whole of government basis which recognises that just transition to a low and zero carbon economy will entail whole of society inputs and impacts.*

*(2) In this section, references to a 'just transition adviser/appraiser' are to any such body or person.*

*(3) The just transition adviser/appraiser shall*

*(a) provide advice for the Executive in respect of the requirements for a whole of government commitment to ensure that the just transition principles are duly reflected in the plans, policies, delivery programmes and budgets of all public bodies in Northern Ireland as well as in the Programme for Government;*

*(b) provide advice to the Department of Finance on a Just Transition Fund or Funds which might support sectors of the economy and sections of the community through some of the costs and challenges of moving towards and achieving carbon neutral targets;*

*(c) provide advice and constructive challenge to departments and public bodies in respect of the serious and sustained commitments needed across government to achieve adherence to just transition principles;*

*(d) report on how just transition principles are being supported in practice, appraising the qualitative contribution of public bodies and recognising both performance and pressures in respective sectors;*

*(e) offer advice on cooperation and coordination with other administrations (including via the NSMC and BIC) to support fulfilment of a just transition;*

*(f) to facilitate and inform the Assembly's scrutiny of just transition plans, funding and frameworks and oversight of strategic performance and progress, in particular by direct and ongoing engagement with an Assembly Committee designated to oversee progress across government in respect of a just transition as an essential dimension of*

*delivering on the climate action targets and duties of this Act.*

*(4) The Executive Office may consult such persons as it considers appropriate on—*

*(a) whether this role would best be assigned to a person, persons or a body;*

*(b) how the adviser/appraiser should engage with respective departments and public bodies;*

*(c) the status of a just transition adviser/appraiser (and, in the case of a body, its membership);*

*(d) how the just transition adviser/appraiser might show particular consideration for views from the Equality Commission, Human Rights Commission and other commissions or commissioners in respect of particular rights, needs and interests;*

*(e) the staff and resources that should be made available to such an office.*

*(5) The Executive Office must prepare a report on the consultation and—*

*(a) lay the report before the Assembly, and*

*(b) publish it in such manner as the Office considers appropriate, and*

*(c) give particular consideration to the views of an Assembly Committee designated to oversee whole of government preparations and performance in respect of both a full response to the climate emergency and ensuring a just transition to a climate resilient and carbon neutral economy.*

*(6) The Executive Office must make the first appointment(s) under this section no later than 18 months after the day on which this Act receives Royal Assent."— [Mr McGlone.]*

No 52: After clause 16 insert—

**"Just Transition principle**

**16K.—(1)** *In deciding its proposals and policies—*

*(a) for the purposes of section 16;*

*(b) in pursuit of wider and longer-term Executive/Programme for Government commitments on climate action;*



(c) to contribute to Northern Ireland's adherence to international targets and obligations to respond to the climate change emergency;

(d) to advance such priorities and purposes through the North-South Ministerial Council, British-Irish Council and other arrangements for structured cooperation on climate action, each Northern Ireland department must have regard to—

(i) the just transition principle (see subsection (2)) and

(ii) the desirability of using and supporting nature-based projects (see subsection (3)), whether alone or with other types of action.

(2) The just transition principle is the importance, in taking action to reduce Northern Ireland emissions and increase Northern Ireland removals, of doing so in a manner which, so far as possible, achieves the objectives of—

(a) supporting environmentally and socially sustainable jobs,

(b) in particular, supporting the agriculture sector and other sectors of the economy in Northern Ireland that are likely to be most affected by action to reduce those emissions and increase those removals,

(c) supporting low-carbon investment and infrastructure,

(d) developing and maintaining consensus through engagement with (among others) workers, trade unions, communities, non-governmental organisations and representatives of the interests of business and industry,

(e) creating decent, fair and high-value work in a way which does not negatively affect the current workforce,

(f) contributing to a resource-efficient and sustainable economy,

(g) supporting persons who are most affected by climate change, particularly those who may have done the least to cause it or may be the least equipped to adapt to its effects, and

(h) reducing poverty and inequality, including by avoiding their exacerbation as a result of transitional adjustments which are not

accompanied by duly targeted measures of social support and mitigation.

(3) 'Nature-based projects' are projects to protect, restore or sustainably manage ecosystems in order to promote both human well-being and biodiversity or provide other environmental, social and economic benefits.

(4) The duty under subsection (1) is in addition to, and does not limit, the duty under section 25 of the Northern Ireland (Miscellaneous Provisions) Act 2006 (sustainable development).

(5) Each report under section 16 must explain how the proposals and policies set out in the report take account of the just transition principle.

(6) Each report under section 16 must include an assessment by the Department of the effect of the proposals and policies set out in the report on small businesses.

(7) In subsection (6), 'small business' means a business that employs fewer than 50 persons.

(8) The Department may by regulations amend subsection (2) or (7).

(9) Regulations that amend subsection (8) may define a small business by reference to such matters (or combination of matters) as the Department considers appropriate (including, in particular, the number of its employees, its turnover and its balance sheet).— [Mr McGlone.]

No 53: After clause 16 insert—

### "Just Transition Commission

**16L.**—(1) The Department must establish a Just Transition Commission to—

(a) oversee the implementation of the Just Transition elements of this Act, and

(b) provide advice to departments on how to ensure their proposals, strategies, plans and policies comply with Just Transition principles.

(2) The Commission will comprise of representatives from, but not limited to, the agricultural sector, the fisheries sector, academia, trade unions, youth groups, civic society and environmental groups.— [Mr McGuigan.]

No 54: After clause 16 insert—

**"Just Transition Fund for Agriculture**

**16M.**—(1) *The Department must bring forward regulations to establish a fund, known as the 'Just Transition Fund for Agriculture' to support farmers in making changes to reach the target set out in section 1 and to adapt and mitigate climate change and support research, innovation and knowledge transfer.*— [Mr McGuigan.]

**Ms Bailey:** In the process of creating our own overdue, obviously, and urgently needed climate legislation, just transition as a concept was relatively unknown or engaged with. I doubt that many in the House would have even thought it possible to embed it in legislation. I am proud that the Green Party has pushed this to the fore via the cross-party private Member's Bill (PMB), and credit should be given to civic society, which has been clear in its demand for the transition to be a fair one that benefits society as a whole, actively seeking to leave no one behind. It is testament to that demand and continued outreach and engagement that we now see amendments from so many co-sponsor parties to the PMB.

There are commonalities in the group 4 amendments, and they all translate into creating cohesive working to build the best possible just transition framework into the Bill. I am glad that our amendment No 41 on the just transition principles has already passed, through previous amendments voted on last Wednesday. Given that, I will make my comments brief and will focus on the just transition fund for agriculture.

To set the context for the debate, it is useful to point briefly to the politics around a just transition. In essence, they are universally accepted as being that the rapid transformational shift to a post-carbon economy must improve and not inflict hardship on the lives of working people and communities. A just transition should improve our social and ecological well-being, while advancing social justice goals. Linked to that is something fundamental to how we enact the legislation. It cannot be something that is done to people; it must be done with people. The changes that will happen over the next few decades will be monumental, and, if we do not bring people along with us, we fail.

It is imperative that we, as leaders, do everything in our power to make sure that people are put at the heart of decision-making

from here on. There is a mountain of work to be done on public participation in the process. People need to understand why we are doing what needs to be done and why the changes must be made, and they need to be involved in designing, co-developing and implementing solutions. Climate action has the potential to transform our societies for the better, but it has to be done right. All too often, this institution gets that wrong, and the very systems that we have designed, in which we operate, leave people behind.

Citizens feel excluded and, all too often, powerless, and that needs to change. I, for one, will do all that I can to make it happen.

**4.45 pm**

I will turn to amendment No 44, which establishes a just transition fund for agriculture. That would fund a scheme to provide financial assistance and advice to the agriculture sector to deliver its contribution to the overall target. The amendment is not intended to be overly prescriptive in order to allow DAERA maximum flexibility in designing the scheme.

The fund does not extend to the entire agri-food sector, however, because the extra challenges in decarbonising agri-food stem from emissions from livestock at farm level, while food processing should have no more difficulty with decarbonising than manufacturing in any other sector. The fund therefore needs to be for on-farm support. Workers in food processing plants will be protected by the just transition principles in the same way as workers in other sectors are. For that reason, we would have no issue with supporting the Sinn Féin amendment on a just transition fund for farmers, should our amendment fall. In Scotland, a similar model is aimed at supporting investment in measures to reduce greenhouse gas emissions on farms. The scheme can be accessed by any business in receipt of the basic payment, and, although the Department will ultimately be responsible for designing the scheme, I fully expect the same criteria to apply to the fund here.

I hope that the amendment alleviates the concerns of some farmers, given the misinformation that they have received that says that they may not be supported to continue to farm well into the future. I was interested to see that the Minister did not guarantee any such support for farmers in any of the amendments that he tabled, preferring instead to trundle on with the business as usual plan, with some environmental additives — the very business model that has led them to be in

the dire place where they stand now. I would welcome his support for a fund, and I hope that he can support the amendment.

The Minister has spoken throughout Consideration Stage about farmers being paid not to farm. I caution him against continuing that campaign of misinformation and fear. Farmers can be paid for nature-friendly farming, for agroecology, for rewilding and for taking part in environmental schemes, research, innovation and so much more. They can be paid to invest in new machinery. They can be paid to carry out carbon audits on their farms. The fund is not a wolf in sheep's clothing. It is practical support to ensure that the burden does not fall on farmers' shoulders. If the Bill is enacted, farmers should not be forced to jump through hoops over and over again after being turned down by the Department, as is the case with environmental improvement schemes, for example. That is yet another reason that independent oversight of the Bill will be critical.

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

**Ms Bailey:** Yes.

**Mr Allister:** Does the Member not blush even a little as, having spent last week pushing through and supporting the most trenchant assault that will devastate our agriculture industry, she now tries to salvage something by talking about a just transition fund? Is it anything more than conscience money from those who have devastated and will devastate our farming industry?

**Ms Bailey:** I thank the Member for that. No is the quick answer to that one. Over the past few months, I have been in touch with many representatives of the agriculture sector and heard a wide variety of views. In the past week especially, I have heard from farmers who have been told that the net zero vote will result in overnight reductions in herd numbers of up to 80%. It is untrue, of course, but that has not stopped the misinformation from getting out there. It is not going to happen.

The Minister claims to represent farmers, when, in reality, what he is doing is forcing the uncertainty of Brexit on them. Now he tries to blame the consequences of that on the chaos of climate targets that are supported by a majority in the House. Climate chaos will wreak destruction on the Northern Ireland agri-sector, and we all know it.

In recent days, many farmers have reached out to me to express their full support for the Green

Party's proposal for a net zero target. Unfortunately, a common theme in that correspondence has been that they are afraid to speak out publicly. What does it say about our culture of political discourse here that some farmers feel unable to contribute to such an important debate? Whilst other actions and rhetoric have silenced some farmers, we have listened to them, and that is why we have proposed the just transition fund for agriculture.

Our amendment No 44 seeks to create a just transition fund for agriculture. It is a necessary measure to ensure that our farmers are supported and protected so that they can survive and thrive well into the future knowing that they are valued, whether they are hill farmers or in the lowlands, whether or not they are on smallholdings, or whether they farm livestock or crops. They all have a part to play, and we need to support them to enable them to do what they do best.

The amendment was led by the AERA Committee during its scrutiny of the cross-party Bill, and I hope that the cross-party support for it remains. I am heartened to see so much support for a just transition in these amendments and that there is significant overlap between Members' amendments. I encourage Members to support our just transition fund as the one that covers most bases. I invite them to work with us at Further Consideration Stage, if need be, to strengthen the provisions even more.

**Mr McAleer (The Chairperson of the Committee for Agriculture, Environment and Rural Affairs):** First, I will speak on the group 4 amendments on behalf of the Committee for Agriculture, Environment and Rural Affairs. The Committee's support for the principles of just transition was reflected very strongly during the deliberations on the Climate Change Bill and the Climate Change (No. 2) Bill. The Committee supported the just transition principles in one of the earlier groups of amendments. I should say that although the Committee has not taken on a view on the specific amendments in group 4, it very strongly welcomes the principles of just transition.

I will speak briefly in my capacity as a Sinn Féin representative. We feel that it is essential that just transition is at the core of the Bill. We want to ensure that the transition to a net zero society does not adversely impact on any sector. To that end, we believe in the just transition fund. We also believe that it is important that the proposed climate action plans are subject to a 16-week consultation with all sectors that will be involved in the co-design

of those plans. It is also important that the plans undergo equality, rural and economic impact assessments, as well as the small and medium business impact test, before being agreed by the Assembly.

We tabled an amendment on just transition funding because it is an issue that we raised during discussions on the private Member's climate Bill. We believe that that is necessary in order to support farmers to make the transition to net zero. We recognise that farmers are the custodians of the countryside, and we cannot do this without them. It is important to work with them, and it is key that they are central to the co-design of climate action plans.

**Mr McGlone:** I will speak on the group 4 amendments as the SDLP representative on the AERA Committee. Bringing people and communities with us is essential to achieving the reduction in emissions that is required to meet our international obligations, and ensuring a just transition is the key element in achieving that. Every Department and public body will need to assess policies and proposals on the basis of their impact on emissions targets and their effect on communities across the North.

Our amendment No 50 would establish an independent just transition adviser to oversee those assessments and to advise and constructively challenge Departments and public bodies on their application of the just transition principles.

The adviser would, for example:

*"provide advice for the Executive in respect of the requirements for a whole of government commitment to ensure that the just transition principles are duly reflected in the plans, policies, delivery programmes and budgets of all public bodies in Northern Ireland"*

and

*"provide advice to the Department of Finance on a Just Transition Fund or Funds which might support sectors of the economy and sections of the community through some of the costs and challenges of moving towards and achieving carbon neutral targets".*

The adviser would also:

*"(c) provide advice and constructive challenge to departments and public bodies in respect of the serious and sustained*

*commitments needed across government to achieve adherence to just transition principles;*

*(d) report on how just transition principles are being supported in practice, appraising the qualitative contribution of public bodies and recognising ... performance and pressures in respective sectors;*

*(e) offer advice on cooperation and coordination with other administrations (including via the NSMC and BIC) to support fulfilment of a just transition".*

We know that, in the agri-economy, the whole island of Ireland plays a vital role, as every day there are movements across the border, North/South and South/North, that facilitate the growth and ongoing development of that economy. Those are very important issues.

We will move on to my second amendment, which expands on the just transition principles and applies them across plans, policies, services and budgets of Departments and the Executive on a whole-government basis. The amendment recognises that just transition to a low- and zero-carbon economy will entail the whole of society's inputs and impacts. I have outlined some of them. Their purposes, through the North/South Ministerial Council, the British-Irish Council, which I have referred to, and other arrangements for structured cooperation on climate change are:

*"(a) supporting environmentally and socially sustainable jobs,  
(b) in particular, supporting the agriculture sector and other sectors of the economy in Northern Ireland that are likely to be most affected by action to reduce those emissions*

*... ,*

*(c) supporting low-carbon investment and infrastructure,  
(d) developing and maintaining consensus through engagement with (among others) workers, trade unions, communities, non-governmental organisations and representatives of the interests of business and industry".*

Engagement is very important, and it will be with:

*"(among others) workers, trade unions, communities, non-governmental organisations and representatives of the interests of business and industry,  
(e) creating decent, fair and high-value work in a way which does not negatively affect the current workforce,  
(f) contributing to a resource-efficient and sustainable economy,*

*(g) supporting persons who are most affected by climate change, particularly those who may have done the least to cause it".*

As we know, there are many of those people. They are vulnerable, isolated and living on their own and may have not contributed in a substantial way to climate change. For those people, it will help in:

*"(h) reducing poverty and inequality, including by avoiding their exacerbation as a result of transitional adjustments which are not accompanied by duly targeted measures of social support and mitigation."*

It will also be essential that the corresponding proposals and policies are coordinated with those in England, Scotland and Wales and with those in the rest of Ireland, as already referred to. The existing bodies of the North/South Ministerial Council and the British Irish Council, as well as others, are perfectly suited to the constructive engagement that is required.

The first appointment of the just transition adviser should be no later than 18 months after the enactment of the Bill. Any just transition fund or funds should not be restricted to a single sector, as the principles will apply across government, impacting on all sections of our society. Those impacts are likely to be felt more acutely in socially deprived communities.

As we reach the end of this Consideration Stage, I emphasise that the legislation is only the beginning of a journey. If we are to achieve the Bill's objective, the Assembly will have to ensure that each Department and public body keeps their commitments and are there to support people. It will certainly be a challenge for everyone, but transformation is necessary.

**Mr Irwin:** I wish to comment on the final group of amendments, which is group 4 and which is headed "Just Transition Principles and Fund". The broad thrust of the new clauses in the group is not derived from the Department for Agriculture, Environment and Rural Affairs, and, again, the proposal of the amendments is akin to a competition between all those parties that wish to out-green each other.

In order to make any transition a success, we must, as an integral part of the United Kingdom, work collectively with the other UK nations in an overall coordinated strategy that meets our climate obligations. Starting from the wrong footing, as I have stated in earlier contributions, will be catastrophic for our economy and way of life in Northern Ireland.

We are now very far away from starting on a firm footing after last week's vote on net zero by 2050. What that means for our economy, Departments and their finances and, of course, every facet of life in Northern Ireland, is that this entire group of amendments should be rejected.

### 5.00 pm

It is one thing to create legislation to address significant challenges in meeting climate obligations based on the 82% reduction by 2050 model. It is a completely different proposition to create legislation on a whim, which is, in reality, what the amendments in group 4 would do. The goalposts were moved considerably — wrongly, in my view — by the vote for net zero by 2050. The entire direction of the amendments has a huge and unknown cost element that has not been fully understood when matched against the Climate Change Committee's view of the massively increased costs in the net zero by 2050 model.

The matter is far from resolved. I have made my views well known on the considerable problems ahead for our agri-food economy due to the decisions taken in the House last week by Members who shunned sensible and reasonable expert advice.

**Mr Beggs:** I declare an interest, as I am the owner of 25 acres of agricultural land, and my parents run a small family farm.

My Ulster Unionist colleagues and I support the concept of a just transition principle, but the question is this: is all of it deliverable? The objectives are laudable. Who would oppose the concept? We will support amendment No 44, the creation of a just transition fund for agriculture. I notice that it is being restricted to clause 16 objectives, which appear under the heading of "Carbon budgets". It would be helpful if clarity could be given on whether the scheme would include advice and support for other greenhouse gas budgeting. Methane is a major challenge to the agricultural sector, especially now that the impossible target, as many believe it to be, of net zero has been set. It would be helpful to be made aware of whether that is intended to be included in the scheme.

The concept of a just transition is a good one, but, again, I ask this: will it be deliverable? Will the expectations that have been mentioned be achievable? Where will the funding come from? How much will it be? Earlier, we were told that it is important that we do not do things to people. The UK Climate Change Committee voiced an

opinion that net zero is not achievable for Northern Ireland, given that we feed 10 million people. I would be interested to know how the just transition fund for agriculture will work. Difficulties in the rural economy will undoubtedly result from trying to achieve net zero. There is also the danger that the rural community will not buy into trying to reach a target that has been deemed to be unachievable, and because we are trying to do what we were advised not to do.

Amendment No 50 creates the role of a just transition adviser. Ulster Unionists view that as unnecessarily costly and bureaucratic, and we will oppose it. The available funds should be targeted and go to those who will have been adversely affected. We need to make sure that funds are not absorbed by an additional layer of administration and bureaucracy. I suspect that there will be insufficient funds, and we do not wish to remove some of those from the front line to fund a just transition adviser. The same applies to amendment No 52; we view it as wordy and overly bureaucratic, and we will oppose it.

On amendment No 53, Ulster Unionists also view the creation of yet another commission, namely a just transition commission, as overly bureaucratic and costly. We will oppose it. Bear in mind that there are likely to be insufficient funds to compensate the rural community for the loss of earnings that will be inflicted by the Bill. Accordingly, we do not want to put in another layer of bureaucracy that would absorb the limited funds and reduce the amount reaching the front line.

In conclusion, when making legislation, it is important to set achievable targets and that appropriate levels of support be provided to assist those who have been adversely affected. The Assembly has decided to go beyond the 82% greenhouse gas reduction target set by the UK Climate Change Committee that would enable the UK as a whole to reach net zero by 2050. That means that we will bear a large part of the cost of reaching net zero by 2050, and, as a result, we may not be able to meet the stated objectives, because we may contribute to greenhouse gas emissions elsewhere.

Ulster Unionists recognise the need for a climate change Act that covers more than a decade so that we can play our part in protecting the planet. We are far behind England, Scotland and Wales. The rest of the UK has a credible legislative pathway and has already made substantial changes. We support the independent UK Climate Change Committee's recommendations that we

contribute our fair share of an 82% reduction in greenhouse gas emissions so that the UK can reach net zero by 2050.

We are on a journey. Industry, the rural community, planning — particularly in the countryside — and how we build and insulate our homes will all change going forward. Time will tell whether the ideals that have been set are deliverable and a just transition will happen or whether many will suffer because of what many consider to be unachievable targets.

**Mr Blair:** At the outset, I say that we in Alliance recognise that tackling the climate emergency goes hand in hand with economic and social justice. Northern Ireland should lead the way in its ambition by putting a just transition at the heart of its legislative process and its Civil Service. We need a green recovery that is investment-driven and that paves the way for a green transition.

It is over a decade since the financial crisis of 2007-08. It is clear that austerity measures have failed to aid recovery and have instead left us more vulnerable to future crises. In 2020, the UK economy suffered its sharpest GDP reduction in over 300 years, which was also the worst annual economic decline in the G7. It is increasingly clear that the economy across the UK, and specifically that in Northern Ireland, will not bounce back by way of a V-shaped economic recovery. Off the back of a lost decade of austerity, we are likely to see considerable unemployment, sluggish growth and worsening inequality.

Low productivity and high economic inactivity have long characterised our economy in Northern Ireland. Investment in infrastructure and in research and development has been lower than that in comparative regions. A significant UK-wide economic stimulus and investment-led green recovery is required. Investment in the traditional drivers of economic growth — namely, skills, infrastructure, and research and development — must be accelerated and considered through the lens of a green transition that prioritises investment, well-being and the planet; that creates tens of thousands of secure green jobs; that prioritises a vast and diverse range of reskilling and retraining opportunities; and that ramps up investment in research and development to ensure that Northern Ireland is a leader in green opportunities and innovation.

I turn to amendment Nos 44 and 54. I have no objections to our agri-food sector's being supported in the transition. In fact, I tabled a similar amendment that would also have

provided financial support and retraining for people whose livelihoods and jobs will be affected by the measures proposed in the Bill. Unfortunately, that amendment was not accepted. I am, however, grateful to you, Mr Speaker, and your office for the amendments that have been accepted, thus allowing us to debate robustly the concept.

Almost 30% of Northern Ireland's greenhouse gas emissions are from agriculture, compared with 10% in the rest of the UK. That reflects the importance of agriculture to our economy. Our farming sector is also much more heavily based around livestock and is likely to remain so. It is vital that we support our farmers to embrace the essential role that they play in tackling the climate emergency and that we do so by adopting environmentally beneficial farming practices, reducing their carbon footprint and better using and protecting natural resources and biodiversity.

I am delighted that the sector-specific plan for agriculture was passed by the Assembly. It is my hope that implementing the proposal and establishing mandatory agricultural audits will help farmers to transition to carbon neutrality.

A just transition presents us with enormous job opportunities across existing and emerging industries and ensures that reskilling opportunities and new jobs are as wide-ranging as —

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

**Mr Blair:** Yes.

**Mr Beggs:** Will the Member advise us of the budget that has been committed to the just transition commission or principle?

**Mr Blair:** I thank the Member for the intervention. I hope that he can accept that I am not in a position to give such a definition or such assurances. Given the discussion that we had earlier today about securing a Budget for the next three years, I am sure that he will understand that I cannot commit beyond that.

I was talking about existing and emerging industries and ensuring that reskilling opportunities and new jobs are wide-ranging. We can do that by placing social dialogue at the heart of decision-making. Together, we can simultaneously combat the climate change emergency and inequality through investment, radical change and breaking down the barriers of division. My colleagues and I will support the

amendments that are aimed at securing that just transition.

**Mr McGuigan:** Today's fourth group of amendments are a vital component of this climate Bill. I hope that, after this debate, we will have strengthened this climate legislation by clearly setting out our thoughts on a just transition and its principles, by agreeing the need for a just transition commission to oversee those principles, and by confirming the need for a separate just transition fund for agriculture.

In most debates in here, we use terminology, phrases and jargon that often mean little to people outside of this Building. I suspect that "just transition" is one of those phrases. I have said time and again during the debates on this climate Bill that nobody and no community can be left behind on the North's climate journey to net zero by 2050. In simple language, a just transition is a set of principles and protections that ensure that no one is negatively or disproportionately affected during the conversion to a net zero society. The policies that emanate from the climate Bill must be fair and just. They must ensure that livelihoods and incomes are protected and that we take full advantage of the many opportunities that are offered by the creation of a green economy.

A just transition will be important across every sector of society. It will affect those who work in construction and those who work in the energy and electricity sectors. It will impact on our businesses and tradespeople and on how we heat our homes, fuel our vehicles and much more. Some of those changes may be challenging to different sections of our society. Some may be challenging to our elderly population, and some may be more challenging to rural communities. At the bottom of them all, we here in Government must ensure that the costs and burdens are not met by the most vulnerable in our society, or those on the lowest incomes. A just transition must protect workers, families and communities. We have supported just transition amendments in the debates on the previous groups, and we are happy to support amendment No 44 and others in this group.

Given the amount of discussion that we have had during this climate Bill debate about our agriculture and agri-food sector, Sinn Féin felt that it was vital to propose a separate just transition fund for agriculture. I am happy to support similar amendments that have been tabled by others. Let me be very clear to all who are listening and all who have misquoted me and Sinn Féin Members during parts of this climate Bill debate: Sinn Féin has always stood

by the farmers of Ireland, whether they farm in north Antrim or north Kerry. We stand by the farmers of this island today in this Chamber and during this debate, and we will continue in word and deed to stand by the farmers of Ireland long into the future. We will not take any lessons from the DUP Minister or DUP MLAs on how to protect farmers and the agri-food sector. The DUP, through its support for Brexit, has taken away the long-term certainty of EU funding and delivered trade deals with Australia and New Zealand that will greatly damage our local farmers and economy. So bad are the trade deals that the DUP has brought us that they could wipe out the farming sector over the next 15 years.

### 5.15 pm

Rural communities across all 32 counties of Ireland are at the coalface of climate change. It is they who will suffer the brunt of floods and droughts that will intensify without the necessary political leadership. We, in Sinn Féin, are determined to provide that leadership. We will demand that any policies that are made as a result of the Bill are fair. Ours will be an all-Ireland approach in character and delivery, because we know that it is ludicrous to suggest that we plan for different targets in different parts of this country. North and South, we will demand that climate measures are fair.

Sinn Féin will not allow beef and sheep farmers in less-favoured areas to go out of business, as some people have suggested. That is total nonsense. We will not tolerate food production in Ireland being reduced only to be replaced with unsustainable imports from the other side of the globe. We will protect the interests of family farmers and the communities that depend on them.

I note that, recently, the Ulster Farmers' Union has produced car stickers that state:

*"We are part of the climate change solution".*

I absolutely agree with that sentiment. Sinn Féin will ensure that farmers in the North are part of the solution in a fair and just way that allows them to continue to produce their excellent product and drive forward and support the economy here in the North. That is why we have tabled amendment No 54 on a separate just transition fund for agriculture and have added many other protections for farmers and the agri-food sector to the Climate Change (No. 2) Bill. The agriculture fund that Sinn Féin has proposed is designed to support farmers in making changes to reach whatever fair targets

are set for agriculture through the sectoral plans and to adapt to and mitigate climate change. The fund will also support research, innovation and knowledge transfer. As I have said, all industries will be required to make significant changes in the years ahead, but it is important that we recognise the unique role of agriculture as a primary producer and the unique source of its emissions. A bespoke fund to assist farmers in making the necessary changes is both justified and necessary if we are to reach our emissions targets.

Just as independent oversight is required to ensure that the Bill is fully implemented, a just transition commission is required, in our view, to ensure that all aspects of the Bill are compliant with just transition principles. Similar to the climate change commissioner, the just transition commission that we propose at amendment No 53 would have not only a watchdog role but an advisory one, offering Departments advice on how to best ensure that their policies and proposals are just transition-compliant. As always, —

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

**Mr McGuigan:** — it is imperative that the commission is made up of people who know their own sector best, whether that is infrastructure, agriculture, civic society, trade unions, academia, young people or local community groups. As I said, that is an important aspect of the Climate (No. 2) Bill. We will support all the amendments that bring forward a just transition and policies in a fair and equitable manner for everybody in the North.

**Mr Harvey:** Having now voted to reject the expert recommendations of the CCC and others, MLAs who are cheerleading for unrealistic targets now deem it necessary to include the establishment of public funding to offset the impending damage to the economy and, most importantly, to our agriculture sector.

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

**Mr Harvey:** Yes.

**Mr Beggs:** The Member who spoke previously, who would not give way, talked much about how there would have to be a just transition commission etc to ensure that it happens. The expected reduction in income to the agri-food industry will be hundreds of millions of pounds. Is the Member aware of what proposals there are to replace that fund so that no one will be worse off, or does he agree with me that there



is huge danger that they are creating something that is unachievable?

**Mr Harvey:** I thank the Member for his intervention. No amount of transition funding will be sufficient to prop up an agriculture sector that finds itself crippled by unachievable targets and unable to compete with counterparts across the UK and on the world stage.

It is ironic that amendment No 43, for example, seeks principles that "support jobs and growth of jobs". That sort of window dressing will be meaningless against the backdrop of unachievable targets. Jobs will be lost, not grown, as a result of the Bill. That is the reality. The CCC made clear, time and again, why 82% by 2050 was the ambitious, yet realistic, target. I am firmly of the view that Members will rue the day that they ignored the expert advice on those issues.

Farmers in my constituency did not want just transition funds. They wanted to work with government to do their bit. They want to improve their processes to reduce their methane and carbon emissions, and they strive towards that which can be achieved, not towards some utopian concept. Without sectoral buy-in, this legislation is going nowhere. In case Members opposite have not realised, farmers have not bought into unrealistic targets.

In my earlier remarks, I emphasised the gravity of this legislation and its impact on society and our constituents. The votes thus far have proven that some parties are more interested in the optics and sound bites than they are in tackling climate change. All that will be gained by a move away from the science will be the exporting of our carbon emissions elsewhere in the world, most likely somewhere with much poorer environmental standards and much higher carbon emissions. In 2030, people in the UK will still need to be fed. In 2045 and 2050, people in the UK will still need to be fed. Instead of increasing our environmental targets and reducing our carbon footprint, we will be importing our beef from halfway across the world, and likely destroying the Amazon in the process. How can that be viewed as tackling the climate crisis?

On the just transition funding elements in this grouping, I am keen to hear where MLAs think the funding will come from. Will the parties opposite reduce health or education budgets to create this fund? It is all well and good establishing such a fund, and, unfortunately, such a fund will be needed, but we need to know where the money will come from.

Subsequent to last week's votes, farmers are wondering how they will survive in business. Will the so-called just transition fund end up being a "transition to retirement" fund for many in the agriculture sector?

The Department presented a Bill based on sound expert evidence. The House has now decided to ride roughshod over that evidence and reject it in favour of positive political optics. The reality will not be so positive, and no amount of public funding will be able to mitigate that.

**Ms Hunter:** I welcome the opportunity to speak on the group 4 amendments on the just transition principles. Rightly, all parties across the House have detailed the concerns of farmers. Today, for group 4, I will touch on that and the importance of a just transition. Just before Christmas, I met farmers in Claudy and Park, which are in my constituency. I spoke with them about their honest concerns and their fear of the generational impact in farming families. I personally found that very helpful, especially for today's debate.

As a party, we recognise fully that any legislation with robust targets must be underpinned by adequate long-term funding supporting our farming communities. We want the correct funding to ensure that we can support and work with our farmers in tackling the climate crisis. Having met farmers in my constituency, I note that they want to diversify and help to be part of tackling the crisis. That is why we have added amendments to group 4 today. The SDLP tabled amendment No 50, moved by my colleague Mr McGlone, to strengthen legislation for our farmers. It details the vital importance of a just transition adviser. What that might look like is a person, persons or body that will provide advice to talk about the societal impact. Most importantly, it will also provide detail to the Department of Finance for the just transition fund or funds to support sectors in the economy or sections of our community through those costs and challenges to meet those targets.

The SDLP also tabled amendment No 52, articulating the just transition principle, highlighting:

*"in particular, supporting the agriculture sector and other sectors of the economy in"*

the North

*"that are likely to be most affected by action to reduce those emissions".*

The SDLP believes that those are the correct steps necessary to support a fair and just transition.

At Westminster, our leader, Mr Eastwood, has come forward with a climate change Bill that is ambitious, with emissions reductions targets to protect and restore our ecosystems and construct resilient infrastructure to protect our livelihoods. I have a significant concern for ecosystems, especially in the North. When we talk about climate change and an impact on the environment, I look to my constituency specifically, where I see the same problematic companies, which I believe are reckless profiteers, ruining our countryside across the Sperrins for residents from Park, Dungiven, Claudy and beyond. Constituents have voiced their disdain for the damage to our environment by companies, and they feel that it is beyond their control. They feel the injustice and are angry at the damage to our landscape, and that is a prime example of the importance of environmental legislation to protect our land. To not speak up about those issues in the House is a dereliction of duty, and that is why I am speaking up today.

As political leaders, we have to put our money where our mouths are, and the SDLP will continue to tackle the climate crisis in a just and fair way. The climate crisis is here, and so many can see that. It is time that Governments worldwide catch up with the people on the ground.

**Mr Allister:** The phrase "just transition fund" may, on the surface, have some appeal, but the question is this: transition to what? What are we transitioning profitable, producing farmers to? If you listen to the experts, we are transitioning them to indolence, non-production and inactivity: that is, in farming terms, to failure. The House wantonly rejected the evidence last week, and the targets that the House has now set will be targets of decimation. We are transitioning to decimation.

It is all very well for Members from Sinn Féin to get up and give the sound bite that they will always stand by the farmers of Ireland, when, last week, they voted to decimate farming in Northern Ireland and, in particular, to decimate hill farming and to produce a situation in which many hill farms will cease to be viable. It is no good them simply coming to the House with platitudes and saying that they will stand by farmers, when, last week, they plunged the knife into the back of farming in this country, as deep as they could plunge it.

The fatuous talk of a transition fund is just that. As I said in my intervention to Ms Bailey, it is just to salve their conscience, if they have a conscience about that matter. It is to say, "Oh, well, we're not going to leave you in the lurch. Yes, we are going to take away all your key production. Yes, we are going to reduce the amount of food that you can have. Yes, we are going to radically reduce the head of livestock that you can have. Yes, we are going to leave you struggling in an untenable and unviable way, but we are going to throw a little money at you to salve the House's conscience".

What is this money? It is totally uncoded. Nobody in the House can stand up and say what the transition fund is that they want the House to vote for. They neither know nor care, I suspect. The mentality of some is that it is up to others to produce on the financial demands that we make. Sorry: it all has to come out of a very limited pot called the block grant. Where will you take such money as will be available from? No matter how much you take, it will never make up for the devastation that the House is consciously and deliberately inflicting on the farming community: never can it make up for that.

I say this to the House: yes, some people might think that they will salve their conscience for what they are doing to farming by talking about transition funds. They may go round in the coming weeks and try to hoodwink farmers into believing that they have looked after them and that there will be money for doing nothing. The farmers whom I know are not too easily hoodwinked, and they see right through this. They know what cabal of MLAs in the House has voted to decimate farming. I believe that many farmers will be none too forgiving, nor should they be.

**5.30 pm**

**Mr Poots (The Minister of Agriculture, Environment and Rural Affairs):** We already touched on some issues around just transition during the debate on the group 2 amendments on proposals and policies. There is a crossover with some of the amendments in this group, and some of my points will be similar to those that I raised during last week's debate. However, all the points are worth making. An important outcome of effective climate change legislation and effective legislation more generally is the delivery of results in a manner that ensures fairness and equality and that encourages the constructive engagement and coordination of approaches where possible. The targets in my Bill were originally based on evidence and a balanced pathway that can

deliver a meaningful just transition. A lot of people have used the term "just transition" loosely. It, effectively, requires us to deliver that transition to a greener, more sustainable economy and environment in a balanced way in which everyone is adequately supported. The delivery of a just transition is at the heart of the evidence that informs the original targets in my Bill. A fundamental aspect in ensuring a just transition is to make sure that the targets are not only ambitious and challenging but achievable. The targets in my Bill were based on the Climate Change Committee's balanced pathway and were set at a level that could be achieved through a just transition.

When farmers read the papers at the weekend or on Thursday, they will be greatly encouraged by the debate today. Ms Bailey announced that they will not have to cut livestock by 80%. That is great news for the farmers. The problem is that Ms Bailey does not have anything to back up that statement. It is OK because she said it. All the evidence, however, leads to something else. The warnings from the Climate Change Committee, the Intergovernmental Panel on Climate Change and the professional reports are all ignored, but it is OK because Ms Bailey said so. It is also really good news for the farmers this week that Sinn Féin will stand by them. Where was Sinn Féin last week? We all heard that Mr McGuigan had another appointment when the farmers asked him to meet them in Loughguile; he bravely sent some secretary from his office. Hundreds and hundreds of farmers were here again last week, even though the BBC showed a much smaller protest on the news that evening and ignored the fact that many people had given up their working day to come to raise their concerns. There were hundreds of farmers on the steps of Stormont last week. I did not see Mr McGuigan, Mr McAleer or any of their colleagues out there, because they were afraid to speak to the farming community, which has genuine and real concerns. If people think that these concerns have been whipped up by me or anyone else, I am afraid that they do not understand farmers. They are quite discerning folk who will arrive at their own conclusions based on what they see, hear and know. They have arrived at the same conclusions as us, because that is the reality.

What we hear from Mr McGuigan about trade deals is just a deflection. If the trade deals are as bad as that — time will tell — how much worse will it be when this is imposed on top of them? How much worse will it be when farmers in Australia, who will not have to reach the same exacting standards, can export while our farmers are being crucified as a consequence of what is being imposed on them by Sinn Féin,

the SDLP, the Green Party, People Before Profit and Alliance — thank you for reminding me. That is the reality that faces farmers and farming families.

Now we come to a just transition. Why do you need a just transition? Why are we proposing to take money from Education, Health, Infrastructure and Justice to give to farmers?

It is because you are taking something off them. What are you taking off them? Their livelihoods. The truth of what is being proposed today is as if you took a loaf of bread off the family table last week and are saying today, "Here are a few crumbs that might keep you going". It is not a just transition. I do not mind supporting it, because it may be helpful to some families, but you cannot mitigate the damage that was done as a consequence of ignoring the science and the voice of the farming community last week. Well might Sinn Féin Members sit with their heads down today. They should be ashamed of themselves, and people who are ashamed of themselves sit with their head down.

A just transition cannot be delivered if a completely unrealistic target is set. Therefore, as a result of the decision taken by the Assembly to support a net zero target, it will be difficult and, indeed, extremely costly to deliver a just transition. It will cost hundreds and hundreds of millions. We simply do not have the money to pay everyone who will be overly negatively affected by that target. I have to ask whether it will include people who work in factories. If 13,000 farming jobs are lost and there is an 80% reduction in the meat or dairy sector, there will have to be a corresponding reduction in jobs in the processing sectors, which employ tens of thousands. There are more jobs in those sectors. Essentially, what Members voted for and supported last week was the loss of tens of thousands of jobs in rural towns and villages across Northern Ireland. Craigavon, Dungannon, Cookstown, Enniskillen and Omagh are all places where thousands and thousands of people rely on the agri-food industry for their jobs. To gain popularity with certain sectors, however, Sinn Féin, Alliance, the SDLP, the Green Party and People Before Profit voted to deny those people the opportunity to have jobs.

Some Members who have tabled amendments on just transition principles seem to believe that the inclusion of some just transition principle wording in legislation will somehow solve all of society's problems and enable the achievement of any target: it will not. It will, however, be useful in outlining relevant considerations when developing policies and programmes and

delivering actions. The actions that we deliver and how successfully we deliver them are what matter. That will have the biggest impact on our sectors and communities.

I pose these questions: who will pay for the just transition and who will pay for more commissioners and advisers? My goodness, how many commissioners does this country need? We will soon have more commissioners than farmers. That is how ridiculous it is getting. Given the decision to support a non-advised, unevidenced and morally wrong net zero target, other parties will have to step up to take forward and fund action that will support the sectors, communities and people that will be negatively impacted. Look at the cost of going for an unevidenced target: it is clear from the Minister of Finance that the funding will likely have to be taken from our block grant. Which Departments will relinquish funding from their budget to make up the billions needed to meet that unevidenced target by 2050 and, indeed, beyond? A just transition cannot be tackled by a short-term or one-off fix.

Some of the original amendments in the group have been dealt with by virtue of the debate and votes on the amendments in group 2, including my amendment No 38, which was passed. Therefore, I will not address amendment Nos 43, 44 and 54.

Mr McGlone has proposed two amendments in the group. The first is amendment No 50, which deals with the establishment of the just transition adviser. The second is amendment No 52, which deals with the just transition principle. Amendment No 50 is one of several from members of the AERA Committee that would establish new bodies and roles. We need to be careful when committing to the establishment of any new body in legislation that has not been fully scoped out or costed, where other bodies already perform the relevant functions or where there are commitments to establish such bodies.

I agree with Mr McGlone that, in trying to deliver a just transition, we need to have the right supporting structures in place. We are also debating the establishment of a just transition commission today, so I question the need for a just transition adviser on top of that. I hope that instead the Member and the Assembly see that the just transition adviser is essentially the same thing as a commission.

As politicians, it is our duty to the public to have some sense when it comes to the creation of those new roles and bodies. If the intention is to have a just transition adviser as well as a

justice transition commissioner, I do not think that we can responsibly commit to the establishment of both without having properly considered how they would interact and what the different functions would be. We cannot throw money at bodies and advisers that have unknown roles and functions or that will duplicate the functions of another body. Where is the logic and sense to that?

**Mr Beggs:** Will the Minister give way?

**Mr Poots:** Certainly.

**Mr Beggs:** Does the Minister agree that, if insufficient funding is available to any such commission, adviser or expert group, no matter what it does, it will not be able to deliver a just transition and it will have no chance of achieving what is meant to be its stated objective? Does he agree that the fact that there are not hundreds of millions of pounds available every year from the block grant means that it would be largely wasting the limited money that is available?

**Mr Poots:** I thank the Member for raising that. I will remind him and others of a wee saying in the country: you cannot take the breeches off a highlander. If the money is not there, you will not be able to deliver a just transition.

The reality is that the Members who are proposing the just transition and saying that the funding package be produced are the same Members who will stand up on other occasions and complain bitterly about the lack of money for everything that they have to do now. They want more money for the Department for Communities, the Department of Health, the Department of Education and the Department of Justice, and so it goes on. Where will they get that money from? I am afraid that there is no magic money tree at the bottom of the garden. It does not exist, and, consequently, those proposals may just be a bluff to try to persuade farmers that those Members are doing something to help them.

**Mr McGlone:** I thank the Minister for giving way. I appreciate that. Does the Minister appreciate, understand and support the notion that, going by the UK Government's reports, if unchecked and probably even with mitigations, climate change will cost the UK economy upwards of £20 billion per annum by 2050?

**Mr Poots:** I am glad that the Member raised that point, because Ms Bailey has a habit of saying that the do-nothing option is not an option. That is why we made the proposals in

conjunction with the Climate Change Committee. Nobody is proposing to do nothing. The proposals that were brought to us by the Climate Change Committee are quite onerous, but Members say, "No, that hair coat is not hard enough for us to wear. We want a bigger one". However, it is not us who will have to wear it; it is mainly the people in the farming community who will have to wear it.

I accept that we need to do something. I support our doing something. There are a host of opportunities to address the issues in a sensible and rational way, but the punitive way that is being imposed on the farming community, which is bearing the brunt of the proposals, is wholly unnecessary. I remind the Member of the figures that were quoted last week. I thank the Member for engaging in the debate, because I note that Sinn Féin Members are not engaging in it today, which indicates how defeated their arguments are and how they are picking up on the resentment from the public for what they have done.

I remind the Member of the figures. I do not have them in front of me, but I remember them. The difference between meeting the 82% target and the 100% target is less than 0.75% of the UK's contribution. Under the Climate Change Committee's proposals, Great Britain picks up that 0.75% so that Northern Ireland does not have to. Instead of sharing that around and recognising the high value that the rest of the United Kingdom puts on the quality food that Northern Ireland supplies to it, Members want to do away with that option.

The outcome of that is that we will simply engage in carbon exporting.

#### 5.45 pm

Over the last number of years, we have introduced carbon marking on farms, identifying how much carbon is produced. Our beef and dairy farms are coming out with figures of between half and a quarter of the emissions that are produced in other places in Europe and in North and South America. The vote last week will ensure that there is more carbon in our environment as a consequence of doing away with carbon-efficient farms in Northern Ireland and exporting those jobs to South America, North America and other parts of the world. Where is the logic in that? I certainly can find none.

**Mr Beggs:** Will the Minister give way?

**Mr Poots:** Yes, certainly.

**Mr Beggs:** Will the Minister agree that there is nothing just about legislation that is supposedly to reduce carbon emissions but will actually result in increased carbon emissions by increasing importation from places that are higher emitters?

**Mr Poots:** Yes. The Member raised that repeatedly last week, in fairness to him, to the point where some were getting annoyed at him for doing it. The fact is there: we see our carbon emissions, and they are considerably less than those of others. Brazil has already said that it wants to increase its cow herd by millions. The consequence of little Northern Ireland putting on this hair shirt will not be the achievement a reduction in carbon emissions overall; it will lead to an increase in carbon and Northern Ireland exporting that carbon elsewhere.

I say again that a separate just transition adviser and just transition commission on top of everything else are a waste of public money, as they would carry out, as far as I can see, similar functions. I am not necessarily against one, but I am certainly against having two.

I have concerns about some of the provisions in the amendment, including references to the North/South Ministerial Council, British-Irish Council and:

*"an Assembly Committee designated to oversee whole of government preparations and performance in respect of both a full response to the climate emergency and ensuring a just transition to a climate resilient and carbon neutral economy."*

No such committee currently exists, therefore it is not appropriate to refer to it.

Given that there are potential issues with the content of the amendment that I have outlined, uncertainty as to the cost involved and uncertainty as to whether the adviser is to replace or work alongside a just transition commissioner, I cannot support it.

It is clear that, with amendment No 52, as with some other amendments that we discussed in a earlier debate, there is no common or agreed understanding of what exactly "just transition" means, even among the Committee members who pushed for it heavily. I had already tabled amendment No 38, which creates new clause 16A to cover just transition and other elements covered by amendment No 52, and it was agreed last week. The amendment from Mr McGlone draws largely from my amendment but contains additional elements that are not necessary and add nothing. The references to

the Programme for Government and to international targets and obligations are misplaced. The proposals and policies referred to are those that will enable us to make carbon budgets. If we do that, we will meet our domestic and international commitments.

Again, I am not clear about the purpose of the reference to the North/South Ministerial Council and the British-Irish Council. Is it to add to the responsibilities of those bodies, in which case it would not be appropriate in this Bill, or is it merely to indicate that the bodies should be used to support Ministers in what they are already required to do, in which case the provision would not do anything and is unnecessary?

In drawing from my new clause 16A, under amendment No 38, amendment No 52 covers more than just transition, as it touches on small business impact assessments and nature-based projects. Given that my amendment already covers those issues effectively, has no questionable or pointless elements and was agreed with the AERA Committee, I do not support amendment No 52 and urge you to reject it.

Finally, Mr McGuigan, Dr Archibald and Mr McAleer tabled amendment No 53, which is about establishing a just transition commission. As I highlighted when I spoke to Mr McGlone's amendment No 50 for a just transition adviser, a commission would ideally need to be scoped out and costed properly and its functions clearly defined in order to offset any duplication or incoherency in advice etc that the commission might give. Although, given the circumstances, I am not against the principle of establishing a just transition commission, the proposed amendment is lacking in detail about how the commission would be established and funded, what powers it would have and what its structure would be. It would therefore be better to be given time to scope out and develop that. Doing that would also afford us time to pay the appropriate and essential attention to detail that such a commission requires.

To achieve a just transition, particularly for the agri sector, we will need to provide high levels of financial support, given the unfortunate decision taken last Tuesday to take forward the amended emissions target, so perhaps a just transition commission can help get across to Members just how much it will cost to deliver a just transition in the light of the target. With all the evidence that is available, I have tried to do so, as has the Climate Change Committee, but perhaps another body that Members agree to establish will be able to convince them, even if

the best available scientists could not. I would, of course, like to see proper scoping out and consultation be done before such a body is established, but I am not in favour of allowing important sectors and communities to suffer because of ill-informed and poorly judged decisions being taken by politicians on the basis of aspiration alone. As such, I will not oppose the amendment.

To conclude, I am strongly in favour of our achieving a just transition. I note that the Members who have pushed for the unevidenced net zero target have all said that there will not be negative impacts on agriculture, so I look forward to seeing them stand by those statements in the months and years ahead and when it comes to securing further funding and taking further action.

**Mr Speaker:** Thank you, Minister, for that contribution.

**Ms Bailey:** My goodness. From listening to the Minister rhyme off the list of support and then call for Northern Ireland to do better, one would nearly think that it is the whole world against the DUP. I thank Mr Beggs for raising the issue of extending any funds in a just transition fund for agriculture to farmers in an effort to reduce all greenhouse gases, not just carbon, and I see no reason why that cannot be made possible. I need to remind Members that the CCC's model for Northern Ireland was that of an economic supply chain model, not a scientific one, which is why it has stated repeatedly that there is no technical reason that we cannot get to net zero.

From where will the money come? In Scotland, its fund is set at £51 million over the next three years. If we have the political will, we can create solutions as well. It is not all about public money: public and private money will be needed right across the board. For example, if we apply something as simple as the "polluter pays principle" when we know that a quarter of UK farmers live in poverty while agri-food corporations such as Moy Park published turnovers of £1 billion last year, how can we say that that is fair? How can we say that that is just? How can we say that we cannot do better? The recommended UK Government investment to tackle climate breakdown is somewhere in the region of £50 billion a year in the CCC's report, and that contains a mixture of public and private money. How much of that will come to Northern Ireland? If we ever get a working Executive again, they will need to pressurise Westminster for fair funding.

The CCC is calling for the UK Government's low-carbon investment funding to increase from

around £10 billion in 2020 to around £50 billion by 2030, and then to stay at that level. It is setting a net zero target that will help us unlock that investment. To those in the House who are worried that climate investment will come out of health spending from the block grant, it is fair to say that, no, that is not the case.

**Mr Poots:** Magic money tree [*Inaudible.*]

**Ms Bailey:** Read Hansard then.

I will repeat, for the Minister's benefit, what I actually said about reduction numbers:

*"Over the past few months, I have been in touch with many representatives of the agriculture sector and heard a wide variety of views. In the past week especially, I have heard from farmers who have been told that the net zero vote will result in overnight reductions in herd numbers of up to 80%. It is untrue ... It is not going to happen."*

That is what I said.

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

**Ms Bailey:** No, thanks.

I need to address claims that the protections being discussed today are no good, that had we set a different target last week we would not need them and that the 82% is, in and of itself, a just transition. We do not get to decide what a just transition is, because it is led by people, in collaboration with communities, and people overwhelmingly want strong climate action. Maybe that is what the struggle is here.

Some parties seem to have forgotten that agriculture is only one of many sectors that will have to make the transition. When an economic assessment says that the sector cannot go that 18% further because of the economic modelling, it is the economic model that we need to look at. All sectors contain workers who stand to be impacted by decarbonisation. Even with the Minister's target, all of those sectors would have to reach net zero. Do you really think that we should not put in protections?

If the Minister and others really think that 82% constitutes a just transition, even with the tunnel vision on agriculture, I advise that they read the CCC's report again. If you look at that report, you will see that its vision for agriculture is one where huge, efficient farms meet our food needs and small- to medium-sized farms no longer exist. That does not sound very fair and

just to me, and it does not look like it represents our agriculture sector in Northern Ireland.

Upon the Bill's passage, the business-as-usual model of profiteering and overconsumption will have to end, not only because of the damage that it does to our planet and our environment but because of the risk that it poses to our citizens, people and communities. It is not right that so many people struggle to heat their homes and feed their families while others profit from that. At the end of this month, gas prices alone are set to rise again — by a third this time — after similar increases were set in December and October. Meanwhile, last Thursday, Shell, a global fossil fuel, gas and petroleum giant, announced that its profits have increased fourteenfold, so much so that it plans to hand \$8.5 billion back to its shareholders.

**Mr Poots:** I thank the Member for giving way. Does that not prompt the Member to recognise the folly of outsourcing energy and importing it from other countries, including Russia, which can turn it on and off as they please? Therefore, is it not a particularly foolish exercise to suggest that we not only outsource energy production but also food production for much of the United Kingdom? I want to see these islands having both food and energy security and producing most of their food and energy locally so that they are not as open to the variables of world markets and to dictators and regimes that are less than favourably disposed towards us?

**Ms Bailey:** I thank the Minister for that timely intervention, given that we are talking about energy. The UK's energy price cap is set to rise by 54% this year, for example. Meanwhile, the French Government have introduced measures to limit bill increases to 4% this year. I look forward to working with you in the future in order to make sure that we follow new systems and make decisions that protect our people and put them at the forefront.

If only we had politicians who were brave enough to do the same; if only consecutive Tory Governments had not sold off our state-owned utilities because they prioritised short-term profits over long-term stability. A key part of a just transition is the democratic transformation of our economy. Business as usual has ended, and we need to prepare for that, not walk away from Ministries when the going gets tough. Now, more than ever, we need to take the power and capital out of the hands of the few who profit and return it to the many who need it. That is what a just transition is about.

## 6.00 pm

As the power of polluting corporations rises, we see relentless attacks on workers' rights and democracy across the globe. Jobs created in the green economy must address that while simultaneously addressing climate change. A just transition will see jobs created in new industries that provide decent pay, decent protections and decent working conditions. Trade unions, communities and NGOs will work with them, resulting in co-design and job creation that will raise the quality of life for those who will work in the emerging sectors.

As the debate at Consideration Stage nears an end, we are getting a little closer to achieving a climate Act for Northern Ireland, and we are doing it democratically with consent insofar as consent can be garnered under the system by which we are governed. We have made great strides. Not long ago, climate change denial was rife throughout the Chamber. I and many others never thought that we would see the day when we would have such consensus across the political spectrum that action on climate change was urgent and necessary. I certainly never thought that I would see the day when MLAs voted to enshrine a net zero target in law.

It is worth looking at how far we have come, where we want to go and at the future opportunities that we want to be part of. Northern Ireland will continue to move forward, whether some like it or not. Progress is inevitable. We will have a net zero climate change Act for Northern Ireland in whatever form it takes, because people want it and the climate emergency demands it.

I thank Members for what has been a long few days of debate and voting, with a few more hours to go. There has been an immense amount of cross-party working, and it has been heartening to see politicians from all sides work together to ensure that we have the strong, ambitious and robust climate legislation that we need and deserve. We also need to credit the activists and campaigners whose support and energy have been crucial in getting us to this stage. I give particular credit to the farmers who have stuck their heads above the parapet to show public support for a strong net zero Bill in the face of such adversity. I thank all the children and young people who take part in the "Fridays for Future" strikes and who have the vision and determination to demand more of us on climate breakdown. I also thank the Climate Coalition Northern Ireland, which kick-started the campaign for a Northern Ireland climate Act. Stormont has only got to this point thanks to the tireless work of those grassroots campaigners

and activists. I thank every constituent, individual and organisation who has contributed to shaping the Bill so far. The voice of the people has been heard; the will of the House has been recorded; and I hope that the Minister will respect democracy, because it is time for a climate change Act for Northern Ireland.

*Amendment agreed to.*

*New clause ordered to stand part of the Bill.*

### **New Clause**

*Amendment No 45 proposed:*

After clause 16 insert—

#### **"Policies and proposals: targets**

**16D.**—(1) *Policies and proposals under section 16 shall contain targets to be achieved during the relevant budgetary period in the following areas—*

(a) *soil quality; and*

(b) *biodiversity*

*but these targets are subject to subsection (2) of this section.*

(2) *Targets under subsection (1) must be set in a way best calculated to achieve the relevant carbon budget after taking the following matters into account—*

(a) *international law, including, in particular, the UNFCCC;*

(b) *the impact of such targets on the environment of Northern Ireland;*

(c) *the impact of such targets on public health and well-being;*

(d) *the impact of such targets on fiscal, economic and social circumstances specific to Northern Ireland;*

(e) *the just transition principles.*

(f) *the transboundary impact.*"— [Ms Bailey.]

*Question put, That the amendment be made.*



**Mr Speaker:** Before I put the Question again, I remind Members present that, if possible, it would be preferable to avoid a Division.

*Question put a second time.*

**Mr Speaker:** I remind all Members of the requirement for social distancing while the Division takes place. I ask you to maintain a gap of at least 2 metres between you and others when moving around the Chamber or the Rotunda and especially in the Lobbies.

*The Assembly divided:*

*Ayes 60; Noes 27.*

## **AYES**

*Dr Aiken, Mr Allen, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Beggs, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Carroll, Mr Catney, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Ms Sugden, Mr Swann, Miss Woods.*

*Tellers for the Ayes: Ms Bailey and Mr Blair*

## **NOES**

*Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Storey, Mr Weir.*

*Tellers for the Noes: Mr T Buchanan and Mr Harvey*

*Question accordingly agreed to.*

*New clause ordered to stand part of the Bill.*

## **New Clause**

*Amendment No 46 proposed:*

After clause 16 insert—

### **"Policies and proposals: further provision**

**16E.**—(1) *Policies and proposals under section 16 must ensure that the relevant carbon budget is achieved in the following sectors—*

*(a) energy production and supply (including for residential, public and district heating and cooling purposes);*

*(b) transport (including shipping and aviation);*

*(c) infrastructure (including infrastructure for electric vehicular transport);*

*(d) business and industrial processes;*

*(e) residential and public (in relation to buildings in these sectors);*

*(f) waste management;*

*(g) agriculture;*

*(h) land use and land-use change, including forestry;*

*(i) fisheries; and*

*(j) the provision of financial assistance to any person in connection with:*

*(i) the promotion of economic development in Northern Ireland or any part of Northern Ireland; and*

*(ii) the provision of infrastructure, goods or services in Northern Ireland or any part of Northern Ireland;*

*provided that, when setting out policies and proposals in respect of energy production and supply, the advices and recommendations of the SEM Committee in relation to the exercise of its functions under Article 6(2) of the Electricity (Single Wholesale Market) (Northern Ireland) Order 2007 (No. 913 (N.I. 7)) must be obtained and must be taken into account."*—  
*[Ms Bailey.]*

*Question put, That the amendment be made.*

**Mr Speaker:** I have been advised by the party Whips, in accordance with Standing Order 113(5)(b), that there is agreement that we dispense with the three minutes and move straight to the Division.

*The Assembly divided:*

*Ayes 60; Noes 27.*

**AYES**

*Dr Aiken, Mr Allen, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Beggs, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Carroll, Mr Catney, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Ms Sugden, Mr Swann, Miss Woods.*

*Tellers for the Ayes: Ms Hunter and Miss Woods*

**NOES**

*Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Storey, Mr Weir.*

*Tellers for the Noes: Mr Harvey and Mr Irwin*

*Question accordingly agreed to.*

*New clause ordered to stand part of the Bill.*

**New Clause**

*Amendment No 47 proposed:*

*After clause 16 insert—*

**"Policies and proposals: nature based solutions**

**16F.***Policies and proposals under section 16 shall as far as is practicable, support nature based projects that enhance biodiversity; protect and restore ecosystems; and seek to reduce, or increase the removal of, greenhouse gas emissions or support climate resilience."*—  
*[Ms Bailey.]*

*Question put, That the amendment be made.*

*The Assembly divided:*

*Ayes 60; Noes 27.*

**AYES**

*Dr Aiken, Mr Allen, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Beggs, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Carroll, Mr Catney, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Ms Sugden, Mr Swann, Miss Woods.*

*Tellers for the Ayes: Ms Armstrong and Miss Woods*

**NOES**

*Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Storey, Mr Weir.*

*Tellers for the Noes: Mr T Buchanan and Mr Harvey*

*Question accordingly agreed to.*

*New clause ordered to stand part of the Bill.*

**New Clause**

*Amendment No 48 proposed:*

*After clause 16 insert—*

**"Policies and proposals: impact on small businesses**

**16G.***Policies and proposals under section 16 must—*

(a) explain how the proposals set out in the plans are expected to impact on the workforce, employers, including but not limited to small and micro businesses, and communities; and

(b) set out proposals for supporting the workforce, employers, including but not limited to small and micro businesses, and communities.

(c) 'Small and micro businesses' means businesses with less than 50 employees."— [Ms Bailey.]

Question put, That the amendment be made.

The Assembly divided:

Ayes 60; Noes 27.

## AYES

Dr Aiken, Mr Allen, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Beggs, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Carroll, Mr Catney, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms A Murphy, Mr C Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Ms Sugden, Mr Swann, Miss Woods.

Tellers for the Ayes: Ms Bailey and Miss Woods

## NOES

Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Storey, Mr Weir.

Tellers for the Noes: Mr Harvey and Mr Irwin

Question accordingly agreed to.

New clause ordered to stand part of the Bill.

**Mr Speaker:** Members, I propose, by leave of the Assembly, to suspend the sitting until 7.30 pm.

*The debate stood suspended.*

*The sitting was suspended at 6.58 pm and resumed at 7.30 pm.*

## Assembly Business

**Mr Speaker:** Before we return to the debate on the Climate Change (No. 2) Bill, I advise Members that I intend to adjourn today's sitting at around 9.00 pm. What remains of this item of business will be taken under Assembly Business at the start of tomorrow's sitting, followed by the motion on support for the innovative measures to eliminate Driver and Vehicle Agency (DVA) backlogs from the Committee for Infrastructure. When both those items of business have been completed, we will commence the business in tomorrow's Order Paper.

## Executive Committee Business

### Climate Change (No. 2) Bill: Consideration Stage

*Debate resumed.*

#### New Clause

Amendment No 49 made:

After clause 16 insert—

#### **"Policies and proposals: carbon leakage**

**16H.—(1)** In setting out the policies and proposals under section 16, the department must take into account the risk of substantial or unreasonable carbon leakage in pursuit of the targets at sections 1 to 3 in this act and the desirability of eliminating such risk.

(2) 'Carbon leakage' means the transfer, as a consequence of the implementation of sectoral plans, of the production of goods (including agricultural goods) and the provision of services to countries with policies of a description specified in subsection (3) of this section.

(3) The policies relate to greenhouse gas emissions which, when assessed against the

*targets at sections 1 to 3 in this act, would not achieve those targets.*” — [Ms Bailey.]

*New clause ordered to stand part of the Bill.*

*Amendment No 50 negatived.*

*Amendment No 51 negatived.*

**Mr Speaker:** I will not call amendment No 52 as it is mutually exclusive with amendment No 38, which has been made.

### **New Clause**

*Amendment No 53 made:*

After clause 16 insert—

### **"Just Transition Commission**

**16L.—(1)** *The Department must establish a Just Transition Commission to—*

*(a) oversee the implementation of the Just Transition elements of this Act, and*

*(b) provide advice to departments on how to ensure their proposals, strategies, plans and policies comply with Just Transition principles.*

*(2) The Commission will comprise of representatives from, but not limited to, the agricultural sector, the fisheries sector, academia, trade unions, youth groups, civic society and environmental groups.*” — [Mr McGuigan.]

*New clause ordered to stand part of the Bill.*

**Mr Speaker:** Will Members take their ease for a moment or two while we check this elimination?

I will not call amendment No 54 as it is mutually exclusive with amendment No 44, which has been made.

No amendments have been tabled to clauses 17 to 19. I propose, by leave of the Assembly, to group these clauses for the Question on stand part.

*Clauses 17 to 19 ordered to stand part of the Bill.*

### **Clause 20 (Statements on compliance with emissions targets)**

*Amendment No 55 made:*

In page 9, line 19, at end insert—

*"(4A) The statement for 2050 must also state—*

*(a) the total amount of carbon units (if any) that have been credited to or debited from the net Northern Ireland emissions account for carbon dioxide for that year, and*

*(b) the amount of the net Northern Ireland emissions account for carbon dioxide for that year.*” — [Mr Poots (The Minister of Agriculture, Environment and Rural Affairs).]

*Amendment No 56 made:*

In page 9, line 20, after "target" insert "(or targets)". — [Mr Poots (The Minister of Agriculture, Environment and Rural Affairs).]

*Amendment No 57 made:*

In page 9, line 20, after "has" insert "(or have)". — [Mr Poots (The Minister of Agriculture, Environment and Rural Affairs).]

*Amendment No 58 made:*

In page 9, line 22, after "target" insert "(or each of the targets) for the year". — [Mr Poots (The Minister of Agriculture, Environment and Rural Affairs).]

*Amendment No 59 made:*

In page 9, line 24, after "target" insert "(or each of the targets)". — [Mr Poots (The Minister of Agriculture, Environment and Rural Affairs).]

*Clause 20, as amended, ordered to stand part of the Bill.*

### **New Clause**

*Amendment No 60 proposed:*

After clause 20 insert—

### **"Public sector climate duty**

**21A.—(1)** *A public authority must, when carrying out its functions, act consistently with the targets at sections 1 to 3 of this Act.*

*(2) When acting consistently with the targets at sections 1 to 3, a public authority must—*

(a) act consistently with the relevant report under section 16;

(b) act in a way that will deliver any NI adaptation plan produced under section 60 of the Climate Change Act 2008;

(c) act consistently with guidance published for the purposes of this duty;

(d) within 12 months of a relevant report under section 16 being published, make and publish a policy setting out how that public authority will act consistently with the targets of sections 1 to 3 of this Act and the relevant report.

(3) A public authority must produce biannual reports on compliance with the public sector climate duty.

(4) 'Public authority' means any authority listed in schedule 3 to the Public Services Ombudsman Act (Northern Ireland) 2016.— [Ms Bailey.]

Question put, That the amendment be made.

The Assembly divided:

Ayes 22; Noes 27.

## AYES

Dr Aiken, Mr Allen, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Beggs, Mr Blair, Ms Bradshaw, Mr Butler, Mr Carroll, Mr Chambers, Mr Dickson, Mrs Long, Mr Lunn, Mr Lyttle, Mr Muir, Mr Nesbitt, Mr Stewart, Ms Sugden, Mr Swann, Miss Woods.

Tellers for the Ayes: Ms Bailey and Mr Blair

## NOES

Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Storey, Mr Weir.

Tellers for the Noes: Mr Harvey and Mr Irwin

Question accordingly negatived.

## Clause 21 (Climate change reporting by public bodies)

Amendment No 61 made:

In page 9, line 33, leave out "may by regulations" and insert "must make regulations that".— [Mr Poots (The Minister of Agriculture, Environment and Rural Affairs).]

Amendment No 62 made:

In page 10, line 18, at end insert—

"(c) the desirability of co-ordinating the proposals and policies referred to in subsection (3)(b) with corresponding proposals and policies in other parts of the United Kingdom, in the Republic of Ireland or elsewhere."— [Mr Poots (The Minister of Agriculture, Environment and Rural Affairs).]

Amendment No 63 made:

In page 10, line 30, at end insert—

"(8) The first regulations made under this section must come into operation before the end of the period of 18 months beginning with the day on which this Act receives Royal Assent."— [Mr Poots (The Minister of Agriculture, Environment and Rural Affairs).]

Clause 21, as amended, ordered to stand part of the Bill.

Clauses 22 and 23 ordered to stand part of the Bill.

## Clause 24 (Progress report after statement about emissions target for 2030)

Amendment No 64 made:

In page 11, line 27, leave out "either" and insert "any".— [Mr Poots (The Minister of Agriculture, Environment and Rural Affairs).]

Clause 24, as amended, ordered to stand part of the Bill.

## Clause 25 (Progress report after statement about emissions target for 2040)

Amendment No 65 made:

In page 11, line 36, leave out "target for 2050 is the highest achievable target" and insert—

"targets for 2050 are the highest achievable targets".— [Mr Poots (The Minister of Agriculture, Environment and Rural Affairs).]

*Amendment No 66 made:*

In page 11, line 37, leave out "not" and insert—

*"either of them is not the highest achievable target".— [Mr Poots (The Minister of Agriculture, Environment and Rural Affairs).]*

*Clause 25, as amended, ordered to stand part of the Bill.*

*Clauses 26 and 27 ordered to stand part of the Bill.*

*Clause 28 ordered to stand part of the Bill.*

### **New Clause**

*Amendment No 67 proposed:*

After clause 28 insert—

**"CHAPTER 2**

**CONSULTATION ON FURTHER OVERSIGHT**

### **Consultation on Northern Ireland based oversight**

**28A.**—(1) *The Department must consult such persons as it considers appropriate as to whether a body should be established, or a person should be appointed, to exercise in Northern Ireland functions that relate to the making of policy, and taking of action, by public bodies in relation to climate change.*

(2) *In this section, references to a 'climate adviser' are to any such body or person.*

(3) *The consultation must include consultation as to the functions that a climate adviser should exercise, including in particular consultation as to whether the adviser should—*

(a) *provide advice or make recommendations to public bodies in connection with adaptation to, and the mitigation of the effects of, climate change in Northern Ireland;*

(b) *report on—*

(i) *the operation of this Act,*

(ii) *the exercise of functions under it, or*

(iii) *the outcome of the exercise (or the failure to exercise) such functions.*

(4) *The consultation must also include consultation as to—*

(a) *how a climate adviser should, in the exercise of its functions, co-operate with other public bodies that exercise functions that relate to climate change or the environment;*

(b) *the status of a climate adviser (and, in the case of a body, its membership);*

(c) *the staff and resources that should be made available to a climate adviser;*

(d) *whether the establishment or appointment of a climate adviser would be an effective and efficient use of resources in connection with adaptation to, and the mitigation of the effects of, climate change in Northern Ireland.*

(5) *The consultation must also include consultation as to whether—*

(a) *an office for any of the staff of the Committee on Climate Change should be located in Northern Ireland;*

(b) *what functions of the Committee should be exercised by any staff based at such an office.*

(6) *The Department must prepare a report on the consultation and—*

(a) *lay the report before the Assembly, and*

(b) *publish it in such manner as the Department considers appropriate.*

(7) *The Department must lay and publish the report under subsection (6) before the end of the period of 2 years beginning with the day on which this Act receives Royal Assent."— [Mr Poots (The Minister of Agriculture, Environment and Rural Affairs).]*

*Question put, That the amendment be made.*

*The Assembly divided:*

*Ayes 27; Noes 60.*

### **AYES**

*Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen,*

Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Storey, Mr Weir.

Tellers for the Ayes: Mr T Buchanan and Mr Irwin

## NOES

Dr Aiken, Mr Allen, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Beggs, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Carroll, Mr Catney, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Ms Sugden, Mr Swann, Miss Woods.

Tellers for the Noes: Mr McAleer and Mr McGuigan

Question accordingly negated.

## New Clause

Amendment No 68 proposed:

After clause 28 insert—

### "Northern Ireland-based oversight

**28B.** *The Northern Ireland Executive must establish an Independent Office of Climate Change and Environmental Protection by 2025.*— [Mr Blair.]

Question put, That the amendment be made.

The Assembly divided:

Ayes 12; Noes 37.

## AYES

Ms Armstrong, Ms Bailey, Mr Blair, Ms Bradshaw, Mr Carroll, Mr Dickson, Mrs Long, Mr Lunn, Mr Lyttle, Mr Muir, Ms Sugden, Miss Woods.

Tellers for the Ayes: Ms Armstrong and Mr Blair

## NOES

Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr Beggs, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stewart, Mr Storey, Mr Swann, Mr Weir.

Tellers for the Noes: Mr T Buchanan and Mr Harvey

Question accordingly negated.

## New Clause

Amendment No 69 proposed:

After clause 28 insert—

"PART 4A

## FURTHER OVERSIGHT

### Northern Ireland Climate Commissioner

**28C.**—(1) *Within 24 months of this Act receiving Royal Assent, the Executive Office must establish an independent Northern Ireland Climate Commissioner to provide oversight of and reporting on the operations of this Act.*— [Ms Bailey.]

Question put, That the amendment be made.

The Assembly divided:

Ayes 48; Noes 27.

## AYES

Dr Aiken, Mr Allen, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Beggs, Mr Blair, Mr Boylan, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Carroll, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McGuigan, Mr McHugh, Mr Muir, Ms Á Murphy, Mr C Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Ms Sugden, Mr Swann, Miss Woods.

Tellers for the Ayes: Ms Armstrong and Ms Bailey

## NOES

*Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Storey, Mr Weir.*

*Tellers for the Noes: Mr T Buchanan and Mr Harvey*

*Question accordingly agreed to.*

*New clause ordered to stand part of the Bill.*

### **New Clause**

*Amendment No 70 proposed:*

*After clause 28 insert—*

*"CHAPTER 2*

*OVERSIGHT: CLIMATE ACTION PLANS,  
OFFICE AND COMMISSIONER*

### **Climate Action Plans**

*28D. The Department must lay before the Assembly a plan, known as a climate action plan within one year of the day on which this Royal Assent receives Royal Assent and each subsequent year to the target year set out in section 1."— [Mr Carroll.]*

*Question, That the amendment be made, put and negatived.*

**Mr Speaker:** I will not call amendment No 71, as it is mutually exclusive to amendment Nos 67, 68 and 69, one of which has been made. I will not call amendment No 72, as it is mutually exclusive to amendment Nos 67, 68, 69 and 71, one of which has been made. I will not call amendment No 73, as it is mutually exclusive to amendment Nos 67, 68, 69, 71 and 72, one of which has been made.

### **New Clause**

*Amendment No 74 proposed:*

*After clause 28 insert—*

*"CHAPTER 2*

## OVERSIGHT

### **Climate action plan**

**28H.**—(1) *The Department must lay before the Assembly and publish a plan, known as the climate action plan, within 3 years from the day on which this Act receives Royal Assent.*

(2) *Before laying each plan before the Assembly, the Department must carry out a public consultation on the draft climate action plan, including consultation with sector-specific advisory groups, lasting at least 16 weeks.*

(3) *Subsequent plans must be published within 5 years from the date on which the previous plan was laid before the Assembly.*

(4) *The climate action plan must set out how interim targets and the overall target of net zero will be achieved by the year 2050.*

(5) *Climate action plans must be climate resilient and support an environmentally sustainable*

*Economy.*

(6) *The plans must include annual targets on—*

(a) *Greenhouse gas emissions, and*

(b) *Air quality.*

(7) *'climate resilient' means the ability to minimise, mitigate or remedy the effects of climate change."— [Mr McGuigan.]*

*Question put, That the amendment be made.*

*The Assembly divided:*

*Ayes 45; Noes 37.*

## AYES

*Dr Archibald, Ms Armstrong, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Catney, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Ms Ní Chuilín, Mr*



O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin.

Tellers for the Ayes: Mr McAleer and Mr McGuigan

## NOES

Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr Beggs, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stewart, Mr Storey, Mr Swann, Mr Weir.

Tellers for the Noes: Mr T Buchanan and Mr Harvey

Question accordingly agreed to.

## Clause 29 (Duties to ensure that targets etc are met)

Amendment No 75 made:

In page 12, line 33, after "amount" insert—

"and that the net Northern Ireland emissions account for carbon dioxide for 2050 is below a certain amount".— [Mr Poots (The Minister of Agriculture, Environment and Rural Affairs).]

Amendment No 76 proposed:

In page 13, line 3, at end insert—

"(d) Departments should, as far as reasonably practicable, align such plans, policies and strategies to those of the Republic of Ireland."— [Mr McGuigan.]

Question put, That the amendment be made.

The Assembly divided:

Ayes 38; Noes 37.

## AYES

Dr Archibald, Mr Boylan, Ms S Bradley, Ms Brogan, Mr Catney, Mr Delargy, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mr McAleer, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Ms

McLaughlin, Mr McNulty, Ms Mallon, Ms Á Murphy, Mr C Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin.

Tellers for the Ayes: Mr McGuigan and Mr Sheehan

## NOES

Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr Beggs, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stewart, Mr Storey, Mr Swann, Mr Weir.

Tellers for the Noes: Mr T Buchanan and Mr Harvey.

The following Members voted in both Lobbies and are therefore not counted in the result: Ms Armstrong, Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long, Mr Lyttle, Mr Muir

Question accordingly agreed to.

Question put, That the clause, as amended, stand part of the Bill.

The Assembly divided:

Ayes 50; Noes 38.

## AYES

Dr Archibald, Ms Armstrong, Ms Bailey, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Carroll, Mr Catney, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Ms Sugden, Miss Woods.

Tellers for the Ayes: Mr McGuigan and Mr Sheehan

## NOES

*Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr Beggs, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stewart, Mr Storey, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Harvey and Mr Irwin*

*Question accordingly agreed to.*

*Clause 29, as amended, ordered to stand part of the Bill.*

### **Clause 30 (Regulations: general)**

*Amendment No 77 proposed:*

*In page 13, line 18, after "7(4)" insert ", 16A(9)".— [Mr Poots (The Minister of Agriculture, Environment and Rural Affairs).]*

*Question put, That the amendment be made.*

*The Assembly divided:*

*Ayes 37; Noes 50.*

### **AYES**

*Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr Beggs, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stewart, Mr Storey, Mr Swann, Mr Weir.*

*Tellers for the Ayes: Mr Harvey and Mr Irwin*

### **NOES**

*Dr Archibald, Ms Armstrong, Ms Bailey, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Carroll, Mr Catney, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr*

*C Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Ms Sugden, Miss Woods.*

*Tellers for the Noes: Mr McAleer and Mr McGuigan*

*Question accordingly negatived.*

*Clause 30 ordered to stand part of the Bill.*

### **Clause 31 (Regulations that amend or add an emissions target or amend a carbon budget)**

*Amendment No 78 proposed:*

*In page 14, line 3, at end insert—*

*"(d) The views of the Climate Commissioner and the Just Transition Commission."— [Mr McGuigan.]*

*Question put, That the amendment be made.*

*The Assembly divided:*

*Ayes 50; Noes 38.*

### **AYES**

*Dr Archibald, Ms Armstrong, Ms Bailey, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Carroll, Mr Catney, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Ms Sugden, Miss Woods.*

*Tellers for the Ayes: Mr McAleer and Mr McGuigan*

### **NOES**

*Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr Beggs, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr*

Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stewart, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr T Buchanan and Mr Harvey

Question accordingly agreed to.

Question put, That the clause, as amended, stand part of the Bill.

The Assembly divided:

Ayes 50; Noes 38.

### AYES

Dr Archibald, Ms Armstrong, Ms Bailey, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Carroll, Mr Catney, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Ms Sugden, Miss Woods.

Tellers for the Ayes: Mr McAleer and Mr Sheehan

### NOES

Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr Beggs, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stewart, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Harvey and Mr Irwin

Question accordingly agreed to.

Clause 31, as amended, ordered to stand part of the Bill.

Clause 32 ordered to stand part of the Bill.

### Clause 33 (Requirement to obtain advice about proposals to make regulations)

Amendment No 79 proposed:

In clause 33, page 14, line 20, after "made" insert—

"under section 16A(9) (meaning of 'just transition principle' and 'small business') or".—  
[Mr Poots (The Minister of Agriculture, Environment and Rural Affairs).]

Question put, That the amendment be made.

The Assembly divided:

Ayes 37; Noes 50.

### AYES

Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr Beggs, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stewart, Mr Storey, Mr Swann, Mr Weir.

Tellers for the Ayes: Mr Harvey and Mr Irwin

### NOES

Dr Archibald, Ms Armstrong, Ms Bailey, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Carroll, Mr Catney, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Ms Sugden, Miss Woods.

Tellers for the Noes: Mr McGuigan and Mr Sheehan

Question accordingly negatived.

Clause 33 ordered to stand part of the Bill.

**Mr Speaker:** No amendments have been tabled to clauses 34, 35, 36 or 37. I propose, by

leave of the Assembly, to group these clauses for the Question on stand part.

*Clauses 34 to 37 ordered to stand part of the Bill.*

*Clause 38 ordered to stand part of the Bill.*

### **New Clause**

*Amendment No 80 proposed:*

*After clause 38 insert—*

### **"Definitions**

**38A.***In this Act 'sector' or 'sectors' refers to one or all of the following*

*(1) energy production and supply (including for residential, public and district heating and cooling purposes);*

*(2) transport (including shipping and aviation);*

*(3) infrastructure (including infrastructure for electric vehicular transport);*

*(4) business and industrial processes;*

*(5) residential and public (in relation to buildings in these sectors);*

*(6) waste management;*

*(7) land use and land-use change, including forestry;*

*(8) agriculture; and*

*(9) the provision of financial assistance to any person in connection with—*

*(a) the promotion of economic development in Northern Ireland or any part of Northern Ireland; and*

*(b) the provision of infrastructure, goods or services in Northern Ireland or any part of Northern Ireland".— [Mr McGuigan.]*

*Question put, That the amendment be made.*

*The Assembly divided:*

*Ayes 50; Noes 38.*

### **AYES**

*Dr Archibald, Ms Armstrong, Ms Bailey, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Carroll, Mr Catney, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms A Murphy, Mr C Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Ms Sugden, Miss Woods.*

*Tellers for the Ayes: Mr McGuigan and Mr Sheehan*

### **NOES**

*Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr Beggs, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stewart, Mr Storey, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Harvey and Mr Irwin*

*Question accordingly agreed to.*

*New clause ordered to stand part of the Bill.*

**Mr Speaker:** No amendments have been tabled to clauses 39 to 41. I propose, therefore, by leave of the Assembly, to group those clauses for the Question on stand part, if there are no objections.

*Clauses 39 to 41 ordered to stand part of the Bill.*

*Long title agreed to.*

**Mr Speaker:** That concludes the Consideration Stage of the Climate Change (No. 2) Bill. The Bill stands referred to the Speaker.

*Adjourned at 9.58 pm.*

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