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Contents

Assembly Business

Ministerial Statement

British-Irish Council: Indigenous and Minority Languages 1

Executive Committee Business

Social Security (Terminal Illness) Bill: Accelerated Passage 6

Social Security (Terminal Illness) Bill: Second Stage 8

Direct Payments to Farmers (Simplifications) Regulations (Northern Ireland) 2022 19

Horse Racing (Amendment) Bill: Final Stage 23

Financial Reporting (Departments and Public Bodies) Bill: Consideration Stage 25

Oral Answers to Questions

Finance 29

Northern Ireland Assembly Commission 39

Executive Committee Business

Damages (Return on Investment) Bill: Final Stage 46

Health and Social Care Bill: Final Stage 49

Advanced Research and Invention Agency Bill: Legislative Consent Motion 54

Assembly Members

Aiken, Steve (South Antrim)
Allen, Andy (East Belfast)
Allister, Jim (North Antrim)
Archibald, Dr Caoimhe (East Londonderry)
Armstrong, Ms Kellie (Strangford)
Bailey, Ms Clare (South Belfast)
Barton, Mrs Rosemary (Fermanagh and South Tyrone)
Beattie, Doug (Upper Bann)
Beggs, Roy (East Antrim)
Blair, John (South Antrim)
Boylan, Cathal (Newry and Armagh)
Bradley, Maurice (East Londonderry)
Bradley, Ms Paula (North Belfast)
Bradley, Ms Sinéad (South Down)
Bradshaw, Ms Paula (South Belfast)
Brogan, Ms Nicola (West Tyrone)
Buchanan, Keith (Mid Ulster)
Buchanan, Thomas (West Tyrone)
Buckley, Jonathan (Upper Bann)
Bunting, Ms Joanne (East Belfast)
Butler, Robbie (Lagan Valley)
Cameron, Mrs Pam (South Antrim)
Carroll, Gerry (West Belfast)
Catney, Pat (Lagan Valley)
Chambers, Alan (North Down)
Clarke, Trevor (South Antrim)
Delargy, Pádraig (Foyle)
Dickson, Stewart (East Antrim)
Dillon, Ms Linda (Mid Ulster)
Dodds, Mrs Diane (Upper Bann)
Dolan, Ms Jemma (Fermanagh and South Tyrone)
Dunne, Stephen (North Down)
Durkan, Mark (Foyle)
Easton, Alex (North Down)
Ennis, Ms Sinéad (South Down)
Erskine, Mrs Deborah (Fermanagh and South Tyrone)
Ferguson, Ms Ciara (Foyle)
Flynn, Ms Órlaithí (West Belfast)
Frew, Paul (North Antrim)
Gildernew, Colm (Fermanagh and South Tyrone)
Givan, Paul (Lagan Valley)
Hargey, Ms Deirdre (South Belfast)
Harvey, Harry (Strangford)
Hilditch, David (East Antrim)
Humphrey, William (North Belfast)
Hunter, Ms Cara (East Londonderry)
Irwin, William (Newry and Armagh)
Kearney, Declan (South Antrim)
Kelly, Mrs Dolores (Upper Bann)
Kelly, Gerry (North Belfast)
Kimmins, Ms Liz (Newry and Armagh)
Long, Mrs Naomi (East Belfast)
Lunn, Trevor (Lagan Valley)
Lyons, Gordon (East Antrim)
Lyttle, Chris (East Belfast)
McAleer, Declan (West Tyrone)
McCrossan, Daniel (West Tyrone)
McGlone, Patsy (Mid Ulster)
McGrath, Colin (South Down)
McGuigan, Philip (North Antrim)
McHugh, Maolíosa (West Tyrone)
McIlveen, Miss Michelle (Strangford)
McLaughlin, Ms Sinead (Foyle)
McNulty, Justin (Newry and Armagh)
Mallon, Ms Nichola (North Belfast)
Maskey, Alex (Speaker)
Middleton, Gary (Foyle)
Muir, Andrew (North Down)
Murphy, Ms Áine (Fermanagh and South Tyrone)
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O'Neill, Mrs Michelle (Mid Ulster)
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Rogan, Ms Emma (South Down)
Sheehan, Pat (West Belfast)
Sheerin, Ms Emma (Mid Ulster)
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Storey, Mervyn (North Antrim)
Sugden, Ms Claire (East Londonderry)
Swann, Robin (North Antrim)
Weir, Peter (Strangford)
Wells, Jim (South Down)
Woods, Miss Rachel (North Down)

Northern Ireland Assembly

Tuesday 7 December 2021

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

Members observed two minutes' silence.

Assembly Business

Notice taken that 10 Members were not present.

House counted, and, there being fewer than 10 Members present, the Speaker ordered the Division Bells to be rung.

Upon 10 Members being present —

Ministerial Statement

British-Irish Council: Indigenous and Minority Languages

Mr Speaker: I have received notice from the Minister for Communities that she wishes to make a statement. Before I call the Minister, I remind Members in the Chamber that, in light of social distancing being observed by parties, the Speaker's ruling that Members must be in the Chamber to hear the statement if they wish to ask a question has been relaxed. Members who are participating remotely must make sure that their name is on the speaking list if they wish to be called. Members who are present in the Chamber must also do that but may do so by rising in their place. I remind Members to be concise in asking their questions. It is not an opportunity for debate, and long introductions should not be entertained. I also remind Members that, in accordance with long-established procedure, points of order are not normally taken during the statement or the period for questions afterwards.

Ms Hargey (The Minister for Communities):

With your permission, Mr Speaker, and in compliance with section 52 of the NI Act 1998, I wish to make a statement on the British-Irish Council (BIC) ministerial discussion on indigenous, minority and lesser-used (IML) languages. The meeting was held virtually on 17 November 2021, and its purpose was to discuss the British-Irish Council paper on language acquisition in early years, which I shared with Executive colleagues on 12 November.

The Welsh Government are the lead Administration for the British-Irish Council indigenous, minority and lesser-used languages sector and its early years sector, and, as such, they hosted the meeting virtually. Jeremy Miles, Minister for Education and Welsh Language, chaired the meeting. The Executive were represented by me, as Minister for Communities, and by junior Minister Middleton. This statement has been agreed with junior

Minister Middleton, and I make it on behalf of us both.

The meeting centred on the discussion paper on language acquisition in early years and a presentation by Professor Antonella Sorace on the cognitive benefits of bilingualism in early years. The key topics of discussion were the cognitive benefits of learning languages in the early years, supporting engagement with the IML/early years workforce and best practice to support parents of early years children in IML.

Member Administrations were clear in their unwavering support for their respective languages and recognised their important role culturally, economically and socially in the identity of many communities. Everyone who spoke acknowledged the cognitive benefits of bilingualism and the additional confidence and resilience that it can bring. The consensus was that the early years sector is vital in the language development of young people, particularly those who do not have the opportunity for intergenerational transmission of the language in the home.

Many Administrations mentioned the needs of the language workforce and the importance of providing training opportunities for those interested in joining the sector. Training would ensure that those in the workforce were suitably qualified, competent and had confidence in their abilities. Ministers agreed that parents of children learning IML languages will also require support to make their home environment more conducive to language learning. A number of Administrations had developed projects to support parents and provide them with the information that they needed to allow informed decisions to be made for their child.

In addition to discussing the language paper, each Administration provided a brief update on the latest language developments in their Administration. Although it was recognised that the nine IML languages are at various stages of development, Administrations remain keen to work collaboratively to share good practice across these islands. Ministers reiterated their commitment to the ongoing collaborative work of the British-Irish Council and expressed their hope that meetings of this nature may again take place face to face in the near future. I commend the statement to the Assembly.

Ms Armstrong (The Deputy Chairperson of the Committee for Communities): Thank you very much for your statement, Minister. You mentioned the latest language developments. Will you update the House on how the Irish

language, Ulster Scots and sign language are being developed in Northern Ireland, particularly for early years?

Ms Hargey: We are developing a number of strategies for each of those areas of work. Obviously, the sign language strategy will fall under the emerging disability strategy as part of the inclusion strategies that we are working on. Recently, I established expert panels to look at Ulster Scots and the Irish language. Work is progressing at pace to develop those. We continue to fund and support those sectors to develop the work programmes that they are involved in. My Department has good, ongoing engagement with those sectors. The Department of Education funds a variety of programmes to address the educational needs of young people. It provides ongoing support to and has ongoing liaison with each of those sectors.

Ms Ferguson: Given the clear consensus among the various Administrations on the cognitive benefits of language in early years, will the Minister outline what provision is in place to encourage language acquisition in early years here?

Ms Hargey: Under article 89 of the Education (NI) Order 1998, the Department of Education is required:

"to encourage and facilitate the development of Irish-medium education."

There are a growing number of Irish-medium schools and education settings: currently 47, with around 1,000 children enrolled. The Education Minister may wish to provide further details on schemes and provision. She may also wish to comment on the provisions in the curriculum here for schools to embed teaching and learning about the Ulster-Scots language and culture within that curriculum-based teaching and learning.

Mr Frew: With indigenous, minority and lesser-used languages usually comes pride in place and community. What is the Minister doing to promote pride in this small part of the United Kingdom, which itself is a strength of the United Kingdom?

Ms Hargey: In the North of Ireland, a large amount of work goes on. I work with the Ulster-Scots Agency and Foras na Gaeilge. They have a network of organisations, from the grassroots up, that do programmes of work. Throughout the pandemic, additional support and resource went into those organisations and into many

others at grassroots level that were to the fore of the community response. They are involved with the communities that promote Ulster Scots and the Irish language through forming strategies that will start to look at each of the communities' longer-term need. They also work together from time to time on the promotion of languages, particularly indigenous languages, and the impact that those have on cultural traditions.

Mr Durkan: Minister, in your statement, you said:

"children learning IML languages will also require support to make their home environment more conducive to language learning. A number of Administrations had developed projects to support parents and provide them with the information that they needed to allow informed decisions to be made for their child."

Can you give any examples of such projects and say how much they cost and what we could learn from doing something like them here?

Ms Hargey: Through the work being done with the Ulster-Scots Agency and Foras na Gaeilge and, indeed, the networks in which they are involved, extended community programmes are rolled out in each of those organisations and in other smaller networks and bodies. Part of it is about the visibility of the language in the community in which children and young people are living and being educated. There are also after-school programmes, but, because of the pandemic, there have had to be adaptations made, so online language programmes are offered that parents can also access. The intent of some of the organisations is to expand those networks, and there is a real focus on expanding the community networks; indeed, we are engaging with Foras na Gaeilge and the Ulster-Scots Agency to look at how we can do that. Some of the key areas that they are looking at for community buy-in and development at grassroots level will be a fundamental part of the strategies going forward.

Mrs Barton: Minister, your statement also refers to minority languages. I represent Fermanagh and South Tyrone, where there are a number of other languages spoken, such as Polish. Were there any discussions on some of the other minority languages?

Ms Hargey: There was a broad discussion on bilingualism: having more than one language, no matter what your first language is. A good

part of the discussion was on indigenous languages, so we were looking at the Irish language and Ulster Scots and at Scotland, Wales and England's indigenous languages, such as Scots Gaelic, Welsh and Cornish respectively.

In the presentation that we got from Professor Antonella Sorace, the academic based in Scotland, she said that, if you have an additional language and are learning it as a young child, no matter what that language is, it brings cognitive learning and development benefits.

We had a discussion about how — particularly in the midst of a pandemic, when resilience was really being tested — when you look at mental health and well-being, bilingualism and the ability to speak another language builds resilience and confidence.

10.45 am

There were discussions about those broad issues, but, obviously, the main focus was on indigenous languages and the additional benefit that they bring to the confidence of a community and a society and also on the cultural aspects for communities and the economic benefits that that can bring when it comes to employment opportunities and jobs. That was the centre of the discussion, particularly around early years. Again, if Members want to see the professor's presentation, I am sure that I can share that.

Ms A Murphy: I thank the Minister for her answers so far. Will she give an update on the performance of the central translation hub that was established in line with the New Decade, New Approach (NDNA) agreement?

Ms Hargey: As part of the NDNA commitments, the Department established a central translation hub for the public sector in April this year. The hub provides written translations for Irish and Ulster Scots. In the first months of the hub's operation, we saw very strong demand, with good feedback on the service provided with regard to the quality and turnaround time for translation. The project to deliver phase two of the translation hub is progressing well. That phase will see the Department assume responsibility for managing a new framework contract for the translation and interpretation of newcomer languages in late 2021. That will allow for the translation and interpretation of 14 newcomer languages, and other languages will be added as and when required.

Mr Dunne: I thank the Minister for her statement. Ulster-Scots Language Week took place some two weeks ago, between 22 and 27 November. Will the Minister advise what she and her Department did to mark that occasion and to support that week? Will she also advise how her Department has marked the centenary of Northern Ireland this year?

Ms Hargey: We work with the Ulster-Scots Agency, and we are one of the main funders of that organisation. I gave a welcome as part of the celebration and events. Before the situation with COVID, I attended events marking Ulster-Scots language, heritage and history. Therefore, the community has been involved in a number of programmes to mark the event and to celebrate it at a community level. The big thing, going forward, is that I have established an expert panel on a strategy that will work on the longer-term sustainability and promotion of the language, culture and heritage of that community.

When it comes to marking the centenary of the formation of the state here, the Department has no role in doing that. We provide funding to local councils for festivals and programmes, but, again, that is at the discretion of each council. We have no direct role in organising events such as that.

Miss Reilly: Minister, do you agree that the lesson from the Welsh language revival and from other areas that have taken strategic statutory measures to protect and encourage native languages is that it is a culturally and economically enriching experience, when it is done properly?

Ms Hargey: I most definitely agree. Being bilingual in any language can be really positive, and there was a good discussion about indigenous language and what that means for a sense of place, community and people, particularly for those who converse in and use their native language. There was a good discussion, and benefits are being seen in the Welsh system. There is a good, healthy indigenous community here when it comes to those who use the language as their first spoken language. We are seeing growing numbers in the school and education system as well. The discussion was very good, and the benefits are there for all to see. It can only progress and develop in a positive way in the time ahead.

Mr McGlone: Minister, I note that your statement emphasises:

"the cognitive benefits of bilingualism in early years"

and the key topics of discussion. What cooperation or collaboration is there with the Department of Education in those matters? The benefits of bilingualism — and, indeed, for some, trilingualism — are a stated fact.

Ms Hargey: It was the junior Minister who accompanied me to this event, but I know that there are two Department of Education work streams on IML and early years on which officials engage with their counterparts at British-Irish Council meetings. As I said earlier, under article 89 of the Education Order 1998, there are stipulations around what needs to be done by way of education. Given the paper that was presented at the British-Irish Council meeting, there is a recognition from those in the sector of the positives of the use of indigenous languages and bilingualism more broadly. Hopefully, we can develop that further in the time ahead. The Department of Education is critical to that.

Mr Butler: I thank the Minister for her statement. The Speaker led the Disabled People's Parliament here on Friday, which was a great success, and the issue of access to public services was raised by a number of people. Did the discussions in the meeting look at children who have disabilities or learning disabilities? What actions will be taken to ensure that there is equality of access?

Ms Hargey: There was no specific discussion on that particular issue. However, those issues are picked up more broadly in early years provisions and the work streams that fall there. I gave an update, which is that we are developing inclusion strategies and our language strategies. Work is ongoing to look at issues around access and, of course, other Departments are involved as part of the development of those strategies. The Department of Education and others are involved in looking at the disability strategy and at sign language as well. We are in the development stage of those in terms of needs. Some legislation will have to be brought forward in the next mandate, which will start to build on the protections. An expert panel provided a report on disability, which I published earlier this year. Co-design work with the community and the sector is ongoing. I am hopeful that I can engage with them again soon, and that they will have the opportunity to meet all Ministers in a round-table discussion in order to present their recommendations.

Mr Humphrey: In answers to some questions, the Minister has referred to expert panels in Ulster Scots and Irish. What is their role, and how were they established? The Minister also mentioned that we have seen strong demand for the translation hub. What does strong demand look like?

Ms Hargey: I commenced preparatory work to look at both of the strategies, which included the establishment of expert panels. They are people who are experts in their field, and they are looking at Ulster-Scots heritage, culture and language, and, of course, the Irish language. This was the same process that I adopted for the social strategies — for gender, anti-poverty, disability and LGBTQI+. Again, what will happen from those strategies is that we will go out and engage with the community, but we will also implement co-design. We will ask the organisations, the sectors and those individuals who work in the Ulster-Scots and Irish languages to be part of co-designing the strategy with government. That will include my Department, and other Departments will also be asked to become involved, particularly where they have an interest or a responsibility to deliver services for those citizens. That work is under way at the moment. I expect to receive the reports of the expert panels in the coming weeks, and I intend to publish them in the new year. They will go on the Department's website, which can be accessed by all. As I said, further work will be done through the co-design groups that are being established. All of that will be presented to the Executive for agreement.

Ms Bradshaw: I thank the Minister for her statement. It focuses on the benefits of bilingualism in early years, yet a British Council report showed that, as of the middle of this year, none of the 18 main recommendations of the Northern Ireland languages strategy has been implemented at a system-wide level, and the primary-school modern languages programme was abandoned here in 2014-15. Without implementing the strategy and putting that scheme back in place, how would you seek to take forward the words in your statement?

Ms Hargey: All those issues need to be looked at. In the midst of the Budget-setting that we are all going through, a prioritisation needs to take place. The British-Irish Council meeting in November really showed the benefits of bilingualism and the use of indigenous language. I encourage the responsible Departments to ensure that we are rolling out programmes, supports and funding that are geared towards encouraging that further. I will be doing that with the North/South bodies that I

fund and the programme of work that they are looking at. I encourage other Departments to do the same, because it is clear that there are key benefits, particularly for children and young people, through the use of more than one language in the education system.

Mr Allister: The statement refers to a British-Irish Council paper on language acquisition in early years. Can one acquire that paper? I looked at the British-Irish Council website, and there is no mention of it. Indeed, it is a website that, on early years, has not been updated, it seems, from 2016. Is that paper available to Members? Does it deal with more than indigenous minority languages? Presumably, it does. Is there any duty in our Departments to encourage languages other than minority languages, such as French and Spanish, which are, obviously, of potential economic advantage?

Ms Hargey: I am not sure about the rules on whether a paper can be shared. I do not see why not, but I will certainly check. If it can be, I will make sure that it is shared with Members who request it. There is no problem with that at all.

I spoke about article 89 of the Education Order on facilities and the development of Irish-medium education. There are benefits to the economy from indigenous languages in jobs and creativity as well as the cognitive benefits. That was clear from the British-Irish Council meeting.

I am happy to clarify the point about the paper and to share it if we are able to do that.

Mr Speaker: That concludes questions on the statement. Members should take their ease for just a moment.

Executive Committee Business

Social Security (Terminal Illness) Bill: Accelerated Passage

Ms Hargey (The Minister for Communities): I beg to move

That the Social Security (Terminal Illness) Bill proceed under the accelerated passage procedure.

Mr Speaker: The Business Committee has agreed that there should be no time limit for the debate.

Ms Hargey: I welcome the opportunity to address the Assembly on this motion. The use of accelerated passage is not something that we ask for lightly and we do so only in exceptional circumstances. I feel that I keep saying that sentence, but we are in exceptional circumstances, and such circumstances exist for the Bill. When taking forward draft legislation, my preference is to have the full Committee Stage to enable clause-by-clause scrutiny and informed discussion on matters arising. However, in the case of the proposed legislation, there are many compelling grounds for a departure from the normal procedure and the use of accelerated passage.

The Bill is necessary to reform the terminal illness provision in the social security legislation, to open up the scope of the existing system and to enable more terminally ill people to qualify for fast-track support. I will outline the proposals in greater detail at Second Stage.

As required by Standing Order 42(4), I wish to explain my reasons for seeking accelerated passage and the consequences if it is not granted. The plan is to bring changes into operation from 1 April 2022. That would require the Assembly stages to be completed before the end of January 2022, to allow for Royal Assent to be obtained by April 2022. Timescales to progress the Bill are now extremely challenging, and I seek the Assembly's agreement to use accelerated passage for the following reasons.

11.00 am

I had hoped to be in a position to bring forward the legislative proposals much earlier in the mandate. However, a number of issues impacted significantly on that and on the

progression of work. The Executive had agreed to high-level reform back in December 2020. However, confirmation of the planned changes was delayed for a further six months, as Treasury had asked questions about costings that required further complex analytical work being undertaken. Waiting for Treasury to confirm the implications for the block grant of us moving ahead of Westminster and waiting for clarity from the Court of Appeal on a recent legal case impacted on my ability, and that of the Department, to bring forward the Bill earlier.

Using accelerated passage will enable the Department to carry out the operational implementation of the change with a degree of certainty that the legislation will be in place on time, given that processes and systems will need to be updated in advance. If we cannot proceed by this route, there is a real risk that the Bill's legislative passage will not be completed during the current mandate, which means that it will fall. That will significantly delay the introduction of this crucial reform for people who have a terminal illness.

In accordance with Standing Order 42(3), I appeared before the Committee for Communities on 11 November to explain the need for accelerated passage for the Bill and outline the consequences of it not being granted. I thank the Chair and Committee members for their recognition of the need to progress the Bill as quickly as possible and for their support in seeking the Assembly's approval for accelerated passage.

Members will have the opportunity to discuss the general principles of the Bill at the Second Stage, and I look forward to that engagement shortly. We have a collective responsibility to implement the change within this mandate, and I believe that the majority of Members want that. Therefore, I ask for support for accelerated passage of the Social Security (Terminal Illness) Bill.

Ms Armstrong (The Deputy Chairperson of the Committee for Communities): In line with the ministerial statement at the end of June, the Committee for Communities supports the change brought forward by the Bill to replace the life expectancy time frame of six months with 12 months in the definition of terminally ill in the relevant legislation for each of the five social security benefits.

As the Minister said, at its meeting on 11 November, the Committee was briefed on the reasons why the Bill needs to proceed under accelerated passage. Members recognised the urgent need to put the measures in place

quickly, as the reform will open up the scope of the current system to enable more terminally ill people to qualify for fast-track access to the relevant benefits. The Committee has taken evidence on that and has been calling for it since early 2020. I will touch on that in more detail during the Second Stage debate.

Committee members are supportive of the legislation being in place as soon as possible. As we know, the issue is one of timing and is about ensuring that terminally ill people get the financial support that they are entitled to as quickly as possible so that they can have the best quality of life possible during the time that they have left.

The Committee heard evidence that the current time barrier to financial support can be devastating for terminally ill claimants. In the worst cases, we are aware of people who have died while waiting for their payments because of delays associated with the current process. However, the Committee is also aware that unpredictable conditions such as motor neurone disease, chronic heart failure and others make it difficult for medical professionals to give an accurate estimation of life expectancy.

I am sure that the debate at Second Stage will go into more detail on the need for the extension to 12 months and on that being a necessary first step before we look beyond the fixed time period to determine whether clinical judgement should be the way forward. The Committee is therefore supportive of the motion that the Bill proceeds via accelerated passage as a necessary first step in improving the situation quickly.

Ms Á Murphy: I thank the Minister for bringing the Bill forward. I support the use of accelerated passage for the Bill due to the obvious time-sensitive nature of terminal illness.

The Social Security (Terminal Illness) Bill will improve the support that is provided to those who are terminally ill by extending the current six-month criterion to 12 months. I commend Marie Curie and the Motor Neurone Disease Association for their ongoing campaign to reform the rules governing fast-track access to social security benefits for people with terminal illnesses. Those organisations know all too well how important the legislation is.

Sinn Féin recognises that those who suffer from terminal illness and who access their entitlement to social security under the special rules have a different experience to those who do not. The special rules apply to personal

independence payment (PIP), attendance allowance, universal credit (UC) and employment and support allowance (ESA). They not only ensure that the application is fast-tracked but remove the requirement to attend a work capability assessment, carry out work-related activity, the three-month qualifying period for PIP and the six-month qualifying period for attendance allowance, as well as the face-to-face assessment. It is vitally important that people can access financial support quickly, compassionately and without experiencing unnecessary delay, additional stress or anxiety during the process.

The special rules criteria are set out by Britain's Department for Work and Pensions (DWP), and they are outdated as they are over 30 years old. There is wide consensus across the sector among clinicians, academics and politicians that the rules determining fast-track access to benefits for terminally ill people are not fit for purpose. Despite the coordinated approach by many, DWP has been slow to act. My colleague Deirdre Hargey has stepped up to the plate to move ahead and make improvements in the legislation where she can. It is important that we all continue to look at examples of best practice, as well as at what works best for the North, in order to ensure that those who are most in need get the help that they require.

I fully support the Bill.

Mr Durkan: I support the granting of accelerated passage to this piece of legislation. We are all in agreement that accelerated passage is not the best or desirable way to do things. The Minister said that she would use it "only in exceptional circumstances". I think we can agree that the circumstances, the times we are in and the importance of the legislation are all exceptional. We fully recognise the need for speed in order to get the Bill through the Assembly. We support it.

Mr Speaker: I thank the Member for that. Do you want to speak, Mr Butler? I thought you were saying no. I am sorry about that.

Mr Butler: Thank you, Mr Speaker. I am sorry for the late indication. I will keep you on your toes.

I thank the Minister, as other Members have done, for bringing forward the measure. As everyone says, the use of accelerated passage is not something we do lightly, but sometimes it is absolutely necessary. When you try to quantify those that the measure will affect and benefit, you will find that it would be

unquestionably unconscionable if we did not use it.

I do not sit on the Communities Committee, but I thank the Minister. We need to thank the Committee members, who have an extreme workload as we move towards the end of the mandate. They are putting their shoulders to the wheel to look at the legislation, scrutinise it and get it through the Assembly for those who need it. That is very welcome.

I will mention Marie Curie and, in particular, Craig Harrison, who was on 'Good Morning Ulster' this morning. He spoke more eloquently than I ever will on the matter. I thank Marie Curie and, in particular, Craig Harrison for his work on it.

Mr Stalford: Like other Members, I welcome the tabling of the legislation. All of us can attest to individual constituents who have desperately sought help from Members because they have had a bad diagnosis and are in the grip of a terminal illness. Any measure that can be taken to assist such people and get them the resources and support that they need is welcome, even if it involves the deployment of accelerated passage. When you rush to do something decent, it is not necessarily a bad thing to be accelerated about it.

Like other Members, we welcome the tabling of the legislation and support its accelerated passage.

Mr Speaker: I thank the Member for that contribution. I call the Minister for Communities, Deirdre Hargey, to conclude and wind up the debate on the motion.

Ms Hargey: I thank all the Members for their contributions and for their support. I reiterate my thanks to the Committee and the Executive, which accepted the case for accelerated passage. I look forward to the next discussion, which will be at the Second Stage of the Bill.

Mr Speaker: Before we proceed to the Question, I remind Members that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That the Social Security (Terminal Illness) Bill proceed under the accelerated passage procedure.

Mr Speaker: Members, please take your ease for a moment or two.

Social Security (Terminal Illness) Bill: Second Stage

Ms Hargey (The Minister for Communities): I beg to move

That the Second Stage of the Social Security (Terminal Illness) Bill [NIA 47/17-22] be agreed.

Mr Speaker: In accordance with convention, the Business Committee has not allocated any time limits to the debate, nor, as the Bill is proceeding via accelerated passage, are there any time limits on individual contributions.

Ms Hargey: The Bill represents a significant step forward in improving the support that we provide to one of the most vulnerable groups in our society: the terminally ill. Currently, fast-track access is provided to the main disability and working-age benefits in the social security system where a person is terminally ill and death is reasonably expected within six months. In those circumstances, a person receives automatic entitlement to financial support without the need to follow the normal application and assessment route.

Members will be aware that there has been significant lobbying over the past three years, here and at Westminster, from charities, clinicians and politicians for changes to be made to the six-month criterion in order to improve access to fast-track support for terminally ill people who have a longer life expectancy. Indeed, many of you will be familiar with the campaign, spearheaded by Marie Curie and the Motor Neurone Disease Association (MND), calling for the six-month criterion to be scrapped.

Terminal illness provision was debated by the Assembly in October last year, and issues were highlighted with the scope of the current provision in place. In that debate, all Executive parties spoke in favour of reform. Similar issues were identified through the recent evaluation work that my Department undertook, alongside the Department for Work and Pensions (DWP). My officials ensured that local evidence was gathered through engagement with charities, clinicians and claimants here. While a recent judicial review (JR) challenge ultimately found that terminal illness provision in social security benefits was not discriminatory, the powerful testimony provided during that case, along with the evidence that my Department gathered during the review work, has made a compelling

argument for change to be made in that area. That has all been taken into account when considering the reform of the current system.

Following the completion of the evaluation and the analytical work, I announced the way forward on 30 June. In line with my announcement, the Bill will extend the life expectancy criterion in terminal illness to 12 months. The wider 12-month definition will align more with that used by the health service here and the General Medical Council (GMC) for end-of-life care. Crucially, that provision will bring more terminally ill people within the scope of the fast-track process, meaning that they will not have to go through assessments to meet the conditions of entitlement and will get automatic access to benefits earlier.

It may be helpful to Members if I outline the aspects of the Bill. The Bill is small, with only three clauses, and contains the key amendments required to primary and secondary legislation in order to give full effect to the change of the life expectancy time frame across the relevant benefits. It also contains powers to make, by regulations, any further consequential change required in the provision of the Bill. Provision is also made for the commencement of changes in the Bill.

Similar changes are planned in Britain once parliamentary time allows. Given the level of interest in reform, I am committed to pressing ahead with those changes now so that we can better respond to the needs of people here. This is the first time that we have moved ahead of Britain with such a significant social security policy change. Treasury has agreed that the costs arising from implementing the reform in advance of DWP will fall to the block grant, and, once DWP implements the corresponding change, the additional costs here will revert to Treasury-funded annually managed expenditure (AME), and there will no longer be a cost to the block grant.

11.15 am

Members previously indicated a preference to move to a system based on clinical judgement, and I reiterate my commitment to keep this provision under active review as I consider options to take it further. This is very much a staging post to get to that next point. That will include a review of international best practice and looking further into the feasibility of a clinical-led approach. The Bill, however, represents an important step that we can take now to deliver meaningful change before the end of the mandate. I hope that Members are content with the broad thrust of the Bill, and I

am happy to deal with any points that they may have. I commend the Bill to the Assembly.

Ms Armstrong (The Deputy Chairperson of the Committee for Communities): On behalf of the Committee for Communities, I welcome the Bill's Second Stage and support its principles. On 11 November 2021, when the Committee was briefed by the Minister on the need for accelerated passage, members were informed that the Bill will replace the life expectancy time frame of six months with one of 12 months in the definition of terminally ill in the relevant primary and secondary legislation governing each of the five social security benefits. The Committee is aware that the 12-month time frame has been chosen by the Minister to align more closely with that used by the health service in Northern Ireland and the General Medical Council for end-of-life care.

As I mentioned in my earlier remarks in support of accelerated passage, the Committee has kept this matter on its agenda since early 2020, and I feel that it is worth highlighting the issues that were brought to us. Back in February 2020, when the Committee held an event with stakeholders, members were advised that the current legal definition of terminal illness of a life expectancy of six months or less excludes many claimants from gaining welfare support under the special rules for terminal illness and has no basis in the clinical reality of many conditions. Members were also informed of positive changes in Scotland. There, the six-month rule has been replaced by a system based on clinical judgement, and medical professionals use their expertise to judge when someone is terminally ill for the purpose of applying for welfare payments, rather than the decision being based on a time-bound life expectancy. Stakeholders informed us that they would like a similar clinically led model to be adopted in Northern Ireland in due course. Nevertheless, they have welcomed the news that the Department for Communities plans to introduce legislation to remove the six-month rule as a necessary first step.

As a result of that stakeholder event, the Committee wrote to the Department to request an update on the ongoing work and to find out what alternative options were being considered in relation to a fairer definition of terminal illness. We were advised by the Department that it had been working closely with the DWP review of terminal illness provision that commenced in July 2019 and that it had ensured that local stakeholder views from claimants, clinicians and charities were gathered and fed into that work. The Committee then wrote to DWP on the issue, and it advised

that it remained committed to implementing the key areas identified in the evaluation: a consensus to change the six-month rule; improving the consistency with other services used by people nearing the end of their lives; and raising awareness of the support that is available. We then exchanged several letters with the Minister and the Department on the issue, requesting updates and time frames for the introduction of the Bill that is now in front of us. Following the ministerial briefing at the Committee on 11 November, we wrote to the Minister to advise that the Committee would support accelerated passage.

The Committee is aware that the Department intends to monitor international best practice to consider the option of looking further into the feasibility of a clinical-led approach in the longer term. The Committee is supportive of that, but, closer to home, stakeholders highlighted to us the system based on clinical judgement adopted in the Social Security (Scotland) Act 2018. It was highlighted to the Committee that, under the Scottish system, it is up to the claimant's GP, consultant or other clinical professional to determine whether they are terminally ill for the purpose of applying for fast-track welfare support.

Minister, it has been highlighted that evidence of the need for a change to a model based on clinical judgement has been growing for some time. Walter Rader's independent review of the personal independence payment (PIP) assessment process from 2018 recommends:

"That the clinical judgment of a medical practitioner, indicating that the claimant has a terminal illness, should be sufficient to allow special rules to apply. The 6 months life expectancy criterion should be removed."

I hope that I have outlined the Committee's ongoing engagement on the subject. Although the Committee fully supports the Minister in bringing forward this very important legislation as a very welcome first step, I hope that it will not be too long before we see the Department gather the data that it needs in order to look further at a clinical judgement model. We welcome the Minister's comment that the legislation is a staging post. On behalf of the Committee, I support the Bill's principles.

I will now speak as the Alliance Party communities spokesperson. I thank the Minister for introducing the Bill. I thank Marie Curie and the Motor Neurone Disease Association for their ongoing work to take forward this important legislation for people with terminal

illness. Northern Ireland is scrapping the six-month rule. You have been heard. We listened. The Minister is progressing your legislation.

Ms Á Murphy: I commend the Minister for bringing the Bill to the House. I will add a few comments to my lengthy analysis during the debate on the accelerated passage motion. As my colleague from the Communities Committee stated, the Social Security (Terminal Illness) Bill will improve the support provided to those who are terminally ill, changing the current six-month criterion to 12 months. I know of people who, unfortunately, are terminally ill. They will be helped by the Bill. Many constituents whom I deal with day-to-day, whether about PIP, attendance allowance, universal credit or employment and support allowance (ESA), will also benefit from it.

Following on from the Deputy Chair's comments, I commend Marie Curie and the Motor Neurone Disease Association for their input into the legislation. They see a lot of cases and hear a lot of the stories. They are at the coalface, and I again take the opportunity to commend them for campaigning for the Bill.

It is no secret that all of us in the House recognise the need for a change to the legislation, which, at almost 30 years old, is now outdated. The Minister has introduced legislation that will hopefully put us out in front of England, Scotland and Wales. As I stated, there is consensus among us in the Chamber, clinicians, academics and the general public. The Bill is broadly welcomed by absolutely everyone. It is important that we continue to look at examples of best practice and at what will work better so that we can ensure that those who are most in need receive the support and help that they require. I fully support the Bill.

Mr Frew: I support the Bill. My party and I have campaigned for this for many years. Many of my colleagues have tirelessly sought this change in the years up to now. Most notably, our Chief Whip, Joanne Bunting, has done a tremendous amount of work in the field, and I thank her for that work.

Of the forms that we see during our constituency work, when people come to us seeking help with form-filling or with chasing welfare entitlements such as PIP or ESA, the DS1500 form is one that we most definitely do not want to see. When we see that form, it has a massive impact not only on us and our staff but principally on the constituent who brought it to us, and on their family. From that day forward, your seeking to help that person

represents a different level of constituency work. It becomes finite and crucial, and — dare I say it? — much more meaningful. On those occasions, you usually end up speaking a lot to not only the principal constituent but their family. You can see the worth in your work. I suppose that one of the reasons why we are all in politics is to make a difference to people's lives, but to do so at the end of someone's life can echo in eternity for the family and the people who are left behind.

What we are talking about today, then, is a matter of grave seriousness. Hitherto, we have seen people who could not obtain the form, who could not qualify, but who still realised that they had only months to live. That is not to say six months — who knows for sure? — but nobody could quantify it. No doctor could put their name to that. Those people had to suffer in the knowledge that their life was coming to an end. Their families had to suffer. Those people had to fight for support from the state to which they were entitled in the first place.

We have a lot of robust rules and laws around our welfare support systems. Of course, I support most of those laws, because they need to be robust. We need to ensure that the people who need help and assistance get it and that the people who tell lies, who do not require it and should not get it, do not.

Mr Stalford: Will the Member give way?

Mr Frew: Yes, I will.

Mr Stalford: Does the Member agree that, oftentimes, the thing that is missing — the Member has not used the word, but he is very much driving towards it — is dignity? People are not treated with dignity when they go through assessment processes. While the system should be robust to weed out those who are trying to take advantage of it, it should not be so robust as to assume that every applicant is trying to take advantage.

Mr Frew: I thank the Member for his intervention. He explains in apt terms the indignity of the process at times. We all see it, because we all live through it with our constituents, whether it is about PIP or ESA, which are the two that I focus on while my staff take care of the other aspects of welfare. I employ a staff member to deal with ESA appeals and form-filling and with ongoing PIP work because, when I am here, I cannot be at an appeal. That is a vital cog in our work. It means so much to people when you get a result.

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

I believe that this is only a stepping stone. Whilst this is essential legislation, we need to get to the point at which there is a clinician-led approach in that a GP or any specialist doctor who is seeing a constituent is given a wee bit more freedom to inform the system about the person's condition. That is the optimum place to be. I know that we have no time in this mandate, but the Minister, whoever that might be, should look at that in the next mandate.

When you look at the process and the work that you have to put in to assist someone in a PIP assessment, you see what they will go through. First, there is the form, which, nine times out of 10, is not filled in right. Why would it be? Those people have so much more on their plate. They have so many other aspects to take care of and consider when they go for their assessment. We know the issues with Capita over the past number of years and about how it has utterly failed our constituents in many regards.

It has not even adopted its own principles, rules and requirements with regard to assessments and questions.

11.30 am

Then there is the time delay — the months and months and, over the past number of years, because of COVID, even the years of wait. Some people get no support. Some people get support but wonder whether it will come to an end. That brings its own pressures. Then there is trying to prepare somebody to go before an appeals panel. The vast majority of appeals panels — the chairperson, the medically trained person and the expert on disabilities — are very professional and always do a good job of trying to go through the process allowing as much dignity as possible. However, they are there to do a job, and they have to ask hard questions. I have yet to see a constituent who breezes through an appeal process. On most occasions, it causes grave torment. They have to recycle and relive conditions that they and their family live with daily, usually in the presence of a loved one: a wife, husband, mother, father, son or daughter. They have to go through scenarios about washing and bathing with three strangers and with me, a person in the secretariat and maybe even a person from the Department.

Mr Stalford: The Member is being generous with his time. I appreciate his giving way. Does he agree that, for the people who go through the process of being examined by a panel, other people in the room and what have you,

there is an absolute terror that, if you use the wrong form of words or make one slip in an answer, it is almost like a gotcha moment and your opportunity has gone? That is degrading for people to go through.

Mr Frew: I thank the Member for his intervention. He raises a valid point. I usually spend three or four times as much time in what I call "pre-appeal meetings" with constituents and their loved ones, with my staff, to prepare them for what an appeal will look like. I even go through the geography and topography of the room, staircases, lifts, what the room looks like, who may be there, what to expect, the long wait beforehand, the evidence gathered from the GP and how that evidence is sifted through to ensure that no third parties are involved. That is an issue for GPs too, of course.

GPs have a massive burden: they have to produce all of the medical notes for the person who is going to an appeal. There are weaknesses there. Why can that information not be shared earlier in the process? Some GPs have concerns around having to give that information out, but, believe me, that is healthcare as much as treating a person is. That information is usually the difference between a successful appeal and an unsuccessful one. It is usually medication or a letter from the GP to a consultant or a specialist that does it. It is nothing that you do as a representative or politician; it is usually about the evidence that you produce from the GP. It is essential that those medical notes are shared. That in itself is an invasion of privacy. It is an indignity for the appellant, who is sitting beside their loved one. It is probable that they have hidden some of their symptoms for months or maybe years. They may have been putting on a brave face in front of their family but not for that 20 minutes or 40 minutes. For that 20 minutes or 40 minutes, alas, they must spill their guts in front of strangers, which is hard enough, and in front of their loved one. Worse than that, sometimes, the appellant clams up and cannot speak, and it is the loved one who has to pick up the pieces and tell the appeals panel, in their words and as seen through their eyes, what their loved one has been through. For the appellant — the constituent — who has to hear that from their loved one, it is nearly too much to take.

Going through an appeal process is a horrendous ordeal, and I am glad that most people have to do it only once or twice in their lifetime. Most are unnecessary, because the system is broken from the start, and that needs to be fixed. However, whilst it is in its broken state and whilst we can do something for

people who are terminally ill, the least that we can do for them is to take that rigmarole, that process and that horrendous journey away from them and their families.

Who will be affected by the change? It will be people who suffer from motor neurone disease, chronic heart failure and COPD, conditions for which it is difficult for a GP to give an accurate prognosis or time. A doctor's best guess might be horrendously wrong. They might make a best guess of a year and a half, and that person could be dead in three months.

Surely, this is the least that we can do in the short time left in this term. Surely, if there is a Bill that is worthy of the Assembly, it is the Social Security (Terminal Illness) Bill. Let us do something right by the people who have had a hammer blow of a diagnosis or prognosis. Their days on this earth are short and should be filled with meaningful engagement with their loved ones. They should be out in the open, getting fresh air, looking at the scenery and the environment and spending time with their loved ones, including their children and grandchildren. The last place that those people should be in is in a business centre, an appeals room or a courtroom in front of three, four or five strangers and us, as their representatives. Let us remove that burden from those people and have them spend the rest of their life in dignity with their families and with the support that they deserve. They should not have to prove anything.

Mr Durkan: It goes without saying that the current welfare system is bound up in excessive bureaucracy. With its complexity and lengthy delays, it fails, in the first instance, in its intended purpose of supporting some of the most vulnerable in our society. That red tape is perhaps most evident in the callous six-month rule for terminally ill welfare claimants.

Receiving a terminal prognosis does not bear thinking about, yet, for many people, living or dying with one is their daily reality. For those individuals, their precious time should be focused on being with their loved ones, yet the unscrupulous nature of welfare reform — the SDLP voted against it and warned of such grim eventualities — imposes an added burden at an already extremely difficult time. We were vocal in our opposition and warnings about the policy back in 2012 and have remained so. Our track record bears witness to our role as the resistance against welfare reform and its cruel implications. Rather than creating a system that encourages people into work, where possible, we have one that penalises those most at risk.

The delay in accessing payments has a unique impact on individuals with a terminal illness, given that time is a luxury that they are not afforded. In the words of one case study from research provided by Marie Curie:

"My brother died waiting and received a letter saying he was fit for work the day of his funeral."

How can anyone reasonably conclude that we have a system with people's best interests at heart when what we have lacks any heart at all? These requirements, alongside the six-month life expectancy rule, have caused incalculable harm to people across the North. It is cruel, and it should have been scrapped a long time ago.

I acknowledge, as we did in the earlier debate, that time is of the essence with regard to the Bill, so, while accelerated passage is not ideal, it is the only option for fast-tracking this vital legislation. The six-month life expectancy criterion has unfairly excluded many dying people from access to support, adding pressures at an unimaginably distressing time. It is despicable that people with a terminal illness have ever been put in a position where they have spent the precious time that they have left battling for support. The special rules for terminal illness (SRTI) will, I hope, help to alleviate some of that stress.

Extending the life expectancy criterion to 12 months is a welcome move, but it is important to acknowledge, as the Minister has done, that that is merely a stepping stone. We can and must do better. I ask the Communities Minister to take a leaf from the Scottish Government's book and consider permitting clinicians to make the call on determining whether patients are terminally ill, without worrying about arbitrary time limits. For example, people living with motor neurone disease, MS or other life-limiting illnesses will not obtain a better prognosis. For them, a six-month extension will not make much of a difference, sadly.

As outlined, the special rules will see fast-track access provided over five social security benefits and will enable provisions that will remove much of the unnecessary worry-inducing bureaucracy. We cannot wait for Westminster to implement this essential reform for terminally ill people. That would take at least two years, if it ever get round to doing it at all. The measures need to be delivered without delay, and we welcome the fact that action has been taken by the Minister here and now to ensure that that happens. I commend her for taking that action.

At this point, I pay tribute to Marie Curie and the other organisations and advocates that have campaigned fervently for years to bring about this necessary change. We should also take a wee moment to think of all those who have campaigned for the change but are no longer with us. Their courage will reduce the suffering of others.

I appreciate the opportunity to speak today, and I hope that the Bill marks the first step towards a fairer and more compassionate social security system — a system that supports those who need it when they need it and does so with dignity.

Mr Dunne: I welcome the opportunity to speak on this important issue. Unfortunately, I have had recent personal experience of just how devastating, traumatic and stressful a terminal illness diagnosis can be for a family. I am certainly happy to support the Bill.

Under current arrangements, the special rules for terminal illness in Northern Ireland allow applicants to gain fast-track access to vital welfare payments, including PIP, disability living allowance (DLA) and universal credit. However, as has been said, that benefit to those living with terminal illness is based unfairly on the proviso that a clinician can state that the person's death can reasonably be expected within six months. That restrictive, exclusive and little short of inhumane reality means that those who are terminally ill are not afforded the grim luxury of such a devastating timeline. They may have years left of mental, physical, emotional and financial struggles ahead of them as they deal with never-ending assessments, bureaucracy, red tape and lengthy delays to the most vital welfare payments.

Members have mentioned the experiences of others, and we have seen the testimonials. We also know from our experience in our constituency offices of the heartbreaking stories of people passing away while waiting for welfare support papers coming through the door from the postman. Anybody who read the briefing papers will know that there are heartbreaking stories. That confirms the need for action.

For the vast number of welfare claimants who are locked out by the six-month life expectancy criterion, the welfare benefits process is long and arduous. For example, those waiting for PIP must still go through the stress and anxiety of face-to-face assessments, and those applying for universal credit might still endure the indignity of a work capability assessment and must face the hardship of what can often

be a six-month qualifying period to receive attendance allowance. The reality is that life expectancy can never be accurately predicted, even with the advances in treatment and diagnosis.

Those diagnosed with a terminal illness are living longer. The precious time afforded to them by medical advancements, however, which should be spent with family and loved ones, is often stripped away and replaced by stress, anxiety, fear and depression brought about by endless form filling and delays in payments, leading, in some cases, to real financial hardship for the patient and the family of those impacted.

11.45 am

Furthermore, many sufferers who are not deemed eligible to qualify for special rules payments because their doctor cannot reasonably guarantee their life expectancy to within six months may die within a much shorter time due to a sudden decline in their condition. Quantitative evidence has shown how difficult it is to give an accurate prediction of life expectancy. One study of over 8,000 palliative patients showed that accuracy varied between 23% and 78%.

More alarming, however, is the exclusive nature of the special rules for terminal illness here. Historically, between 85% and 95% of special rules PIP awards have been for those who are terminally ill with cancer. There is no doubt that such a provision is much needed for those living with that cruel condition. We also need to ask ourselves this: what about those who are left behind? COPD alone consistently accounts for over 800 deaths a year here, but, in 2020, the condition accounted for only 10 special rules PIP awards. Granting the extension will extend the life expectancy criterion from six to 12 months, is much more in thinking with the current clinical evidence, will benefit all welfare payments simultaneously and will bring much-needed alignment between welfare and health systems and the views and experience of claimants, charities and clinicians.

I very much welcome the independent review of PIP led by Walter Rader, on which my colleagues worked a number of years ago. One of its key recommendations was to amend the life expectancy criterion. It was a very useful review and took on board the views of a great range of stakeholders, so it is good to see its recommendation in the Bill. The reforms are vital to thousands of people across Northern Ireland, in every area, town and city, who are

living with a terminal illness. They will give those who find themselves in the most devastating circumstances, and their families, the much-needed dignity, reassurance and freedom from financial hardship that will allow them to spend the time that they have left with their precious loved ones.

I commend the charities involved that have been working alongside Members, such as Marie Curie and MNDA, and the many other charities that do excellent work right across Northern Ireland, including the health staff who are directly employed and those volunteers and charities. They do very valuable work. Again, I know from personal experience just how important that work is at such a difficult time.

The benefits of the extension must not be underestimated. I am happy to support the legislation, which incorporates a more just and fair definition of a terminal illness. I share the views of others that it is certainly a step forward in the right direction. We look forward to more progress and better support for those who suffer from terminal illness and their families.

Ms Bunting: I declare that I am chair of the all-party group (APG) on terminal illness.

As with everybody else in the House, I welcome the Bill. It progresses some way towards the reform for which the APG, its secretariat, Marie Curie, the rest of the sector and other Members and I have called for a long time.

The Bill will deliver much-needed reform to the special rules for terminal illness in social security law in Northern Ireland. As we all know, the special rules are supposed to provide fast-track access to welfare benefits for terminally ill people, but, again, as we all concur, the eligibility criterion is restrictive and unfairly excludes many dying people. Change is therefore desperately needed. The Bill will go some way towards addressing that need by extending the provision of fast-track claims and ensuring that many more terminally ill people are able to access the welfare support that they need without facing distressing disability assessments, which my colleague Mr Frew mentioned earlier, long delays and unnecessary bureaucracy.

Estimates from the Department for Communities suggest that the Bill will result in an additional 1,010 to 1,840 dying people accessing fast-track benefits every year in Northern Ireland — the equivalent, at the upper end, of an 89% increase on the current special rules caseload. That is to be welcomed.

For the limited number of terminally ill people who are currently eligible for social security payments under the special rules, their experience is significantly different from those who are not. By using a definition of terminal illness that is tied to life expectancy of six months or less, many legitimate claimants are currently excluded from applying for welfare support under the special rules.

As others have mentioned, for many terminal illnesses, particularly non-cancer conditions such as motor neurone disease, chronic heart failure and COPD, accurate prognosis can be difficult because of the unpredictable trajectories of those conditions. The rate of progression can vary. Patients who are expected to live for longer than six months might die within that period because of a sudden decline in their condition.

Many terminally ill people do not qualify for benefits under the special rules because their doctor is, of course, unable to predict their life expectancy to within six months, which is a restrictive time frame that has no basis in clinical reality.

The current system works only for patients with a predictable disease trajectory, such as some types of cancer. While cancer accounts for less than a third of deaths every year, freedom of information data shows that it has consistently accounted for between 80% and 95% of local PIP claims awarded under SRTI.

On 8 July 2020, Belfast High Court ruled that the difference in treatment for terminally ill welfare claimants who cannot reasonably meet the six-month life expectancy criteria under the special rules is discriminatory. Mr Justice McAlinden described the difference in treatment as, “manifestly without reasonable foundation”.

The significant delays associated with standard welfare applications may also mean terminally ill people spending the rest of their lives facing severe financial pressures. Two thirds of households affected by terminal illness experience financial strain. Being terminally ill is very expensive. Any paid employment will be significantly impacted, and dying people and their carers also face extra costs for things like equipment, home adaptations and higher household bills and travel costs. Those extra costs have been calculated at around £3,300 per patient each year. In that context, the financial support provided by the social security system can be a godsend for terminally ill people and their loved ones, but long delays in accessing welfare payments are compounding

the financial pressures facing many households.

That delay in accessing payments has a unique impact on terminally ill people. Time is a luxury that they do not have, and the delay means that some terminally ill claimants do not receive their benefits until the advanced or end stage of their condition. They may spend their final weeks and months fighting against the bureaucracy of the social security system. Some may even end up dying before they receive their first payment, as referenced by Ms Armstrong and Mr Durkan.

The Social Security (Terminal Illness) Bill will extend the life expectancy criterion under special rules from six to 12 months, ensuring that thousands more dying people will get fast-track access to welfare benefits. That change is much more closely aligned to the clinical evidence in the current system. Living Matters, Dying Matters, which was Northern Ireland's last palliative care strategy, and NHS England use the definition of end of life that includes a 12-month life expectancy. The Republic of Ireland's Health Service Executive defines terminal illness in the same way.

The Bill will deliver much-needed reform to the special rules process and ensure that thousands more people in Northern Ireland can access the welfare support system that they need when they need it. That is the key. The issue is always one of time and ensuring that terminally ill people get the financial support that they are entitled to quickly and with as little distress and bureaucratic interference as possible. I trust that, in practice, the Bill will go some way to addressing that, so I welcome its introduction.

It should, and, I trust, will, deliver much-needed reform of the special rules for terminal illness and social security law in Northern Ireland. I have no doubt that all right-thinking people will concur.

Miss Woods: I support the Bill's passing Second Stage. We discussed the matter in the Chamber last year, and I am glad that the legislation has reached the House. We all know that having the so-called six-month rule alongside the entire PIP process has caused major problems for many people, both here and across the rest of the UK. We have had two reviews now tell us what needs to change. I am glad that part of the problem has been addressed in the Bill. As we know, however, the main concern about the current rules for terminal illness and social security is prognostic uncertainty, especially for non-cancer conditions.

The vast majority of people who claim under special rules have been diagnosed with terminal cancer, and only 40% of non-cancer patients are formally identified as near the end of life at the time of their death, according to a 2016 study in Scotland. More recently, according to the then Minister of State for Disabled People, Health and Work in 2018, 40% of PIP recipients who were claiming under special rules lived for more than a year. There is also a reported lack of consistency, as clinicians differ in whom they judge to be eligible for special rules, and there are issues with the length of awards, as those that are made under SRTI are for three years, but anyone who survives past three years then has to reapply. PIP awards for progressive conditions are normally made for 10 years, with a light-touch review after that. It is illogical that a shorter award be made for a terminal condition than for a progressive one.

The Bill is a short one that makes specific changes across a number of social security payments if a person is terminally ill or suffering from a progressive disease and if that person's death as a consequence of that disease can be reasonably expected to be — now — within 12 months. Although I welcome the changes that the Bill seeks to bring, I, like others, question the 12-month definition. In April 2018, the Scottish Government announced that they would seek to remove the six-month timescale, with no limit set on how long patients had left to live before their condition was considered to be terminal. It would be up to medical practitioners to deem a condition suitable to be fast-tracked, not a timeline. In 2018, Walter Rader's review was published. It made a series of recommendations for the Department for Communities to consider. The review found that there was a lack of trust in the assessment process and that fragmentation in the entire system could impact negatively on people who try to apply for PIP and on those who support them. Recommendation 6 stated that the clinical judgement of a medical practitioner should be enough to allow people to apply for PIP through the SRTI and that the six-month time limit should be removed.

Marie Cavanagh's second review of the PIP assessment process, published in 2020, also recommended that the clinical judgement of a medical practitioner indicating that the claimant has a terminal illness should be sufficient to allow special rules to apply. In July 2020, a PIP claimant, assisted by the Law Centre Northern Ireland, successfully challenged the legal definition of "terminal illness" at the High Court. The judge ruled that the difference in treatment for terminally ill claimants who cannot

reasonably meet the six-month life expectancy was discriminatory and granted leave for a judicial review. That judgement was subsequently quashed on appeal, as Lord Chief Justice Morgan found that allowing people to access the special rules on the basis of a diagnosis of a progressive illness would change the nature of the rules. He stated that it:

"would change the basis for the award of the benefit. It would no longer be needs based. It would be determined by the diagnosis of a particular condition independently of need."

Crucially, he went on to argue that it was a:

"controversial political matter which it is not for the courts to determine"

and that those choices for decision makers:

"are for the political process and not for the courts."

It is therefore up to us to decide on the nature of special rules, not the courts. I urge the Assembly to rethink the basis of those awards, even if that necessitates our having the debate again on changing the nature of the rules of PIP.

I will highlight some claimants' voices and experiences of the practice of those rules. As others have expressed, I have had two occasions on which constituents were unable to process their PIP application under the six-month rule, because they were "not terminal enough". Both were undergoing cancer treatment. Both were asked to come to the assessment centre, neither was physically or mentally able to do so.

12.00 noon

I quote a claimant's experience directly from the 'Personal Independence Payment, A Second Independent Review of the Assessment Process'. It states:

"Getting diagnosed with stage 3 cancer, 18 weeks of chemo and sickness, surgery, weeks of radiotherapy and now permanent nerve damage and joint pain was bad enough. But to fill in a form and then get stressed about the face to face assessment caused more anxiety I didn't need".

Another said:

"The whole process takes too long having MND, confirmed by a qualified medical

consultant, should fast track the decision. No one gets better from MND."

Marie Curie Northern Ireland has previously stated:

"The cruel and arbitrary six month rule for Special Rules claims should be scrapped, and replaced with a system based on clinical judgement like that introduced by the Social Security (Scotland) Act 2018."

The review also states:

"Under the definition in the Social Security (Scotland) Act 2018: 'an individual is to be regarded as having a terminal illness for the purpose of determining entitlement to disability assistance if... it is the clinical judgement of a registered medical practitioner that the individual has a progressive disease that can reasonably be expected to cause the individual's death.'"

Given that, why 12 months? I note the Minister's earlier comments, but neither review mentioned moving from six months to 12, and that is certainly not what is going on in Scotland. There was mention of the Scottish model, and that is the option to replace the time-limited definition with the following:

"the individual has a progressive disease that can reasonably be expected to cause the individual's death."

The clinician's guide states:

*"• that is advanced and progressive or with risk of sudden death, and;
• that is not amenable to curative treatment, or treatment is refused or declined by the patient for any reason, and;
• that is leading to an increased need for additional care"*.

That definition is based on clinical judgement and was recommended, in 2018, by the Work and Pensions Committee and the 2019 House of Commons all-party parliamentary group (APPG) for terminal illness, and it was the preferred option of the stakeholder group consulted by DFC.

However, we have the DWP and DFC option to extend the definition of terminal illness from six months to 12 months and bring it in line with the NHS definition. Although there is a clear advantage to having the same definition in the social security system and the health system, which will address some of the problems

created by a lack of consistency and make it simpler for clinicians to decide on whether special rules should apply, how do we overcome the obstacles that we already face?

Currently, if someone is terminally ill and death is expected in eight months, they cannot apply for a DS1500 form. Will this Bill just move the barrier back again? Will we have a situation where someone may have 14 months and cannot meet the year criterion, to put it very crudely? There are many new treatments, particularly for cancer, that extend life for a matter of months, but the diagnosis is still terminal. It would be completely wrong if a dying claimant was required to serve a qualifying period before being entitled to a benefit. How can that be overcome?

The explanatory and financial memorandum (EFM) states:

"Different timeframe options were ruled out at initial consideration stage",

and

"Options based on health condition were also ruled out as they could create a hierarchy with a risk of challenge on ECHR grounds."

Was legal advice sought on that and considered?

The EFM states:

"No data existed to enable analytical work to be undertaken around a clinical based approach (with no timeframe)."

However, is that not exactly what Scotland is doing and what was recommended, as I have said, in 2018 and 2019? Can the Minister give some detail on the roll-out of that? Is there an intention to publish guidance on the changes proposed in the Bill for clinicians, departmental staff and those working in the social security sector and the community, voluntary and support sectors? As others have done, I thank all those who help people and their families to go through what can only be horrific times as they go through a cruel system.

I support the Bill and recognise the need for it as I have been working on this issue for years. However, I would have preferred to see a clinical judgement option in the legislation for the outlined reasons, and although I welcome the Minister's earlier comments, I hope that that

can be considered by the Assembly in the next mandate.

Mr Carroll: I support the Bill. The law that mandated terminally ill patients to deal with the bureaucracy of the welfare system, fill out extensive paperwork and attend disability assessments despite having months to live was an injustice. The mind boggles that some of those people were wrongly denied financial support and had to undergo an appeals process to get the help that they needed. It forced people in the advanced stages of debilitating conditions to spend their final weeks and months fighting for financial support and, shamefully, some of them died before they received their first payment.

It is unconscionable that it has taken six years to make the change. It should pain all of us to think of how many people have suffered unnecessarily during the six long years since the Assembly endorsed the disgraceful Tory welfare reforms. I cannot believe that it has taken this long to deliver the changes, which should never have been needed in the first place. The introduction of PIP, universal credit and the rest of the welfare reforms have devastated sick and disabled people, particularly those in working-class communities like mine.

I am glad that those with a year or less to live will no longer be forced to battle with the system or experience the distress that all of us have witnessed first-hand; instead, they can put that time to better use with loved ones. People Before Profit would go much further than these measures if we were in the Minister's seat. We would extend it beyond 12 months and close more of the loopholes that have seen people pay a bedroom tax that they were promised would not affect them or have to deal with private for-profit companies like Capita.

We should be in no doubt that, although the change today will have a massive impact on people, the suffering of hundreds of thousands of people in the welfare system will continue. It was a mistake to do the Tories' bidding six years ago, and people are suffering as a result. We will continue to campaign for alleviations, mitigations and, ultimately, the repeal of the welfare reforms, as they are euphemistically called, and a social security system that provides proper protections and dignity for people who rely on it. I also pay tribute to organisations, such as Marie Curie and others, that have pressed for the long-awaited change.

Mr Beggs: I call the Minister for Communities to conclude and wind up the debate on the motion.

Ms Hargey: I thank everyone for their contributions and those who have shared stories from people whom they have been working with. I thank the Chair, Deputy Chair and members of the Committee for Communities for their support for the legislation and for accelerated passage. I also thank Anne, Mark and Mickey from the Department, who have been working on this.

It has been stated that, on PIP — one of the qualifying benefits — there have been two independent reviews by Walter Rader and Marie Cavanagh as recently as last year and that they obviously recommended the removal of the six months. This is on the back of those who have been campaigning, such as Marie Curie and the Motor Neurone Disease Association, whom I met. I came into this position last January, and they were one of the first sets of people and stakeholders that I met in my large portfolio. I was struck by the comments, experiences and stories that they raised — sorry, my voice is going.

That is why I have brought the legislation forward in the shortened mandate that we find ourselves in. This is welcomed by the organisations that I have been working with on the basis that it is a staging post to where we want to move to with a clinician-led approach. I thank them for their work and support in working with me and the team in the Department to get us to this stage of the legislation.

We are obviously looking internationally at the approaches that are being taken by other Governments and Administrations. We are working closely and looking at the Scottish model. It is not fully implemented. It is working on pilots to begin with and, indeed, on one qualifying benefit. To move to a clinician-led approach, you just cannot flick a switch and do it overnight. We need to work with clinicians and the health service and ensure that the capacity [*Interruption*] is there to deliver the service — sorry, I cannot talk any more.

That work is ongoing, but it is important to move on this now in this mandate. Again, I want to thank everybody, but I cannot talk any more —.

Mr Carroll: Will the Minister give way?

Ms Hargey: Yes.

Mr Carroll: I just want to let the Minister get the chance to get a drink of water so she can finish her contribution. Does she agree with that?
[Laughter.]

Ms Hargey: Sorry, I do not know what is going on; I am just choking. Thank you for that intervention, Gerry.

I very much see the Bill as a staging post. Of course, we can and should go further with it, but we have a limited time in the mandate. We had two and a half years. We had a pandemic. The move is welcomed by external parties in the sector. It is a good step forward, but, of course, more needs to be done. My Department and I are committed to doing that by working with the sector, looking at the Scottish model and developing our own model here through engagement with clinicians and those who find themselves with a terminal illness.

Again, I thank all Members and commend the Bill to the Assembly, before I choke.

Question put and agreed to.

Resolved:

That the Second Stage of the Social Security (Terminal Illness) Bill [NIA 47/17-22] be agreed.

Mr Deputy Speaker (Mr Beggs): That concludes the Second Stage of the Social Security (Terminal Illness) Bill. The Bill is proceeding via accelerated passage, so there will be no Committee Stage. The Bill stands referred to the Speaker.

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

Direct Payments to Farmers (Simplifications) Regulations (Northern Ireland) 2022

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

That the draft Direct Payments to Farmers (Simplifications) 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.

Mr Poots: The current direct agricultural support schemes, which include the basic

payment scheme, are worth over £293 million annually to farmers in Northern Ireland. The purpose of the regulations that I bring forward today is to implement improvements and simplifications to the rules governing the schemes.

Earlier this year, the Direct Payments to Farmers (Simplifications) Regulations (Northern Ireland) 2021 gave legal effect to a number of improvements to and simplifications of the rules governing the direct agricultural support schemes for the 2021 scheme year. Since the introduction of the 2021 regulations, my officials have continued to review the rules governing the schemes and have identified the following additional simplifications and improvements, which are designed to make the application and payment process simpler for claimants and those administering the schemes. The Direct Payments to Farmers (Simplifications) Regulations (Northern Ireland) 2022 will give legal effect to those improvements and simplifications.

Part 2 of the Direct Payments to Farmers (Simplifications) Regulations (Northern Ireland) 2022 amends the regulations to limit to three the number of times that an applicant and a farm business can submit an application to the regional reserve.

Part 3 amends the direct payments regulation to reduce the number of payment entitlements to be allocated to a farmer by the number of entitlements temporarily transferred out by the farmer and the number of entitlements permanently transferred out by that farmer in the scheme year of the application and the previous two scheme years, provided that those scheme years related to 2022 or later. While few farm businesses do that, selling entitlements prior to submitting an application to the regional reserve could result in a business not only receiving entitlements at the regional average, which could be higher than the value of its original entitlements, but profiting from the sale of the original entitlements.

12.15 pm

Part 4 amends the direct payments regulations to limit to five years the time that a farm business can receive the young farmer's payment, even if there is a change in the head of holding during that period. We find that, in a small number of cases, farm businesses change the head of holding to another young farmer to get the young farmer's payment for a further five years.

The statutory rule (SR) will help to ensure the continued smooth delivery of direct agriculture support to farmers. I note the comments and concerns that Members have raised, and I will work to address them.

Mr McAleer (The Chairperson of the Committee for Agriculture, Environment and Rural Affairs): I welcome the opportunity to outline the views of the Committee on the regulations. The regulations build on similar measures that were implemented by the Department last year to simplify and improve the system of direct payments for the 2022 scheme year. On 28 October 2021, the Department notified the Committee of its intention to make the regulations. The Committee considered them initially at its meeting on 4 November. The Committee welcomes the proposed changes and considers that they will go some way towards improving fairness in the allocation of payments and preventing unscrupulous behaviour.

The limitation on the number of times that a business can apply to the regional reserve will set a cap on the number of applications at a reasonable and fair level. The regulations will also prevent the transfer of entitlements by a farm business to the regional reserve in the year of application or in the two years prior to that, and they have been proposed to prevent gaming of the payment scheme.

The third provision will set a five-year limit for farm businesses to apply for the young farmer's payment, even if there is a change in the head of holding. That will avoid farms unfairly seeking additional payments over many years.

The Committee wrote to the Department seeking further clarity on the provision relating to the transferring of entitlements from the regional reserve. The Department provided a detailed response that the Committee considered at our meeting on 25 November explaining how farm holdings can unfairly profit from such practice. While that is relatively rare, it happened on six occasions in 2020. Therefore, it is necessary to bring in that safeguard.

The Examiner of Statutory Rules considered the provisions on the Committee's behalf and highlighted no concern or issue. At its meeting on 2 December 2021, the Committee, therefore, recommended to the Assembly that the regulations be affirmed.

Mrs Barton: I welcome the opportunity to speak in the debate on what are minor changes to the farmers' direct payments scheme. While

the proposals are termed as "simplifications", they appear to be about the Department closing some loopholes in the system that may allow for claims that are not within the principles of the scheme.

The changes will not make any difference to the vast majority of active farmers in the scheme. The three proposed changes are to limit the number of times that applicants or businesses can submit an application for the young farmer's payment and regional reserve; limit the allocation of entitlements from the regional reserve; and introduce a rule to prevent a change in the head of holding to extend the time that a farm business can receive the young farmer's payment. Those changes will impact on a small number of businesses, and I assume that they are the Department's attempts to close a gap in the system that was not originally intended.

While the proposals have an impact on young farmers' schemes, I would be grateful for a commitment from the Minister on how he will ensure that the plans do not discourage our younger generation from entering the agriculture sector. The most significant queries from farmers, which were noted in the AREA Committee briefing for the legislative proposal, asked what the longer-term plans for the agriculture support strategy are, what impact it would have on individual farmers and what the wider implications for the agri-food sector would be. However, those are for a debate on another day. In the meantime, I want to ensure that there is an agriculture industry for our future generations.

Ms Armstrong: It is imperative to stress from the outset the importance of the agri-food sector to the Northern Ireland economy. It represents around 10% of economic activity, which is considerably higher than the overall average in the rest of the UK. Furthermore, the profile of the agriculture sector and associated industries in Northern Ireland varies considerably from those across the UK. The Northern Ireland industry is built around quality, rather than necessarily scale. Standards are fundamental and are a matter of pride to all stakeholders in the sector.

The United Kingdom's leaving the EU and the common agricultural policy (CAP) is one of the most significant changes in policy affecting the agri-food sector in over 40 years. Environmental, food safety, animal welfare and labour issues are now critical considerations when developing the new approaches and support systems that are needed to better address the needs of Northern Ireland

agriculture, the environment and rural communities. There are, as was mentioned, a broad range of farming and environmental stakeholders who deserve the opportunity to engage more fully in the development of policy relating to the sector.

In Northern Ireland, direct payments are worth over £293 million annually. Future payments need to support farming and rural communities whilst benefiting the sustainability and profitability of farming and, more crucially, the environment. On behalf of Alliance, I support what is before us, and we hope to secure the continued passage of the regulations.

Ms Bailey: Whilst simplifications are welcome, certainly for farmers, it is extremely disappointing that, for a second year after leaving the EU CAP system, the changes that we are making in Northern Ireland in how we pay directly to farmers remain so insignificant.

Despite the fact that there are two climate Bills in the system, the regulations lack any environmental focus whatever. Even at the EU level, the CAP is being reformed. In England, the Agriculture Act 2020 has provided a legal framework to reform subsidies to a "public money for public good" model. Scotland and Wales are working on their agriculture legislation for 2024, yet, again, in Northern Ireland, we are dragging our feet.

It would have been really good to see a real move to making agriculture payments a key lever for delivering better outcomes for nature and the climate. The transition towards a better system should have begun with the regulations that we are debating. I have spoken to farmers. They tell me that, while they know that changes need to be made, agriculture's transition to a low-carbon future needs to be more carrot and less stick. Farmers are ready to make the changes, and they understand that they have that role to play in delivering emissions objectives whilst supporting a more productive and resilient food system. However, it is we who have to provide the financial incentives to make that profitable for them. I have been contacted by farmers who are serious about the role that they can play but have extreme difficulty in accessing financial incentives and joining environmental schemes. One farmer said:

"I am a new member of the environmental scheme for heather moorland, but joining the scheme was not easy. It took three attempts to be accepted on to the scheme, whereas we should be encouraging those with peatland to protect it."

If DAERA ... [is] serious about climate change, [it] should be looking at soil types and rewarding accordingly. For example, peatland is a superb carbon sink and, if wetted, can hold even more carbon. However, there is currently no real financial incentive to turn bogland back to the original system through rewilding, for example."

We are in a climate emergency, and we should make the case for environmental farming schemes to be easily accessible. Northern Ireland is being left behind. There is no bespoke Northern Ireland agriculture legislation. We hear that it is in development, and that is proving to be a brake on progress, Minister. Northern Ireland needs to move forward with its own agriculture Act, and we need to move to a "public money for public good" model that puts nature and farmers at its heart.

Mr Irwin: The very fact that we are able to debate the matter in the House is to be welcomed. It is a direct benefit of Brexit and of our ability, as a Province in the United Kingdom, to set our own course on direct payments. Crucially, the fact that we can make simplifications and adjustments is of major importance to our agriculture industry in Northern Ireland.

Officials in the Department continue to look at ways to tailor support mechanisms to our needs in Northern Ireland. That is important work that can provide a vital opportunity to ensure that Northern Ireland's agri-food industry continues to be a shining light and an economic powerhouse in Northern Ireland. Our producers are central to that success, and they work tirelessly, week in, week out, to produce some of the finest food product in the world.

The 'Future Agricultural Policy Framework Portfolio' was launched earlier in the year and is formed around themes such as focusing on increased productivity, environmental sustainability, improved resilience and a responsive supply chain. Those are key themes that underpin the success of our industry, and, therefore, financial support should be tailored around that. That growth and sustainability is absolutely vital.

The Minister has been looking at areas in which rules can be simplified and streamlined, and he will know that I have been keen to see movement on issues of cross-compliance, penalties placed on farmers for breaches and the weight of penalty versus the significance of any breach. There are few industries that I am aware of in which minor details are subject to

such significant financial penalties. That area is ripe for reform and restructuring.

There have been improvements in the appeal process, and I have had some experience of dealing with those issues, as I have accompanied farmers to appeal panels on numerous occasions. At times, I have been critical of the procedures and their impact on already stressed-out farmers, who have to juggle so many variables, such as the weather, pricing and input costs. Further improvements in procedures would, of course, be welcome.

There are, of course, many other areas where reform and adjustment are needed. I have had many conversations with the Minister on those matters, and I look forward to further discussions in the months and weeks ahead. It is positive and encouraging to have a Minister in place who knows agriculture and has a great understanding of the issues that farmers face. Minister Poots is not afraid of the issues, and I welcome that. I encourage him to make the changes that are necessary to ensure that our agri-food industry continues to grow and, outside the restrictive shackles of the European Union, ploughs its own furrow and remains an economic linchpin for this country.

Mr McGlone: I rise in support of the Direct Payments to Farmers Regulations as proposed by the Minister.

I might not have the same reservations about Europe as Mr Irwin has. Goods traverse daily from the North into the Republic and back again, so it is crucial that the industry has as much access as possible to those European markets. Our industry needs to be supported in that regard. The Minister is a pragmatic person, so I trust that he recognises those markets and sees where the opportunities are.

Basic payments to farmers must continue. As we know, previously, upwards of 80% of farm income came by way of subsidy or payment — call it what you will. It is crucial that that continues, but I want to add to that, and I am sure that the Minister will hear what I say. We have two climate change Bills working their way through the Committee for Agriculture, Environment and Rural Affairs. Irrespective of which Bill, perhaps in amended form, comes through at the end, changes will be needed to how farmers do their business.

On Friday morning, I met and had discussions with a group of farmers. Farmers will require not only educational support but support of another nature: in how they do things and with what types of science they should involve

themselves. In that regard, yes, direct payments are crucial to the success of our farming and agri-food industries, and we will all want to do what we can for them. The payments are part of how we incentivise, encourage, inform and educate farmers in how they should develop in the future. How they develop the economy and their businesses will be a crucial part of that.

12.30 pm

I am sure that the Department is doing that sort of thinking. We hear evidence from its officials at the AERA Committee about different aspects of climate change legislation. However, it will be crucial that the Department and its agencies — the Agri-Food and Biosciences Institute (AFBI), for example — along with other Departments, provide financial support. I do not rule out the Department for the Economy. That support should be provided to the farming and agri-food industries as, necessarily, we move to address the worst excesses of climate change. I am sure that that factors into departmental thinking. I hope that it helps to allay the concerns that I heard on Friday morning, which were not unknown to me. The future has to be about education and science, but it also has to be about support. Educational and financial support will be required to help people working in the industry to make that just transition.

Thank you, Minister, for introducing the regulations.

Mr Deputy Speaker (Mr Beggs): I call on the Minister of Agriculture, Environment and Rural Affairs, Edwin Poots, to conclude and wind on the debate.

Mr Poots: I thank Members for their commentary, which, by and large, was very positive. Mrs Barton is right: the regulations will tidy up the rules and ensure that there is no corruption of previous simplifications. That will help us to ensure that we can provide support to the agricultural community. She mentioned young farmers, and there are a number of areas that will assist greatly in that.

Tackling bovine TB is critical. It is necessary for us to do that as a Government, not only because we spend £40 million on it and need to reduce that overhead, but for the agricultural sector, because it has had a devastating impact on farm after farm, mentally and financially. It is devastating for wildlife as well. If we do not bring bovine TB under control, it will manifest itself repeatedly in wildlife until it is addressed. Unless we take forward that challenge, bovine

TB will continue to be a massive problem for wildlife.

We also need to ensure that future agriculture payments are directed at people who are actively farming. That is where we want to spend that £50 million. That is where we have a lot more latitude, and we will develop that course of work.

I was surprised at Ms Bailey's comments. As a member of the Agriculture, Environment and Rural Affairs Committee, she should know that we are doing a course of work on future agriculture payments and that that has informed this piece of work. Therefore, I was surprised to hear her, in the full knowledge that an ongoing different and separate course of work will come before the Committee shortly, make a speech on the basis that it is not included in these regulations.

Ms Bailey indicates that she would like to be helpful to farmers. Of course, the greatest assistance that she could give to the farming community would be to accept the scientific advice on climate change. We are moving towards taking the United Kingdom to a position of net zero as part of our commitment to the Paris Accord, and, with a significant Northern Ireland contribution, that can be achieved. I encourage Members to take cognisance of that over the next number of weeks, because it is causing an awful lot of concern amongst many farm families, who are looking to the future and saying, "I'm not sure that I have a future". We need to lift the sword of Damocles off those farmers and ensure that we do what is right for not just the environment but the people living in our rural communities. I welcome the support for the regulations and thank Members for it.

Question put and agreed to.

Resolved:

That the draft Direct Payments to Farmers (Simplifications) Regulations (Northern Ireland) 2022 be approved.

Horse Racing (Amendment) Bill: Final Stage

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

That the Horse Racing (Amendment) Bill [NIA 20/17-22] do now pass.

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

Mr Poots: I am pleased that the Bill has reached its Final Stage. I am grateful for the wide support that the Bill, which will amend the Horse Racing (Northern Ireland) Order 1990, has received during its passage through the Assembly. As Members will be aware, the 1990 Order provides for the horse racing fund. The fund is made up of a levy collected from bookmakers and is to be used to assist in the operation and development of Northern Ireland's two racecourses, at Down Royal and Downpatrick.

The concept of a charge on bookmakers to support racecourses dates back to the 1960s. It was introduced in Great Britain to offset the decline in race-day revenue from gate receipts following the introduction of legislation that no longer required attendance at a racecourse in order to place a bet. A fund was established in legislation in Northern Ireland in 1976. The legislation required that licensed bookmakers make an annual contribution to support racing at Down Royal racecourse, and the 1990 Order subsequently extended that support to racing at Downpatrick.

The 1990 Order named the then operators of the two racecourses as beneficiaries of the fund. As Members will be aware, however, it has not been possible for Down Royal to access the fund since a change to its management in 2019. That is because the 1990 Order names only the former operator. Furthermore, as a consequence of an assessment of subsidy control rules, payments to Downpatrick have also been suspended in order to avoid creating unfair competition between the two racecourses.

The aim of the Horse Racing (Amendment) Bill is therefore to update the 1990 Order to reflect the name of the new operator at Down Royal as a beneficiary of the fund. Importantly, in making that change, the Bill will also allow the full resumption of payments to Downpatrick. In their response to my Department's consultation, as well as in the evidence provided to the Committee for Agriculture, Environment and Rural Affairs during its scrutiny, representatives from both racecourses noted how crucial the fund had been over the past 30 years. They reflected on the financial strain caused by not having access to the fund since the change of management at Down Royal and how that has significantly impacted on their operations, hence the key focus of the Bill is on ensuring

full reinstatement of the payments from the fund as quickly as possible.

As well as amending the named beneficiaries to reflect the current position, the Bill introduces a narrow power to update the named beneficiaries to the fund via subordinate legislation if necessary in the future. Doing that would avoid the need for primary legislation if there were a change of operator at either racecourse again. Although the change could be subject to a resolution of the Assembly, that provision will hopefully avoid extended periods during which no payment can be made. That, I hope, will be welcomed by both racecourses.

I also believe that the racecourse operators welcomed the amendments that I tabled for Consideration Stage, which mean that it will be possible to provide full reimbursement for the eligible spend incurred in 2021. Hopefully, that will offset some of the difficulties described by the racecourse operators in the absence of the fund. The amendments agreed at Consideration Stage will enable payments in 2022 to be made without delay, following Royal Assent.

As I have said in previous debates, I recognise the need for a fundamental review of the fund. The Bill's narrow focus, however, will hopefully enable my Department to resume payments to both racecourses shortly. Simply amending the named beneficiaries to the fund has ensured that the Bill reached its Final Stage today, meaning that payments can now be fully reinstated to both racecourses in this mandate. I therefore welcome the fact that the Bill has reached its Final Stage.

Mr McGuigan (The Deputy Chairperson of the Committee for Agriculture, Environment and Rural Affairs): I welcome the opportunity to speak briefly today as Deputy Chairperson of the Committee for Agriculture, Environment and Rural Affairs at the Final Stage of the Horse Racing (Amendment) Bill. The Committee welcomes the passage of the Bill and the contributions made by Members through the legislative process. Whilst the Bill is largely technical in nature, it is absolutely essential to restore the ability of Downpatrick and Down Royal racecourses to be able to apply for payments from the horse racing fund, which they have been prevented from doing in recent times because of legislative restrictions in the Horse Racing Order 1990.

Fund payments are absolutely essential to the business models of both racecourses, so it is vital that there is no further delay in payments being made to support the sustainability and viability of racing activity at both sites. Horse

racing not only provides a social outlet for fans but generates a significant boost for the local hospitality, accommodation and retail sectors. The Bill will overcome the legislative obstacles that have prevented payments and will also militate against any such scenario arising in the future by introducing generic definitions of racecourse operators and enabling a more expeditious route for making changes to the details of course owners. The AERA Committee is therefore supportive of the passage of the Bill.

Mr Irwin: I am conscious of the workload before the House as we approach the Christmas recess and of the necessity to get through business in a timely manner. I therefore do not intend to dwell on this issue for long other than to state, as I have done on previous occasions when this matter has been before the House, that I welcome the fact that this matter has been able to be progressed under accelerated passage and that it will quickly reach a conclusion as a result. The Bill will address the blockage that has prevented payments from being issued from the fund, and I know that this will be a welcome development when it is finally put into law and that it will assist horse racing in general in Northern Ireland. I support the Bill.

Ms Armstrong: I rise today on behalf of the Alliance Party in support of the Horse Racing (Amendment) Bill. The Bill is largely technical in nature and has been introduced ostensibly as a result of nuances in the Horse Racing (Northern Ireland) Order 1990, which governs the management and allocation of payments from the horse racing fund. As the objective of the Bill is to seek the full reinstatement of support under the horse racing fund as soon as possible, I commend the Minister and his officials for the swift progression of this Bill. I also commend the members of the AERA Committee for raising, at Committee Stage, the issue of the payments for spend incurred by racecourses.

As already has been mentioned, amendment No 2 aims to address that. While I am happy to support the progress of the Bill as it completes its Final Stage, I am hopeful that similar provision or legislation in the future will be broader in scope and will perhaps be more focused on increasing participation in sports. In the meantime and at this Final Stage, the Alliance Party and I are happy to support the amended Bill.

Mr Deputy Speaker (Mr Beggs): I call the Minister of Agriculture, Environment and Rural

Affairs, Mr Edwin Poots, to conclude the Final Stage.

Mr Poots: Once again, I thank the Members who have spoken today in support of this Bill. I thank the Committee for the work that it has done to facilitate its passage. As Ms Armstrong said, it is largely technical, but it ensures that an anomaly that was created has now been resolved. I trust that that will assist both of the racecourses.

Question put and agreed to.

Resolved:

That the Horse Racing (Amendment) Bill [NIA 20/17-22] do now pass.

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

12.45 pm

Financial Reporting (Departments and Public Bodies) Bill: Consideration Stage

Mr Deputy Speaker (Mr Beggs): I call the Minister of Finance, Conor Murphy, to move the Consideration Stage of the Financial Reporting (Departments and Public Bodies) Bill.

Moved. — [Mr C Murphy (The Minister of Finance).]

Mr Deputy Speaker (Mr Beggs): Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There is a single group of amendments, which contains two amendments that deal with the inclusion of the Northern Ireland Public Services Ombudsman (NIPSO). I remind Members who intend to speak during the debate on the single group of amendments that they should address the amendments on which they wish to comment. Once the debate on the group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Question on stand part will be taken at appropriate points in the debate on the Bill. If that is clear, we will proceed.

We now come to the single group of amendments for debate. With amendment No 1, it will be convenient to debate amendment

No 2. I call the Minister of Finance to move amendment No 1 and to address the other amendment in the group.

Clause 1 (Estimates: inclusion of resources used by designated bodies)

Mr C Murphy (The Minister of Finance): I beg to move amendment No 1: In page 1, line 3, leave out "follows" and insert "mentioned in subsections (2) to (4)".

The following amendment stood on the Marshalled List:

No 2: In page 2, line 34, at end insert -

"(5) In consequence of subsection (2), in section 2(2) of the Public Services Ombudsman Act (Northern Ireland) 2016 (list of powers exercisable in relation to the Ombudsman), after paragraph (c) insert—

'(d) the power of the Department of Finance under sections 8A and 8B of the Government Resources and Accounts Act (Northern Ireland) 2001 to issue directions in relation to estimates for the Ombudsman.'— [Mr C Murphy (The Minister of Finance).]

Mr C Murphy: The Financial Reporting (Departments and Public Bodies) Bill amends the Government Resources and Accounts Act (Northern Ireland) 2001 to allow the Department of Finance to issue directions on the way that Departments prepare Supply Estimates so that they include the spending of designated non-departmental public bodies (NDPBs). The Bill also provides that, where an Estimate is prepared by another body, the same conditions apply to that body as to the Departments: that is, that the Department of Finance may direct how such a body prepares Estimates and may direct that the Estimates and accounts prepared by that body include the spending of any bodies designated by the Department.

The legislation that supports the Public Services Ombudsman specifically states, however, that the ombudsman is not subject to the direction or control of a Department. Amendment Nos 1 and 2 amend the Public Services Ombudsman Act (Northern Ireland) 2016 to clarify that the directions that the Department of Finance issues on the Estimates will also relate to NIPSO. Amendment No 2 expressly provides for Estimates direction within the Public Services Ombudsman Act (Northern Ireland) 2016. I can confirm that my officials carried out engagement with other independent bodies that have individual

Estimates and concluded that no further amendments are required.

I thank the Finance Committee for its help in scrutinising the Bill. In the course of its consideration at Committee Stage, it suggested a number of helpful non-legislative changes to the wider process, which I am happy to support.

Mr McHugh: Ba mhaith liom buíochas a ghabháil fosta leis an Aire as a ráiteas. I thank the Minister for his statement. I welcome the opportunity to contribute to the debate, and I thank the Minister for tabling the amendments. The amendments do not change the objectives of the Bill in any way: they are purely technical. As the Minister outlined, if the Bill is passed, it will give his Department the authority to issue directions to Departments and their associated public bodies as to how they should prepare their Supply Estimates.

The provisions of the Bill will extend to other non-departmental public bodies, such as the Assembly Commission and NIPSO. The Public Services Ombudsman Act 2016 enshrines NIPSO's independence in statute. It stipulates, however, that the Department of Finance may issue directions to that body with regard to the preparation of accounts. The amendments that the Minister has tabled are technical amendments to the Public Services Ombudsman Act 2016, which states that the Department of Finance will have the authority to issue instructions on the preparation of accounts and Supply Estimates. The amendments will therefore effectively bring NIPSO within the scope of the Financial Reporting (Departments and Public Bodies) Bill. The independence of NIPSO will not be affected in any way, and the ombudsman has agreed to the changes.

During Committee Stage, the Committee considered amendments that mostly sought to legislate for changes to the way in which the Estimates are produced and to increase the level of information provided in the Estimates. The reform of the Estimates is an ongoing process that is part of the review of the financial process. The Bill is a significant part of that reform, but further work needs to be done.

I thank the Minister for his commitment to look at some of the issues raised and the suggestions about how to improve the Estimates; because of that, the Committee was satisfied that no other amendments were necessary at this time. The Fiscal Council can play a vital role in the reform of the budgetary process, and I welcome its input on the matter.

The Bill is a small but significant step in the reform of our budgetary process, and I look forward to a time in the near future when we have a more open and transparent process that is accessible to all. I am sure that all Members will welcome that.

Mr K Buchanan: I support the Bill and the amendments. The aim of the Bill is to allow the Department of Finance to issue directions on the way in which Departments prepare Supply Estimates. As an Assembly and as a Committee, we must have expenditure that is understandable and proper. We must ensure that the seven principles of public life, or Nolan principles, are applied. That means that all Departments and Committees should be:

"accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this."

Any decisions should be made:

"in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing."

Any income expenditure in budgets that was not previously covered by the Estimates will need to be brought within their coverage. The Budget and Estimates documents need to be aligned clearly and accurately. The system needs to be simplified and transparent, and all systems need to be aligned and coordinated. We are handling and scrutinising public money, and we need to ensure that robust measures are in place to allow us to account for the money spent.

When we examine the financial accounts, budgets and Estimates, we are scrutinising value for money, and, in general, we must ensure that Ministers and their Departments are held to account for the way in which their budgets are spent. It is important that non-departmental public bodies and arm's-length bodies are accountable for the money that they spend, and we must ensure that NDPBs are accountable to the relevant Minister.

Dr Aiken (The Chairperson of the Committee for Finance): First, Mr Deputy Speaker, Minister and Members, I apologise for not being in my place for the accelerated pace of the business that we are moving through today.

I thank the Minister for his opening remarks on the amendments to the Bill. Are we happy with

those opening remarks, Mr Deputy Chairperson?

Mr K Buchanan: Yes.

Dr Aiken: Thank you very much.

I also thank the Minister for the oral and written briefings that he provided to the Committee for Finance during Committee Stage. The origin of the Bill is in the review of the financial process that has been under way for some years. That is designed to create a financial framework that is effective, efficient and transparent and that enhances scrutiny by and accountability to the Assembly. The Bill is part of that process, allowing the Department to issue directions on the format of the Estimates. That will, hopefully, improve their clarity and their alignment with departmental annual reports and accounts.

It is anticipated that, following the passage of the Bill, a designation order will map non-departmental public bodies to corresponding Departments. That should ensure expansion of the Estimates to include NDPB information, which would give us all a bit more clarity when it comes to the passage of the Budget Act. In that spirit, the Committee generally welcomed the Bill and agreed to endorse the amendments, which relate to NIPSO's inclusion in the designation order.

With the Deputy Speaker's indulgence, I will say a little about the Committee Stage of the Bill. The Committee commissioned research and wrote to about 100 NDPBs and to a number of other bodies with an interest in fiscal scrutiny, including the Northern Ireland Fiscal Council. The Committee deliberated on the relevant provisions at a number of meetings. As the Bill is short and largely technical, with limited scope, the Committee did not pursue amendments relating to the wider Budget process, including the timing of Budget consultations and the passage of Budget Acts. The Committee instead confined its consideration to the measures that might enhance financial scrutiny.

Estimates are the key foundational scrutiny documents for the approval of departmental spending. Our Committee has complained loud and long about their impenetrability and their absence of detailed information, including on NDPB spending, which can amount to billions of pounds; income, which is also known as accruing resources; and EU funding. The Committee very seriously considered tabling amendments that would address those issues. However, it was persuaded by the Fiscal Council that legislation might burden the

Estimates with useless detail and might even prevent useful improvements that may be agreed by the Fiscal Council, the Department and our Committee. The Committee consequently agreed to accept ministerial assurances on changes to the format of the Estimates in those regards. I hope that the Minister will reiterate those assurances today during his winding-up speech.

The Committee also noted the use of Estimates memoranda in other jurisdictions. Those accompany the Estimates. They are written in plain English and include the use of trend data, which can be very helpful to Members as they scrutinise spending decisions. The Committee again seriously considered tabling amendments to oblige the Department to produce those Estimates memoranda. As before, the Committee was persuaded by the Fiscal Council that, although the memoranda were a good idea, it might be counterproductive to specify all the details in legislation. The Committee, therefore, agreed to accept ministerial assurances that Estimates memoranda will be produced in a timely manner and in a format that is similar to that that is used elsewhere. Again, I hope that the Minister will reiterate those assurances.

It is anticipated that phase 2 of the reform of the financial processes may require more primary legislation. I hope that, when the successor Finance Committee looks at the legislation, it will consider the deliberations of our Committee. I suspect that that Committee will not hesitate to utilise the future legislation to compel the production of Estimates memoranda in the appropriate format if progress on that proves to be slow.

The Committee considered other matters. Most were quite straightforward and are explained in the Committee's report. One of the issues that we considered was the establishment of an independent fiscal council. The Committee is very disappointed that an independent fiscal council for Northern Ireland will not be established in this mandate. Members are concerned that, despite the obvious value of the current Fiscal Council, legislation is not being drafted. That said, the Committee elected not to table related amendments to the Bill. Members felt that we could not shoehorn very necessary amendments into the legislation and that what we really need is a dedicated and well-thought-out independent fiscal council Bill. I think that an independent fiscal council is something for which there remains a lot of support in the House. I encourage the Minister and the Executive to impress on officials a clear

expectation that progress in that regard will be swift in the coming mandate.

I thank the Minister, his officials and the many stakeholders who responded to the Committee Stage. I thank the Bill Office for its advice. I also thank the members of the Committee for their conscientious participation in the deliberations on the Bill. I, again, apologise for not being here for the beginning of the Minister's contribution.

Mr C Murphy: I thank all those who responded to the debate. I think that the general sense of the contributions from Mr Buchanan, Mr McHugh and the Committee Chair are that this is a step in the right direction for enhanced scrutiny, clarity and transparency on fiscal matters, which is essential. I am very much supportive of that and have been for many years. If the Assembly and the Committees are able to provide the full level of scrutiny that we want them to be able to, we have to make sure that matters are as transparent as they possibly can be. The Bill is a small step in the right direction. I hope and anticipate that it will be followed by further actions through more accessibility and transparency in our financial matters.

The Chair sought some assurances about matters that were raised by and advice that was given by the Fiscal Council. I am happy to give him those assurances. He said that the Fiscal Council has not been established, but it has, in fact. It gave you quite a lot of advice. I appreciate the advice that it gave to the Committee, but, of course, we want to legislate for it. It will take the Fiscal Council to engage with us on its early establishment and on what it needs legislatively. That commitment is there, and I expect it to be followed through as early as possible in the next mandate.

1.00 pm

To sum up — I know that we are running out of time, a LeasCheann Comhairle — I again thank the Finance Committee for its help in scrutinising the Bill. Given that there are no objections to the amendments, I propose that they be accepted.

Amendment No 1 made:

In page 1, line 3, leave out "follows" and insert "mentioned in subsections (2) to (4)". — [Mr C Murphy (The Minister of Finance).]

Amendment No 2 made:

In page 2, line 34, at end insert -

"(5) In consequence of subsection (2), in section 2(2) of the Public Services Ombudsman Act (Northern Ireland) 2016 (list of powers exercisable in relation to the Ombudsman), after paragraph (c) insert—

'(d) the power of the Department of Finance under sections 8A and 8B of the Government Resources and Accounts Act (Northern Ireland) 2001 to issue directions in relation to estimates for the Ombudsman.'— [Mr C Murphy (The Minister of Finance).]

Clause 1, as amended, ordered to stand part of the Bill.

Clauses 2 to 4 ordered to stand part of the Bill.

Long title agreed to.

Mr Deputy Speaker (Mr Beggs): That concludes the Consideration Stage of the Financial Reporting (Departments and Public Bodies) Bill. The Bill stands referred to the Speaker.

The Business Committee has arranged to meet at 1.00 pm today. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be questions to the Minister of Finance.

The sitting was suspended at 1.02 pm.

On resuming (Mr Speaker in the Chair) —

2.00 pm

Oral Answers to Questions

Finance

Cyber Champions: Update

1. **Mr Newton** asked the Minister of Finance to provide an update on the Cyber Champions programme. (AQO 2866/17-22)

Mr C Murphy (The Minister of Finance): The Cyber Champions programme was launched on 18 November 2021. It was produced in partnership with the Consumer Council, the PSNI and the Scamwise partnership. The programme is aimed at protecting our young people while they are online by helping them to safely navigate cyber risks. It provides a resource pack to assist teachers and leaders of youth clubs and youth groups to explain key aspects of cybersecurity in a fun and meaningful way.

By empowering our young people and informing them about cyber risks and key behaviours and actions, we will place them in a better position to protect themselves, their friends and their family. The initiative also informs young people of the opportunities that exist to explore the evergrowing and fast-paced world of cybersecurity as a potential career pathway.

The Cyber Champions resource pack is available on the Cyber Security Centre's website. I strongly encourage young people to avail themselves of that resource and become familiar with how they can protect themselves from cyber threats.

Mr Newton: I agree with the Minister and his words. It is a fast-paced and changing environment.

Minister, one of the objectives of the programme is:

"To encourage the sharing of knowledge with peers, family and the wide community particularly among those who may be more vulnerable to attack."

Is there scope within the programme so that, rather than being confined to the young people who participate, it could involve the wider family in that training?

Mr C Murphy: The pack that is produced, which is, I hope, accessible to and usable by all young people, is to assist young people, their peers and their families to gain knowledge of cybersecurity. I hope that they avail themselves of that and use it in that way.

The programme was launched only very recently, so it will take some time to roll it out and measure its success. I am sure that, if a need were to be identified to include a cohort of people who, perhaps, are not included in the programme, that could be looked at in the future.

Ms Dolan: Minister, cybersecurity is clearly a growing and cross-cutting issue. The Cyber Security Centre is part of the Department of Finance. Will you outline any engagement and cooperation that it has with other Departments?

Mr C Murphy: The Member is correct that the Department acts in a coordination and championing role for cybersecurity across all Departments. As part of that role, it is necessary to work with them, get input and drive initiatives forward.

Input from other Departments helps with achieving a better overall cybersecurity outcome that is based on the develop, deter and defend themes that are set out in the strategic framework for action. For example, working in the skills and industry group combines input from the Department of Justice, the PSNI, the Department of Education, the Department for the Economy, the Education Authority, the Council for the Curriculum, Examinations and Assessment (CCEA) and the private sector to look at the challenges with cyber skills shortages and education. The Department works with the DOJ and the PSNI on cyber protect and prevent measures to provide better cyber prevention support to businesses and with the Department for Communities to provide outreach and advice to community groups and the third sector.

Mr Catney: My question is similar. It is about cybersecurity as we come up to Christmas. As we look at how vulnerable our businesses are to cyberattacks, is there any special help that your Department may be able to offer to those that find themselves most at risk?

Mr C Murphy: That type of initiative would stray into criminal justice. The Department works quite closely with the PSNI and the Department of Justice to make sure that there is a general level of awareness out there of cybersecurity matters.

The Member is correct: there is an increasing sense of vulnerability. Having spoken to police personnel, I know that they are increasingly focused on this area of crime. The Department of Finance, as part of its broad cybersecurity role across the public sector, will be very happy to play whatever role it can on that in the future.

'The public finances in Northern Ireland: a comprehensive guide'

2. **Mr K Buchanan** asked the Minister of Finance for his assessment of the Fiscal Council's report 'The public finances in Northern Ireland: a comprehensive guide'. (AQO 2867/17-22)

11. **Ms Kimmins** asked the Minister of Finance for his assessment of the Fiscal Council's response to the 2021 spending review. (AQO 2876/17-22)

Mr C Murphy: A Cheann Comhairle, with your permission, I will answer questions 2 and 11 together.

The Fiscal Council has produced a comprehensive and informative guide to public finances in the North. Anything that provides improved transparency to the Budget process is to be welcomed. The report has helpfully highlighted specific areas in which we can improve and in which further budgetary information may be helpful. My officials and I will consider the report further as part of the development of the Executive's 2022-25 Budget, which is to be finalised next year.

On the council's response to the 2021 spending review, I welcome its comments that a multi-year settlement provides an opportunity to implement a three-year Budget here.

Mr K Buchanan: I thank the Minister for his response.

Minister, the report states:

"In 2019-20 the UK public sector raised £828.3 billion ... with NI contributing 2.4 per cent of this",

which is roughly £19.8 billion or £10,500 per person going out and roughly £15,900 coming back in. We have only 2.8% of the population here, however. With the block grant from the Treasury and the recent support during the pandemic, is there not a benefit from being part of world's fifth-largest economy?

Mr C Murphy: I am not surprised that the Member focuses on that aspect of the report. Of course, there are different ways of counting what the subvention is. The Fiscal Council references the estimate from the Office for National Statistics (ONS) of the fiscal deficit. That estimate is based on assumptions of tax revenue rather than actual data and includes £3.3 billion of non-identifiable spending made up of things such as British government debt repayment and spending on military forces. It is important not to conflate that spending with the accounting exercise on the economic impacts here of public spend.

I am sure that the Member can find his own arguments to support his political philosophy. For many decades, it has seemed to be one in which, if we are good enough, the British Government, in their generosity, might give us more money. I would rather that we were able to stand on our own two feet and look after our own affairs.

Ms Kimmins: I thank the Minister for his answer. We are all aware that the British Government have failed to replace adequately the EU funding that we lost owing to Brexit. In the context of the funding that has been made available, the Fiscal Council has concluded that local accountability and scrutiny could be diluted by the British Government's bypassing of the Executive in allocating funds. Does the Minister agree that that is yet another example of the British Government's disrespect for the democratic rights of the people who live here, in keeping with their reckless Brexit project that cost us the funding in the first place?

Mr C Murphy: There is no doubt that our estimate of the replacement for EU funding will show us in a net loss position. We now have a situation in which the British Government's attempt to replace some of that funding is done through their own competition processes: the levelling-up agenda and the Shared Prosperity Fund (SPF). The initial pilot scheme delivered us way short of what we would have expected under European funding, and we have no influence on or input into it, which means that some of the projects that are funded may well be in line with our priorities but others may not. We may find ourselves cross-cutting on projects that we were preparing to support but that find funding from elsewhere. There is no coordination at all. It is unsatisfactory, and that applies not only to this jurisdiction but to Scotland and Wales, which have a similar outlook on the British Government's approach.

Mr Allister: Despite the authority of the Fiscal Council's documentation on the net fiscal balance, which, on page 36, it clearly articulates as being £10.3 billion, the Minister still seeks to cling to his debunked, spurious assertion to the House in times past, such as in February 2020, that the net fiscal balance is only £3 billion. Here we have it on the highest authority, yet the Minister still thinks that he knows better or, rather, that his politics know better.

Mr C Murphy: I am glad that the Member has such allegiance to the highest authority. We will see how that plays out in the time ahead.

The Office for National Statistics' work is to provide an overview of British government public finances. That is why it sought to share out that type of spending on military forces and debt across Britain and here, even though those expenses are not incurred here. I like to operate on the basis of what we spend and what public services we get. It is not a case of saying that the Fiscal Council has got it wrong but simply two different ways of looking at the same issue.

Dr Aiken: I encourage everybody to read this good document from cover to cover. The total managed expenditure is somewhere around £30.1 billion. Has the Minister directed any of his officials to compare the amount of money that is spent per head of the population in Northern Ireland with that in Scotland or England or, indeed, the Republic of Ireland to realise what a great benefit it is to be part of the United Kingdom? I imagine that that would be a useful figure for all Members of the Assembly to see.

Mr C Murphy: There appears to be a marked increased desperation across the Benches to big up Santa Claus a bit. There are different ways of counting it. The fact that the population here needs more intervention as a consequence of 50 years of rule by the Member's party plus another 30 years of direct rule is perhaps not something that he should crow about. The opposite Benches appear to be comfortable with a begging bowl mentality that, some years, we might get a good bounce out of it and, other years, we will not, but it is up to the British Government. I would much prefer that we raise our own finances, stand on our own two feet and take our own decisions in the best interests of the entirety of the population that lives on this island.

Mr O'Toole: Those who think that we should be eternally grateful for the beneficence of Tory Ministers have their own questions to answer,

but you, as Finance Minister, have appointed a Fiscal Commission as well as a Fiscal Council. The Fiscal Council's paper says that just £1 in every £20 that we spend here is raised locally. That is very low, compared with Scotland and Wales. If the Fiscal Commission comes back with proposals for new revenue-raising powers and for new ways that we can take matters into our own hands, as it were, in this jurisdiction, will you announce those as part of the three-year Budget that, I know, you are working on?

Mr C Murphy: Timewise, it will not be possible to do that. I wish that it were. I sincerely hope that we would have Executive agreement to do that. When I set up the Fiscal Commission, I said that, given where we are in the mandate, the report that it will produce early in the new year will likely fall to an incoming Executive to discuss and agree.

An agreement by an incoming Executive would then open up a negotiation process with Treasury on how such powers would be transferred and what the arrangements would be for them. None of that would be possible within the time frame of setting a Budget over the next 12 or 14 weeks and legislating for that between then and the end of the mandate.

The problem is that we are long overdue this type of approach and report. Wales and Scotland have been through a number of iterations of Fiscal Commission-type reports. We are, at last, getting somewhere, and that is now being looked at. However, I hope that an incoming Executive will look at it favourably and begin the exercise of looking at additional powers so that we can raise our own finances for the purposes of assisting us in directing them to our priorities.

Fuel Poverty

3. **Mr Dunne** asked the Minister of Finance what discussions he has had with the Minister for Communities to address fuel poverty this winter. (AQO 2868/17-22)

Mr C Murphy: In order to provide support as quickly as possible and rather than waiting until January monitoring, I wrote to Executive colleagues on 17 November proposing that the full £14 million Barnett consequential is immediately provided to the Department for Communities for an energy payment support scheme to alleviate fuel poverty this winter. It is clear that the £14 million will not go far enough to provide for that much-needed support. Therefore, I asked all Ministers to carefully examine their departmental budgets to see if

they would be in a position to identify underspends in advance of January monitoring to maximise the support that can be provided to households. I have shared proposals with Executive colleagues and hope to get an agreement as soon as possible on the level of funding that can be provided to the Department for Communities for that vital support measure.

Mr Dunne: I thank the Minister for his answer. Does the Minister recognise the unacceptable delay and that, four months into the autumn/winter period, with households, businesses and many working families really struggling with energy bills this month, there is a need for a dedicated financial support scheme and a real timeline for delivery?

Mr C Murphy: I recognise the problems that the Member has outlined. I also recognise that energy prices went up suddenly only a month or six weeks ago. Last year, the Department for Communities provided a support package worth £50-odd million, so, clearly, the £14 million that has come across as a Barnett consequential will not be enough, given the growing crisis and the increase in the cost of living. That is why I asked Departments to bring forward amounts that they were preparing to surrender, rather than wait until January monitoring, so that the Executive could have an idea of what may be in the pot and could take the initiative early on to provide sufficient funding for the scheme. I hope that we can get agreement to move on that quickly.

Ms Ferguson: It is good to hear that you are acting in advance of the January monitoring round. You have proposed an increased allocation to the Department for Communities for fuel support payments, which will be fantastic.

Will you also consider an early allocation to NI Water, given how it is impacted by rising costs?

2.15 pm

Mr C Murphy: NI Water is the biggest energy consumer among the public-sector bodies. Particular challenges have been identified, given the increasing cost of electricity. As part of that package that I proposed to the Executive, I included an amount for NI Water to try to tide it over at least until January, as it faces those increases.

Mr Durkan: I welcome the news that cross-departmental work is going on in an attempt to alleviate the worst of the poverty that people are encountering this winter. There are plenty of

questions that I could ask, and that people will ask. Is the design of the scheme dependent on the contributions from other Departments? Has the Minister, or any Minister, explored the possibility of extracting contributions from utility companies towards that?

Mr C Murphy: I am not sure that we have the authority to extract contributions from utility companies. That would be a reserved matter. If we did have that power, we might, perhaps, be talking to them. We did get responses from Departments to indicate what moneys they would be surrendering, so I was able to put together a proposition that I think will be sufficient. It will never, ever be enough, because people are living in crisis and energy prices are going through the roof. However, it will be an important support package nonetheless. I hope for an early resolution on that issue, to enable the Department for Communities to get a much-needed scheme up and running to help households.

Mr Nesbitt: Given that the Economy Minister is, bizarrely, handing back £41 million, despite the fact that travel agents are on their knees and the "Stay at home" holiday scheme has been cancelled, can the Minister think of a better way in which to reallocate the money than through an emergency fuel poverty scheme?

Mr C Murphy: We are all aware that it is one of the most pressing needs that families face at present. That is why, rather than wait to January to see what the returns might be, I asked Departments to give an early indication so that we could put together a package early to support winter fuel payments. That is what I have put to the Executive. As I said, there is an element in that to support NIW, because it has particularly pressing issues with energy costs, but it is largely to support that. I hope that we can get Executive agreement on that and get it into action as quickly as possible.

Non-domestic Rates Valuations (Coronavirus) Bill: Legal Advice

4. **Mr Humphrey** asked the Minister of Finance on what date he received legal advice on the impact of the Non-domestic Rates Valuations (Coronavirus) Bill [NIA 44/17-22] on article 39A (1A) of the Rates (Northern Ireland) Order 1977. (AQO 2869/17-22)

Mr C Murphy: Legal advice on the full impact of the interaction of article 39A(1A) of the Rates Order 1977 and the coronavirus restrictions was received in a number of stages between

March 2020 and June 2021. Six key pieces of advice confirmed the impact.

My Department received the first pieces of legal advice that there might be an impact on 25 and 26 March 2020. At that point, the advice was that any change to net annual value would be temporary, lasting only as long as the restrictions. On 10 May 2020, that advice was reversed, and we were advised that the changes would be permanent and last for the entire duration of the valuation list. On 12 August 2020, legal advice from a second senior counsel was that, even if the restrictions did constitute relevant matters under article 39A, no change to the NAV might be justified in the specific circumstances of the property. Therefore, each would have to be assessed individually.

On 28 September 2020, advice was received that any change that was made to an NAV on the basis of article 39A matters would have to be applied to comparable properties. That was the first confirmation that the impact of a single challenge would be wider than the individual property and could have a widespread impact on what is known as the "tone of the list". That was confirmed by another senior counsel on 19 December 2020. On 21 May 2021, advice was received that the generous package of rate reliefs and grants for businesses that had been provided by the Executive during the pandemic was not relevant to determining NAVs. That was important for determining the possible financial impact.

Finally, on 12 June 2021, advice was received that social distancing and other COVID control measures would have to be taken into account in the assessment of an NAV. That very substantially increased the range of factors that Land and Property Service (LPS) valuers were obliged to consider, and, by extension, the estimated financial impact of the issue.

Mr Humphrey: I thank the Minister for that detailed answer. Given that he has mentioned impact on a number of occasions, what would be the impact and ramifications for businesses and Northern Ireland plc from what he has just set out?

Mr C Murphy: The impact on the Executive's budget is potentially into the hundreds of millions of pounds over a number of years. I explained the core of the issue during discussion at Second Stage, when we sought accelerated passage. I thank the Committee for the work that it has already undertaken on that.

The core of the issue was that the Executive used resources from the COVID-19 money to compensate businesses for being closed. The purpose of the legislation in its original intent was to compensate for a specific local issue, and I referenced the Primark fire and the businesses around it that were obliged to close. The effect of using that procedure to claim compensation for coronavirus would be that businesses would, in effect, be compensated twice. Therefore, we had to move to close down that effect, but specifically only in relation to coronavirus. People can appeal on a range of other measures, and that will continue to be the case. There was a need to close that down because the potential cost to the Executive and public finances was so significant.

Mr McHugh: I am sure that, for all Members of the House, there has not been a week or a day that has gone past when they have not contacted Land and Property Services. Minister, will you join me in acknowledging the incredible job that Land and Property Services has done since the start of the pandemic, given that its role has been very different from that of collecting moneys and that, in this case, it has provided support to businesses throughout the country?

Mr C Murphy: I agree with the Member, of course. Not only has Land and Property Services repurposed itself to become a grant-giving organisation but there have been other unforeseen consequences such as the issues that relate to this legislation that arose during the pandemic. Coincidentally, those issues have arisen in England, Scotland and Wales and are being dealt with in a similar fashion to the approach being taken here. The pandemic threw up an awful lot of challenges for LPS, and it has handled them very well, as has been the case across the government sector.

Dr Aiken: Minister, to clarify: previously, you told us that it was £250 million. You have just said that it is hundreds of millions of pounds and that it was over a particular period, which you have not given the detail of. Can you furnish the Assembly with the detail on the exact working out of the figures as you have them at present? How long is that due to be? Previous briefings have been fairly definitive that it was £250 million. It seems to have shifted.

Mr C Murphy: It has not. It is my fault if the Member thinks that there is a vagueness. I did not have the figure in front of me, and my powers of recollection are such that I knew the region that it was in, but I was loath to give an

actual figure because I knew that I would have to correct it. I have no reason to alter from the position that has officially been given to the Member or his Committee. That is the amount and the time frame attached to it.

Mr Muir: Significant Barnett consequentials are likely to arise from the similar Bill that is passing through Westminster. Has the Minister considered how that will be allocated as reliefs in the next financial year?

Mr C Murphy: As a consequence of that Bill, we will get about £50 million. One of the issues that we have is that the money is likely to come in this financial year with the insistence that it be spent then, which is not of particular use to us, because, as the Member will know, people are still enjoying a rates holiday at the moment. However, we are working on a way to ensure that the money can be used in the next financial year. Of course, it is a matter for the Executive to agree, but my proposition is that the money is ring-fenced and used for the provision of rate relief in some measure in the next financial year.

Cladding Removal: Private Residential Buildings

5. **Mr Beattie** asked the Minister of Finance how much has been allocated of the £1million fund to remove unsafe aluminium composite material cladding from private residential buildings. (AQO 2870/17-22)

Mr C Murphy: My Department established a fund to help private residents in buildings over 18 metres in height who would otherwise have an obligation to meet the cost of removing unsafe aluminium composite material (ACM) cladding from their homes. The fund received an application by the closing date of 31 October 2021 from a management company acting on behalf of the residents of one building. The application is being assessed.

Mr Beattie: I thank the Minister. Can the Minister outline whether that is the only application, and, if it is the only application, how much is it likely to be for? Are we saying that the fund is not being picked up on and used at the minute?

Mr C Murphy: We do not have the same type of landscape of buildings as in Britain. We have fewer high-rises. Fortunately, for the people living in such buildings, only one building qualified under the ACM criteria.

As part of that exercise, we looked at a range of non-ACM cladding that might be considered unsafe. About 11 buildings been identified, and it will take another programme to address them.

The application has been assessed, but the costs will have to be agreed and the contract will have to be put out before the remedial works can be done. I am told that the estimated cost is in the region of £400,000, which means that more than half of the £1 million is yet to be used. As a consequence of the feedback that we have got on other buildings, we are looking at what programmes will be needed.

Ms Ní Chuilín: I thank the Minister for his answers to Doug Beattie; my question is in a similar vein. We all remember the tragic events at Grenfell in 2017, and I welcome the £1 million fund to remove unsafe cladding. Minister, when do you expect work to begin on the Victoria Place tower block in south Belfast? I will write to you about the other 11 buildings and the possibility of a new fund coming on board, because, as you will be aware, I have high-rise towers in my constituency.

Mr C Murphy: If that particular property meets all of the criteria, the expectation is that a funding agreement will be entered into with the applicant before the start of January next year. Once that is secured, it is up to the managing agent to enter into a contract to undertake the works. The managing agent has indicated that the works are likely to take approximately six months to complete.

In relation to the other 11 buildings — I am sure that I will hear from the Member about the properties in her constituency — we are in discussion with the Department for Communities and the Housing Executive on how a programme might be taken forward. We hope to make progress on that in the near future.

Mr McNulty: I thank the Minister and his Newry and Armagh colleague, Ms Kimmins, for joining me in welcoming my guest, John Dalzell, to the Great Hall today to launch his thirtieth annual Christmas sit out. It was a wonderful launch, and let us be very generous in our support for him.

Minister, can you confirm how many people in the North are still living in homes that have unsafe aluminium composite material cladding? Why, four years after the Grenfell fire, has more progress not been made on the removal of that material?

Mr C Murphy: As I outlined in my answer to the substantive question, we have identified only one property that has ACM above 18 metres and is deemed to require these works. No particular Department here has responsibility for this. In Britain, the Department for Levelling Up, Housing and Communities has entire responsibility for all the matters that come under this question here. In the absence of any other Department stepping up here, the Department of Finance once again stepped up and took on responsibility for dealing with the issue at the request of the head of the Civil Service. We have rolled out this particular programme and, as a consequence, have one property that qualifies. As I said, we expect that there will be an agreement to fund that by the end of the year and that the work will take six months to complete once the contracts have been awarded,

Mr Speaker: I call Paula Bradshaw. The Member may not have time for a supplementary.

Health and Social Care: Multi-year Budget

6. **Ms Bradshaw** asked the Minister of Finance for an update on plans to utilise a multi-year Budget to provide greater certainty around the transformation of health and social care (HSC). (AQO 2871/17-22)

Mr C Murphy: As you will be aware, I have recommended to the Executive that funding for the health service should be their top priority in this Budget. A multi-year Budget provides all Departments, including the Department of Health, with greater certainty of their funding over the next three years and provides an opportunity for longer-term planning. I have shared a paper with Executive colleagues that sets out indicative allocations to Departments in the draft Budget. That contained recommendations to provide additional funding to the Department of Health to support the transformation of health and social care. This was discussed at the Executive meetings on 23 November and 2 December.

Ultimately, it is for the Executive to agree any recommendations and allocate resources accordingly. I hope that the Executive will agree a draft Budget and be in a position to commence consultation on it in the very near future.

Mr Speaker: We have time for a very quick supplementary.

Ms Bradshaw: Thank you, Mr Speaker. Minister, I spoke to you before Question Time about back pay and pay increases for agency staff who work in the Civil Service. When will they get that payment?

Mr C Murphy: I would be very happy to hear from the Member in writing on that just to make sure that we are clear on the agencies that she is talking about. Of course, I want to see all people who work for the public sector being adequately rewarded for their work. That is why I have introduced the living wage issue to the Civil Service and public bodies generally. If I hear from the Member, I will be happy to come back to her in more detail.

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

2.30 pm

Departments: Telephone Contact

T1. **Mr Harvey** asked the Minister of Finance what steps his Department is taking to address a problem being experienced by many of his constituents who, because of remote working, are finding it difficult to contact Departments by telephone. (AQT 1881/17-22)

Mr C Murphy: We have a responsibility for nidirect, which is generally the first point of contact for people who are trying to access public services. I am not aware of any particular problems with that, but if the Member has some specifics, I am happy that he sends them to the Department and I will ensure that they are taken up with nidirect.

Mr Harvey: I thank the Minister for his answer. Elderly constituents are also finding accessing the system particularly hard. Will your Department also look into that for me?

Mr C Murphy: Some issues that have been commented on lately include difficulty in accessing the COVID certificate and the high street scheme. Those are run by other Departments, but nidirect provides that point-of-contact function for a lot of the issues that are dealt with locally. If there are specific issues, I am very happy to look into them.

I know that, when a lot of things are online, that makes it particularly difficult for people who are older or who live in rural areas where broadband coverage is not as good it is elsewhere. We have to be cognisant of that and

make sure that, if people want to contact a service and get information, we do our very best to provide it for them.

Civil Servants: Working from Home

T2. **Mr Butler** asked the Minister of Finance what proportion of civil servants are still working from home. (AQT 1882/17-22)

Mr C Murphy: The advice is to work from home unless you cannot do so. I am not sure whether we have the precise figure on that, but we have asked people to follow that advice. We had entered a period where we were preparing to return to work. The health advice and message in the last number of weeks was to go back to working from home where possible. I assume that that has probably reduced the number of people who are coming into Departments.

We are looking at workforce arrangements into the future. I do not think that we will return to the type of workforce and behaviour that we had. For those of us who travel in and out of Belfast every day, more blended working is probably not a bad thing. We will move to a new way and mode of working, but we are not at that point yet.

I can ask whether there are specific figures that show how many people are in or out, but, in my experience, it tends to vary, depending on whether people need to be in for specific reasons. It is not a case of saying, "You are all needed in the building, and you all are not". In my Department, people come in for specific reasons, and you may not see them again for another couple of weeks, apart from on Zoom calls or whatever.

Mr Butler: I thank the Minister for his answer. When it comes to developing post-COVID working arrangements, is it fair enough to ask whether part of the assessment will involve looking at the productivity that has been achieved by working at home and balancing that with a family-friendly, well-being approach?

Mr C Murphy: A lot of lessons will be learned from this period, and I am keen that they are taken up. We are in a general process of reform in the Civil Service, some of which has emerged from the renewable heat incentive (RHI) report and some of which has been raised by the PAC and in Audit Office reports. There is a general sense of looking at issues.

The pandemic came in and probably accelerated the growing pattern of having more flexible working arrangements, which, clearly, is

very beneficial for people who have young families. I have the early sense that productivity improved in that time, but we need an assessment over the full range of the last 18 months and into when we, hopefully, emerge fully from restrictions in order to get a sense of how that works. Certainly, I know that surveys have shown that having that flexibility to work from home when people need to and to come into the office when they need to is very popular.

COVID Vaccine Passports

T3. **Mr Dunne** asked the Minister of Finance, having mentioned earlier in Question Time the crippling impact that rising energy bills are having on local businesses, whether he recognises that another challenge for those businesses is the COVID vaccine passport scheme and, if so, does he acknowledge the difficulties that that scheme is causing many businesses, particularly those in the hospitality sector, many of which have limited staff and resources. (AQT 1883/17-22)

Mr C Murphy: Staffing is a challenge for hospitality; it is a challenge for every sector. I have engaged with representatives in manufacturing, hospitality and retail, and, everywhere I go, staffing is a challenge. There seem to be many more jobs available than there are people to take them up. In one sense, that is good, because we may be able to get the right skills to people and get them into work, given that we have a high level of economic inactivity.

My experience of the outworking of the COVID cert, and from what I have heard south of the border — I have been in various premises there as well — is that it works smoothly enough. I have heard businesspeople say that it has not presented a significant challenge to them. I acknowledge that staffing may be an issue in smaller venues, but we are talking about people taking two seconds to show a COVID cert, and contact tracing comes off that as well.

We have a responsibility to assist businesses as much as we can with advice, guidance and support when they have to adhere to restrictions that are brought in. I hope that the Executive's task force will continue to engage with businesses to make sure that they can continue to operate the scheme for as long as it is necessary.

Mr Dunne: I thank the Minister for his answer. Does he share the concerns of the hospitality sector about, for example, the safety of lone

workers in small licensed premises, where they are being asked to enforce the COVID certifications and when face covering enforcement is not in place in other settings, such as public transport?

Mr C Murphy: The question of enforcement is always a challenge. We are not asking people to put themselves in any danger in order to do that. If issues arise that move us on to criminal issues, the PSNI is available to be called to deal with that. I have not had any reports as yet of incidents like that. As I said, the Executive task force needs to continue to give advice, guidance and support to people who are asked to operate restrictions that are brought in on the advice of the Executive's medical advisers. Those restrictions are brought in only when they are absolutely necessary and only for as long as they are necessary.

None of us wants to be in a position where restrictions apply, and we want to get out of them as quickly as we reasonably can. The variants of the virus are changing, and the threat and consequent level of concern are still there, so we have to act in a responsible way. We hope that customers who are considering going out to those places also act in a responsible way so that the onus is not put just on those who work in those venues to ensure that restrictions are complied with.

Health Service Reform

T4. **Dr Archibald** asked the Minister of Finance, given that he has said on many occasions that health needs to be prioritised in the upcoming Budget, which would be welcomed, with the need for long-term structural reform in the health system and the additional funding that will be required to carry out that reform, something that has been well rehearsed in the Chamber during many debates, to state how, now that we have a multi-year Budget for the next three years, that will allow us to better plan for the future and implement the reforms. (AQT 1884/17-22)

Mr C Murphy: We have debated the prioritisation of health regularly here for the past 18 months to almost two years, as well as the fact that we wanted multi-year Budgets in order to allow us to put in place the reforms that have been put forward in various reports but which we have never had the opportunity to action. That is why I have proposed to the Executive a significant uplift for Health, which will be specifically targeted at meeting some of those areas of reform.

As well as needing to look after the health of our population, we recognise that Health continues to consume higher levels of public finances. If we do not take action now and in the time ahead, the Executive who come to set the Budget in three years' time will be faced with an even greater challenge. There is an imperative not just for the health of the population, given the experience of the pandemic and to give the people who work in the health service the support that they need, but for our public finances so that we can address those issues over the next three years.

Dr Archibald: I thank the Minister for that response. I welcome the fact that there will be an uplift in the forthcoming Budget, but does he agree that those structural reforms are needed in the health and social care system in order to allow us to ensure that other key public services also receive the resources and finance that they need?

Mr C Murphy: Yes. It is clearly the case that it is a balance. It has been evident for many years that none of our public services have the resources that they need. The three-year Budget, while welcome in terms of the ability to plan, does not get us anywhere near approaching the level of resources that we need to deliver the types of public services that we want. When we decide to prioritise one service, that has a negative impact on a range of other public services. That will be a challenge in the time ahead. People need to understand that, as part of the Budget process, if we are going to focus on a number of key areas — health being the primary one — that will have implications across the range of public services. We will have to manage that on the basis that we do not have all that we want in order to do all that we need.

Connect2 Regional Hubs

T5. **Mrs Erskine** asked the Minister of Finance to detail the stage at which his plans to implement the Civil Service hubs are and how advanced the discussions are in council areas, given that he will be aware that her constituency is one of the most westerly in the UK and, although it is a wonderful place to live, civil servants who live there have to travel long distances to get to work. (AQT 1885/17-22)

Mr C Murphy: The Member is quite right about the distance, and I concur with her on the beauty of Fermanagh.

Enniskillen has been chosen as one of the 10 locations to roll out the first phase of the Civil

Service hubs. That recognises that people from the area travel very long distances to come in and out of Belfast to work. In this age of rapidly advancing technology, there is less need for people to sit at a desk in the office all the time, and, particularly with the pandemic accelerating that change, we need to recognise that.

The location of a hub in Enniskillen, which is based on the number of civil servants who travel up from County Fermanagh generally, also opens up more opportunities for people who might not yet apply to the Civil Service. I am sure that the Member knows constituents who will not apply for a job in Belfast because of the travel involved. If they have the opportunity to be based in Enniskillen for two or three days a week, that may increase the interest in people from across County Fermanagh and other border areas applying for jobs within the Civil Service, which is all to the good. It changes the dynamic, and it introduces more rural and border dwellers, which is a good thing.

We are working closely with the council. I am not sure about the exact progress of the Enniskillen hub. We want to get these schemes up and running quickly. Some are in a more ready state than others, and I am happy to respond to her on Enniskillen specifically.

Mrs Erskine: I thank the Minister for his answer. It is important that the Enniskillen hub is progressed quickly. Will he commit to ensuring that my constituency is given priority, given the distance that civil servants from there have to travel to Belfast? That will help our environment and provide a better work-life balance for those from my constituency working in the Civil Service.

Mr C Murphy: It has been given priority, in that Enniskillen was one of the first 10 towns to be considered. I assure the Member that when that was announced, an awful lot of towns across the North were asking, "What about us?", and rightly so. We want to make jobs more accessible, and we want to give people the type of work-life balance that working in their own area allows. The footfall generated by people staying in the area also makes a contribution to those towns. Of course, there are also the environmental benefits that the Member mentioned.

Yes, we will press ahead, as a matter of urgency, with all those hubs. The circumstances of particular councils, such as having readily available buildings in which to locate the hubs, means that they are more ready to engage. That might be an issue in

Enniskillen, but we will get to the bottom of it and try to get working on it as quickly as we can.

Cost of Living

T6. **Mr Gildernew** asked the Minister of Finance what opportunities there are in the upcoming Budget to give families a break and mitigate the rise in the cost of living, given that the cost of living has spiralled rapidly over the past number of months and is continuing to spiral, causing huge hardships for many families and households who are facing an unprecedented spike in energy costs, alongside the shameful Tory decision to cut the £20 universal credit uplift and the ongoing costs associated with Brexit and the pandemic. (AQT 1886/17-22)

Mr C Murphy: As I said in answer to earlier questions, we are trying to take the initiative now because the cost of energy has risen substantially and quickly. We recognise that that throws a lot of homes into a winter heating crisis. So, in collaboration with the Minister for Communities, I put a proposition to the Executive, which I hope will get their endorsement in the very near future.

In the longer term, as I said, we are trying to prioritise. We have a very limited Budget. Even the three-year plan, which is welcome, is not enough to do what we need to do, and that will present a series of challenges across all Departments. The Executive have to prioritise. All these factors contribute to ill health when people are suffering in poverty, and I hope that the Executive will continue to focus on anti-poverty measures, as well as on health and other issues.

Mr Gildernew: I thank the Minister for his answer. You outlined the financial situation, Minister. While countries across Europe have brought in mitigations to deal with rising prices, the British Chancellor refuses to agree a cut in VAT on energy bills. Do you agree, Minister, that the British Government need to take action to support families at this time?

2.45 pm

Mr C Murphy: Yes, and I have written to the Chancellor asking him to put a zero rate of VAT on energy bills. We have not had any indication that the Treasury intends to follow through on that, but we will continue to press the case with it. Unlike us, it has the resources, if it needs to find them, to take initiatives in that regard. It is a political choice whether it does or does not. Our

choice is to divide up an insufficient pie and to try to make the best use of it across a range of pressing priorities, so any support from there would be welcome.

Mr Speaker: Time is up. Members, please take your ease for a moment or two.

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

Northern Ireland Assembly Commission

Mr Principal Deputy Speaker: Question 8 has been withdrawn.

MLAs: Parental Leave

1. **Mr McNulty** asked the Assembly Commission for an update on parental leave for Members. (AQO 2881/17-22)

Mr Clarke: I thank the Member for his question. Mr Principal Deputy Speaker, I may need additional time for the answer.

The fact that the Assembly is increasingly made up of Members from a diverse range of backgrounds that reflect our wider society is entirely a good thing, and the Assembly Commission is very supportive of finding ways to support Members who have young families. Many of the obvious ways in which Members might be supported on the issue of parental leave are not within the responsibilities of the Commission. For instance, any proposal to allow a replacement Member to be put in place to cover for a period of parental leave would require a change to the Northern Ireland Act 1998, which is outside the remit of the Assembly Commission; nor can the Assembly Commission introduce any aspect of financial support that would be paid to a Member as a result of parental leave, as the Commission plays no role in determining the salaries or pensions that are paid to Members.

When a Member is absent as a result of parental leave, however, the Assembly Commission has the ability to provide additional support for carrying out the constituency work that the Member would otherwise have undertaken. Additional support could be made available to assist with constituency work through an increase to the staffing costs that are made available to a Member. Any such change to facilitate paid support for Members on parental leave could be made by the

Assembly Commission through the publication of a revised determination.

At the Commission meeting on 8 July 2021, members agreed that the draft provisions to be included in a new determination should be prepared for agreement prior to the end of the current mandate but that any new determination would be published only alongside the progress of the Assembly Members (Remuneration Board) Bill in the next mandate. The Assembly Commission therefore intends to return to the matter in the next mandate.

Mr McNulty: I thank the Member for his answer. There is not enough joy in this place. This is the season to be joyful and thankful, so it is important that I pass on my congratulations — massive comhghairdeas — to my Assembly colleague Gerry Carroll on the arrival of his son — his first child — two weeks ago.

Some Members: Hear, hear.

Mr McNulty: I know how that feels, having had a child just seven months ago. We should all give more thanks and create more joy in this place, and we should recognise the important role that we all play and how lucky we are to represent our constituents. Be thankful for that, because so many people out there are struggling and do not have the —.

Mr Principal Deputy Speaker: Question.

Mr McNulty: I am getting there. What measures are likely to be included in any determination?

Mr Clarke: The Member will be aware that provision already exists in the determination to provide for replacement cover for a Member's employee who is off work due to maternity. In reviewing the determination at the start of the next mandate, the Commission will consider providing Members with additional support staff costs for the recruitment of an extra member of staff to cover constituency duties while a Member is on parental leave.

Ms Ferguson: We understand that COVID has impacted on the considerations of the Commission, as it did on so many people in other aspects of life, but will the Commission commit to pursuing that additional work as quickly as possible?

Mr Clarke: As indicated, the Commission considered this at length and made a commitment to consider it at the start of the

next mandate, in view of the volume of business that is currently before it.

Mr Principal Deputy Speaker: No other Members wish to speak on that issue.

IT Services: Review

2. **Ms S Bradley** asked the Assembly Commission whether a review of IT services has been carried out during the pandemic. (AQO 2882/17-22)

Mr Clarke: The COVID-19 pandemic has presented many challenges to the Assembly Commission and has impacted on our ability to deliver and support Assembly business in a rapidly changing public health environment. The past 18 months have been extremely challenging for the Assembly's Information Systems (IS) Office team. During that time, the IS Office has had to review how a range of services could be delivered during the pandemic and implement innovative changes to successfully facilitate the work of the Assembly. It has enabled all Members and staff to work remotely from home and other locations.

In response to the increased demands on the Assembly's IT network, the Assembly Commission has provided additional capacity for secure remote connections and supported the use of a range of videoconferencing tools, including Microsoft Teams, Zoom and StarLeaf. In recognising and responding to deficiencies in the Parliament Buildings Wi-Fi service, the Assembly Commission has provided all Members with webcams in their offices, and the Commission is undertaking a review of the Wi-Fi network.

The pandemic has also caused a significant surge in user support requirements, and the IS Office has worked hard to address those needs on a timely basis. Assembly users are asked to submit enquiries to the IT service desk via email. The IS Office team constantly monitors that email account during working hours and responds to enquiries as quickly as possible. The current arrangements are working well, but the IS Office will keep them under review.

Ms S Bradley: I thank the Member for his reply, and I thank the IS Office, which picked up on my plight, via the question, and swiftly engaged and resolved many of the IT issues that had occurred in my office.

The Member rightly refers to the Wi-Fi system in the Building. It is certainly not fit for purpose. To give an example, yesterday, I attempted,

from the third floor, to put a question to the Minister of Education. I struggled to hear either the Speaker or the Minister. Thankfully, I was heard. However, it certainly was not smooth. I would welcome any improvement to the Wi-Fi. Will the Member give me an indication of when the issue might be resolved? I think that I speak for most Members when I ask that question.

Mr Clarke: I thank the Member for participating from her home network. There are a number of listed questions from Members on the Wi-Fi network that my Assembly Commission colleague is due to answer. It would be appropriate to address that supplementary question at that point.

Ms Kimmins: Has the Commission considered using the time when the Assembly will not be sitting, prior to the next election, to ensure that our IT systems are fit for purpose?

Mr Clarke: It would be reasonable for the Assembly Commission to consider that question at some of its future meetings. I will take it back.

Parliament Buildings: Engagement

3. **Miss Reilly** asked the Assembly Commission to outline its engagement with local schools and community organisations to encourage them to make use of Parliament Buildings. (AQO 2883/17-22)

Mrs D Kelly: As the Member will know:

"strengthening engagement with the public",

including schools and community organisations, is one of the Assembly Commission's four corporate aims. In the past, a great deal of that engagement has taken place in Parliament Buildings.

However, because of the public health situation and associated regulations and guidance, Parliament Buildings was closed to the public from 18 March 2020 until 14 July 2021, and therefore no engagement activity was possible in the Building during that period.

Since the reopening of Parliament Buildings to the public in July, some engagement activity and events, including with schools and community organisations, have, indeed, taken place in the Building. However, the demand for engagement activity and events in Parliament Buildings is currently low by historical standards, and our capacity to host such

engagement activity and events is greatly reduced because of the need to adhere to the public health regulations and guidance — in particular, on social distancing. We are, however, proactively seeking to increase our engagement with schools and community organisations in other ways, notably through virtual events. For example, since October 2020, 138 schools and 4,400 pupils have taken part in a virtual education programme delivered by the Assembly's Education Service. In addition, over 80 schools have taken part this year in Committee consultations on issues such as a bill of rights for Northern Ireland, the impact of school lockdown on young people and climate change. Also, over 1,000 representatives from the community and voluntary sector have taken part in 62 engagement programmes delivered virtually by the Assembly's engagement team.

I am sure that Members will want to join me in paying tribute to the team, who were swift and adept at meeting those needs. Let me assure you that we are absolutely committed to improving engagement.

Miss Reilly: Gabhaim buíochas leis an Chomhalta as a freagra. I thank the Member for her answer. Has the Commission spoken to the Department of Finance to ensure the safe return and continuation of sporting events in the grounds of Parliament Buildings?

Mrs D Kelly: I thank the Member for her question. I do not believe that that has been before us as a Commission, but I am happy to take it to the Commission's next meeting.

Mr Lyttle: Can the Member give an update on the work of the Northern Ireland Youth Assembly to give space, voice, audience and influence to young people in this place and to give force to children's right to participate in decision-making?

Mrs D Kelly: I thank the Member for his question. He will be aware that the Youth Assembly met recently on a Saturday, during which there was an opportunity for enthusiastic debating for many young people. As elected representatives, Members in their own right will engage with schools and many of the youth organisations throughout their constituency. However, the Assembly Commission and, indeed, the Speaker have committed to the Youth Assembly, and we will want to hear more from it. I look forward to the feedback from the Speaker at the next Commission meeting.

We hope that, as the health situation improves, with a reduction in restrictions and guidance, there will be more opportunity for round-table discussions, as opposed to using Zoom. While Zoom and virtual classrooms and debates have their place and are useful at this time, nothing beats the opportunity to build relationships, network with young people and get to know them on a face-to-face basis.

Mr Principal Deputy Speaker: No other Members have indicated that they wish to ask a supplementary question.

Parliament Buildings: Green Energy

4. **Mr Irwin** asked the Assembly Commission what plans exist to utilise green energy solutions within Parliament Buildings. (AQO 2884/17-22)

Mr Butler: I thank the Member for the question. Over recent years, the Assembly Commission has implemented a range of measures to improve the environmental performance of Parliament Buildings, including the introduction of rainwater collection, photovoltaic panels and solar thermal tubes, all of which were installed as part of the roof refurbishment project. The heating boilers were also replaced with energy-efficient gas boilers at that time. Subsequent to that, we also made modifications and improvements to the Building's energy management system (BEMS). We have replaced light bulbs with more energy-efficient LED lamps and installed Hippos in the toilets to reduce the amount of water used to flush. Either those are not the type of hippo that we are used to, or they are very small.

The Assembly Commission utilises the Department of Finance's framework agreement for the supply of electricity, through which the Assembly is provided with 100% renewable and carbon-neutral electricity. We had previously installed two double electric vehicle charging points at the rear of Parliament Buildings, and we are currently working with the estate management unit to see whether additional points can be installed in the lower east car park. We also replaced the Building's old floodlighting system with a new energy-efficient programmable LED floodlighting system and reviewed the time schedules for all of the external lighting that we have control of.

3.00 pm

The IS Office is currently leading on a project that will see the replacement of the old TVs in the Building. That will have a significant impact

on our energy use as the new TVs will be much more energy efficient than the existing ones. We will also have the facility to turn off all the screens in the corridors and public areas centrally. An officer in the Sustainable Development Office works closely with the Department of Finance and other partners to utilise energy-saving solutions where possible and will continue to improve the Building's energy controls and metering systems to help to ensure continuous improvement in our energy usage.

Mr Irwin: I thank the Member for his response. I am sure that he will agree that it is important that Parliament Buildings leads the way on green energy. Is the Member aware of whether oil is still used for the main heating of the Building?

Mr Butler: I thank the Member for his question. I believe that two gas boilers are currently used to heat the Building and that those replaced the oil heating.

Mr Principal Deputy Speaker: Ms Ennis is not with us to ask question 5, so, Mr Blair, you have managed to dodge a question.

Parliament Buildings: Access to Services

6. **Mrs Erskine** asked the Assembly Commission for a breakdown of the number of requests for services for people who are blind, partially sighted and/or hearing impaired over the last three years. (AQO 2886/17-22)

Mrs D Kelly: I thank the Member for her question. Over the past three years, the Assembly Commission has received a limited number of requests for services for people who are blind, partially sighted and/or hearing impaired. During the current mandate, interpreters have been used once in this Chamber, in 2020, in relation to a sign language Bill. Sign language interpretation was also provided for a meeting of the Committee for Communities earlier this year. Sign language interpreters were provided for the Pensioners' Parliament held in September 2021 and for the Disabled People's Parliament held only a few days ago. Easy-to-read Order Papers and notices of indicative timings were also provided for that event, and additional staff were on hand to assist visually impaired participants and people using guide dogs.

Sign language interpretation was also provided for a play, 'Shrieking Sisters', that was hosted

by the Assembly Commission on International Women's Day in 2018. In 2018, tours of the Assembly were conducted for people with physical and sensory disabilities on International Day of People with Disabilities. Training events for the blind or partially sighted on how to engage in the proceedings of the Assembly were also facilitated by Commission officials under the auspices of the Royal National Institute of Blind People (RNIB) in May of this year. The Commission also recently approved a pilot for sign language interpretation of Question Time to the First Minister and deputy First Minister. I hope that the Member will agree that that is a very welcome initiative, which will commence on 13 December. I am also willing to add that Assembly officials will always wish to support requests from people with a disability to ensure as full and as inclusive participation as possible.

Mrs Erskine: I thank the Member for her answer. I wholeheartedly welcome the announcement that Executive Office Question Time will now be with sign language, and I hope that more can be rolled out. Has discussion taken place about that, and will the Assembly Commission commit to rolling it out further across Northern Ireland Assembly business after the pilot finishes in March 2022?

Mrs D Kelly: Hopefully, the Member will be relieved to know that the Commission recently discussed additional measures. Indeed, it has a current survey on a disability action plan for the Assembly. We are always committed to ensuring that proceedings of the Assembly and Parliament Buildings are accessible to all. To that end, as I said, the draft disability action plan, which runs from 2021 to 2025, sets out how the Commission intends to promote positive attitudes towards disabled people and to encourage participation by disabled persons in public life under a number of themes and actions.

We also recently approved a pilot for sign language interpretation at Question Time for the First Minister and deputy First Minister, which, as I said, will begin to commence on 13 December. We are involved in ongoing discussion with representatives of the deaf and hard-of-hearing community to explore other ways in which the Assembly Commission can deliver services to that community.

Ms Flynn: The Member touched on some of the issues that I was going to ask about. My question is specifically about whether the Commission is taking steps to increase physical accessibility for those who are blind or partially

sighted or for members of society who have hearing difficulties. Are any steps being taken to make physical accessibility a bit easier for such visitors to Parliament Buildings?

Mrs D Kelly: I welcome the Member's supplementary question. Members will know that, only recently, a Member was disabled for a short period of time and required the use of a wheelchair. That very clearly pointed to some of the work that we still need to do and avenues that we need to take to address physical accessibility to a number of rooms. Of course, buildings of this age present their own challenges.

Braille measures and additional guides, if you like, that can be taken up will hopefully be highlighted through the disability action plan survey. We will take on board any recommendations that the hard-of-hearing and/or the visually impaired communities highlight.

Platinum Jubilee

7. **Ms Bunting** asked the Assembly Commission what representations it will make to the Minister of Finance to request permission to plant trees in the estate as part of The Queen's Green Canopy (QGC) project for her platinum jubilee. (AQO 2887/17-22)

Mr Clarke: I thank the Member for her question. The Assembly Commission has had no discussions about making representations to the Minister of Finance about planting trees as part of The Queen's Green Canopy project for the Queen's platinum jubilee. As the Member set out in her question, decisions about the Stormont estate are for the Minister of Finance. The Assembly Commission has no role in those decisions, so it would be unusual for the Assembly Commission to make representations on an issue that it has no responsibility for. I am sure that the Member will seek to raise those matters directly with the Department of Finance.

Ms Bunting: I am grateful to the Member for his answer, and I will take that very positive project up with the Finance Minister. However, does the Member agree with me that the fact that the Commission has no responsibility for decision-making is exactly why it can and should make representations? Moreover, does the Member concur that, since the centenary passed with a refusal from the Commission to light up the Building, permit a commemorative stone or even plant a rose, perhaps the Commission would not want to continue to create the impression that Stormont is a cold

house for people of my background and that it does not want a Prod about the place?

Mr Clarke: The Member will understand that I am here to reflect the corporate position of the Assembly Commission rather than my own views or those of my party. The Commission has to deal with the reality that there are different views in it on those matters, just as there are in the wider Assembly. That said, the Member has put her comments on record, and, hopefully, the Commission as a whole will reflect on them.

Ms Dillon: Does the Member agree that the Building and the wider estate need to be welcoming spaces for all, that those spaces need to be reflective of all in our society and that we have a long way to go in order to ensure that that is the case?

Mr Clarke: The Commission has gone some way towards trying to address those things and is bringing forward some plans so that it is balanced. As for the political argument, as I said in my previous answer, I am here to represent the Commission's views and not my own.

Mr Allister: Having refused to allow a centenary stone, has the Commission no shame about its barefaced disrespect for unionist interests? That disrespect is shown to the very point that the request for it to lobby for the planting of a tree to mark the platinum jubilee of Her Majesty, whose Assembly this is in constitutional terms, draws a blank from the Commission.

Mr Clarke: I heard what the Member said, and if he listened to my answer, he would know that I pointed out that the grounds belong to the Department of Finance. However, like the Member from East Belfast, his comments are on record, and I believe that the Commission should reflect on them.

Mr Lyttle: In addition to the consideration of tree planting for The Queen's Green Canopy project, will the Commission raise with the Department of Finance the possibility of a partnership with Belfast City Council for the one million trees tree-planting campaign?

Mr Clarke: I am happy to take that back to the Commission for consideration.

Parliament Buildings: Artefacts and Emblems

10. **Ms Flynn** asked the Assembly Commission for an update on the display of artefacts and emblems at Parliament Buildings. (AQO 2890/17-22)

Mr Blair: I thank the Member for her question. As Members will be aware from previous Question Times, in February this year, the Assembly Commission agreed a significant and strategic project to take a different approach to looking at the display of artefacts in Parliament Buildings. A working group comprising Assembly officials and Dr Éamon Phoenix took the project forward in line with a set of principles agreed by the Assembly Commission.

The working group presented its report and recommendations to the Assembly Commission in October. They included a framework of proposals for a revised display of items and images in Parliament Buildings. The Assembly Commission is considering the proposals, and, as Members will understand, I will not go into detail while those discussions are under way.

I am happy to confirm, however, that the proposals incorporate a number of key elements including: reflecting the history of Parliament Buildings, including all the political and parliamentary institutions connected to the Building; ensuring that a balance of all political traditions is reflected in the range of items and images on display; displaying a number of items that are either in storage or located in areas of the Building where there is no general public access; providing narrative context and reflecting different perspectives, particularly for the benefit of visitors; and ensuring greater representation of women in images in the Building. The Assembly Commission is due to consider the matter further this month.

This has been a very significant piece of work, and there is now a range of comprehensive proposals for the Assembly Commission to consider on this long-standing issue.

Ms Flynn: I thank the Member for the answer. I welcome the work in partnership with Dr Éamon Phoenix on the display of artefacts in Parliament Buildings. The Member partially answered this question, but does he agree that any outcome of the work must result in an estate that is reflective of all the people it represents.

Mr Blair: I thank the Member for the follow-up question about representativeness. The issue of symbolism and the display of artefacts in Parliament Buildings has been raised a number

of times with the Assembly Commission since 1998, both by those who feel that the symbolism of the Building does not reflect all parts of the community and by those who have asked for all the Assembly Commission artefacts that are in storage to be permanently displayed. However, the Assembly Commission has previously been unable to find a way forward for a number of reasons. The review agreed by the Commission was a deliberate attempt to change the conversation on those issues in order to move forward. The report of the working group has achieved that, and the Assembly Commission is considering it very seriously.

Mr Allister: Can the commissioner tell us, in this centenary year of Northern Ireland, given the vast supply of artefacts and emblems that the Commission hides away in a warehouse, how many of them were put on display during the centenary year, and how much the Commission continues to pay to hide away those artefacts in a huge warehouse?

Mr Blair: I thank the Member for that supplementary question. I do not have the figures to hand for the number of artefacts, and nor do I have the overall figures for the financing of that. I am happy to assure the Member that we will seek that information and forward it to him.

Mr Lyttle: The Northern Ireland Assembly's own Poets' Corner displays the work of Ross Wilson, which depicts quotations of Seamus Heaney and C S Lewis. They say, from Seamus Heaney:

"Believe that a further shore is reachable from here"

and, from C S Lewis:

"There are far better things ahead than any we can leave behind".

Does the Member agree that those are optimistic, positive artefacts of the type that we would like to display in the Assembly and that, hopefully, will motivate us all in our work in the time ahead?

Mr Blair: I thank the Member — my colleague — for the inspirational words and the hope that they provide. If those matters are not already being considered by the Assembly Commission review, I will do my best to ensure that they are taken into consideration.

3.15 pm

Parliament Buildings: Maintenance and Minor Works

Members should take their ease. We will move on to the next item in a few moments.

11. **Mr Storey** asked the Assembly Commission for an update on the review of options for the future provision of maintenance and minor works. (AQO 2891/17-22)

Mr Butler: I thank the Member for his question. For many years, maintenance and minor works projects relating to Parliament Buildings have been undertaken using the Department of Finance's pan-government framework contract for property maintenance. The Assembly Commission has, to date, continued that tradition. The Commission is undertaking a review of those services to consider whether that remains the best mechanism to undertake such works and to help to ensure that the framework arrangement provides a value-for-money option for the work. The scope of the services includes planned maintenance, reactive and remedial maintenance, repairs, minor works projects and the provision of a small team of in-house operatives. All such works are required to be undertaken in a manner that befits the listed status of Parliament Buildings and does not cause any unnecessary disruption to Assembly business. Senior management has considered an initial draft review that was undertaken by Building Services and has requested that further information be incorporated before the review is formally submitted for its consideration. It is planned that the review will be considered by senior management in December.

Mr Storey: Without being facetious, I have to say that the Member's answer sounded more like a repeat on a well-known media outlet. It is the same answer as we have been given a number of times. This issue has been running on since 2016. When will the Commission make a decision and resolve this long-standing problem? People in the Building need to be respected and paid appropriately, including members of staff who have roles in the Chamber.

Mr Butler: The Member raises a good point, but, as I said, it is planned that the review will be considered by senior management. Perhaps an answer will be forthcoming in December.

Mr Principal Deputy Speaker: Just before Members take their ease, it would be remiss of me not to join Mr McNulty in congratulating Mr Carroll on the birth of his first child. I am sure that all Members would agree that that should be read into Hansard.

Executive Committee Business

Damages (Return on Investment) Bill: Final Stage

Mrs Long (The Minister of Justice): I beg to move

That the Damages (Return on Investment) Bill [NIA16/17-22] do now pass.

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

Mrs Long: First, I advise Members of a declaration of interest in relation to the personal injury discount rate on account of my husband's membership of a medical and dental defence union.

I am pleased to present the Final Stage of the Bill to the Assembly and to move a significant step closer to the setting of a stable discount rate in Northern Ireland that will better give effect to the core legal principle of 100% compensation. That is in the interest of all those involved in personal injury litigation.

Members will know that, when I introduced the Bill, in March, I had hoped that we could reach this stage expeditiously to enable a rate to be set under the new framework at the earliest possible opportunity. Unfortunately, that did not prove possible, and, consequently, my Department had to proceed to review the rate under the current *Wells v Wells* framework. The cost of that decision is not insignificant. I recognise and value the importance of the Justice Committee's scrutiny role, however, so I place on record my thanks to its Chair, the Deputy Chair and members past and present for their detailed consideration of the Bill and their comprehensive report. I also take the opportunity to thank the staff who work hard behind the scenes to support the Committee in carrying out its work. If I may, Mr Principal Deputy Speaker, I also place on record my thanks to my officials in the Department of Justice, who, in taking forward the legislation, did an excellent job of researching the options available, settling on a good model and supporting me throughout the process. I acknowledge that stakeholders had differing views on how the rate should be set in future. I thank all those who contributed to the process of shaping the Bill by responding to the

Department's consultation and by giving evidence to the Committee.

Having conducted rigorous scrutiny of the Bill, the Committee indicated its support for the Bill as introduced. I welcomed its conclusions, as I consider that the framework for setting the rate provided for in the Bill is the right one: it is clear, transparent and fair. The task of reviewing and determining the discount rate will, in future, be carried out by the Government Actuary, who has the requisite actuarial experience to do so. That is not achieved at the expense of political accountability, however. The Bill requires that the rate be set according to the detailed methodology set out in the Bill. That is based on the return on the prescribed notional portfolio of low-risk investments in which a hypothetical claimant is assumed to invest over a 43-year period, with specified adjustments for tax and the cost of management and investment advice and to protect against the risk inherent in any such investment. Those parameters can be changed only by my Department via secondary legislation and with the approval of the Assembly.

The Bill also provides for greater certainty by requiring regular reviews of the rate, at least every five years. That will also ensure that the rate keeps in step with changes in the marketplace. Subject to the Assembly's approval, the Government Actuary will begin a review of the rate under the new framework provided for in the Bill as soon as the relevant provisions are in operation, and the rate must be determined by him within three months.

As I noted at the outset, the Bill is underpinned by the legal principle of 100% compensation — no more and no less — to which the discount rate is intended to give effect. By its nature, the assessment of damages for future financial losses can never be an exact science, but I am confident that the Bill provides for the rate to be set in a way that better reflects how claimants would be advised to invest their lump sum award. Several businesses and compensators have written to me about the impact on them of the current rate of -1.75% set under *Wells v Wells*. As Members will know, that is based on gilts and a particularly low-risk form of investment not likely to be used by claimants. The Bill addresses the risk of overcompensation that arises under that framework, which was the only one available until the point at which this legislation passes. Most importantly, however, the certainty and stability that the Bill will bring means that those who have sustained serious injuries, perhaps even life-changing injuries, through no fault of their own, will hopefully now be able to resolve

their claims expeditiously and receive the right and proper compensation that is due to them so that they can meet their present and future needs. On that note, I commend the Damages (Return on Investment) Bill.

Mr Storey (The Chairperson of the Committee for Justice): On behalf of the Committee for Justice, I welcome the Final Stage of the Damages (Return on Investment) Bill. The Committee appreciates the need for a stable, long-term personal injury discount rate to be set in Northern Ireland and for it to be reviewed at regular intervals, particularly given the uncertainty that there has been in recent times, with the reported negative impact in progressing cases under the previous rate and, more recently, the set rate of -1.75%, which, the Committee has been advised, is the lowest in the world and has the potential to lead to overcompensation in a large number of cases. The Minister set out very adequately the issues with that.

It is clear that setting the rate under the Wells v Wells methodology no longer reflects how claimants would be advised to invest their lump sums. Therefore, a new framework for setting the rate is needed for Northern Ireland and will be provided for in the legislation. The key question is what legal framework will achieve as close as possible to the 100% compensation principle without veering too far towards overcompensation or under-compensation. That was the focus of the Committee's detailed and careful scrutiny of the Bill. Achieving 100% compensation is not an exact science, and assumptions have to be made about the future. Therefore, assessing the likely effect of the framework in setting the personal injury discount rate is not easy and poses a challenge.

The Committee considered the elements of the framework individually and in conjunction with each other before agreeing that it was content with the Bill and would not seek to amend it. The Committee also sought further information and clarification from the Department as to why the wider economic and social impacts of changes to the rate could not or should not be considered when setting the rate, given that the personal injury discount rate can make significant differences to the amount of the award.

We must not underestimate the importance of getting the framework for setting the rate right for those who suffer personal injuries, in particular catastrophic, life-changing injuries, due to the negligence of others or who rely on their compensation award to meet future

financial losses, including loss of earnings, the cost of future care and support and the provision of specialist equipment. However, we must also ensure that the framework does not lead to overcompensation, given the ramifications of that for health and social care provision, as clearly laid out to the Committee by the Health Minister, and the implications for insurance premiums and businesses in Northern Ireland.

While the Committee did not seek to amend the Bill, it made several recommendations to the Department, including that it should publish an impact assessment setting out the potential implications of different rates for Departments and businesses when a review is due to take place to aid transparency and so that the potential consequences and costs can be fully understood and the necessary mitigations and actions considered by the Government and relevant organisations in preparation for the new rate coming in. The Committee also recommended that the Department should assess the potential options for gathering evidence of claimant investment behaviour. While the Committee appreciates the challenge of obtaining information on how claimants invest their compensation awards, it believes that there are benefits in doing that to inform future consideration of the framework. Potential options to do that should be identified and explored.

I know that the Minister would have preferred accelerated passage for the Bill; however, it was right that the new framework was fully and properly scrutinised by the Committee and the Assembly. Key stakeholders raised a range of issues, and there were distinctly contrasting views in the evidence received on the Bill that needed to be explored and understood. The Committee Stage provided the opportunity for that to take place. While the Bill has not been amended, the decisions taken on the clauses and schedules were better informed than would otherwise have been the case.

As part of the Committee's deliberations on the Bill, we noted the low uptake of periodical payment orders (PPOs) that would reduce the need for lump sum payments calculated using multipliers and discount rates. The Committee wrote to the Lady Chief Justice about that and about how information on and the promotion of the orders could be increased. The Committee welcomed the reassurance provided by the Lady Chief Justice that PPOs play an important part in the settlements of most of the catastrophic injury cases that require approval by the court and that the judges who deal with the cases have a wealth of experience and

knowledge of the issues surrounding the personal injury discount rate, the legislation, case law and the practice and procedures that are relevant to the making of PPOs.

I again thank Committee members for their diligence and the time and effort that they gave to scrutinising this complex and technical legislation. I also thank the departmental officials for their assistance during the Committee Stage of the Bill and our Committee staff for their support and advice. I also place on record again the appreciation of the Committee to all the organisations and stakeholders that contributed to our scrutiny by taking the time to provide written and oral evidence. Their expert advice and contributions greatly assisted our understanding of the issues.

On behalf of the Committee for Justice, I am pleased to support the Final Stage of the Damages (Return on Investment) Bill, and I commend it to the House. I look forward to a new personal injury discount rate being set under the new framework in the near future.

3.30 pm

Ms Dolan: I welcome the Final Stage of the Bill, and I also thank the Committee staff.

The Bill is hugely important in ensuring that victims of personal injuries who have been injured through no fault of their own get the compensation to which they are entitled. It has been a long and complex process to get to this stage, but today is a good day as we pass another important piece of legislation.

The purpose of personal injury compensation is to return victims to the financial position that they would have been in had they not been injured. Although it is an extremely difficult thing to do, given the variables around each case and each claimant, I am satisfied that we have reached the right conclusions.

Throughout the Committee's consideration, we heard from a wide variety of individuals and organisations, including those representing defendants and claimants. It became clear that establishing a legislative framework for setting the personal injury discount rate required a number of highly subjective choices to be made and that it would be difficult to get agreement from all interested parties on how that would be best achieved. I am satisfied that the Bill's final draft provides the best possible framework to ensure the long-standing legal principle of 100% compensation.

Much of the Committee's and the Assembly's deliberations have focused on the Bill's technical elements and on complex equations and financial exercises. Fundamentally, however, at the heart of the Bill are victims who have been gravely injured through no fault of their own. Many of those people have been left with life-changing injuries and trauma. Often, they are vulnerable and require support to navigate the challenges that they face in their new lives. There is a backlog of cases that are awaiting settlement and that were delayed for a number of years because the personal injury discount rate had not been settled. That will no doubt have been a source of huge frustration to all parties and traumatic for those awaiting much-needed compensation. I am pleased that the Bill's passage will close that chapter in their lives, allow cases to progress at a fair and equitable rate, and allow victims to move on with their lives as best they can with the dignity that they deserve. I commend the Bill.

Mr Dickson: I will be very brief. I thank the Minister for finally bringing the Bill to its conclusion. I regret the time that it has taken, through no fault of the Department of Justice but a hiatus in the Assembly. Perhaps a faster Committee Stage might have processed the Bill more expeditiously. Today is a day not for recriminations, however, but for welcoming the Committee's work and particularly that of the Minister and her officials in delivering this important legislation.

Mr Principal Deputy Speaker: No other Member has indicated to me that they wish to speak, so I call the Minister to make a winding-up speech.

Mrs Long: Thank you, Mr Principal Deputy Speaker. I thank the Members who participated in the debate. Though it was a short one, it was important. It marks the conclusion of the passage of important legislation and has, rightly, focused not just on the Bill's technical aspects but on the impact that it will have on people who have been affected by serious personal injuries. I am confident that the methodology set out in the Bill achieves the aim of giving better effect to the 100% rule by reflecting how a claimant would be advised to invest their lump sum award. That will result in a rate that, insofar as it is possible, will fully compensate claimants but is also fair to compensators.

The clarity and transparency that will be provided by detailing in primary legislation how the rate is to be set, combined with the provision for regular reviews, will provide

certainty and stability around the discount rate, which has been absent for a long time, causing difficulties in the settlement of claims for claimants and compensators. I therefore very much welcome, in particular, the impact that the Bill will have on people who have suffered life-changing injuries and who need their award to meet the costs of their care and other financial losses arising from that injury. Today is a huge step forward on that journey. Hopefully, we will be able to set the rate as swiftly as possible after the passage of the legislation to allow the decisions that need to be taken by compensators and claimants to be concluded as swiftly as possible.

Question put and agreed to.

Resolved:

That the Damages (Return on Investment) Bill [NIA16/17-22] do now pass.

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

Health and Social Care Bill: Final Stage

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

That the Health and Social Care Bill [NIA 18/17-22] do now pass.

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

Mr Swann: I have great pleasure today in moving the Final Stage of the Bill. Members will be aware that the decision to close the board was first taken in 2015, following the publication of a review of commissioning, which found our current system to be overly bureaucratic and complex. This has been a long time coming, so I am happy to have been able to bring the Bill forward during my tenure as Health Minister.

This is an important juncture not just in providing certainty for the staff of the board but in providing the platform from which we must now develop new ways of planning and managing our services that deliver improved outcomes for our population and, importantly, reduce the health inequalities that are all too prevalent in our society.

As Members are aware, the Bill now contains agreed amendments that reflect the commitment to move forward with the necessary transformation and that recognise that, at its core, it must have the local voice. The amendments came about following the Health Committee's scrutiny. Therefore, it is only right that I place on record my sincere thanks to Committee members, their staff and all the Members who contributed to the work and debate on the amendments.

I also place on record my thanks to my departmental officials and Health and Social Care Board officials who have been involved from the outset of this piece of work up to today and will be involved over the next few months. It has been a high-level engagement piece of work and a strenuous piece of logistical planning.

It is important that I recognise the input made by the Office of the Legislative Counsel in the preparation of the legislation. Its support and advice throughout has been greatly appreciated by my Department.

If I may, I would like to recap on particular elements of the Bill and what it seeks to achieve. First, and, importantly, is the closure of the board and, with that, the transfer of responsibility for its functions to the Department and its staff to the Business Services Organisation (BSO) in a host arrangement that will see it discharge its responsibilities under the direction of my Department. That will, as a first step, streamline our structures, reduce bureaucracy and allow for better coordination of our resource, enabling the system to operate more effectively and efficiently.

Engagement with staff has been a priority and will remain so. Staff from all impacted organisations are working collaboratively on the programme of work, which will see the smooth transition of functions and staff to the new operating model.

With the recently agreed amendments, the Bill also facilitates the continuation of local commissioning groups. That will ensure that local input in the commissioning of services will continue post board closure and will remain in place until regulations for the new local area bodies are made.

The local area bodies, which will be known as area integrated partnership boards, will be an important part of the wider integrated care system model that is being developed in Northern Ireland. The central aim of the integrated care system model is to integrate

care across different organisations and settings, ensuring that all parts of the system work collaboratively and in partnership to improve the health and well-being of our population.

Ultimately, as the model and partnerships mature, the local area bodies will take more control over the planning and funding of the services that are delivered in their localities in order to deliver the most appropriate services to meet the identified needs of their local populations. The powers that are contained in the Bill will ensure that the area integrated partnership boards are established in statute and that local input and intelligence continue to be central to how we plan, manage and deliver our services in the future.

Of course, the regulations will be subject to Assembly scrutiny. As I have mentioned previously, that is what the business of the Assembly is about: delivering effective legislation. Therefore, I urge all Members to support the Bill at Final Stage. I commend the Bill to the House.

Mr Gildernew (The Chairperson of the Committee for Health): I rise to speak first on behalf of the Committee to welcome the Final Stage of the Health and Social Care Bill. I will then make some remarks as Sinn Féin's health spokesperson.

I thank the Minister and departmental officials for their work in getting the Bill to this stage. Over the past couple of years, the pandemic has shown us how fragile our health system is, which has only reinforced the need for transformation in the health and social care system. We need to find a way that makes the system work, not only for the most vulnerable people in our communities, but for the vast number of people who are on waiting lists and are in need of healthcare services for physical and mental health.

The Bill has been a long time in the making and is an important first step on the wider transformation journey. Closure of the board has been a policy position of the Department since 2015 and has been the position of the past three Health Ministers. I hope that we see that transformation journey progressing faster and that systems and processes are put in place to ensure that our system works for everyone.

The Committee thanks those organisations that provided written and oral evidence on the Bill. There was consensus across those organisations and the Committee that there was a need for reform and that the Bill was an

important step in that process. Although the Bill is a technical piece of legislation, the Committee undertook its full scrutiny role and, during the taking of evidence, flagged up a number of issues and concerns to the Department. The primary concerns related to the possible gap in local engagement and input and the Assembly's role in scrutinising the new arrangements for the commissioning of services.

The Committee was concerned that, following the closure of the board and the dissolution of local commissioning groups (LCGs), there would be no opportunity for local input in decision-making. The Committee welcomed the Department's amendment that would see the local commissioning groups retained until regulations for the new framework were approved by the Assembly.

The Committee, again, reiterates the important role that engagement and co-production can play in targeting resources to meet needs across our communities. We also welcomed the departmental amendment that provides the Assembly with a scrutiny role in the replacement structure for the commissioning of services. The Committee looks forward to engaging with the Department further on the development of area integrated partnership boards. I thank the Minister for taking the Committee's concerns on board and producing the amendments. We, in the Health Committee, believe that those amendments make the Bill stronger and provide the necessary assurances for Members and stakeholders that they will be able to play a key role in future decision-making.

I also thank the departmental officials John and Allan, who appeared before the Committee on a number of occasions. Indeed, we had significant and interesting conversations on potential future models. That was welcome, and, indeed, indicated a readiness by the Department to put in place the best system possible. We look forward to seeing that in due course.

I thank the Bill Clerks Aoiheann and Claire for their support on the Bill and the extensive work that they did with us on it. I thank all Committee members for their engagement on the Bill: it is noteworthy that we had consensus on the Bill across all members. I thank the Committee team for their work on the Bill, which produced a very important report at a time of extremely challenging workloads and limited resources in the Committee team. I extend my sincere thanks to them all.

3.45 pm

I will now make some remarks as an MLA. Almost two years into a pandemic, it is evident to all that our health service is not fit for purpose. While our problems with waiting lists, staffing shortages, a decreasing number of hospital beds and so forth predate the pandemic, the crisis that emerged in early 2020 tells us that we need a healthcare system that is prepared to respond to even the most unimaginable of circumstances. In short, years of austerity have left our health and social care system depleted. The need for transformation has never been more apparent. We must build back, and we must build back better with something that is greater than what went before.

When the Bill was first introduced, it was apparent that there were some gaps. The Committee proposed amendments to ensure that crucial community engagement is guaranteed with the retention of the LCGs. It is also very clear that transparency and accountability are core elements, with the Assembly now assured of its role in the scrutiny of any replacement structures for the commissioning of services. It is vital that the transformation of health and social care is transparent and that the users of the service have a hand in its design. It is only through working with communities, patients, carers, families and those who work in the sector that we can fully understand the healthcare needs that our system should be built on.

Central to any transformation of healthcare is an accountable plan to finally address the health inequalities that ravage many of our communities, and the Minister has acknowledged that in his remarks. Year after year, we get updates from the Department on the health of our constituents in our most deprived communities. Rarely, unfortunately, or ever, do we see improvement. It is not enough to simply report the widening gaps between our communities; we have to understand why we do not see improvements, and we need to act in order to address them in a measurable and outcomes-focused way. It is that need to address health inequalities that makes the deep immersion of community groups and others into any future design absolutely essential. The transformation of the health and social care sector must have at its very core an ambition to create equal good health for all our constituents across all our communities.

I am also deeply conscious of the need to address geographical inequities for rural communities. While we need to ensure that

transformation takes place, we must also ensure that it is done in a fair, balanced and sustainable way for all our communities. Years of underinvestment cannot continue and, indeed, must be redressed with effective planning and delivery. Everyone must have access to a decent, accessible and available health service wherever they live. The stalled roll-out of multidisciplinary health teams to primary care settings and the constricting access to public health dentistry are providing significant challenges to that goal.

Finally, having engaged extensively over the past couple of weeks with health and social care professionals, including those in the South of Ireland, I believe that there is tremendous potential that must be grasped on an all-island basis. It was a privilege to witness the passion and planning for the future that is taking place in the children's paediatric cardiology centre in Dublin. It is surely past time that we address the fact that grieving families still have to travel to England in order to access paediatric pathology services. Minister, we must accelerate efforts to address that issue on a sustainable basis here on the island.

It is clear that health professionals and academics are actively discussing and planning with one another how we can better deliver healthcare to all our people on what is a relatively small island. We must encourage and expand on those discussions in order to ensure that appropriate population-level health planning is in a position to put the health of all our people first.

Mrs Erskine: I hope that I will not take too long in my remarks, as this is fairly straightforward. As we are all aware, the purpose of the Health and Social Care Bill is to give effect to the decision to close the Health and Social Care Board. I welcome the fact that we have reached the Final Stage of the Bill.

The Bill is an important step in the gradual transformation of how our health system is managed. As a unionist, I think that our health and social care service is a source of great national pride and something that we must protect, but it is also a service that we must continually improve and adapt in order to meet the changing and increasing needs of our society. Clarity around accountability, decision-making processes and authority is crucial in any organisation, and there is no doubt that the Bill is a framework that delivers improvements in our structures. What we have discussed throughout the legislative process of the Bill is the direct result of the Donaldson report in 2014.

I am pleased that we are at this stage today. It is, however, a great shame that it has taken so long to bring about these reforms, which were clearly identified years ago. Vital time has been lost, not least due to the collapse of the Assembly between 2017 and 2020.

While there must be a level of administrative checks and balances and managerial responsibility, we need to be careful not to burden our system with bureaucracy. The Bill will take a necessary step to cut back on some of the bureaucracy in our health service, which will free up resources, staff and funds to be placed where they are needed, especially on the front line.

I am sure that, like me, Members wish to see less bureaucracy in our public services across the board. That was identified as a key issue by consultees on the Health and Social Care Bill consultation. The Health Minister would also like to see that area safely and appropriately reduced across the health service, and he has my full support in driving forward that agenda. I urge the Minister to expedite the reforms that are so desperately needed across our health and social care system to cut any avoidable red tape safely.

As a new Assembly Member and a new member of the Health Committee, I was not present for the earlier stages of the Bill. However, I am well aware of the large amount of work, scrutiny and consideration carried out by the Minister, the Department, the Bill Office, members of the Health Committee and Clerks. I put on record my thanks to all those involved in the process.

As the Health Committee scrutinised the Bill, it came to the collective belief that, by providing for the dissolution of the board, the transfer of its functions and a requirement for the Department to make transfer schemes for assets and staff, the Committee could offer its support. However, the Committee also felt that, in some specific aspects, the Bill required amendment. The proposed amendments included provision for legislative powers to place a statutory duty on the Department of Health to bring forward regulations on the new integrated care system framework to be laid in the Assembly, and for such regulations to be approved by affirmative procedure.

The Committee agreed that the Bill should be amended to reflect an additional requirement that local commissioning groups be retained in the interim. In the Committee's view, an amendment of that type would allow the retention of those local commissioning groups

until regulations on the area integrated partnership boards are laid and approved by the Assembly in order to ensure that there is no gap in the invaluable local engagement, input and feedback.

As a Health Committee member, I again thank the Department for the positive engagement and acceptance of these measured amendments to the Bill. With the accepted amendments, the Bill will help to deliver greater accountability and clarity around decision-making in our health system. Some of the complexity and what has, over time, become burdensome and outdated levels of red tape and bureaucracy will be stripped out. In my view, and that of those consulted, that is objective achieved.

In conclusion, it is right and proper that thanks go to the work of not only Committee members but the Committee clerking team, the Bill Clerk and, of course, the departmental officials, especially in what has been a challenging time for all. I commend the Bill to the House.

Mr McGrath: I welcome the opportunity to speak on the Final Stage of the Health and Social Care Bill. It is important to note that the Bill that we are voting for today is different to the Bill that was first presented to the Assembly in March this year. As the Bill progressed through the necessary stages, it has evolved and been amended to make it as robust as possible.

In previous contributions on the Bill, I said that we need to do something radical for our health service, and I continue to hold true to that. We spend more money across every single health trust today than we did 10 years ago. That spend on our health trusts alone, excluding the Ambulance Service, has increased from £1.6 billion to £2.4 billion in 2020.

The Health and Social Care Bill offers us an opportunity to take a step in the right direction by commencing reconfiguration. When we hone in on the basic thread running through the Bill, we find that it cuts out levels of bureaucracy to allow decision-making to be more efficient. That will be the key test of the Bill's effectiveness in the future, and we will all, I am sure, be keeping an eye on that.

It is only fair that we welcome the fact that the Health Minister has managed to get the Bill to this stage today. Let today's vote on the Bill serve as the next step in the journey towards that radical transformation of our health service. We have had report after report and review after review. I appreciate that the Minister

inherited a Department in crisis, which was then left to face a deadly pandemic. All quarters of the House have been involved in a collective effort to get through the pandemic together, and, while that messaging has become somewhat diluted over time and the closer that we get to an election, the majority of Members are committed to getting some form of new configuration for our health service.

As we emerge from the COVID pandemic, we must focus on the radical transformation that our health service needs. I assure the Minister that the SDLP is committed to the transformation of our health service and that we will work with the Health Minister, whoever that may be this time next year, to ensure that we can deliver that.

Mr Chambers: Yesterday, the Principal Deputy Speaker asked me to complete a supplementary question in 10 seconds. I cannot promise that my contribution will take 10 seconds today, but I will be as succinct as possible. *[Laughter.]*

Mr Principal Deputy Speaker: Shall I put that to a vote? *[Laughter.]*

Mr Chambers: I am pleased that this long-awaited legislation has moved to this point and that all suggested amendments have been incorporated into it. The continuing existence of local commissioning groups while new structures are put in place is important and very welcome. I wish the new model well, and I am confident that any operating changes will be fully embraced by the dedicated departmental staff. The Ulster Unionist Party fully supports this piece of reform.

Ms Bradshaw: I did not intend to speak today — I did not want to repeat my previous contributions to debates — but I want to place on record my thanks to the departmental officials who came to the Health Committee. Their enthusiasm and passion for bringing about the change that is required to alleviate the huge pressures on our health and social care system were palpable. I wish them well as they go forward with this. As a Health Committee, we will, no doubt, continue to put the Health Minister under pressure around the transparency of and accountability for the reform that is required. That is what we intend to do. For now, I thank the Committee Clerk, his team and the departmental staff for their work on the Bill.

Mr Principal Deputy Speaker: No other Member has indicated to me that they wish to

speak, so I call the Minister to conclude the debate.

Mr Swann: I thank the Members who have contributed not only to the debate today but to debates at every stage since the Bill was introduced. I will make some comments on Members' contributions. Again, I place on record my thanks to the Chair, the Deputy Chair — in her absence — and members of the Health Committee for working in partnership with the Department and its officials in developing the Bill. A number of Members talked about the amendments that were proposed. As part of that collaborative approach, we accepted the amendments and the sentiment with which they were brought. When it comes to the ideal forming of legislation, that is what our Committee structure and the Assembly is really about: that partnership approach. I thank the members of the Committee for proposing the amendments that enabled us to adapt the original Bill and for their collaborative approach in bringing it to this stage.

I acknowledge the contributors to the debate who spoke about the work of my Department's officials and the Health and Social Care Board to bring this work, which started over six years ago, nearly to fruition today as it reaches Final Stage in the Assembly. Ms Bradshaw said that she had not intended to speak, but she talked about the enthusiasm and passion of my departmental officials. That is not something that I hear often in the House. Having been in post since January 2020, however, I can assure Members that I see their passion, commitment and dedication to the health service in Northern Ireland day and daily, no matter what their departmental role or function is in making the change that we need to see in our health service so that we can deliver for the people of Northern Ireland.

4.00 pm

I do not need to remind Members that reaching the Final Stage of the Bill is not the end of the matter. As Members will be aware, the board closure is the first step in a staged approach. That is being done in the context of a wider programme of work that is under way on the development of an integrated care system in Northern Ireland that will look at how we plan and manage our services in a way that promotes integration, collaboration and service improvements. Partnerships are the bedrock of the integrated care system model. Members can therefore be reassured that significant work has been, and will continue to be, undertaken to

engage with all the relevant stakeholders moving forward. This is a vital opportunity to ensure that the health and social care system in Northern Ireland is focused not just on treating ill health but on building population health resilience well into the future. I commend the Bill to the House.

Question put and agreed to.

Resolved:

That the Health and Social Care Bill [NIA 18/17-22] do now pass.

Mr Principal Deputy Speaker: I ask Members to take their ease for a few moments while we move on to the next item on the agenda.

(Mr Speaker in the Chair)

Advanced Research and Invention Agency Bill: Legislative Consent Motion

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

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Advanced Research and Invention Agency Bill relating to the establishment of the Advanced Research and Invention Agency and powers for the Secretary of State to make grants to that body.

Mr Speaker: The Business Committee has agreed that there should be no time limit for the debate.

Mr Lyons: Thank you, Mr Speaker, for the opportunity to speak today on this important issue.

On 29 November 2021, I laid a motion in the Assembly asking Members to provide legislative consent on a number of provisions of the Advanced Research and Invention Agency Bill, also referred to as the ARIA Bill. Before I explain more about the Bill and the motion, I acknowledge that the legislative consent motion (LCM) is in breach of Standing Order 42A. I regret that it has not been possible to adhere to normal Assembly timelines in the progression of the LCM to this stage.

My Department has been in extensive negotiations with officials from the Department for Business, Energy and Industrial Strategy (BEIS), as well as counterparts from the other

devolved Governments on several aspects of the Bill that have only recently been completed. That has left very little time for the Assembly to consider the motion before the ARIA Bill completes its progression through Parliament and achieves Royal Assent. As such, I thank the First Minister and deputy First Minister for acknowledging the importance of the motion by allowing it to be considered by urgent procedure, and the Economy Committee for making the time to allow my officials to speak to it and for considering the Bill and the LCM at such short notice.

The March 2020 Budget confirmed the UK Government's commitment to an £800 million investment in the creation of a research funding body. The Bill is the outcome of that commitment and will create ARIA, the Advanced Research and Invention Agency, which will target blue-sky research areas that have the potential for creating transformative technologies. It is based on a high-risk, high-reward approach. In this respect, ARIA is very much based on the Defense Advanced Research Projects Agency, or DARPA, model. Since the 1950s, DARPA has focused solely on transformative science and technological research programmes. DARPA played a vital role in the creation of the internet, the Global Positioning System and the world's first weather satellite, as well as more-recent inventions such as voice recognition technology, as used in Apple's Siri.

Other countries have created bodies inspired by the DARPA model, including Japan's Moonshot R&D agency and Germany's SPRIN-D. ARIA will be designed with similar operational freedom, cutting bureaucracy where it is inappropriate and ensuring ARIA's ability for agile, FAST-based objective-setting — frequent, ambitious, specific and transparent — and flexible allocation of funding. This funding approach will help to gain advantage in what are inherently dynamic, uncertain and unpredictable areas of research.

ARIA will have a large tolerance for failure. Not all the projects it undertakes will go beyond the initial funding stage. However, as proved by similar agencies, this system truly has the potential to discover, support and capitalise on projects that can produce transformative technological change or a paradigm shift in an area of science.

As the motion details, consent of the Northern Ireland Assembly is required on the majority of provisions of the Bill as its main subject matter — research and innovation — is a devolved area of the law. It is my view that the high-risk

research and development investments, with potentially high return, are a missing part of the research and development funding ecosystem across the United Kingdom, and, indeed, in Northern Ireland.

ARIA will provide an additional avenue of research and development funding, and has the potential to make a significant contribution to the already excellent research base across the UK. As such, I recommend that the Northern Ireland Assembly agrees to provide legislative consent at this time. I commend the motion to the Assembly.

Dr Archibald (The Chairperson of the Committee for the Economy): I will speak briefly as Chairperson of the Economy Committee. The Advanced Research and Invention Agency Bill was introduced and given its First Reading on 1 March 2021, and completed Committee Stage in the House of Lords on 22 November.

The Committee welcomes the general purpose of the Bill in that it provides a mechanism for funding high-risk, long-term R&D, and will deliver on British Government commitments to invest at least £800 million in that R&D over the five years of the current British Parliament's term. However, I must highlight at the outset the fact that, as the Minister said, the Committee has had very limited time in which to scrutinise the LCM, given the breach of the 10-day rule. In turn, there was little scope to engage with our stakeholders. The Committee understands that the long delay between the Bill being introduced in Westminster and the LCM being laid was due to negotiations with the devolved Administrations, primarily around the governance of ARIA and the need for it to be independent of government. The Committee understands that the Scottish and Welsh Governments are now content with the memorandum of understanding (MOU) and will proceed with LCMs.

As soon as the Committee was made aware of the upcoming LCM, we wrote to our key stakeholders to ascertain their views and sought an oral briefing from the Department. Therefore, whilst the Committee has not had the time to produce its normal Committee report, I will outline to the House the discussions that the Committee had during that oral briefing from the Department on 1 December, as well as some of the views expressed during our limited consultation.

The Bill seeks to establish the Advanced Research and Invention Agency, a UK-wide funding body for high-risk, long-term R&D,

which will align with existing research funding developed through UK Research and Innovation (UKRI) and the research councils and will also reflect the gap in high-risk, high-reward research that exists in the North as well as in Britain. The Committee understands that the British Government originally proposed to reserve ARIA funding powers through an amendment to the 1998 Act, and similarly so for Wales and Scotland. However, the devolved Administrations maintained concerns about the reservation of ARIA, and a memorandum of understanding has been drawn up to ensure ARIA's independence from government whilst also allowing the removal of the reservation from the ARIA Bill. During the oral briefing from the Department on 1 December, the Committee received further details on the terms of the MOU with the devolved Administrations and sought reassurance around representation for the North on the board of ARIA.

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

Another issue on which the Committee has sought reassurance is in relation to the impact of article 10 of the protocol and whether there could be any impact on companies here accessing ARIA funds. Queen's University and the Open University have both indicated that they support the policy intent of the Bill. Queen's states that research excellence should be supported wherever it exists but that there is a need to ensure that, in practice, ARIA reaches out across the UK and does not focus on areas of traditional R&D intensity to demonstrate its effectiveness through quick wins. The Committee has heard that ARIA will provide an additional avenue of research and development funding and has the potential to make a significant contribution to the research base. It is also noted that there will be no impact on existing funding. That will provide additionality and will support research that would not otherwise proceed.

On the basis of the very limited time available to the Committee to scrutinise the LCM, and given the general contentment expressed by stakeholders, the Committee for the Economy agrees to support the LCM.

I will just make a few brief comments as Sinn Féin economy spokesperson. Obviously, research and innovation are hugely important, not just economically but socially and culturally, in terms of making technological advances and advances in a whole range of fields, not least as we seek to meet our decarbonisation targets and tackle the climate and biodiversity crises. Over the past two years, we have seen the importance of R&D in, for example, tackling the

pandemic, where we were able to make very quick advances on vaccines. The type of research to be funded by ARIA is important, and there are examples, as the Minister said, of this having been successful elsewhere. These high-risk, long-term projects might not meet the criteria of existing funding streams and therefore need this separate stream. We support the aims of the Bill.

Mr Weir: I rise to sing a song of praise for the ARIA Bill and the LCM. It is a very important LCM, and its very innovative approach is to be welcomed.

There is a slight irony that, while we are talking about research and innovation, the model that we are using is a tried and trusted model that has been used elsewhere. As the Minister noted, there have been a range of developments via its US counterpart, albeit it took me a little bit by surprise, because I thought that it was Al Gore who claimed to have invented the internet, rather than the American counterpart.

I will highlight, very briefly, four aspects that I think are very beneficial.

4.15 pm

First, the structures put in place by ARIA are largely complementary to the funding model that is already in place for research and development. In the UK, we have a rich tradition of innovative research. One looks, locally, to pioneers such as Harry Ferguson or Frank Pantridge to note the contribution made in Northern Ireland. In university research, the UK very much punches above its weight. It has approximately 1% — indeed, it is probably less than that — of the overall global population, yet represents about 4% of the researchers in the university context. The UK contribution to papers cited for international comparison is about 14%. Therefore, it is important that we have a model that does not diminish what is already happening but adds to it.

ARIA has been widely welcomed by the stakeholders who will be contributing to it. It is something over and above what takes place at present. As indicated by the Minister and the Chair, there is a Government commitment, lasting at least 10 years, of £800 million. It is important that that not only is that used for that additional research and innovation, but that it gives longer-term certainty to things and provides opportunities. As the Minister said, it is a high-risk, high-reward enterprise. That means that there will be a range of projects that will not

succeed or get to the next stage. However, that is a good thing. Particularly in Northern Ireland but across the UK as a whole, people complain that the Government tend to take too much of a risk-averse approach. In this context, while not challenging existing research, there can be the opportunity for blue-sky thinking, and that is to be welcomed. It has complementarity.

Secondly, in the structures that have been put in place, it has operational independence in the leadership provided, which will not be directed by government but will draw on expertise. Individual researchers and institutions will have independence. That is critical, if we are looking to see technological development happen in the best possible way.

Thirdly, as indicated, it will have financial flexibility. One of the constraints on research is that a project gets funding for a relatively short period, and it has to hit goals quickly. However, ARIA can lead to investment on a much longer-term basis. There is, at least, the certainty of 10 years, and I suspect that it will go beyond that. That will mean that, if projects are to succeed, they need not be successful overnight but can have the long period of work and bedding in required. That flexibility is important, running alongside existing research.

Finally, whereas in an operatic sense an aria is the song of a single distinctive voice, the focus in ARIA is collaboration. We know of the excellent work that is happening in universities, particularly in Northern Ireland. We have Queen's University, Ulster University and the Open University. ARIA will be particularly successful where there is cross-fertilisation. We have seen that in economic development in Northern Ireland. Alongside the universities and research teams, there is collaboration with Departments, government agencies and other public bodies such as councils. The Committee, for instance, visited Queen's University at the end of the summer to test that out. There is also the private sector, and reaching collaboration with that sector, particularly where there are customers for the research, will be critical to the success of this.

A very bold and welcome step is being taken across the UK, and it is important that Northern Ireland is at the forefront of that. It is important that we are not simply getting our share but are applying the excellent work that is happening in Northern Ireland to that innovative research.

Circumstances are such that, from the Committee point of view, this has come relatively late in the day, and we have seen this only recently. However, it is important that the

Assembly grasps this with both hands and supports the LCM and also that those in the research and innovation sectors take the full opportunities that are made available through ARIA. I therefore support the LCM today. Great opportunities lie ahead.

Mr O'Toole: I will speak on the legislative consent motion for the ARIA Bill, having had relatively little opportunity to scrutinise what its full consequences will be for Northern Ireland. Like others, including the three Members who spoke before me, we, as a party, are certainly not opposed to more funding for innovative science here in Northern Ireland.

We have two excellent universities here. Queen's University is obviously in my constituency.

Dr Aiken: Three.

Mr O'Toole: Three?

Dr Aiken: The Open University.

Mr O'Toole: I should have given way to my friend from the Finance Committee. He is, of course, correct. The Open University is the third university. More traditionally, we think of the two universities, but he is, of course, right. The Open University does wonderful work, and, indeed, I had a meeting with it recently.

Although we welcome the principles of what the ARIA Bill seeks to do, as has been said, a wide range of stakeholders have specific concerns and questions about it. The truth is that those questions are primarily for the UK Ministers who introduced the legislation, not for the Minister here. Those concerns have been raised by not just political opponents of the UK Government but some in the science community, so I want to go through a few of them.

Although my party will not force a Division on the legislative consent motion today or formally oppose it, it is important to put those concerns on the record and to say that, from our perspective, we will not give wholehearted or fulsome support to the LCM because we do not and will not have the answers to those questions. As I say, we will not formally oppose the LCM, but there are specific concerns and questions about the ARIA Bill that I want to put on the record.

First, it is worth giving the background to the ARIA Bill, which has not yet been mentioned. The Bill, of course, came from the beloved Dominic Cummings, Boris Johnson's former

adviser, who has now left government and is tweeting and blogging angrily from his afterlife. He was fascinated by the Defense Advanced Research Projects Agency, which is an offshoot of the US Department of Defense, and which engages, as mentioned, in high-risk and sometimes high-reward funding for science. That was a particular fixation and project of his, and it led to the creation of ARIA.

The point of ARIA, as per the Bill, is that it engages in high-risk investment in new and innovative science. In order to facilitate that high-risk investment, the Bill that we are giving consent to today includes a series of exemptions from legal and bureaucratic processes that other types of research funding have to go through. One of those is, of course, for procurement. The Bill, which is going through Westminster, gives ARIA — I do not know whether it is the Secretary of State on behalf of ARIA — a list of exemptions from public contracts regulations and other procurement obligations. It is important to put on the record in the Chamber — I do not know whether this will be done in other Chambers — that the current UK Tory Government's record over the past two years in following procurement rules when spending public money is absolutely abysmal. Some of the procurement practices that the current UK Government have engaged in over the past couple of years are, as was said recently by an independent observer, close to verging on corruption. We can support the principle of public money being used. Yes, this is public money, and although we are told that it will be in addition to existing research funding through UK Research and Innovation and other agencies, it is still public money. So although we can support the principle of that public money being spent on bold, innovative science, it is worth putting on the record that the current UK Government do not have a positive record on following best practice or on being corrupt, or being seen to be corrupt, in the eyes of the public on the spending of public money. The Bill gives them more flexibility to go around undercutting procurement rules should they want to. I put that on the record because I think that it is worth doing so.

Another area of concern with the Bill is that it gives ARIA quite wide exemptions from, for example, freedom of information legislation. It wants to have quite broad exemptions from freedom of information obligations. Those are freedom of information obligations that are a burden on public-sector bodies of all sizes across the UK, right down to councils, and they have become critical to ensuring proper standards in public life, public money being

spent properly and, indeed, that some level of accountability for conduct in public office is upheld. It was, of course, freedom of information that enabled a journalist in the past few months to start to get to the bottom of what had been happening at a certain local authority, Mid and East Antrim Borough Council. Let us be cautious when we think about signing off on the idea of granting sweeping exemptions from freedom of information obligations to this new and experimental body, ARIA, whatever songs of praise can be sung in its honour by the Member for Strangford.

It is also worth saying that, while ARIA would be a public body and be set up under the Department for Business, Energy and Industrial Strategy, the Bill gives the Secretary of State the power to direct ARIA's functions:

"in the interests of national security."

I do not know precisely what that means.

Dr Archibald: Will the Member give way?

Mr O'Toole: I am happy to take an intervention.

Dr Archibald: We raised that with officials at last week's meeting and asked them what safeguards would be in place in respect of that. Perhaps the Minister can refer to that in his closing remarks.

Mr O'Toole: I thank the Chair for that. She is right: it did come up. We had a brief evidence session, and that was one of the questions that was asked.

I am not seeking to pour scorn on the LCM. We will not get in its way today. All I am doing is putting on the record some fairly substantive and important questions that need to be asked. It is clear that stakeholders are supportive of the Bill. With all due respect and with the fact that I am very proud to represent universities in Belfast, which do amazing work, you would not expect them to be anything other than supportive of a measure that will lead to their having more funding. However, there are specific concerns and questions that I want to put on the record today because the LCM clearly will proceed. As I said, although we are not offering it fulsome support, we will not get in its way. We want to see more detail on how it will work, and, of course, we want to see local institutions benefit from it.

There have been concerns around the governance structures of ARIA and specifically how they relate to the devolved institutions.

Obviously, the Scottish Government put on the record the fact that they were displeased about the lack of notice that the UK Government gave them on taking new reserved powers via the ARIA Bill. As the Chair of the Committee mentioned, the Scottish and Welsh Administrations have now agreed an MOU, and that is encouraging. I am glad that that has happened. The Minister touched on that briefly in his opening remarks. If he could outline a little more explicitly what engagement he expects to have as a result of that MOU, that would be helpful so that we can understand it.

As the Chair said, we did not have an opportunity in Committee to scrutinise or go through all the issues, including those that I have raised today. That is in part why I want to use today's debate to put those issues on the record and, in a sense, put the UK Government on notice that we will continue to pay attention to and scrutinise how the powers in the Bill are used.

Suffice to say that, should the LCM pass — it looks like it will — and should the legislation pass at Westminster, I hope that, where funding is delivered to institutions, particularly in this part of the world, those institutions will maximise the research and economic advantages to people in this part of the world.

4.30 pm

There are significant questions around the import of the Bill. In short, some of the people who developed this legislation and have been the most enthusiastic about it in London are not people whom I would immediately or enthusiastically trust with the public good or public money. The SDLP will not push today's LCM to a Division, but it cannot offer full-throated endorsement of the LCM.

Mr Nesbitt: It is a pleasure to follow Mr O'Toole, who also worked for the Government in London before leaving to blog and tweet, albeit with considerably less venom than Mr Cummings.

The Ulster Unionist Party will support the legislative consent motion. Like others, we express a little regret that the process was not perfect, although it got us to this point. I feel particularly disadvantaged in that I was unable to attend the briefing at last Wednesday's Committee meeting. I was out of the country at the time, so it was my fault. I was in the United States, where the high-risk, high-reward idea is part of the economic culture. That is a cultural norm in America, and it is to be welcomed that

we will embrace that culture through the ARIA programme.

I listened very carefully to the Minister's introductory remarks. I note that he quantified the budget of £800 million and that he gave some global examples of the sort of breakthrough developments that ARIA might hope to match or replicate in the coming years. What I did not hear is how it fits in with the Northern Ireland economy, however, and I hope that he will address that in his closing remarks.

I have only three questions for the Minister. First, can he confirm, on the record, that there is no Barnett consequential? Is this totally a highly competitive programme of money? Will we have to fight tooth and nail to secure any of that money?

My second question is this: who does he think will avail themselves of that money? The Member for Strangford talked about individuals such as Professor Pantridge, who invented the portable defibrillator, and the three universities — Ulster University, Queen's University and the Open University — were mentioned. What about Catalyst in Titanic Quarter? Is it the small, innovative, progressive companies that he sees tapping into ARIA?

My third question is about partnerships. Is it a question of there being the potential for partnerships, will ARIA actively seek partnerships, or are partnerships not necessary for a successful application to ARIA?

Those are my three concerns and my three questions to the Minister. I will leave it at that. My colleague Dr Aiken will have more to say in a minute or two.

Mr Dickson: Thank you for bringing the LCM to the House today, Minister. I will not repeat what colleagues from the Committee said about the way in which this legislative consent motion has come to us. It comes with some scrutiny difficulties. The overriding issue, however, is that of the importance of the legislation and the need to deliver it for future research in Northern Ireland, allowing the agencies and universities that can potentially gain from this resource to do so on an equal footing with the rest of those types of institutions throughout the United Kingdom.

Essentially, the provisions will ensure that Northern Ireland has, on a competitive basis, the same funding opportunities for scientific research as its counterparts, as well as filling the gaps that have been outlined by stakeholders in Northern Ireland. Some of the

activities will be high-risk, but they will also be high reward in how they deliver for us. That is the importance of the ARIA Bill and initiative and what they will deliver.

I agree with all the concerns that have been expressed by Members, but I have further concerns about the role of the United Kingdom in delivering, as well as supporting and funding, this type of research. We have cut ourselves off from a massive intellectual background in the European Union. We need assurance from the Minister that there will be no blocks or barriers to our universities and others sharing and innovating with the whole community of the European Union and, indeed, globally. Research cannot be done only in one small place such as Northern Ireland. Often, it has to be collaborative, and that means working with other institutions right around the world.

For the last 40-odd years, we have been doing the bulk of that with universities and other research institutions across the European Union, to many of which the UK Government have contributed financially in wide scientific areas of, for example, aeronautics and space exploration. We must not lose the investment that we made in that, as a nation, over the past 40 years. We must ensure that our universities and the research institutions and individuals who are likely beneficiaries of the research funding will have an open opportunity to be able to do that work.

I support Northern Ireland joining this strategic and ambitious approach to research goals and adding to the already excellent research base, not only in the United Kingdom but specifically in Northern Ireland, as was mentioned by others. We need to ensure that Northern Ireland's regional capabilities are considered in all this, and we look to the Minister and to the Department for the Economy to work tirelessly to ensure not only that Northern Ireland gets its fair share, but that the information is disseminated so that we take full advantage of the legislation and that, as others said, once invention and projects become a reality, they will deliver in the community in Northern Ireland the jobs and the knock-on benefits from the quality of research that has been delivered.

Dr Aiken: I thank the Minister for moving the motion. First, I have a few declarations to make. I am a proud graduate of the Open University and a few other institutions such as the University of Cambridge and King's College London. I am the chair of the all-party group on science, technology, engineering and mathematics, which is germane to what we are doing, and I welcome the fact that the vice-chair

is here. That is important. I am also the ex-chief executive of a major university in Dublin.

The appropriate question to ask is this: how do we, in Northern Ireland, get leverage from what has been a massive transformational change in the approach to research and development across our nation? The point, which is that the United Kingdom is increasing its investment in R&D from about 1.8% of GDP to 2.4%, is clear. If I get my sums right, that means that we will spend in the region of up to £14.6 billion on research and development. That is a significant sum for any nation to invest in research and development.

My concern, Minister, and one of the questions that I want to ask you, bearing in mind that part of your remit is universities in Northern Ireland, is this: how do we ensure that our universities get a fair share of that chunk? It is transformational for what we need to do. The fact is that it will be in areas such as AI and quantum mechanics and in areas to do with novel research materials in the life sciences, genomics projects and all the rest of it. Quite frankly, those areas are all centred in three major universities — Imperial College London, the University of Oxford and the University of Cambridge — and they will suck in billions in R&D unless we can create the infrastructure and ecosystem for our higher education to link into it.

Mr O'Toole: Will the Member give way?

Dr Aiken: Certainly.

Mr O'Toole: I am intrigued by what the Member said, and I agree with him about R&D. Does he agree that our unique position at the crossroads of the EU single market, at least for goods, and the UK market and the fact that we have a unique relationship with the rest of the UK and the European Union mean that we are, potentially, in a unique position on this?

If we maximise the interpretation of our post-Brexit position, we could participate in not just UK decarbonisation targets but some of the pan-European green deal research funding.

Dr Aiken: I thank the Member for his intervention. Of course, he knows as well as I do that international cooperation is absolutely vital. However, it is about cooperation with not just the European Union but significant universities across the world, particularly those in the United States, Canada, Australia, Singapore and India. Those countries are leading globally in that regard. One thing about

the United Kingdom investing significantly in research and development is that it will make it a partner of choice. Indeed, institutions such as CERN rely a lot on primary science that has been done in the United Kingdom.

I made a point to the Minister about getting to a point at which we create the necessary infrastructure, such as the tech and innovation hub that is being built at Global Point as part of the city deals. Look at the number of city deals in which the universities are involved in the research and development area. Those need to be properly resourced. We have to build it before we can attract more funding. It is not just a question of building the infrastructure; it is about making Northern Ireland the kind of place that graduates and postgraduates want to come to and raise their family. To do that, we need to make sure that we properly fund PhD and cutting-edge research.

Many things have been said about the need to fail. It is the expression of the start-up nation: you need to be able to try things to see what happens. People did not know what graphene was for when they invented it, but it is now transforming everything from power storage facilities to new and novel methods of dealing with medical issues.

We need to properly invest in the structure to enable us to get more than our fair share. Our ambition should not be to get a Northern Ireland proportion, as some form of Barnett consequential, of the moneys available — something like 2.8% or 3.8% of it. I want us to be bold and ambitious. I want us to fight for 10% or even more of those research and development funds. To do that, however, the Executive and your Department, Minister, will have to put in the investment and structure. We need to make sure that our universities become partners, but it must be a partnership across the whole piece. I would love it if you, Minister, or whoever comes after you in the next Assembly, were to come to the Chamber and say that we have secured £1 billion, £2 billion or £3 billion of that long-term research funding. I would be delighted if some new project or idea that evolved in our institutions here — Queen's University Belfast, Ulster University or the Open University — meant that we gained a Nobel Prize in science or something along those lines. We can do it, but we need to set the conditions. The Bill gives us the opportunity to do so.

Mr Deputy Speaker (Mr McGlone): I call the Minister for the Economy, Mr Gordon Lyons to wind up the debate on the motion.

Mr Lyons: I begin by thanking those who support the motion and have contributed to the debate. I place on record my thanks to my ministerial colleagues and the Economy Committee for the way in which they have considered this matter in a timely manner, which allowed the motion to be brought forward today. I also welcome more generally the comments that have been made across the Chamber today.

I will pick up on one or two of the issues that were raised during the debate and, hopefully, answer some of the questions that Members posed. I place on record my thanks to the Chairperson of the Committee for the way in which this LCM has been handled. I recognise that there was limited time available for the Committee to look at it. That is not the way in which I ever want to operate. It is important that the Committee has its role. However, I hope that the Chairperson, along with other members of the Committee, will understand that I took the time to make sure that the concerns that I had were addressed. I am sure that she and the Committee share those concerns about the autonomy of ARIA and the devolved Administrations' interaction with the Government on these issues. It was important that we were given the time that we deserved in order to sort out the issues.

I welcome the fact that the Committee was able to engage with stakeholders and officials. I thank the Committee for its support.

4.45 pm

On Mr Weir's comment, I am not sure who invented the internet, but it shows the value of high-risk but high-reward investments. He is right to point out how the UK punches above its weight across the world on such matters. I want that to continue, which is why I am glad that the Government are doing what they are doing through the £800 million fund.

I thank Mr O'Toole. I will also address some of his issues. He said at the start of his contribution that this is, ultimately, a Westminster Bill. It is not a Bill that I have drafted. I am here because a number of matters in the Bill require legislative consent, as they touch on devolved issues. I am asking for legislative consent on those issues. He is right that the Bill was the brainchild of Dominic Cummings. However, if it is a good idea, it should not matter where it comes from. We should not allow the background of those who may propose something to put us off. Mr O'Toole had concerns around procurement and

freedom of information requests. Those issues were raised during the debate in Parliament and during Committee scrutiny there. At this stage, I suppose, I am just passing on what the Ministers said during that debate. They were of the opinion that they did not want to put restrictions on ARIA or the companies that would be involved with it. They did not want rules to prevent critical investment that needed to take place at speed, and they are treating it more like a private-sector organisation. I know the concerns that have been expressed around that, in addition to the concerns around freedom of information requests, but ARIA will have to produce an annual report and statement of accounts. It will be audited by the Audit Office, and, in their interactions with ARIA, Departments will still be subject to freedom of information requests. However, I understand where the Member is coming from on transparency.

I will touch a little on the memorandum of understanding and what we were trying to do at that stage. There were two issues. First, we wanted to make sure that there was maximum autonomy for ARIA. We wanted to make sure that it could not be influenced by politics; we wanted it to be free from politics as much as possible. In terms of strategic autonomy, it has been agreed that ARIA will not be subject to ministerial direction on its funding choices. Funding will be allocated by independent leadership and programme managers with technical expertise. There will also be operational autonomy. It will have independent leadership, be able to recruit in line with its own priorities, set its own procedures and create the institutional culture that best suits its objectives. Finally, there will be minimal bureaucracy. It will not be subject to layers of approval and review that may exist elsewhere in the funding system or in government. Being agile and efficient and being able to experiment with its structures, methods and processes will be helpful to that.

The other issue that we wanted to ensure that we got agreement on was in relation to input from the devolved Administrations. Yes, we want it to be autonomous, but, at the same time, it is important that it understands the concerns of devolved Administrations. ARIA will share its completed annual report with the four Governments that are party to the agreement in parallel each year for their information. We can share that with our legislators here as well. The UK Government's Chief Scientific Adviser holds a non-executive position on the ARIA board as an independent science adviser. They will consult their counterparts in the devolved Administrations on input into ARIA. I hope that that is of some use to the Member.

Dr Archibald: Will the Minister give way?

Mr Lyons: Yes, of course.

Dr Archibald: I just want to ask the Minister a question. This is an advance in terms of input from us in the North into the operations — not the operations per se but the priorities or —

Mr Lyons: Structures.

Dr Archibald: — structures, yes, of ARIA, compared with what is already in place for the research councils, for example, which are reserved under the 1998 Act.

We have no input per se to the research councils and how that funding is prioritised.

Mr Lyons: Yes. I hope that the Member can see how taking that little bit more time with the Government to make sure that the voices of the devolved Administrations were heard was worthwhile. Although it may have infringed on the time for the Committee to scrutinise the Bill, it was a useful use of our time, and, importantly, we were able to have that additional scrutiny.

Mike Nesbitt asked a number of questions. The first was about how it will fit into the Northern Ireland economy. By now, the Member will be well versed on the contents of our 10X economic vision for Northern Ireland over the next decade. Of course, innovation is at the core of that, and research and development is also an important part. It ties in well with our direction of travel and where we want to be.

Mr Nesbitt also asked about Barnett consequentials. There will be no Barnett consequential, because ARIA will be an all-of-the-UK agency with its own budget. Of course, I expect there to be a benefit for Northern Ireland, and we need to engage with universities and local businesses to make sure that they are aware of ARIA. We do not have as many larger businesses in Northern Ireland as the rest of the UK, and it is important that our businesses are aware of the ability to draw down and apply for funding. My Department will work with them to make sure that people are aware of ARIA, what it can do and how it might help them. We have a good success rate for applications to existing funding options. It is around the average for the wider UK, but Northern Ireland companies do not apply as much as those in other regions. That is certainly something that I want to change, so that we not only have a good success rate but have those companies applying in the first place.

Mr Nesbitt also asked about partnerships. Absolutely, partnerships will be key, and ARIA will allow them to develop. There will be no barrier to partnerships.

That brings me to the next set of comments, which were made by Stewart Dickson. It is absolutely the case that collaboration with other institutions should be allowed to happen. I do not believe that our exit from the European Union will prevent that, in the same way as it does not prevent businesses or universities from working with businesses and universities elsewhere. In fact, just a few weeks ago, I was in Dubai. One of the reasons why I was there was to see the partnership approach that has been developed between a university there and Queen's University Belfast. With the way that ARIA has been set up, there will be flexibility. That should remain, and it is important that that happens.

I have covered some of the points that Steve Aiken made, but I want to touch on one really important issue that he raised, and that is investment. He called on me and made a demand of the Department to make sure that we invest properly in higher education. I fully support that, not just because it is my Department and I want to make sure that I have the funding for it but because the funding of higher education and, indeed, further education can impact so much on the other things that we want to do as a House and as an Executive. Robin Swann was in the Chamber before me. He is the Minister of Health, but his Department alone will not ensure that we have improved health outcomes. That is why we need to make sure that we have funding for research and development. That funding will give us the new technologies and treatments that will allow us to help our people to get better and take pressure off the health budget in the longer term. If we have additional jobs, it will also create better health outcomes for people. It impacts on everything that we do.

Obviously, Budget discussions are ongoing, and the Member will be aware of the pressures on other budgets in the Executive. Therefore, I am delighted to have his support as I seek to get more funding not just for higher education but for research and development more generally. It is so important.

I appreciate the positive manner in which Members have contributed to the debate.

I welcome the opportunity that Northern Ireland will have through ARIA and the fantastic potential that we will have as a result. I therefore commend the motion to the House.

Question put and agreed to.

Resolved:

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Advanced Research and Invention Agency Bill relating to the establishment of the Advanced Research and Invention Agency and powers for the Secretary of State to make grants to that body.

Adjourned at 4.55 pm.

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