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Northern Ireland Assembly

Tuesday 13 October 2020

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

Members observed two minutes' silence.

Assembly Business

Standing Order 20(1): Suspension

Mr Speaker: This motion is necessary to allow business to continue at 2.00 pm in the absence of questions to the Minister for Communities. Before I call the Clerk to read the motion, I want to put on record that I am disappointed that no other Executive Minister was able to stand in for the Minister for Communities to respond to questions on her behalf.

This is a situation without precedent, and, as I explained in my letter last evening, I want to ensure that Members still have the ability to have their questions answered. I am therefore ruling that Members who were successful in the ballot and submitted a question to the Minister for Communities to be answered at today's Question Time may submit a question to the Minister to be answered at her next scheduled Question Time on 3 November. Those Members will be entitled to receive a written answer to their question submitted for today unless they wish to resubmit that question for Question Time on 3 November. Members who were successful in the ballot to ask a topical question for answer by the Minister for Communities today may ask a topical question to the Minister at Question Time on 3 November, and the ballot order for listed and topical questions to the Minister for Communities will remain the same for Question Time on 3 November as it was for today.

I also want to put on record that this should not be seen as a precedent to be repeated in the future. If this situation arises again, the proper response, as always, will be for another Minister to agree to stand in.

Ms Armstrong: I beg to move

That Standing Order 20(1) be suspended for 13 October 2020.

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

Question put and agreed to.

Resolved (with cross-community support):

That Standing Order 20(1) be suspended for 13 October 2020.

Mr Speaker: I ask Members to take their ease for a moment or two.

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

Official Opposition: Referral to the Assembly and Executive Review Committee

Mrs D Kelly: I beg to move

That this Assembly refers to the Assembly and Executive Review Committee, under Standing Order 59(3)(b), the matter of the commissioning of an independent review of the adequacy and effectiveness of the statement of entitlements for an official Opposition, as set out in paragraph 3.7 of annex C of the New Decade, New Approach (NDNA) deal; agrees that the terms of reference for this review should be agreed jointly by this Committee and the Assembly Commission; and further agrees that the Committee should report on the outcome of this review to the Assembly.

Mr Deputy Speaker (Mr Beggs): The Business Committee has agreed to allow up to 30 minutes for this debate. The proposer of the motion will have up to five minutes to propose and another five minutes to make a winding-up speech. All other Members who are called to speak will have five minutes.

Mrs D Kelly: The motion that the Assembly Commission brings before the House today is for a very specific and technical purpose. I propose to briefly outline the background for

Members. Section 3.7 of the New Decade, New Approach deal contained a number of commitments related to funding for an official Opposition in the Assembly, including that additional funding should be made available to parties that form the Opposition and that the Assembly Commission should seek additional resources if further funding was deemed to be appropriate. However, that was in the context of a review being carried out by an independent person into the adequacy and effectiveness of the statement of entitlements for an official Opposition, which was set out in the Fresh Start Agreement.

On 19 February 2020, the Assembly Commission agreed that the review of funding to be made available to parties that form the Opposition is a matter for consideration by the Assembly Commission but that the review of the statement of entitlements for an official Opposition was a matter for consideration by the Assembly and Executive Review Committee (AERC). The Assembly Commission agreed that officials should engage with the AERC to jointly develop terms of reference for an independent review of funding to be made available to parties and the statement of entitlements for an official Opposition, as set out in the Fresh Start Agreement.

I understand that the AERC met on 24 June 2020 to consider that approach from the Assembly Commission and agreed that a formal referral from the Assembly under Standing Order 59(3)(b) would be appropriate on the matter. Consequently, the Assembly Commission agreed to bring today's motion to the House. Therefore, today's debate is purely intended to ensure that the AERC can take forward that NDNA commitment. Once the AERC reports to the Assembly with the conclusions of the independent review, the Assembly will have a fuller debate about the arrangements and provisions that should be in place for any official Opposition. If, at that point, the Assembly supports the outcome of the review, the Assembly Commission will be in a formal position to determine and provide the funding and resources required to implement its recommendations. That is likely to include bringing forward a revised financial assistance to political parties scheme to the Assembly.

I hope that that provides an explanation to Members of what is proposed today. I commend the motion to the House.

Mr McHugh (The Deputy Chairperson of the Assembly and Executive Review Committee): I welcome the opportunity to speak as the Deputy Chair of the Assembly and

Executive Review Committee and to briefly outline the Committee's consideration of the issue to date. I will start by reminding the House of the remit of the Committee and how it relates to the subject matter of the motion.

In particular, under Standing Order 59(3)(b), the AERC has the power to consider:

"matters relating to the functioning of the Assembly or the Executive Committee as may be referred to it by the Assembly."

When the Committee last met on 24 June 2020, it received advice on the procedural options for undertaking new pieces of work, and it was noted that the referral mechanism in Standing Order 59(3)(b) is an appropriate route in that regard. Also at its meeting of 24 June, the AERC considered correspondence from the Assembly Commission, which proposed that the bodies should work jointly to facilitate the implementation of the recommendation in New Decade, New Approach regarding a review of the adequacy and effectiveness of the statement of entitlements for an official Opposition, as set out in the Fresh Start Agreement. The Committee agreed in principle to undertake that work jointly with the Commission, subject to the necessary procedural arrangements being followed.

The motion from the Commission will give the AERC the ability to ensure that the review outlined in NDNA is taken forward. In that regard, paragraph 3.7 of annex C of NDNA refers to the "relevant Assembly authorities" commissioning the review. The AERC remit on the functioning of the Assembly and its experience in progressing relevant topics in previous mandates, including the Assembly and Executive Reform (Assembly Opposition) Act 2016, mean that the Committee is well placed to assist in facilitating the review. Therefore, given that the respective functions of the Committee and the Commission are relevant to the work in question, it is appropriate that the work should be taken forward jointly.

I note that NDNA also states:

"An appropriate independent person should be appointed to conduct such a review, and the review should have regard to relevant comparators."

Therefore, in addition to jointly agreeing the terms of reference for the review, the Committee and the Commission will also need to consider the approach to identifying and

appointing an appropriate independent person as envisaged in the NDNA recommendations.

In conclusion, subject to the motion being agreed by the House, I look forward to the Committee commencing its work. The outcome of the review will, of course, be debated at a later date when the AERC reports back to the Assembly.

Mr Allister: In pre-COVID days, Members were invited — I was certainly invited and was always happy to take up invitations — to visit schools and to speak to politics societies etc. Very often at such events, I would ask the pupils to name me three things that denote a democracy in the Western world. Invariably, you would get an answer about universal suffrage — of course — but you would also almost invariably get an answer about the existence of an opposition. Of course, that is a correct answer, because no self-respecting democracy or legislature can hope to operate successfully or credibly without an opposition. Yet, for all but six or eight months of the 22 years of the existence of this Assembly, we have had the farce of having no opposition. That, of course, fits entirely with the ethos of the House, which flows from the absurdity of mandatory coalition in which there is no thought, respect or regard to even the possibility of opposition.

One of the functions of an opposition is not just to challenge, scrutinise and oppose but to present an alternative at future elections.

Of course, the pernicious absurdity of mandatory coalition is that that alternative can never be presented. For as long as you have a system that says that any party that retains a handful of MLAs will automatically and as of right be in government, you cannot afford an alternative at an election. Therefore, the practical, forward-looking function of an Opposition is fundamentally undermined.

10.45 am

It sits uneasily with the structures of the House to even contemplate an Opposition. Of course, its tardiness in doing so is illustrated by the fact that 'New Decade, New Approach' said that the very report that we are to commission today should have been with the House in July. Such is the indifference of the House to the very concept of opposition that, even if it is belated and hamstrung by the fact that it will not be opposition in its full form, there will doubtless be many in the House who will want to tie it even further. There are parties in the House that fear

opposition and were scared and uneasy that, on the return of Stormont, the SDLP or the Ulster Unionists, for example, might have had the courage to be the Opposition, because they like the cosy cabal whereby they are all in government with no one holding them to account.

I do not know whether we will ever end up with the proper functions of an Opposition, but I have severe doubts about it, given the mindset of the House. However, certainly, as a member of AERC, I look forward to the investigation of the matter and look forward to attempting to ensure that, after all these years, the House will finally have the opportunity to have an Opposition with teeth, not some timid ticking of a box. Of course, the wherewithal has to be supplied as well as the political will, and that might be the biggest hurdle.

Mr Deputy Speaker (Mr Beggs): I call John Blair to conclude the debate and wind on the motion.

Mr Blair: I thank Members for their contributions. As my Commission colleague Dolores Kelly said, the purpose of the motion is very specific. The Assembly Commission seeks the agreement of the Assembly to refer to the Assembly and Executive Review Committee the matter of a review of the arrangements provided for an Opposition as set out in the New Decade, New Approach deal. Therefore, there is little, at this stage, that I need to add.

I will take a moment to reflect on the comments made by a couple of Members. I appreciate that Maolíosa McHugh, in his role as AERC Chair, outlined the role of the Committee, the detail of the review and the working arrangements that will be put in place with the Committee as we move forward.

On the points raised by Jim Allister, the issues with regard to the role of an Opposition are a matter for that review, and they will be brought back to the House at an appropriate stage. I am sure that Mr Allister and other Members will understand that this matter, like other items in NDNA and as the Assembly Commission accepts, has been subject to delay in the midst of other priorities during the public health crisis. I am sure that Mr Allister will understand that the more political matters that he raised are not for consideration by the Commission.

The Assembly Commission acknowledges that progress on this, as with other items in NDNA, has been delayed. However, should the motion pass today, it will enable the Assembly Commission and AERC to agree terms of

reference to ensure that an independent review will be conducted. A further debate will be held in the Chamber once the review is complete. If the recommendations are approved by the House, the Assembly Commission will, in the context of the Assembly's decision, be able to progress other elements of the commitment in NDNA, particularly on issues related to delivering funding for an Opposition. I commend the motion to the House.

Question put and agreed to.

Resolved:

That this Assembly refers to the Assembly and Executive Review Committee, under Standing Order 59(3)(b), the matter of the commissioning of an independent review of the adequacy and effectiveness of the statement of entitlements for an official Opposition, as set out in paragraph 3.7 of annex C of the New Decade, New Approach (NDNA) deal; agrees that the terms of reference for this review should be agreed jointly by this Committee and the Assembly Commission; and further agrees that the Committee should report on the outcome of this review to the Assembly.

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

Committee Business

Standing Order 45A

Ms Dillon (The Chairperson of the Committee on Procedures): I beg to move

Leave out Standing Order 45A and insert

“(1) Subject to paragraph (3), where, at a time when all Northern Ireland Ministers ceased to hold office, a party is entitled to nominate a person to hold ministerial office under section 18(2) to (6) of the Northern Ireland Act 1998, and declines to do so, that party may choose to be recognised as part of the official Opposition.

(2) Subject to paragraph (3), where, during the relevant period, a party is entitled to nominate a person to hold a ministerial office under section 18(10) of the Northern Ireland Act 1998, and declines to do so, that party may choose to be recognised as part of the official Opposition.

(3) A party is not to be recognised as part of the official Opposition if any member of that party holds a ministerial office.

(4) Where only one party chooses to be recognised in accordance with paragraph (1) or paragraph (2) that party is to be regarded as the official Opposition.

(5) In this order 'relevant period' means the period of 2 years beginning with the date on which the ministerial offices are filled under 16A(3)(b) of the Northern Ireland Act 1998.”

Mr Deputy Speaker (Mr Beggs): Order, Members. The Business Committee has agreed that 45 minutes should be allocated for the debate. The proposer of the motion will have five minutes to propose the motion and a further five minutes to make a winding-up speech. All other Members will have five minutes.

Ms Dillon: On behalf of the Committee on Procedures, I am pleased to bring the motion to the House today, proposing the amending of Standing Order 45A. Currently, Standing Order 45A provides:

"where a party is entitled to nominate a person to hold Ministerial office under section 18(2) to (6) of the NI Act 1998; and declines to do so, that party may choose to be recognised as part of the official opposition."

It also states:

"A party is not to be recognised as part of the official opposition if any member of that party holds a Ministerial office, or held a Ministerial office and ceased to hold that office otherwise than at a time when all ... Ministers ceased to hold office."

It further states:

"Where only one party chooses to be recognised in accordance with paragraph (1) that party is to be regarded as the official opposition."

The Assembly and Executive Reform (Assembly Opposition) Act 2016 made provision for the formation and arrangements of an official Opposition. However, the New Decade, New Approach (NDNA) agreement contemplates an amendment to that Act to provide that:

"a party can enter the Official Opposition under the Act up to two years following the formation of the Executive."

Although official opposition was not chosen by the Committee as an immediate priority in its strategic planning, paragraph 3.6 in annex C of NDNA states that an amendment to Standing Orders:

"should be made to give effect to this within 3 months of the Assembly being reformed."

At its meeting on 29 January 2020, the Committee agreed to seek legal advice relating to official opposition arising from the Assembly and Executive Reform (Assembly Opposition) Act. On 11 March 2020, the Committee received legal advice on the provisions in the Opposition Act, Standing Orders and the NI Act 1998 on the issue. The advice also explained the legal position should the Assembly make any necessary changes to Standing Orders to give effect to paragraph 3.6 of the NDNA agreement. As the Assembly first sat on 11 January 2020, the Committee agreed at its meeting in March to amend Standing Order 45A and, therefore, to remain within the three-month deadline of NDNA to amend Standing Orders by 11 April 2020. However, due to the outbreak of COVID-19, the Committee was asked to urgently consider temporary provisions to Standing Orders at its meeting on 25 March 2020. Therefore, the Committee agreed to defer consideration of Standing Order 45A.

As a result of the pandemic and following guidance from the Chairpersons' Liaison Group (CLG), the Committee agreed not to meet

unless considering business related to COVID-19. Therefore, the meeting on 17 September 2020 was the next opportunity for the Committee to consider the amendment. At that meeting, the Committee received further legal advice and gave consideration to amending Standing Order 45A. During discussions, some members queried the rationale behind the two-year period following the formation of the Executive when a party can enter official opposition. The Committee agreed to defer its consideration until its next meeting, and, subsequently, I wrote to the Executive Office and the NIO to ask what the rationale for the two-year period was. A response was received from the Minister of State. In that response, the Committee noted that the parties recognised that it was right to provide for a longer period to enter opposition following an election, because the current time frame is very restrictive. There is also the need to prevent parties entering opposition for purely electoral purposes as an Assembly election approaches.

Some views were expressed on the Committee that the rationale for the two-year period was not clarified enough, and I am sure that you will hear from the Member about why he expressed his opposition to the motion. Nevertheless, at its meeting on 30 September 2020, the Committee agreed that Standing Order 45A should be amended and agreed the motion on the Order Paper today.

I acknowledge that the Committee has not met the deadline of implementing the amendment within three months of the Assembly being formed. However, given the circumstances that we find ourselves in today, the Committee has endeavoured to prioritise the amendment in its work programme and to bring the motion to the House today.

Finally, we must remember that the NDNA is a product of a five-party, cross-party agreement that returned us to these institutions. It is in the Committee's gift to bring its proposals to the House and to implement measures in NDNA for which it has responsibility.

I note that the previous item of business today related to the Assembly and Executive Review Committee and dealt with the topic of an Opposition, as set out in paragraph 3.7 of annex C of NDNA —.

Mr Deputy Speaker (Mr Beggs): Will the Member bring her remarks to a close?

Ms Dillon: No problem.

As for Mr Allister's comments, there is no cosy cabal, I can assure you. Every day, many Members of the House who have Ministers in government behave as though they are in opposition, and it is their right to do so and their right to challenge.

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

Ms S Bradley: I support the motion. As has been outlined — I will not repeat what was said — this derived from the 'New Decade, New Approach' document. There was, I suppose, healthy debate at the Procedures Committee about how it was arrived at, and, to be fair, it was from representatives who, perhaps, were not subject to that document. The House does well to be reminded that the NDNA document, like every other agreement, is full of compromise. Whether I think that this is the landing place that we, as a party, would have liked to be at at this point, from a procedural, Committee point of view, is almost irrelevant. We were tasked with going forward and honouring what was in that agreement. I made the point at the Committee that it is critical that, while we, no doubt, as a House, should and will challenge the Governments who are behind the agreement, we should collectively come together at every opportunity that we have to say that we have honoured it and have played our part. This was very much in the gift of the Procedures Committee. Therefore, I am pleased that we have brought it to the House.

I accept that there was a delay. The dates were set and, I have no doubt, could have been achieved, but, obviously with COVID, we all need to find a bit of grace and space to say that things that we would have liked to be done in a timely fashion could not be. I take the opportunity again to thank the Committee Clerks, who very quickly put their efforts into other work, in that time, that has been to the betterment of the House.

Ms Armstrong: I support the motion. It is very clear that, for years, Alliance has said that an official Opposition should be in place. Like Mr Allister, we agree on the nonsense that we have with mandatory coalition. It forces together people who would not normally sit comfortably together.

In the winding-up speech, I would like clarification of the "relevant period" that is discussed in the Standing Order. Has the clock started ticking from January 2020? Does it apply in this mandate, or is it only for future mandates?

Mr Carroll: Obviously, as we have heard, opposition does not exist and has not for many years. As I raised at the Committee, there is limited time for parties that are not in the Executive to have their say, to have speaking time and to scrutinise the Executive. The pandemic crisis that we are in has exposed the need for maximum scrutiny, transparency and opposition, where necessary. It seems to me from media reports in the last day, at least, that the Executive are in a dysfunctional stage.

Three weeks ago, the Scientific Advisory Group for Emergencies (SAGE) apparently advised the British Government of the need to restrict workplaces, but they did not act. Yesterday, eventually, limited if not enough action was taken by the Tory Government. Today, we are still waiting on the Executive to make announcements. We are hearing that there may be announcements today, but there may not be. I am not on the Executive, so I do not know. That exposes the need for maximum scrutiny and maximum opposition, where necessary. We have one of the highest infection rates in the world, and it is deeply worrying that this amendment to Standing Orders will essentially restrict the role of a potential opposition even further. That point has to be emphasised.

11.00 am

As the Chair alluded to, I raised that point in Committee. I asked why the two-year limit was set, and we had correspondence from the Minister of State, Robin Walker, stating that the two-year limit should be in place to avoid parties using being in opposition purely for electoral purposes. Presumably, he thinks that parties should not be able to leave the Executive and join the Opposition beyond a two-year period because he has determined that that may be being done for electoral purposes. Surely that should not be his determination to make but that of this House. It should be the Committee and probably the Executive parties, to some extent, that determine that. It does not seem to be a sound argument. It seems to have been plucked from the air. It potentially limits the amount of time for democracy, accountability and scrutiny, and, for those reasons, I cannot give it my support.

It could also copper-fasten the rules of the big parties. If a current Executive party wanted to leave the Executive, it might do so because, internally, it has decided that that is the best mechanism for it and its constituents, but the time and resources that it could get as the official Opposition would be limited. If a period of two years and a month had passed, there

would be pressure on parties not to pull out of the Executive because there would be limited opposition time and resources available to it. For those reasons and many more, I cannot support this change to Standing Orders.

Mr Allister: What a grudging, half-hearted endorsement, if you could even call it that, of opposition that you can have it but can access it only for two years. What a farce. If a situation arises in which, after two years, there is a bust-up on the Executive and a party, or parties, decides that it cannot stay in there any longer, all that it can do is join Gerry Carroll and me on these Benches, with no function, no powers and no opposition. What a fix by the parties that dominate government to shield themselves in the last years of the mandate from any effective opposition to make sure that they can neuter the voices that might oppose them by robbing them of any function of opposition. They are making sure that —.

Ms Dillon: Will the Member give way?

Mr Allister: In a moment. They are making sure that, although parties could have had the full functions of opposition and all the backup of opposition if they had had the courage to go into opposition in the first two years, leaving it until after two years before an election means that all of that is taken away. What does that say about the Executive's bona fides and their commitment to even having an opposition if, at the end of that period, it is so disposable that it is simply binned?

Ms Dillon: Thank you very much to Mr Allister for taking my intervention. I do not believe that anybody in this House is neutered at any time. There is only one of you, and I have never known you to be neutered. No party, and certainly not the larger parties, will be neutered. I do support resources and time being given to an opposition. We were given the rationale behind the two years. It was in NDNA and was not our choice. I agree with what the MLA who spoke previously said about how it would much better if the matter had come through the House and undergone Committee scrutiny. Unfortunately, that is not the position that we are in.

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

Mr Allister: The Member cannot say that she does not agree and then come to the House and propose the very thing that she does not agree with. If she did not agree with the two-year limitation, she would vote against it instead

of moving the motion. The thing is a farce. It is also an invitation to the two big parties to simply bide their time until the two years are up before they give way to their natural inclination to doormat the minor parties in government — to make sure that they make their position as ineffective as possible within government and, as I say, to doormat them. What can those parties then do? Nothing. They can come and sit here, but they do not have the functions or powers of opposition, and those who would doormat them and drive them out have the luxury of knowing that they can do all that without facing opposition. That is farcical and ridiculous. It demonstrates the lack of sincerity by the main parties in the House about even the very concept of opposition. The totalitarianism that runs through the veins of some of them is very evident in this approach.

Mr T Buchanan: I welcome the opportunity to conclude today's debate on the motion to amend the Standing Order. First, I would like to thank the Members who contributed and expressed concerns on this. As outlined, the amendment has come to the House today as the New Decade, New Approach agreement contemplates an amendment to the Assembly and Executive Reform (Assembly Opposition) Act (Northern Ireland) 2016 to provide that a party can enter the official Opposition under the Act up to two years following the formation of the Executive. We have heard concerns about the two years part of it in the Chamber today. The Chairperson began by setting out the time frame of the Committee's consideration and explained the reason why the deadline of three months, as set out in New Decade, New Approach, was not able to be met. If we had been in different circumstances than we find ourselves in today, the Committee would have brought these proposals to the House within the time frame of three months from the formation of the Executive in January 2020.

The Committee expedited the issue when it returned to normal proceedings in September and has fully considered the legal advice that it received. There was some opposition in the Committee to the amendment, and we have heard those concerns expressed in the House today. In particular, the political rationale behind the two-year period. However, in his response to the Committee, the Minister of State for Northern Ireland fully explained how that was determined.

Mr Carroll: I thank the Member for giving way. Is the Member content that the reason given is that the two-year limit exists for purely electoral purposes? Is he content and happy with the answer that we received in the Committee?

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

Mr T Buchanan: That was the response that was received when the Committee asked for the reason for the two-year period. That was the response from the Minister of State for Northern Ireland. That is the response that was received.

We have listened to the folk in the House today who have spoken on this. Sinéad Bradley spoke of the Committee being tasked with this issue as part of NDNA. As a Committee, we honoured our part in seeking to bring this issue forward. Kellie Armstrong also supported the change. Gerry Carroll outlined the concerns around the two-year rule, as he did in Committee, as did Jim Allister. However, I feel that, following an election, if parties within the Executive do not know after two years whether they want to go into opposition, it is a matter for them. They have a two-year space and a two-year opportunity. It is not that the Assembly or this change is against anything to do with an opposition; far from it. It is to set out the timeline for opposition. Surely if a party, for two years following an election, is not able to make up its mind on whether it wants to go into opposition, it is a matter for that party.

Finally, the New Decade, New Approach agreement is the basis under which all parties came back into the restored institutions. We need to try to move forward with the agreement. All parties have differences, and we will not agree with everything that is in New Decade, New Approach, but we have to collectively seek to try to take that forward. Today, the Committee and this House can lead by example and start to move forward.

In conclusion —

Mr Allister: Will the Member give way?

Mr T Buchanan: — I thank everyone for contributing to today's debate. Mr Allister had his opportunity to speak, and everyone has heard what everyone else had to say. I commend the motion to the House.

Mr Deputy Speaker (Mr Beggs): Before we proceed to the Question, I remind everyone that the motion requires cross-community support.

Question put.

Some Members: Aye.

Mr Allister: No.

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

11.15 am

Before I put the Question again, I remind Members that, if possible, it would be preferable to avoid a Division.

Question put a second time.

Some Members: Aye.

Mr Allister: No.

Mr Deputy Speaker (Mr Beggs): Before the Assembly divides, I remind Members that, as per Standing Order 112, the Assembly has proxy voting arrangements in place. Members who have authorised another Member to vote on their behalf are not entitled to vote in person and should not enter the Lobbies. Members who are voting in the Lobbies should continue to respect social distancing, and, at all times, follow the instructions of the Clerks.

I ask all Members to be patient as we take time to ensure that voting is carried out in a safe and proper manner.

The Assembly divided:

Ayes 80; Noes 5.

AYES

NATIONALIST:

Ms Anderson, Dr Archibald, Mr Boylan, Ms S Bradley, Mr Catney, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Ms C Kelly, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Ms Rogan, Mr Sheehan, Ms Sheerin.

UNIONIST:

Dr Aiken, Mr Allen, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T

Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Mr Swann, Mr Weir.

OTHER:

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

Tellers for the Ayes: Mr T Buchanan and Mr Harvey.

NOES

UNIONIST:

Mr Allister, Ms Sugden.

OTHER:

Ms Bailey, Mr Carroll, Miss Woods.

Tellers for the Noes: Mr Allister and Mr Carroll.

<i>Total Votes</i>	<i>85</i>	<i>Total Ayes</i>	<i>80</i>	<i>[94.1%]</i>
<i>Nationalist Votes</i>	<i>38</i>	<i>Nationalist Ayes</i>	<i>38</i>	<i>[100.0%]</i>
<i>Unionist Votes</i>	<i>37</i>	<i>Unionist Ayes</i>	<i>35</i>	<i>[94.6%]</i>
<i>Other Votes</i>	<i>10</i>	<i>Other Ayes</i>	<i>7</i>	<i>[70.0%]</i>

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

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

Mr K Buchanan voted for Ms P Bradley, Mr Buckley, Mrs Cameron, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Givan, Mr Harvey [Teller, Ayes], Mr Hilditch, Mr Irwin, Mr Lyons, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey and Mr Weir.

Mr Butler voted for Mr Stewart and Mr Swann.

Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Ms C Kelly, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ni Chuilin, Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.

Mr O'Toole voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon,

Mr McCrossan, Mr McGlone, Mr McGrath, Ms McLaughlin, and Mr McNulty.

Question accordingly agreed to.

Resolved (with cross-community support):

Leave out Standing Order 45A and insert

“(1) Subject to paragraph (3), where, at a time when all Northern Ireland Ministers ceased to hold office, a party is entitled to nominate a person to hold ministerial office under section 18(2) to (6) of the Northern Ireland Act 1998, and declines to do so, that party may choose to be recognised as part of the official Opposition.

(2) Subject to paragraph (3), where, during the relevant period, a party is entitled to nominate a person to hold a ministerial office under section 18(10) of the Northern Ireland Act 1998, and declines to do so, that party may choose to be recognised as part of the official Opposition.

(3) A party is not to be recognised as part of the official Opposition if any member of that party holds a ministerial office.

(4) Where only one party chooses to be recognised in accordance with paragraph (1) or paragraph (2) that party is to be regarded as the official Opposition.

(5) In this order 'relevant period' means the period of 2 years beginning with the date on which the ministerial offices are filled under 16A(3)(b) of the Northern Ireland Act 1998.”

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

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

Private Members' Business

Modern Slavery (Victim Support) Bill [HL] 2019-21: Support

Ms Bunting: I beg to move

That this Assembly notes Anti-Slavery Day 2020, which seeks to raise awareness of human trafficking today; condemns the crime of human trafficking, which tragically happens in our society; welcomes the progress Northern Ireland has made, with the passage of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, and the work of the Department of Justice, statutory agencies, the PSNI and civil society organisations; calls for consideration of further support for victims of trafficking beyond the end of the support provided under the National Referral Mechanism (NRM); and calls on the UK Parliament to pass the Modern Slavery (Victim Support) Bill [HL] 2019-21, which would give confirmed victims of trafficking who find themselves in Northern Ireland leave to remain for 12 months following the National Referral Mechanism so that they can receive the support they need to recover from their ordeal, and to make it possible for them to think about giving evidence against their traffickers in court, something that is essential to reverse the low conviction rates for traffickers.

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

Ms Bunting: I am grateful for the opportunity to open the debate on the subject of human trafficking. This Sunday, 18 October, marks Anti-Slavery Day, which is a day set aside to highlight the tragic reality that men, women and children continue to be trafficked for the purposes of exploitation in our world today. As an aside, that is why we are aiming to have the inaugural meeting of our all-party group (APG) on modern slavery next week: to highlight the issue and raise awareness. Some Members have indicated their support and interest in the matter, and I am grateful to them for that. I encourage them to come along so that we can continue to work on the subject together.

It is important to be clear what we mean when we talk about human trafficking. Human trafficking involves the recruitment, transportation, transfer and harbouring or receipt of individuals for the purposes of exploitation in the sex trade or for forced labour in, for example, car washes. It can happen within territories or between them. People smuggling is not the same as human trafficking, for the key reason that the former is not for the purposes of exploitation. The International Labour Organization (ILO) estimated that over 40 million individuals were victims of trafficking around the world in 2016. Of course, because of the clandestine nature of the crime, it is impossible to know the exact figure. If that number is in any way accurate, however, it illustrates that it is a major global problem.

Members will know that human trafficking happens here in Northern Ireland and right across these islands. In 2020, the Centre for Social Justice (CSJ) produced a new estimate, suggesting that around 100,000 people across the United Kingdom are potential victims of the crime each year. Again, it is important to stress that that is an estimate, as, in practice, because of the very nature of the crime and the variable quality of available data, it is very challenging to be certain of the numbers of individuals who are trafficked at any one time.

Over the past three years in Northern Ireland, 171 potential victims of human trafficking have entered the National Referral Mechanism, which is the formal government process that was set up to identify and support victims of human trafficking in the United Kingdom. Each of those 171 men, women and children has a personal story. Victims of trafficking have been identified right across this jurisdiction, in urban and rural areas, but there may be many more who are trafficked in Northern Ireland, since it is widely recognised and accepted by the Department of Justice, statutory agencies, the PSNI and the civil society sector that that figure in no way marks the full number of victims of trafficking in our society.

It is important that I acknowledge that Northern Ireland has a positive record in responding to this horrendous crime. We have a world-leading legislative framework, which was passed by the House before I became a Member. The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, which was introduced by my friend and party colleague Lord Morrow when he was an MLA, was the first comprehensive piece of legislation to be passed on the issue in the United Kingdom. It was the product of significant cross-party working, for which the

Minister of Justice's predecessor, David Ford, deserves credit, as do Members from other parties and Department of Justice officials. The requirement for support for victims of trafficking who have been identified here and the provision of independent guardians for unaccompanied migrant and trafficked children are particularly noteworthy elements that go beyond what is available in England and Wales.

As a member of the Policing Board, I am fully aware of how seriously the PSNI takes this crime and of the dedication of officers in identifying potential victims. Moreover, we are blessed to have an active civil society that seeks to respond to the crime here. I also know that the Minister and her Department take the crime seriously. I am grateful to her for meeting me and Lord Morrow earlier this year to discuss the subject. I am glad to see the Minister here for the debate, and I look forward to her response.

11.45 am

While there are positive aspects to our response to human trafficking, the motion raises ways in which we can do even better. I thank the Minister for the recent consultation on extending statutory support for victims of slavery as well as those trafficked. That has been happening in practice, but those victims deserve the full support of the law. However, the Human Trafficking Act mandates the Department to provide support only when victims are going through the NRM process. The Department does have discretion to provide support beyond the point at which a conclusive grounds decision is made. To the Department's credit, that has been utilised on a number of occasions. For some confirmed victims, that system works well, as they may wish to return to their home country, or their circumstances do not require long-term support. In other cases, however, victims need more long-term assistance due to the trauma that they have been through.

A wonderful charity in my constituency called Flourish NI provides support to victims of trafficking who have exited the NRM. As the charity says on its website:

"Without support clients face significant barriers to moving on. Examples of these are: social isolation, re-exploitation, homelessness, poverty, mental health issues, alcohol or substance misuse and a general lack of capacity to thrive."

Many organisations that work with trafficking victims argue that they need longer-term support for their recovery. These individuals have been exploited here, and providing further support may help both to provide a sounder footing for victims of trafficking as they rebuild their lives and to improve evidence collection against the perpetrators of these dreadful crimes. I urge the Minister to commit to exploring with her Department and the relevant civil society organisations whether further support could be provided to confirmed victims who have left the NRM.

I want to speak about the Bill in Westminster which is mentioned in the motion. The Modern Slavery (Victim Support) Bill has been sponsored by Lord McColl, who, for over a decade, has been raising the issue of the need to support victims of trafficking. The Bill refers to immigration powers that are reserved to Westminster. The Bill would mandate the Home Office to provide immigration leave to victims getting discretionary support under section 18(9) of our Human Trafficking Act. It would also allow at least 12 months' leave to remain for identified victims of trafficking who meet certain criteria. That Bill would make a difference to Northern Ireland's victims. There is no right to such support at the moment. However, providing statutory immigration stability and security for confirmed victims would help to prevent re-trafficking and provide an environment in which victims are willing to assist police investigations into the perpetrators. I hope that, after hearing this debate, the Minister will use her good offices to push for this Bill to be taken up by the Government at Westminster.

In conclusion, I hope that all Members will support the motion and make clear our condemnation of the crime of human trafficking and our strong desire to support victims who find themselves in Northern Ireland.

Ms Dillon: I thank the Members who brought the motion. We will be supporting it. There has been much discussion recently about slavery and historical slavery. Whilst that is important, we need to acknowledge, and people need to be very well aware, that slavery is alive and kicking amongst our communities, right around us, and everywhere we live and work. We need to be aware of that, and we need to make our communities aware of it.

As a member of the Policing Board, the previous Member, as she outlined, is well aware of how seriously the PSNI takes this. We spoke yesterday about the need for greater numbers in the Police Service and the fact that

there needs to be a focus on neighbourhood policing and policing with communities. That is really important in relation to this issue. We need to recognise the signs, but if police officers are embedded in our communities and know the people in the communities, they will easily spot when something is not right within those communities. It is important that that is part of what they are doing.

Detective Inspector Mark Bell, of the PSNI's modern slavery and human trafficking unit, has acknowledged that modern slavery and human trafficking are among the fastest-growing types of crime. That is reflected in the statistics that we are now seeing, and is why it is important to have police officers embedded in our communities.

Slavery can take many forms: sexual exploitation, forced criminality, domestic servitude and even the removal of organs. It is a cruel and torturous crime. It is probably one of the most cruel and inhumane crimes because you are removing somebody's life but they still have to live. I am quite certain that there are people out there who are suffering from this crime who would much prefer not to be here, and I can fully understand that. As a mother, if it was my child, would I prefer that they were in that life or that their life was over? I really would find it difficult to choose between those two things.

The Modern Slavery Bill rightly focuses on those elements and aims to provide additional support to the victims. It aims to assist them through recovery and help them to bring offenders to justice, which is vital in our fight against this crime. I am happy to support the Bill. If passed, it will be important legislation in aiming to support victims, and I am broadly supportive of its provisions. However, I have some concerns.

The Bill actively supports adult victims of modern slavery and human trafficking in their physical, psychological and social recovery, which is vital. It is important to include access to safe and appropriate accommodation; material assistance, including financial assistance; medical advice and treatment; counselling; support workers; translation and interpretation services; legal advice and representation; and assistance with repatriation. There are also important safeguards, including that support measures must not be conditional on the person acting as a witness in any criminal proceedings and that they must be provided in a manner that takes account of the individual needs of that person. Furthermore, importantly, the Bill provides a statutory leave to remain in

the UK to support adult victims of modern slavery. This is a crucial safeguard that will help to support the needs of the victim. It will also have the knock-on effect of bringing offenders to justice.

However, I have concerns about the 12-month limit because we have no way of knowing whether the case will come to court within those 12 months. We know about the delays in our legal system. We do not know if they will get the support that they need within those 12 months. Equally, we do not know if they are able to return to their home. If they have been taken as slaves and trafficked once, do we know that it will not happen again if they are sent back to where they came from? Do we know that the criminals who did that to them will not have access to them or their families? We are well aware that one of the biggest threats that is held over these people is, "We know where your families live". Some of them have children at home and are being told, "We know where your children are". We have to look at this in the round. I am not sure that 12 months sufficiently allows for that. I have real concerns. Many of the victims have been separated from their friends and families, whose lives have moved on. Is there a home for them to go back to? So, the 12 months is welcome and we will support the motion. However, I would much prefer that the leave to remain can be indefinite if it needs to be.

Ms S Bradley: I support the motion and join other Members in condemning the abhorrent scourge that modern slavery is in our society. I hope that this debate helps to raise awareness of the realities of life for victims of modern slavery, who find themselves pushed into forced labour, domestic servitude and sexual exploitation. I also hope that the Assembly's support can help to ensure that the UK Government give the private Member's Bill the time to progress through Parliament. If this motion is agreed, and I sincerely hope it will be, it would be helpful for the Justice Minister to send a letter to the Home Secretary highlighting that.

The UK Home Office's responsibility for combating modern slavery comes into conflict with its zealous immigration enforcement. Unfortunately, the latter takes priority, despite the fact that a precarious immigration status, in itself, makes someone vulnerable to exploitation and can be the reason they do not seek help.

The Bill builds on the landmark 2015 Modern Slavery Act. I must take this opportunity to pay tribute to the work of the former SDLP MP for

Foyle, Mark Durkan, who was the only MP from Northern Ireland on the Bill Committee and the treasurer of the all-party group on modern slavery and human trafficking.

The Bill will strengthen that legislation by ensuring that victims have at least 12 months. I take the points made by the Member, but the extension from 45 days to 12 months creates a broader window to answer the important questions that she asked.

Mr Catney: Will the Member give way?

Ms S Bradley: I will indeed.

Mr Catney: Does the Member agree that we, as a community, in 2020 should have zero tolerance for those who commit such crimes and that all the help that we can possibly give as a community should be given to those who have suffered from this evil crime?

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

Ms S Bradley: I thank Mr Catney for his intervention and agree wholeheartedly: any right-thinking person would be disgusted by what is in front of us today.

The extension to at least 12 months to receive the guaranteed support, after identification by the national referral mechanism, rather than the present paltry 45 days is welcome.

Although progress had been made, for the victims identified since the 2015 legislation came into force, the support has simply not been there to prevent them from becoming destitute or homeless or even from being re-trafficked and enslaved. Forty-five days is not only an arbitrary figure, it is shockingly inadequate to recover from the mental trauma, and the often violent physical abuse, inflicted on victims of modern slavery, let alone enough time to help them to rebuild some semblance of a stable life.

As the motion rightly notes, not only is this the right thing to do for victims but it will strengthen enforcement and, hopefully, improve conviction rates by increasing the likelihood of victims having enough confidence in themselves and in the justice system to give evidence against the perpetrators. Providing leave to remain for at least a year would shift away from the 45-day cliff edge to a needs-based tailored system that the Work and Pensions Select Committee and charities that support victims of trafficking and modern slavery support.

I hope that Anti-Slavery Day, and this debate to mark it, can act as a reminder to the public at large of the signs of modern slavery and human trafficking so that we can all be alert to them. By recognising the signs of modern slavery, we, as public representatives, and our constituents can make the work of the PSNI and other public bodies even more effective and help to bring the perpetrators to justice. It is by equipping as many people as possible to spot the signs of this dehumanising crime that we begin to dismantle the perpetrators' power. That is why I welcome the guidance issued to local councils to help their workers to identify signs of modern slavery.

Similarly, I would be grateful to hear from the Minister what assessment she has made for the guidance to become available to other public bodies in identifying slavery. I am particularly thinking about staff in jobs and benefits offices, given that controlling someone's benefits is a known tactic of the gangmasters. I am also conscious that the Bill deals with the fact that children can be victims of this appalling crime. Has any thought been given to specific guidance on identifying child victims?

Finally, I am sure that the Minister is conscious that, at the end of the year, we will become the only part of the UK that has a land border with an EU country, which could make us a target for enslavers and traffickers, who see an opportunity in the loss of the European arrest warrant. It is vital that there be robust North/South cooperation to ensure that our capabilities and enforcement are not reduced. I would welcome the Minister's thoughts on that.

Mr Beattie: This is a good motion and debate. There are some great points coming out, and no doubt we will hear some more really good points from people who are far more learned than I am.

Going out of lane slightly, I have seen human slavery and trafficking at its starting point. I was in Kosovo in 1999 as part of Operation Agricola while ethnic cleansing and criminal gangs were rife. I went to a car showroom just outside the town of Prizren with members of the Italian Carabinieri.

Prizren is close to the border with Albania and North Macedonia. Of course, it was not North Macedonia then; it was the former Yugoslav Republic of Macedonia. In that car showroom, there were no cars. The cars had either been stolen or sold. Probably stolen, then sold.

12.00 noon

There was, however, another commodity: people, mostly women, some who were as young as 14 years of age. They were being kept in inhumane conditions. They had been beaten, sexually assaulted, starved and drugged. You may think that I have seen a movie where something like that was shown, and you have probably seen a movie that looks like that. Let me tell you: it is nothing like that when you come across the real thing and see bodies huddled together, fearful and frightened. That smell of body odour, alcohol, drugs, toilets full of human faeces backed up because there are no sanitary conditions, piss-stained mattresses, piss-stained clothing, that coppery taste of blood on your tongue that you kind of imagine but is actually there from the beatings and from the women not being given menstrual products. There is a feeling of fear, a feeling of hopelessness and a feeling of despair among those poor wretched beings.

I saw something similar in 1995 when I was in Bosnia when the Dayton Agreement was being signed. That agreement created a space for criminal gangs to operate in, and, yes, they did operate, and their target was young women for sexual exploitation. I went back to Bosnia in 2004 and it was still happening. They had just got more sophisticated. I returned in 1999, and, when I think about those women whom I found in that car showroom, I remember that it took six days to get them to Pristina hospital and then back to their families. I accompanied one girl back to her family — a 19-year-old girl — and saw that sense of joy on the faces of her family at the return of their daughter, because they thought that she had been killed in the war. I then watched their faces turn to absolute devastation when they realised what their daughter had just been put through.

This is human misery. Human trafficking, exploitation and slavery are about human misery, and it happens here in Northern Ireland. If we do not future-proof our legislation, it will come here more and more in the years to come. Last year, there were, I think, 59 cases of human trafficking. That will do nothing but increase, and those people who are responsible for it should be subject to the full rigours of the law. If they are from Northern Ireland, they must get a long custodial sentence to act as a deterrent. If they are not from here and have abused the system to come here to make a better life for themselves only to engage in human trafficking and slavery, they should do their custodial sentence, and then we send them home. Get them out of here.

Mr Butler: Will the Member give way?

Mr Beattie: Yes, of course.

Mr Butler: The Member paints a really grim picture of the link between criminal gangs and human trafficking. Does he believe that we need to target our efforts here towards looking at those international links between criminal gangs?

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

Mr Beattie: Absolutely. Northern Ireland might be the endgame, but it is not the starting point. Chains of people bring people into Northern Ireland for human trafficking, purely to make money. That is all it is for. That human misery is to do nothing other than make money.

The Ulster Unionist Party will never apologise for standing up for the victim, and, if victims want to go home, let them go home. If they want to stay here, let them stay here and let us support them. If they need asylum, let us give it to them, and let us make sure that victims get the choice.

I am 55 today, Mr Deputy Speaker. It is my birthday. I was in my mid-30s when I came across that scene. It has stayed with me since, but I walked away from it. Other people are still living it —

Mr Deputy Speaker (Mr McGlone): I ask the Member to draw his remarks to a close.

Mr Beattie: — and that is why the motion is so important.

Mr Blair: On behalf of the Alliance Party, I support the motion, which rightly addresses the reality of modern slavery and, in turn, raises awareness. Like other Members, I would like to thank the Members who tabled the motion.

When considered in historical terms, the word "slavery" conjures up images that it seemed had been relegated firmly to the past, but the reality is that more people are enslaved today than at any time in history. Whether globally or locally, the statistics are shocking, and, of course, they relate to real lives that have been adversely impacted by corruption and exploitation. Last week, a United Nations report estimated that 29 million women and girls are victims of modern-day slavery. They are exploited by practices including forced labour, debt bondage and domestic servitude. That means that, potentially, one in every 130 women and girls is living in modern slavery and

is dehumanised and treated as a commodity or property.

It is a global and local problem, and it is happening here in Northern Ireland. Slavery has no place in modern society, and we have an opportunity to condemn practices that exploit the most vulnerable and condemn trafficking as a violation of basic human rights.

I firmly believe that slavery in the modern context can be eradicated for good. I would like to take the opportunity to applaud the Department of Justice for the considerable research and work that has already taken place on tackling human trafficking; the important work of contracted providers for their support services; and the progress that the Department has made towards eliminating modern-day slavery locally. I am sure that the Minister will give us more detail on some of those issues when she responds to the debate.

I must also commend the work of the PSNI's modern slavery and human trafficking unit, which, with other agencies across the island and beyond, has continued to work with an increasing number of referrals, thus helping more of those who have been exploited and are suffering. That work, which is sometimes publicised, though often not, is taking place across our constituencies, and it will be aided by the raising of awareness such as will result from the motion and debate.

The motion calls for increased protection through the National Referral Mechanism and seeks to extend the period of protection for those who are most in need due to modern slavery, exploitation and servitude. It seeks to protect those who are most vulnerable and in need of time to recover, and to assist with investigations into crimes. Amending section 18 will build on work done in 2016 by my predecessor, David Ford, as Justice Minister to extend assistance and support to potential victims of slavery. It will also enhance and extend the work done by Members and former Members, such as that outlined by Joanne Bunting in proposing the motion.

As an Assembly, we acknowledge Anti-Slavery Day 2020 and the important work of other organisations in raising awareness of human trafficking and campaigning against modern-day slavery. With colleagues on these Benches, I am happy to support the motion.

Mr Dunne: I welcome the debate on this very important motion and associate myself with the excellent speech by my colleague Joanne Bunting.

As a Member during the passing of the Human Trafficking and Exploitation Act, I am pleased to say that it was an Act that illustrated the House at its collaborative best and showed what can be done when we all work together.

I want to raise two specific points. My first point is whether slavery and trafficking risk orders should be introduced here. The recently published annual report by Dame Sara Thornton, the Independent Anti-Slavery Commissioner, stated:

"In Northern Ireland the legislation did not include risk orders but I urged the minister for justice when I met her in February 2020 to reconsider their value as evidence of effective use in England and Wales and Scotland emerges."

I know that, during the passage of the Human Trafficking and Exploitation Act, the Department consulted on introducing those orders, but it opted not to introduce them due to concerns about civil liberties: unlike the slavery and trafficking prevention orders, they can be imposed without a conviction. The time has come for the Department to reconsider whether such risk orders should be introduced.

I note that the 2019 report of the independent review of the Modern Slavery Act 2015 was very positive about risk orders and encouraged their greater use in England and Wales. I hope that in due course we will hear from the Justice Minister that she has committed her Department to reviewing whether Northern Ireland should introduce such risk orders.

Secondly, I raise my concern, and this has been mentioned, about the low number of convictions that have been secured for human trafficking offences here. We have victims and offences numbering in the hundreds, but only nine individuals have been prosecuted for trafficking offences in the last three years and only four convictions have been secured. That will be a concern to Members: if perpetrators are not apprehended and punished for this crime, they will deem it worth the risk to engage in this kind of activity. I know that prosecuting these crimes can be very difficult, and I hope that the Justice Minister will comment later on why she thinks that we have been unable to secure more convictions and on what action her Department can take to improve matters. I hope that she will write to the Members who spoke today and to the Justice Committee about the issues that have been raised.

I also ask her to tell Members when the Public Prosecution Service (PPS) will publish

guidance on prosecuting cases. That has still not been published in the five years since the Human Trafficking and Exploitation Act was passed. The House passed a world-leading piece of legislation, which was commended in the House of Lords last week. We also need to lead in tackling this crime through real action, and that can be done by ensuring that the perpetrators are brought to justice. We know that criminal cases are more effectively prosecuted when the victim is able to give evidence, but without long-term support and immigration security, there is little incentive for victims, who are already dealing with trauma, to get involved in a criminal case.

The Northern Ireland trafficking legislation led the way on providing support to victims while they are in the National Referral Mechanism. The Assembly had the foresight to recognise that some victims would continue to need support. It has become evident since then that a longer commitment to victims is needed. I sincerely hope that the Assembly will revisit that.

We are, of course, constrained in how long a victim can receive services by the length of time that they can legally remain here if they are not a UK national. That is why I support Lord McColl's Westminster Bill, which would provide statutory immigration rights to victims so that they can stay in the UK while they receive services. I support the motion.

Ms Rogan: Modern slavery is a severe exploitation of people for personal or commercial gain. Modern slavery is all around us, but you often just cannot see it. People can become trapped while making our clothes, serving our food, picking our crops, working in factories or even when working in homes as cooks, cleaners or nannies. From the outside, it can look like they have a normal job, but they face threats of violence, inescapable debt or having their passports taken away. Many fall into that trap simply because they are trying to escape poverty, insecurity or even war, and many are trying to improve their life and to support their family. It is estimated that 40 million people are trapped in modern slavery worldwide, and one in four are children and almost three quarters are women and girls.

Modern slavery and human trafficking has been acknowledged by the PSNI's modern slavery and human trafficking unit as one of the fastest growing crime types in the UK. The most recently released statistics show that, between April and October 2019, the PSNI had 54 referrals to the National Referral Mechanism, which compares with 33 for the same time in

2018. That was only for six and a half months, whereas 59 potential victims of human trafficking were identified in the whole of the previous year. We expect more up-to-date figures to be published in the next couple of weeks, and whilst I hope that we will see a great deal of improvement, I am deeply concerned that this ever-increasing crime is on a negative and dangerous path. Behind every figure is a person: a person who has a family and friends and a life and rights. All those things are very often taken so cruelly by traffickers, who then exploit their victims.

It rips apart victims' lives and robs them of their human rights.

12.15 pm

The Department of Justice and the Assembly have done a lot of work, which is very welcome, in tackling modern slavery and human trafficking. It aims to prevent people from getting drawn into slavery by reducing the vulnerability of those who may be targeted by traffickers and enslavers and ensures that the public are equipped to spot the signs of exploitation and report any suspicions.

The then Justice Minister, Claire Sugden, stated in the second annual Human Trafficking and Modern Slavery Strategy:

"I recognise that complete eradication of this crime is an aspirational aim, but one which we should all strive towards in delivering this strategy."

The House of Lords' Bill will assist us in our efforts to deliver on that aim, and, for that reason, I am happy to support the motion. However, I echo my colleagues' concerns that the 12-month limit to the statutory provision of support in the Bill is not enough, nor is the 12 months leave to remain.

Mr Newton: I thank the Member for giving way. It is right that every Member in the House would obviously condemn modern slavery in all its forms. I ask this, as a rhetorical question: how many Members have used or will use the unregulated car washes where it is known that modern slavery has taken place?

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

Ms Rogan: I thank the Member for his intervention.

I noted earlier the vast array of implications that modern slavery can have for victims and that such impacts are so profound that it is unfair to expect a full recovery to take place in such a short time. I would like to see a statutory requirement on the state to provide support and leave to remain for as long as is necessary to facilitate victims' recovery. Nonetheless, I support the motion.

Last week, in the House, a Member said that it was not the time for strategies. Now is the time for this strategy. Now is the time to get this right. A great saying that, sometimes, we need to be reminded of is, "A goal without a plan is only a wish." People who are subjected to trafficking and modern slavery need much more than just a wish.

Mr Frew: I commend the Member for East Belfast, my colleague and friend Joanne Bunting for tabling the motion. It is a very good debate, and it is good that we have consensus across the House.

The Conservative peer Lord McColl, a long-standing campaigner for the rights of trafficked individuals, has tabled the Modern Slavery (Victim Support) Bill, which awaits debate in the House of Lords. The Bill has two aims. It will provide statutory support for potential victims of trafficking in England and Wales through the National Referral Mechanism process. It will bring that jurisdiction into line with what we already have in Northern Ireland. The Bill also has an impact on the immigration status of confirmed victims of trafficking who are identified here. As Members know, immigration is a matter reserved for Westminster.

I note the comments made by Lord Kennedy of Southwark, representing the Labour Front Bench, during the debate on the Westminster immigration Bill last week. He stated that Northern Ireland's legislation on trafficking is generally regarded as more superior to the legislation in England and Wales. He went on to call for England and Wales to follow what we have done on support for victims. I add my voice to that call. We should commend ourselves in the House when we make historic and brave decisions around legislation.

At this point, let me commend Lord Morrow, because he saw something before anybody else. He saw a route, through legislation, to provide resolution and safety for people and victims. I commend Lord Morrow for his foresight in his cutting-edge Bill, which really made a difference to this jurisdiction and victims.

Lord McColl's Bill will provide immigration leave for confirmed victims in two circumstances: first, during the time that an individual receives discretionary support under section 18(9) of the Human Trafficking and Exploitation Act, and, secondly, a victim who meets particular criteria could receive leave to remain and recourse to public funds for at least 12 months.

Being identified as a victim of trafficking does not currently provide any right to remain, in contrast to the welcome provision for refugees, where recognition as a refugee grants an initial period of five years' leave to remain in the UK. Currently, discretionary leave to remain can be granted to victims of trafficking. It is, however, granted only when victims are not eligible for any other form of leave.

Ms Dillon: I thank the Member for taking the intervention. Does he agree with me that granting leave to remain is a persistent problem, particularly for women in such circumstances? Moreover, we recognised it as an issue in our recent discussions on the Domestic Abuse Bill. There is therefore a real need to bring perpetrators to justice.

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

Mr Frew: Thank you for that intervention. I agree that we need to look at this again and resolve the issue once and for all. Remember that, when we pass legislation, it is not set in stone. It can be amended and improved on. That agility should be welcomed, pushed for and persevered with.

Victims of all nationalities, including British citizens, are trafficked in Northern Ireland. Unfortunately, there is no data on how many victims have or do not have leave to remain. We know that the UK Government consider discretionary leave to remain to be an option only in exceptional circumstances. Different data sources suggest that only 8% or 12% of victims get discretionary leave.

The needs of EU victims post-Brexit were recognised by the House of Lords last week in a vote to ensure that victims get leave to remain if they meet very similar criteria to those currently applied to discretionary leave. EU victims are trafficked into Northern Ireland, so clause 12 as it stands of the Westminster Immigration and Social Security Co-ordination (EU Withdrawal) Bill will impact on victims here. Those sorts of immigration rights should be available to all nationalities, as needed, however. Some victims will want to return

home, but others, who are currently required to leave the UK, will be put in circumstances that led them to be vulnerable to trafficking in the first place.

I therefore support the Modern Slavery (Victim Support) Bill, because the immigration rights that it would provide will apply to all victims, regardless of nationality. Clause 2 would help to reduce the risk of victims being re-trafficked. It would provide much-needed certainty and stability for victims, who have often gone through deeply traumatic experiences, and it might enable victims to provide more evidence to the PSNI for the purpose of seeking prosecutions.

I hope that Members across the House can and will support the motion and show the Government that it would be a positive move forward for victims here. It is a global issue and a global problem. Let Northern Ireland, and the UK, play its part in bringing an end to modern trafficking and slavery.

Ms Dolan: According to Anti-Slavery International, slavery is so common that it is possible for you to come across victims of it regularly. It is an inexcusable abuse of basic human rights. People can become entrapped, be it to clean houses and flats, to produce the clothes that we wear, to pick the fruit and vegetables that we eat, to dig for the minerals that are used in our smartphones and make-up, and to work on construction sites. Many, many victims can become entrapped in the sex industry, being horribly exploited into forced prostitution, criminality and, in some cases, even organ removal.

Human trafficking can affect anyone of any age, gender or nationality. In many cases, people are forcibly removed from their homeland and away from their family and friends to be exploited in another country. Many of them end up on our shores, being trafficked under our very nose.

Between 2017 and 2020, the PSNI recorded 108 human-trafficking and exploitation crimes in this jurisdiction. Over the past three years, nine individuals have been prosecuted for human-trafficking offences, and four convictions have been secured. I appreciate that such cases are often very complex and that the PSNI and the Public Prosecution Service (PPS) take them very seriously. The low conviction rates remain a matter of significant concern, however. Something that can reverse that, or at least aim to tackle it, is giving victims the support that they need to recover from their ordeal and to

make if possible for them to think about giving evidence against their traffickers in court.

Modern slavery affects people of every colour, age and gender, but it is more prevalent among vulnerable people. Therefore, in the "pursue, protect and prevent" approach in the modern slavery strategy 2019-2020, it is the prevent strand that I find imperative: reducing the threat of modern slavery by reducing vulnerability and demand and by raising awareness is critical. Peter May, the permanent secretary of the Department of Justice, got it in one when he said:

"we also recognise the need to prevent people from getting drawn into slavery in the first place by reducing the vulnerability of those who may be targeted by traffickers and enslavers; ensuring that the general public is equipped to spot the signs of exploitation and report any suspicions; and by seeking to tackle demand."

Modern slavery is very much a hidden issue, with many people oblivious to the fact that, incredible as it may seem, this crime is happening right under our noses. Therefore, awareness raising must be an increasingly important task. I welcome the Department of Justice's awareness-raising campaign, which has seen it work in partnership with local councils, the emergency services, public and private and organisations and a wide range of civil-sector organisations. It is important that we continue to educate the public and, importantly, ourselves to be alert to the signs that someone may be a victim and report suspicious activity to the PSNI or the modern slavery helpline.

Our legislation was commended in Westminster, when it was remarked that the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act is generally regarded as superior to the legislation in force in England and Wales. However, we must not become complacent. The harsh reality is that cold, cruel traffickers and enslavers continue to operate here. So, as we approach Anti-Slavery Day on 18 October, I echo the call in the motion for the British Parliament to pass the Modern Slavery Bill. We must remember that everyone everywhere has the right to a life free from slavery.

Mr McGrath: I am grateful for the opportunity to speak on this important motion. Human trafficking is a scourge that we must unequivocally condemn. There is no justification for this evil, which continues to permeate and infect us. It is a tragedy that we may never know the full extent and depth of those who

have been trafficked against their will, as the crime often goes unreported. It is a crime that mocks us, as its victims and survivors are out in the open while the perpetrators cowardly hide in the shadows.

As we discuss human trafficking today, let us not forget that modern slavery has many forms and hides behind many faces. It is found in the trafficking of people into crime and also in the forcing of men, women and children into sexual exploitation; it is found in domestic slavery, forced labour and in many other guises.

Let me reiterate that I utterly condemn the faceless cowards who traffic adults and children against their will. All today's contributions have addressed those who willingly perpetrate this evil and those who have survived it.

Mr Catney: I thank the Member for giving way. I thank everyone for their contributions. As the father of three children and the grandfather of three grandchildren, I think not only of those who find themselves taken away from their families but of the families left behind with the pain and the grief of wondering where their children are. That is why I say to all of you who have contributed that the message that we need to send out from the House today is one of zero tolerance.

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

Mr McGrath: I thank my colleague for his contribution. That reminds us of the fact that these individuals are members of families; they are brothers, sisters, mothers and fathers. They are relatives who are taken away and abused, perhaps never seeing their family again. That is a position that many of us would never be able even to comprehend, but it is something that many people in, and outside, our society have to deal with.

To those cowards who perpetrate this evil, we say: you will be exposed for your crimes; we will catch up with you eventually. To the heroes who have survived these crimes, we say: your strength has inspired so many others to act. You deserve our thanks.

The motion comes with two caveats that we should be aware of and be cautious of. The first is the legislation itself. Its drive is to support, which I welcome, but it also contains a clause that says:

"A person may be refused immigration bail, assistance and support or leave to remain ...

if ... the Secretary of State considers that the person poses a genuine, present and serious risk to members of the public."

Given the Home Secretary's threat to withhold food from Ireland, and her stupid and, frankly, dangerous rhetoric on immigration itself, that does not instil me with any confidence.

12.30 pm

That leads to the second caveat that, while I have every confidence in a great many of the Members of Parliament, there exists a number of them, most of whom are on the Front Benches of the present Government, whose track record on human rights is beyond abhorrent. What sort of Government would willingly change a system that allows child refugees to stay united with their family in the UK and Ireland? What does it say about the UK that it currently accepts only 1% of the refugees from across the world, or that it would willingly pursue such a reckless Brexit process that will cause further complications? The present occupier of Number 10 is not one to whom we should look when seeking legislation that champions and embraces human rights.

We support this motion, but I suggest that when we do call on the UK Parliament to pass this legislation, we do so in the strongest terms possible. I suggest that we act as a good friend and remind them of where they have fallen short in the past.

Finally, should the UK Parliament pass this legislation, I do not think for one moment that it will excuse the UK Government of their past abuses of human rights around the world and in Ireland.

Ms Sheerin: I support this motion, and I welcome the consensus in the House on this issue.

This Sunday, 18 October, people across the world will recognise and celebrate Anti-Slavery Day. For many, it will be a poignant time to take stock of and acknowledge the pain felt by the generations that have gone before, perhaps recalling the journeys taken by ancestors, chained and bound on a ship, to a country that they now call home.

Whilst that might be the image that springs to mind when we think of the term "slavery", this Sunday also serves as an opportunity to assert opposition to the slavery that still exists today. Victims of human trafficking for forced prostitution, organ donation or forced labour;

people working in sweat shops and underground factories; people trapped in a familial cycle of unpaid labour or debt-based exploitation — all of them are human beings, but all of them are being treated as if they are not.

The nature of what we are discussing means that all of that activity is underground, conducted under a horrible cloak of darkness, and accurate statistics are difficult to obtain. The charity, Anti-Slavery International, estimates that 40 million people worldwide are trapped in slavery, one in four of whom are children. This is something that disproportionately affects females, as 71% of those deemed to be victims of slavery are women and girls. The picture painted by Mr Beattie needs no exaggeration.

Ms Dillon: Will the Member take an intervention?

Ms Sheerin: I will.

Ms Dillon: Given the point that the Member has just made, and in relation to the Domestic Abuse Bill, is it not time for us to look at a women and girls strategy? This type of crime is one of the most degrading and inhumane that exists, and it disproportionately affects women and girls. The Executive and the Assembly need to look at a women and girls strategy.

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

Ms Sheerin: I thank the Member for her intervention, and I agree. Mr Beattie painted a picture of a sobering and depressing reality, but it is only a thought for us. When we think of the strides that the women's movement has made, internationally, and how many glass ceilings we have broken to attain equality on many fronts, including the battle for equal pay for an equal day's work, it beggars belief that we still have human beings who are treated like they are in a chain gang, breaking rocks for a road that they will never get to walk on.

The Act passed in 2015 no doubt provided significant support to victims, but further work is needed. COVID-19 has had an impact on the detection of cases, just as it has on everything else this year. We can see from statistics that the NRM received 2,209 referrals in the second quarter of 2020, a 23% decrease in referrals when compared to the first quarter of the year.

As we all went into lockdown, those engaged in exploitation, it seems, were allowed greater cover.

One story that resulted in the convictions of eight human traffickers last July in Poland demonstrates how crime gangs prey on the desperation and vulnerability of their victims before trapping them in a cycle of despair. The gang trafficked their victims to England on a promise of a better life, but the account of one such victim — a former Foreign Legion soldier — told of a journey into the UK that quickly turned into enslavement, beatings, starvation, a loss of dignity and an all-out attack on human decency.

It is often said that you can judge society by how it treats the most vulnerable. If we turn a blind eye to the plight of those trapped in slavery, we give a damning indictment of ourselves. The British Government, once the authority of the biggest empire in the world — the leading colonial power, which was responsible for the entrapment of so many into slavery across the world — would go some way to righting the wrongs of the past by passing the Bill. I echo at this point the remarks of Sinéad Bradley in condemning the British Government's hostile environment policy, which does nothing to guard against the fear that is felt by those who are desperate to escape whatever it is that they are trying to get away from.

We welcome the requirement that the Bill would put in statute to support adult victims in their physical, psychological and social recovery, including access to accommodation and financial assistance, but the leave to remain in the UK for 12 months does not, in our opinion, go far enough, as my colleagues have stated. There is no way to prescribe an appropriate recovery time. You cannot force someone to recover from such an experience within a scheduled time frame, so we support provisions that enable support and leave to remain for an unlimited period, which would effectively support recovery. We support the motion.

Ms Armstrong: I will not repeat what so many have said, but it is worth pointing out that trafficking and modern slavery are a disgusting underbelly of criminal activity that affects not just Northern Ireland but the whole world. It is right that, on Anti-Slavery Day this Sunday, as many others have said, we raise further awareness of trafficking. Most people think that it has to be somebody who is stolen against their will and brought into this country, but, often, it is not just those people. There are people in Northern Ireland today, tomorrow and

the next day who will be affected by trafficking. Unfortunately, you have only to watch the cars pull up outside some of our children's homes to see some of the traffickers who take our children out, ply them with drugs and sell them for sex. We have car washes, as has been mentioned by Mr Newton, we have nail bars and we have domestic service. We have people who are being sold for sex on a regular basis today in Northern Ireland.

There are organisations that I have the absolute privilege to know, and I thank them for hosting an Invisible Traffick event in the Long Gallery a number of years ago where we heard the harrowing experience of a lady from Belfast who had been taken by somebody whom, she thought, she loved and sold for five years for sex and prostitution in Dublin. It is not always people who come from outside; people are doing it here, now and every day. I would love to see not just the Minister of Justice but the whole Executive make a real committed effort to get rid of trafficking. For instance, as many Members will know, I am a geek on transport, and I would love to see the certificate for professional competence for haulage drivers include a section that makes them aware of trafficking and ensures that they know that they do not carry people as produce in their lorries. I would love to see more coming from Health to stop those children's homes allowing drug dealers to take our children away. We need to find the victims, and we need to give them support. It is vital that the public know how to spot the signs. The traffickers, who are men and women, make those victims' lives intolerable.

Lord McColl of Dulwich seeks in his private Member's Bill of 2017, which was reintroduced in January 2020, to amend the Modern Slavery Act 2015 by extending the time that victims are entitled to support to 12 months and to guarantee leave to remain for victims during that time, but the UK Government have already said that they do not support leave to remain. I ask the Minister to let us know about the work that she can do and any action that she can take to support victims here. I want her to know that I absolutely thank her, her Department, the statutory agencies, the police and civic society organisations like Invisible Traffick, which operates dedicated support for those who have been trafficked and raises awareness in schools, businesses, the haulage industry and ports. I am absolutely astonished that an organisation like Invisible Traffick goes out and talks to people who work at our ports, helping them to recognise the signs of a trafficked person by looking out for people who do not have any language skills and are unable to

speak to anyone, to give them safe words that they can use with people at a reception desk to let somebody know that they have been trafficked and to watch out for people who do not lift their head, keep their head down and constantly look at the person who is threatening them to keep quiet.

It is time that we stopped this in Northern Ireland. It is time that we supported our agencies to ensure that they can support victims. We should not send victims home and back to the sort of life that would end up bringing them back here. We should not let looked-after children be treated in the way in which we do. We have the opportunity here and now, as a whole Assembly, to say that we support the motion, we want something better and we want victims to be supported.

Mr Deputy Speaker (Mr McGlone): I call Clare Bailey. The Member has up to four minutes in which to speak.

Ms Bailey: As we have heard, human trafficking is the fastest-growing trade and the second-largest criminal trade in the world after arms dealing. The trade in people and weapons is global and has huge profits. As was mentioned, it is estimated that, at present, 40 million people live as slaves across the world. I thank Mr Beattie for giving us a vivid and powerful picture of the lived reality for many of those people. Members, we should never let that picture go. If I could do anything to add to it, I would invite Members to consider the animal who pays to abuse those victims.

We do not have a true picture of the extent of this evil in Northern Ireland, but it is here. We know that, in 2018, 59 victims of trafficking were identified in Northern Ireland. Fifteen of those victims were children. Those victims require our support. They require justice, legal redress and compensation. Victims of trafficking and slavery still face significant practical barriers to obtaining compensation, for example, for the abuses that have been committed against them. Current systems have to be adjusted to accommodate a victim-centred approach that ensures legal remedies and compensation for victims.

The National Referral Mechanism is a framework for identifying and referring potential victims of modern slavery to ensure that they receive appropriate support. It grants them a 45-day reflection and recovery period. However, a caseworker then decides whether those individuals get a referral and should be considered to be victims of trafficking. All children, irrespective of their immigration status,

are entitled to safeguarding and protection under law. Children who have been trafficked do not have to go through that mechanism. Sectoral organisations have expressed major concerns about the National Referral Mechanism. It involves poor decision-making; a worrying lack of child-specific knowledge and child safeguarding; an inappropriate focus on immigration; and a lack of training, formal recovery and a reflection period and specialist support for children. I add my voice to calls for support beyond the end of the NRM. The Green Party also calls for a system to identify child victims of trafficking that is non-discriminatory, child-centred and uses a model that effectively identifies trafficked children without considering their nationality or immigration status, builds on existing child protection structures, recognises child trafficking as child abuse and recognises that a child cannot give informed consent in relation to exploitation.

As we have discussed, the Modern Slavery (Victim Support) Bill will give victims of trafficking a guaranteed right to remain for a minimum of 12 months. As we know, that is also intended to allow victims to receive support and, perhaps, give evidence in court. Court cases can often take an awful lot longer than a year to complete. We know that very well here.

Furthermore, as we have talked about, returning a survivor to their home country can result in re-traumatisation. Survivors can experience stigma, be blamed for their victimisation and face discrimination when seeking housing or employment. We listen to them, we hear them, and we know this.

12.45 pm

In conclusion, I welcome and support the motion. I will use this opportunity to pay tribute to every single victim and survivor of human trafficking, to every person who works to support them and to those working to tackle this crime head-on. We know that we have a very real challenge ahead of us. Modern slavery must be tackled by providing robust support for victims, by preventing of re-trafficking and by redoubling our efforts to secure the prosecution of the traffickers.

Mr Deputy Speaker (Mr McGlone): I will ask the Member to draw her remarks to a close.

Ms Bailey: Thank you very much.

Mr Deputy Speaker (Mr McGlone): The Minister of Justice, Naomi Long, has up to 15 minutes to respond to the debate.

Mrs Long (The Minister of Justice): I am grateful to the Members who tabled the motion, and I welcome the opportunity to respond to the debate.

As the comments made during the debate show, there is unanimous support across the Assembly for ensuring that the response to tackling human trafficking and modern slavery in Northern Ireland is robust and that our support for those affected is victim-centred. It is abhorrent that slavery, in any form, is happening today. Tackling modern slavery and human trafficking is a key priority for me as Justice Minister, so I welcome the opportunity to share what we have been doing, working in partnership with law enforcement partners and civil society.

As part of our strategic response, I recently concluded consultations on two proposed changes to our human trafficking legislation. Consultees were overwhelmingly supportive of both. The first is to amend section 12 to enable a three-year strategy rather than an annual strategy to be developed. The second is to amend section 18 to extend support to victims of slavery, servitude and forced or compulsory labour. These amendments will enhance our strategic response and further secure the support that is provided to victims. I recently shared the outcome of the consultations with the Justice Committee and will provide for the changes in a miscellaneous provisions Bill.

Whilst the Department of Justice leads on tackling modern slavery, we work with a wide range of other statutory and civil society partners, and this is reflected in our refreshed modern slavery strategy for next year, which will issue for public consultation later this week. We also recognise the linkages between organised crime and immigration, which others raised in the debate today. Modern slavery is dealt with via the Organised Crime Task Force (OCTF) structures, which include Border Force and immigration.

Support and protection for victims of modern slavery, however, is central to the strategy, which has a continued focus on building capacity among front-line professionals to help them to recognise the signs of modern slavery and make the appropriate referrals. The draft strategy also places an emphasis on pursuing those responsible for these heinous crimes. Those cases are extremely complex, and securing a prosecution is challenging. The fact that there have been only four convictions under the human trafficking legislation over the last three years underlines this fact.

Where it is not possible to secure prosecutions for trafficking, other offences are considered. Each year, a number of investigations relate to potential victims who declare historical modern slavery or human trafficking that occurred in other countries. Although these investigations are taken forward as far as possible, they may be less likely to lead to prosecutions and convictions due to the length of time that has elapsed, the changes of investigations relating to conflict zones or through lack of evidence such as a named offender.

Over recent years, the PSNI has enhanced its capacity to tackle these crimes and will, along with other law enforcement agencies, continue to pursue offenders using all available tools. In parallel with the work to pursue offenders, it is equally important that we raise awareness of these crimes to prevent and detect them at an early stage and to support and protect the victims.

First, I turn to support for adult victims. Section 18 of the Human Trafficking and Exploitation Act sets out the assistance and support provided to all adult potential victims whose cases are being assessed through the National Referral Mechanism. The support and assistance provided include appropriate and safe accommodation, financial assistance, healthcare services, translation and interpretation services, assistance in obtaining legal advice or representation and assistance with repatriation where that is required. Over the last six years, in total, almost 250 people have been supported. In 2019-2020, of the 81 people who entered support, 71 received support for periods in excess of 90 days. In most cases, support was provided for closer to a year, which is the average time taken by the single competent authority to make a conclusive decision.

Standards of victim support here were enhanced through the re-procurement of our central support contract in 2018, when Belfast and Lisburn Women's Aid and Migrant Help were successful in securing the support contract for a three-year period. In order to ensure that potential victims of trafficking were safeguarded during the COVID-19 crisis, I approved a temporary extension of support for adult victims of modern slavery who were due to exit our support. I will return in a little more detail to the support that is provided to adult victims of human trafficking when I address the second part of the motion.

I will turn now to support for child victims of human trafficking and modern slavery. There are cross-agency operational arrangements in

place to safeguard child victims, or potential victims, of modern slavery and human trafficking here. Those arrangements include the immediate appointment of an independent guardian for all such children, including internally trafficked children for whom no one is exercising parental responsibility. The independent guardian service is intended to strengthen the overall safeguarding and care arrangements for child victims, or potential child victims, of trafficking. Specific functions of independent guardians include assisting and supporting the children and young people by listening to their views and making representation to and liaising closely with all other relevant agencies in order to secure their immediate future care and protection. In 2019-2020, 14 referrals of potential child victims of modern slavery were made to the National Referral Mechanism.

Sunday was also International Day of the Girl, so it is right that Members have reflected that the power imbalances and gender inequalities in our world make women and girls vulnerable to human trafficking and slavery. What we do to deliver equality also helps to protect those vulnerable people.

As we approach national Anti-Slavery Day on 18 October, the motion provides an excellent opportunity to shine the spotlight on the issues and allows the Northern Ireland Assembly to play its part in raising awareness of this abhorrent crime. Extensive work is being taken forward by statutory and non-statutory partners to raise awareness of the indicators of slavery and human trafficking and to help people feel more confident about spotting and reporting suspicious activity. My Department has invested in raising awareness with front-line workers. That investment, coupled with proactive operational work with the PSNI's modern slavery and human trafficking unit, helps to uncover more instances of potential modern slavery.

All first responders receive annual training. In recent months, a new online resource that was designed specifically for first responders has been developed and rolled out. The public's ability, however, to identify and report their suspicions is crucial, as is their ability to recognise that, with their choices — Members referred to car washing and other high-risk areas — they too have a role in addressing it. We have joined with partners on the modern slavery and human trafficking subgroup of the OCTF to deliver a Twitter campaign that is running this week, and, over the coming year, the Department, in conjunction with Northern Ireland Local Government Association (NILGA),

plans to roll out further awareness training to front-line council workers and PCSPs. Furthermore, a further assessment of the training needs of front-line Department for Community staff in benefits offices will be progressed as part of next year's strategy.

In 2019-2020, the National Referral Mechanism's referrals almost doubled. Greater awareness of the signs and indicators of modern slavery is likely to have contributed to that.

With regard to future policy development and to address one of the key elements of the motion, I broadly agree with the call for consideration of further support for victims of trafficking. I want to look into that further to ensure that we continue to provide an individualised needs-based approach.

We have a discretionary power to extend support and assistance after a positive conclusive decision in cases where it is considered necessary to do so. Over the past four years, that discretion has been used on 23 occasions. Support under the Human Trafficking Act is not intended to be permanent. Support providers work with individuals from when they enter support in order to identify longer-term stable plans for when they exit that support, but I think that we are all agreed that victims need and deserve support to help them to recover and move on from their traumatic experiences and that, sometimes, that can be delivered only over a longer period than is currently provided for. That is why I indicated through the draft 2021-22 modern slavery strategy my intention to scope extended support arrangements within Northern Ireland.

I have also indicated through the draft strategy my intention to examine further some issues that it was not deemed appropriate to include in our Human Trafficking and Exploitation Act of 2015, to which Members referred. Those include the "duty to notify" provisions and slavery and trafficking risk orders. A further review of those issues will allow us to take account of evidence and experience from other jurisdictions, as we decide how best to proceed in Northern Ireland. They were not originally taken forward, due to some concerns with regard to human rights; however, we now have the benefit of the experience of other jurisdictions to help to inform a review of that position.

I have also indicated that I will take forward a review of the effectiveness of section 22. Further, I have committed to working in partnership with relevant Departments to

engage with the public- and private-sector organisations that will be impacted by the proposed changes to transparency in supply chains. For any of those policy developments that require legislative change, I will obviously engage with the Justice Committee and revert to the Assembly, as appropriate.

I have touched on only some of the work that is being undertaken to ensure that we are equipped to eradicate modern slavery from Northern Ireland. It is important work, to which I have given priority, and work that has been recognised and commended by national and international rapporteurs. However, we cannot and should not be complacent, and the future policy developments that I have outlined should serve to underline that I and my Department, as well as the many others with whom we work to tackle modern slavery and human trafficking, are not complacent. We also need to listen carefully to the voices of victims as we develop our responses, and a move to a longer-term strategy locally will allow us to do that more meaningfully.

The second half of the motion calls on the UK Parliament to pass the Modern Slavery (Victim Support) Bill. While I am supportive of the sentiment behind the proposals in the Bill around support for victims, it is only in its early stages and we need to understand more about the implications of those proposals as they are taken forward. However, some of what is proposed in that Bill is already in place here. We currently provide assistance and support from the point at which a referral is made, or is about to be made, up to the point at which a reasonable grounds decision is made, and we continue to provide support until a conclusive grounds decision is reached, which can take up to a year, and have further discretion to extend beyond that where necessary. I have also committed to scoping the potential for extended support.

In relation to the proposals for the support of child victims, many are provided for within the established risk-assessment, care-planning and safeguarding processes that we already have. Further careful consideration will be given to the detail of the proposals in the Bill and their implications.

Finally, the Bill touches on immigration issues, and, while I personally concur with the views expressed about the need for immigration to take into account the impact of a hostile environment policy on vulnerable victims of trafficking and slavery, Members are aware that immigration issues are excepted matters. I will, therefore, ensure that my officials keep in touch

with their counterparts at the Home Office to monitor the Bill's progress and will, of course, advise the Assembly if any changes emanate from it that are likely to impact in Northern Ireland.

I am encouraged by the motion and welcome the Assembly's commitment to raising awareness of Anti-Slavery Day and the realities of modern slavery. It is important that we take every opportunity to reinforce our collective commitment to ending all forms of modern slavery and to ensure that Northern Ireland is, and is recognised as, a society where those gross violations of human rights are not tolerated, criminals are pursued and prevented from causing further harm, and victims are protected.

The Department unreservedly commends its non-statutory partners for the excellent work that they do, both in support of victims and in awareness-raising. As Minister of Justice, I am committed to continuing to support and invest in those collaborative efforts to equip Northern Ireland to eradicate modern slavery and human trafficking.

Mr Deputy Speaker (Mr McGlone): I call Paul Givan to make a winding-up speech on the motion.

Mr Givan: I apologise for missing my colleagues introducing the motion and for missing some of the earlier contributions that Members made. However, I am pleased with Members' speeches and the unanimity that exists in tackling this heinous crime. We look towards the weekend and marking Anti-Slavery Day, and it was right that the motion was tabled. My colleagues from East Belfast and North Down were particularly keen to have this debated in advance of the coming weekend. I thank them for their commitment on the issue.

1.00 pm

Some colleagues mentioned things that happened in the past. Ms Sheerin talked about the British imperialist state and the stain of slavery that there is on that time. She is right: it was an appalling period of history. That can be replicated across many areas. I think about women in the Republic of Ireland having their children forcibly removed and being forced into domestic servitude in religious orders. We can all look to appalling situations that took place in different countries. I am thankful, however, for the people in all those countries who raised the banner, fought the fight and championed the cause. I think of William Wilberforce, who raised

the issue of slavery in Parliament month after month and successfully campaigned for its abolition across the empire. I think about what drove him to do that. It was his Christian faith and his view that every human being has an intrinsic human value, because we are all made in the image of God. That applies to every one of us in the Chamber and across the world. I am therefore thankful for people who have championed those issues and fought for people's liberation.

Mr Frew: I thank the Member for giving way. He makes a valid point. While slavery has been a stain on the history of every nation, it was the Royal Navy that worked so hard to end slavery in the traditional sense at that time. If it had not been for the Royal Navy and the British Empire, slavery might not have ended then. Of course, every nation, including Ireland, has had its run-ins with slavery. Ireland was a big market for slavery, the slavery of Britons and Picts.

Mr Givan: I thank the Member for his intervention. He makes the point that people then wanted to make changes and changes were made.

That takes me to the modern period. Members touched on the incredible work done by Lord Morrow. I had the privilege of chairing the Justice Committee when the 2015 Act came into being. I saw the effort and the work that he put in. He had to convince people, even some in the Chamber, about parts of his Bill. He worked alongside everybody and with the Department of Justice and its officials at the time. We produced legislation that Members have rightly referred to as the most comprehensive on these islands, and it paved the way for others to follow. The House can be proud of that.

Lord Morrow worked alongside people such as Pádraig Mac Lochlainn, a Sinn Féin member in Donegal, who championed the issues in the Dáil and the Seanad and, indeed, was very helpful in persuading some of his Northern colleagues to get onside with some of the clauses in the Bill. We can look back a long time to people who raised the issues, and we can look to people who have championed them in modern times, and we are thankful for them.

Importantly, we need to think most of all about the victims. Members have talked at length about the appalling situations that victims of this crime face. Doug Beattie spoke passionately about an experience that has definitely left its mark on him. He brought it home that this is not just an international thing that happens beyond our shores. An international network brings it to

these shores, and there are people in this country who actively seek the services of people who are forced into prostitution, domestic servitude and forced labour. That then means that an effective approach has to be taken by our law enforcement agencies and, indeed, by the public.

Kellie Armstrong, Robin Newton and others spoke about the need for personal choices, personal awareness and personal responsibility: how right they are. Where do the clothes that we wear and the things that we buy come from and who made them? We need to be more informed about all of that. When we see suspicious activity and we think, "It doesn't seem right, that individual being there or the way they look. There must be something wrong", do we just walk on, or do we report it to the police? Actions need to be taken.

When I think about the 108 human trafficking and exploitation cases in the past three years, with potentially 171 victims, it leads me to ask why only nine individuals have been prosecuted and only four convictions secured. Gordon Dunne talked about the need for the PPS to have clear guidance on the issue, and he is right. This is, at times, a complex crime that has an international dimension to it, but we need to see more effort being made.

I do not doubt for one minute the sincerity of the police and the Public Prosecution Service. In fact, I know from speaking to them that they have a very real and genuine desire to tackle this crime, but the relatively low rate of prosecutions and, then, convictions for those types of offences should cause us concern.

As we conclude the debate, it is right that Members have spoken passionately. The debate has recognised the seriousness of the motion but also the collective purpose behind it. We are saying to the Minister, who we know shares the same concerns, that we want to see things such as slavery and trafficking risk orders and greater support beyond the National Referral Mechanism period. We want the view of the Assembly to be conveyed to the Home Office, which has responsibility for immigration laws. It is not a devolved matter, but it is having an impact on how we treat the victims. With one voice, let it go out collectively that this crime is something that we abhor and that we want to see properly and effectively tackled.

Question put and agreed to.

Resolved:

That this Assembly notes Anti-Slavery Day 2020, which seeks to raise awareness of human trafficking today; condemns the crime of human trafficking, which tragically happens in our society; welcomes the progress Northern Ireland has made, with the passage of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, and the work of the Department of Justice, statutory agencies, the PSNI and civil society organisations; calls for consideration of further support for victims of trafficking beyond the end of the support provided under the National Referral Mechanism (NRM); and calls on the UK Parliament to pass the Modern Slavery (Victim Support) Bill [HL] 2019-21, which would give confirmed victims of trafficking who find themselves in Northern Ireland leave to remain for 12 months following the National Referral Mechanism so that they can receive the support they need to recover from their ordeal, and to make it possible for them to think about giving evidence against their traffickers in court, something that is essential to reverse the low conviction rates for traffickers.

Mr Deputy Speaker (Mr McGlone): Before we suspend proceedings, the schedule has moved around quite a bit today, so I inform Members that when we resume at 2:00 pm, the first item of business will be a public petition from Mr Colin McGrath, after which, because of the issues with Question Time, we will move to private Member's business, which is the motion on onshore petroleum licensing and drilling. That will happen pretty rapidly after the public petition, which will not take long.

The Business Committee has agreed to meet shortly after 1:00 pm. I propose, by leave of the Assembly, to suspend the sitting until 2:00 pm.

The sitting was suspended at 1.07 pm.

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

2.00 pm

Assembly Business

Public Petition: Restoration of the Emergency Department at Downe Hospital

Mr Principal Deputy Speaker: Mr Colin McGrath has sought leave to present a public petition in accordance with Standing Order 22. The Member will have up to three minutes in which to speak.

Mr McGrath: I present the petition on behalf of the people of South Down regarding the downgrading of our emergency department at the Downe Hospital.

The South Eastern Health and Social Care Trust took a decision at the beginning of the COVID period to reduce services at Downe Hospital, with no changes planned at the Lagan Valley or Ulster hospitals. That was totally unfair on the rural population from my area. The decision was taken without consultation with elected representatives, trade unions or the local population that would be affected. The decision was, allegedly, taken in response to a lack of staffing cover. Many would suggest, however, that staff are being taken from Downe Hospital and sent to cover staff gaps in facilities in Dundonald and Lisburn. That seems unfair on the people of the Down area.

We were promised in July that we would have our full emergency department reinstated on 19 October — next Monday. Last Monday, however, we were told that we would not now have those services reinstated, not because of COVID but, once again, because of staff shortages. Again, I ask, "Shortages where?". Why should the people of Down and Mourne lose out because other places cannot keep their staff?

The scariest part of this is that there are no new or additional resources planned for the Ambulance Service as a result of the decision. We, in the rural population, are left with the same ambulance coverage after the decision as before, only now with no emergency department at the Downe. Thus there are longer journeys by ambulance to take people to Belfast or Dundonald.

This is a ludicrous and dangerous decision, and we should not be exposed to such risk. With Daisy Hill Hospital also having been without an emergency department for the past number of months, the community of mid- and south Down feels vulnerable, frightened and left behind.

It is proposed that our emergency department be replaced with an urgent care centre. Some might say that that is enough, but what is "urgent care"? What is an "urgent care centre"? Unfathomably, it is to be by appointment only, so why is it that, if you live in the rural areas of Down and Mourne, you are allowed to have a heart attack or a stroke only by appointment? What sort of shoddy healthcare planning is that?

The signatures — we had 7,000 views, 1,600 shares and 2,000 signatures from a Facebook page with 10,000 followers — were gathered in just a few days, completed online due to COVID restrictions and gathered while I was self-isolating. They are just the tip of the iceberg of anger in my community. I call on the Speaker to refer the matter to the Health Committee and the Health Minister for urgent reversal.

Mr Principal Deputy Speaker: It would be custom and practice to invite the Member to bring his petition forward to the Table to present it to me. However, in light of social distancing, I ask the Member to remain in his place, and I will make the arrangements for him to deliver the petition to the Office of the Speaker.

I thank the Member for bringing the petition to the attention of the Assembly. Once it is received, I will ensure that it is forwarded to the Minister of Health and cc'd to the Committee.

Private Members' Business

Onshore Petroleum Licensing and Drilling

Miss Woods: I beg to move

That this Assembly recognises the moratoria, in various forms, on fracking in England, Scotland and Wales and the ban on fracking in the Republic of Ireland; notes that this motion builds on the 2015 strategic planning policy statement presumption against the exploitation of unconventional hydrocarbon extraction in Northern Ireland; acknowledges its responsibility to protect public health and the environment; and calls on the Executive to instigate an immediate moratorium on petroleum licensing for all exploration for, drilling for and extraction of hydrocarbons until legislation is brought forward that bans all exploration for, drilling for and extraction of hydrocarbons in Northern Ireland.

Mr Principal Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to wind. All other Members who are called to speak will have five minutes.

Miss Woods: From the outset, my sincere thanks must go to the groups and campaigners who have worked tirelessly on this and without whom we would not be standing here today. Non-exhaustively, they are Stop the Drill, Letterbreen and Mullaghduin Partnership (LAMP) Fermanagh, Fermanagh Fracking Awareness Network, Protect Our North Coast, Belcoo Frack Free, Friends of Woodburn Forest, Ballinlea Residents' Group, Love Leitrim, Safety Before LNG, Friends of the Earth and Farmers for Action. This is not the voice of one constituent; this is the voice of thousands, all saying that we must not start an onshore petroleum production industry here and that we need to legislate for the cessation of licensing for exploration and extraction.

I thank the Members who signed the motion as we attempted to achieve consensus across the Chamber and Sinn Féin for bringing it to be heard so soon after it was tabled. It is vital that it be debated now. It is disappointing that not every party could sign up to it, as that would have sent out a powerful message. It was not to be.

Hydrocarbon extraction in all its guises and names is a process by which fossil fuels are

extracted from under the ground. Those are processes that we do not wish to have in Northern Ireland, nor do we wish to continue with any drilling of exploratory wells — we are talking not about one well but, potentially, thousands — under licence by the Executive to fundamentally destroy our landscape, our community and our environment.

In 2014, Tamboran, one of the companies that have a petroleum licence in for consideration in our Economy Department, stated that it was:

"undertaking work it is required to do under the terms of the licence from government and intends to meet its obligations in full."

It said that it believes that people:

"have a right to know if the gas is present."

Tamboran suggested potential benefits that that can have for investment, jobs and, bizarrely, energy security. That argument is full of holes. It was an argument also made by the previous Enterprise, Trade and Investment Minister, Arlene Foster when she said:

"I firmly believe that Northern Ireland needs to explore the potential that shale gas offers ... Shale gas provides a valuable opportunity for increasing the security of energy supply" — [Official Report (Hansard), Bound Volume 69, p238, cols 1 and 2].

Members, beware of chasing the carrot being dangled in front of your nose. This is nothing more than a false promise. Drilling for fossil fuels is not the way to achieve energy security; renewables are. It is a practice that will mean that we will never come close to meeting our Paris commitments or the need for divestment, let alone dealing with the climate emergency or, indeed, the elusive New Decade, New Approach (NDNA) commitments.

Licences of any kind granted to companies will not create the kind of jobs for the future that the people of NI need. As we have seen in the US, job creation from drilling claims are overstated and short term. We all know and have debated recently the importance of well-paid, long-term jobs for people in Northern Ireland. Drilling operations will not supply those. According to Amec, only 17% of the jobs at Cuadrilla's Lancashire site went to local people, and those were mainly non-specialist jobs and, therefore, in non-highly paid sectors.

If we want both energy security and sustainable jobs in NI, we need to focus on renewable

energy. Jobs in the renewable sectors create over six times as many jobs as gas per unit of power generated or saved and around three times as many jobs for the same investment.

Mr Allister: Will the Member give way?

Miss Woods: I will.

Mr Allister: The Member speaks of ensuring that there is local benefit. In light of her lauding of renewable energy, does the Member have any comment on yesterday's Audit Office report, which demonstrated that the big financial winners were financial institutions subsidised by local funds from local consumers going into their coffers, courtesy of a renewable energy scheme?

Miss Woods: I thank the Member for his intervention. I do, but the renewable sector will work when it is administered properly.

If we want both energy security and jobs for Northern Ireland, we will need the same investment in renewable energy. Projecting to 2030, we need double the renewables capacity to meet a 70% renewable energy target. These would be sustainable jobs, with upskilling through our technical colleges, schools and universities. I have mentioned before the opportunity for retrofitting focusing on green energy and the avenues that that opens up as part of our just transition to a low-carbon economy.

We have all been told in the last few months to listen to the science on public health, and we have taken heed. As policymakers, legislators and elected reps, we should always strive for safe, happy and healthy communities. Hydrocarbon extraction is not the way to achieve that. Exploration and extraction are bad for public health. The drilling and fracturing processes that are used to extract use a range of chemicals that are harmful to health while mobilising toxic and radioactive substances that naturally occur in shale, rock and coal. A 2016 Yale study found that, of the 1,117 water pollutants and 143 air pollutants found in fracking fluids and waste water that had been assessed, 55 could be classed as known, probable or possible human carcinogens.

All Members received a briefing from Dr O'Dolan, and I hope that they read it. Airborne chemicals can leak from pipes, well heads and other infrastructure. We have to look at radon and its presence in Fermanagh. There is no evidence that fracking can operate without threatening public health directly.

Friends of the Earth has shown that the industry brings with it wider changes that can detrimentally impact on health. Around well pads, workers and nearby residents are exposed to continual noise from drilling, flaring and compressor stations. Exposure to noise pollution is linked to cardiovascular disease, cognitive impairment and sleep disturbance, not to mention the impact that it has on air quality and pollution. There are concerns about the mental health and well-being of people who live close to gas operations. A large part of the reason that fracking was banned in New York State was that there were significant gaps in the knowledge about potential public health impacts, and all potential impacts had not been adequately studied.

I do not have time to go into the impacts on tourism that the thousands of wells could have, but it should be obvious. Fermanagh alone boasts many nature reserves and areas of special scientific interest, not to mention the Marble Arch Caves. All that could be put at risk.

As the motion states, hydraulic fracturing has been legislated against in the Republic of Ireland since 2017. The Welsh Government have confirmed that they will not undertake any new licensing, and, in Scotland, the Government's position is that they will not support the development of unconventional oil and gas. In 2019, fracking was halted by the Government in England. Andrea Leadsom, a former Business, Energy and Industrial Strategy Secretary, said that the Government had always been clear that shale gas exploration in the UK must be carried out safely. However, she concluded that future unacceptable impacts on the local community could not be ruled out, and a moratorium on fracking in England was introduced. It is time for Northern Ireland to follow suit with more than a presumption. The industry cannot be regulated safely. There is nothing unique about Northern Ireland that will exempt us from the fate of other fracked communities or communities that are suffering from the dirty effects of coal seam gas production. Northern Ireland is too small to support a gas industry with hundreds of well pads. We simply do not have the space for this type of dangerous industry without threatening people's lives and livelihoods.

The entire petroleum-licensing regime is flawed. The absence of meaningful consultation under the 1964 Petroleum Act, the failure to uphold the rights enshrined in the Aarhus convention, the absence of strategic environmental impact assessments and the absence of management plans for special areas of conservation (SACs) and other protected areas mean that there are

no ecological baselines for the assessment of environmental impacts with the scientific certainty that is a legal requirement under the habitats directive. The Minister for the Economy claimed yesterday that our laws are seriously out of date.

To finish, in the words of a former envoy for climate change at the UK Foreign Office:

"You can be in favour of fixing the climate. Or you can be in favour of exploiting shale gas. But you can't be in favour of both at the same time".

The Executive must legislate to that effect as a matter of urgency. I commend the motion.

Mr Middleton: I thank the Members who tabled the motion and welcome the opportunity to speak to it.

The Economy Committee received a briefing earlier this year from the Minister and the Department, outlining some of their priorities for the remainder of this mandate. The Minister was very clear at that time that clean energy would be one of the highest priorities on the Department's agenda. Of course, as an Economy Committee member, it is evident that that has been the case from a climate change and an economic perspective.

We should all be focusing on a clean green recovery. The Minister continues to champion that clean green recovery and clean energy. All Ministers and Departments have a responsibility to deliver on those aims. The New Decade, New Approach touched on that, and we must continue to focus on it.

2.15 pm

I also note that work is continuing at pace to develop a new energy strategy for Northern Ireland following an earlier call for evidence. Five working groups have been established on the areas of consumers, energy efficiency, heat, power and transport. The groups will provide evidence, and the Department will carry out analysis of that evidence, and that will inform options for consideration by Ministers and the wider Executive. An expert panel on the future of energy has also been established to advise on the development and first implementation phase.

Through our work on the Economy Committee, we are aware that it is hoped that an options paper on the energy strategy will be published for consultation by the end of March 2021. In

the meantime, I very much welcome some of the urgent policy decisions that have already been taken, particularly the Minister's recent announcement of a new target of at least 70% renewable electricity by 2030. It is also welcome that the Department is working on a range of projects that will showcase Northern Ireland's potential to develop cutting-edge hydrogen technology in Northern Ireland.

Northern Ireland has led the way in developing renewable electricity to meet the Executive's 40% renewables target, with 48% of our power now coming from indigenous renewable sources. That success has helped to support a low-carbon renewable energy economy made up of 3,500 businesses, 5,400 jobs and over a quarter of a million of exports, but that is a fraction of the size that it could be. There is a substantial economic recovery opportunity in decarbonising energy, growing the green economy across Northern Ireland and delivering significant export opportunities for home-made lower- and zero-carbon solutions.

Ms Dolan: I will start my remarks by quoting two individuals who, going by their remarks over the years, care deeply about climate change and the future of our planet. The first is:

"Global warming, climate change, the devastating loss of biodiversity are the greatest threats that humanity has ever faced and one largely of our own creation."

The second is:

"Today's ecological crisis, especially climate change, threatens the very future of the human family, and this is no exaggeration."

One quote is from Pope Francis; the other from Charles Windsor. If they can agree on the threat facing us from climate change, it should be easy for all of us to agree to this motion. Indeed, as evidenced by all who signed the motion, it is pretty clear that most of us recognise the threat posed to us all and what the way forward should be. Hydrocarbons, fossil fuels and oil and gas — whatever term you wish to use — are a clear and present threat to human health, to biodiversity, to humanity itself and to our planet's very future.

One of the simplest answers to that threat is to keep fossil fuels in the ground. As an Assembly and a society, we must consign oil and gas to the dustbin of history. We must look to renewable energy today, focus on renewable energy today and support renewable energy today; not push it into the next mandate or into

the next year. The first step in fully supporting renewable energy is supporting this moratorium on issuing petroleum licences and then introducing legislation to ban all hydrocarbon exploration and extraction.

I will now speak briefly about my county of Fermanagh. For too long, the threat of fracking has hung over our community in Fermanagh. Multiple studies have linked fracking to not only air and water pollution, soil contamination and the creation of dangerous waste by-products but to several types of cancer, pre-term births, high-risk pregnancies, asthma, migraines, fatigue, nasal and sinus symptoms and several skin disorders. All the people on the ground, of all political persuasions and none, know that the negative impacts of fracking far outweigh the supposed benefits of the oil and gas industry rolling into our area. The farming sector, the larger agri-food sector and the tourism sector are the lifeblood of my county. The long-term damage that would be done to the health of my constituents, coupled with the devastation to the economy and the environment, can never be allowed to happen.

In 2014, without warning and with no community consultation, an oil and gas company rolled into Fermanagh and made illegal threats against Belcoo residents. That fracking company went on to take two judicial reviews against two separate Executive Ministers. Big oil and gas companies do not have the best interests of our constituents at heart and do not respect our democratic institutions. That is why I urge all parties to fully support the motion.

Mr McGlone: As one of the co-signatories to the motion, I welcome, on behalf of the SDLP, the motion and the debate. It is an opportunity for the Assembly to make it clear that the environment can no longer be treated as a second-class consideration.

In the continued absence of a climate change Bill, it is up to the Assembly to highlight the steps that we must take to safeguard the environment for future generations. As the future is one with a decarbonised energy system, now is the time to demonstrate our commitment to that greener and cleaner future.

It is right that the motion calls for action from the Executive as a whole, because this is a cross-cutting issue that goes beyond the licensing remit of the Department for the Economy. Short-term economic interests cannot be allowed to trump the long-term concerns about the impact on public health or the environment. As we know, like some

political parties, the companies that are seeking these licences frequently overpromise and under-deliver. It should not just be about the immediate environmental impact that is caused by extraction; the long-term impact on our climate from the continued use of hydrocarbons is now centre stage, which is where it should be. That impact must be a major part of our policy decisions.

As the motion notes, the 2015 strategic planning policy statement set out a policy of the:

"presumption against the exploitation of unconventional hydrocarbon extraction"

because of its potential environmental impact. As welcome as that was, it is time for the Assembly to accept the reality of that environmental impact and to step beyond the presumption of 2015.

The evidence has been considered by Administrations across these islands, and they have reached the same conclusion, which is that the onshore extraction of hydrocarbons is not safe. It has a detrimental impact on the local environment and undermines efforts to reduce the use of hydrocarbons as a local and global energy source.

In July 2017, the Irish Government banned the:

"Exploration for and exploration of onshore petroleum by means of hydraulic fracturing".

The Scottish Government introduced:

"A moratorium on onshore unconventional oil and gas"

extraction in 2015. Last year, they finalised a policy position, which was:

"of no support for unconventional oil and gas"

extraction in Scotland. The Welsh Government confirmed in December 2018 that they would not support fracking for petroleum in Wales and, significantly, that they would not "undertake any new petroleum licensing."

In November 2019, the British Government finally accepted the scientific evidence that shale gas exploration could not be carried out safely, and they brought in an immediate moratorium on fracking in England. All those Administrations have recognised that the regulation of the activities of the companies that

are involved in this practice is not sufficient, but we can and should do more.

The Assembly must step up and call on the Executive to put in place an immediate moratorium on all onshore petroleum licensing. Legislation must be brought forward to ban all exploration for the drilling for and extraction of hydrocarbons in Northern Ireland. Here in the North, just as they are across the world, our young people are demanding a climate reset. By accepting the motion, we will let our young people know that we are listening to them and that we are committed to a greener and cleaner future for them and for all. I support the motion.

Mrs Barton: I am participating in the debate as a person who lives, I believe, in one of the most beautiful constituencies of Northern Ireland, part of which, County Fermanagh, has been under threat for some time from the exploitation of gas by the fracking method. If a licence for that had been granted, it had the potential to destroy the health of the people and the beauty and economy of the area.

As the United Kingdom is committed through its Climate Change Act 2008 and the Paris agreement to limit its warming to below 2°C while aiming for 0°C by 2050, over the past few years we in Northern Ireland have made a concerted effort to support that Act by looking at alternative sources of energy and encouraging the use of sustainable materials with a shift away from, for example, our one-use plastics. Therefore, I see the motion as extremely important. We must continue our work towards protecting our environment and, even more importantly, protecting public health. In doing so, we must reject anything that would negate our efforts so far towards improving our environment and would destroy our air and water quality, which would have a profound effect on our health.

In response to a question for written answer from me, the Minister for the Economy confirmed that there are no active petroleum licences in Northern Ireland for exploitation, drilling and extraction. It gives no guarantees about the fact that, in the near future, there may be applications for such a licence or even applications already waiting to be processed. If a licence is granted, it entitles the holder to undertake exploitation, drilling and extraction processes, subject to the regulatory permissions, for a period of not one year but up to 30 years. Yes, there is an expectation that licence holders should review the potential of resources when evaluating the overall prospect of their licence. Who is going to check that?

The argument about the economy suffering if a moratorium was granted on petroleum licences does not hold. In Fermanagh, which has some of the most beautiful areas of karst scenery, it would be totally destroyed. At present, our tourism industry flourishes in parallel with our agricultural industry and the limited manufacturing companies in the area. All of those combine to retain our natural countryside in the county and collectively contribute to the county's economy. The damage to health that extraction can cause has been well documented over the years, from different lung problems because of the unclean air to a number of medical problems associated with drinking contaminated water. At the moment, we all know the importance of good health and sacrifices that we make to stay healthy and protect ourselves.

I ask that further consideration and thought be given to the consequences of granting permission for petroleum licences. The health of those living near to prospective drilling sites for petroleum exploration and production cannot and must not be sacrificed for the sake of our economy. We support the motion.

Mr Blair: I welcome Minister Mallon's recent plans to extend the planning permission requirement to cover exploration for oil and gas, including fracking. It is a welcome announcement and, in my opinion, a critical step towards the cessation of petroleum exploration and the detrimental associated environmental impacts that it causes. Like the proposer of the motion, I thank the campaigners who have kept us informed and involved.

Speaking on behalf of Alliance, I say that we are at a crucial juncture. The decisions that we make today and the actions that we take will determine whether we succeed or fail at preventing the worst impacts of climate change and the further devastation brought by that. Scientific assessments of the carbon contained in existing fossil fuel reserves suggest that full exploitation of those resources is incompatible with the agreed target of no more than 2°C of global warming. The unrestricted extraction of those reserves and continuing to issue petroleum licences in Northern Ireland, or elsewhere, undermines attempts to limit greenhouse gas emissions and would be counter to these imperatives. By ceasing to issue petroleum licences in Northern Ireland, we can contribute towards our climate change obligations and prevent any further damage or risks associated with drilling exploration wells, unconventional hydrocarbon exploration and, of course, fracking.

The big picture is climate change, but fracking is harmful not only to our climate. The environmental concerns also risk detrimental health issues. There is growing evidence of a variety of health problems associated with air pollution and water pollution caused by fracking. Multiple public health risks have emerged in research associated with petroleum exploration and production, including increases in certain cancers, asthmatic conditions, neurological problems and low birth weight amongst those living in communities that neighbour drill sites. Those issues, at the very least, deserve further exploration, examination and, of course, a moratorium.

The correlation is simply too strong to ignore, especially when we have cleaner and renewable energy options easily available to us.

2.30 pm

For our safety and that of future generations, we should not allow the new Administration in the Assembly to sell off public lands or allow drilling on our island, and we should ban fracking completely. We urgently need to legislate for the cessation of petroleum licensing for exploration and extraction. Until that can happen, it is imperative that a moratorium on fracking be imposed. Today, we can join counterparts in the UK and Ireland in calling for a date for a moratorium on the exploration and development of new reserves. We can promote the widespread roll-out of renewable energy, decrease the consumption of fossil fuels and mitigate the devastating impacts of climate change. If we mean the recently publicly expressed sentiment and intent to build back better and have a green recovery, we cannot in any convincing or sincere way also realistically talk about further fossil fuel exploration. Green recovery requires 21st-century solutions to modern-day needs. I support the motion and urge others to do so.

Mr Lynch: As the third Fermanagh Member to speak, I welcome the debate and support the motion. Never before have the issues of climate change and fossil fuels been so crucial. In a recent documentary that many Members may have seen, David Attenborough said:

"The time for action is now. Unless we act, we may reach the point of no recovery."

We have all seen the huge floods and fires across the globe in recent times. Last week, it was confirmed that September gone was the warmest on record recently: 0.05°C hotter than last September. Scientists say that

that is a clear indication of temperatures being driven by emissions from human activity.

The motion mentions the ban on fracking in the South of Ireland. That was passed into law two years ago and was welcomed by communities across the country where fracking had been mooted, including in counties surrounding my native Fermanagh such as Cavan, Leitrim and Donegal. As we know, fracking is a controversial method of extracting shale gas in which chemicals, water and sand are released at high pressure into the rock to break it up and release the gas. The practice has been linked to various environmentally damaging outcomes, including air and water pollution, soil contamination and even earthquakes. A five-year study published by Ireland's Environmental Protection Agency (EPA) in 2017 found that fracking had the potential to damage the environment and human health.

Sinn Féin's aim is to phase out fossil fuels and create a greener and more self-sufficient island when it comes to energy. A ban on fracking in the South while continuing a policy in the North would not make any sense, particularly in Fermanagh, where fracking has been a huge issue in the past number of years, as a number of Members mentioned. The region has the same rock formation and water sources as reach down through Cavan and Leitrim. That water flows as far as the Shannon estuary. The region is also one of immense natural beauty. It forms part of a geopark recognised by UNESCO that includes Cavan Burren park, the River Shannon pot, the world-famous Marble Arch caves and now the popular Cuilcagh walk, better known to people today as the "Stairway to heaven". If fracking were to be allowed there, as well as the dangers previously outlined, it would impact massively on agriculture and tourism in the area, as others have said. Never has there been a greater need to decrease carbon emissions dramatically in order to prevent climate breakdown and further intensification of the climate crisis that we are experiencing. If that means large quantities of fossil fuels remaining in the ground, so be it.

Given the Assembly's recent declaration of a climate change emergency, I have initiated a private Member's Bill (PMB) to ban fracking. The Bill's purpose and policy objective is to halt the issuing of any further licences from the Minister for the Economy for the exploration, extraction and production of fuels extracted by hydraulic fracturing. The PMB will go out to consultation in the near future, and I hope to secure as much support as possible across the Chamber. I look forward to engaging with the

stakeholders who have been campaigning on the issue for years.

The Department for the Economy now issues the licences. As of February 2020, two applications are being considered, covering the areas around the Lough Neagh basin and almost the entire county of Fermanagh. In a recent response to my colleague Caoimhe Archibald, Minister Dodds rejected calls for a moratorium on petroleum licences because there was no legislative scope for it. There is therefore a need for legislation in that regard. The Minister has advocated another review and further research into the operations and the impact of the licences. The climate science is clear, as is international scientific opinion on the impact of further exploration and extraction of fossil fuels. Other countries have already acted to ban fracking. We are in not only a climate crisis but a climate countdown, and we have little time to lose.

Ms McLaughlin: First, I pay tribute to the multitude of environmental campaigners whose drive and determination have pushed the issue to the fore. I recently met the Stop the Drill campaigners, and I share their concerns that fracking is a danger to the climate, to the environment and to public health. I am proud of the SDLP's strong record on the issue. As Environment Minister, my party colleague Mark H Durkan introduced a moratorium on fracking until scientific evidence demonstrates that it can be carried out safely without risk to the environment or to public health. No such evidence exists; instead, we have a wealth of evidence that serves as a stark warning of the dangers that fracking poses. In 2011, we saw how fracking in Blackpool caused two separate earthquakes. Further from home, we have observed confirmed cases of drinking water contamination from fracking in Pennsylvania, Ohio, West Virginia and Texas. Research has also linked air pollution from fracking to a long list of health issues, ranging from respiratory illness and central nervous system damage to birth defects, cancer and premature death. Not only that, but one of the main pollutants released in the fracking process is methane, a major greenhouse gas. Over 100 years, methane has heat-trapping power about 30 times greater than CO₂. No wonder that methane has been dubbed "CO₂ on steroids".

The evidence is clear. The damage caused to our environment and our communities would be irreversible. I am pleased that Infrastructure Minister Nichola Mallon's new plans to remove permitted development rights for oil and gas will place more power into the hands of communities, ensuring that they have the right

to participate in any planning decisions regarding future petroleum exploration. The Assembly can and must go further by introducing legislation that bans all exploration for, drilling for and extraction of hydrocarbons in Northern Ireland.

Now is the time to accelerate the growth of our renewable sector and build a more affordable, clean and secure energy that creates a legacy of well-paid jobs. The North is well placed to harness the potential of hydro, wave and tidal energy resources. Instead, the Department for the Economy has decided to waste £75,000 of taxpayers' money on a research project on the potential economic, societal and environmental impacts of onshore petroleum exploration and production of unconventional oil and gas. Let us be fair: the Department has a proven track record of wasting millions of pounds of taxpayers' money in the energy sector. Given the environmental challenges that we face, it is surely crystal clear by now that we must move away from our dependence on fossil fuels. We do not need to spend thousands of pounds to find that out. I support the motion.

Mr Dickson: I also support the motion and commend Ms Woods and my Alliance colleagues for bringing it to the Chamber today.

A few years ago, the people of Carrickfergus in my East Antrim constituency faced the prospect of oil exploration at Woodburn Forest in the hills above the town. Local opposition was particularly strong, but exploration went ahead. It was, perhaps, one of the biggest issues in the Carrickfergus area, supported by many environmental activists. The key concern was how close the site was to the Woodburn reservoirs and the potential for the contamination of drinking water for the greater Belfast area. Unfortunately, at the moment, we have a similar threat to our environment in east Antrim with an application to store gas under Larne lough. A multitude of assurances were given at the time, but, as we have seen in other countries where companies provide those assurances, the reality is very different. Ultimately, it is money, not the local community, that drives the business. Fortunately for the town and for Northern Ireland, no oil or gas was discovered, and the prospectors left, but what happened to the thousands of trees that were planted as a planning requirement to restore the area? They subsequently died, leaving the area barren. Furthermore, if oil had been found, I have no doubt that a full application for drilling would have been made and would have put the local environment in peril. It is for that reason and many others that I welcome the Infrastructure Minister's announcement that

exploration will now be subject to planning permission, putting a check at the very start of the process. The public need to have confidence that a strict process is in place.

Some people seem to be under the impression that oil exploration would flood Northern Ireland with investments and wealth, just like the TV show 'Dallas'. I am sure that our Minister for the Economy would not wish to be portrayed as a J R Ewing or a Sue Ellen. That is a very dated perception. Fossil fuels have had their day, and they are the fuels of the past. The Economy Minister is working on an energy strategy. She has indicated that she would expect at least 70% of our electricity to be renewably generated.

What I believe to have precipitated this debate is a move by the Economy Minister to commission research into the economic, societal and environmental impacts of onshore petroleum exploration and production in Northern Ireland. Many in the Chamber will have been contacted by concerned and distressed residents in County Fermanagh. Many believe that this is a precursor to proceeding with fracking in the area by producing research that promotes exploration and may make it more difficult to turn down future applications. The Minister, regardless of her research, needs to stop this. She needs to look properly at what the implications are and could be and at how she can ensure that we do not see fracking or petroleum exploration in County Fermanagh.

There is a ban or moratorium in all other parts of the British Isles. England tried to promote the practice, but shale gas exploration led to earthquakes, amongst other concerns. It is important that we draw this to a close now, banning the practice altogether. The risks are too high for any potential benefits, not least as we move towards a post-fossil-fuel era. The Minister informed us yesterday — I take some hope from this — that the system for licensing is old and that a greener, cleaner, more sustainable economy is what she wants for Northern Ireland. It is what, I believe, we all want for Northern Ireland. The Minister is right: that is the way forward, so let us leave fossil fuels in the ground. The future will be bright only if it is green and clean. Our energy sources will likely need to be different and involve clean generation, and I would like to hear more about other initiatives that the Department is taking with regard to them, specifically hydrogen, as I believe that a bid was put to the Executive in respect of that.

I hope that the Minister can outline how we can ban fracking and petroleum exploration, put it behind us for ever and market Northern Ireland as a green energy leader for a better, cleaner future and to assist with our economic recovery.

Mr Principal Deputy Speaker: Question Time to the Executive Office is due to start at 2.45 pm, so I ask Members to take their ease. After Question Time, this debate will resume, when the next Member to speak will be Mr Steve Aiken.

The debate stood suspended.

(Mr Speaker in the Chair)

2.45 pm

Oral Answers to Questions

The Executive Office

Mr Speaker: Before I call Mr Pat Catney to ask the first question, I thank the First Minister for facilitating today's Question Time on behalf of the deputy First Minister.

No-deal Brexit: TEO Preparations

1. **Mr Catney** asked the First Minister and deputy First Minister whether a dedicated unit has been established in their Department to manage exiting from the European Union without a deal at the end of the transition period. (AQO 848/17-22)

Mrs Foster (The First Minister): Following Executive agreement, the EU future relations team in the Executive Office has been coordinating readiness planning across all Departments to include an option for a non-negotiated outcome. That work builds on preparations made in the lead up to a potential no-deal exit in 2019. The Executive Office has established an interdepartmental working group on operational readiness, which meets regularly to consider cross-cutting issues and challenges. While we are preparing for a non-negotiated outcome, it is important to remember that the protocol will still apply in that scenario.

Mr Catney: I thank the First Minister for her answer. Does she share my concerns that, even if there is a deal by the end of the year, we are too far behind in implementing parts of the Northern Ireland protocol to avoid major disruption at the end of the transition period?

Mrs Foster: I hope that the Member agrees with me that the best outcome would be for an agreement between the European Union and the United Kingdom so that we can move forward together. There have already been some ways of dealing with what the Member refers to. He will have noticed that, for qualifying goods going from Northern Ireland to Great Britain, the statutory instrument already accepts that whatever is freely available in Northern Ireland at the moment will be taken as qualifying goods. However, that will be revisited in July 2021. So, there is already an acknowledgement that some of these issues will not be ready in time. That is the same whether goods are coming from the Republic of Ireland through Northern Ireland into Great Britain or, indeed, from other places in the European Union into Great Britain.

Therefore, there already are some ways of dealing with the pressure that is undoubtedly there, and I welcome the fact that there is that acknowledgement because it gives some certainty to our companies. We will continue to work with our colleagues in the UK Government to try to get more clarity for our businesses because we recognise the need to provide clarity for our businesses and for our citizens.

Mr Sheehan: Will the First Minister detail the scope of the work that the operational readiness team is involved in?

Mrs Foster: As I have said to the House already, the group came into being after our Executive meeting on 15 June. It was really to provide a focus across government, recognising that there are many Departments involved in operational readiness.

The first meeting of the interdepartmental working group on operational readiness took place on 1 July 2020. Initially, it met only monthly, but now it meets fortnightly. While a non-negotiated outcome is very different from a no-deal Brexit, which Operation Yellowhammer was dealing with this time last year, similar themes and issues arise. Much of the preparatory work was undertaken for Yellowhammer. We are building on that in the event that there is a non-negotiated outcome. I very much hope that that is not the case, because I think that a non-negotiated outcome would be the worst outcome for everyone.

Mr Lyttle: Why did Sinn Féin and the DUP opposed delivery of the New Decade, New Approach commitment to establish an Ad Hoc Committee on Brexit?

Mrs Foster: We did so because we very much believe that there is a need for the Executive as a whole to discuss the issues that are in front of us. We do that every week at the Executive subcommittee. The place for scrutiny of all those matters is in the departmental Committees, whether that be the Agriculture Committee, the Economy Committee or, indeed, the Executive Office Committee. We felt, therefore, that setting up an additional level of bureaucracy was not the way in which to proceed, but instead to give scrutiny Committees their place so that they could take the matter forward.

Mr Speaker: Before we move on to the next question, I advise Members that question 6 has been withdrawn.

US Special Envoy

2. **Mr Carroll** asked the First Minister and deputy First Minister for an update on their meeting with the US special envoy on 29 September 2020. (AQO 849/17-22)

Mrs Foster: Junior Ministers Lyons and Kearney and I met the US special envoy, Mick Mulvaney, for a wide-ranging discussion on significant issues, including Executive priorities, current challenges and future opportunities. It included the challenges that are being faced globally and locally as we work to combat the COVID-19 pandemic. We also addressed the issues that are arising from the fast-approaching end of the Brexit transition period and the challenges that that presents. Economic recovery was also a key issue that was discussed. There was particular focus on some of our important industry sectors, such as aerospace, alternative energy and digital technologies, in which the special envoy has a keen interest. It was an important meeting to develop further our links with the United States as our biggest international investor and a key supporter of Northern Ireland.

Mr Carroll: I thank the Minister for her answer. However, I want to say categorically that Mick Mulvaney is no friend to the vast majority of people here, North and South. He describes himself as a "right-wing nutjob". As Trump's chief of staff, he pushed for slashing healthcare and opposed anti-poverty programmes and disability benefits, not to mention defending, time and time again, Trump's deplorable racism.

At any point, did the special envoy discuss his newly created vulture fund, Exegis Capital, with any of the Ministers?

Mrs Foster: No, he did not discuss that with any of the Ministers. I have to take issue with the Member's characterisation of the special envoy. Mick Mulvaney is a friend of Northern Ireland. He has been appointed to do a job. We look forward to working with him. We had wide-ranging conversations, in particular about alternative energy and the Economy Minister's desire for a hydrogen hub in Northern Ireland. We discussed that with him. It was a very useful meeting. We will have further meetings with the special envoy in due course. We look forward to him being able to assist us to get into new businesses and, indeed, new sectors to the benefit of all the people of Northern Ireland.

Ms Anderson: Does the First Minister share the concerns of a number of US political figures

about the implications of a no-deal Brexit for the Good Friday Agreement?

Mrs Foster: I must say to the Member that I am confident that anything that has been discussed thus far with regard to our leaving the European Union, including the Internal Market Bill at Westminster, does not constitute any threat to the Belfast Agreement. That was acknowledged by Mick Mulvaney when he was here. He made those comments when he was asked about and pushed on the Internal Market Bill. Of course, he wants us to proceed here and work together for the benefit of all the people in Northern Ireland. I am certainly committed to doing that. I hope that when we transition out of the European Union, we will continue to do the work that is necessary here in Northern Ireland. In doing so, we will, of course, work across all of the strands of the Belfast Agreement — North/South and east-west — as well as making this place operational and working for the good of everyone.

Dr Aiken: I thank the First Minister for coming today at such short notice. Did the First Minister and the deputy First Minister get the opportunity to express to the United States special envoy to Northern Ireland the importance of people in Washington reading and understanding the Belfast Agreement?

Mrs Foster: Unfortunately, the deputy First Minister was unable to meet Mr Mulvaney; the two junior Ministers and I met the envoy on that occasion. I hear the Belfast Agreement — others refer to it as the Good Friday Agreement — referenced on many occasions. Sometimes, I wonder whether people have actually read the contents. The document, although not very long, is well worth rereading. I am sure that the Member is very much aware of the three strands that it contains: North/South, east-west and the totality of relationships, recognising, of course, that it is for the people of Northern Ireland to determine their future. As he well knows, the consent principle lies at the very heart of it.

Mr McNulty: It is good to hear that you had a meeting with Mick Mulvaney, First Minister. I hope that you enjoyed the craic with him and talking about his Irish roots in County Mayo. Was a minute of the meeting kept, as suggested in regard to openness and transparency under New Decade, New Approach? If so, was a minute kept of the conversation with the Chinese consul to Belfast at your meeting earlier in the year?

Mrs Foster: Yes. Minutes are kept of all meetings, as agreed in New Decade, New Approach. The minutes are kept by our officials.

Investment Strategy: Update

3. **Ms Sheerin** asked the First Minister and deputy First Minister when the investment strategy for Northern Ireland will be published. (AQO 850/17-22)

Mrs Foster: We all recognise the need to invest for the future in our infrastructure to ensure that individuals and businesses benefit from the best possible facilities and services. The investment strategy is the Executive's strategic description of how we will focus our available capital resources to address the social and economic values and outcomes set out in the Programme for Government. The current investment strategy covers the years 2011-2021. We expect that, by March 2021, over £14 billion will have been invested in infrastructure under that strategy.

The next investment strategy will be developed in parallel with the Programme for Government. It will be informed by the priorities and outcomes in the Programme for Government and by the overall expectation of public finance availability. Subject to the agreement of the Executive, it is intended that the investment strategy will be brought forward during the 2021-22 year.

Ms Sheerin: I thank the Minister for her answer. Will the Minister outline how the Executive derive maximum social value from the money that is spent?

Mrs Foster: Yes. We do that in a number of ways. As an Executive, we take advice from the Strategic Investment Board on our strategy going forward. Prior to 2019, one of the primary ways in which Buy Social achieved social benefit through public procurement was targeted recruitment and training clauses, requiring contractors to provide a portion of the total weeks of employment on the contract to new-entrant trainees: people who did not have any substantial work experience, such as those who had just left school or college, or the long-term unemployed. That is very important. Often, I meet young people who have not succeeded at school in terms of gaining academic qualifications, and they can find it very difficult to get work experience. In this way, we can help young people to get work experience so that they have something to talk about when they apply for future jobs.

In February of this year, we expanded the scope of the scheme to include ICT contracts in Buy Social. We have not had formal approval from the Procurement Board for that expansion, but it is another way in which we can involve Buy Social in our contracts and investment strategy. We can help in a number of ways, and the Strategic Investment Board is well aware of the Executive's desire to see this make a difference to some of our young people's lives.

Ms Armstrong: Will the Minister give assurances that any investment strategy will complement and ensure a commitment to green new deal policies?

3.00 pm

Mrs Foster: Those are the sorts of things that were not involved in the investment strategy when it was first drafted, but, since then, climate change in particular has become a huge issue for those of us who are involved in procurement. We in Northern Ireland spend a lot of government money, and it is important that climate change is part of that. I know that the Minister for Infrastructure now has a body looking at infrastructure and advising her. Hopefully, that will dovetail with the investment strategy and we will be able to take this forward. Climate change is very much part of the strategy.

Ms McLaughlin: What efforts have been made to ensure that there is subregional balance in the investment strategy? What is your understanding of regional balance?

Mrs Foster: As somebody who is from the south-west of the Province, I very much want to see regional balance in our investment strategy. If the deputy First Minister were here, she would say the same about mid-Ulster. Part of the advantage of devolution is that you have elected representatives in the Executive from right across Northern Ireland. Therefore, there is a desire to make sure that the investment strategy works for everyone in Northern Ireland. For us, that will mean better outcomes in the Programme for Government for everyone who lives here, not just those who live in urban locations or in the east or the west of the Province. Everybody needs to be taken into account, and because the investment strategy is being looked at alongside our Programme for Government, those two things will work hand in hand.

Communities in Transition: Update

4. **Ms P Bradley** asked the First Minister and deputy First Minister for an update on the delivery of the Communities in Transition (CIT) programme. (AQO 851/17-22)

Mrs Foster: Mr Speaker, with your permission, junior Minister Lyons will answer this question.

Mr Lyons (Junior Minister, The Executive Office): To date, delivery partners have been appointed to deliver 30 individual projects covering a variety of themes across the eight areas of focus for the project. Whilst the emergence of COVID-19 had the potential to disrupt implementation, delivery has continued throughout and good progress has been made across all projects, thanks to the commitment, creativity and enthusiasm shown by delivery partner organisations and supported by officials.

The Communities in Transition project is designed to support, empower and equip communities as we work together to tackle the scourge of paramilitarism and coercive control in eight specific geographic areas. Without strong, positive, confident and resilient communities, paramilitary organisations and other similar malign influences can occupy the space that is created, thus limiting the opportunity for positive change and progress.

The Communities in Transition project seeks to improve voice, access and agency in communities, thus narrowing the ground for other influences to exert control. A community-informed approach lies at the heart of the project, and we are committed to continuing to engage with communities throughout the delivery of the current phase of activity and beyond.

Recently, junior Minister Kearney and I had the privilege of meeting a number of community delivery partners. I was particularly struck by how those groups work together and do what they can, very successfully, to bring about solutions at a local level. We look forward to engaging with other delivery partners over the coming months.

Ms P Bradley: I thank the junior Minister for a very fulsome answer. Will he provide details of phase 2 of the project?

Mr Lyons: As the Member will be aware, the tackling paramilitary activity, criminality and organised crime programme is due to expire in March 2021. The Executive have discussed and agreed in principle to a further phase of the tackling paramilitary programme to be delivered

over a three-year period up to March 2024. The CIT project will be a significant part of the community-facing element in the next phase of the programme. Subject to confirmation of budget and an ongoing government-wide budgeting exercise, it is hoped that the CIT project will have an indicative budget of £12 million.

The interventions supported through the Communities in Transition project have been shaped and informed by communities in response to the specific issues that manifest themselves in each locality. The range of interventions continue to deliver much-needed community responses at a time when positive community leadership is needed more than ever.

We recognise the commitment and innovation that has been shown across these areas and assure our community delivery partners of our continued support for this good work. These projects must have the ability to embed at a community level. We are already seeing the impact of these interventions, and we must ensure that the necessary time is given to bring about the sustainable change and positive legacy that all our communities want to see.

Mrs D Kelly: I am sorry to rain on the parade of Communities in Transition, but my experience is somewhat different. We see a duplication of effort. In going to phase 2, how do we ensure that there is no duplication of effort and that there is some point in time when Communities in Transition has to end, 20 years post the ceasefires and the Good Friday Agreement?

Mr Lyons: If the Member has concerns about certain projects, we are happy to hear about them. I speak from my experience of hearing from delivery partners with whom we have engaged, and I received positive feedback. Where there is a need, these programmes must continue, especially if they are seeing the positive effects that we have seen in certain projects. I would be happy to have a further conversation with the Member.

Mr Beattie: The Communities in Transition programme has some great initiatives, but, like the Member on the opposite Benches, I am not seeing the outputs from what we put in. It is just not kicking out. How are we measuring the outputs, given the rise, in our constituency, of paramilitary and terrorist activity?

Mr Lyons: Obviously, there seems to be an issue in the constituency of Upper Bann. I am not sure what individual projects the Members

refer to. However, as Ministers, we are always more than happy to engage with Members to see what is and is not working. There are different themes, and the CIT programme involves itself in different areas. Perhaps we need to look at them. From our point of view, we see where this is working and that there are positive impacts from it. Let us have that conversation and make sure that we see the positive developments in that constituency that we see elsewhere.

Mr Speaker: Gerry Kelly is not in his place. We move to question 7.

Ministerial Code: Commitment

7. **Mr Frew** asked the First Minister and deputy First Minister to outline their commitment to non-violence and exclusively peaceful and democratic means. (AQO 854/17-22)

Mrs Foster: The deputy First Minister and I have both affirmed the terms of the Pledge of Office as a condition of our appointments. The:

"commitment to non-violence and exclusively peaceful and democratic means"

required by the pledge informs at all times how we should discharge our duties as a joint office.

Mr Frew: Given the recent comments and behaviour of Gerry Kelly MLA and, of course, the past of that party, will the First Minister take the opportunity to remind the House of the obligations on MLAs to keep to peaceful means?

Mrs Foster: The Member is right to make a distinction between Ministers and MLAs, because the Pledge of Office does not apply to MLAs who are not Ministers or junior Ministers. However, MLAs are governed by the Assembly code of conduct and must also give an undertaking, under section 40A of the Northern Ireland Act 1998, which includes the requirement to:

"support the rule of law unequivocally in word and deed and to support all efforts to uphold it".

All of us in the Chamber, who have the huge privilege of representing people from our constituencies, need to remember that we have made that Pledge of Office and we should stick by it.

Ms Dillon: The European Court of Human Rights ruled unanimously that article 2 of the human rights convention, which guarantees the right to life, had been violated at Loughgall. Does the First Minister accept that the comments of her party colleague Paul Frew, on the anniversary of Loughgall, created great offence and hurt to grieving families and that everyone has a right to remember loved ones, regardless of your view of those who died in Loughgall?

Mrs Foster: I am not aware of the comments of the Member she refers to. I am blissfully unaware, Mr Speaker, because I do not do Twitter. I may post on Twitter, but I do not look at it. I advise Members right across the Chamber that that is a good thing to do.

Mr Allister: Does the First Minister agree that the Pledge of Office, with its undertaking to support the rule of law unequivocally in word and deed, is a solemn commitment, not a flexible commitment? Does she also agree that the flagrant breach of the rule of law, insofar as the coronavirus regulations are concerned, by her deputy First Minister has not only driven a coach and horses through that pledge but, sadly, severely undermined the messaging on COVID-19?

Mrs Foster: I agree with the Member that it is a solemn commitment, and we should all think about that, given that we took the pledge when we were elected to this place and reaffirmed it when the Assembly reconvened.

On the commentary about the deputy First Minister, as the Member knows, there is a police investigation into that event, and there is also an investigation in this place. We should wait for the outcome of those investigations.

Undoubtedly, damage has been done to the messaging on COVID-19. I regret that people are not complying in the way in which we need them to comply in order to stop the transmission of this terrible virus. I ask them to go back to basics and to adhere, please, to all the things that we talk about day and daily, such as washing your hands, keeping your distance, making sure that you wear a mask in the appropriate places and having good respiratory hygiene. All those things need to be repeated by all of us on an ongoing basis, because, at the moment, we have a very high level of COVID transmission and are in the unenviable position of part of Northern Ireland having the highest rate of transmission in the whole of the United Kingdom. That is a hugely disappointing place to be in, given our very

good record during the first wave of COVID-19. People really need to get back to basics on this and try to help us work together as partners to move beyond the virus and get to a place where we can suppress its curve and make sure that we have space in our hospitals for those people who are unwell and who may need to go into intensive care.

Meenan Square Development: Update

8. **Ms Mullan** asked the First Minister and deputy First Minister for an update on the business case for the Meenan Square development in the Foyle constituency. (AQO 855/17-22)

Mrs Foster: With your permission, Mr Speaker, junior Minister Lyons will answer question 8.

Mr Lyons: TEO's Urban Villages initiative is currently developing the business case for that major regeneration project, which includes options for a mixed-use development that will offer a range of facilities for the benefit of the community. The project aims to reinvent the site as a shared space for fostering positive community identities, building good relations and harnessing wider economic and social benefits by reclaiming and repurposing a dilapidated site that has, for too long, been a catalyst for antisocial behaviour. The business case is being prioritised, with a view to its being completed and ready for submission to the Department of Finance for approval by the end of this calendar year.

Ms Mullan: Thank you, Minister, for your answer. We understand that processes and time frames can mean that dealing with private and public partners can be very complex, but the residents, who have seen the site become dilapidated over many, many years, had an expectation that the site would be developed this year. Can the Minister give a commitment that the project is being taken forward urgently?

Mr Lyons: There are a number of stages to the development. First, as I said, the business case has to go to the Department of Finance. That will include early designs, but the final design will be subject to a full planning application and consultation. In parallel with the business case, work is ongoing to secure the purchase of the site before the end of this financial year. Once the site is purchased, all buildings will be demolished, leaving a significant vacant, open space. Indicative funding costs are estimated to be around £5.5 million. It is a key priority in the

Urban Villages capital programme, however. There is a bit of a way to go yet, so I urge the Member and her constituents to be patient.

Mr Middleton: The Minister will be aware that different Departments have previously contributed to funding for transport to Fountain Primary School. That funding is now coming to an end. Will the Minister commit to pursuing funding for transport to the school, particularly given the fact that it is an Urban Villages area?

3.15 pm

Mr Lyons: I thank the Member for raising the issue. I am aware of it, and I understand the importance of maintaining that transport service for the young people who attend that school. Discussions are ongoing between the relevant Departments in order to find a solution. I will endeavour to keep the Member updated on developments.

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

COBRA: Update

T1. **Mr Lyttle** asked the First Minister and deputy First Minister for an update on the UK Government COBRA meeting that she attended this week. (AQT 501/17-22)

Mrs Foster: We attended the COBRA meeting this week on behalf of the Executive. The deputy First Minister, the Minister of Health, the Chief Medical Officer and I were all in attendance. At the meeting, we were given an update on the current state of play by the Joint Biosecurity Centre. It is important that we hear what is going on from an epidemiology point of view across the United Kingdom, and, of course, the Prime Minister updated us on his three-tiered approach from an English point of view hoping that, across the United Kingdom, we would have similar approaches to allow us to access funding to assist people when we may have to close down businesses or sectors. It was an important meeting, and we have to follow up on some of the issues that were raised.

Mr Lyttle: I thank the First Minister for her update. How concerned is she about the alarming increase in COVID cases in Northern Ireland, which has seen seven deaths being recorded since yesterday as well as 23 ICU admissions, 15 people on ventilators, the overwhelming of our contact tracing system and

regrettably now, it appears, cancellation of elective surgery in Belfast? What decisive action will the Executive Office take to arrest that situation?

Mrs Foster: I thank the Member for his question. We are collectively very concerned about the rise in transmission across Northern Ireland and the consequent daily increase in the number of hospital inpatients. I understand that, today, 150 inpatients are suffering from COVID-19 and that, as the Member rightly pointed out, 23 ICU beds are now being taken up. We are concerned about that, and we will have an Executive meeting later this afternoon to discuss the issue and what we can do as an Executive to halt the rise of COVID-19.

We have to be clear that, whilst, of course, we have to halt the rise of COVID-19 — that is something that we are all concerned about — it is important that we take a proportionate and balanced approach. Some people have said that it is about health versus wealth, but that is a completely false analysis. Back in May, our Chief Medical Officer made the point that poverty kills and unemployment kills as well. Therefore, it is a balancing act between making sure that we deal with COVID-19 and trying to protect our economy, our society and family life as we know it. Those are huge decisions, and none of it is easy. We will come together to make those decisions later this afternoon.

Casement Park

T2. **Mr McNulty** asked the First Minister and deputy First Minister to assure him and all other Gaels that commitments made in New Decade, New Approach will be stood by and that funding will be made available to complete the construction of the stadium of dreams in Ulster, particularly as he and his fellow Gaels in County Antrim, Ulster, across Ireland and further afield are bouncing today and very much welcome the Infrastructure Minister's decision on Casement Park and céad míle fáilte roimh athoscailt Pháirc Mhic Easmainn. (AQT 502/17-22)

Mrs Foster: It is good to hear the Member welcoming a decision by the Minister for Infrastructure. He was not as fulsome in his praise of the last announcement that the Minister made, but it is good to see that that has been healed by the announcement today on Casement Park.

As Members will know, Casement Park was to proceed on the same basis as Ulster Rugby's Kingspan Stadium and Windsor Park for the

Irish Football Association. It has taken a long time to get the planning permission in place for Casement Park. Unfortunately, it now seems that the cost has risen. Therefore, there will have to be discussions with Ulster GAA in relation to that. At the time that this was agreed, it was at a level that showed parity across the three sporting codes. We look forward to discussions with the Department for Communities around that issue. I accept that it is a stage that a lot of people have been looking forward to, and it is good to hear that the Member is back in line with the rest of his party.

Mr McNulty: Thank you, First Minister, for your answer. Ar scáth a chéile a mhaireas na daoine. We rely on each other for shelter. When Casement is completed, when our stadium of dreams is built, will you commit, if we are still in this place, to attend, alongside me and other Members, the first Ulster final to be played in Casement Park?

Mrs Foster: Of course, one always waits for the invitation to attend such events, and I look forward to that invitation, if and when it comes. Fermanagh may well be back in the final by that stage, and we look forward to that day very much.

Brexit: Update

T3. **Mr Robinson** asked the First Minister and deputy First Minister to outline the cooperation between the devolved Administrations in relation to unresolved issues surrounding Brexit and the representations that the First Minister has had with Her Majesty's Government to ensure unfettered access for Northern Ireland goods across the United Kingdom. (AQT 503/17-22)

Mrs Foster: The cooperation and conversations continue apace across the devolved Administrations in relation to that. We have many meetings with the Paymaster General — the junior Ministers attend some of those — and the Chancellor of the Duchy of Lancaster, who leads on a lot of Brexit issues.

The formal negotiation round — the ninth — is completed. We wait to see whether any more progress can be made between the UK and the European Union. We stand ready at all times to work with our colleagues in HMG around the issues concerning Northern Ireland, and they have been very accessible in dealing with those.

Mr Robinson: I thank the First Minister for her answer. Are the Government of the Republic of

Ireland cooperating in addressing the issues surrounding Brexit?

Mrs Foster: As regards our relationship with Dublin, we recognise that the Republic of Ireland is a member state of the European Union and, therefore, the negotiations continue between the EU and the UK in that respect. However, there are many things on which we have common cause — access to the GB market is one of those — in making sure that we are able to work together in the future. The Republic of Ireland being the nearest neighbour of the UK, it is important that we work together on all those issues. We will continue to do our best to get the proper and right outcome in all these matters, and we are happy to work with colleagues in Dublin as well as, of course, our sovereign Government.

Support for the Economy

T4. **Mr K Buchanan** asked the First Minister and deputy First Minister what actions the First Minister is taking to support the economy, given that she referred earlier to a meeting of the Executive later today at which big decisions will be made. (AQT 504/17-22)

Mrs Foster: We were pleased to have a call with the Chancellor of the Exchequer on Friday, when he announced a job support package. We recognise that it is not as generous as the furlough scheme in assisting employers to keep people in work. That scheme was 80% of their salary paid by government; this is two thirds, and it will not come on-stream until 1 November. We also welcome the £200 million of Barnett consequentials that will allow us to put together our own schemes to help industries that will need assistance and support. However, whatever the assistance and support that we can put in place, it will not be as good as people running their businesses in the normal run of things. We can only mitigate damage, and we will do our best with the funding available to us and, of course, the funding that comes from HMG.

Mr K Buchanan: I thank the First Minister for her answer. With respect to the meeting later, is the First Minister content that the Executive can find a way forward that looks at the economy and health in a balanced way?

Mrs Foster: We need to recognise, as I have said, that the characterisation of "Health against wealth" is an absolutely false characterisation. If people lose their jobs or find themselves in poverty or unemployed, that can lead to really bad health outcomes. I think that Chris Whitty,

the Chief Medical Officer for the UK, said yesterday that, if we harm the economy, we harm the long-term health of our people. People need to acknowledge that.

We sometimes get very focused on the numbers. The numbers are not good, and I am not suggesting that they are. However, when we look at the big job of work in front of us today, we have to take a balanced and proportionate approach; indeed, the legislation says that we should make a proportionate response in this difficult time in our history. I hope that we can come together, find the restrictions and put them in place, so that the community reacts to those restrictions and we can stop the spread of the virus.

Irish and Ulster-Scots Language Legislation

T5. **Mr Stewart** asked the First Minister and deputy First Minister to outline the current time frame for the introduction of Irish and Ulster-Scots language legislation. (AQT 505/17-22)

Mrs Foster: As the Member knows, these are New Decade, New Approach commitments, as well as the third commitment on the office for culture and identity. It is important that all those issues move forward together. The Executive Office is looking at all those issues and hopes to give an indicative time frame in due course to the Committee that scrutinises the Executive Office. We would have hoped to be further on in some of our New Decade, New Approach commitments, but it should be recognised that we have had to deal with the pandemic in the meantime.

Mr Stewart: Thank you for the answer, First Minister. Has the cost of implementing the strategy been fully developed? When will it be published?

Mrs Foster: The Executive Office has been given a marker bid for the budget. We have not yet fully costed the commitments on Irish language, Ulster-Scots/British identity and the office of culture and identity. Political agreements are required to move forward on those issues. It is important, of course, that we deal with them in the most appropriate way, given the current restrictions on our financial capability. However, we recognise that they are political commitments and that, therefore, we need to take them forward in the appropriate way.

NDNA Spend

T6. **Ms Bunting** asked the First Minister and deputy First Minister, in the light of some of yesterday's debates, for an update on the spend to date of money from Her Majesty's Treasury for NDNA. (AQT 506/17-22)

Mrs Foster: I do not have the exact figure for the UK Government's commitments on NDNA, but there have been significant moves on NDNA. For example, the Veterans Commissioner has been appointed. We have extended welfare mitigations, which is a big figure. I am happy to write to the Member about that. We have progressed the Hart report on historical institutional abuse, set up a panel on tackling educational underachievement and set up the Centenary Forum and the historical reference group. The joint board from the Northern Ireland Office and the Northern Ireland Executive has been set up and has met. So, a lot has happened on NDNA progress. We accept that, had it not been for COVID-19, there would have been more progress on NDNA. I will write to the Member with the UK spend to date when I have that figure.

Ms Bunting: If no further money is forthcoming from London, how will the Executive Office decide which projects should be prioritised?

Mrs Foster: That is a challenging question. 'NDNA' was a political document. It was the basis on which we all came back into the Assembly after three years outside government. It is a realistic question, because we know that there are huge challenges. As I have said before, because it is a political agreement across five parties, we cannot upset or skew it. We have to do it in a balanced way. The five parties need to decide together what the priorities are.

That is the only fair way that we can take it forward.

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

3.30 pm

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

Private Members' Business

Onshore Petroleum Licensing and Drilling

Debate resumed on motion:

That this Assembly recognises the moratoria, in various forms, on fracking in England, Scotland and Wales and the ban on fracking in the Republic of Ireland; notes that this motion builds on the 2015 strategic planning policy statement presumption against the exploitation of unconventional hydrocarbon extraction in Northern Ireland; acknowledges its responsibility to protect public health and the environment; and calls on the Executive to instigate an immediate moratorium on petroleum licensing for all exploration for, drilling for and extraction of hydrocarbons until legislation is brought forward that bans all exploration for, drilling for and extraction of hydrocarbons in Northern Ireland. — [Miss Woods.]

Mr Principal Deputy Speaker: Members will know the time that has been allocated for the debate. There are two more Members left to speak, and there are nine minutes left. If the first Member whom I call is generous, the final Member on the list, Mr Carroll, will also be able to speak. It is up to Dr Aiken whether or not he wishes to be generous.

Dr Aiken: Thank you very much indeed, Mr Principal Deputy Speaker. Of course I shall be generous. I shall try to keep my remarks to about three minutes to allow Gerry to speak. We should do that in the spirit of cooperation.

I support the motion for a very clear reason: in Northern Ireland, we do not wish to have drilling for hydrocarbons such as gas, gas fracking or petroleum. The reason for that is quite simple: we are moving away from a hydrocarbon era and into an era of renewables, smart grids and the appropriate use of new technologies to provide energy for Northern Ireland.

Bearing in mind that that is the case and that I wish to keep my remarks short, I will move on to the specific questions about what we need, rather than proposals for drilling for oil and gas in Northern Ireland. It is about what we need to do with a new energy strategy. The important point about that strategy is with some of the things to which we need to look. We need to install new smart grids. We need to conduct studies into the feasibility of offshore wind and

how it can mix into the wider all-island and pan-European energy markets.

I welcome the Minister's commitment to hydrogen. For our farmers, in particular, who are looking to the future, it is important that we look at the use of biogas and hydrogen. We should consider whether our Utility Regulator is fit for purpose to allow us to inject energy from hydrogen and biogas directly into the grid.

We need to investigate the monopoly of the ESB and EirGrid or, as they are better known in Northern Ireland, NIE and the System Operator for Northern Ireland (SONI), and the implications for the Northern Ireland energy market, particularly with how it affects and distorts prices and pricing, and the impact on people who are trying to put renewables onto the grid. The Minister will be well aware from her predecessor, who introduced the monopoly system, that that needs to be fundamentally reviewed.

We need to consider whether we have a system that is fit for purpose and is capable of dealing with future energy policy in Northern Ireland. The key thing that we have to consider is whether Northern Ireland is too small to have its own regulation system. Among the keys to future renewable energy issues will be contracts for difference and the important decision of whether we go for a United Kingdom-wide system, using Ofgem, or look to another system. We should not try to reinvent the wheel. We seem to get it badly wrong every time we do so, whether it is for wind, RHI boilers or trying to build the incineration-to-power plants that are not needed in my constituency.

I am about to sit down to give more time to Gerry Carroll. I would like the Minister to address those points. We support the motion.

Mr Carroll: Mr Principal Deputy Speaker, thank you for pointing out the time shortage. I also thank Dr Aiken for being generous with his time. I signed the motion, so, had I not been called to speak, it would have been absurd and raised all sorts of questions about how the House operates. I thank you, Mr Principal Deputy Speaker, and Dr Aiken for mentioning that. Ms Sugden is also looking to get in but has not been called, so there are issues there as well.

Several months ago, the House declared a climate emergency, which was an important step on the path to, hopefully, tackling the existential climate and biodiversity issues that threaten life itself on the planet. Of course, as with many things, just because something has

been debated and voted for does not automatically make it a reality. Repeatedly, in the House, we hear from Members and Ministers that we should not be working in silos and that there should be a joined-up approach to tackling a range of issues. However, I firmly believe that either the Department did not get the memo; or it did and wants to ignore it. On the one hand, we have an overwhelming desire for action in our communities to tackle the climate issues, an approach that the House endorsed; on the other hand, the Minister or Department, or both, has gone off in the opposite direction and is implementing or allowing to exist policies that could damage the environment. Not only is that a contradiction of what the House said and how it voted, but it represents a slap in the face for all those who walked out of their school or workplace as part of the climate strikes and for all the community campaigners, who, as mentioned by others, have been fighting to protect the environment. It is very worrying therefore that the Department could be, if it is not already, embarking on a path that could lead to the validation of further licence applications.

It appears that the Department has validated an application from a company that has worrying financial irregularities. As I understand it, an application from a \$2 company in the Isle of Man for a licence to explore in Fermanagh was validated. Even after the validation, the Isle of Man authorities refused to reveal who that company's beneficial owners were. Still, a licence to explore was granted. The Department tried to check with the Isle of Man authorities who the beneficial owners were only after the application had been validated, thereby breaking the 1987 and 2010 regulations. That is very concerning. It is a bit like a bank giving a mortgage to somebody without looking at their bank statements. That would not happen, so why should it happen on a much bigger and more dangerous scale? Why should corporations be allowed to act with such impunity and with so little scrutiny of their decisions and transactions?

If this licence proceeds, there could be another expensive inquiry into a flawed and potentially dangerous system that is detrimental to the environment. Why not stop it happening now? We were told that lessons were learned from the renewable heat incentive (RHI) scheme. To me, that does not seem to be the case: this smacks of a transition from cash for ash to cash for gas. Those issues need to be addressed. As when RHI whistle-blowers were dismissed and their concerns brushed under the carpet, there are massive questions for the Minister in this case. She may not have this information, but it

is important that she responds today or as quickly as possible. These concerns are of huge public interest.

The problems do not seem to end there. Affecting my constituency and others, there is an application — PLA1/16 — for potential drilling and extraction in an area that extends from Lough Neagh right across to west Belfast and covers multiple council areas in the North.

It is worth saying that thousands of responses, or objections, were submitted to this application by members of my community and people from other Members' communities and beyond, yet we have not heard a decision from the Department. It is worth emphasising to the Minister that, whilst we have been waiting over a year for a response to it, nothing less than binning this application would be agreeable to my constituents and, I am sure, to many others.

It is very concerning. In general terms, there is a mistaken view that granting licences of various kinds may bring jobs or some economic benefit to beleaguered communities. Licences may be granted to multinational corporations and mass polluters. We need to have a wide-ranging and imaginative campaign to create green jobs as part of a just transition, and that is even more essential given that hundreds of thousands of people will lose their jobs because of COVID and the recession. Rather than let those —

Mr Principal Deputy Speaker: I am afraid that the Member's time is up.

Mr Carroll: I will bring my comments to a close. I support the motion.

Mrs Dodds (The Minister for the Economy): I welcome the opportunity to respond to the motion, and I value the interest that has been shown by Members in this very important and current issue.

I will provide some context on the current arrangements for petroleum licensing in Northern Ireland. Onshore exploration for petroleum in Northern Ireland has been taking place on a small scale since the Petroleum (Production) Act (Northern Ireland) was introduced in 1964. Over that time, although small amounts of oil and gas have been found, no commercial extraction has taken place. There are currently no petroleum licences in Northern Ireland. The last one, held by Terrain Energy, was relinquished on 28 April 2020. The House will, of course, be aware that my Department is considering two petroleum

licensing applications, and I will talk about those in more detail later.

In the past, having the economic security of an indigenous oil or gas supply would have been welcome. My Department and its predecessors would have been strong advocates for the exploration for and exploitation of fossil fuels. However, in recent years, there has been a step change. Genuine and proven concerns about carbon emissions, global warming and the environmental impacts of petroleum extraction and use are setting a new policy context. Indeed, many in the Chamber today have recognised that evolving policy context, with references to the changes in policy in the other nations of the United Kingdom. In recognition of that clear change not only in policy objectives but in public opinion and even before the New Decade, New Approach commitment to tackle climate change head-on, a review of our approach to petroleum exploration and exploitation was needed. On that basis, my Department commenced a wide-ranging review in 2019.

I wish, for a moment or two, to return to the two petroleum licence applications that are being considered. One applicant proposes exploring for oil and gas in the porous sandstones in the area to the south-east of Lough Neagh using conventional drilling techniques. The other applicant proposes exploring for gas in County Fermanagh and initially proposed the use of high-volume hydraulic fracturing, which is also known as fracking. Both applications were subject to a public consultation process, which closed in July 2019. My Department received in excess of 5,700 responses, which were published online at the end of October last year. Following its own review of the responses received, one of the applicant companies, Tamboran Resources (UK) Ltd, made a request to the Department to revise its application. The proposed revision will remove the need for fracking, very much as a direct result of the strength of opposition to this controversial technique, which was highlighted by the respondents to the consultation process.

In summary, across Northern Ireland at this time, we have no petroleum exploration and development licences in place, and neither of the two applications that are being considered propose the application of high-volume hydraulic fracturing.

3.45 pm

The extraordinary and unprecedented number of responses to the public consultation on petroleum licensing applications is a clear sign

of the change in public attitudes and demonstrates the concerns that exist around petroleum exploration. I recognise the very legitimate unease that has been raised through the consultation process and, indeed, by Members of the House directly to me. My Department is considering the issues and will do so in conjunction with the relevant experts across government and other regulatory bodies, as is required. However, the number and range of concerns that were raised in the responses to the consultation has simply underlined the lack of knowledge and evidence that we have around the issues. It has also brought into sharp focus the urgent need to review and update our petroleum licensing policy and regime to meet the needs of Northern Ireland going forward. I have previously made it quite clear that a review of the licensing policy in this area must be completed before any decision on the two current applications can be taken.

A Member: Will the Minister give way?

Mrs Dodds: No.

I have also given a commitment that, given the cross-cutting and controversial nature of petroleum exploration and development, it will be for the Executive to make the final decision on what our future petroleum licensing policy will be.

As I indicated, my Department has commenced a wide-ranging review of our petroleum licensing regime. The review is being undertaken in accordance with the Executive's policy development toolkit, with the aim of establishing a robust evidence base from which to develop policy options for any future petroleum licensing regime. Work began in February 2019 with a high-level review of the existing regime to assess its effectiveness and the impact on sustainability, particularly in light of the UK's net-zero carbon commitments. That included engagements with counterparts in Scotland and Wales. The outputs of the review only further highlighted the deficiency of the existing information on the Northern Ireland-specific impacts of petroleum licensing.

When taken in conjunction with the number and range of issues that were raised in the consultation on the two applications, the review also identified a need for independent research into the economic, societal and environmental impacts of onshore petroleum exploration and development in Northern Ireland. This research is designed to help to inform the evidence on which we can base our future petroleum licensing policy. My Department is working through the final stages of the procurement

exercise and intends to award the contract for this project in the coming days.

There has been much speculation this afternoon in the House, and many have referred to the policy developments in England, Scotland and Wales. One thing that England, Scotland and Wales have in common in this area of policy development is that they all carried out that independent research before coming to that policy decision, just as Northern Ireland will and should do. Once the independent research is completed, the review will move into a period of intensive stakeholder engagement, with a view to developing evidence-based petroleum licensing policy proposals.

Any new policy proposal will, as and when necessary, be subject to a full environmental and regulatory impact assessment, including a strategic environmental assessment. After any proposals for a future policy have been fully developed and assessed, it will then be taken forward to a public consultation. Ultimately, the final decision on the future petroleum licensing policy for Northern Ireland will then be taken to the Executive, prior to the draft legislation coming before this House. That is my commitment to this House.

Members will also be aware that my Department is developing a new energy strategy, with consumers, businesses and domestic users as central to all of the themes of work. Many have referred to it, and I look forward to engaging with you on it. Indeed, I noted the issues that you specifically addressed, Mr Aiken, and I will write to you on those very specific issues.

The new strategy will set out a road map to 2050 to decarbonise heat, power and transport. It will substantially improve our energy efficiency and benefit energy consumers. The review of petroleum licensing policy will therefore need to take account of the policy direction in the energy strategy. I thank Mr Dickson for reminding the House that I have said very clearly that Northern Ireland needs not just economic recovery but a green economic recovery and sustainable environmental policies that can be part of the new economy in Northern Ireland's second century.

I understand that the motion has wide support across the Chamber and that petroleum development is a very emotive subject. As Minister, I want to ensure that any decision that I recommend to the Executive on future policy is based on robust evidence and presents the

best way forward for Northern Ireland as a whole.

At this stage, I cannot support the motion as presented. I have taken legal advice on the matter and have been advised that the course of action proposed in the motion would, most likely, be subject to challenge. Accordingly, my view is that the appropriate way forward is to undertake the Northern Ireland-specific research that my Department is in the process of procuring. As Minister with responsibility for this area, I am asking for the time and space to allow officials to develop evidence-based policy proposals that will be subject to a rigorous policy development process. I will then ask the Executive to take a fully informed decision.

To conclude, I thank Members for their contributions to today's debate. I assure all in the House that I and my Department remain committed to working with all key stakeholders to ensure that we continue to deliver key Programme for Government outcomes and climate change commitments in Northern Ireland. I have set out my Department's direction of travel, which will result in the Assembly and the Executive being able to deliver an evidence-based petroleum licensing policy for Northern Ireland, for the benefit of all our citizens.

Mr Principal Deputy Speaker: I call Mr Philip McGuigan to make a winding-up speech. You have 10 minutes.

Mr McGuigan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I begin by thanking those groups that have campaigned tirelessly on this issue and will continue, no doubt, to make sure that the issue is kept high on the agenda until it is successfully resolved. As a co-signatory to the motion, I thank all other Members who signed it, in particular Rachel Woods, who opened the debate.

If the subject matter of the debate — hydraulic fracturing, petroleum licensing and hydrocarbon extraction — can perhaps be a little complicated, the politics of the subject is conversely simple. If there was ever a time when extracting our energy sources from underground was appropriate, that time has long since passed. The Assembly, in one of the first debates upon its resumption after the New Decade, New Approach agreement, demonstrated that it wanted to take a new approach to the environment by declaring a climate emergency. It followed that up with a debate that signalled that the majority of MLAs want to see a climate Act legislated for in the North to help protect our environment. It is clear

from those debates and, indeed, from the one today that the majority of political parties and MLAs want to see the Chamber be the source of progressive environmental legislation that not only looks to the future but helps protect the future.

In that scenario, we need to keep Ireland's fossil fuels in the ground and spend our time and energy researching, developing and promoting clean, renewable forms of energy. There is no wisdom in investing in fossil fuels, either from the perspective of a climate commitment to reduce greenhouse gas emissions or from an economic perspective. Minister, the Department for the Economy needs to stop wasting time on its review of petroleum licensing and, as the motion asks, immediately issue a moratorium on licensing until legislation can be brought forward that totally bans the practice of extraction. As has been pointed out, there are currently no petroleum licences in place in the North, so the time could not be better to cease the practice.

The motion is about more than just fracking. It is important, however, as others have done, to point out its dangers. Whether it is methane pollution and its impact on climate change, the pollution of air and water, workers and communities being exposed to toxic chemicals or soil contamination — all of which can lead to an increase in certain types of cancer, asthma, migraine and skin disorders and add risk to pregnancies — the risks of fracking are endless.

Mr Gildernew: Will the Member give way?

Mr McGuigan: Yes.

Mr Gildernew: Does the Member agree with me that the recurring issue of fracking and these processes hang like a sword of Damocles over communities in relation to health and safety and well-being, and that legislation is what is needed to deal with this issue?

Mr McGuigan: I thank the Member for the intervention, and I agree. I suspect that the communities of Fermanagh and along the north coast will have listened to the Minister and been disappointed that she has not added certainty to the subject today, when given the chance. It is not difficult to see why local communities, whether they be in Fermanagh, the north coast, in my own constituency at Ballinlea or close to Woodburn forest in County Antrim, have come together to resist the potential harm to their communities, their environment and their locality.

This motion is also about the risks associated with drilling exploratory wells, even when hydraulic fracturing is not initially being undertaken. Those risks expand and become cumulative if exploration becomes commercial and there is extraction using multiple wells. It is the licensing that opens the gates to all the harmful potential and risks. We need to close the door now so that companies do not come along and use other technologies, such as acidisation, or use coal seam gas production. We currently have a system that allows for development by stealth. The only way to ensure that it does not happen and that communities can breathe a sigh of relief is, as my party colleague has pointed out, by banning the practice and banning the issuing of licences.

It is time that we moved away from fossil fuel dependency. Countries all over the world are taking action on banning fracking. On these islands, in the South, Scotland, England and Wales, there is either a ban or a moratorium. As we move beyond the current pandemic to building a future, it must be based on certainty, sustainability and green growth. For that certainty, we need to rule out past practices that are no longer beneficial to us. That means implementing the tenets of this motion.

In the debate I think there were 11 speakers, or 12 or 13 if you include me and the Minister, and all spoke against the practices of fracking. Rachel Woods, who proposed the motion, talked about the importance of moving towards renewable energy from an environmental as well as an economic argument and clearly pointed out the dangers and the impact of fracking.

Gary Middleton spoke about all the strategies and policies in various Departments on moving forward with regard to energy and said that there is a bit of a dichotomy where some Departments are moving forward with a progressive approach but, hanging over our heads, we still have this issue that needs dealt with.

Jemma Dolan, my party colleague and the first of the Fermanagh contingent to speak, spoke about the impact on her constituents and the fear and worry that many in Fermanagh have about this, the local opposition and the reasons why there is local opposition, in terms of the damage to the local community and countryside.

Patsy McGlone talked about this being an opportunity in this Assembly to say that environmental issues are no longer second-class issues. Rosemary Barton, also from

Fermanagh, talked about the beauty of her constituency and county and the impact that fracking would have if allowed to go ahead. John Blair welcomed Nichola Mallon's recent announcement on permitted development in oil and gas. That, in some way, details how in some Departments there are positive moves, but in others, less so.

Seán Lynch, again from Fermanagh, addressed the impact locally. He talked about how this impacts on climate change and about the all-Ireland impact of having two policies on this island that interact, particularly given the proximity of Fermanagh to the border. He also talked about his private Member's Bill, which he intends to launch for consultation very shortly and which would ban the practice of fracking. Sinead McLaughlin commended her party colleague, Mark H Durkan, who introduced the moratorium in 2015. Stewart Dickson talked about his constituents' experience of oil exploration in Woodburn and the concerns and the opposition there and the impact on the area.

4.00 pm

Steve Aiken, again supporting the motion, talked, as everybody else did, about how we need to move towards renewable energies. He talked about offshore wind, smart grid, hydrogen and biogas. He said that the North was too small an area for regulation, and, although he did not say it, I think that he meant that we needed an all-Ireland approach to such an issue [*Laughter*] along with all other issues.

Gerry Carroll put today's debate in the context of the climate emergency and, as have I done, talked about some good work. However, all the talking needs action to make it a reality. He talked about the impact on the public and public support, with schoolchildren, community groups and environmental groups all trying to protect the environment. He mentioned his concerns about the current licensing process.

The Minister put the debate in context. She talked about the current legislation having been in place since 1964 and said that, in that period, no commercial extraction has taken place. If that does not send a signal that we do not need that legislation, I do not know what will. She said that her Department has recognised, over recent years, that we need a step change regarding policy objectives and that that should match public opinion. She went on to talk about the review in her Department and about the two current applications. She stated that 5,700 responses had been received. She did not give the details, but I imagine that a lot of them were opposed to the practices. As a result, one of the

applicants, Tamboran, removed the need for fracking. However, as I have said, this debate goes much further than fracking; it is the issuing of petroleum licences that we need to cease. She said that her Department was considering the issues, and she gave reasons why she feels that she cannot come forward at the current time.

The motion goes beyond fracking. We do not, in my view, need a review of petroleum licensing policy; we need legislation to stop it. I hope that the Minister takes note of the strength of feeling of the political parties and the individual MLAs who have spoken today and actions that strength of support for today's motion into legislation in the near future.

Question put and agreed to.

Resolved:

That this Assembly refers to the Assembly and Executive Review Committee, under Standing Order 59(3)(b), the matter of the commissioning of an independent review of the adequacy and effectiveness of the statement of entitlements for an official Opposition, as set out in paragraph 3.7 of annex C of the New Decade, New Approach (NDNA) deal; agrees that the terms of reference for this review should be agreed jointly by this Committee and the Assembly Commission; and further agrees that the Committee should report on the outcome of this review to the Assembly.

Mr Principal Deputy Speaker: I ask Members to take their ease. The next item of business will be an Adjournment debate, and we need to let the Health Minister and the various MLAs get into the Chamber.

Motion made:

That the Assembly do now adjourn. — [Mr Principal Deputy Speaker.]

Adjournment

Omagh Hospital and Primary Care Complex: Acute Mental Health Facility

Mr Principal Deputy Speaker: In conjunction with the Business Committee, Mr Speaker has given leave to Mr Thomas Buchanan to raise the matter of the acute mental health facility at Omagh Hospital and Primary Care Complex. The proposer of the topic will have 15 minutes.

Mr T Buchanan: I thank all of the Members who have come to the Chamber for the debate this evening. I thank the Minister for coming along to listen to the debate, and I trust that, following the debate, we will have some positive news coming out of it.

Since the late 19th century, Omagh, the county town of Tyrone, has been known for providing a hospital facility for patients suffering from a mental illness. The Tyrone and Fermanagh Hospital, as it has been known since 1930, was opened in 1853 to accommodate 300 patients. The east and west wings were extended in the 1860s to accommodate more patients. Over the years, fortunately, great strides have been made in the medical profession so that patients with a mental illness can be treated in a much different setting.

Under the Department's Developing Better Services programme, the Western Trust embarked on a programme of works aimed at delivering the best possible service for the people in the south-west quarter of Northern Ireland and further afield, taking into account the vast rural nature of the area. That entailed the development of the new South West Acute Hospital in Enniskillen, the new local enhanced hospital in Omagh and further development at Altnagelvin Area Hospital.

The new local enhanced hospital consisted of a three-pronged development. The hospital was to have palliative care, rehabilitation, day-care services; a primary care complex for GPs; and an acute mental health unit. It was to be developed in two phases: the local enhanced hospital and primary care complex in phase 1; and the acute mental health unit in phase 2. The Omagh Hospital and Primary Care Complex opened on 20 June 2017, but, as of

today, no movement has taken place on the development of the acute mental health unit. In 2018, the Developing Better Services project team, tasked with the development of the mental health unit, was redeployed and the project team stood down. At present, the business case for the facility is with the Department of Health for approval. However, every time we have asked about where it is, we are told that it is subject to future budget availability.

No one is immune from poor mental health. It is no respecter of persons. The demand for mental health services is increasing, and our health service is not prepared to cope with it. Figures show that Northern Ireland is reported to have a 25% higher rate of mental health problems than England and significantly higher rates of depression than the rest of the United Kingdom. Mental illness affects one in four people at some point in their life, causing major changes to their thinking, behaviour and physical and emotional feelings, affecting their ability to work and to have healthy relationships with others. Almost 50% of long-term absence from employment is due to mental health issues.

There is a great need for the acute mental health facility in west Tyrone. Statistics prove that the rate of diagnostics and treatment of mental health problems is lower in rural areas than in urban areas. Multiple factors contribute to that in rural communities: poor access to services; unemployment; welfare reform; hidden rural poverty; and an ageing population. It is an inequality in the health service that those living in urban areas are 74% more likely to receive medication for anxiety and 65% more likely to have received medication for depression than those, such as the people whom we represent in West Tyrone, who live in rural communities. In rural areas, families of those who have committed suicide have shared the distress of trying to get appropriate help but feel impeded by a combination of stigma and failure of services. Unfortunately, it is not uncommon for farmers and those who live in isolated communities to struggle with their mental health. It is a sad reality that, across the United Kingdom, one farmer takes their own life every week. The Farm Safety Foundation suggests that 81% of young farmers believe that mental health issues are the biggest hidden problem facing farmers today. In too many cases, the issues that they struggle with go undetected and undiagnosed for far too long.

People who live in urban areas have easier access to mental health services. In West Tyrone, many of those struggling with their

mental health do not know where to turn. Only 29% of people in Northern Ireland have contact with a secondary mental health service before death, whereas the figure in England is 91%.

The dearth of mental health services in rural communities has been highlighted and researched by Ulster University. It shows that there has been a particular reliance on general practitioners for mental health promotion and treatment. While GPs have knowledge of mental health conditions and diagnoses, it is not their specialist field. That is why the new acute mental health facility in Omagh is urgently needed so that people suffering from mental health problems can access the right specialist treatment in a timely and effective manner.

Strabane has been reported as being disproportionately affected by suicide. Most of those who die are aged between 25 and 35. Alarm bells should be ringing that young people — our next generation — feel so despondent and hopeless about the state of their lives and clearly see no help being available to them.

In the New Decade, New Approach agreement, an emphasis was placed on a greater focus on mental health and well-being, and delivering lasting changes and improvements to such services. The Omagh hospital and primary care complex has been open now for over three years, yet phase 2 of the acute mental health facility has not yet begun.

I stress to the Minister that I am very passionate about this project, and I am glad that he is with us in the Chamber. We would like some movement on the issue.

Through the confidence and supply agreement, the DUP was able to secure £50 million specifically for mental health. However, much of that money has been used to relieve the current pressures on services and address funding gaps to ensure that current mental health services do not stop. The Bengoa report stated that we are papering over the cracks in the current system rather than investing in long-term strategic change. As publicly elected representatives for the people of Northern Ireland, we need to ensure that we are delivering the highest possible quality and value of care to patients and service users across the divisions of the health sector.

Evidence suggests that levels of poor mental health are at the upper end of the international scale in Northern Ireland due to the conflict that was experienced by our society. A mental health problem will only continue to deteriorate because of lack of action. Omagh witnessed

some of the most horrific acts of violence during the Troubles, yet PTSD can happen many years down the line. With the increasing awareness of mental health issues, many people who witnessed horrific acts of violence have only recently sought help for the first time.

I can bear witness to that today about the people in Omagh, because many's a person comes into my office in tears about the mental health problem that they are facing, and they do not know where to turn. When you try to get them an appointment, it is far down the line and away out on the horizon. This is not where we ought to be. We need to be right up to date so that people can get an appointment as and when they need it. That is why I stress the urgent need for this new acute mental health facility in Omagh.

This is impacting on our future generations. Children who have parents with mental health issues are more likely to have mental health problems. There is a generational cycle, which impacts on the well-being of our subsequent generations. Northern Ireland has a disproportionately high rate of suicide among under-18s compared with the rest of the UK, and an increasing number of anti-depressants are being prescribed for those under 19 years of age. That shows a serious increase in the mental health issues that our young people face. Those statistics continue to rise year-on-year.

As a government, our priority, first and foremost, must be to make people's lives better.

Our efforts can no longer focus on initiatives that generate improvements in indicators of well-being for the majority who already enjoy good mental health rather than tackling the factors that contribute to creating meaningful change for those with mental illness or suicidal behaviour. Our next action needs to be meaningful for the most vulnerable.

Again, I plead with the Minister today to complete the development of the Omagh Hospital and Primary Care Complex with the completion of the new acute mental health facility. I plead with the Minister to look at the business case, get it brought forward and get the development under way for the benefit of people not only in the south-west quarter of Northern Ireland but further afield. I thank the Minister for being here to listen to the debate. We look forward to his response.

4.15 pm

Mr Principal Deputy Speaker: Mr Buchanan had up to 15 minutes to speak and used 10 minutes, I think. I have a list of five Members who wish to participate. The Minister must have 10 minutes at the end, so I can allow each Member, say, seven minutes, if they wish to use their full time.

Ms C Kelly: In 2016, there was an announcement that Omagh was the preferred location for a much-needed and long-awaited acute mental health facility. At the time, the announcement was met with relief by many families across Omagh and West Tyrone. Children, young people and adults finally saw light at the end of the tunnel and hoped that, finally, they would no longer sit on a waiting list but would receive timely mental health interventions. However, as we know, there has been no movement since the business case was passed from the Western Trust to the Department of Health. That is why we are here today.

Almost daily, my office is contacted by families who are at their wits' end. Children, young people and adults are self-harming, taking overdoses and literally crying out for help. I cannot emphasise enough how awful it is to see people battle for months and years for help; how soul-destroying it is for families to witness someone go from bad to worse due to a lack of timely intervention; or how unacceptable that is when the need is so obviously there and is getting worse.

The services are not in place to deal with the current volume of referrals in Omagh and West Tyrone. That is absolutely no reflection on the work of our mental health professionals in Omagh. They work day and daily for those in their care, but they are also under serious pressure. They, more than anyone, recognise the need for substantial investment to treat and support those in our community who require urgent help.

Currently, Shine Play Therapy in Omagh, which is privately owned, supports children, young people and parents with referrals from parents, schools and social services. Children present with anxiety and suicidal thoughts, to name but two issues. That centre also works from a waiting list now. If that hugely important facility were up and running as it should be, children, young people and adults would not sit on waiting lists, resulting in their mental health deteriorating further. The Minister at the time stated that the new facility was an:

"important and much-needed second mental health facility in the Western Trust area."

Back then, it was much-needed: right now, it is vital.

The Western Trust has long since identified Omagh, in the southern sector of its catchment area, as the site of this acute mental health unit. I am sure that Members are aware that there are many health professionals in the Omagh area who are suitably qualified and experienced to deliver acute mental health services. In effect, the arguments have been made and won. What is needed now is for the Minister to be decisive and waste no time in making a decision that is long overdue.

Just three days ago, we supported World Mental Health Day. This year, the theme was "Mental health for all". The people of Omagh and West Tyrone need to see that in action, Minister. They need to see the construction of this crucial facility, which will, undoubtedly, meet their needs.

Mr McCrossan: I thank my constituency colleague Mr Buchanan for bringing this important Adjournment debate to the Assembly. I also thank the Minister for taking the time to be here to listen to our concerns at this busy time of crisis and challenge.

Omagh town has a long and proud history of delivering first-class treatment for mental health and addiction issues. The staff at Tyrone and Fermanagh Hospital and at Omagh Hospital and Primary Care Complex deserve immense credit for what they are doing. They are working under extreme and intolerable pressures, especially now that we are facing the second wave of COVID-19.

Mental health issues and suicide are ravaging our local communities across West Tyrone. From Burn Dennet the whole way to Fintona and Trillick, every family has been impacted by mental health issues through the suffering of either a family member, a friend or a neighbour.

There is a massive demand for services. On a weekly basis, I see concerned family members who have contacted my office and staff, and when speaking to local healthcare workers, I see that the challenges are great and that there is a need for intervention. There is huge consensus in West Tyrone that more needs to be done around mental health services. In my view, the coronavirus pandemic has only heightened and compounded this very difficult issue. In the debate yesterday, I referred to how mental health has affected various constituents of mine.

Indeed, it has recently been reported that referrals to the crisis resolution home treatment team that covers Fermanagh and Omagh have tripled in the last year. Much of that is due to the impact that the pandemic has had on local people. I do not believe that the pandemic or our collective response in the Executive and the Chamber inhibit the development of a mental health facility in Omagh. Rather, I believe that the pandemic is a catalyst for this development given the surge and the projected surge that services will, undoubtedly, face.

Omagh was promised an enhanced local hospital, which my constituency colleague Ms Kelly mentioned, that would present a new model for local healthcare delivery in West Tyrone and the Western Trust area. It was to consist of three elements: the Omagh hospital, with a range of services; an Omagh health and care centre to accommodate GPs; and a centre for mental health, with a full range of related and necessary services. While the first two, the Omagh hospital and the primary care centre, have been delivered, there has been a massive failure to deliver the third element. That has led to warranted claims that mental health services across our district are treated like a Cinderella service. It is important that that is addressed.

The people of Omagh town and West Tyrone are getting sick, sore and tired of failed and empty promises emanating from this very institution. They have had a decade of delays on the A5, the Strule campus delays and even the removal of the A&E services from Omagh town, which was a travesty that should absolutely not have happened. There was a strong sense of anger and frustration from the people of Omagh when those services were removed. Even with the fancy new building, there is still a huge gap in the necessary services for the people of Omagh.

In 2016, a Health Minister promised us — it was a DUP Health Minister, indeed — a £30 million mental health facility as part of phase 2 of the Omagh Hospital and Primary Care Complex. That facility would transform the delivery of mental health services across the Western Trust area and go some way to treat the many individuals who suffer every day from mental ill health. However, fewer than two years later, the project board was stood down and the project shelved. That has not landed well with the people of Omagh, who already felt left out in the cold by the lack of investment in the town and by the asset stripping of necessary local services.

In the preceding three years, we have had nothing but stalemate. There has been no

functioning Executive, and the mental health crisis facing our people and communities has worsened as a result of the absence of leadership in this place, which was necessary to support our communities. If anything, we have had three DUP and one Sinn Féin Health Minister who have all failed to deliver phase 2 of this project. We have had the same two parties, who, rightly, raise concerns and valid points in the Chamber, but this project could have been addressed in three years of stalemate and not landed on the desk of this Minister, who is already facing a very challenging set of circumstances. Leadership could have and should have been shown much sooner.

It is important to note that phase 2 included a state-of-the-art addiction unit for Omagh. That unit has still not been built.

Although I appreciate all the work that staff are doing at the Tyrone and Fermanagh Hospital, those facilities are not fit for purpose. There will be agreement around the Chamber on that. They are listed buildings and, probably, the oldest buildings in the possession of the Western Trust estate. Patients and staff — the entire community — deserve much better. Likewise, on that note, the facilities in Strabane are abysmal. They are not fit for purpose and need to be addressed. There is a need for accessible and user-friendly services that will make a person in difficult circumstances feel comfortable when entering and confident that they will get the necessary support, and not somewhere where they will be told that there is no one available and to go to an out-of-hours GP or A&E. People need the necessary care and intervention at that critical time, not to be sitting in busy waiting rooms. They deserve what they have been promised. I hope that the Health Minister — I am sure that he will — will act swiftly in re-establishing the project board and the entirety of phase 2 of this necessary project.

We, as elected Members for West Tyrone, have a responsibility, and we will work together collectively. It is not a political issue; concern for the health and well-being of our constituents is something that unites us all. Omagh has been asset-stripped of services, and that continues in rural communities such as ours in West Tyrone, from Loughmacrory to Castledearg through Strabane town, Omagh, Fintona and many other areas. We need to protect our rural communities, provide vital services and, at all times, ensure that services are available and fit for purpose at the critical point at which they are needed.

Mr Principal Deputy Speaker: I have Mrs Barton on the list, but, as this is a constituency issue, constituency Members get called first. Do not worry, I will come to you.

Mr McAleer: I thank and commend Thomas Buchanan for tabling the Adjournment debate. One of the features of West Tyrone and, I am sure, many other constituencies is that there has always been a collegiate approach across all parties when it comes to health issues. That has been the case throughout my experience. Previously, Ross Hussey and Barry McElduff were very much part of the team here in trying to achieve a cross-party, cross-community approach to improving the health provision in the district.

As was, rightly, pointed out, there is a very strong background of mental health provision in the Omagh district. The old hospital on the site was built in the 1850s, and it became the Tyrone and Fermanagh Hospital in the 1930s. A wide range of highly qualified professionals live in the district, and generations of families have worked in mental health provision in the Omagh district. There is, therefore, a strong pedigree and long tradition in the area.

After years of campaigning by elected representatives, supported by clinicians and the wider community, Simon Hamilton's announcement, in 2016, when he came to Omagh, that Omagh was the preferred location for the new mental health inpatient facility in the Western Trust was greatly welcomed. There is a deficit in mental health services in the area. We see that, unfortunately, in the rise in suicides. As Daniel McCrossan said, that is compounded by the pressures of the COVID crisis, which require all of us to lock down and go into social isolation.

Due to my role in the Agriculture, Environment and Rural Affairs Committee, I have a special interest in rural affairs. West Tyrone is an isolated rural constituency. One of the super output areas in West Tyrone, Owenkillew, is the number one, out of 890, most deprived area in respect of access to basic services in the North. Up until the most recent Northern Ireland Statistics and Research Agency (NISRA) census, Plumbridge, which is also in West Tyrone and will be served by this unit, had the highest level of deprivation in relation to access to services.

We are talking about an isolated rural constituency with very few services. Government statistics indicate that. We all know it: we all lobbied for the retention of the Gortin

day-care facility, for example, because such things are vital.

4.30 pm

I give credit to Minister Poots for maintaining the Tackling Rural Poverty and Social Isolation (TRPSI) initiative in the Agriculture Department. It addresses rural isolation in particular. He has kept up its funding, which is important. I am certain, as, I am sure, we all are, that the COVID crisis that we are experiencing now will cast a long mental health shadow in the time ahead. We will certainly need facilities such as the acute mental health facility in Omagh.

Let me go back to 2016. It was absolutely great news that Omagh was going to get the new facility. It was the second phase of the new hospital, about which we were all very happy. Of course, we were then very disappointed in 2018. I echo what Members have said previously: it is time to move on it now. The business case is with the Department. Everything is in place. I take this opportunity to urge the Minister to make the decision on it now, to get moving with what is an absolutely vital facility and to finish off the second phase of our new Omagh Hospital and Primary Care Complex.

Mr McHugh: I endorse more or less all that has been said by Members who have spoken previously, with one exception. A person politicises an issue when he starts throwing about allegations, such as the claim that none of three DUP Ministers and one Sinn Féin Minister acted on this. That is not true. On every occasion, Ministers acted and took things as far as they could at the time. They are to be credited with having stepped up to the plate and taken on the job in the first instance, when some other parties have shied away from it.

I commend our current Minister of Health, who has an arduous task in every respect, but he stepped up to the plate prior to the outbreak of COVID and, since then, has been dealing admirably with the situation. He is to be congratulated for that.

I reinforce the point that we want that development to take place now. It is needed in our area, and in West Tyrone in particular. When it comes to provision of services, the answer that we often get is, "We provide for the greater number of people". That is why, in more rural areas — Castlederg, Aghyaran, Carrickmore, Loughmacrory and so on — we often find ourselves deprived in that respect. In this case, however, we are the people coming

forward with a greater number of people in many ways, because of our isolation in the first instance. Mr Buchanan referred to the isolation that many farmworkers in the community experience.

This is a service that is required in our area. Mental health services are there, but they need to be developed and improved. I ask the Minister to ensure that the facility is at the top of his agenda in the time ahead. Other priorities are there at present that none of us expected. In that context, however, we still hope that, when it comes to the provision of mental health services, the western area will be seriously considered and that we will have the development in Omagh.

Mrs Barton: I welcome the opportunity to participate in this Adjournment debate. We refer to this as a West Tyrone constituency issue, but I represent Fermanagh people who will use the facility, too. We have no such facility in Fermanagh.

For too long, Northern Ireland has had inadequate mental health inpatient facilities. Over a decade ago, in 2010, Michael McGimpsey, the then Minister of Health, decided on a major development of new facilities. Given the size of the Western Trust, which stretches from Londonderry in the north to Newtownbutler in the south, it was rightly decided that the trust required two acute mental health units. One was built, but the other, the second phase of the Omagh Hospital and Primary Care Complex, which we are discussing today, still awaits construction.

Unfortunately, in the meantime, years of budget cuts and the fact that it was perhaps a limited priority for some Ministers have regrettably left the project lagging behind. That is hugely regrettable. There is consensus among all the parties that a new mental health unit in Fermanagh and Tyrone is long overdue. However, in order to build the unit and deliver the project, which I am sure the current Health Minister hopes to do, funding will have to be made available. I hope that the consensus in the Assembly this evening will equate to consensus around the Executive table when the Minister looks for that funding.

Mental health is, I believe, at long last beginning to receive recognition, given the appointment of a mental health champion and the provision of the resources that she needs. Thankfully, the Minister has identified mental health as one of his key priorities. I especially welcome the appointment. It will take many years, however, to resolve the imbalance in,

and the historical underfunding of, mental health services. We already had appalling rates of poor mental health, and the pandemic, unfortunately, will not have served to improve those.

Moving forward, I would, indeed, welcome the provision of modern facilities for staff and patients. I believe that it is the very least that people with poor mental health in the west of the Province deserve.

Mr Principal Deputy Speaker: I now call the Minister of Health, Mr Robin Swann. The Minister will have 10 minutes.

Mr Swann (The Minister of Health): I thank the Member for bringing this debate to the House, because it provides us with the opportunity to discuss the acute mental health facility at Omagh Hospital and Primary Care Complex, and mental health in general. I commend Mr Buchanan, who showed such passion and such sympathy for the needs of the rural population when it comes to accessing mental health services and the necessary support. For a long number of years, I sat on the then Agriculture and Rural Development Committee with the Member and Mr McAleer. It was an issue that was often raised, whether through Rural Support, young farmers or the tackling rural poverty and social isolation funding, which was well championed by the Committee. I always liked to see that joined-up working across Departments when it came to tackling the issue of mental health. The Executive have been able to build on that since their formation in January. We have an Executive subcommittee that looks at mental health, well-being, resilience and suicide prevention, so we have cross-party support at an Executive level for the real need to develop and enhance mental health support, provision and facilities.

As Members may know — some Members referred to this — for the last decade, work has been ongoing to improve mental health inpatient facilities across Northern Ireland through capital build projects. In 2010 — I think that this was referred to — it was determined that there should be six mental health acute inpatient units across Northern Ireland. There was to be one in each of the five HSC trusts, apart from the Western Trust where, due to geographical challenges, two units were to be built. I think that Mrs Barton referenced that in her contribution. Since then, new builds have been completed in Belfast, the Southern Trust and the northern part of the Western Trust. The new builds are state-of-the-art inpatient facilities that provide high-quality care to those suffering

from mental ill health. I thank Members for recognising today that, despite the need for financial investment in the structures in which that healthcare is provided, the staff are providing high-quality care for those who need it most.

Building in the remaining three areas — the Northern Trust, South Eastern Trust and the southern part of the Western Trust — has, as Members rightly indicated, not yet commenced, and that is why we are here today. Given the difficult budget constraints that the health service has continued to operate under for a number of years, it was not possible to progress those projects simultaneously.

In 2018, therefore, my Department carried out a prioritisation exercise to determine the order in which the remaining three units would be built. A task and finish group was established to carry out that exercise, and the group visited all old, acute mental health inpatient sites across the three trusts to establish a prioritisation list for the new builds.

The outcome of that exercise was that, on the basis of clinical risk and limitations of therapeutic benefit, the Northern and South Eastern Trust projects were deemed, at that point, to be of a higher priority and were, therefore, given approval to proceed to stage-1 design in December 2018. At that time, the Western Trust was advised that it would be given permission to proceed to stage-1 design in the 2021-22 financial year, subject to business-case approval and the commissioner's support being in place.

I inform Members that a bid for the funding to commence the new Western Trust unit in 2022-23 has been included in my Department's response to the recent four-year Budget exercise, the outcome of which is due towards the end of this year.

It is, of course, disappointing that we cannot progress that capital project, which would greatly improve the therapeutic experiences of those who need inpatient treatment in the Omagh area. However, that does not mean that my Department does not take seriously the need for improved inpatient units across the country or the need to ensure high-quality care for patients. Indeed, in recognition that the existing older mental health inpatient units provide a very unhelpful environment for therapy for patients who are facing the challenges of mental illness, my Department has prioritised funding over the last two years to carry out essential upgrades to the existing facilities. To date, the Western Trust has

received a total of £1.2 million to carry out interim remedial work to improve safety, user experience and therapeutic benefit.

As we look to the future, particularly given the impact that the COVID-19 pandemic is having on our communities, it will be important to ensure that mental health is adequately resourced to address capital demands and to ensure that adequate treatment and support services are available for those who need them. As Members will be aware, mental health services are already facing unprecedented pressures. Inpatient services are under extreme pressure, with workforce issues compounding an already difficult position. Our mental health staff are dedicated, caring, highly skilled and committed, but they are doing a very difficult job in increasingly difficult circumstances.

Mental health services in Northern Ireland have historically been underfunded, and parity of esteem is an aspiration that we have yet to achieve, but we are working towards it. The pressures that have been caused by the pandemic are significant. There is much to suggest that we are at the start of a surge in mental health needs. Early international evidence indicates an increase in need, especially for treatment of low-level depression and anxiety and among those with existing severe mental illness. Our trusts are reporting increasing referrals and heightened acuity of patients, and the general trend is towards new and increased pressures across the secondary-care mental health services.

We must ensure that our mental health system of the future can meet and adapt to the new challenges that have been brought about by COVID and can address those historical issues to ensure that all who need mental health care and treatment will receive it. Since taking up my post as Minister of Health, I have made it very clear that mental health is one of my key priorities. On 19 May, I published the mental health action plan and the COVID response plan, with 38 actions to kick-start the reform of mental health services, and work to implement the action plan is progressing. However, there is also a need to ensure that mental health services are developed strategically and are evidence-based. The first cluster of actions in the action plan, therefore, revolve around a new 10-year mental health strategy, and I intend to publish a consultation draft of the strategy by the end of the year and a final strategy and 10-year funding plan by July of next year.

The new strategy will be person-centred, taking a whole-life approach, with a whole-system focus, and the aim is to ensure long-term

improved outcomes for people's mental health. To support my Department in that work, I recently established a strategic advisory panel to provide co-produced policy advice and support. That panel has wide membership, including voluntary and community-sector representatives, individuals with lived experience, health and social care professionals, professional bodies and the mental health champion. My officials are already working closely with our partners in the voluntary and community sector and with the mental health champion to ensure that people with lived experience can meaningfully contribute to that work.

4.45 pm

As I have said many times, mental health is one of my priorities. I am honoured to be in a position where I can drive strategic change and improve mental health services. It is hugely important that we strive to reduce stigma associated with mental ill health, continue to push for parity of esteem with physical health, and provide adequate resource to ensure that we have a system that adequately cares for our community.

Mr Principal Deputy Speaker, I thank you for allowing this Adjournment debate. I thank the Member who brought it and the Members who spoke in it.

Adjourned at 4.45 pm.

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