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Northern Ireland Assembly

Monday 20 September 2021

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

Members observed two minutes' silence.

Assembly Business

Committee Membership

Mr Speaker: As with similar motions, this motion will be treated as a business motion, and there will be no debate.

Resolved:

*That Mrs Rosemary Barton replace Mr Andy Allen as a member of the Business Committee.
— [Mr Butler.]*

The House took its ease from 12.03 pm to 12.06 pm.

Mr Speaker: I remind Members who have to address the Assembly that they need to be in their place. Thank you.

Committee Membership

Mr Speaker: This motion will be treated as a business motion, and there will be no debate.

Ms Bunting: Mr Speaker, I offer you and the House my apologies. I was waiting on a lift, and chose the wrong one. I sincerely apologise to you and the House.

Mr Speaker: Thank you.

Resolved:

That Mr Paul Frew and Mr Stephen Dunne replace Mr Alex Easton and Mrs Pam Cameron as members of the Committee for Communities; that Mr Maurice Bradley ceases to be a member of the Committee for Agriculture, Environment and Rural Affairs; and that Mr Paul Frew replace Mr Gordon Lyons as a member of the Assembly and Executive Review Committee. — [Ms Bunting.]

Executive Committee Business

Organ and Tissue Donation (Deemed Consent) Bill: Second Stage

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

That the Second Stage of the Organ and Tissue Donation (Deemed Consent) Bill [NIA 30/17-22] be agreed.

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

Mr Swann: I am delighted to finally be opening the debate on the Organ and Tissue Donation (Deemed Consent) Bill. It is by chance, but also entirely fitting, that I am doing so on the first day of this year's Organ Donation Week. The Bill broadly mirrors the provisions in the three clauses of the Organ Donation (Deemed Consent) Act 2019 in that it seeks to amend the relevant parts of the Human Tissue Act 2004. The Bill has been long-awaited by all involved in the organ donation process. There have been many challenges and delays in bringing it forward. However, the strong public support for the Bill can leave no doubt that this is the right time to make a real difference to people's lives in Northern Ireland.

I pay tribute to all those who have long campaigned for this move, including the family of young Dáithí Mac Gabhann. I also want to thank the person who first convinced me, almost a decade ago, that our organ donation laws needed to change. In December 2012, Jo-Anne Dobson tabled her private Member's Bill. At that time, it was a trailblazing piece of legislation, and it looked as though Northern Ireland was going to help to lead the way. I will not rehearse the details, but Jo-Anne's Bill was not given the political support that it deserved, and, in the years since, our organ donation laws fell rapidly behind those of all our neighbours.

However, this Bill is a chance to put that right. The Organ and Tissue Donation (Deemed Consent) Bill will strengthen the current legislative framework around organ donation and will increase the current rate of consent in the small number of cases in which it is clinically possible for organ donation to proceed after a person's death. This will increase the overall number of donors and, ultimately, the number of life-saving organs available for transplantation.

My officials have considered in detail the legislative developments relating to organ donation in other jurisdictions in the United Kingdom, and Members will find that the Bill will introduce measures similar to those in place in Wales since 2015, England since 2020 and Scotland since March this year. The consent rate in Wales increased from 58% in 2015 to 70.7% in 2020, although the impact was not immediate and took several years to begin to take effect, following an extensive media promotion and information campaign by the Welsh Government. In England and Scotland, it is too soon to analyse the impact on the consent rates.

All the provisions in the Bill have been subject to a public consultation that was held late in 2020 and to extensive stakeholder engagement. Respondents to the consultation included key stakeholders from the statutory and voluntary sectors as well as the professional and clinical community, with responses to the consultation indicating overwhelming support for the Bill. Nevertheless, I acknowledge that there are a range of views within and outside the clinical and professional community that must be fully respected and engaged with as part of the ongoing discussion around organ donation. Whilst it would not be appropriate for me to speak on any clinician's behalf on this issue, I assure you that, as part of the consultation process, my officials have had significant engagement with clinical and nursing leads who specialise in organ donation and transplantation, and they continue to do so in preparation for the legislative process. I thank those who took the time to respond to the consultation or who attended any of the consultation events.

I also thank the Health Committee and its members for opening a call for evidence over the summer recess, as that should permit Committee scrutiny to commence later this month. As the scrutiny process begins, the Assembly can have confidence that the Bill has had the benefit of extensive stakeholder engagement and input from the various

stakeholder groups, which met on many occasions to consider these policy proposals.

The Bill will mean that adults in Northern Ireland will be considered potential donors unless they choose to opt out or are excluded. Around 115 people in Northern Ireland are on the transplant waiting list, and, every year, around 10 to 15 people in Northern Ireland die waiting for an organ transplant. The Bill will help to reduce the number of people waiting for life-saving transplants. This will require new primary legislation to change the current system in Northern Ireland, under which people can choose to opt in or opt out of the organ donation register, to a new statutory opt-out system under which consent is deemed or presumed except in certain exempt circumstances or if a person has made a decision to opt out during their lifetime. That is sometimes known as deemed consent.

The main policy objective is to increase the current rate of consent in the small number of cases in which it is clinically possible for organ donation to proceed after a person's death. Doing so will increase the overall numbers of donors and, ultimately, the number of life-saving organs available for transplantation. It will be considered that everyone living in Northern Ireland agrees to donate their organs when they die unless they have confirmed otherwise by opting out of the organ donor register or otherwise making their decision known, or unless they are from one of the excluded groups.

It is acknowledged that legislative change alone will not achieve a sustained increase in organ donation consent rates. It can be a potential enabler to further progress towards this goal if it is combined with increased public awareness and knowledge. Countries with mature opt-out systems and high rates of consent — for example, Spain — tend to have high levels of public support and understanding of the benefits of organ donation and transplantation. The introduction of an opt-out system for Northern Ireland must therefore be combined with continued efforts to promote public and professional education and long-term behavioural change.

My Department will therefore continue to implement the commitments set out in its 2018 policy statement, in line with the statutory duty to promote transplantation, which was conferred on it by Part 4 of the Health (Miscellaneous Provisions) Act 2016.

12.15 pm

The policy's overall objective is to promote a positive cultural and long-term change in attitudes and behaviours to organ donation. My Department is working with the health and social care (HSC) system, the public sector, which includes local government and the education system, and wider society to promote organ donation through a coordinated and sustained communication programme. Those commitments are not impacted on by the proposed move to a statutory opt-out system and will remain in place during and after the implementation of any new legislative framework. I have accepted the recommendation of the organ donation clinical advisory group (ODCAG), and I propose that the Bill should include a further statutory provision that will effectively enhance my Department's statutory duty, with specific reference made to promoting and reporting on soft opt-out on an ongoing basis.

Although the change in law will not increase the size of the UK donor pool, it has the potential to increase the consent rate in situations in which potential organ donors have been identified. They are generally persons for whom further intensive care has no prospect of bringing about recovery. Until recently, the consent rate in Northern Ireland and other UK regions has remained at about two thirds of potential donors. The strategic aim therefore is to achieve a sustained consent rate of 80% or higher.

The Bill sets out a number of exempt groups to whom deemed consent will not apply. Those people can still become organ donors after they die, but consent will continue to be sought from families. Those exempt groups are children and young people under the age of 18; adults who lack the capacity to understand the new system, such as adults with advanced dementia or severe learning difficulties; people whose identity is unknown; and people who are not ordinarily resident in Northern Ireland, including tourists, students and members of overseas armed forces. Organs donated for research purposes or when a transplant is considered novel or rare are not included in the Bill. There will also be strict safeguards in place, and specialist nurses will always discuss organ donations with families so that an individual's wishes are respected.

Forty-nine per cent of our population have now joined the NHS organ donor register, which is a steady increase from the 30% in 2013. Many more than that — consistently around 90% — say that they support organ donation. That means, however, that families are often left with the difficult decision when a loved one dies.

Approximately one in four families decides not to proceed with donation when faced with that decision, most often because the family do not know what their loved one wanted or what decisions they had made. When families know what their loved one wanted, they are much more likely to honour the loved one's wishes. The effect of the proposed change to the current law will be to shift the focus on to the donation conversation, which expert NHS specialist nurses conduct with families at the end of life to establish their loved one's known decisions. Every other part of the end-of-life care pathway will remain unchanged and be conducted in line with current clinical and professional standards.

Under the Bill, the Government's public awareness campaign will help raise awareness of the new system before it comes into force in spring 2023, giving people the time to have the conversations that they need. Organ donation is deeply personal. It is a deeply personal decision for everyone, which is why we will be launching a public awareness campaign to ensure that people understand the new system and the choices that are available to them. Those individuals who do not wish to donate their organs will still be able to record their decision on the NHS organ donation register. They will be able to do that through the NHS Blood and Transplant (NHSBT) website or helpline. Under the new law, being an organ donor will still be a person's choice. Organ donation will remain a priceless gift.

I thank everyone in the House for their patience while I have provided an overview of the Bill. I hope that Members will agree that this remarkable change in legislation can proceed so that we can achieve the necessary changes to the organ donation process that will make a real difference to so many lives. It is important that everyone takes the time to discuss their choices on donation with their families and to register their wishes, whatever their preference may be. We envisage that it will take a year from the passing of the Bill in the Assembly until it goes live. That will allow us the time to revise and implement the codes of practice, train staff and ensure that the public are made aware of the change in the law. However, my Department already has a comprehensive plan in place for that. I am delighted to move the Second Stage of the Bill today.

Mr Gildernew (The Chairperson of the Committee for Health): I welcome the opportunity to make some initial remarks on behalf of the Health Committee. I will outline the Committee's consideration of the Bill before speaking as my party's health spokesperson.

As the Minister outlined, the Bill aims to change the statutory framework for organ and tissue donation in the North to a soft opt-out or deemed consent system. The policy objective is to increase the current rate of consent in the small number of cases in which it is clinically possible for organ donation to proceed after a person's death. Organ and tissue donation is, as the Minister said, a very important and emotive issue. It really is a matter of life and death for our families and communities. If the Bill passes Second Stage, the Committee will welcome the opportunity to scrutinise this very important legislation.

One of the first informal meetings that the Deputy Chairperson of the Committee, Pam Cameron, and I had was with young Dáithí Mac Gabhann. Dáithí and his family have played an important role in getting this legislation to the Assembly. They deserve massive credit for putting the issue in the headlines and for being such great advocates of organ donation. I am keenly aware of many others who have played a part in bringing this legislation forward, and I thank them for their advocacy and promotion of organ donation. They include Jo-Anne Dobson, formerly a Member of the Assembly, and Fearghal McKinney and the British Heart Foundation (BHF), who have campaigned vigorously on this issue over the years.

On Wednesday evening, the Health Committee held a stakeholder event with many who have gone through the transplant process and those who worked to support them. We gained valuable knowledge, and it was brilliant to hear the first-hand experiences of people who had significantly benefited from a transplant, including some of the difficulties that they faced. I thank those who took part in that engagement, and special thanks go to representatives of the Patient and Client Council and the Assembly's engagement team for facilitating the event. I will mention later some of the discussions that we had.

As the Minister indicated, at the end of last year, the Department ran a consultation on the proposed legislative changes. The Committee was informed that there was broad support for these. The Committee wrote to the Department to outline the importance of publishing the outcome of that consultation as soon as possible. The Committee welcomes the Department's publication of the analysis of responses on Friday.

The Committee was briefed by officials at its meeting on 9 September on the principles of the Bill. The officials provided members with some of the statistics on organ donation and

the reasons why the Department is introducing the legislation. The officials also outlined the various exemptions that would apply and how the Bill proposes an extension to the existing duty to promote and inform the public about deemed consent and the individual's right to opt in or opt out of deemed consent.

During the briefing, members asked a number of questions about the impact of similar legislation in other jurisdictions; the definitions in the legislation and how the Department planned to outline how definitions will be agreed; the role of educating under-18s about organ donation; and how exemptions will apply to particular groups.

As I mentioned earlier, last week, the Committee held a stakeholder event to seek the views of those who have benefited from organ donations in the past and of groups that support donors and recipients of organ donations. The event was very well attended by stakeholders and Members. We discussed questions around whether they felt that this proposal would increase the number of donors, how medical professionals discuss the issue with families and how we can promote organ and tissue donation in our communities. We received a wealth of information from that event, and it was clear that those individuals and groups were supportive of the proposed changes. We look forward to continuing engagement on the legislation, and we encourage people to respond to the Committee's consultation.

The Committee agreed to go out to consultation following the Bill's introduction at First Stage in July.

That was due in part to the very significant and heavy legislative schedule the Committee will have over the coming months. The Committee is disappointed that this Bill and other Executive Bills were not introduced sooner, providing the Committee with additional time to undertake its scrutiny role. It is frustrating that the Committee is in a position where it is considering very significant Executive Bills and private Member's Bills in a time-limited manner. Provided the Bill passes Second Stage, the Committee looks forward to engaging with stakeholders and to scrutinising the Bill in further detail.

If I may, I will make a few short remarks as Sinn Féin spokesperson for health. Sinn Féin welcomes and supports the Organ and Tissue Donation (Deemed Consent) Bill. This is Assembly politics at its best, where all of us, who are elected to this body, are doing exactly what the public say they want. The soft opt-out organ donation option is widely supported

across our communities. I pay tribute to all the families that have campaigned for the measure for so long. Their dignity in, sacrifice for and unselfishness on the issue, which is so urgent to many of them, is to be commended. They never lost hope, and, at the end of the day, this is their accomplishment. Their determination and hard work have brought us to this point.

Soft opt-out organ donation will save the lives of our families, loved ones and friends. It is regrettable that there was a delay from the DUP to bringing the Bill forward, and it is also hugely regrettable that the threat to the Assembly could impact on the outworking of the Bill and on progressing it. The reference to the Bill having been brought to an advanced stage and then not coming through demonstrates the danger of not taking the opportunity to move forward on important issues. We all, as individuals, have a responsibility to talk to our families and loved ones about soft opt-out donation as an everyday occurrence and to normalise the practice so that each and every one of us has an understanding of the importance of signing up to be an organ donor.

Finally, I will return to the meeting that was mentioned that Pam and I had with Dáithí, Máirtín and Seph Mac Gabhann. That was our second informal meeting as Chair and Deputy Chair. I will point something out. I brought the drawing I have in my hand down with me today. It was pinned up on my noticeboard. It is hard to make out, but it is a drawing that Dáithí did the day he was in the office. Of course, when we were talking about organ donation and all the rest of it, all Dáithí wanted to do was to get on with living Dáithí's life. The picture is of Dáithí's favourite footballer, who happens to be Mo Salah. I am not sure how much of that is Dáithí's input and how much is Seph's, to be honest, but I do not want to put Seph under pressure. I will just highlight that Dáithí Mac Gabhann is a wee man who needs a heart, but all he wants to do is to get on with being Dáithí Mac Gabhann. It is up to us to do the right thing and to deliver for Dáithí and all those other people who so badly need and will benefit from organ donation.

Mrs Cameron: I rise to speak on my own behalf to support the principles of the Bill. I do so after considered thought. I am very conscious of the sensitivities around the issues at the core of the Organ and Tissue Donation (Deemed Consent) Bill.

We all know someone who has required an organ donation to improve their quality of life or, indeed, to save their life. That life giving at a time when life is ending is one of the truly

inspiring things about organ donation. New or better life can come as the result of the loss of another. Hope and maybe even a little comfort can come from sadness and grief.

Broadly speaking, we talk of presumed consent, which is consent that has to be actively withdrawn in order to stop organs being donated. At the core, there remains choice, rights and the ability not to be a part of this. I fully respect those who decide that organ donation is not for them. I encourage them to think again, but they are entitled to decide that, and that right must remain. Fundamentally, we must ensure that those who opt out are not stigmatised, pressurised or marginalised for exercising the rights that are made clear in the Bill.

The Bill includes a range of groups and situations that may arise, and I welcome that. The Bill will not apply to adults in certain categories or circumstances, including people who lack the capability to fully understand the consequences of deemed consent for a "significant period" before dying. No changes are proposed to the rules on consent to organ donation in respect of children under 18. It will not cover those:

"people who have expressly made a decision on consent before their death (either by recording their decision to give or refuse consent or appointing someone to make that decision on their behalf)".

It is clear that:

"deemed consent will not apply where a person in a qualifying relationship to the deceased (partners, certain family members or a friend of long standing) provides information that would lead a reasonable person to conclude that the deceased potential organ donor would not have consented to be an organ donor."

It is also clear that the Bill:

"does not propose any change to consent concerning transplants from living persons and the consent of the donor will continue to be required in those circumstances."

12.30 pm

Those are welcome exclusions, but further clarity is needed in a number of areas. We must have a clear understanding of the significance of family consent, which, traditionally, is lower than the overall rate of support for organ

donation. Furthermore, the definition of "qualifying relationship" in the context of family consent must be clarified. Who falls into that category? Is it open to challenge and dispute among families, for example? We must also have provision for when a family member cannot be reached under the Bill's approach. In Scotland, the presumption seems to be that donation can proceed. What will the approach be in Northern Ireland, where many people have children who have moved away to study, work or live and are not always contactable easily or quickly?

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

Another key issue as we explore how this would work is the role of clinicians. We need to ensure that we protect our medical professionals from additional pressure, such as potential challenge. We need further clarity on whether clinicians are likely to move ahead with a donation even though someone in a qualifying relationship cannot present evidence that their loved one would not have consented. In the same vein, we need to be clear around the definition of "information" or "recorded evidence" that would be accepted for the purposes of demonstrating someone's wishes. It is a difficult time for those mourning the loss of a loved one; it is a time when additional stress and strain are not needed.

Mr Weir: I thank the Member for giving way. I join her in strongly supporting the Bill. She makes a very valid point about those who are in mourning because they have just lost a loved one. That is an incredibly stressful time for families. It can lead to very difficult conversations at times between clinicians and families. We need to ease that conversation in terms of where the clarity lies in the Bill, and, very specifically, we need to encourage that level of communication between potential organ donors and their families. That is critical. As someone who has signed up to the organ donation register, I do not know whether a long line of clinicians will be there for any of my organs, but I will leave that to their professional judgement. I would not like to see a situation in which my family said no, which is why I have had the conversation with my family.

We last debated legislation of this kind about six years ago. One of the elements of reticence about what was then, effectively, the embryonic Welsh model was about whether, from a practical point of view, it would lead to more or fewer donations. In many ways, we have scoped that out. The Welsh system's legislative

changes had an impact, but one of its by-products was that it stimulated conversation among families. Does the Member agree that that communication among families will be, in many ways, as significant as the legislative changes in raising the issue?

Mrs Cameron: I thank my colleague for that intervention. I agree wholeheartedly with that position. I remember looking at a similar issue on a previous Health Committee. I was very conscious that many clinicians were nervous around this type of legislation at that point. They were very keen to see the results from Wales and the impact that that would have on the availability of organs. Having that conversation is vital. The most important thing that we as individuals can do is to be very clear with our families, friends and loved ones so that, should the opportunity arise — the Health Minister said that it is probably a very slim opportunity — our wishes are fully known and protected.

I reiterate my support for the intentions of the Bill, but we need additional clarity on the points that I have raised and that colleagues around the Chamber will highlight in the debate.

Given that the rates of family consent for donation remain low, with 35% of families in Scotland and England having refused consent for donation between 2018 and 2019, it is vital that we know the wishes of our loved ones.

I have often talked about what I believe to be the most important issue around organ donation. Whether we opt in or out, for me the most important issue is awareness of the subject. The Bill provides a further opportunity to create debate and discussion on this most sensitive of subjects. That is a good thing, and, for most of us, the most important thing is to be clear on the wishes of friends and family at the end of life. Who among us would not want those wishes to become reality? I trust that this debate stimulates those critical conversations and that, once a decision has been made, it is clearly communicated for the peace of mind of all involved.

I put on record my gratitude and appreciation to the many individuals and organisations who have campaigned passionately to bring the Bill to this stage. I think in particular of young Dáithí Mac Gabhann and his parents, whom I met, along with the Chair, in my first meeting as Deputy Chair of the Health Committee.

On this, the first day of Organ Donation Week 2021, I urge everyone to join the organ donor register and have that conversation with your families. I call on the Health Minister to look at

ways of ramping up organ donation education and awareness across all age groups in society. That is the most important ingredient in increasing the availability of organs. I suggest respectfully that we do not wait for the outcome of the legislation but prepare now to meet the needs of those who wait for organs today.

Ms Hunter: I welcome the opportunity to speak at this important stage of the Bill.

Last week, the Health Committee had a briefing with the Patient and Client Council, with both recipients and those who have donated organs, and their families. It was a real eye-opener. We learnt, at first hand, about how the issue has impacted on both their lives and the lives of their families. I listened to David, father of Lucia, who talked about his daughter's journey with organ donation and the legacy and campaign that she leaves behind.

Another eye-opening aspect was the discussion of the barriers to organ donation — cultural, religious and some that even include superstition. I hope that, as the Bill progresses through the Assembly as quickly as possible, the Departments of Health and Education will remain committed to opening the conversation around organ donation, informing and educating, removing the social awkwardness that often looms around the subject and, especially, educating our under-18s.

The donation of organs and tissues after death helps to save and improve many lives in the North every year. It is incredible that one donor can transform the lives of up to nine people. If we look at the current statistics, we will see that, last year in the North, there were just 51 deceased donors, but their donations resulted in 113 transplants throughout the UK. In total, 87 Northern Ireland residents received a transplant. It is incredible to think of the lives that can be changed.

One of the 87 recipients, a young man named Michael from Ballykelly, happens to be a constituent of mine. Michael is not much older than me, but he has severe complications and damage to his kidney. He now lives with his kidney functioning at 8%. I find him truly inspiring. Every day is a battle for him, but he holds out hope that he will, some day soon, get the call. That is the heartbreaking thing about having issues with your organs: it is truly the luck of the draw. None of us know when we will need a donation or whether any of us will face the challenges that we are discussing. It is crucial that, wherever possible, we get talking with our constituents about it today to preserve life tomorrow.

There is a shortage of donors in the North, and around 115 people are waiting for a transplant. However, if we look at how the introduction of the opt-out system has changed things in Wales, we find that consent rates from deceased donors increased by over 12% in 2020.

Lastly, I thank young Dáithí and his committed parents for their ongoing, focused campaign on organ donation. We in the SDLP wholeheartedly support the Bill and hope that it contributes to a societal shift in getting families, parents and teachers talking and to people realising the importance of donating organs. Let us get talking, and let us get donating.

Mr Butler: It is a real pleasure to speak, even briefly, on the Bill. Alan will speak shortly, but, as I am the first Ulster Unionist to speak, I will say that we support the Bill.

When I first became an MLA in 2016, I was allocated a role on the Health Committee. I was not the Health spokesperson; I was deputy to Jo-Anne Dobson. I was given the portfolio of mental health, which has been excellent. I worked side by side with Jo-Anne Dobson at that time. That was hot on the heels of the failure to get the Bill through the first time round. As the Minister did, I put on record my thanks to Jo-Anne Dobson for her absolute resolution to see change. Since leaving politics, Jo-Anne has continued on the quest to pursue the issue as a real priority to help to transform the lives of the many people across Northern Ireland who need it. I thank Jo-Anne. I am sure that she is listening.

This is only the Second Stage of the Bill, and, obviously, the consultation will come through, and we look forward to getting the detail of that, but I hope that anybody in the Chamber who still needs to be convinced will not need convincing by the end of the journey of the Bill and that it will receive unanimous support through its stages. For anybody who has any doubts as to why we need the legislation, I will list a couple of reasons. First, for any of us to remain in and to offer that option of the donation of organs, the opportunity to help others in life is the most important thing that any of us can do in any walk of life, whether that is whilst we are alive or at the point when we leave this place. Even the thought of knowing that you are offering the potential to help others should fill everybody with a sense of joy. Secondly, sadly, in many ways, there will always be those in need, whether that is through a diagnosed medical condition or through a moment of trauma in someone's life. There will always be people who need an

organ, and they will be looking for a suitable donor. Sadly, those lists are growing.

As I said, people are waiting. Members have spoken about young Dáithí from west Belfast, and it would be remiss of me not to talk about him. I had the absolute pleasure of meeting him when Deirdre Hargey was the mayor in Belfast City Council. She had a reception for him just before Christmas; I think that it was on 27 November. I was able to hold him in my arms, which was great, as COVID was not a thing. His infectious personality masks the danger that that young boy is in. He is an absolutely beautiful young boy. He is a credit to his parents, and anybody who has met him will verify that. The social media platform that his mum and dad run is fabulous. You will see that he has met just about everybody across Northern Ireland. He has met people from all backgrounds. He has met loyalists, unionists, nationalists, republicans and people who do not designate as any of those. He met the First Minister, and I think that he was going to have a boxing match with him. Can you imagine how long that list is? Dáithí went right to the top of it to land one on the First Minister. I give credit to his family for the effort that they have put in over the years.

Another thing that is sometimes missed is that one donor can help more than one person. I will not get into the technicalities of it, but one donor can help many people. Think about the natural evolution of that: not only will the family of the person who will benefit feel good but, often, the family of the person who is deceased can benefit, even in the midst of the absolute grief of having lost their loved one, from knowing that part of their loved one is helping someone else to live a fulfilling and successful life.

For me, and others here may agree, it is about the hope that it offers, because, when you are on a list, there is no guarantee, even if we change the Bill, that the moment will happen. If we can give people hope, it will increase not only their days but the quality of their life to know that there are people out there who absolutely care about them and about their chances.

12.45 pm

I will not say too much more, but I would like to pick up on something that the Chair of the Health Committee said. He mentioned that there is a fear that these institutions will fall. I do not want to dwell too much on it, but there is also the point that the institutions were on their knees for three years. I say this to the two parties: let us learn from the mistakes of our

past. We have been through enough in Northern Ireland. Let us move on into the realms of what we can do together. No party will be found more willing than the Ulster Unionist Party to increase dialogue and ensure that we do our best to give the people of Northern Ireland the best life chances that we can.

Ms Bradshaw: I rise, appropriately at the start of Organ Donation Week, to support the Bill strongly and urge that it be passed swiftly. Although it should be uncontroversial, it contains a provision for a delay of one year until it takes effect. I start by joining others in the Chamber in encouraging those listening to the debate to take two minutes to register on the organ donation register and to share that decision with their families. Parents may wish to consider that their children, though unaffected by the Bill as it stands, can also opt to be donors.

The Bill is essentially an amending Bill to do something that we really should have done a long time ago. It is in itself just one step of a journey that, I hope, will see Northern Ireland reach the international target rate of 80% of transplants from deceased donors. In Wales, that figure increased from 58% to 71% after similar legislation was passed, demonstrating not only the value of the legislation but the need for further work. That is made more significant by the fact that the comparable figure in Northern Ireland lagged behind at 64% pre COVID. That is why we have no time to lose. We need to move on swiftly with the legislation and get on with the awareness raising that is implicit in it.

The Bill has a set of exemptions that cover any concerns that have been raised with the Health Committee and Department over the years. It applies only to deceased adults who are resident full-time in Northern Ireland at the time of death and makes other allowances; in fact, in many ways, the legislation in and of itself will be less important than the awareness raising that comes from it.

Two questions arise from the debate. First, why does it take so long for the Assembly to get around to passing even simple legislation such as this? There is something fundamentally wrong with a system that makes obvious and life-saving steps take much longer than they need to. Those who threaten the ability of these institutions to pass literally life-saving laws over the next few months need to reflect on that. Secondly, what form will the awareness raising take over the year that has, understandably, been set aside for it, as well as for preparing for the legislative change? Previously, I have

raised concerns about how the public have been left unclear about decisions that are made here, such as on the COVID regulations, and how they are affected by them. It is essential that we have a strong publicity package ready to go imminently when the legislation is passed. I note again that awareness raising should also cover the potential for anyone of any age, even if not covered by the Bill, to opt in. We may need to consider how that could be made easier.

Others have mentioned some of those who have campaigned for the legislation. I am grateful to have had direct discussions, going back many years, with our former colleague in the House Jo-Anne Dobson. I am thankful for the determination and guidance of the Mac Gabhann family. I also applaud the work of the British Heart Foundation and Chest, Heart and Stroke, both of which have campaigned diligently for many years. Many others have pushed for this quietly behind the scenes. Obviously, some of them will be watching the debate. Their input has been incredibly valuable as well. Lastly, I thank the departmental officials and others throughout the health and social care family for their work behind the scenes to get us to this point.

The draft legislation has my party's full and unreserved support, as, indeed, does Organ Donation Week.

Mr Principal Deputy Speaker: Members, as this is Áine Murphy's first opportunity to speak as a private Member, I remind the House that it is the convention of this place that a maiden speech is made without interruption.

Ms Á Murphy: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I am honoured to make my maiden speech as an MLA for Fermanagh and South Tyrone. I pay tribute to my predecessor, Seán Lynch, for all the hard work that he carried out over the past 10 years.

The people of Fermanagh and South Tyrone have fallen foul of regional imbalance over the years on many local issues, including infrastructure, health, agriculture and lack of economic investment — the list could go on. That lack of investment dates back to partition, which still has a noticeable effect on many services. The people of Fermanagh and South Tyrone own many businesses, employ staff from their communities and contribute significantly to society as a whole. The time of constituencies west of the Bann, including Fermanagh and South Tyrone, being forgotten about is over. I will fight for additional funding to be made available to Fermanagh and South

Tyrone that will help improve services for everyone. In my area, I will work to spearhead the new Lisnaskea health centre project. That project has been going on for years and has seen many roadblocks. The people of south Fermanagh deserve the same standard of healthcare infrastructure as everyone else in the North. The Minister needs to advance that project as soon as possible; we will not stand for any further unnecessary delays to it.

I am delighted to have been given the opportunity to speak on the Organ and Tissue Donation (Deemed Consent) Bill. I welcome the discussion and the work on it to date. It is the result of the determined work of so many, not least the families who are waiting so anxiously for an organ transplant for their loved ones. In my area, the Western Health and Social Care Trust had organ donations from four donors between April 2019 and March 2020, which resulted in 10 recipients successfully receiving life-changing transplants.

Organ donation provides many families with hope in their time of need and shows that there is light at the end of the tunnel. I know a number of recipients of organ transplants in my constituency. Recipients can spend months and years waiting and hoping for a suitable donor. Their physical and mental health often deteriorate over that period, making it an extremely difficult time for them and their loved ones. Organ donation is one of the most selfless things that one human can do to help another, and it is rightly referred to as, "Giving the gift of life". Research completed by the British and Irish heart foundations on the Bill showed that there is widespread support for the measure throughout the North. More than seven out of 10 of our constituents support a soft opt-out option that will facilitate easier organ donation processes. The introduction of soft opt-out organ donation will help to deliver an increase in the organs available for donation and to normalise organ donation as routine practice. The Bill will better reflect the views of the population and normalise the conversation about organ donation in our society. Ultimately, the policy objective of soft opt-out organ donation is to save more lives.

I am an organ donor, and I wholeheartedly encourage people to become organ donors and to discuss organ donation in their family and with their friends, so that we can normalise organ donation as an everyday gesture in our lives.

Mr Principal Deputy Speaker: May I, from the Chair, be the first to congratulate the Member on making her maiden speech? It can be a

daunting experience, especially when you look around the Chamber at some of the faces that are looking at you. *[Laughter.]*

Mr Frew: Mr Principal Deputy Speaker, I will take any compliment that you want to send my way *[Laughter.]* Thank you very much for that.

I speak on a serious topic that is literally a matter of life and death.

I would be the first in any queue or any group to talk about the merits of organ donation; about what it means for people who are able to live out a full life; about what it means to the people who will, in death, gift their organs to people who are not as well off as them; and about what it means to their family members, who have the honour and privilege of knowing that, when they pass, they will provide life for other people. Organ donation is a great gift. It is probably one of the greatest gifts that a person can bestow on another human being. It must be applauded and encouraged. I will add —.

Mr Principal Deputy Speaker: Mr Frew, I am sorry to interrupt you, but can you move nearer to your mic to aid Hansard for the record? Thank you.

Mr Frew: Sorry. It is not often that I am told that I am not heard, Mr Principal Deputy Speaker. That is a novel one.

Organ donation is precious, brilliant and a gift that we can give. I encourage every person to have the conversation with family members in order to make their beliefs known and placed on record with them.

The Assembly's powers have been diminished over the past year. The emergency powers that have been passed have taken away the power, role and remit of the House when it comes to health regulations. I am totally opposed to that continuing, because this should be a place where Members of the legislative Assembly take decisions on the law for our people. I therefore welcome the opportunity to speak on the Bill and on every other piece of legislation that we will pass from now until the end of the mandate.

I would not be true to myself, however, if I did not share with you, the Members who will make the decision, my concerns about deemed consent. Having heard Members speaking today, I think that there is confusion — I mean that respectfully — between legislation and organ donation. Organ donation is very good and very positive. It is one of the greatest gifts

that a human being can bestow on another human being and is to be lauded. It has to be a given, and our population has to be convinced of that. The legislation is about deemed consent, however, and I am yet to be convinced that imposing deemed consent will add to the chances of increasing organ donation. I worry about that. I have grave concerns. I want to see organ donation levels increase. I want to see them rise. I do not want to see anybody die needing an organ. I genuinely worry about deemed consent for a number of reasons, one being ethical and another being the fact that I have not seen evidence that it works.

Ms Bradshaw: Will the Member give way?

Mr Frew: Yes, I will.

Ms Bradshaw: I do not want to prolong this, but, in my speech, I indicated that it was clear that, when legislation was introduced in Wales, there was a dramatic increase. There are therefore jurisdictions not far from here that have demonstrated that, when legislation is introduced, organ donation goes up, so I do not get your point.

Mr Frew: I have no problem with trying to clarify that point. The Minister has already said that, when it was introduced in Wales, there was a very slow uptake.

Mr Swann: Will the Member give way?

Mr Frew: I will in a wee minute, Minister, of course.

It was only after a publicity campaign that it worked. I will make this point before I let in the Minister. There seems to be confusion between organ donation, which is good and brilliant, and deemed consent. We talk about the Bill being brilliant when we should be talking about organ donation being brilliant. There is also confusion between the success of deemed consent and the publicity campaigns that can change the culture in a family setting. To me, that is the most important aspect. Once I have given way to the Minister, I will go on to outline why I think that deemed consent can diminish the culture change that we require.

1.00 pm

Mr Swann: I thank the Member for giving way. He has moved on from the point at which I was going to interject. In 2016, we started that conversation in this place when Jo-Anne Dobson introduced her Bill. There was a

structural change and a policy direction to start that conversation. We have not seen the increased number of donors come on to the register that has been seen in Wales. Wales started with a slow increase but has now got to a place far beyond where we would like to be in Northern Ireland. Back then, we had the opportunity to lead on this legislation and on the promotion of that real push and encouragement. It goes back to what Peter Weir was talking about: it is about starting that conversation, and this legislation has done that in all jurisdictions across the United Kingdom. That is now where we are, and it is about dovetailing those two parts: the conversation that brings about the publicity and, indeed, publication and the change to deemed consent, which has the added impact of increasing donors on our register.

Mr Frew: I thank the Minister for that contribution, and, of course, I thank the Member across the way, but I am yet to be convinced that deemed consent is what has produced results across the world, including Wales. You could argue that our publicity around it may not be as good as that in Wales. It is not that the legislation is not as good; it may be just that the way in which it is publicised is what makes the difference.

The Minister spoke about the angst of family members having to make decisions about deceased loved ones, and every one of us should be aware of that. I hope that no one will ever be in that position, but we know that, inevitably, we will be. That must be one of the trickiest and most awful decisions in the world. I echo the Minister's words about encouraging every person to discuss with their family, in a family setting, in a comfortable place, the issue of organ donation. I fear that, with deemed consent, the conversation could be flipped to become not about organ donation but about deemed consent, and I fear that that could put many people off. I hope that I am wrong.

Mr Catney: Will the Member give way?

Mr Frew: One second, Pat.

I believe that the legislation will pass through the Assembly. I hope that I am wrong about it putting people off, but I worry that I am not.

Mr Catney: I thank the Member for giving way. Having been on this earth for as long as some of us here have been, when I listened to your argument on the consent principle and family, I thought of my sister. When her young son, at the age of 17, went out as a brancardier with a

diocesan pilgrimage to Lourdes, he found himself part of a terrible tragedy that cost him his life. His family flew out, but Laurence, God rest him, as a young man aged 17, had already consented. He did that at the school of Gonzaga. The point that I am trying to make to you is that that made the loss from that awful tragedy so much simpler for my sister and brother-in-law. Even though it was difficult, they knew about the consent being signed. As the helicopter came in to land at Lourdes infirmary, they switched off the life support machine. That gave the family some comfort, and it is important to take it into the argument that there is comfort in knowing that that young life lost benefited so many other lives. As a family, we still take great comfort from that. There should be no dispute about that and no choices. It was the right choice, and it is the right choice.

Mr Frew: I thank the Member for his contribution and his powerful story. He is 100% right: consent is good. However, I have worries about deemed consent. I have outlined some of them with regard to flipping the conversation between organ donation, which is good, and deemed consent, with the confusion and angst to family members it can bring. I worry about that, because I want organ donation to increase. Presumed consent or "deemed consent", as it is labelled in the Bill, is a legislative framework within which all adults living in this jurisdiction, with the exceptions included, will be considered willing organ donors unless they actively opt out by joining a register. That changes the default position. Passing the Bill would effectively mean that the Assembly has decided that, without asking them, everyone in Northern Ireland wants to donate their organs on death. That is deemed consent. Some people might be fine with that — I respect that view — but I am deeply concerned that we in the House would hold that right. I worry about that.

I also worry on the grounds that I do not see the evidence that it works. We have talked about the publicity campaigns in other places, but we can also point to places where, when deemed consent was brought in, organ donations dropped. In some cases, deemed consent was reversed in legislation. We should not ignore those aspects of the debate. No one has talked yet about a downside to deemed consent. When we balance the issue out, we need to talk about the balance; we need to look at the pros and cons. Again, I stress that I hope that I am wrong, but there are places close to here — France, I believe — where organ donations dropped due to deemed consent.

I have another worry that, when the default position of deemed consent is in place, it is the Government who deem that consent. There is evidence that suggests that, when a population does not trust its Government, organ donation can drop. I would not want to be in a position of relying on the trust of any Executive or Government, elected or otherwise, and for that to correlate with organ donation. I do not want to be there. I want it to be a single issue; I want it to be a separate issue; I want it to be a life-giving gift from one person to another. I do not really want government to be involved in that, to be honest. I do not want government to deem that everyone wants to be an organ donor, even though I hope and wish that they do. I can wish many things, but I do not want to presume anything. That is why I have concerns about the Bill.

I thank everybody for listening to me. I suspect I am in a minority, and I realise there are many people who need an organ and are struggling at this time. I hope and pray that every person on the list — there are over 100 — gets the donation and the organ that they require in order to allow them to live their life out fully. I hope and pray that that is the case and that as many people as possible register on the donor list, become an organ donor and give the gift of life to others. I am not convinced that deemed consent is the way to promote and do that.

Ms Ní Chuilín: I thank the Minister for bringing the Bill to Second Stage. I will touch on some of the issues that Paul has raised, but I will keep that until the end.

As we speak, there are 115 people waiting for a transplant. I encourage Paul to read through the summary of responses to the consultation. It is very robust and completely transparent. As the Bill goes through the legislative process, there will be other opportunities to feed in. For anyone who has any difficulties or doubts about what it is, that information will certainly help to clear it up. Lá tábhachtach atá ann. It is a very important and historic day for the people who have been waiting for the legislation. I remember some of the difficulties around Jo-Anne's Bill. I am pleased that — I am sure that she and many others are pleased — hopefully, those difficulties are resolved and we will proceed with the Bill.

I am like a lot of other people. Many years ago, I made my intentions known to my family that, in the event that something happened, I wanted to be an organ donor, but I did not make the step of going on the organ donor register until March 2012, when Nuala Vallely died. She was

only 41. Nuala was mother to Rachel. She was a great daughter and sister. I knew Nuala because, along with many others in the Falls Women's Centre, she looked after my son and grandson in the crèche. She was full of life and great at working with kids. There was another side to Nuala, as there are many sides to us all. She was a visible stalwart in Casement Park, where she took money, sold programmes and acted as a steward. She was really into games, physical fitness and activity. Tragically, she collapsed and died, but she had had the foresight to make sure that she was on the organ donor register. For me, that is typical of a lot of people. They want to do it for the right reasons. The tragedy of her death helped eight others. I remember being so struck that I got on to the register and became an official donor. Not just the GAA but Ulster Rugby, the IFA and others became involved in campaigns, as they have done over the years. It was great to see representatives of all those sporting codes wearing the organ donation colour, which was then red, and encouraging people to become donors. Then we had Shane Finnegan and Joe Brolly, and the altruism from Joe to Shane. That is the case for many. I know at least two former MLAs who became live donors to family members. I know others who are bone marrow donors. They became donors because they were on an official register. Eight people received what Paul and others have called the "gift of life" because of Nuala Vallely's wishes, and I am sure that many others have had other experiences with their constituents or people whom they know.

Most respondents to the consultation agreed that there needed to be legislation on organ donation. The Bill will also put the issue on a statutory footing, which has been missing. With regard to some of the issues that Paul raised — I am willing to give way — I think that it is unfortunate to use concerns around deemed consent along with a view that he holds on interference from government. I have heard that from Paul on other issues. Deemed consent is an important issue, because people need to know where the differences are and what decision to make. Clinicians, families and individuals need the Bill in order to make their work a lot clearer. The official organ donation register is there, but it is only one indication.

1.15 pm

Mr Frew: I thank the Member for giving way. The debate has been good so far, and I say that to all the Members who have taken part. The Member talks about clinicians needing legislation in order to make their jobs clearer. I am not sure that deemed consent will do that.

The issue is that family members and clinicians will still have the conversation at the time of the real, grave, pressurised trauma of a death. I am not sure the legislation makes that clearer. It makes it clearer that it is deemed consent and that we are all on a register until we opt out, but I am not sure that it helps the clinicians with organ donation at all.

Ms Ní Chuilín: I appreciate the Member for clarifying his position. I intend to keep the debate good-hearted. The Chamber is for agreement, for disagreement and for providing people with an opportunity to outline their position. Clinicians in particular — the specialists that they are, the compassion that they have, the gift that they have to give life to others — have been telling us for years that there is uncertainty that needs to be cleared up through legislation. Who are we to disagree? Disagreement is what this place is for, however.

People have said, including a surgeon whom I heard repeat it this morning, that transplants have continued to go ahead despite everything that has happened throughout COVID, albeit there were periods when it was not safe to do so. Our health and social care is in absolute crisis at the minute, and we need to see further investment from the British Government for the Department of Health and the Executive to address that. I am not being political. It is a fact: the Minister said it himself.

Services such as the transplant service have continued throughout the pandemic. The issue that keeps coming back to the Health Committee and to MLAs is that life-saving operations have had to be cancelled because of COVID infection rates. When rates surge, pressure is put on our hospitals' capacity, and particularly that of our intensivists, to deal with the situation. Anyone who comes out of a transplant operation needs those intensivists. Those are the decisions that people are making. I will use this opportunity to urge people to get vaccinated, not only to help themselves and their families but to protect people having other needed surgeries.

Unless there is a change in the trajectory of the virus, COVID will be further exposed. Health and social care staff are telling us that, in addition to the crisis in health and social care, they are now implementing their winter surge plans. Minister, we have seen the COVID recovery plans, but we have not seen the winter surge plans yet. We already know that the gaps in health and social care staffing that were there before COVID have been exacerbated because staff are burnt out. They are working, living and operating on fumes; the tank is empty. They are

giving, giving and giving again. The transplant staff support everyone else, and vice versa.

I appreciate that the question of deemed consent is really important. However, if the legislation were to go through, if more awareness were to be created and even if more living donors were to give, it would be an absolute sin if we were not to have the capacity. Health and social care are under huge pressure.

Mr Frew: I thank the Member for giving way. This could be a positive point, and I rely on the Minister's knowledge and hope that he will be able to contribute on it later. As far as I know, we have a very high rate of living donation, which should be applauded. The Minister might contradict me later, but I hope not. I hope that it is true. If so, we in Northern Ireland should all be proud of that.

Ms Ní Chuilín: My understanding is that we have a very high rate. The Minister and, I am sure, his officials will also tell you that the staff, the intensivists, the capacity and the sites in which operations are carried out need to be protected. They also need to be invested in on a consistent basis. If any piece of that jigsaw is missing or under pressure, it has an impact on it all.

Bringing the Bill forward is absolutely the right thing to do for Dáithí, Máirtín and Seph and, I am sure, for many others. I thank the British Heart Foundation and the Irish Heart Foundation for the information that they consistently brought forward.

Robbie made the political point, and this is a political Chamber. It would be absolutely inexcusable if this Bill did not see its full passage because people felt that this institution was not where they wanted to be. Robbie made that point in terms of the two big parties. That is, I suppose, a go-to place for parties that are not Sinn Féin or the DUP. At this stage, we need to ensure not only that this Bill survives its passage and gets through, and that these institutions are here so that that happens, but that families watching and listening to this debate have confidence in us to do our very best to pass not only this but other pieces of legislation that are waiting.

We need to get the money to help our health and social care system, which is in absolute crisis. We now have the winter pressures on top of everything else. We need to get the money from the British Treasury to give to health and social care, and we need to make sure that it helps the people in most need. I, along with

many others, have consistently pointed out that, when it comes to keeping people well, safe and alive, they have to look no further than at our hospitals, GPs, out-of-hours, nurses and all those people — everyone involved in health and social care. They do not need anything other than our support, and they need that to be emotional, political and financial.

I support the Bill at its Second Stage and look forward to further debates and the Bill going through its full passage.

Mr Durkan: I welcome the chance to speak on this important legislation. It is a Bill that will not only change lives but literally save lives. It will, no doubt, be of incalculable value for so many families that have fought tirelessly to see the North implement this soft opt-out organ donation system in line with those already in operation in England, Scotland and Wales.

I congratulate the tireless campaigners who have worked so hard to see this Bill introduced in the Assembly. Of course, no discussion on organ donation in the North would be complete without paying tribute, as others have, to young Dáithí Mac Gabhann, who has been waiting almost four years for the gift of a new heart. Dáithí's parents, Seph and Máirtín, have never let up in their campaign to raise awareness of and to change the law here on organ donation.

Many others, too, have done so much to raise awareness. I pay tribute to the family of a young Belfast woman Rachael Molloy, whose aunt Catherine Matthews will be known to many of you. She works upstairs for the SDLP. Rachael was 22 and full of life. She passed away suddenly earlier this year. Fortunately, she was able to give the gift of life to others. Donation is not just about what you can give; it is also about what you can get: some consolation at a time of massive loss.

This legislation is long overdue and will lead to many more lives being saved. As the previous Member who spoke said, there are, at present, 125 people on the organ transplant waiting list here. That is 125 individuals and their families waiting desperately for news that a suitable donor has been found.

Why is action needed now? Research from the British Heart Foundation has highlighted that over 90% of citizens here support organ donation, yet only 50% have registered their interest on the NHS organ donation register. While I recognise that a great deal of effort has been made by the PHA and others to improve public awareness and to encourage people to take time to talk about their wishes with their

loved ones should the unthinkable happen, the reality is that many of those decisions ultimately go unregistered.

Every year, on average, 14 people in the North pass away awaiting transplant. Bearing that in mind, the logical next step, in our view, is the move towards a soft opt-out organ donation scheme. Under the Bill, it would be assumed that everyone is willing to donate unless they express otherwise or formally opt out. This proposal, and the inclusion of consultation with family members, taking into account their faith and beliefs, ensures that the legislation is as sensitive and person-centred as it needs to be. It is not a move that needs to be regarded with fear or apprehension. Rather, it is one that ensures that individual beliefs remain an integral cog in the process.

It is clear that this legislation calls for a changing not just of hearts but of minds and culture. However, we have borne witness to a palpable shift in attitudes within the past few years, again thanks, in the main part, to families coming forward to share their first-hand experience of organ transplant waiting lists. In doing so, they forced people — many of us — to imagine life in their shoes, even for the briefest of moments, and caused us to re-evaluate our choices and to open dialogue around organ donation. That conversation might not have taken place or even been considered otherwise. That is all that any of us can ask. All that this legislation can do is call on people to think about their choice and to give the gift of life. There is no more time to waste.

The Bill must be progressed through the Assembly as quickly as possible so that we can change the lives of families everywhere in Northern Ireland who have been waiting far too long for this life-saving system. I concur with the comments from the Member who spoke previously on the importance of a functioning Assembly to deliver this and many other important pieces of legislation. We were without decision-making or legislative powers for three years. God knows how far behind we are already. We cannot afford to fall further behind.

Mr Sheehan: Tá mé iontach sásta a bheith ag labhairt sa díospóireacht seo inniu. I welcome the opportunity to speak today on the Bill. I do not intend to speak for too long. Almost all Members who have spoken have referred to the Mac Gabhann family — Máirtín, Seph and their son Dáithí. I first came into contact with the family a few years ago. They live in my constituency of West Belfast. Over the past number of years, they have travelled far and wide and met many people, from all

perspectives, to raise awareness of organ donation. Robbie Butler referenced the large number of people whom they have met. I actually went to Leinster House with them to meet the then Health Minister, Simon Harris. I was also at the event that Robbie mentioned in the City Hall, where Deirdre Hargey, as mayor, held a reception for the British Heart Foundation. Of course, the star performer there was young Dáithí.

Dáithí also attends the same school that my two daughters were at, so I bump into him and the rest of the family regularly. I remember Máirtín telling me when Dáithí's condition was diagnosed and the family were told that he needed a new heart. He immediately became almost obsessed with the issue of organ donation and did a massive amount of research into it.

He decided, not in a selfish way, to try to get a donation for Dáithí — of course, the family obviously also want that — but also to go about raising public awareness of organ donation in general. Everyone who has met the family or who is aware of them will agree that they have done an immense job in raising public awareness about organ donation. They should be commended for that.

1.30 pm

I intended at one stage to bring forward a private Member's Bill on organ donation during this mandate. Thankfully, the Minister stepped in and decided to bring forward his Bill. I commend him for that.

As mentioned by a number of Members who have spoken, the elephant in the room is whether these institutions will remain in place for long enough for the legislation to get through the House. A number of Members also referenced organ donation as a "gift for life". That is what it is. We know that people on the waiting list for organ donation will die without those organs. It will be young Dáithí's fifth birthday next month, and he has been on the waiting list for three years. His condition is stable, but that could change in the morning, and there is no guarantee that there will be a new heart for him when he really needs it. I ask people in their moments of reflection to think about that gift of life and how important it is, not just to Dáithí Mac Gabhann and his family but to all those families who are waiting for organ donations and who are on the waiting list. They should think about that when they make decisions about whether these institutions continue.

I will leave it at that. I agree that it is not just a change to a soft opt-out organ donation system that is required. We also need a publicity campaign to run in tandem with that. At an individual level, we also need to communicate our views to our families. All those things go together. In the time ahead — hopefully, we can get the legislation through the House — I am sure that the Minister will take account of all those things.

Mr M Bradley: I was not going to speak on the Bill, but I decided to after listening to the debate. It is a very emotive topic, and a good and healthy debate has taken place so far on the Bill.

I am an organ donor and have been for a number of years. I made a conscious decision to become a donor in my 20s and have maintained that ever since. I still carry an organ donor card. My family are aware that I am an organ donor, and if any of my organs may help another who needs a donor organ, which could be a matter of life or death for them or help their quality of life, I would like to think that some of my organs could be of benefit to them. I appeal to people in the Chamber and throughout Northern Ireland who are in good health to think about becoming organ donors. It is the right thing to do. I believe in it passionately. None of us knows what tomorrow may bring, but if in death I can help a life, it is a choice worth making.

Signing up for organ donation was a very personal decision that I took when it was a little-known thing to do and not fashionable. I appeal for better education around becoming a donor. I believe in it, I support it and I would love to see an increase in people choosing to become organ donors. It was my choice. I believe in choice, and I would like to see better education on the benefits of becoming an organ donor. If a life can be maintained from a death, it is worth it, but it has to be a choice.

Mr Catney: The Bill is the result of a long campaign by a number of hugely dedicated individuals who have put their life and soul into bringing forward a change in law in Northern Ireland. There is widespread public support for that change. There is an increase in the number of people who choose to be on the register across the UK, with Northern Ireland being the only place without a deemed consent system. The time is now to get the legislation passed as soon as possible, and I thank the Minister for bringing it forward.

Other Members have stated how important it is that the legislation be passed. Some have called it the elephant in the room. I was elected here about four years ago, and, for three years, this place sat empty. That was not my choice. Rather, it was forced on me. A lot of legislation is being passed in the Chamber, and a lot of private Members' Bills are coming through before we finish the mandate. I ask those who pulled the Assembly down before or who are threatening to do so to think long and hard. It is about working together and trying to get legislation through. I am not going to give a lecture to anyone, but think long and hard before making any reckless decisions.

There are currently 115 people on the transplant waiting list. Those are 115 lives that we can directly save by passing this legislation. It is a situation that, unfortunately, happens every year. Eleven people who were on the waiting list in 2020 lost their life. We have gone through 18 months of unimaginable loss, but those 11 lives could have been saved had we brought forward the legislation. An opt-out system could directly help 180 people a year and would boost our overall consent rate to achieve, hopefully, the gold-standard rate of 80%. Our rate of consent has not moved significantly in years, so we must act now, folks.

I congratulate the tireless campaigners who have worked so hard to see the Bill be introduced in the Assembly. It is now on us to knuckle down and get it passed. That is the job that we are elected to do. We are elected not to squabble over nonsense but to make decisions and pass legislation that will improve and, in this case, save people's lives. More of that, please.

Mr Carroll: I thought that there were still more Members to speak before me. I am happy to speak in favour of the Bill. Simple, easy-to-follow legislation on organ donation is long overdue. Too often, when it comes to issues that may be difficult to talk about, people do not know how to approach or raise them. In that context, where there is no reason or need for exemptions, the state should make the assumption that it is right and proper to proceed with organ donation.

In the past year and a half, people have taken extraordinary measures for one another and their public health. In my view and that of others, this legislation is in a similar vein. It indicates quite strongly that our family members, when faced with a tragedy and an untimely death, can play an important role in giving hope and life to others. That, in and of itself, is a strong and powerful thing. It is an

incredible act of solidarity that is, it is worth emphasising, reason enough to support the Bill. Some years ago, I, as did Carál Ní Chuilín, raised in passing the issue of organ donation with family members. I told them that I would gladly wish that my organs be donated. I am sure that others have had that conversation casually in off-the-cuff chats with loved ones. To be honest, however, it was not until I saw the campaign led by Dáithí, Máirtín and Seph that I, along with many thousands of other people, made the decision. I am happy to say is deontóir anois mé. That campaign led to me and many other people signing up to be an organ donor. That really goes to show how change is made in society. To put it mildly, this House often moves at a snail's pace, and it is campaigns out on the streets and in communities that force issues on to the agenda. In that vein, I pay tribute to those campaigners, including and especially wee Dáithí, Seph and Máirtín. What they have done goes to show how change comes about. It is those campaigns and that activism that cause those conversations to happen in workplaces, amongst families and friends and so on, bringing about change.

In the past year, there has been a lot of discussion about COVID and about medical evidence guiding the decisions that are taken or not taken by Ministers. Although a handful of people have claimed to be acting on medical or scientific advice in disputing the real dangers of COVID, there is, for the most part, an overwhelming consensus — amounting to at least 90% — that Governments need to take action on COVID because it is a threat to public health. This is a separate issue, but a similar point guides it. I understand that there is pretty much unanimity across the medical field in relation to organ donation legislation being not only required but essential to increasing the possibility of donation for so many people. As I understand it, the clinical lead for organ donation is in support of soft opt-out being in legislation. Unfortunately, too many people have that conversation at a late stage, when loved ones are dying or have passed away.

If people have strong reasons for opting out, they can do so. There are ethical reasons — I do not fully understand them, to be honest — for opposing organ donation, and there is support for people to opt out. It is important that we provide that. In some cases, there is reason to oppose the state taking strong measures and trying to grab power for its own interests to harass and intimidate, to persecute people, to spy on citizens and so on and so forth. In those cases, there should be opposition to the state getting more powers, but that is not what this is

about. As people said, this Bill is about giving support and hope to individuals and taking a public health policy measure to support people who need organ donation.

For those reasons, I do not buy the so-called libertarian argument. Where does it stop? Do you oppose legislation on road safety, on health and safety and on medical interventions in hospital unless there is full consent, whatever that is? There are important arguments that need to be challenged. Those myths need to be dispelled, and we need the Bill to proceed as quickly as possible. I am therefore happy to support it going forward today.

Mrs D Kelly: I am very pleased to be able to participate in this debate. I give my full support to the Bill. In doing so, I pay tribute to all the tireless campaigners who brought us to this stage, none more so than my constituency colleague Jo-Anne Dobson, who is also a party colleague of the Minister and a former MLA. Jo-Anne, a kidney donor for her son, is very familiar with and passionate about this issue, and I pay tribute to her. She worked on this for many years. Unfortunately, is she not here today to see the Bill, hopefully, go through the House.

I heard Mr Sheehan's contribution, as did my colleague Pat Catney, in which he told the DUP what the threat to pull down the House might do to this legislation. I must say that that is a bit rich coming from that quarter, given that this Bill could presumably have been before the House some three years ago. Indeed, three or four months ago, there was a further threat, from that same quarter, to pull the House down. Sinn Féin and the DUP must look very closely at themselves in terms of what they do for their own selfish political interest and that which needs to be done for the greater common good.

At this stage, I also pay tribute to the family of Rachael Molloy, a 22-year-old finals student who was doing her teaching certificate. She was the niece of Catherine Matthews, whom many of you know. Catherine is our party manager and administrator in the offices at Stormont, and Rachael was her much-loved niece who, tragically, died from a blood clot on 27 March 2021. Her family, who are grieving tremendously, are comforted in the knowledge that her decision, which she had made known to the family, was that she wanted to be a donor. Through the donation of her liver and kidneys, she has given new life and new hope to three others: a man in his forties, a woman in her forties and a young boy have all benefited. There is no doubt that their lives have changed and been enhanced by the bravery of the

Molloy family. I pay tribute to her parents, Paul and Jacqueline, for having the courage to fulfil Rachael's wishes.

Mr Weir: Will the Member give way?

Mrs D Kelly: I will.

Mr Weir: I welcome those remarks. There is an old saying, although I do not know what culture it is from, that you are truly dead only when those whose lives you have touched in your lifetime are also dead. Is that not shown particularly in organ donation whereby we see people whose lives would otherwise have been cut short living on?

1.45 pm

Mrs D Kelly: Thank you for that intervention, Mr Weir. Much comfort has been brought to those who are still very much grieving the loss of such a young person from knowing that others are able to live a much fuller and higher-quality life. That does not take away the pain, but it helps them to cope better. They have pride in their loved one and in the courageous decision that they made when faced with tragedy because of accident or injury. I pay tribute to all of them.

Minister, I hope the Bill goes through. It is certainly needed. It has the full-hearted support of the SDLP.

Ms Bunting: I hope I can retain my composure. This is not an easy subject. It is highly emotive and sensitive. As Members have said, it boils down to life and death for people. It is heartbreaking to hear the personal stories and to have them brought to your attention. For an awful lot of people, this is a head-and-heart call. It is really tough. My starting point is that I carry a card. I am on the register, but, like Paul, I am cautious. There are many things about the matter around which we in the House can entirely unite. One of them is this: we want as many people as possible on the donor register. We want a huge awareness campaign that brings the issue to people's attention and allows for a conversation about what happens around death, dying and donation.

It is important to reiterate that the concerns of those of us who have them are not based around that. We are all coming to this with an open heart and the best of intentions with a view to increasing the numbers. I am grateful to Members for the respectful debate. I trust Members will understand that, for some of us, it is not easy. It is not about obstruction. For

many of us, the power of the state and the right the state has over our bodies is not a small thing. Rightly, people have sacrificed much over the past 18 months for the sake of others. I have no doubt that many people who have concerns in that regard will still sacrifice much for the safety of others, will still be on the register and will still want to see the number of people willing to donate increase. That is not what this is about. It is important that it is on the record that deemed consent is not an easy position for people to come to. It is a big step for any country. It is not a decision to be taken lightly or ultimately without giving consideration to our thoughtfulness on the issue versus our emotions on it. I have concerns about what it means and where it goes, but —

Mr Frew: Will the Member give way?

Ms Bunting: — in having those concerns, I support donation. I want it to be clear that, as we go forward in the debate and to the next stages, which are inevitable, those who express concern are not doing so from a position of not supporting the register, a campaign and all those things. It is important that we do not lose sight of that. The views that are held are held strongly and genuinely. They are to do with freedoms and liberties in society and the power of the state. Those are not small things.

Mr Carroll: Will the Member give way?

Ms Bunting: I will give way first to Mr Frew and then to Mr Carroll.

Mr Frew: I thank the Member for giving way and appreciate her considered thoughts and words. I agree with her that all in the Chamber seek solutions. While the jury is still out and there is no proof of the effectiveness of deemed consent, we know from evidence throughout the world that public awareness and the provision of specialised nurses are the key drivers of organ donation. We should try to encourage and promote those elements. Public awareness and the provision of well-trained specialist nurses will convince people about organ donation. Those are the solutions that the House seeks.

Ms Bunting: I absolutely concur with Mr Frew.

Mr Carroll: I thank the Member for giving way. I listened to her carefully, but I have to point out an inconsistency. There is a pick-and-mix approach. Her party is obviously content with heavily regulating women's healthcare and has no issue with that. However, when it comes to this issue, the party seems —

Mr Principal Deputy Speaker: Order.

Mr Carroll: It is the same issue.

Mr Principal Deputy Speaker: The debate should refer to the content of the Bill. I have been broad in my interpretations, and Members have, on occasion, veered far from the content of the Bill. Members should keep their remarks to the content of the Bill. I think that Mrs Bunting got the point that Mr Carroll was making.

Ms Bunting: Thank you, Mr Principal Deputy Speaker. I got the point, and I am glad that you brought the Member to order. I do not want the debate to degenerate into that conversation. I do not think that the principle that I adopt on either of those issues is inconsistent. For me, life is always precious, which is why I am on the register. Life is precious from whenever it begins, and that is the subject of debate.

I want to be clear to the House and have it on the record that, for those of us who struggle with this issue — that is what is happening — this is not about opposing the conversation or organ donation; it is about whether the state has rights over our bodies. Ultimately, some of us need to understand better or be convinced of the merits. The current position is that, if you are on the register, your next of kin can still say no. With deemed consent, that remains the case. People need to understand the distinctions and differences if, ultimately, the position does not change at the point at which a decision needs to be made.

Those are my thoughts, and I trust that the House will bear it in mind, when the time comes, that that is where some of us are coming from.

Mr Chambers: The Ulster Unionist Party fully supports moving towards a soft opt-out system. I am glad to see the Minister delivering on one of our important manifesto commitments. The tragic reality is that Northern Ireland now has the most outdated organ donation system in the United Kingdom. That did not need to be the case. Jo-Anne Dobson's private Member's Bill, which proposed that everyone should be on the organ donation register unless they took the simple step of opting out, was blocked, disappointingly, at the last moment by some parties in the Chamber. Wales already had that system in place.

Mr Weir: Will the Member give way?

Mr Chambers: I will.

Mr Weir: I come from very much the same side of the argument as the Member, but, factually, Mrs Dobson's Bill passed its Second Reading in the House. At that point, clinicians raised considerable concerns about the content of the Bill. There was no further vote on the Bill, and Mrs Dobson withdrew it.

Mr Chambers: Thank you for that. However, there was understandable and significant anger across charities, patients' groups and campaigners in 2016 when Jo-Anne was forced to withdraw her Bill. As a result, Northern Ireland has gone from having once been a trailblazer on organ donation laws to now having the most archaic system anywhere in the United Kingdom and Ireland. The Bill will put that right.

Organ donation saves lives, and increasing the rate of organ donation would allow our medical staff to save even more lives in Northern Ireland. Organ donation is one of the most selfless acts of kindness that one person can do for another. Whilst it continues to have strong public support, unfortunately there remains a shortfall between the number of donors and the number of organs needed each year. Whilst public support for organ donation across Northern Ireland remains high at around 90%, just over 40% of the local population are on the organ donor register.

Tragically, around 14 people pass away each year on the waiting list. Lives are being needlessly lost. As of 1 June 2021, there were 125 people waiting for an organ transplant in Northern Ireland, 16 of whom were waiting for a new heart. That is a huge number of people who could have not only their quality of life drastically improved but a better outlook in their life expectancy.

The soft opt-out scheme will not legally tie everyone into having their organs harvested if they have omitted to opt out. The final decision will be made by the close family of the potential donor. They are best placed to know what the donor would have wished.

When a family loses a loved one, especially a young person, the only comfort that they have left behind about the life of the deceased is the memories of family holidays and occasions, as well as, perhaps, the academic, sporting and workplace achievements of their loved one. In many cases, when a family has lost a member, especially when the circumstances of the death are sudden, unexpected and tragic, you will hear parents, sadly but with a quiet sense of pride, announce that the organs of their loved ones have given hope and life to other families

who had a family member waiting for a transplant. It must surely be a point of comfort for the family of the donor to know that their loss has given others hope. In Mr Catney's intervention, he explained the comfort that it gave to his family.

I hope that the Bill can become law in this mandate. We owe it to all those patiently waiting for a transplant that will change their lives dramatically to ensure that that happens after timely due process and the scrutiny of the Assembly. It is a fact that any delays in delivering the Bill could, unfortunately, cost lives. Is there anything more important than preserving life?

Mr Principal Deputy Speaker: As Question Time begins at 2.00 pm, I suggest that the House takes its ease until then. When we return to the debate, the next Member to speak will be the Minister of Health.

The debate stood suspended.

(Mr Speaker in the Chair)

2.00 pm

Oral Answers to Questions

Communities

Strabane Public Realm Scheme: Update

1. **Mr McCrossan** asked the Minister for Communities for an update on the Strabane town centre public realm scheme. (AQO 2409/17-22)

Ms Hargey (The Minister for Communities): My Department received the updated economic appraisal for the Strabane town centre public realm scheme in August 2021, to a total value of £5.1 million. My departmental officials are reviewing that appraisal, which will require advice from our technical advisers and economists, before securing the necessary approvals in my Department and the Department of Finance.

I am extremely supportive of the works, which will help to physically improve the town centre of Strabane. That said, any departmental funding will have to be considered alongside my other departmental priorities. I understand that the council is seeking departmental support of over £4.8 million, which is 95% of the total cost. The Member will be aware of my Department's recent support for regeneration in Strabane, as can be seen by recent investments in the town.

For instance, my Department has invested £729,000 to improve the greenway network, which has created a 3.7 kilometre greenway in the town. A further £215,000 has been invested to deliver a second phase of the Strabane revitalisation project. That initiative has seen extensive improvements to shopfronts in Church Street, Market Street and Butcher Street. Derry City and Strabane District Council has also recently been awarded £120,000 towards the development of a master plan for the Strabane town centre regeneration project. That master plan will form the foundations for the city deal project, which will ultimately transform the canal basin in the heart of the town.

Derry City and Strabane District Council has also benefited from almost £1.6 million from the COVID-19 recovery revitalisation programme. In addition, my Department continues to

support the 11 core neighbourhood renewal projects with an annual resource budget of over £416,000.

Mr McCrossan: I thank the Minister for her answer. She will know from correspondence between us over the past number of months, particularly since she resumed office, that I feel strongly about the regeneration of Strabane town centre. It is in a dreadful state of disrepair and badly needs that regeneration. In her answer, she said that it would be subject to other departmental priorities. I urge the Minister, on behalf of the people of Strabane and, indeed, wider West Tyrone, to ensure that that is an absolute priority, because it is not sufficient in its current state and needs to be addressed in order to ensure that Strabane is attractive, vibrant and welcoming to all who live and work there and also to anyone who might invest there.

Mr Speaker: The Member must come to his question.

Mr McCrossan: What will the time frame be for any announcement?

Ms Hargey: I completely recognise the importance of investment in Strabane. I saw that for myself when I visited there a while ago. In recent months, because of restrictions, I have also met groups through Zoom meetings to talk about the regeneration needs. As is clear from my initial answer, I have committed heavy investment into that area. However, I recognise that there is much more to be done. Obviously, the council has put the new proposal to the Department. We are looking through that at the moment.

The Member will understand that, even within that area, other requests from the council are coming in. I obviously have to look at them all to ensure that we can look at regeneration in the round. That having been said, I know that the public realm scheme is part of the city deal, and we will look at it in that context. On the timeline, we are working on this with our economists in the Department, and we are still liaising with Derry City and Strabane District Council. An appraisal of such scale will take a bit of time, but I am hopeful that, over the next few months, we will have more clarity. I can update the Member when we make the decision.

Mr McHugh: Initiatives like the Strabane public realm scheme are certainly a welcome step towards social regeneration and, hopefully, will act as a pilot for our other towns and city centres. Will the Minister give an update on her

Department's work overall to support the regeneration of our town and city centres?

Ms Hargey: Developing the high streets in our town and city centres is crucial. Creating spaces for families and others to shop, socialise and, eventually, live in will also be crucial. That is reflected in the local development plans that councils are beginning to develop across the board. The high street task force also has a focus on this.

When I met organisations in the Strabane area recently, we looked at health and well-being issues, particularly in relation to coming out of the pandemic. Regeneration of spaces can make a huge impact on improving those issues by ensuring that places are walkable and safe for the community to come together in and by creating open spaces in which other events as part of a cultural or artistic offering can also take place.

My Department is committed to the regeneration of Strabane. I have outlined the investments that we made in the 3.7 kilometre greenway — it has had a huge impact by connecting communities, not only with each other but by enabling their use of the centre — and in the revitalisation project. We continue to work with the council on how those investments fit, along with other projects, into its ambitious city deal.

Universal Credit/Working Tax Credit: Uplift Cut

2. **Ms Á Murphy** asked the Minister for Communities what engagement she has had with her Scottish and Welsh counterparts regarding the British Government's intention to cut the £20 uplift to universal credit and working tax credit. (AQO 2410/17-22)

Ms Hargey: Throughout my time in office, I have repeatedly demonstrated my determination to protect the most vulnerable in our communities across society and to target resources to those most in need. In my letter to Thérèse Coffey, the Secretary of State for Work and Pensions, on 26 July 2021, I expressed my grave concern about and objection to the withdrawal of the £20 uplift in universal credit, particularly in the wake of the COVID pandemic. Of course, Thérèse Coffey replied that the British Government had always been clear that the uplift was a temporary measure.

I wrote to Thérèse Coffey again on 30 August, in a joint letter with my Scottish and Welsh counterparts, to seek a continuation of the £20

uplift in universal credit. That was similar to a joint letter that was issued on 12 November 2020.

Stopping the £20 uplift will have a devastating effect on people at this time, when they are in need of financial support. I recently brought the matter to the Executive, which endorsed a letter calling for the uplift to be retained. Given the uncertainties resulting from the global pandemic that we are still going through, we should continue the measure. The British Government should maintain the £20 uplift, because we know from reports from the Trussell Trust and others about the impact of withdrawing it.

My counterparts in Scotland and Wales share my concerns about the consequences of the withdrawal of the provision, which supports vulnerable families. If the uplift is not extended after 5 October, I will include it as part of my planned review of welfare mitigation measures. I continue to explore options on this issue.

Ms Á Murphy: I thank the Minister for her answer. Can she provide an assessment of the impact on the most vulnerable in the North if the British Government go ahead with the cut to universal credit and working tax credits?

Ms Hargey: At the moment, over 140,000 are in receipt of universal credit. As a result of the £20 uplift, £110 million goes into the pockets of people here on an annual basis. That is a huge amount of money that will be lost if the British Government proceed with the policy to withdraw that money in October. It will have a huge impact, given that the pandemic is still here and many restrictions are still in place. Of course, the impact of the pandemic will be felt long after the restrictions begin to ease, as we saw with, for example, the financial crash over 10 years ago. Our society is, in many ways, still feeling the impact of that, particularly the most vulnerable. This would have a devastating impact. Again, that is why I have worked with my Executive colleagues and Ministers in Scotland and Wales to push the British Government to retain the uplift and to protect those families.

Mr Butler: I thank the Minister for the work that she has put in so far. Given the emerging news about the energy crisis and the fact that the British Government may or may not act on the wishes of devolved Ministers, what actions will you, as our Communities Minister, put in place to ensure that people who are caught in that trap do not suffer?

Ms Hargey: We have put in a number of measures. Throughout the pandemic, over £300 million has been invested in support schemes that target those individuals and support communities. We have done a lot of work with local councils as well. Obviously, we continue to support our independent advice sector, and we want to continue doing that. It is a perfect storm in some way, with this increase in fuel prices, the impact of the pandemic and the impact of Brexit, and then there is the issue of the British Government moving to withdraw that lifeline from people.

As I said, £110 million would need to be found. My yearly budget is just over £800 million, which puts that money into context. We would have to find that money from the Executive, and I would need Executive Ministers to work with me on prioritising that. I will make an announcement soon on the review of welfare mitigations. Of course, all of this will be taken into consideration as part of that, along with other issues that Members will be aware of, such as the two-child rule.

Mr Durkan: I thank the Minister for her action to date. I welcome the fact that the Executive have endorsed the letter to Treasury on this very important issue. Will the Minister outline what conversations she has had with Executive colleagues on how we can mitigate this, should the Tories persist down this punitive policy path, and where the money might come from to do so? Also, on the wider review of mitigations, legislation will be required for that, so what delay might we see should we have to do that?

Ms Hargey: The proposal that I have put to the Executive on communicating with the British Government and showing not just our concern but our objection was endorsed by all Ministers around the Executive table, which was good. Work is ongoing. From the analysis that I have done in the Department, it would take £110 million to retain the uplift, based on the figures for those claiming universal credit at the moment. Obviously, that will fluctuate slightly depending on how many people are on universal credit. We are looking to see what can be done. You either find £110 million — there is no pot of money sitting there, so that would have to come from another Department — or you stop doing something else in order to meet that need. We know that it would have a devastating impact on people. That is why it will be included in the review of mitigations more widely. I will announce shortly the members of the independent panel who are taking up that review.

The other issue is that there would need to be legislative changes made. I have a paper in with the Executive on extending the period of the current mitigations and closing the loopholes. I am waiting on approval from the Executive for that to be presented to the Chamber.

2.15 pm

Miss Woods: The removal of the uplift for universal credit will be devastating, given the end of furlough and the increase in energy prices that we have been discussing. Can the Minister provide any update on the fuel poverty strategy? What preparations is she making to help with fuel poverty for this winter? For example, is she working with the Minister for the Economy on a fuel bank fund?

Ms Hargey: I agree that it would be devastating. That is what we have communicated to the British Government, and my counterparts in Scotland and Wales have sent the very same message on the impact that it will have on citizens there. As I said, we have heard the stories from the Trussell Trust and others. There would be a bigger impact here in the North, because of all the other issues that we as a society have. Moreover, we are a society emerging from a conflict, so there is an impact on people's mental health and well-being and on people who find themselves needing that essential support from our social security system. We are therefore looking at all of that at the moment.

I am concerned about fuel prices as well. The Member will remember that, last year, we put in the additional payment over the winter period. That moved at pace, but it did not reach all the target groups that it needed to. We are looking at options at the moment. I will need to bring something to the Executive to have it agreed. A question on that subject is to come, so I will give more detail when we come to it rather than answer it now. Otherwise, we will not get through all the questions.

Subregional Stadia Programme for Soccer: Update

3. **Mr Lyttle** asked the Minister for Communities for an update on the subregional stadia programme for soccer. (AQO 2411/17-22)

4. **Mrs Dodds** asked the Minister for Communities to outline the reasons for the delay in delivering the subregional stadia programme for soccer. (AQO 2412/17-22)

Ms Hargey: Questions 3 and 4 are linked, so I will answer them together. I thank the Members for their questions. They will be aware that the subregional stadia programme was a commitment under New Decade, New Approach. The programme provides a real opportunity for delivery of the wider Executive priorities and to address a range of social, economic and cultural needs, particularly the needs of our soccer family.

Due to the passage of time since the consultation, I asked officials to undertake a refresh and re-engagement programme. It included a robust review of the programme, looking at up-to-date evidence and, in particular, the impact of the pandemic. We also carried out a club survey, which was launched in August 2020, and had a series of strategic discussions with stakeholder groups.

An advisory working group has offered expert insight into the needs of soccer at all levels. It included on it representatives from local councils, in which a lot of the grassroots facilities are invested; the IFA; the NI Football League; and Sport NI. The Department has also been involved. I am still considering that insight, as additional information was provided.

I am conscious that I came to the Chamber just before the summer and said that the outcome would be a few weeks away. More work needed to be done, and I needed more information. In the time since, I have engaged with some of the football clubs that are looking to the programme, and more engagements are in the diary or are being planned at the moment. I am therefore still considering this. There is a commitment to having it done in this mandate. If this mandate ends at the time that it should, there is a commitment from me that we will have the funding released. I am trying to work at pace to ensure that I can get the programme to the Executive and launched as soon as possible.

Mr Lyttle: I thank the Minister for her answer. Consultation on the football stadia funding was launched in 2015, almost six years ago, and three Ministers have been responsible for the fund since then: Carál Ní Chuilín of Sinn Féin, Paul Givan of the DUP and the current Minister. What findings has the Minister come across as a result of the review? When will the funding be released? How much funding will be released? Will there be an inflationary uplift for the fund, similar to that which is being sought for the Casement Park project?

Ms Hargey: I will answer the last question first. The money that was agreed previously by the

Executive is there. There is no new money; it is that £36.2 million. That is the budget that I have and the budget that I am working with. I thought that it was necessary to do a refresh and engage programme because the consultation was almost four years out of date when I came into post. I did not think that it was good for me, as a Minister, to make key strategic decisions on the programme on the basis of a consultation that was four years out of date. That is not to say that it was not useful — it was — but the refreshment exercise was crucial. At that point, we did not see the pandemic coming, and the programme could have been a lot further along had COVID not hit. The refreshment programme has also given us a good opportunity to look at the impact of COVID on the sport and, importantly, how stadiums can adapt to such shocks.

Engagements as part of the refreshment programme have finished. I am still looking through the analysis. Without having made a decision on the analysis, I will not make further comment on the detail. Obviously, there is a focus on encouraging the wider participation in grassroots football and sport of women, people with disabilities and minority ethnic communities to ensure participation at all levels. We will look at that as part of our work, and we will then look at the stadia that need money. I do not pretend that £36.2 million is enough. It will go so far and cater for clubs as much as possible. If there is a need to look at a subregional phase 2 for not just football but rugby, Gaelic and other sports, it will be a matter for the Executive to agree a budget. My priority —

Mr Speaker: The Minister's time is up.

Ms Hargey: — is to try to get the money out as soon as I have the assessment done, and to ensure that I have it done within this mandate.

Mr Speaker: I ask Members to keep their questions succinct. We are still on question 4. Obviously, we are running out of time. We need to allow other Members to speak.

Mrs Dodds: I thank the Minister for her answer. It appears to be like 'Yes Minister': if you do not want to do something, you can throw it into what seems like a never-ending process. First, will the Minister provide a date by which she will have an outcome of all the many and varied consultations that have taken place? Secondly, given that this has been on the go for six years and more, will she make a bid to the Finance Minister in the next round of multi-year bids for additional funding for this sport? With inflation, the costs have gone up, and —

Mr Speaker: Finish the question, please.

Mrs Dodds: — clubs such as Portadown and Glenavon —

Mr Speaker: Question, please.

Mrs Dodds: — are fed up waiting.

Mr Speaker: Sorry, Minister, I want to re-emphasise the point that I made a minute ago. We have to allow more time for more Members to ask their questions. They are on the list on an equal basis to everyone who has spoken so far. Members are making long speeches rather than coming to a question. From here on in, I will insist on Members putting the question so that we can get through the list that is in front of us.

Ms Hargey: The Member may know other Ministers who use that tactic to delay, but I certainly do not. I have given my rationale. I came into post in January of last year and did not feel that it was appropriate to make big decisions on such a crucial fund as this on the basis of a consultation that was four years out of date. That is why, right away, I instructed a refreshment exercise. Nobody could have foreseen the pandemic, and, obviously, our focus had to shift because of it. That said, the refreshment exercise continued. I am committed to having it done within this mandate. That is a commitment from me, and I will do it. I am still looking through the analysis, and I am hopeful that I will make a decision soon and that this will be delivered within this mandate, as we have been tasked to do.

Ms Ferguson: What has been the level of engagement between the sector and councils on the subregional stadia programme for soccer?

Ms Hargey: There has been a good level of grassroots engagement with local clubs that responded to the survey that was part of the refresh and engagement exercise. I have already given an update on the advisory group. All councils were involved, as was the IFA, the Football League and the Chief Leisure Officers Association. They met regularly to shape the programme and to look at it going forward. One-to-one strategic discussions with key stakeholders were also held over the last year. As part of the refreshment exercise, a total of 90 responses were received from 467 clubs, which was a response rate of over 80% from NIFL and affiliated clubs.

Mr Nesbitt: I understand that the programme was first endorsed by the Executive on 10 March 2011. That was over 10 years or, to put it another way, some 2,700 working days ago. What does that tell us about effective and efficient government?

Ms Hargey: I came into post at the Assembly in January 2020. I can give a commitment that I will be the Minister who delivers the programme in this mandate.

Ms McLaughlin: Minister, there is considerable frustration and concern in my constituency about the Brandywell stadium. We have a history here of making announcements just before elections and of not delivering —.

Mr Speaker: The Member needs to pose a question.

Ms McLaughlin: Yes. Materials have gone up in price significantly since the last announcement. How will the Minister address that?

Ms Hargey: I met representatives of the Brandywell stadium a while ago about the issues. Regional disparity and looking at funding are crucial issues. One of my considerations as part of the refreshment exercise was to make sure that we are looking at all those issues. Inflation rates and the price of construction are impacting capital programmes across the board, and the Executive are looking at that. We are still unclear whether that will last into next year. As the programme starts to take effect, those costs may come down, but we are keeping it under review. If the programme needs more money, making that decision will be a matter for the Executive.

Fuel Poverty

5. **Dr Aiken** asked the Minister for Communities what steps she is taking to address fuel poverty. (AQO 2413/17-22)

Ms Hargey: Fuel poverty is defined as needing to spend more than 10% of the total household income on the fuel used to maintain a satisfactory level of heating. That is defined as 21°C in the living room and 18°C in other occupied rooms. Fuel poverty is generally caused by a combination of three factors: poor household energy efficiency; low income; and fuel costs.

My Department delivers two grant schemes that aim to reduce the impact of fuel poverty by improving energy efficiency. The first is the affordable warmth scheme, which is the Executive's main fuel poverty scheme. It provides a range of energy efficiency improvements, including cavity and loft wall insulation and the replacement of heating systems and windows where appropriate. I approved changes to the eligibility criteria for the scheme from July this year, and it is anticipated that that will increase the number of households that are eligible for the grant. The second is the boiler replacement scheme, which is a grant administered by the Housing Executive. That provides up to £1,000 towards the cost of replacing insufficient boilers that are over 15 years old.

The social fund cold winter weather payment, which provides a one-off payment of £25 to elderly people, disabled people and those with children under five years old during periods of severe weather, is another scheme that is working on the ground. The winter fuel payment is a tax-free, non-means-tested benefit that is paid annually to eligible people. The rate payable is between £100 and £300 depending on the circumstances. An award for short-term financial help may also be made through the discretionary support scheme to assist people with additional expenditure for fuel costs in extreme situations. The discretionary support scheme is being reviewed by an independent panel, and my officials recently met —

Mr Speaker: The Minister's time is up.

Dr Aiken: I will be quick, Mr Speaker. Thank you very much indeed for the exposition, which is detailed quite clearly on your website, of what fuel poverty is. However, in answer to earlier questions, you pointed out that you have financial asks. Your Department has, obviously, done some research on fuel poverty. What is the quantum of the figure you are looking for, and how far you have got with the Finance Minister with those asks?

Ms Hargey: The fuel poverty strategy is being developed, so all those costs have not yet been bottomed out. I will be able to update the House when the strategy has been finalised.

We are looking at the impact of this winter. We did a COVID heating payment last winter. I understand that that did not have an impact on all the groups that needed support. On the back of my officials meeting the regulator and looking at increased fuel costs, we are exploring what can be done this winter, while we work on

longer-term strategies. Once we have looked at the options, I will present them to the Executive and update the House.

2.30 pm

Mr Dickson: We know the reasons for fuel poverty and the fuel crisis arising from world oil and gas prices. The Minister can happily tell us the problems, but can she start to tell us the solutions for the people in Northern Ireland who will suffer untold fuel poverty this winter?

Ms Hargey: I have outlined a number of schemes that the Department already runs. We are also updating the strategy, because it is outdated. It has to take into account the long-lasting impact of COVID. We are developing the anti-poverty strategy, which will be presented to the Executive towards the end of the year. Putting income into people's pockets is one of the key areas that we need to find ways to look at. There have been some difficulties, because money could be deducted from those in receipt of benefits. It is not as simple as just giving money out. Take the fuel schemes. Last year, the additional winter fuel payment went to over 200,000 households at a cost of £45 million. There were still gaps in that scheme, however, such as low-income families who may have been in work and were not entitled to certain benefits. We are now looking at supports to see what we can do — for example, in a voucher-type scheme. As part of the wider work on housing transformation, there is a lot to be done on retrofitting and the challenges of climate change and the challenges of fuel poverty.

I have outlined a lot of initiatives. They can be found on the website, and I encourage Members to look at them. We are, of course, looking to see what else we can do, and that work is ongoing.

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

Bullying Allegations: Mid and East Antrim Borough Council

T1. **Mr Dickson** asked the Minister for Communities how she will respond to the concerns that were expressed recently by the leading trade union NIPSA about allegations of bullying in Mid and East Antrim Borough Council and to outline the concerns that she has about bullying not only in that council but in local government across Northern Ireland. (AQT 1561/17-22)

Ms Hargey: As you know, councils are autonomous bodies. I have a certain oversight of the roles and functions of councils. Any council needs to have robust anti-bullying policies. Councils also need to make sure that their whistle-blowing policies work effectively and that they encourage people, whether individuals or their trade unions, to come together. Councils should encourage trade union activism and ensure that unions can organise within councils and, indeed, across society as a whole to represent people's views. Essentially, bullying is an issue for a council; it has to be addressed within a council and according to its processes. It may turn into a criminal proceeding and take that route. If there were an accusation relating to a policy area or responsibilities that I have, I would, of course, investigate it. I am doing a number of audits and looking at councils, where it is appropriate with the vires and powers that I have. Bullying of any kind, no matter where it comes from, is totally unacceptable and should be challenged.

Mr Dickson: Given the track record of this council and the answer that the Minister has just given, does she believe that she has sufficient oversight of local government in Northern Ireland and, in particular, of councils that might be perceived to have difficult relationships internally and externally with the public?

Ms Hargey: That is a far-reaching question. It depends where you sit. They are autonomous bodies with their own procedures and rules. New powers would be a broader conversation. Of course, there are concerns. When we were putting COVID legislation through the Chamber, Members had a concern that the Department was overstretching itself into local government and councils. There is a fine balance between them being autonomous bodies and, rightly, having a Chamber such as this to have oversight and make legislation.

We have been working with local government, including councillors and officers. Changes need to be made to make the function of councils and local government better, particularly in the aftermath of COVID. We have discussed whether meetings should be online or off-line and other flexibilities and whether councils should have more powers and, if so, what they should be. We are starting a series of engagements with local government to look at all those issues. That will, hopefully in the next mandate, lead to a change in legislation. Again, that would need to be scrutinised by the House.

Building Better Sports Facilities

T2. **Mr K Buchanan** asked the Minister for Communities why her Department came up with the Building Better Sports Facilities programme that has just been launched by Sport NI and to state its potential benefits. (AQT 1562/17-22)

Ms Hargey: The scheme was a result of engaging with sports organisations across the board and listening to Members in the Chamber, members of the Committee and Members who regularly write to me.

There has been an impact, over the years, on the investment that was needed in physical buildings for sports organisations. It really came to light through COVID, when grassroots sports organisations were to the fore in many communities in the COVID response, delivering food parcels, opening their facilities to the wider community to offer services, delivering prescriptions and other things.

In our engagements, sports organisations have been saying that their facilities are not fit for purpose, particularly when looking at inclusion. A lot of organisations, across all sporting codes, are trying to encourage more participation by women, people from more diverse backgrounds and those with disabilities but do not have the facilities to meet the needs. Releasing the grant was one way that we could meet that need. It will not do everything. It is £700,000, and I imagine that it will be oversubscribed, but it is showing my commitment to listen to sports organisations and to respond to those needs.

Mr K Buchanan: Thank you, Minister, for your answer. Are you content that Sport NI has got this right and will get it right and that there will be not just one sporting organisation or type that gets money from the fund? There is more sport in Northern Ireland than Gaelic sports. I will be interested to see what sporting organisations get money from the fund and that it does not go in just one direction.

Ms Hargey: I am bemused and confused by your question, to be honest with you. I have met sporting organisations and codes right across. It has not been just Gaelic games, but, of course, it includes Gaelic games and rightly should. I have met representatives from soccer, cricket, rugby and swimming, so I have met people from a range of sports. The grant is open to all. That includes community sports organisations, because I recognise the role that they play and how they can contribute to our strategy of improving inclusion and participation in sport of the groups that I mentioned. I have no doubt that information on this has gone far and wide

and that many Members have advertised the programme. I encourage them to do so. There are robust procedures in place to assess organisations on the basis of the criteria and the need.

Homeless Non-nationals: Deportation

T3. **Dr Archibald** asked the Minister for Communities for her assessment of the British Home Office's plans to deport homeless non-nationals on the grounds of rough sleeping, even if they had previously been granted permission to stay. (AQT 1563/17-22)

Ms Hargey: It is a disgraceful policy and is in line with other policies that show where this British Government are and their intent around human rights and equality issues.

I met NGOs such as the Committee on the Administration of Justice (CAJ) and others on the issue, and, last week, I met asylum seekers and refugees to look at issues such as destitution. I made a decision recently and have communicated it to all housing providers that we should not assist in that policy direction. I do not feel that, if you provide homeless services, you should be doing the work of the British Home Office, particularly given its regressive approach to refugees and asylum seekers. I have put out my opinion that we should not adhere to this, and I know that, again, my Scottish and Welsh counterparts have done the same.

Dr Archibald: I thank the Minister for her response and for her leadership on the issue in refusing to implement those cruel and inhumane measures. I have previously engaged with, for example, the Red Cross around issues of destitution among refugees and asylum seekers. The British Home Office is using this to target some of the most vulnerable people in our society, and I ask the Minister to ensure that her objections to the policy are registered directly with the British Home Office.

Ms Hargey: My views on the direction of travel and what the policy is about have been communicated directly to the British Home Office, so officials there are clear about my view. As I said, last week, I met organisations, refugees and asylum seekers who told their stories, many of which were horrific. Some fled their home for reasons outside their control. Work needs to be done here to create a safe space where they feel included and where they can actively participate, and the biggest thing is that barriers put in by the Home Office actually

restrict them in participating. Work is one of the key areas, along with having enough income and not having recourse to public funds. Indeed, the cross-departmental group that NILGA — the Local Government Association — runs is looking at all those issues, and I gave a commitment at that meeting that I will continue to work with that group on areas that relate to my Department.

Capita: Contractual Failings

T4. **Mr Carroll** asked the Minister for Communities, given that in an answer to him she revealed that Capita had been fined £2.4 million and had failed to meet the terms of its contract on 264 occasions, to state how many chances that company will be given and how many breaches will be too many before serious action is taken. (AQT 1564/17-22)

Ms Hargey: I have stated my position previously in the House. Capita was here before I came into office, and, when I came into office, I said that my policy intent was to bring the service back in-house. That is the most appropriate way. I am also looking at other models, such as those in Scotland, which is developing a new assessment system based around its health trusts. We have had some engagement with the Health Department, and that will take some time to roll out. I am looking at the assessment of the cost of bringing it back in-house and what that will look like, and I will soon put a proposal to the Executive on the resourcing that is needed around that.

The ideal, longer-term solution is for the Department to deal with these issues, but, again, it is about recognising that that will take a bit of time. You cannot just change that overnight, and, if I was to stop the contract, people would not get assessments at all and we would be in a much worse position. That said, people will know about the recent NIPSO report and others. We met the NIPSO just before the summer, and my officials have been meeting that body since then. Indeed, I had already made a decision about the assessment and looking at the audit requirements. I have now brought that service back into the Department. The audit function has been brought back in, and we are working to increase the caseload of assessments that are done in the Department. So far, 25% of those cases and assessments can now be done by DFC officials, with the aim of having all this turned back in-house.

Mr Carroll: Thank you, Minister. Your preference may be to have it in-house, but you extended Capita's contract for two years

despite it having a litany of complaints against it and despite it having received a bucketload of public money. Minister, do you think that it is right that Capita has been paid £100 million to carry out a service that is well below what is required for people who are disabled and vulnerable? Capita has had hundreds of complaints against it. Was that money well spent?

Ms Hargey: The service should be provided in-house. I have been very clear about that and I am making moves to ensure that that happens, but you will know as well as I do that I cannot click my fingers and make that happen overnight. I have to put assessors in place. We also need to make sure that the contacts are in place with public health officials to get access to medical records. To do that, I need to work with the Health Minister and the Department of Health more broadly.

2.45 pm

The contract had to be extended. How else could we have done the assessments? No alternative was in place and nobody else had the capacity to do the work. Effectively, the danger was that no assessments would have been done for the next two years. In saying that, we can opt out of the contract if we find an in-house model that can be done more quickly. I negotiated that as part of the contract, which is with DWP more broadly and does not just pertain to here. There is an opt-out clause in it, and I aim to get that in-house model running more quickly.

Working Families: Financial Support

T5. **Mr McGlone** asked the Minister for Communities, who will understand the situation facing working families, with the pending cuts to universal credit, the end of the furlough scheme and the huge increases in electricity, gas and heating costs and in transportation costs, to explain the measures that she is implementing to mitigate the worst excesses of the problems and difficulties being experienced and to state whether she has made a bid to the Minister of Finance to support any such measures. (AQ 1565/17-22)

Ms Hargey: The Member will know that, so far, I have successfully got over £300 million in support during the COVID pandemic. That went to grassroots communities, individual households, support organisations and local government. I continue to look at that, and I am, of course, working with local councils on continued support for households.

My officials recently met the Utility Regulator to discuss fuel costs, and we are seeing what we can do to try to mitigate those as much we can. As I said earlier, we made an additional heating payment last winter, but, of course, there were gaps in the criteria for that payment and people fell through those gaps. We are looking at all of that, and I hope to be able to bring forward something on those issues very soon.

In the longer term, we are doing work on the anti-poverty strategy. We are working on the review of welfare mitigations, which will be announced soon. I am also doing an independent review of discretionary support, which is one of the big ways that we can support people in immediate crisis. Indeed, some of the, I suppose, output from that review has been that we should not take away that support and that it is vital and working here in a way that it is not in other areas. We are doing other work on housing and fuel poverty. Indeed, we are upgrading the fuel poverty strategy.

I will bring forward clearer proposals in the coming weeks and months. Once those get the approval of the Executive, I will update the Chamber.

Mr Speaker: Tá brón orm, ach sin é. Time is up. Will Members please take their ease for a moment?

Economy

Mr Speaker: Question 12 has been withdrawn.

Skills Strategy for Northern Ireland

1. **Mr McHugh** asked the Minister for the Economy to outline when the final skills strategy for Northern Ireland will be published. (AQO 2423/17-22)

Mr Lyons (The Minister for the Economy): A 12-week consultation on the new skills strategy for Northern Ireland, Skills for a 10X Economy, closed on 19 August. My officials are working through the key themes that emerged from the consultation and are engaging with colleagues in the Departments that have commitments in it. It is anticipated that the final 10X skills plan will be published before the end of this calendar year.

Mr McHugh: *[Irish text to be inserted.]* I thank the Minister for his answer. The all-age apprenticeships need to be introduced urgently. Those who are over 25 years of age are, at present, being forced to pay exorbitant amounts

for tuition fees. Your predecessor said in April that the all-age apprenticeship schemes would be delivered this year. Has your Department agreed a date for the all-age apprenticeships to be introduced?

Mr Lyons: This is, of course, part of the skills strategy. The consultation has now closed on it and I am hoping, as I have said, that we will be able to put that information out there and finalise the 10X skills plan. I understand and recognise the concerns that have been raised about those over 25 who have not been able to avail themselves of schemes in the way that others have. It is important that that is dealt with and urgently addressed. It is, of course, part of the overall plan that we have, which focuses on the skills that our people need for the employment opportunities that currently exist.

Mr Speaker: I remind Members, as I did in the last session, that people need to come to their questions quickly in order to allow us to work down the list of tabled questions. I will not allow speeches when people should be posing a question.

Ms McLaughlin: You were probably talking about me, Mr Speaker, because I am a bit long-winded.

Mr Speaker: You were one of them. *[Laughter.]* Let us not have a recurrence.

Ms McLaughlin: We are facing into a winter where there are major skills shortages in almost every sector, from health through to construction. I am really concerned about the logistics industry, which has major skills shortages as a result of Brexit. Many, many drivers have left the UK to go back to the EU. What is your plan to address those particular skills shortages, based on the fact that everything that we use or need comes in a lorry?

Mr Speaker: You will need to research the definition of "a brief question". *[Laughter.]*

Mr Lyons: I recognise the seriousness of the situation that we are facing in Northern Ireland, and particularly around HGV drivers. It is something that I have been aware of, and I have met industry representatives in relation to it. What I heard from them was that it was the protocol that was causing the problems that we are facing. There is the additional paperwork and the burden that is put on those who are having to bring goods between Great Britain and Northern Ireland, as well as, of course, the testing difficulties that there have been over the

last number of months. The numbers of HGV tests that took place in Northern Ireland were 90% down compared with 2019. We need people to be able to get their tests, as well as presenting the opportunities that come from working in that sector. I have worked with the industry and will continue to do so, because I understand the difficulties around it and the real-term impact that it is going to have on people in Northern Ireland when it comes to prices for goods etc. We really need to see a rounded approach to it.

Veterinary School: DAERA Discussions

2. **Mr M Bradley** asked the Minister for the Economy whether he has had any discussions with the Department of Agriculture, Environment and Rural Affairs regarding the proposed veterinary school and its courses. (AQO 2424/17-22)

Mr Lyons: The Department for Agriculture, Environment and Rural Affairs has established a steering group involving its senior officials, the universities and my Department. That steering group has been established with regard to the assessment of need and options analysis for a veterinary school, in order to ensure full visibility ahead of any business case that would be developed and presented to the Department for Agriculture, Environment and Rural Affairs for consideration.

The supply of veterinary surgeons in Northern Ireland is a policy objective for the Department for Agriculture, Environment and Rural Affairs, and my Department is, therefore, not placed to take any final decision or provide direct funding towards the establishment of a veterinary school. Should DAERA conclude positively on such a school, my Department would act as a conduit for funding from DAERA for any maintenance support for which students were eligible.

Mr M Bradley: I thank the Minister for that answer. Opening a new veterinary school in Northern Ireland would be a bonus for young people, as they then might be able to take up being a vet as a career. How close are we to an announcement, either in the affirmative or the negative?

Mr Lyons: I agree with the Member about the need that he and many others have expressed and about the opportunities that could be afforded by having a veterinary school here. We have a fantastic agri-food industry in Northern Ireland, and it is only right that that industry be

supported in that way. The final decision, however, is, of course, one for the Department of Agriculture, Environment and Rural Affairs to make. I can let the Member know that the steering group has been established and that there is representation on it from my Department. A business case will need to be presented, and the decision will need to be made after that.

Mr McAleer: As the Minister stated, we currently do not have our own veterinary school in the North. As such, our students must access the veterinary school at University College Dublin (UCD). Does the Minister agree that his party's decision to boycott the North/South Ministerial Council (NSMC) can only damage vital cooperation in that area and other areas of the economy?

Mr Lyons: I want to see a situation in which we are able to provide our own school in Northern Ireland. That is why I hope that the business case can be presented in the way in which I explained it to Mr Bradley. It will then be for the Department of Agriculture, Environment and Rural Affairs to consider.

Mr Allister: There is an apparent desire by some to hollow out much of the Coleraine campus. Does the Minister agree that it would be timely and confidence-building to support having a new veterinary school and to site it at Coleraine?

Mr Lyons: The location of any potential school will be subject to the appraisal of options in a full business case. That is ultimately the responsibility of the Department of Agriculture, Environment and Rural Affairs. As part of that, consideration will be given to various campuses. That will be part of the decision-making process.

Mr McGlone: I will pick up on what the Minister has said. Is a strategy being prepared or is one in place? How long is it likely to be before there is a time frame for the development of the strategy? The shortage of vets is not a recent problem. It has been exacerbated recently through the likes of Brexit and the movement of labour, but it is not as if it has just come out of the blue for the Minister's Department or for DAERA.

Mr Lyons: It is my understanding that the steering group that has been established has had an initial meeting. It agreed the terms of reference for the assessment of need, which the Strategic Investment Board (SIB) is carrying out. Officials from my Department will attend

subsequent meetings. We are in very early days, but I hope that the process can move as quickly as possible. As other Members demonstrated, a need exists. Things will have to be done the proper way and within the proper time frame, but I hope that the work can be expedited as much as possible.

High Street Stimulus Scheme

3. **Mr Newton** asked the Minister for the Economy when the high street stimulus scheme will be launched officially. (AQO 2425/17-22)

Mr Lyons: The objective of the £145 million high street stimulus scheme is to support the local economy as it recovers from the negative impact of the COVID-19 pandemic. I was delighted to announce last week that applications for the online portal will open on 27 September, with the first tranche of Spend Local prepaid cards to issue in the week beginning 4 October.

The pandemic has seen a significant shift towards consumers buying goods and services online. By giving everyone in Northern Ireland aged 18 and over a prepaid card worth £100 to spend in local businesses, we will encourage many more customers back through the doors of our local businesses, including those in the retail, hospitality and service sectors.

I encourage everyone who will be over 18 by 25 October this year to apply for their card between 27 September and 25 October. My message to everyone is this: by applying for, receiving and, ultimately, spending your Spend Local prepaid card, you will be doing your bit to support Northern Ireland's local businesses. It is time to get ready to spend local.

3.00 pm

Mr Newton: I welcome the scheme. I have been with a number of small independent retailers who have welcomed it. It has been seen as good news by our retail and hospitality sectors in general. They have a positive approach to the scheme. There is no doubt that it will be a boost to the economy. Will you, Minister, explain why this is the optimum time to launch the scheme, rather than doing so on any other date?

Mr Lyons: I thank the Member for his words about the scheme. I am glad to hear that it is going down well with businesses. That is certainly my experience as I have been out and about across Northern Ireland speaking to

retailers about the benefits that the card can bring.

The scheme has been brought in at this time on the basis of a number of factors: first, in relation to research that we carried out; and, secondly, because of what businesses told us. They told us that they went through a difficult lockdown period and that there was then a bit of a boom after the restrictions were eased. Summertime is normally a very good period for our economy, but there tends to be a bit of a lag in September and October, the run-up to Christmas spend starting. We believe that this is the right time, not only because there is that natural dip and lag in spending but because one of the policy objectives is to reorientate that spending from online to the high street. We would like to do that as soon as possible so that we take advantage of the Christmas spend. Hopefully, when people use the card in October and November, they will come back for further spend, and some of that Christmas spend will be reorientated. It is hoped that people will go round the many shops and independent retailers that we have in Northern Ireland and see the benefit of that. This is the right time. It is not just me who says that; when I launched the scheme on the Ormeau Road last week, the retailers told me that it could not have come at a better time.

Mr Delargy: Does the Minister agree that it is clearly unfair to exclude 16- and 17-year-olds from the scheme, given that so many of them work and pay tax? Will he consider extending the scheme to include them?

Mr Lyons: The card is not for people who have worked or paid tax; it is open to everybody in Northern Ireland who is over the age of 18. The possibility of lowering the age to include 16- and 17-year-olds has been raised a number of times. For a number of reasons, that is difficult. First, 16- and 17-year-olds may not be on the databases that we will use to verify that people are who they say that they are and whether they are eligible. Not all of them will be on the electoral roll; not all will have a driving licence; and not all will be found on our government databases. There are also additional regulatory difficulties in how data is used for younger people and the additional controls that might need to be put in. Furthermore, there are cost implications. Extending it to everybody under the age of 18 would add £45 million to the total cost. It is for all those reasons, and because, as I said to Mr Newton, there is a time within which we need to get it out, that we are proceeding on this basis.

Of course, it is important to remember that the scheme is not here primarily for the benefit of the consumer or the person who is spending the card; it is here for the business owners and for those who have struggled for so long because of the lockdown restrictions. That is why we want to get it rolled out as soon as possible.

Mr Nesbitt: Will the Minister commit to overcoming those obstacles so that he can introduce a scheme for 16- and 17-year-olds to run in January next year? If not, will he promise the House that he will spend the entirety of his Department's COVID mitigation moneys?

Mr Lyons: The money for the scheme is money that was allocated to my economic recovery action plan, which has been fully funded at this stage. Although the scheme is a key piece of that, there are, of course, other measures that we want to take. Many of the issues I raised in relation to 16- and 17-year-olds will still be there in a matter of weeks and months. That is not something that can be easily solved.

However, if the Member has a way round this, or if he thinks there is an easy way to do this, I will be happy to hear from him. However, he should keep in mind that the policy objective of the prepaid card scheme is to support our businesses and to reorientate that spend back into the high street. If he is able to overcome those challenges and ensure that that can be done within the budget, I will be more than happy to hear from him.

Mr Dickson: Minister, do you share my concern that the two-week delay in opening phone lines for some people to avail themselves of the service will leave them less time to spend the money? They are the people for whom difficulty in getting the card has been increased by the two-week delay, and they are those who, inevitably, will have more difficulty in getting out and about to spend the money.

Mr Lyons: I understand the concerns that have been expressed about the telephone service. However, the vast majority of people will be able to go online or to get friends or family members to help them access the card. The Member can roll his eyes, but maybe he should listen to the answer first. I hope that people will avail themselves of that help. Measures have been put in place so that they can. However, even if you are applying on the phone, you will still have at least four weeks to spend your card, as everybody else has. I hope that if you get in there early, on 11 October, you will have even more time.

Parental Bereavement (Leave and Pay) Bill: Update

4. **Mr Chambers** asked the Minister for the Economy to provide an update on the Parental Bereavement (Leave and Pay) Bill [NIA 22/17-22]. (AQO 2426/17-22)

Mr Lyons: The Parental Bereavement (Leave and Pay) Bill was introduced on 1 June 2021 and passed its Second Stage on 14 June 2021. The Committee for the Economy is scrutinising the Bill. The Committee issued a call for written evidence and will hear oral evidence from stakeholders over the next few weeks. Departmental officials have been invited to meet the Committee on 6 October as part of its evidence gathering. The Bill will, if passed, allow for the introduction of regulations creating a legal requirement for all employers to grant a minimum period of two weeks' parental bereavement leave with pay.

I am sure that the Member agrees that we should provide as much support as possible to those parents who have experienced either the tragic loss of a child or a stillbirth. I and my officials will continue to engage with the Committee and Members on this small but important Bill in order to see it advance to the next stage as quickly as possible so that we can make it operational by April 2022.

Mr Chambers: I thank the Minister. He will be aware of a lobby group called the Coalition for Bereaved Workers that wants provision similar to that in the parental bereavement Bill to be available for those workers who lose close relatives and partners. What is the Minister's attitude to that call?

Mr Lyons: It is important to outline the policy objectives of the Bill. It was our intention that it would reflect the changes that have taken place elsewhere in the United Kingdom. It is right that we provide that support to those who have lost a child. We know how sensitive a time that can be. From the outset, I think it is also important to say that, although the measure is being brought in as a statutory minimum, it is only right that we reflect the fact that our employers, generally speaking, recognise that too and are generous with the support that they give to their employees.

I understand that there are concerns about the Bill and that some desire to extend it. That is something that we can examine in the future. However, at this time, it is important that we remain with what we have in the Bill.

Mr Robinson: There has been some discussion about how the scope of the Bill should include parents of children over the age of 18 as well as miscarriage. Does the Minister think that that is achievable in the timescale, or will he pledge to investigate the issue more broadly?

Mr Lyons: I appreciate the fact that the Member has raised the issue, and several Members spoke very passionately on the subject of miscarriage during the Second Stage debate. I recognise fully that it is an important and sensitive issue. I believe that it needs full consideration and exploration to ensure that any policy that is developed not only is fit for purpose and offers the right level of support but builds the right framework for employees and employers. It is an important issue, as is the loss of a child over the age of 18. Although we have not consulted on that and would need to examine the potential costs of such an action, we would need to explore the matter fully.

Ms Dolan: The Bill needs to provide a compassionate approach to all workers who suffer the loss of a child. Does the Minister agree that the Bill should apply to agency workers as well as employees?

Mr Lyons: Because of the sensitive nature of the topic, I think that it is right that we give full support to those who are in need, whether or not they are temporary workers. However, as the Member will be aware, during the debate, the issue was raised of the length of time needed for people to avail themselves of that. It is only right that we make sure that we get that balance right to ensure that there is support for those who find themselves in that situation.

Mr Lyttle: Why would parents who have been bereaved by miscarriage not be included in the Parental Bereavement (Leave and Pay) Bill?

Mr Lyons: As I said, when the Bill came through, it reflected the current situation in the rest of the United Kingdom. That was the original policy intent, but, as I said, I am more than happy to explore that because it is only right that we look at the issue properly and recognise the sensitivities around it.

Energy Cost Rises

5. **Ms Hunter** asked the Minister for the Economy what action he will take to address rising energy costs. (AQO 2427/17-22)

Mr Lyons: My Department continues to work with the Utility Regulator to protect consumers through price regulation where competition in the retail energy market is not sufficiently developed or effective. That system of regulation in Northern Ireland ensures that regulated energy tariffs always reflect the actual costs of supplying gas and electricity to homes and businesses. The Utility Regulator has full sight of all the elements that make up a customer's bill, and it rigorously scrutinises every element of tariffs to ensure that they reflect the actual cost of supplying gas to homes and small businesses across Northern Ireland.

The Utility Regulator continues proactively to review all energy costs, and, should those or any other costs decrease, it will act to ensure that regulated companies reflect that in consumer bills.

My Department is preparing to publish a new energy plan in the coming months. A key objective of the new strategy will be to ensure that all households and businesses have access to essential and affordable energy to enable a decent standard of living, health and competitiveness. We plan to achieve that vision by enabling customers to be active participants in the energy market and by further protecting those who are unable or unwilling to participate actively.

Ms Hunter: I thank the Minister for his answer. I recently spoke to representatives from Rigg Hill wind farm in Limavady, which is in my constituency. We touched on a number of positives and opportunities for green renewable energy here not only in my constituency but across the North. Will the Minister approve rapid progress of the development of onshore wind farms to give our energy sector more diversity and security?

Mr Lyons: If we want to deal with the cost of energy, we need to make sure that we have our own indigenous sources of energy as well. That is very important. When my energy plan is released in the coming weeks, you will see the commitment to that. However, as the Member will expect, I cannot comment on any particular applications at this time.

Dr Aiken: What assurance has the Minister had on the continuity and security of supply? Does that assurance mean that we do not have to look to load sharing among our biggest energy suppliers?

3.15 pm

Mr Lyons: I understand the concerns that have been expressed by Mr Aiken and others with regard to security of supply, especially considering some of the reports that we have heard in recent days. I certainly understand and recognise the need for us to ensure that we have a stable and secure supply of energy that is affordable. That will be a key component of the energy plan that I will bring forward in the coming weeks.

Mr M Bradley: Will the Minister elaborate on how his Department has been at the forefront of promoting hydrogen energy, not only for carbon reduction but its other, knock-on, benefits? Are there any plans to introduce hydrogen or biogas into Northern Ireland's gas network in order to support decarbonisation and help to keep costs down?

Mr Lyons: I appreciate the Member's raising that important issue. It has huge potential and opportunity for us here in Northern Ireland. The energy strategy options consultation sets out the opportunities for future injection of biogas and hydrogen into the gas network in Northern Ireland. Feedback from the consultation, as well as a substantial evidence base, will inform future decisions. My Department is aware of interest that has been expressed by gas network operators and a number of biomethane producers in Northern Ireland regarding the injection of biomethane into the gas grid. The Utility Regulator, in cooperation with the gas industry and the Health and Safety Executive, has been considering the technical, commercial and regulatory aspects of how that can be accommodated, and engagement is also ongoing with counterparts in Great Britain on current research into how hydrogen blending with natural gas can be taken forward.

Mr Speaker: I call Sinead McLaughlin. You might not have time to ask a supplementary question, but we will see.

Maximum Student Number Cap

6. **Ms McLaughlin** asked the Minister for the Economy, given the increase in demand for university student places, whether he will increase the maximum student number (MaSN) cap. (AQO 2428/17-22)

Mr Lyons: Due to the significant level of public funding that is provided to the higher education institutions, my Department has to control spending in order to ensure that it stays within its budget allocation. The maximum student number cap is the control mechanism that is used to ensure that.

The number of student places that are available locally is based on the budget allocation that is available to my Department. Without an increase in long-term, baselined teaching grant funding, my Department is therefore unable to increase the teaching grant to universities. If the cap on student numbers were to be increased significantly or removed without a consequent increase in such additional, longer-term, baselined funding, the universities would be highly unlikely to recruit more students.

I understand that there can be frustrations with the perceived restrictions of the cap. However, I must also take a strategic view on the issue. The skills barometer is clear that Northern Ireland's future skills needs lie predominantly at levels 4 and 5 — foundation degrees and higher-level apprenticeships — with only a marginal undersupply at level 6. Therefore, as well as the budgetary constraints or the need to increase student fees, there is no strategic reason to justify increasing the number this year.

Mr Speaker: That ends the period for listed questions. We will now move on to 15 minutes of topical questions. Topical questions 5 and 7 have been withdrawn.

Carbon Dioxide Shortages

T1. **Mr G Kelly** asked the Minister for the Economy how exposed to carbon dioxide shortages is industry here, given the soaring gas and electricity prices that are hitting consumers very hard, with concerning reports over the weekend on how the prices are hitting industry and leading to a carbon dioxide shortage in Britain. (AQT 1571/17-22)

Mr Lyons: I think that I picked up that the question was about the shortages of energy and carbon dioxide. I recognise fully the concerns that have been expressed, not only with regard to potential shortages but, particularly, rising costs and the impact that they will have not only on consumers and householders but on businesses right across Northern Ireland. I have concerns about the impact that that will have, particularly on the cost of living and people's ability to look after themselves and heat their own home. The Utility Regulator met me to give me advance warning of the issues with the cost of energy that were likely to come our way. I immediately raised those with Executive colleagues, particularly the Minister for Communities, as her Department has responsibility for fuel poverty.

Mr G Kelly: Gabhaim buíochas leis an Aire as a fhreagra. I thank the Minister for his answer. I understand that carbon dioxide is vital to a number of industries, including food production and animal slaughter. What is the Minister doing to ensure adequate supply for the industry here, and has he been in contact with counterparts in the South of Ireland and in Britain?

Mr Lyons: The use of carbon dioxide in that way is not an energy-related matter. Carbon dioxide in that instance is a manufactured product that is utilised in the health and food sectors in particular in Northern Ireland. When fossil fuels are burnt, they emit carbon dioxide. I trust that that will be addressed in the energy strategy, but the issues that the Member refers to are not pertinent to my Department.

Tourism: 10X Economy

T2. **Mr Beattie** asked the Minister for the Economy why tourism does not feature in his Department's 10X Economy strategy. (AQT 1572/17-22)

Mr Lyons: Tourism is an incredibly important part of our economic recovery. The Member will see in the 10X strategy the reference to "place"; tourism is part of that. The natural environment and everything that we have to offer to people who come here is part of that. It is covered in the 10X vision, as it will be in the associated documents that will be brought forward. The economic vision of 10X sets out where we are and where we want to be, and associated documents will come from that.

Mr Beattie: Taking the Minister up on that economic vision, what is the value of tourism to the economy?

Mr Lyons: The Member is looking for a figure from me. In the run-up to 2019, we broke through our previous target of making tourism a £1 billion industry. Unfortunately, that has taken a real hit as a result of COVID. We had a very good few years in the run-up to 2019, however, and the Open Championship was a huge part of that, showing the success that we can have on the global stage. Of course, we then had COVID and its impacts, which are still being felt, but our fundamentals are strong. The tourist offerings that we have continue to be of international interest. I have been contacted by many tour operators looking for a relaxation in restrictions because people want to come here and see what we have to offer.

We have huge opportunity to grow well past that £1 billion figure, not only because we can get the international visitors back but because COVID has provided opportunities in the domestic market. We had a huge increase in the number of visitors from the Republic of Ireland during the period when the restrictions were different in each jurisdiction. Many people will have got the taste for Northern Ireland. In addition, in the summer, I was pleased to launch the "Embrace a giant spirit" campaign in Great Britain to help to increase our market there. With tourists coming from the Republic of Ireland and Great Britain, people in Northern Ireland spending more time at home and our international visitors, we can bust through that £1 billion target once more.

Protocol: Continued Implementation

T3. **Mr Allister** asked the Minister for the Economy who said last week that "if there is a choice between remaining in office or implementing the protocol in its present form, then the only option for any unionist Minister would be to cease to hold such office.", whether he is therefore concerned that his colleague the Minister of Agriculture, Environment and Rural Affairs continues to implement the protocol. (AQT 1573/17-22)

Mr Lyons: I hope that the Member will look at my record — what I have done in my Department and elsewhere — and at the position that my party has taken and that he can see where we stand in relation to the protocol. I understand the impacts that it is having. I recognise the problems that it is causing for our businesses. I want to make sure that we do all that we can to find solutions to the problems that exist, because it is harming our economic prosperity and opportunity. I am very clear that the protocol needs to go, as does the border in the Irish Sea. We need to have arrangements in place that reflect the reality of where we are.

Mr Allister: What does the Minister think is the message to London, Dublin and Brussels from those who say that they are opposed to the protocol but, at the same time, are implementing it?

Mr Lyons: I have made it clear what the UK Government and the EU need to do. We need to recognise the problems that exist as a result of the protocol. We need to understand that it is causing additional paperwork. We need to recognise the barriers that exist and the fettering of trade that is taking place. That recognition needs to happen. To a large extent,

that recognition has taken place. What we need to see now is action. The message from me and my party is very clear: we cannot have sustainable institutions when our politics is being poisoned by the protocol. That is why we need to see action on it. The Government have given us some very fine words in recent weeks and months, but we now need to see action on the protocol, not because it is affecting one party or one tradition in Northern Ireland but because it is affecting everybody in Northern Ireland, whether you are a unionist or a nationalist. I see Mrs Kelly shaking her head. I can tell her that there are a lot of businesses in her constituency that are affected —

Mrs D Kelly: By Brexit.

Mr Lyons: — by the protocol —

Mr Speaker: Order.

Mr Lyons: — and by the rigorous implementation of the protocol —

Mrs D Kelly: By Brexit.

Mr Speaker: Order, Members.

Mr Lyons: — which she and her colleagues called for.

Mr Speaker: Sorry, Minister. Order, Members. Let the Minister proceed. Thank you.

Mr Lyons: Thank you, Mr Speaker. Yet again, we have the failure to even recognise that there is a problem. There is a failure to understand the impact that the protocol is having on business, the paperwork that people are having to fill out and the fact that people are not delivering to Northern Ireland any more. When I went into my constituency office at the weekend, I got this from a constituent. It reads:

"I am very sorry as we are unable to send orders to Northern Ireland due to current Customs restrictions.

Your order has been cancelled and refunded. With our apologies for any Inconvenience [sic] caused."

That is the inconvenience that is being caused by the rigorous implementation of the protocol.

Mrs D Kelly: Your party delivered Brexit.

Mr Speaker: Thank you. The time is up. The next Member has advised us that she is unable

to be in her place at this time, so we will move on to Mr Patsy McGlone.

High Street Voucher Scheme: Delay

T6. **Mr McGlone** asked the Minister for the Economy — after putting firmly on the record the fact that, on different occasions, the Minister and members of his party have voiced their concerns to him about the Brexit that they championed and advocated — to explain the reasons for the two-week delay to the launch of the high street voucher scheme. (AQT 1576/17-22)

Mr Lyons: I am not quite sure what the Member is referring to. It was always our intention that the scheme would roll out in September time. He is probably thinking of the date on which the legislation came into force — 12 September — to allow the scheme to proceed. That legislation needed to be in there. A number of other elected representatives have raised the point that there was a two-week delay. No; the legislation came in on 12 September. It was never announced that it was going to start on that date. We said that we would launch it in September. I am pleased that it will be operational this month. That means that the spend will take place during that key period of October and November, and it will, hopefully, reorientate people from online to the high street in time for Christmas.

Mr McGlone: My apologies if I misinterpreted the media briefings that were readily and often put out by different media outlets. If that is the case, that is the case.

On the practicalities, many older people who are not just as computer-literate and many people with learning disabilities will not be able to do the detailed computer work that is required for the scheme. Can you give us an assurance that there will be adequate telephony responders to help and facilitate those people to make their claims? Over the last year and a half in particular, many of us have had difficulty getting through on telephones, let alone via emails or on websites.

3.30 pm

Mr Lyons: I am sorry to break it to the Member, but the media do not always get it right. Maybe that is a lesson that the Member has learned today.

I understand the concerns that have been expressed about perhaps older or more vulnerable people in our society. However, I am

always reluctant to say that it is older people who have problems with the technology, because many of them are very tech-savvy. Family and friends can also help, and I think that that is very important. You as a Member will be able to do it for constituents who are not able to do it themselves. In addition to that, there will be a telephone service. I hope that, by people either using the internet themselves, getting a friend, family member or representative to help them, or using the telephone service, everyone who is eligible will be able to get their card. I certainly will do all that I can to make sure that that is facilitated.

Food Processing Sector: Labour Shortages

T8. **Mr Irwin** asked the Minister for the Economy whether there is anything that he can do to resolve the shortage of workers in the processing sector, which is impacting on farms, especially pig farms, in Northern Ireland. (AQT 1578/17-22)

Mr Lyons: I understand the concerns that the Member and, indeed, others have expressed about labour market shortages, not just in the sectors that he mentioned but in other sectors as well. We see that across Northern Ireland and the UK and the Republic of Ireland. Ultimately, this is an issue for the Government, and, along with party colleagues and Executive colleagues, I have been in contact with the Home Office in particular in relation to this issue. This is down to the Government and their immigration rules, and I hope that we can get to the point where those rules are changed so that we can have that flexible and agile immigration policy and, if the shortage is as a result of a lack of workers from outside the UK, that can be remedied. In addition to that, we need to make sure that we have the skills and the pathways available to those who need them.

Mr Speaker: We have time for a very quick question and a very quick answer.

Mr Irwin: I thank the Minister for his response. He will be aware that the issue is causing a lot of expense and grief to farmers, and we will end up in a welfare situation where pigs are backing up on farms and cannot be got away.

Mr Lyons: I completely agree with the point that the Member has made. The point on the animal welfare issue in particular is one that the Minister of Agriculture, Edwin Poots, has made in his representations to the Government, and I

hope that they will be listened to and acted on as soon as possible.

Mr Speaker: Members, time is up. Please take your ease for a moment or two as we move to the next item.

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

Executive Committee Business

Organ and Tissue Donation (Deemed Consent) Bill: Second Stage

Debate resumed on motion:

That the Second Stage of the Organ and Tissue Donation (Deemed Consent) Bill [NIA 30/17-22] be agreed.

Mr Deputy Speaker (Mr Beggs): I invite the Minister of Health, Robin Swann, to conclude and make a winding-up speech.

Mr Swann (The Minister of Health): I thank everyone who contributed to the debate on the Bill's Second Stage. It is unfortunate that the flow in the debate that we were having earlier was broken up by Question Time, but that is part of the business of the House. The debate in the Chamber was reflective of the conversations that have been had since legislation was first mooted back in 2016 by my then party colleague Jo-Anne Dobson, and those conversations that have been going on since.

It is clear from today's debate that there is agreement that, after considering the growing evidence base and the strong public support for the introduction of the legislation, this is, no doubt, the right time for the Northern Ireland Assembly to implement the Bill. I will take some time to respond to comments that Members made earlier. I thank the Committee Chair for the Committee's contribution and for the work that has been going on since the Bill was first mooted in this mandate. I thank him and the Speaker's Office for their close working on the issue that has enabled us to get the Bill to this stage. I look forward to further positive engagement as we move through Committee Stage and on to the other legislative stages.

When the Chair was speaking as the Sinn Féin health spokesman, he mentioned the delay and the opportunity that had been lost. To those who participated in the debate, I say this about where we are at now: let us take the opportunity that we have. We have got the Bill to its Second Stage. Let us make sure that it gets to Committee Stage and through the remainder of the legislative process while we have the opportunity.

The Deputy Chair of the Health Committee, Mrs Pam Cameron, opened by saying that she was speaking on her own behalf, but she went on to make clear that the Chamber is the place for debate. When I reflect on the conversations that I had with the deputy First Minister about progressing the Bill out of the Executive and getting it here for its First Stage and Second Stage, I remember that that was exactly that argument that we were making. If there are those who still want to have the conversation, get more information and have a wider debate, they should remember that this is the place where that should happen, as well as in the Committee Stage that we will move to now. It is about using this place now.

I acknowledged Peter Weir's contribution earlier when I was responding to Paul. One of the things that the Bill has allowed us to do is to start to have the conversation on what organ donation means and how it can and should be promoted. I have reflected on Paul's comments, and on those of some of his DUP colleagues, about having the conversation and explaining things to people. That is where we were at in 2016. That was the counterproposal to Jo-Anne's Bill that came forward, and that was accepted and taken forward by the House, on what could be done to publicise more widely the conversation around organ donation. That, however, has not got us to the standard that we need to be at, which is to have 80% on the organ donor register. This is about taking the next step. That is what this legislation is about. It will bring us into line with Wales, Scotland and England. When one looks at the Welsh numbers, one will see the evidence for how that slow conversation and movement to deemed consent increased the number of potential donors.

Mr Frew: I thank the Minister for giving way. He has sat and listened to the entire debate. He talks about the conversation. The conversation, even on his colleague Jo-Anne Dobson's Bill, was about deemed consent, and it was convoluted. A publicity campaign should be about organ donation and the positives and the gift of life that it presents. If you have not consented, it is very hard to present it as a gift. The conversation changes when it is wrapped up in deemed consent. It can distort the conversation at that point. In Wales, the publicity campaign for the promotion of organ donation is on a different scale from anything that we have talked about and anything that the Department has run in this country. I believe that, if such a campaign were set in train, organ donations and the number of people registering to go on organ donor registers would be mighty — far greater than it currently is.

Mr Swann: I thank the Member, and I get where he is coming from in the argument, but I think that that wait-and-see position does not get us to where we need to be. We have 115 people waiting on the organ donor register, and it is possible that around 10 to 15 people will die every year in Northern Ireland while waiting for an organ transplant. As I said in my opening comments, now is the right time to move into the sphere of having the conversation and, as I said to him earlier in the debate, dovetailing the conversation and promotion with legislation. Paula Bradshaw spoke about the delay of one year before the Bill takes effect. We must take that year to have that conversation and to move away from simply deemed consent and into promotion as well. That space is there to have those conversations.

Between August 2020 and September 2021, work started to develop that promotional activity. We established a network of partners and stakeholders, and adopting that wider and more collaborative approach enabled us to amplify organ donation messaging. That has been key to enhancing promotion. Charities, trusts and councils have been key partners in that, and they have been extremely supportive and proactive. Network development has also augmented promotion in other sectors such as the voluntary and community sector, schools, further and higher education and our business community.

Voluntary and community partnership working allows the Department to reach a wide range of organisations, groups and target audiences — the grassroots of our society — including faith groups, our BAME population and younger and older audiences. No matter where the Bill goes, plans are in place for future promotional activity. I hope that the Bill gets to the next stage and gets legislative consent, but that drive will keep going. That is key to connecting and engaging with audiences, because the real-life stories of people, and seeing their faces, are very powerful. Today, we heard a number of Members try to convey the reality of not only what it means to be an organ donor but what it means for the family when a deceased relative gives the gift of life that organ donation brings. It is about how we take that to the next step.

I will turn to other comments. Cara Hunter's contribution was reflective of the other SDLP contributions from Pat Catney, Mark Durkan and Dolores Kelly. Their contributions were very much about personal experience, what it meant for them as individuals and the party's connection to organ donation through the niece of their party manager, Catherine, and what that

meant to her family. That is the crux of the conversation.

Robbie Butler referenced the work that had been done and how it started with our party colleague Jo-Anne Dobson. I spoke to Jo-Anne this morning about where we were going, and it was very emotional. Her interest in organ donation and its benefits comes not just from being a politician but as a mother and, eventually, a living donor.

A lot of Members spoke about young Dáithí Mac Gabhann and his parents, Máirtín and Seph, and the work that they have done to promote organ donation over the past few years. I do not think that anyone in the House will not have seen the family's advertising campaign. Like Máirtín and Seph, I am the parent of a child with a congenital heart defect, and I assure the House that what Pat said, having spoken to the family, is true: Dáithí is stable now, but it is about what could progress and develop in the coming months and years. Knowing that there is the potential of a donor being there is reassuring, not only for a young child but for anybody at any stage in life. That is the hope that Robbie Butler spoke about, and that is the hope that this legislation brings.

It is about our next step and the conversations that can and will be had around many dinner tables about what this means and what people want to engage with.

3.45 pm

Paula Bradshaw finished her contribution with two questions. I have answered one, which was on the promotional activity that we have done and can do. The other question was this: why it has taken the Assembly so long to get here? That question has been asked by many campaigners, families and people who have been waiting to get to this point. We are here today, however. We are at the Bill's Second Stage. I look forward to engaging with the Health Committee and the other stakeholders, who need the additional step to get the legislation moved on.

I welcome Áine Murphy to the House. In her maiden speech, she asked, as does every Member for Fermanagh and South Tyrone, for equity for her constituents. I assure her that the legislation will apply equally to everybody across Northern Ireland. It is not just about where people sit on the organ donation list but about how they fit into the organ donation scheme in their ability to receive the gift of an

organ, should they be deemed clinically fit and should that match be found.

Carál Ní Chuilín is not in the House. She spoke of the need to place the matter on a statutory footing, as we have seen happen in England, Scotland and Wales. We have seen the difference that that has already made to the Welsh donor register and the effect that it is having. England and Scotland are still implementing and advancing that and are having the conversation on it.

Carál also raised a realistic challenge, which is the intense pressure that our health service is still working under because of COVID. She is not here, but she will be listening, so I will give her an update on our renal transplant programme. The Belfast Trust has confirmed to me that the backlog of people waiting for transplants that occurred when the service was paused has been cleared, with the exception of two patients who have been assessed as currently unsuitable for transplant. From 3 March to 9 August, the Belfast Trust carried out 26 live donor and 22 deceased donor transplants, and it averaged 3.4 transplantations per week. That work has started again and is ongoing.

Carál quoted my words back to me a number of times — that can be dangerous in this place — about my Department's need for financial support. It is not just about the money, but the money will be useful, and it is needed. Regarding that ask to the British Exchequer to supply the money to our health service, the Barnett consequential is there. I have been made aware that it will be transferred to the Executive. My ask to Carál, then, is that she speak to the Finance Minister in order to make sure that whatever Barnett consequential comes from that is ring-fenced and supplied to the Health Department for what we need to and what we can do.

Mark Durkan, in expanding on Carál's point about the need to move the matter into legislation and put it on a statutory footing, was really making the point about those who say that they want to be and should be an organ donor but have never quite got round to it. That is why surveys show that up to 90% of people say, "Yes, I want to be an organ donor. It is what I want to do", but only 46% have got to the stage of actually doing so. Colleagues in the House indicated that they had taken that step. Unfortunately, that is what makes the further conversation that families have to have with clinicians and other family members about the consent principle necessary, and that, with the clinical experts and support nurses who come

along with the legislation, will get us from 46% to, hopefully, 80% or even to the 90% that we need.

Joanne Bunting said that she came to the conversation with an open heart. That is where some Members in the Chamber and some in the Executive were at an impasse. I say this: come to the conversation and debate not just with an open heart but with an open mind. Those who said that they were not convinced or needed to hear more should listen to the evidence that will come to the Health Committee, where the detailed conversations and question-and-answer sessions can be had. Look to the responses to the consultation that my Department conducted and where we are today with regard to that.

Mr Chambers: Will the Minister give way?

Mr Swann: I will.

Mr Chambers: On my way here this morning, I listened to the 10 o'clock news bulletin on BBC Radio Ulster. It gave airtime to a clinician —

Mr Deputy Speaker (Mr Beggs): Order. May I ask the Member to straighten his microphone so that everyone can hear?

Mr Chambers: Sorry. It gave airtime to a clinician who spoke against the Bill. I was certainly disappointed to hear that, and I am sure that the Minister would have been disappointed as well. Are those views representative of clinicians in general in Northern Ireland?

Mr Swann: I thank the Member for the question. I did not hear the contribution. The consultation received 1,917 written responses. They included 108 from individuals identifying as health and social care professionals, of whom four said that they were opposed to organ donation or statutory opt-out, citing perceived intrusion by government. That issue was raised and will, I am sure, be taken forward in Committee. Fifteen responses were received from health professional groups or organisations, and none of those expressed opposition to the proposed move.

Mr McNulty: Will the Minister give way?

Mr Swann: Yes.

Mr McNulty: Minister, I am sure that, with me, you will recognise the amazing work of young Dáithí Mac Gabhann, his father, Máirtín, and his

mother, Seph, and his engagement with the likes of the Armagh senior footballers, the Antrim senior footballers and the Antrim senior ladies footballers in raising awareness of this important issue. Through their engagement, they have worked to get the issue brought to the Floor of the House, and they are saving lives. It is important to recognise the bravery and engagement of young Dáithí and the family.

Mr Swann: I thank the Member for his point. He was not here for the earlier debate, but the number of times that Dáithí, Máirtín and Seph were mentioned is testimony to their work to promote the legislation. They have also spoken about where we are and how we need to get on with this work: I join in that call. Anyone who has met Dáithí knows the power of that young boy's spirit and the life that he has. It is incumbent on us to do all that we can to progress the Bill.

Mr Frew: I thank the Minister for giving way. This is the second time I have intervened, so it will be the last.

There is confusion and a danger, Minister, that we fall into a trap when we deal with legislation. We can all say that organ donation is a good thing, but organ donation legislation can be anything: good, bad or indifferent. Our job as legislators is to make sure that the legislation on any subject is the best that we can produce.

I hear what the Minister says about taking the Bill to Committee Stage and having an open mind. Ultimately, with deemed consent, either it is in the Bill, or it is not. You cannot amend away deemed consent; it is the kernel of the Bill. If, in principle, you are opposed to deemed consent, even if you come with an open mind and an open heart, that principle will remain.

Clinicians, whether or not they go on the radio, should be respected for their opinion. They should not be ridiculed in any shape or form if they hold an opinion. It is an honest personal opinion that is worth giving.

Mr Swann: I thank the Member for that contribution. I also thank him for his contribution to the wider debate in the public sphere, which will continue in Committee.

If I hear the Member correctly, he is saying that he is opposed to what the Bill is about: deemed consent. When the Deputy Speaker calls the vote, the Member will have the opportunity to oppose what he sees as the crux of the Bill. We have had the debate. I ask him not to divide the

House over it, but it is his democratic right to do that if he has a concern about what deemed consent means. To me, it is the next iteration of the conversation around organ donation in regard to where we have been. We have done the promotion and have done the sell, and we are now doing what is being done in other parts of this United Kingdom by moving deemed consent into legislation.

Once again, I am grateful to everyone who has contributed to the debate on what, I believe, is important legislation. I ask Members to support the Organ and Tissue Donation (Deemed Consent) Bill, and I welcome the opportunity to work with the Committee during its scrutiny of the Bill.

Question put.

Mr Deputy Speaker (Mr Beggs): 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.

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

Question put a second time.

Some Members: Aye.

Some Members: 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. I remind all Members of the requirement for social distancing while the Division takes place. I ask you to ensure that you maintain a gap of at least 2 metres between you and other people when moving around in the Chamber or the Rotunda and especially in the Lobbies. Please be patient at all times, observe the signage and follow the instructions of the Lobby Clerks.

The Assembly divided:

Ayes 69; Noes 6.

AYES

Dr Aiken, Mr Allen, Mr Allister, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie,

Mr Blair, Mr Boylan, Ms P Bradley, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr K Buchanan, Mr Butler, Mrs Cameron, Mr Carroll, Mr Catney, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Dunne, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Harvey, Mr Hilditch, Mr Humphrey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lyttle, Mr McAleer, Mr McCann, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Middleton, Mr Muir, Ms A Murphy, Mr C Murphy, Mr Nesbitt, Mr Newton, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Ms Sugden, Mr Swann, Mr Weir, Miss Woods.

Tellers for the Ayes: Mr Chambers and Ms Hunter

NOES

Mr T Buchanan, Ms Bunting, Mr Easton, Mr Frew, Mr Irwin, Mr Robinson.

Tellers for the Noes: Mr Frew and Mr Robinson.

The following Members voted in both Lobbies and are therefore not counted in the result: Mr M Bradley, Mr Clarke, Miss McIlveen, Mr Storey

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

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

Ms Bunting voted for Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mrs Cameron, Mr Clarke, Mr Dunne, Mr Easton, Mr Frew [Teller, Noes], Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Miss McIlveen, Mr Middleton, Mr Newton, Mr Robinson [Teller, Noes], Mr Storey and Mr Weir

Mr Butler voted for Mr Aiken, Mr Allen, Mrs Barton, Mr Chambers [Teller, Ayes], Mr Nesbitt, Mr Stewart and Mr Swann.

Mr O'Dowd voted for Dr Archibald, Mr Boylan, Ms Brogan, Mr Delargy, Ms Dillon, Ms Dolan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Á Murphy, Mr C Murphy, Ms Ní Chuilín, Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.

Mr O'Toole voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter [Teller, Ayes], Mrs D

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

Ms Bailey voted for Ms Sugden.

Question accordingly agreed to.

Resolved:

That the Second Stage of the Organ and Tissue Donation (Deemed Consent) Bill [NIA 30/17-22] be agreed.

Mr Deputy Speaker (Mr Beggs): That concludes the Second Stage of the Organ and Tissue Donation (Deemed Consent) Bill. The Bill stands referred to the Committee for Health.

4.15 pm

Assembly Business

Mr G Kelly: On a point of order, Mr Deputy Speaker. Earlier today, I asked the Economy Minister about the carbon dioxide shortages that are affecting a number of industries here and, by extension, the economy. The Minister said that it was not his brief or within his remit, which I think is wrong. I would not want him to mislead the House.

Mr Deputy Speaker (Mr Beggs): I do not think that that is a point of order, but the Member has made his point. It is on the record to be considered.

Executive Committee Business

Adoption and Children Bill: First Stage

Mr Swann (The Minister of Health): I beg to introduce the Adoption and Children Bill [NIA 37/17-22], which is a Bill to restate and amend the law relating to adoption; to make further amendments of the law relating to children; and for connected purposes.

Mr Deputy Speaker (Mr Beggs): If Members are leaving, I ask that they do so quietly.

Bill passed First Stage and ordered to be printed.

The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 8) Regulations (Northern Ireland) 2021

Mr Deputy Speaker (Mr Beggs): The next item of business is motions to approve nine statutory rules (SRs), all of which relate to the health protection regulations. There will be a single debate on all nine motions. The Minister will commence the debate on the motions as listed in the Order Paper. When all Members who wish to speak have done so, I shall put the Question on the first motion. The second motion will then be read into the record, and I will call the Minister to move it. The Question will then be put on that motion, and that process will be repeated for all the remaining statutory rules. If that is clear, we will proceed.

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

That the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 8) Regulations (Northern Ireland) 2021 be approved.

The following motions stood in the Order Paper:

That the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 9) Regulations (Northern Ireland) 2021 be approved. — [Mr Swann (The Minister of Health).]

That the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland)

2021 (Amendment No. 10) Regulations (Northern Ireland) 2021 be approved. — [Mr Swann (The Minister of Health).]

That the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 11) Regulations (Northern Ireland) 2021 be approved. — [Mr Swann (The Minister of Health).]

That the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 12) Regulations (Northern Ireland) 2021 be approved. — [Mr Swann (The Minister of Health).]

That the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 13) Regulations (Northern Ireland) 2021 be approved. — [Mr Swann (The Minister of Health).]

That the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 14) Regulations (Northern Ireland) 2021 be approved. — [Mr Swann (The Minister of Health).]

That the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 3) Regulations (Northern Ireland) 2021 be approved. — [Mr Swann (The Minister of Health).]

That the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 4) Regulations (Northern Ireland) 2021 be approved. — [Mr Swann (The Minister of Health).]

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

Mr Swann: Today, Members are considering nine statutory rules that are a result of Executive decisions taken between 1 July and 12 August. Mr Deputy Speaker, with your permission, I will focus my remarks on the key changes made by the amendments.

Members will be aware that, at an Executive meeting on 10 June, the Executive agreed a number of relaxations relating to indoor and outdoor gatherings and the playing of live music, which were subject to ratification on 17 June. On 17 June, owing to rising case numbers and concerns around the increased prevalence of the delta variant in Northern Ireland, the decision was taken to delay those

relaxations for a further two weeks and to consider them again on 1 July. That would allow for further progress to be made on the vaccination roll-out before additional relaxations were introduced.

On 1 July, the Executive decided that some of the relaxations could go ahead. Those changes were introduced by the amendment (No. 8) regulations and amendment (No. 9) regulations. The amendment (No. 8) regulations came into operation on 2 July 2021. They removed the limit on persons who may participate in an outdoor gathering, including a sporting event, and made a technical change to correct a previous reference error in the regulation governing gatherings. The amendment (No. 9) regulations came into operation on 5 July. They removed references to sporting events so that all gatherings are treated the same, regardless of purpose. They removed the redundant references to review dates. They permitted live music at licensed and unlicensed premises.

They removed various restrictions on events for which an occasional licence is in place, and they removed unnecessary provisions in relation to gatherings. They increased from three to five the number of households permitted to meet outdoors at private dwellings, with the maximum number of people remaining at 15.

On 7 July, the amendment (No. 10) regulations introduced a provision that the organiser of an outdoor event for which there is an occasional liquor licence must require audience members to purchase a ticket in advance and must retain visitor information.

The Executive, at their meeting on 22 July, considered the ratification of further relaxations on the pathway out of restrictions. Following advice from the Chief Medical Officer (CMO) and the Chief Scientific Adviser (CSA) and after careful consideration, ministerial colleagues agreed to confirm a number of modest relaxations in domestic settings and close contact services. On 23 July, the amendment (No. 11) regulations were made to permit, from 26 July, up to 15 persons from any number of households to meet outdoors at a private dwelling, not including children up to 12 years of age. They also removed the requirement for appointments to be made for close contact services.

The Executive met again on 26 July to consider whether further relaxations could be made. Given the data presented, ministerial colleagues agreed that some additional relaxations could be made. Those changes

were introduced by the amendment (No. 12) regulations on 27 July, which made provisions to permit the opening of theatres and concert halls, subject to certain restrictions, and to increase the number permitted at a gathering indoors at a private dwelling to 10 persons from three households, not including children.

On 30 July, the amendment (No. 13) regulations introduced new relaxations to the regulations to permit music at indoor venues in addition to theatres and concert halls, subject to certain restrictions. They reduced the required social distancing to 1 metre in hospitality venues and made a number of technical corrections.

The amendment (No. 14) regulations were introduced on 16 August. They introduced new relaxations to the regulations to permit conferences and exhibitions with certain mitigations and restrictions. They included the collection of visitor information, the provision of allocated seating for visitors to the venue, unless attending an exhibition, and the restriction on visitors' movement within the premises, except to enter or exit the premises, access a seat, access an exhibition stand or exhibit, make a payment or access and use toilet, baby-changing or breastfeeding facilities or a smoking area. They also removed the limit on persons who may be seated at a table to consume food and drink, removed the restriction on outdoor house parties, raves or gatherings at a private dwelling. They also removed references to "bubbles" and made some technical changes.

I turn to the face coverings regulations. The Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No.3) Regulations (Northern Ireland), which were commenced on 23 July, made a technical change to extend the expiry date of the regulations to 24 March 2022. At the Executive meeting on 26 July 2021, it was decided to relax the regulation on wearing face coverings in places of worship during acts of worship and to recommend that as guidance only. Face coverings will still be legally required when entering and exiting the building, and they are strongly advised while singing or moving around the premises.

The Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 4) Regulations were made and commenced on 27 July. They removed the requirement to wear a face covering in a place of worship or a place where beliefs are practised. They enabled vehicle examiners in a vehicle testing centre to

remove their face coverings except when in a vehicle with a member of the public.

As Health Minister, I see at first hand how the COVID pandemic has compounded pressures on our hospital systems and how, sadly, that has resulted in even more people waiting longer for the care and treatment that they need. It is not an acceptable situation for me or for the Executive, and I am grateful to my Executive colleagues for their commitment and support in implementing a programme of investment and reform.

Vaccinations remain our primary line of defence. As we now reach the final phase, we are pushing hard to ensure that as high an uptake rate as possible is achieved. Modelling indicates that, if we can achieve 90% first dose take-up, it could reduce hospital admissions by 50%. Vaccination coverage in Northern Ireland continues to be slightly lower than in other parts of the United Kingdom. Again, I ask everyone to please come forward and take up both doses of the vaccine, and, as always, we ask everyone to continue following the public health advice to keep yourself and everyone else safe.

I hope that Members agree with me that the nine sets of amendment regulations bring a welcome group of relaxations for our families and businesses. They provide an opportunity to enjoy the additional benefits of socialising with our friends and relatives while always remaining cautious about any signs of increased transmission of COVID-19. While we have come a long way, the public health situation remains fragile, with the delta variant being dominant and remaining a cause for significant concern. It is important to monitor the progress of that and any other variants closely and to examine emerging data on the impacts of previous relaxations on the course of the epidemic. I commend the regulations to the Assembly.

Mr Gildernew (The Chairperson of the Committee for Health): I will make some brief remarks as Chair and then some comments as party health spokesperson. First of all, I offer my condolences and those of the Committee to all those who have lost family and loved ones since we last debated coronavirus restriction regulations at the end of June. Every one of those is a personal tragedy for those families and a huge loss.

It is frustrating that we continue to see a high number of cases reported daily and the number of deaths continuing to rise. Over the summer recess, the Committee was reconvened on two occasions to be briefed on the rising number of

cases and the work that the Department is undertaking to support staff through what was and continues to be a difficult period for those on the front line.

We have seen reports in the media and heard reports from staff at first hand that there are significant problems and shortfalls in the system. It is concerning when we hear reports of cancer surgeries being delayed and calls going out on social media for additional staff to provide cover and for staff to come back from much-needed and well-earned leave to help with the pressures that the system is encountering. We even heard last week of someone waiting for over five days in accident and emergency for a bed. We all thought that we were through the worst of the pandemic. However, staff are under increasing pressure at this time, and the system does not seem to be able to cope. All that is happening as we face into what could be a difficult winter.

I pay tribute to every one of the Health and Social Care (HSC) staff who are doing their utmost to provide patients with the best possible care. However, it is up to us all to ensure they have the support they need to continue to provide the best possible service. The Committee has again called for an urgent summit to be convened by the Minister to include professional colleges, unions, trust chief executives and political leaders to address and act on the growing concerns of those at the sharp end of the pandemic.

The Committee was briefed on the regulations at its meeting last week.

Mr Deputy Speaker (Mr Beggs): Order. I am giving the Chair of the Committee considerable latitude, but I remind him that this is about the legislation in front of us. I urge him to refer to it, as it is being debated for approval today.

Mr Gildernew: Those remarks relate to the impact of the regulations that we are discussing. As the Minister outlined, the rules are the outcome of Executive agreements over the past number of months and include a number of restrictions being eased.

During the briefing session, members voiced their frustration at the lack of evidence provided to the Committee to enable it to consider how the Department advised the Executive and of the probable impact the easing of the restrictions would have on the transmission of the virus. The Committee would like to see that learning from the last 18 months has been captured, communicated, understood and implemented and that that learning is being

used by the Department of Health to inform the Executive on future decisions. The Committee would also like to see further work undertaken on monitoring compliance with the rules and asks the Minister to consider what monitoring could take place to further inform modelling moving forward.

Following the briefing, the Committee wrote to the Department to request that, at future briefings on such regulations, in addition to the officials who draft the rules, officials who are able to provide information and answer members' questions on the evidence underpinning the rule changes should attend. That would include the impact of the rule changes and the broader policy context for the changes and would assist the Committee to better understand the rationale for the changes being made and to be assured that learning from the changes is being captured in order to inform action going forward.

Following the briefing, the Committee agreed to recommend that all the health protection regulations be approved by the Assembly.

4.30 pm

Briefly, as Sinn Féin's health spokesperson, I reiterate the fact that staff on the front line are indicating severe levels of distress. I do not think that I have encountered that degree of pressure on staff in all my time as an MLA. I ask people, at a minimum, to abide by the restrictions and do everything that they can to ease the pressure on services. I reiterate the Minister's call and ask everyone who is eligible and can take the vaccine to come forward and do that. I also ask that the Minister consider those wider pressures with regard to everything that we are doing. We must support the staff and control COVID in a way that allows staff to function and provides them with the support that they need at this difficult time.

Mrs Cameron: I put on record that my thoughts and sympathies are with all those families who have lost a loved one during the entirety of the pandemic, which we know continues to plague, not least of all —.

Mr Deputy Speaker (Mr Beggs): Order. I ask the Member to ensure that her microphone is able to pick up what she is saying so that everyone can hear her clearly.

Mrs Cameron: Thank you, Mr Deputy Speaker. I also put on record that my thoughts and prayers are with Councillor Paul Hamill's family as they go through this difficult period of grief.

Since we last met in this place, we have made proportionate progress in the easing of restrictions. That has helped us to move towards the normalisation of society that we all crave, while not forgetting the public health dangers that still lurk across the country. I have an interest in the arts and enjoy an evening in some of the many excellent hospitality venues in my constituency of South Antrim and across Belfast. With the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 12) Regulations (Northern Ireland) 2021, we have seen those sectors open up again. The strain that has been inflicted on the arts and on artists themselves has been substantial.

I declare an interest as the wife of a playwright and secretary to my husband's production company. Right across the creative industry, which was booming in Northern Ireland pre pandemic, it will be hard to recover from the loss of livelihoods and the closure of venues. I welcome the long-awaited reopening of theatres and concert halls under the amendment No. 12 regulations. Those venues bring people together, break down barriers and enrich society. We need them to be open and to stay open, not just for the venues to survive but for the artists who perform in them and whose livelihoods depend on those venues remaining open.

In previous debates, I often talked about the hospitality industry. Over the summer, because of the rule changes, it has been encouraging to see pubs, gastropubs, restaurants and cafes reopen. People are glad to be back out again, experiencing the very best of what local facilities have to offer, socialising and taking care of their mental health. However, restaurants have also closed, never to open their doors again. We need to continue to meet the needs of industry to help more businesses to survive. Key to that is amendment No. 13, which reduces social distancing to 1 metre in hospitality venues. Likewise, the amendment that allows live music is also essential. Amazing local artists use pubs as a platform to propel their careers. Again, those musicians need that platform to make a living. That is most welcome after such a prolonged period for those individuals.

I also welcome the relaxation on the use of face coverings in places of worship. I know from conversations with constituents that that has been greatly appreciated and is seen as another step, hopefully, towards normality.

While case numbers remain high, we need to continue to strike a balance between returning

freedoms and moving towards normality and protecting people and the health service. Key to that progress will be the public's continuing to get vaccinated. By now, we have all heard that the vast majority of those who are sick with COVID in hospitals are unvaccinated. Let us all continue to encourage those who are able to do so to take up the offer of vaccination and hopefully free up some vital hospital resources to allow critical life-saving surgery and treatment for non-COVID conditions to resume at pace, while remembering to continue to wash hands, sanitise and wear face coverings as required, because we are all in this together and everyone has role to play. I commend the regulations to the House.

Ms Hunter: My sincere thoughts and prayers are with the families who have lost loved ones to COVID-19. Coronavirus has undoubtedly impacted upon and touched everyone's life in some way since March 2020. Thankfully, over the summer and since we last met here to discuss the restrictions, we have seen some of them lifted and life, somewhat, returned to normality.

I welcome the steps taken throughout the regulations to ensure public safety through crowd management and simple steps such as obtaining a ticket prior to an outdoor event, as provided for by the amendment (No. 10) regulations. That helps to ensure that our concert halls and venues across the North can reopen safely and get back on their feet.

I also welcome the permitting of music at indoor venues in addition to theatres and concert halls and the reduction of the requirement for social distancing to 1 metre in hospitality venues, which I know is most welcome in the hospitality industry.

I note the removal of the restriction on outdoor house parties, raves and other gatherings. We have seen the positive aspects of that in well-organised, COVID-compliant events such as Belsonic this weekend, which I thought was very well organised and which I was happy to attend.

Many families will be grateful for the increase in the number of people permitted to gather indoors at a private dwelling from 10 to 15, not including children under the age of 12, from four households.

I have no doubt that there was a lot of support and joy from sports fans, especially Coleraine fans, due to the amendment (No. 8) regulations, which removed the limit on the number of

people who may participate in an outdoor gathering, including a sporting event.

After being in this spot for the past 17 months, speaking about the tightening of restrictions, it is really positive to stand here today to contribute to discussion of the fact that they are slowly beginning to loosen. I continue to welcome any and all return to normality, and I hope that the regulations continue to loosen as soon as that is appropriate and safe. In the meantime, I urge everyone to adhere to the restrictions and the important rule of, "Hands, face, space".

Most importantly, my party and I give huge thanks to our nurses, carers, doctors, counsellors and community mental health teams for their ongoing commitment to care throughout the pandemic.

Mr Chambers: We have to remind ourselves that all these regulations are in place to not only protect the health and well-being of the public but to help take the pressure in our hospitals off our medical and nursing staff. It is also about the fact that ICU beds that are taken up by patients who present with COVID are taken up for quite a lengthy period; those ICU beds could have been used, in the meantime, to accommodate patients who have had elective surgery.

The Ulster Unionist Party absolutely supports the motions. I notice, however, that we seem always to have the Health Minister here to talk through the regulations and about the rationale and thinking behind them. If we look through the regulations, we see that some have on them the hands of the Community Ministry, some the hands of the Education Ministry and some the hands of the Economy Ministry, but it is the Health Minister who has to come along and explain why the regulations were sought and how and why they were passed.

I see this as a three-pronged system. The Minister and his professional advisers go before the Executive to give their advice. At the other end, the third prong is the debate in the Assembly, but the middle prong is the discussion among Executive Ministers. They make the actual decision. The Health Minister, in the first instance, delivers the advice, and we provide the scrutiny, but no one ever comes and tells us about the Executive discussion. I have raised that issue in the Health Committee. The Executive Office should be providing information to the Health Committee and telling us about the rationale behind the decisions to allow us to fully exercise our scrutiny role. I hear people say, "The Ministers all just fall in

behind whatever the Minister of Health asks for. There is consensus. It's great". I therefore hope that, when the Minister asks the Executive to ring-fence the Barnett consequentials — the extra cash that comes in — that consensus is evident on that topic.

Ms Bradshaw: I support the regulations as amended. I should probably declare an interest. The amendment (No. 8) and amendment (No. 9) regulations refer to the return of team sport, which I very much appreciate. Over the last year and a half or so, I have seen first-hand how difficult it has been for many people to not be able to fully participate in their sport, not just for physical health but for spiritual and mental well-being. The amendment (No. 8) regulations essentially reflect the clear evidence that the virus spreads considerably more rapidly indoors than outdoors. That is also the reason for caution around aspects of the amendment (No. 9) regulations and even the amendment (No. 10) and amendment (No. 13) regulations, which, while allowing for live music indoors, still leave in place relevant mitigations, including, in some instances, prior ticket purchase.

The amendment (No. 11), amendment (No. 12) and amendment (No. 14) regulations, taken together, ultimately allow for large indoor gatherings in public spaces but still leave in place strict regulations, including on the number of people and households at private premises. They say that ignorance of the law is no defence, but I am unclear as to whether anyone outside the Chamber is fully aware of the requirements on private premises and the reason for them in the context of large gatherings elsewhere now being permitted. We have no option but to go with the advice on such matters, but we also need to reflect on the fact that the public can be left bewildered and that that matters to compliance, to which I will return. Of course, the regulations have now moved on in their implementation. For example, advance records of attendance at events, like hockey matches, do not need to be taken.

As members of a liberal party, we continue to regret that any restrictions are required at all, but we accept that, on balance, given the evidence, many of them are clearly desirable in the effort to keep infection rates down and thus protect lives and our health service. I am concerned, however, that the rationale behind changes to the regulations has been far from clear. Indeed, I am one of several Health Committee members who has expressed concern about the lack of clarity on the purpose and assessment of the changes. That is the point that Mr Chambers made a minute ago. There is certainly a striking lack of detail

available to us as members of a scrutiny Committee.

The amendments all serve to remove restrictions, such as those on social distancing at outdoor gatherings, at a time when infection rates are rising. Again, to be clear, we come at this from the point of view that, if there is no clear reason for a restriction, there should be no restriction. However, that did create a degree of confusion among the public about why we are continuing along the journey to normality when infection rates are anything but normal and when pressures on our health workers are clearly abnormal. Was it that the original restrictions did not really work in the first place? Was it that new evidence had determined that they were ineffective in particular contexts: for example, in the summer? Was it that we were content, in fact, to let the virus spread in the summer among an increasingly vaccinated population? These amendments also came at a time when the modelling suggested that infection rates would peak no later than mid-August and potentially earlier. However, that is not, in fact, what happened. Was there any adaptation to the public health advice to take account of the peak not having been reached?

Those questions are important for two reasons. First, to repeat a point that I have often made, these regulations work only if there is compliance, and compliance is far more likely if the public know the why, not just the what. Secondly, it may give us some idea of what to expect in the winter. People are already planning for business ventures, social events, educational activities and so on. What is the public health advice and evidence concerning what mitigations they should consider and what back-up plans they should keep in reserve?

4.45 pm

In closing, with these amendments and any other aspect of the regulations, public communication is key. On restrictions, we need clarity from the Department on purpose as well as requirement.

Mr McNulty: Just over 18 years ago, the All-Ireland champions rolled in to Casement Park. I was playing full back for Armagh that day. We clawed our way to a win by 0-15 to 0-12, which is testament to the performance by the Antrim team. Anto Finnegan was playing corner back for Antrim that day. To say that he was an honest-to-God footballer and an honest-to-God man is an understatement. It hits hard that a man of his calibre, a man of the same vintage as me, is gone. I have spoken to my teammates

about this, and it hits hard, so I can only imagine how hard it hits his family. My sympathies go out to him, to his teammates, to his clubmates and to his community. Thank you for bearing with me on that, Mr Deputy Speaker. I measc na naomh go raibh sé. On the restrictions, we have all been notified about a permanent memorial to all those who have been lost during this pandemic, over 3,300 people. I think that we can all get on board with that. There is no reason for any party to object to that, so let us all get behind a permanent memorial to all of those who have been lost.

A disproportionate percentage of HSC staff remain unvaccinated. I am trying to understand that. Minister, maybe you should give us some explanation as to why that is the case. I applaud the HSC staff for their incredible bravery, their incredible resilience and their incredible ability to keep going under so much pressure, and in the face of so much strain, with little support on very many occasions.

Is there anything that we can look at to encourage more people to get vaccinated? I do not know what those incentives might be, but how can we get a higher proportion of society vaccinated and get in line with what is happening in the South? On what is happening in the South, can somebody explain to me why the number of infections here is skyrocketing compared with the South? We are inextricably linked to the South, and we are inextricably linked to Britain. Can somebody explain to me why we have skyrocketing —

Mr Deputy Speaker (Mr Beggs): Order. I encourage the Member to reference the regulations in front of us.

Mr McNulty: I contend, Mr Deputy Speaker, that what I am saying is related and inextricably linked to the regulations. Our behaviours interconnect with the waiting lists because, as infection rates skyrocket, so too do our waiting lists and so too does the pressure on our health service. Can somebody explain to me why we have waiting lists that are up to 100 times greater than they are in Britain when we have a population that is 30 times smaller? How can we expect our healthcare workers to keep going? How can we keep demanding that they keep going and keep standing up to this pandemic? They are reaching breaking point and we are still going back and asking for more. Can somebody explain to me why our waiting lists keep growing and we are making token gestures to our health service staff, who are at breaking point? They need help and support. What is being done to help and support them?

Mr Deputy Speaker (Mr Beggs): I call on the Minister of Health, Robin Swann, to conclude and wind up on the debate on all nine motions.

Mr Swann: I welcome today's debate on the seven amendments to the Health Protection (Coronavirus, Restrictions) Regulations and the two amendments to the Health Protection (Coronavirus, Wearing of Face Coverings) Regulations. I thank Members for their contributions and comments. I will turn to some of the points that Members made.

I will cover a couple of issues that were raised by the Chair of the Health Committee, Ms Paula Bradshaw and Alan Chambers on these regulations. I have said this many times in the House. Mr Chambers spoke about the three-pronged approach, but I think that it is a bit wider than that. I remind the House that it is the Executive Office that holds lead responsibility on operational management of the process leading to these Executive decisions and amendments to the regulations. The SRs that we are debating were made to cover recommendations that predominantly originated from within the Executive's COVID-19 task force, which is led by TEO.

The SRs are wide-ranging and cover the remit of a number of Departments. I was disappointed to receive a response, on 8 September, from the First Minister and the deputy First Minister to say that my request for the junior Ministers to lead today's debate, as they have done in the past, would not be accepted because they were:

"fully engaged with priority work for the Executive Office".

I will not shirk my duty as Health Minister in coming forward and bringing forward these regulations, because it must be done, but it is a multi-faced approach. An ask is made through the Executive COVID task force; advice is put in from Health, Economy and Communities; there is discussion at the Executive table; there is the decision at the Executive table; we draft the regs and the changes that are necessary; and then the debate is had here. On the past number of occasions, it has fallen to me to lead that debate. Members asked more widely, and rightly so, about greater clarity on discussions on how decisions were made and what the implications were. That is for a wider remit than solely mine as Minister of Health. I can speak to the changing of the regulations that have been brought forward.

I thank the Chair and other Members for their contributions with regard to the thanks that our staff deserve, and also for reflecting the duty and responsibility that we have, and that the people of Northern Ireland still have, to observe the regulations that are still in place to help us try to maintain some level of control over the virus. That comes back to the points that Ms Bradshaw made about face coverings, social distancing, good hand hygiene and observing the pieces that are there, and those that were reflected by other commentators today about the vaccine and coming forward to take it.

Mr McNulty made a comment, which I hope he got wrong, about the disproportionate percentage of healthcare workers who remain unvaccinated, and then he went on to praise them. I cannot match that, Justin. How can you hit them on the one hand and praise them on the other? It is not my experience that a disproportionate percentage of our healthcare workers are unvaccinated. Many of them have taken the responsible step — more so than the public in general in Northern Ireland. It may be something that the Member picked up or said wrong, but it is not my experience. It was not my experience last night, when I spent time in the ED, resuscitation ward and ICU wards of Antrim Area Hospital, or this morning in the Ulster Hospital. The staff whom I was talking to are feeling the strains and the stresses that we know are out there — we have all that bit to do — but their biggest frustration —. We have heard the examples that have come forward; so many heartbreaking stories of the individuals who, over the past number of days and weeks, have remained unvaccinated and ended up in hospital, ended up in the ICU and, unfortunately, lost their lives. By that stage, it is too late. I say to people: get vaccinated now, because the opportunity is there.

I will go back to the debate on the regulations. The Chair of the Health Committee talked about compliance and enforcement. There is a section in TEO that looks at that. Over a year ago, the Health Department asked that that working group be set up. My thought process was that, if it was chaired by the Justice Minister, it would have brought a more strategic look to it. However, it was not to be, because the Justice Minister said that she saw a conflict between chairing a working group that included the PSNI, local government, SOLACE and a number of other organisations. That group meets, does its work and reports to the Executive Committee. It does not sit under my remit or protocol, but it looks at compliance and enforcement. Some of the information that it has brought forward is that when other places have moved face coverings from regulations to

guidance, compliance has fallen by 30%. I do not think that our compliance in Northern Ireland is high enough to afford it falling by another 30%. That is why that work still needs to be done and why the face covering regulations, as amended, go as far as they can and should at this point in time.

The Deputy Chair of the Health Committee, Ms Pam Cameron, referred to the changes that have been made. They are proportionate with how and where we see outdoors being safer than indoors.

We have always taken that pressure.

I thank her for acknowledging the pressures on our health service, again owing to unvaccinated individuals ending up in ICU, where 70% of COVID patients are unvaccinated. That is the pressure that we are now seeing.

The changes in regulations have also been about how the Executive have responded as a whole. I acknowledge and congratulate Pam's husband for the play that he put on. Friends and colleagues who were at it talked about how it was a positive COVID experience, because it was compliant. That is where Cara Hunter's comments about COVID-compliant events come in. The onus is on organisers of events to make sure that they are in keeping with the regulations so that we can see that they are safer than if the regulations were not in place.

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

Mr Chambers's comments covered how the changes in regulations are brought about. I saw smiles appear across the Chamber when he said that there was simply an expectation that I went to the Executive Committee, and everybody fell in behind me. If only that were so. Especially for the implications for health from the Barnett consequential, I hope that it is so, because we need it. It will not address all the asks that we know are required, but it will go some way to meeting some of the shortfall that we see.

I thank Ms Bradshaw for her comments about the importance of team sports and the ability to engage in them that the easing of the regulations has brought about. I say that because of sport's holistic impact on society.

Our modelling was updated on vaccination rates. Revised modelling was presented to the Executive towards the end of August. It should be published on my Department's website, just

as we have produced the weekly R paper, along with outbreak and cluster reports.

I do not want to emphasise Mr Justin McNulty's comments about our waiting lists, but I will finish on them. Why are our waiting lists 100 times worse with a population 30 times smaller? The simple answer is this: 10 years of underinvestment. It is as a result of underinvestment by this House time and time again. We are now paying the price of those decisions.

I hope that I have answered as many of Members' queries and questions as possible. In closing the debate, I remind Members that the choices that we make now will be crucial in ensuring that the virus does not begin to spread again. COVID-19 restrictions are being eased. We can meet more people and go to more places. We can cautiously start to return to a more normal way of life. By making safer choices, following public health advice and complying with the regulations, we can all do our part to help lower the spread of COVID-19. I commend the regulations to the Assembly.

Question put and agreed to.

Resolved:

That the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 8) Regulations (Northern Ireland) 2021 be approved.

The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 9) Regulations (Northern Ireland) 2021

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

That the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 9) Regulations (Northern Ireland) 2021 be approved.

Mr Deputy Speaker (Mr McGlone): The motion has already been debated.

Question put and agreed to.

Resolved:

That the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 9) Regulations (Northern Ireland) 2021 be approved.

The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 10) Regulations (Northern Ireland) 2021

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

That the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 10) Regulations (Northern Ireland) 2021 be approved.

Mr Deputy Speaker (Mr McGlone): The motion has already been debated.

Question put and agreed to.

Resolved:

That the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 10) Regulations (Northern Ireland) 2021 be approved.

5.00 pm

The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 11) Regulations (Northern Ireland) 2021

Resolved:

That the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 11) Regulations (Northern Ireland) 2021 be approved. — [Mr Swann (The Minister of Health).]

The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 12) Regulations (Northern Ireland) 2021

Resolved:

That the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 12) Regulations (Northern Ireland) 2021 be approved. — [Mr Swann (The Minister of Health).]

The Health Protection (Coronavirus, Restrictions) Regulations (Northern

Ireland) 2021 (Amendment No. 13) Regulations (Northern Ireland) 2021

Resolved:

That the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 13) Regulations (Northern Ireland) 2021 be approved. — [Mr Swann (The Minister of Health).]

The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 14) Regulations (Northern Ireland) 2021

Resolved:

That the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 14) Regulations (Northern Ireland) 2021 be approved. — [Mr Swann (The Minister of Health).]

The Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 3) Regulations (Northern Ireland) 2021

Resolved:

That the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 3) Regulations (Northern Ireland) 2021 be approved. — [Mr Swann (The Minister of Health).]

The Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 4) Regulations (Northern Ireland) 2021

Resolved:

That the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 4) Regulations (Northern Ireland) 2021 be approved. — [Mr Swann (The Minister of Health).]

Mr Deputy Speaker (Mr McGlone): Members should take their ease before we move to the next item.

Environment Bill: Legislative Consent Motion

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

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Environment Bill, as brought to the House of Lords on 26 May 2021.

Mr Deputy Speaker (Mr McGlone): The Business Committee has agreed that there should be no time limit for the debate. Please open the debate on the motion. I call — Glaoim ar Declan McAleer, Cathaoirleach an Choiste Timpeallachta. I beg your pardon, Minister. I was not being deferential enough. I am sure you will excuse me on this occasion, Minister. Thank you

Mr Poots: No deference required for me. I am just the same as I have always been, and I do not intend to change, but thank you, Mr Deputy Speaker.

I am grateful for the opportunity to bring forward the motion and to speak about amendments to the Environment Bill in two specific areas. The Environment Bill is a significant and wide-ranging UK Government Bill containing a number of clauses relating to Northern Ireland devolved matters. On 30 June 2020, the Assembly debated and agreed the merits of a motion to grant legislative consent on the provisions relating to devolved matters. I am grateful to the Members and, indeed, to the AERA Committee, for their positive engagement at that time.

A number of amendments to the Bill were agreed as it made its way through successive parliamentary stages. The amendments relevant to Northern Ireland's devolved matters are set out in annex A. That is a legislative consent memorandum, which, with the agreement of my Executive colleagues, was laid in the Assembly on 9 September. The amendments mostly fall within the scope of the motion that was passed on 30 June last year. However, amendments introducing powers for DAERA to issue guidance to the Office for Environmental Protection (OEP) and provisions relating to the use of forest risk commodities in commercial activity are new. I am, therefore, seeking further legislative consent for those specific matters.

The first matter for which I am seeking the consent of the Assembly for the UK Parliament to legislate is a new power for DAERA to issue guidance to the Office for Environmental Protection in respect of its enforcement policy.

When the OEP provisions are commenced in Northern Ireland, new clause 25A in the most recent printed version of the Bill will be inserted via an amendment to schedule 3 to the Bill. The amendment inserts a power to enable DAERA to issue guidance to the OEP on specific matters relating to its enforcement policy and functions as set out in the Bill. The OEP is required to have regard to that guidance. That provision was introduced at the Commons Report Stage and mirrors a power for the Secretary of State for Environment, Food and Rural Affairs to issue similar guidance for England and for reserved matters.

The OEP will, subject to Assembly approval on commencement, assume an independent environmental oversight role in Northern Ireland, holding public authorities to account for the proper implementation of environmental law. The OEP's independent monitoring, reporting and other functions are not affected by the amendment, which allows DAERA to issue guidance only on the OEP's enforcement functions and then only on certain enforcement matters that are set out in the Bill.

The guidance is on the meaning of "serious" when the OEP assesses compliance with environment law and damage to the natural environment or human health; how it intends to exercise its enforcement functions to avoid overlap with other statutory regimes, including the Northern Ireland Public Services Ombudsman (NIPSO); and how the OEP decides on the prioritisation of cases. Even with that limited scope, the ability to issue guidance is a safeguard if there are concerns about the OEP's approach or, indeed, if it requests guidance. It is not intended to be used proactively, and it cannot be used to direct the OEP to take a particular course of action in specific cases.

I am aware that some concerns have been expressed that the provision somehow erodes the independence of the OEP. While I believe those concerns to be exaggerated, the UK Government and I agreed to table further amendments at the Lords Report Stage, when they were due to be considered on 8 September. Those further amendments will afford the UK Parliament and the Northern Ireland Assembly the opportunity to scrutinise any draft guidance that is produced by the Secretary of State for Environment, Food and Rural Affairs and DAERA respectively and to make recommendations before the final guidance is prepared and laid before the relevant legislature. That additional level of scrutiny was also suggested in a number of stakeholder responses to the DAERA

discussion document on the plans, principles and governance provisions of the Environment Bill.

As some Members are aware, events took a different turn during the Lords Report Stage, with an amendment being accepted that removed the power for DAERA to issue guidance. In turn, that precluded the moving of the amendment that provided for Assembly scrutiny. While I believe that the Lords took that decision with the best of intentions, I do not believe that it was the right decision. The UK Government have made it clear that they intend to reinstate the powers of the DEFRA Secretary of State to issue guidance to the OEP when the Bill returns to the Commons, along with the provisions for parliamentary and Assembly scrutiny. I have agreed that course of action in respect of NI, subject, of course, to the Assembly's consent.

I will move on to the new provisions on the use of forest risk commodities in commercial activities. The UK consumes significant amounts of commodities known as forest risk commodities, and the rapid expansion in their use can be associated with global deforestation. That is often in contravention of laws in countries of origin. The risks include soya, cocoa, palm oil, rubber, beef and leather and are found in many UK retail foods, cleaning products and cosmetics. I am seeking the consent of the Assembly for the UK Parliament to introduce legislation that is intended to prohibit larger companies from using agricultural commodities that have not been produced in line with laws in the countries of origin.

The proposed legislation will require those companies, in scope, to undertake due diligence regarding risks of illegal deforestation in their supply chains and require them to publish information about their due diligence checks. It will introduce measures and send a signal that there is no place in the UK market for products associated with illegal deforestation. The UK Government wish to support the efforts of Governments in producer countries to tackle the problem. Many larger companies trading in forest risk commodities operate at a UK level and supply products to the NI market. To achieve that aim, it is therefore important that the legislation introducing due diligence applies in Northern Ireland as it does elsewhere in the UK.

Responses to the DEFRA-led UK consultation exercise, which included companies that trade in Northern Ireland, were overwhelmingly in favour of introducing legislation. The

implementation of forest risk commodities provisions in the Environment Bill will require the introduction of secondary legislation from the UK, which is to be taken forward by DEFRA. That does not affect NI's remit to establish its own domestic forest policy.

The most important aspects for Northern Ireland will be the turnover threshold for the forest risk commodities and any monitoring and enforcement that falls to Northern Ireland Departments. DEFRA officials have stated that they will engage with relevant NI Departments in taking forward the secondary legislation and in conducting a second UK public consultation during the autumn of this year. Apart from their individual merits, the provisions ensure that a consistent legislative approach is taken across the jurisdictions in which the Office for Environmental Protection will operate and that a regime designed to protect forest risk commodities globally can be implemented on a UK-wide basis. Accordingly, I commend the motion to the House.

Mr McAleer (The Chairperson of the Committee for Agriculture, Environment and Rural Affairs): I welcome the opportunity to speak today on behalf of the Committee and to outline its views on the supplementary legislative consent that is being sought for the Environment Bill.

The Committee considered the details of the Bill last year and provided its assessment to the Assembly during a debate on 30 June 2020, when initial legislative consent was sought and approved. Since then, the Bill has progressed through its scrutiny at Westminster, and it is unfortunate that COVID-19 has contributed to the lengthy time frame for the legislation to be brought forward.

Protecting our natural environment is a concern for us all. In recent weeks, we have seen the devastating impact of environmental damage, with large fish kills in the Glendurragh river in County Fermanagh and the Three Mile Water in County Antrim due to pollution. A recent report from the Department also highlights the worrying trend of an increased number of waste crimes being reported in 2020 compared with 2018 and 2019. Therefore, it is essential that we have a comprehensive, robust and effective legal framework in place to support environmental governance and to keep our local environment healthy.

As Members are aware, the Bill aims to address the legislative gap in environmental policy following Brexit and to provide powers to jurisdictions in respect of a number of areas,

including waste and resource efficiency, biodiversity and air and water quality management.

The Committee articulated its concerns about the lack of local public consultation and the limited time that had been afforded to undertake scrutiny of the legislative consent motion (LCM) during the debate in June last year. Similarly, due to the legislative timetabling at Westminster, the Committee was given very limited opportunity to scrutinise the additional measures that are being considered. It is in that context that the Committee's view on the supplementary measures is presented.

5.15 pm

In February, the Committee received a briefing from officials on two of the proposed supplementary amendments that were introduced after the Committee and Report Stages in the House of Commons and deemed to be outside of the scope of the original legislative consent motion that will have effect here. Those include an amendment to schedule 3, which will provide for the Department to issue guidance to the Office for Environmental Protection on certain matters relating to the OEP's enforcement function locally. Whilst it is unfortunate that any such guidance that is issued by the Department will not be binding on the OEP, it is, nevertheless, welcome that local advice will be heard when decisions are taken in that regard and will be reflected in the powers available to the Minister for Environment, Food and Rural Affairs.

Clause 109 and schedule 16 will amend the Bill to make it illegal for businesses to use forest risk commodities that have not been produced in compliance with the applicable laws in the countries in which they are grown. The Committee welcomes that amendment as a means of prohibiting the potential use of products that are grown irresponsibly and of compelling businesses to demonstrate compliance with appropriate legislation.

The Committee was concerned about how future policy and legislation will be harmonised across the island of Ireland on the use of forest risk commodities, as DEFRA will have the authority to pass UK-wide secondary legislation. The Department informed the Committee that DEFRA will undertake a public consultation on the development of future subordinate legislation, which will be open to respondents outside of the jurisdiction. The Committee welcomes the fact that DEFRA has specifically requested the assistance of local

government officials to engage with key stakeholders across Ireland when facilitating those consultations.

The Department wrote to the Committee on 29 June to advise of the amendments. It further advised that consent for those supplementary measures would be required before mid-September to align with the anticipated timetabling of the Bill at Westminster. On 27 August, the Department informed the Committee of a further supplementary amendment to schedule 3 that had been introduced following the House of Lords Report Stage. That amendment will compel the Department to submit draft guidance on enforcement matters to the Assembly for scrutiny and recommendation before being issued to the OEP. The Committee welcomes that amendment, as it will ensure local oversight and accountability of enforcement advice that is issued in respect of environmental transgressions.

In summary, the Committee's views and concerns regarding substantive components of the Environment Bill remain unchanged from its consideration of those matters last year. The Committee broadly welcomes the specific supplementary legislative consent measures that are being considered today, as they will facilitate improved local oversight and function of environmental governance. However, I reiterate the exceptionally limited time frame that the Committee had to consider the provisions due to the need to provide feedback in advance of today's debate and the Westminster legislative deadline. The Committee hopes that the Environment Bill, as amended, will help to bridge the legislative gap in environmental governance that has been caused by Brexit, but it considers that additional local policy provision will be required in the months and years ahead in order to provide appropriate safeguards to protect the health of our environment and our ecosystems.

Mr Irwin: I welcome the opportunity to contribute to the motion that is before the House. As I said in previous debates on the issue, it is important that the environment is given the protection that it requires, and, of course, the hard-working farming community is a key player, given farmers' role as custodians of the countryside. Farming in Northern Ireland plays a significant role in the protection, enhancement and productivity of the natural environment. As a farmer, I know, at first hand, the responsibility that goes with that role. Due care and consideration must be given to the environment, and that goes for all individuals, sectors and industries that have an impact on

the environment. The ability of our Departments and agencies to respond to protect the environment is important. It is also important that powers are adequate to effectively deal with threats to the environment.

Following Brexit, there is a requirement for legislation that is specific to the United Kingdom and the devolved regions; hence, the need for this legislative consent motion to ensure some UK-wide continuity of those important matters. That being the case, and because the motion states that the Assembly endorses the principle of the Bill, it is important that, in principle, it is enabled to be operational in Northern Ireland. We cannot have a situation where Northern Ireland would be without legislative cover in that regard.

The Committee considered the issue, and, given the time constraints and the arguments pertaining to our own Bill versus the Bill that is before us today, there are no simple or immediate solutions. I am quite sure that, in the days ahead, as various aspects of the Environment Bill are worked through, the Minister and the AERA Committee will have more opportunities to contribute to the scrutiny of the legislation. With that in mind, I support the motion.

Ms Hunter: The SDLP supports the establishment of an independent environment agency for the North. We note that Scotland has laid its own course, and it is disappointing that that has not been the case in NI. Our Minister and the SDLP in Westminster have documented our concerns, as the Minister is aware. However, in recognising the need to work collectively to address our environment crisis, we believe as a matter of principle that any legislation that can be made in Northern Ireland in the Assembly should be made here.

We recognise that these provisions will go some way towards protecting our environment. However, we seek clarity from the Minister today that devolved matters will be dealt with here and that he will keep a watchful eye as legislation progresses. We remain concerned by the continued uncertainty and lack of information around the structure, operation and cost of the Office for Environmental Protection in general and around how it will operate here. The part of the legislative consent motion that relates to the OEP, which is clause 24A, needs to be considered carefully within the wider context of the unresolved issues around the OEP's application here, the lack of alternative operations considered and the continuing lack of clarity on the operation of the OEP.

We are concerned that clause 24A makes provision for a broad power, and we are unclear as to what impact it will have on cross-cutting policy and Executive responsibilities here. It will be important to have assurances from the Minister today on that matter. In particular, it is crucial that we understand fully the impact that clause 24A will have on the OEP's independence and the lack of specific consultation here on the power for DAERA to issue guidance to the OEP in respect of its enforcement policy.

I am aware that the similar power that is provided to the Secretary of State in the British Government's Environment Bill has been controversial with stakeholders in terms of its potentially negative impact on the independence of the OEP. I understand that similar concerns have been expressed by some stakeholders here, via responses to the Department's 'Environmental Plans, Principles and Governance for Northern Ireland Public Discussion Document' on the equivalent power being provided to DAERA. Those are matters that the SDLP Minister has documented and raised previously. We welcome any assurance and detail from the Minister in his response on those issues.

Mrs Barton: I am grateful for the opportunity to speak to the LCM extension to Northern Ireland of the provisions of the Environment Bill.

Overall, the Environment Bill is very complex and is in two parts — the first is the legal framework for the new environmental governance and accountability, and the second part concentrates on the improvement of the overall quality of our environment and the need for biodiversity conservation in order to keep our natural ecosystems functioning properly.

The Environment Bill now has a number of UK Government amendments, some of which have been extended to Northern Ireland but are not within the provisions of the previous LCM; that is why they are being brought forward today. The two specific devolved matters are, first, the power given to DAERA to issue guidance to the Office for Environmental Protection and, secondly, forest risk commodities that are used in commercial activity.

The guidance from DAERA to the Office for Environmental Protection would include how the OEP intends to determine the seriousness of failures to comply with environmental law and how the OEP will determine whether damage to the natural environment or to human health is serious in relation to urgent cases. That guidance, however, must also avoid overlap

between the exercise of its functions regarding complaints and that of the Public Services Ombudsman. Overall, the aim of this amendment is to permit DAERA to have enabling legislation, to give support and to be responsive to concerns that may arise in relation to specific elements of the Office for Environmental Protection. However, DAERA still has to respect the independence of that office.

Regarding the second specific devolved matter, it is recognised that the UK consumes significant amounts of forest risk commodities, which have been particularly associated with global deforestation and with being against the laws of that country. Many of those commodities, such as beef, leather and palm oil, are used in the UK retail trade, which is dependent on them. The purpose of the legislation is to make it illegal for businesses to use products that have not been produced in compliance with the law of their country of origin, thus allowing a consistent regulatory approach across the United Kingdom and ensuring similarities for all trading businesses. That should also encourage global environmental protection against issues such as deforestation, and ecosystem conversion.

It is essential that the environment is given the protection that is so important and that the legislation is fit for purpose. Thank you.

Mr Blair: I will start by saying that I share with many others the frustration at the incredible delay in progressing this Bill, the cause of which, it has to be said, is outside this House. The Bill, which is needed to redraw vital regulations following the UK's departure from the EU, was introduced in December 2018, long before other pieces of legislation, including some consequential Bills on Brexit that were accelerated through the UK Parliament. Meanwhile, we are facing a climate and ecological crisis. Northern Ireland's unique natural environment is under significant threat. Northern Ireland is the only jurisdiction in the UK and Ireland without an independent environmental protection agency, a climate change Act or a specific net zero emissions target. Northern Ireland is urgently in need of policies that will restore its damaged ecosystem.

I will focus my comments on the legal framework for environmental governance in the Environment Bill. Our exit from the European Union will have substantial implications for the environment in Northern Ireland. The proposed Environment Bill goes some way towards addressing the environmental governance gaps

that Brexit has exposed. In its current state, however, it does not offer the same level of protection and accountability as the European Courts did. As a result, there is a greater ongoing requirement for Northern Ireland to remain aligned to the previous EU regulations. To those who say, "We can do better", I say, "I hope you do. I hope you do soon. I am waiting and ready to support you in doing that".

Governance needs to be considered separately from policy. It should go without saying that independence and the ability to prosecute effectively are critical to the Office for Environmental Protection, but that is not the case. A new provision in the Bill grants the Secretary of State in England and the Department of Agriculture, Environment and Rural Affairs here in Northern Ireland the power to issue guidance to the Office for Environmental Protection on certain matters that must, it seems, be included in the OEP's enforcement policy. The UK Government claim that the new power does not grant the Secretary of State or DAERA any ability to intervene in decision-making about civic or individual cases and:

"the OEP does not have to act strictly in accordance with the guidance where it has clear reasons not to do so."

Whilst that is technically correct, it is clear that the new power will have the effect of allocating DEFRA and DAERA Ministers a central role in shaping the basic principles of the oversight body. I suggest that it will, therefore, constrain the role of the OEP and its ability to act independently. I also want to stress that the Office for Environmental Protection cannot be the absolute for environmental governance in Northern Ireland. As mentioned, Northern Ireland is the only member of these islands without an independent environmental protection agency, which is an outstanding commitment from New Decade, New Approach. With their differing roles and scope, the establishment of an OEP should not be used as an excuse for not proceeding with an independent environmental protection agency and honouring agreements that were reached.

Finally, I will speak briefly in support of the new progressive clauses in the Environment Bill. The pandemic has laid bare the need for a new outlook on our economy and on wider society.

We need to look, therefore, at a new, more holistic and inclusive economic model, including more sophisticated economic objectives and indicators such as environmental regeneration, renewable energy and our impact overseas,

alongside equality, inclusion, health, income, housing and the well-being of future generations. On behalf of Alliance, I am content to support the legislative consent motion, but I stress the pressing need for bespoke environmental legislation for Northern Ireland and the establishment of an independent environmental protection agency.

5.30 pm

Mr Carroll: You will probably be aware, Deputy Speaker, that hundreds of environmental activists from across the North descended here yesterday to raise awareness of the need for climate action. Among them were very young people, including an 11-year-old who spoke about the need to protect her future and that of other young people. That aim should be foremost in our minds when writing or passing any kind of environmental legislation. Unfortunately, the action we have seen from Westminster and locally falls far short in that regard. At a time when we need ambitious action and a crackdown on the biggest polluters, the actions of Governments in these islands can be described only as reckless. The Tories call the Bill "world-leading", but they did not write a single target into it, nor any duty on Ministers to ensure that the decarbonisation of these islands is achieved. While, as Members have said, it fills a gap left by Brexit in terms of regulations, it is a missed opportunity to deliver the environmental targets that are needed, and it is only somewhat improved by amendments that the Tories are unlikely to be happy about.

One of the amendments before us today is around the guidance DAERA can give to the Office for Environmental Protection. It could not be clearer, given what I and others have said today, that Stormont needs a truly independent body with proper teeth to hold it to account on environmental issues. The amendment from the Tories to allow DAERA and the relevant Departments across the water to interfere with the process of holding Governments to account was a shameless attempt to shirk responsibility and maintain business as usual during the crisis.

We support all the amendments that strengthen the hand of the Office for Environmental Protection, declare a climate emergency and strengthen provisions to deal with the crisis and insert the necessary targets to prevent the crisis from worsening. Ultimately, however, the Bill will not be enough. We need local legislation that takes on the worst polluters, commits to the most radical targets and protects those who are most threatened by the climate crisis, as well as those whose livelihoods may be impacted by

the move towards environmental progress. That means implementing a just transition away from the kind of production, polluting and environmental wrecking that has become the norm here for too long, while committing to proper investment and reskilling for those who need it. Crucially, that must be done in tandem with communities, workers and trade unions in a way that empowers them to deliver a new green economy that works for ordinary people, not just the wealthiest. That will not be delivered by the Tories or, frankly, the parties here, especially those responsible for dredging Lough Neagh, abandoning Mobuoy, green-lighting destructive mining in the Sperrins or the failure to deliver sustainable public transport, to name a few of the issues. I will continue to join activists such as those who gathered outside these walls yesterday and whose radical but necessary demands put world leaders in stuffy COP26 boardrooms to shame.

Mrs D Kelly: I welcome the opportunity to speak in favour of the legislative consent motion and call on DAERA to work with peers to strengthen the provisions in the Bill. I hope that the Minister has got the message that his belief that concerns have been exaggerated is not a view that is shared by many of the Members who have spoken thus far in the debate.

Some Members have rightly remarked that we need the environment to be a priority. I think that we are all agreed about that. That is certainly the mood of the public, if it is not too late already in terms of climate change and the protection of the environment. That is one of the reasons why, as a private Member, I have tabled a motion on nature restoration and the Environment Bill that seeks to complement and build on the Environment Bill's framework. The Office for Environmental Protection that will be established by the Environment Bill will be distinct but complementary to any future independent environment protection agency. It is our belief that Northern Ireland needs both bodies. I think that Mr Blair said that it needs an awful lot more than is currently before us. Mrs Barton rightly acknowledged the need not only to protect nature and the environment here but to protect other countries from which we import many of the commodities for business use here.

We have to think of better ways of doing things differently.

The Minister knows well, in his capacity as a farmer and someone very much in touch with nature, that the research shows that our nature situation is not good and that our current standards for its protection are not high. He will

be very aware, as many of us are, of the nurturing impact that the environment has had on the health and well-being of us all, particularly during the COVID crisis.

Recent research by the Natural History Museum and the RSPB shows that Northern Ireland ranks twelfth worst, out of 240 countries, based on the amount of nature that we have left. That is not a position of which any of us will be proud. Some 11% of the species found in Northern Ireland are currently at risk of extinction. Curlew populations in Northern Ireland have declined by 82% since 1987. Some 97% of our wildflower meadows are gone, and just one out of 21 lakes is in good quality.

Some farmers are changing some of their practices to set aside some land for wildflower meadows, but there is much work to be done. It is my hope that the Assembly does not collapse, that this legislative consent motion passes and that other Bills get the time and space over the next few months of the mandate to continue their passage through the legislative process.

Mr Poots: I thank all the Members who have taken the time to comment on the issue. I appreciate their giving their thoughts on the matter. I welcome the fact that a significant majority of Members are in support of what is proposed for the Bill, and I will deal with those who have spoken against it.

The SDLP suggests that we should deal with such matters as devolved issues at a local level. Coming from the SDLP, that strikes me as being a little rich, given that such matters were previously dealt with by the European Commission, a body of unelected politicians, which is appointed to do the job with extensive and, indeed, growing powers and always takes on more power for itself without accountability. It therefore strikes me as somewhat rich for the SDLP to be looking for greater accountability when we are in fact establishing independent environmental protection oversight here. The SDLP was perfectly happy to have the European Commission, which is not an independent body at all, oversee that particular role. That is the work that we are taking on and that is whom we are taking it off, so this is a significant step forward for independence, for the environment and for democracy.

I note that the SDLP has a bit of a track record here, because it was an SDLP Minister who produced the body called Shared Environmental Services, about which Mrs Barton, for example, raises issues with me

regularly. That particular body, which has no accountability and total independence, ended up in the mouth of the courts because of a policy that it had created. It pulled out of that court hearing and agreed to do certain things. Essentially, however, that body caused a crippling effect for people who want to do some development on their farms, including farmers who will reduce ammonia emissions in areas such as East Londonderry and Upper Bann. I remind the SDLP of that.

Mr Blair referred to the issue of the guidance that we seek to have the ability to offer. I should say that the guidance is exceptionally narrow. It is not a power grab, and it is fairly evident that that is the case. Concerns about the guidance centre on the Department undermining the independence of the OEP. The ground that the guidance covers is so narrow, covering the definition of "seriousness", overlap with other bodies and the prioritisation of work areas.

Indeed, the independent Public Services Ombudsman is one such body. You can hardly claim to be stripping away someone's independence by assisting the oversight body to go in one direction or another. There is no threat to the OEP's independence.

In addition, the OEP is not strictly bound by the guidance, which, in any case, must comply with the statutory duty on the Department to protect the OEP's independence. Furthermore, it is entirely possible that circumstances may arise in the future in which the OEP may seek guidance from the Department, and we need to be in a place to be able to offer it that.

I also reiterate that, to give further assurance, I asked the UK Government to table amendments to the guidance provisions that require DAERA to lay a draft of any proposed Northern Ireland guidance in the Assembly, which will have 21 days to consider whether it wishes to pass a resolution on that guidance. DAERA must then respond to the resolution and lay that response with the final guidance in the Assembly. Therefore, what I propose is a democratic process as opposed to the EU's undemocratic process, which Members who are complaining actually seem to love very much.

Mr Carroll addressed a series of issues that was totally unrelated to the issues in front of us today. There is nothing entirely unusual about that. I remind him that the Bill does not deal with carbon, because it is not a climate change Bill. I have laid one of those before the House, and I trust that he will support it.

Mr Carroll also referred to the dredging of Lough Neagh, which was dealt with by previous Ministers. Lough Neagh is not being dredged. Sand is being extracted from it, and that sand is needed to build homes for people. If we do not take sand from Lough Neagh, will we import it from somewhere else, such as the Severn? Is it more environmentally friendly to do that? Does he not think that people should live in homes? Perhaps he has some better place for the population to live, rather than building homes for them. I heard him complaining about the housing crises in north and west Belfast and other places, but he does not want the sand needed to build the houses that he wants people to live in.

There is a lot of legislation on pollution, and more will come forward, but, again, independent courts are often responsible for its implementation. If there is an issue, the courts are where the problem lies, because many of the fines are large.

Mrs Kelly raised the issue of the curlew population. We are working extensively with the RSPB in a number of areas to improve species such as our ground-nesting birds. People who suggest that wilding, for example, would be a better way forward are people who get it entirely wrong. Through work that is being done with the RSPB and local farmers in places such as Glenwhirry in north Antrim and County Fermanagh, we are seeing real progress with some of those species, including curlew, and we are committed to that course of work. We fund and support it, and we believe that it is important to build up those species and promote biodiversity here in Northern Ireland.

The same Member talked about the loss of wildflower meadows and other habitat. A lot of the habitat lost in Northern Ireland was down to the EU's policy, in that all land that farmers included in their single farm payment application had to be useable for the growing of grass or crops. Therefore, it was the EU that almost enforced a lot of the biodiversity loss through its policy. So, again, we will make our own policy, which will better reflect the needs of the environment and biodiversity, and we will have more independent scrutiny of that than ever before.

This is a good news story today. I welcome the fact that the majority of the Assembly appear to be in favour of it, and I encourage the SDLP, Alliance and People Before Profit to come on board with the rest of us.

Question put and agreed to.

Resolved:

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Environment Bill, as brought to the House of Lords on 26 May 2021.

Adjourned at 5.45 pm.

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