



# Official Report (Hansard)

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Swann, Robin (North Antrim)  
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# Northern Ireland Assembly

Monday 21 March 2022

*The Assembly met at 12.00 noon (Mr Deputy Speaker [Mr Beggs] in the Chair).*

*Members observed two minutes' silence.*

## Assembly Business

### 15 March 2022

**Mr Deputy Speaker (Mr Beggs):** The first item in the Order Paper is the consideration of business not concluded on Tuesday 15 March. As all business was disposed of last week, we will quickly move on.

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

**Ms Bunting:** I beg to move

*That Standing Orders 10(2) to 10(4) be suspended for 21 March 2022.*

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

*Question put and agreed to.*

*Resolved (with cross-community support):*

*That Standing Orders 10(2) to 10(4) be suspended for 21 March 2022.*

### Flags (Northern Ireland) (Amendment) (No. 2) Regulations 2022

**Ms Bunting:** I beg to move

*That this Assembly takes note of the proposed changes to the Flags Regulations (Northern Ireland) 2000 as set out in the draft Flags (Northern Ireland) (Amendment) (No. 2) Regulations 2022.*

**Mr Deputy Speaker (Mr Beggs):** The Business Committee has agreed that there will be no time limit on the debate. The proposer will have up to five minutes to propose the motion and up to five minutes to make a winding-up speech. All

other Members who wish to speak will have up to three minutes.

**Ms Bunting:** The Flags Regulations (Northern Ireland) 2000 make provision for the flying of flags on government buildings on specified days. Under the Flags (Northern Ireland) Order 2000, the Secretary of State has the power to make and amend such regulations. However, in so doing, the Secretary of State is required to refer a draft of the proposed regulations to the Assembly.

The Assembly must then report back to him the views expressed in the Assembly on the proposed regulations by the date he specified. The Secretary of State has a duty to consider the Assembly's report and may amend the proposed regulations as a result of the report before laying the regulations for approval by resolution of each House of Parliament.

The Business Committee was made aware at its meeting on Tuesday 15 March that the Secretary of State had written to the Speaker advising that he intended to make amendments to the Flags Regulations (Northern Ireland) 2000 to reflect the latest list of designated days for flag flying, which was published by the Department for Digital, Culture, Media and Sport (DCMS) on 11 February. In accordance with the wishes of the palace, the 2022 list states that Her Majesty The Queen's two birthdays and the birthday of His Royal Highness The Prince of Wales are the only royal birthdays to be observed for the purposes of flag flying.

The Government have now drafted amendments to the Flags Regulations (Northern Ireland) 2000 to reflect the current list of designated days and bring Northern Ireland into line with the rest of the UK. A copy of the proposed regulations was circulated to all Members last week and is available in hard copy in the Business Office. The Secretary of State has asked the Assembly to consider those draft regulations and provide a report of its views by 22 March 2022.

The Business Committee did not take a view on the proposals. In line with previous practice, it instead agreed to table today's motion to create an opportunity for Members to consider the draft regulations. The Official Report of the debate will record the views expressed in the Assembly on the proposals.

I will now make some remarks on behalf of the Democratic Unionist Party. We on these Benches believe that the display of our national flag is an important and legitimate form of expression of our Britishness and of Northern Ireland's membership of the United Kingdom. That right has too often become the focus of the culture war of the parties opposite and, sadly, of those parties that claim to represent all traditions but are content to trample the principle of consent contained in the Belfast Agreement.

As a party, we greet any reduction in flag flying provision with sadness. However, we understand that the amendments will keep Northern Ireland aligned with the designated days provision published by the Department for Digital, Culture, Media and Sport in February and that they come at the request of the palace and Her gracious Majesty. It is fitting that the guidance for 2022 elevates Her Majesty The Queen's two birthdays and that of her heir in what is a huge personal milestone for her and for us as a nation as our monarch celebrates her platinum jubilee.

My party colleagues Jonathan Buckley, Mervyn Storey and Keith Buchanan have written to the Speaker requesting that the Assembly Commission approve the flying of the Union flag on 28 May to mark the Orange Institution's flagship centennial parade to mark and celebrate the centenary of Northern Ireland. Ultimately, the response of parties and Members returned to the House after 5 May to that modest request will be a test of their credentials and commitment to a truly shared future.

I want to be clear that the DUP continues to hold serious concerns regarding the regulation of flag flying in our Province. Nowhere else in the United Kingdom has dedicated flags legislation. The fact remains that the system is unwieldy and not fit for purpose. One practical example of that is that Northern Ireland's regulations do not permit the flying of the Union flag to mark the patron saints' holidays of other regions in the United Kingdom. That does not allow our Province to celebrate the common and historic bonds that we share with other regions of our nation.

Whilst I respect the DCMS guidance and the steps taken in response by the Secretary of State to bring forward the regulations, let me say unambiguously that Northern Ireland's Britishness must be respected, and the right of unionist communities to express national pride should not be held to ransom. The DUP regards the display of our national symbols as a central expression of pride in Northern Ireland's Britishness and membership of the United Kingdom.

**Mr O'Dowd:** I suspect that, as we debate this topic this afternoon, many families and workers around the North will have more important things on their mind than flags, such as how to heat, eat and keep a roof over their family's heads. I suspect that this will not be at the top of their list of priorities.

The debate is brought to us courtesy of Brandon Lewis, the Secretary of State, who, in his presentation of the motion, again completely fails to recognise the need for parity of esteem, as set out in the Good Friday Agreement.

The British Government have failed completely to acknowledge the fact that there are many, many people in this part of the island who identify as Irish and who expect their cultural identity, allegiances and culture to be not only identifiable but protected and on display.

It is also worth noting that the British Government continue to fail to bring forward *Acht na Gaeilge*, despite their agreement that they would do so last year. That is another act of bad faith by the British Government, given their responsibilities under the Good Friday Agreement to have parity of esteem for all traditions on this island.

Our position on the flying of the Union flag is clear. We want to see parity of esteem for all identities on this island, and we expect this British Government to act. I have no doubt, however, that they will act in bad faith because, no matter which side you represent in the House, we all acknowledge that honouring agreements is not their forte.

**Mr Stewart:** Members will be all too aware of the challenges that we face in getting any kind of consensus on flying flags in Northern Ireland. Up to now, we have been subject to 18 days, as per the DCMS list, and, today, we are to lose seven of those, which is almost a third.

In that context, my party thinks that it is reasonable to look at adding some other days to mitigate that loss. There has already been a

suggestion for that from a Member for East Belfast. Days such as St Patrick's Day, 1 July to mark the Battle of the Somme and, potentially, the Twelfth of July should also be considered by the Commission. That is a reasonable recommendation, so, hopefully, the Commission will look at it.

**Mr Muir:** As others said, the list reflects that which was received from DCMS following liaison with the royal household. The Alliance Party will support the change today, as we did the previous update following the very sad passing of the Duke of Edinburgh. The Alliance Party's support for designated days is well known and is a long-established party policy. We have written to DCMS to request that the anniversary of the Battle of the Somme be considered as a designated day. There was unanimity in City Hall to fly the Union flag to mark the Battle of the Somme and not to fly the flag on the Duke of York's birthday. We hope that there can be some consensus today on what has been tabled.

**Mr Allister:** I very much regret the diminution in the number of days. I can understand removing the Duke of York's birthday, but to see the birthdays of the Duke and Duchess of Cambridge removed from the list is surprising and unnecessary. I do not endorse it, nor do I endorse doing likewise for the Princess Royal's birthday and that of others.

It is quite clear that this is a one-way process. There are no additions when, patently, there are days that should be added if Northern Ireland is, indeed, a full and integral part of the United Kingdom. Yet we have this selective reduction in days in a Province where apparently it is a matter of shame to fly the national flag of the United Kingdom on government buildings. Of course, now we have Sinn Féin ever looking for more and, in the words of Mr O'Dowd, demanding "parity". Let me be very clear: there is no equivocation on and no scope for parity in the fact that Northern Ireland is a part of the United Kingdom. Therefore, there is no place for flying any flag other than that of the United Kingdom on government buildings. That is emphatic and unalterable as far as our position in the United Kingdom is concerned. It is piety dressed up as pious nonsense to talk about seeking parity for a foreign flag, which is that of a foreign country, to be flown with equality in Northern Ireland. So long as we are a part of the United Kingdom, it is and must be the flag of that United Kingdom that flies and flies alone on government buildings in this country.

I very much regret that the Secretary of State, in typical reverse gear, is reducing the number of days. That is a retrograde step that is not befitting of our position in the United Kingdom.

**12.15 pm**

**Mr Butler:** I thank all the Members who made a contribution this morning. I intend to be very brief in concluding the debate.

In tabling the motion, the Business Committee's intention was to give Members an opportunity to express their views on proposed amendments to the Flags Regulations (Northern Ireland) 2000. The Business Committee has not considered the proposals or taken a view on them.

As detailed in the debate, the Secretary of State wrote to the Speaker on 15 March asking that the Assembly consider the draft regulations and provide a report of its views by Tuesday 22 March 2022. Consequently, in order to meet that deadline, the Business Committee was required to ensure that the Assembly had an opportunity to debate the proposals today. Members have now set out their views on them. I do not intend to run through all or any of those views again; the Official Report records them.

Mr Deputy Speaker, the Business Committee has been advised that, today, you will send a copy of the Official Report to the Secretary of State, who may then choose to amend the proposed regulations before laying them for approval by resolution of each House of Parliament. On behalf of the Business Committee, I ask all Members to support the motion.

*Question put.*

**Some Members:** Aye.

**Mr Allister:** No.

**Mr Deputy Speaker (Mr Beggs):** I hear a solitary No from Mr Allister.

*Question accordingly agreed to.*

*Resolved:*

*That this Assembly takes note of the proposed changes to the Flags Regulations (Northern Ireland) 2000 as set out in the draft Flags (Northern Ireland) (Amendment) (No. 2) Regulations 2022.*

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

## Ministerial Statements

### Schools Estate: Major Capital Works Projects

**Mr Deputy Speaker (Mr Beggs):** The Speaker has received notice from the Minister of Education that she wishes to make a statement. Before I call the Minister, I remind Members that, in light of the social distancing that is being observed by parties, the Speaker's ruling that Members must be in the Chamber to hear a statement if they wish to ask a question has been relaxed. Members who are participating remotely must make sure that their name is on the speaking list if they wish to be called. Members who are in the Chamber should also do that, but they may also rise in their place or notify the Business Office or Speaker's Table directly.

I remind Members to be concise in asking their question. This is not an opportunity for debate but, rather, an opportunity to question the Minister on her statement, so please avoid overly long introductions, as they will not be allowed. I also remind Members that, in accordance with long-established procedure, points of order are not normally taken during a statement or the question period afterwards.

**Miss McIlveen (The Minister of Education):** My Department is responsible for the planning, management and delivery of a fit-for-purpose schools estate that is both viable and sustainable in the context of the sustainable schools policy and the outworking of area planning. In that context, I will make a statement regarding my major capital investment plans for the schools estate.

I have visited many schools and witnessed at first hand not only the tremendous work that takes place in each and every school but the need for an appropriate level of investment in the fabric of our schools, whether that is a new building, the extension and refurbishment of existing school buildings or a programme of smaller-scale minor capital works. Such investment is essential in order to provide the first-class educational experience that our pupils, staff and wider school communities deserve and need to ensure that our young people can achieve their full potential.

As Minister of Education, it is my responsibility to ensure, within budget constraints, that that essential capital investment is facilitated as far as possible. My announcement today will permit a further programme of major works to advance

in planning and support the delivery of modern, fit-for-purpose schools.

Since 2012, 75 projects have been announced to advance in planning under the major capital works programme. Each project represents an individual programme that requires the significant investment of time and money to plan and deliver. That includes time to identify and secure sites, progressing through the design and statutory planning stages, procurement, and, of course, ensuring best value for the public purse, within approved budget envelopes, throughout.

I am pleased to confirm that good progress is being made in the delivery of announced projects: 28 are now complete; seven are on site; five are in procurement; a further three will move to procurement in the coming weeks; 28 are in design; one has been temporarily suspended; and three have transferred to the Fresh Start Agreement programme, two of which are also complete. Anticipated spend on those projects across the next five years is estimated at £482 million. In addition, 76 projects are being progressed under the school enhancement programme, and a further 27 major capital projects are being progressed under the Fresh Start Agreement programme.

In this financial year, the gross capital budget that has been available to me amounts to some £200 million. My officials have planned and profiled capital spend through the year to ensure that we maximise the use of the funds available to me across each of the main capital programmes. Whilst my Department, like others, has no visibility of its future budget position, my delivery teams in the Department and its arm's-length bodies continue to work hard to progress projects across all the programmes in anticipation of similar levels of capital budget in the medium term.

Many of the already announced major works projects are progressing well. However, given the time required to develop individual projects from concept through to actual build, it is essential that sufficient projects advance to the point where they could effectively utilise capital funds that may be available in the future. To address the need for much greater capital investment in our schools, it is essential that I ensure that I have sufficient announced projects at an early development stage to ensure that available capital budget can be used to greatest effect. It is, therefore, essential that there is a steady pipeline of projects in design, which, in turn, will ensure the continued modernisation of the school estate in future years as those projects move to construction.

Like my predecessors, I take the selection of major works projects to advance in planning very seriously. It is critical that the process that is used to select projects is documented and followed. That was achieved in previous years through the development of a protocol for the selection of projects. In advance of the call for projects, the protocol for selection was reviewed and published on the Department's website. The 2021 call for projects opened on 23 December 2021, and, by the closing date of 14 January 2022, 34 school nominations had been received. Gateway checks were undertaken to ensure that schools that are considered for major capital investment are viable and sustainable, that there was certainty about the schools' future development and that the schools had not been announced for major capital funding under the school enhancement programme. Twenty-eight schools passed the gateway stage. Those schools progressed to the scoring stage and were ranked in merit order, based on the scoring system that is detailed in the published protocol.

In deciding the number of schools to advance in planning under the major capital programme, I considered the capital budget required to build those schools, the Department's current capital works programmes and the capacity of the resources required to develop and deliver the projects.

In that regard, I fully understand that there are many competing pressures for the capital budget available to me and, indeed, on the capacity to deliver. However, I believe that it is important to keep a focus on the future, and, through my announcement today, I hope to bring some much-needed good news, not just to schools and their wider school communities but to the contractors and professionals in the construction industry and the wider economy that, I expect, will benefit from this announcement.

Whilst construction spend on the projects that I will soon announce will not be realised until the end of this decade at the earliest, by making this announcement today, I will ensure a steady pipeline of projects in design, which will, in turn, ensure the continued modernisation of the schools' estate into the future.

I will now turn to the list of major works projects that I wish to announce to advance in planning. Twenty-eight schools are to advance in planning under the major capital works programme. These schools will benefit from a capital investment in the region of £794 million, with deliverability subject to the level of capital resources available to the Department towards



the end of this decade and into the next. In no priority order, the schools are as follows: Ballyclare High School; Ballyclare Secondary School; Ballymena Academy; Belfast High School; Cambridge House Grammar School, Ballymena; Carrickfergus Academy; Dean Maguirc College; Dromore High School; Edmund Rice College; Friends' School, Lisburn; Hunterhouse College; Killicomaine Junior High School; Larne Grammar; Larne High School; Lisnagarvey High School; Loreto College, Coleraine; Lumen Christi College, Londonderry; Malone Integrated College; Mercy College Belfast; Portadown College; Sperrin Integrated College; St Brigid's College, Londonderry; St Catherine's College, Armagh; St Ciaran's College, Ballygawley; St Joseph's College; St Louise's Comprehensive College; St Paul's High School, Newry; and St Pius X College, Magherafelt.

In making this announcement today, it is my intention that these projects will be taken through to construction. However, I should stress that authorisation to proceed to construction on any individual project will be based on the level of capital funding available at the point when a design is complete and all necessary approvals have been secured.

Finally, the projects that I have announced today to advance in planning will benefit over 25,000 pupils across the schools estate. These projects have been carefully selected in line with my Department's strategy for capital investment, which continues to be shaped by the outworking of area planning and the delivery of a modern, fit-for-purpose estate of viable and sustainable schools.

**Mr Lyttle (The Chairperson of the Committee for Education):** I thank the Minister for her statement. The announcement is, obviously, on the face of it, very positive news for 28 out of approximately 1,000 schools in Northern Ireland. However, I do have concerns, and I would like to ask the Education Minister why only a third of major school building works since 2012 have been completed a decade after the start of those works. Also, the total budget announced today appears to be in the region of £800 million for 28 schools, which I think is about £28 million a school on average. In the midst of a financial crisis for education, does the Education Minister actually have the budget to ensure that funding at that scale will be delivered? Will there be a call for special-school capital works as soon as possible?

**Miss McIlveen:** I thank the Chair of the Committee for his questions, and I want to pay tribute to him. Obviously, this may be his last

opportunity to engage with me, particularly in this forum, and I thank him for the work that he has done as Chair of the Education Committee. I wish him well in whatever the future brings for him and his family.

Today's announcement is a significant one, and I am very mindful that there are a number of projects still in the pipeline from previous announcements. As he will understand, they are progressing. There have been some issues quite recently with regard to budget pressures, particularly for those who made bids to take those schemes forward. Those projects have been stalled as a consequence of factors that are outwith my control.

### 12.30 pm

There are pressures with all budgets going forward, but the Chair will recognise, from the statement and from the discussion that I had with him earlier, that I am very clear that there is a need for investment in our schools. It is incredibly important that schools be shovel-ready when capital funding becomes available. This is a good-news announcement. It will bring a smile to the face of a number of Members in the Chamber but also to that of those involved with schools and school communities.

The Chair asked about special schools. He will be aware that this was a post-primary-school call. The handbook for post-primary schools does not fit for special schools, which require a bespoke design to meet their particular needs. My Department is very cognisant of the challenges for special schools and of the need for capital investment in them. It is working at pace to bring forward suggestions on how to move forward with a call. I anticipate that, not in my time but in a future Minister's time, a call will be made for special schools.

**Mr Deputy Speaker (Mr Beggs):** Members, it is custom and practice that some latitude is shown to the Chair of the Committee. I urge Members, because of the interest that has been shown in the statement, to come to their question concisely.

**Mr Sheehan:** On the cusp of an election, the Minister has announced a capital investment plan for 28 schools, at a cost of almost £800 million and with no delivery targets or time frames. Hundreds of schools across the North are in bad need of investment to bring them up to the standards that our young people deserve. Without a plan or time frame, however, many of those schools will be left in limbo.

Will the Minister provide clarity on when St Louise's in my constituency and its pupils can expect to see the benefit of this announcement?

**Miss McIlveen:** I thank the Member for his question. He is probably saying that I am electioneering. If I were electioneering, I might be announcing some good news for my constituency, but, sadly, that is not the case.

He will know, from our first engagement, during Question Time back in June, that I was quite taken aback at the condition of our school estate right across Northern Ireland and all sectors. I have made the call, to the Member and his colleagues in Finance, that we should be looking at investing heavily in our school estate and at ensuring that all children and the staff who work with them daily have access to a fit-for-purpose building. I am very positive about the announcement. It is a good-news story. We can see investment in the future, and it is a good sign from the Assembly that we value our schools, our pupils and our staff.

As they will with every other school, my officials will be working very closely with St Louise's. The schools will receive a letter today notifying them of the good news, if they have not already heard from some very excited Members. Work will start immediately on engagement, and we will then go through the various procurement processes for design staff and so on. As the Member will know, those processes do not happen overnight, and there could be a lag of between six and eight years, depending on circumstances, but it is important for those schools to be on the list today.

**Mr Harvey:** I welcome the Minister's statement. It is good to see her back with us. Will today's announcement of a large number of post-primary-school projects prevent future capital calls from being made for the next decade?

**Miss McIlveen:** I thank the Member for his question. Absolutely not, because the need for calls in the Department will continue, be they for minor works, school enhancement or major capital programmes. The Member may be aware that previous announcements of major capital works took place in 2013 and 2014, and we are seeing the outworkings of those announcements today. There will therefore always be a need, as we have identified, for investment in our schools. Today's announcement helps 28 of them on their way.

**Mr McNulty:** This is a good news day. There is fantastic news for two wonderful schools in my

constituency of Newry and Armagh: St Catherine's, Armagh and St Paul's High School, Bessbrook. My mum and dad were teachers at St Paul's High School in Bessbrook for almost a generation, so it is a very positive news story for them.

Teachers feel undervalued and overworked, Minister, especially in the context of the COVID pandemic that we have just come through. How will you reach out to them and help them to feel valued? How will you help them to get proper remuneration for their efforts in all that they have been through and for the influence that they have on our children's future? How will they be thanked and valued for that?

**Mr Deputy Speaker (Mr Beggs):** The question goes beyond the statement, but the Minister may wish to comment.

**Miss McIlveen:** I recognise that, but I am glad that I brought a smile to the Member's face today. Those two schools, particularly St Paul's, are close to his heart.

I very much appreciate the work that teachers undertake. I am a former teacher, although that was nearly a lifetime ago. I very much value their work, along with that of our classroom assistants and all those who work in schools to make them safe spaces for young people and who make their best efforts to set them on the right pathways through life.

The Member referred to remuneration. He will know that I have been working alongside my colleagues in order to come to agreement, and that work will obviously go on, with engagement between the management side and the unions. I value the contribution that all staff make in schools.

**Dr Aiken:** I thank the Minister for her remarks. I declare an interest: one of my children will be going either to Ballyclare High or to Ballyclare Secondary. I thank her very much for that.

With something in the region of £50 million being invested in Ballyclare, which is well deserved, one of the questions that we have to ask is about future ring-fencing to make sure that the funding goes through. Has the Minister had any commitments from other political parties to support the investment as we go through? If there is no great commitment to it, will we be looking to things such as financial transactions capital (FTC) or the reinvestment and reform initiative (RRI) to make sure that the funding is there for those vital projects to be done?

**Miss McIlveen:** I thank the Member for his question. He has shown commitment to a number of the schools on the list. The soundings that I get from all parties suggest that they are committed to investment. It is very much about whether we see the value of that money at a later date. A certain amount of pressure can be placed on the Secretary of State, particularly if we are looking for Levelling Up funding. It is incumbent on the NIO to understand the value of all our schools and all the sectors in our education system. Today's announcement should go some way to doing that. Before I leave office, I will make contact where I can in order to ensure that any available capital is directed to our schools and school infrastructure.

**Mr McAleer:** I welcome the inclusion of Dean Maguirc College in Carrickmore in the Minister's list of major capital works. I declare an interest as a parent and as a former pupil, many years ago.

The Minister will be aware from her visit to Dean Maguirc in December that the college badly needs substantial investment and upgraded facilities to cater for the ever-surging demand for places. The burning questions are these: is there any indication of how much of the £794 million might be earmarked for the school, and is there any indicative timing for that?

**Miss McIlveen:** I thank the Member for his question. I had the pleasure of a really good visit just before Christmas to Dean Maguirc, where I was able to meet a number of principals from primary schools as well. I am cognisant of the needs of Dean Maguirc, which were drawn to my attention on that visit. My understanding is that there is probably somewhere in the region of £14 million for Dean Maguirc, although that is an incredibly early indication. It is not a precise figure at this point, because we will have to do a considerable amount of work to bring together a business case on the basis of the need of the school.

Again, as with other schools, departmental officials will work closely with any teams that are appointed and with the school to ensure that it gets the accommodation that it needs.

**Mr Buckley:** Today is a good day for education and a great day for education in Upper Bann. I thank the Minister for not only listening but delivering on the inclusion in the major works programme of Portadown College and Killicomaine Junior High School, both of which are on today's list. Some £25 million will go to

Portadown College and £21 million to Killicomaine. That will go a serious way to help education.

**Mr Deputy Speaker (Mr Beggs):** Can we have a question?

**Mr Buckley:** As the Minister knows, there have been many false dawns. Those schools are in urgent need of rebuilds and major works. How long will it be before construction work commences for projects such as Portadown College and Killicomaine Junior High School?

**Miss McIlveen:** I thank the Member for his question. I had the pleasure of visiting both schools. I had a particularly good visit to Portadown College along with the Member, and he has worked hard, alongside the principal and the board of governors, to promote the case for the school.

As with other schools, there is a lead-in time for all the projects. Some will depend on sites being allocated or searched for. Some are in a much more beneficial position than others. As the Member will be aware from other school projects, it is somewhere in the region of six to eight years before projects come to fruition. They are, obviously, very much dependent on the budget. However, this is the first step in the right direction for both the schools that he mentioned.

**Miss Reilly:** Despite its not meeting the sustainable enrolment criteria at the gateway stage, the Minister could have used her statutory duty to ensure that Gaelcholáiste Dhoire was placed in the capital announcement plan. Why has the Minister ignored her statutory duty to Irish-medium education and the needs of the Irish-medium sector?

**Miss McIlveen:** I thank the Member for her question. Today is a good news day for schools across Northern Ireland. I have not ignored my statutory duty to any school or sector.

I had a meeting before this with the Chair and Deputy Chair of the Committee, and we spoke at length. I know about the disappointment that the Irish-medium school in Dungiven did not make the list, but that was not because of anything that I did to prevent that. The enrolment for the school is 272 pupils, and the projected enrolment is 389, which falls well below the sustainability threshold and that for capital viability. I appreciate that that is disappointing to the Member and the school.

A number of schemes that will be completed in 2024-25 are being undertaken in the school, and I understand that, once that work is completed, there will be a 28-class school. Considerable investment is going on. While I appreciate that the school has not met the list today, that does not mean that the school is being ignored. I understand from speaking to my officials that they have had a considerable number of meetings with the school and that the school understands the situation that it finds itself in.

**Mr Givan:** I commend the Education Minister for the biggest announcement of major capital projects in well over 20 years, led by the Democratic Unionist Party. I am delighted in particular at the announcement of three new builds in Lagan Valley: Dromore High School, Friends' School Lisburn and Lisnagarvey High School. I pay tribute to Mr McConaghy and his predecessor Mr Wilkinson, Mr Moore at Friends' and Mr Sheerin at Lisnagarvey. This is a red-letter day for the children of my constituency.

**Mr Deputy Speaker (Mr Beggs):** Can we have a question, please?

**Mr Givan:** Today's announcement will benefit 2,500 children with £73 million of investment. Will the Minister outline how the projects will be prioritised? Dromore High School has a site secured and is at a very advanced stage. When can we see shovels going into the ground? I commend the Minister again for her excellent work in leading the Department.

**Miss McIlveen:** I thank the Member very much for his praise. He may not be so keen on my answer. While schools were prioritised on a list from 1 to 28, once the announcement is made, they are all equal, and it will very much depend on the circumstances in which they find themselves. I appreciate, however, that Dromore High School is in a good position in that it has already identified and purchased a site. I would like to think that it could move forward at pace.

As with all the schools announced today, however, I am not in a position to give them a date for sod cutting. There is something to be celebrated for all the schools announced today, which is that they are on the list and that the projects will move forward.

**12.45 pm**

**Mr Durkan:** I thank the Minister for the statement, which contains a lot of good news for a lot of schools. I am particularly pleased to

see schools from my constituency — St Brigid's College and Lumen Christi College — on the approved list. I am a bit disappointed, however, not to see St Joseph's Boys' School on the list. I have been in touch with the Minister about that and appreciate that her time has been short. Will she outline what steps a school that is not on the list must take or what hoops it must jump through to get on the list for improvements and vital investment, particularly with regard to their antiquated sports facilities?

**Miss McIlveen:** I thank the Member for his question. St Joseph's Boys' School was, unfortunately, not put forward for the list. Had it been, it may have just crept in. I have made comments about underinvestment across the school estate generally on a number of occasions. I have also visited schools with inadequate sports facilities. The Member will be aware of projects, particularly those involving local communities, councils and Sport NI, from which schools have been able to benefit.

While this announcement is about major capital projects, other announcements may come with a future Executive and Minister. Priorities may also change, depending on the available budget. As the Member knows, the likes of minor works are, at present, very much around the Disability Discrimination Act (DDA) and health and safety, but protocols around that may change with a future budget.

**Mr Beattie:** Thank you for the statement, Minister; it is a genuinely good statement. There are no smiling faces at the Lurgan campus of Craigavon Senior High School, however, where some of the most vulnerable children in Upper Bann still eat their lunches — packed meals — between parked cars and where there are still safeguarding issues. You said that you would make a decision on the future of those children as early as possible, but, in the last week of the mandate, you still have not done so. Will you commit to telling the community in Lurgan what the decision on the Lurgan campus of Craigavon Senior High School will be? Will pupils be bussed to Portadown purely because they were not given a grammar school education?

**Miss McIlveen:** A decision regarding the Lurgan campus will be made and announced this week. There is, however, good news for the Member's constituency, and I would like to think that he recognises that.

**Ms Dillon:** I am delighted for all the schools that are getting investment; there is no doubt that there is underinvestment in many of our

schools. Your predecessor visited St Joseph's Primary School in Galbally. It had the foresight to amalgamate 50 years ago, and its numbers increase year-on-year. It is well oversubscribed and struggling for space. It also has serious health and safety issues — NICCY has reported on the matter — so can the Minister explain why St Joseph's Primary School in Galbally is not on the list?

**Miss McIlveen:** I thank the Member for her question. For this call, the list was put together for post-primary schools rather than primary schools. I would like to think that a future Education Minister will take the opportunity to bring forward a call for primary schools. The Member may understand that, when I looked at the list of school projects going through for design and procurement, there were not as many post-primary schools on the list, so I felt that it was necessary to bring forward a list to address that. I am hopeful that a future Executive and Education Minister will look to primary schools for the next call.

**Mr Hilditch:** I certainly welcome the statement. I do not want to dilute Mr Givan's joy, but, as you know, East Antrim has four schools on the list compared with his three. It is certainly a good day for the education sector in my constituency of East Antrim in general and in Carrickfergus in particular. Mr Deputy Speaker, you know the problems that Carrickfergus Academy has had with having to work over two separate sites for several years after the merger, so its inclusion is very welcome indeed. Having written, questioned, lobbied and organised ministerial visits, I believe that today is a day of welcome education news.

Minister, has the budget of £794 million, or any part of it, been allocated to any of those projects?

**Miss McIlveen:** I thank the Member for his question. Obviously, the capital budget is not known beyond March 2022. I am content, however, to announce these projects on the assumption that the Department's allocation will be made in due course and will remain at a broadly similar level to what it has been in previous years. Given the lead-in time to construction, it is important that there is a continual flow of projects into the programme in order to utilise capital funds as they become available.

The two primary stages in the completion of a major capital project are the development and design phase and then the construction phase. All projects that have been announced today

are to advance in planning. However, progression to construction will very much depend on the available budget. Anything that is announced will start the process, and considerable money will then be spent throughout the design and development stage. There will be a drip feed of budget into those projects over forthcoming years.

**Ms Bradshaw:** Thank you, Minister, for your statement. I am absolutely delighted to see Hunterhouse College, Malone Integrated College and St Joseph's College on the list. I pay tribute not just to your departmental officials but to the leadership in those three schools. I know that they have been lobbying for many years.

Minister, you will be aware that there is huge pressure on post-primary places in South Belfast. Your statement referred to area planning. Given that many of these projects will take many years to reach completion, how will the Department cope with increased demand, year-on-year, for places in those schools and others around them?

**Miss McIlveen:** I thank the Member for her question. Recently, I went to St Joseph's College to see the conditions there and the incredible work that is being undertaken by the principal and staff. I have a little bit of a vested interest in Hunterhouse College in that I went to Ashleigh House School, which was one of its precursors. Hunterhouse has waited 35 years for investment since the amalgamation back in 1987.

I appreciate that there are pressures on schools in South Belfast. The Member will be aware that quite a piece of work is being undertaken in the area-planning process. I am hopeful that some of it — how numbers will be allocated and so on — will come to fruition in the not-too-distant future.

**Ms Brogan:** I thank the Minister for her statement. I am really glad that Dean Maguirc College has been included in the announcement. Minister, you will be aware that another key project in West Tyrone is the Strule Shared Education Campus in Omagh, which I have been campaigning for during your tenure. Can you update the House on the progress of the campus, please?

**Miss McIlveen:** I thank the Member for her question. Work continues with the Strule campus. With the bringing together of six schools, over 4,000 pupils will be able to benefit from that flagship project. We remain committed

to the project. My understanding is that things are going to plan in the current programme timetable. Assuming that there is the successful appointment of a main works contractor following the pre-construction design period, campus construction is due to begin on-site in spring 2023. It is currently planned to complete in early 2026, with the potential partial opening of some facilities in the academic year 2025-26 and the full campus open for September 2026.

**Mr Clarke:** Like others, I am very pleased with the announcement, Minister. Two things strike me about it. First of all, it includes two schools in my constituency, Ballyclare Secondary School and Ballyclare High School. Secondly, in response to another Member, you talked about sustainability. To be included in the announcement, a school has to be a sustainable school. It is testament to those schools' sustainability that they made it on to the list.

Minister, you have been asked a number of times, in different ways, about how and when these programmes will be advanced. Have you any indication that any of them are ready to move? Indeed, if you are struggling for suggestions, may I suggest that you take them in alphabetical order? *[Laughter.]*

**Miss McIlveen:** I thank the Member for his question. I had the pleasure of visiting Ballyclare Secondary School and Ballyclare High School in the not-too-distant past, and their need was demonstrated on those visits. I was very taken aback at the conditions in which pupils and staff were working in both schools. I very much look forward to the day when they eventually open to pupils after the work. I reiterate the point that I have made to so many Members today that this is a long process, and today is just day 1.

**Ms Ferguson:** First and foremost, the announcement of investment for Lumen Christi and St Brigid's College is great news today, particularly for those in the Foyle constituency. I am sure that the pupils, families, schools and boards of governors will be delighted about that news and that they are listening in today. Will you provide an indication of the budget that will be directed towards Lumen Christi and St Brigid's College?

Secondly, you said that all schools will be on an equal footing now. What departmental resources have been committed to assisting the progress of those projects from design to planning?

**Miss McIlveen:** I thank the Member for her questions. The costs are only indicative because they are based on today's prices, there is no VAT included and there are site costs and everything else to consider, but, as a broad estimate, St Brigid's College will get £22.7 million and Lumen Christi College will get £26.5 million.

I am very mindful that there are pressures in the Department where resource and manpower in particular are concerned, so those will need to be looked at. However, alongside that, the Council for Catholic Maintained Schools (CCMS) and the Education Authority (EA) will be involved, and we will go out to look for those who will be keen to be involved in the development and design of the projects, so experts will be brought on board in order to make sure that the schemes are brought forward.

**Mr Frew:** The built form can transform teaching and learning, and the Minister is not only listening to but delivering for North Antrim and Ballymena in particular, with Ballymena Academy and Cambridge House school being on that list. What must the schools do now in the process?

**Miss McIlveen:** I thank the Member for his question. A letter will go out to each of the schools today to inform them, if they do not already know, of their success in being on the list. One of the schools is a voluntary grammar, but my Department, along with EA, will work very closely with the board of governors of that school to take it through to the next stage. A very intense piece of work will follow this announcement.

**Mrs Barton:** I welcome the news today. It is especially good to see St Ciaran's in Ballygawley on the list. I do not see Enniskillen Royal Grammar School on the list. Will you give me an update on the progress with that, please?

**Miss McIlveen:** I thank the Member for her question. Unfortunately, I do not have information on that project at hand today, but I am happy to come back to the Member on it.

**Mr Poots:** This is such an exciting day today, as the Minister has brought such good news to the House of an £800 million investment over 10 years into the future of our children. I am delighted that she has announced three new schools for South Belfast: Hunterhouse, St Joseph's and Malone college. My sisters went to Hunterhouse and my daughter went to

Malone college, so I have an interest in both of them. I also have an interest in Dromore High School because my son went there, and I started working with Mr Wilkinson 20 years ago. What is the spend for those three South Belfast schools? Will you tell us the number of children who are in the development plan for the schools so that we know the Department's intentions for this piece of work?

**Miss McIlveen:** I thank the Member for his question. Malone Integrated College has an approved enrolment of 800 pupils, with an estimated construction cost of £25.3 million; St Joseph's has an approved enrolment of 760, with an estimated construction cost of £24 million; and Hunterhouse College in Belfast has an approved enrolment of 710, with an estimated cost of £22.4 million. The Member is also interested in Dromore High School and has spoken to me about it on many occasions, so I can tell him that its estimated construction cost is somewhere in the region of £26.8 million.

1.00 pm

**Mr O'Toole:** First of all, I am in the unusual position of being able to say that I fully agree with my constituency colleague from South Belfast: it is great to see Hunterhouse College, Malone Integrated College and St Joseph's —

**Mr Allister:** Two co-optees. *[Laughter.]*

**Mr Deputy Speaker (Mr Beggs):** Order.

**Mr O'Toole:** In the final week of the mandate, we are having some very unfortunate hectoring from the Member for North Antrim. It is unusual for him to be so uncharitable.

**Mr Deputy Speaker (Mr Beggs):** Order. Would the Member come to a question, please?  
*[Laughter.]*

**Mr O'Toole:** I am trying to lighten the mood, Mr Deputy Speaker, in the final week of our mandate. I am delighted that three schools in South Belfast have been put forward. St Joseph's College, in particular, has been waiting a very long time for a new building. It is a brilliant school on the Ravenhill Road, and Malone Integrated College and Hunterhouse College are also great schools.

Minister, given that we do not have a sitting Executive and may not have one immediately after the election, are you certain that that will not in any way disrupt the capital projects being signed off and delivered?

**Miss McIlveen:** I thank the Member for his question. He may have missed the statement. Obviously, the projects will take some time to come to fruition, but, as of today, work will be done alongside the schools. An intensive piece of work will be required to get a business plan in place and to deliver design and procurement, so we are probably talking about a lead-in time of between six and eight years. Today is really the first day, but it is vital that we make this announcement to ensure that there is a pipeline of schools coming through so that they are ready to go whenever capital is available.

I believe that the schools will appreciate that things will not happen overnight, so they will not be expecting a new school this time next year. They understand that the process is lengthy but that this is an important day. They are now on the list and are working towards that.

**Mr Muir:** I thank the Minister for her statement on capital projects. On 20 December last year, I wrote to the Minister about the restrictions on the borrowing powers of Sullivan Upper School, Holywood, and other similar voluntary grammar and grant-maintained integrated schools in Northern Ireland, and the impact that that will have on their delivery of major capital projects. When can I expect a reply to that letter?

**Miss McIlveen:** I thank the Member for his question. I was not aware that you had not received a response to the letter, but the issue you raise is something that we are very cognisant of and creates massive pressures and challenges for those schools. Obviously, there is an impact on my Department as well due to the manner in which the process has been designed. I am happy to chase that up: I was not aware that you had not received a response.

**Mr Deputy Speaker (Mr Beggs):** I call John Stewart.

**Mr Stewart:** Thank you, Mr Deputy Speaker. I thought that you had forgotten about me, but I am sure you will join me in welcoming the news for Belfast High School, Carrickfergus Academy, Larne Grammar School and Larne High School and in imploring the Minister and the Department to do all that they can to see those projects coming to fruition as quickly as possible.

Minister, what changes do you want to see to ensure that those projects are not plagued by the same delays experienced by Islandmagee Primary School in my constituency, which

received a similar announcement over 10 years ago and still does not have the first sod dug?

**Miss McIlveen:** I thank the Member for his question. Obviously, there have been delays in recent years for a number of projects, which is regrettable. I understand that the Department has reviewed its governance procedures at programme and project levels to ensure that major capital projects are delivered much more effectively and efficiently. I would like to think that lessons have been learned and that, particularly given the size and scale of the announcement that we are making today, all efforts will be made to ensure that delivery is as seamless as it can be.

**Mr Allister:** The statement refers to the fact that the applicant schools were ranked in merit order. Is that at all reflected in how we go forward or is there no prioritisation of projects? Will the Minister give me an update on where we are with Dunclug College and Cullybackey College? Which project was referred to in the statement as being suspended?

**Miss McIlveen:** I will try to remember all those questions. There is no priority once the announcement has been made because each school will be at a different stage. As I indicated, the likes of Dromore High School already have a site identified and purchased, whereas other schools will have to look at an existing site or look into other sites, which, in itself, will create problems for them.

I was at Dunclug College quite recently. There has been a delay there as a consequence of the contractor moving away from the project. The indication that I got is that there is likely to be a delay of around 12 months. I can get the Member precise updates on Dunclug College and Cullybackey College.

**Mr Deputy Speaker (Mr Beggs):** Those are all the questions to the Minister on her statement. I —

**Mr Lyttle:** On a point of order, Mr Deputy Speaker. DUP Members seem to have access to information about specific amounts of money that have been allocated to each school. If I am not wrong, that information is not yet publicly accessible. Will you ensure that that information is made public as soon as possible?

**Mr Deputy Speaker (Mr Beggs):** The Member has made a valid point, which is now on the record. In the future, I hope that that will be addressed appropriately.

I ask Members to take their ease for a few moments.

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

## **P&O Ferries Update**

**Mr Deputy Speaker (Mr McGlone):** I have received notice from the Minister for the Economy that he wishes to make a statement.

**Mr Lyons (The Minister for the Economy):** With your permission, Mr Deputy Speaker, I would like to make a brief statement to the Chamber to update Members on the latest developments arising from the reprehensible actions of P&O last week.

I recognise that last week's announcement will cut across a number of Departments here; indeed, a cross-departmental group of officials has already convened to make sure that we join up on our respective responses. I certainly do not want to cut across the work of ministerial colleagues, so the primary purpose of my statement is to focus on the employment law aspects of what has taken place.

At the outset, let me be clear: neither I, as a constituency representative in East Antrim or the Minister for the Economy, nor my officials in the Department were afforded the courtesy of advance notice of the P&O announcement. I regard its actions as disgraceful. P&O has literally ripped up the employment rule book and, in the process, simply discarded 800 of its loyal and most diligent workforce.

Even now, I can scarcely believe how callously P&O behaved. I understand that up to 50 staff from Northern Ireland could be directly impacted by the announcement. Many of us in east Antrim know some of those in the workforce. The stories that I heard of staff being escorted off ships by men in balaclavas carrying handcuffs are as sinister as they are outrageous. Deploying such a tactic in Northern Ireland on an unsuspecting workforce was so ill-judged and shocking that our condemnation alone is simply not enough.

P&O's announcement last week affected four routes: Dover-Calais, Dublin-Liverpool, Hull-Rotterdam and Larne-Cairnryan. Clearly, it is the last route that I and Members will be most concerned about. Great Britain is, by far, the largest market for sales and purchases here. In 2019, we sold approximately £11 billion of goods into Great Britain and purchased nearly £13.5 billion in return. The Port of Larne — a port that I know very well from my constituency



— accounted for approximately 10% of the total tonnage through all Northern Ireland ports. Nearly 400,000 passengers travelled through Cairnryan last year. As P&O is the biggest operator at Larne port, Members can immediately see why its announcement last week had such immediate consequences for both the wider supply chain and the connectivity of business and travel across Northern Ireland.

However, as I said at the outset, I do not want to tread across the responsibilities of others who are already engaged on many of these supply and connectivity issues. I want to focus on the employment aspects for the 800 staff impacted by the announcement. Employment law is a devolved responsibility for this Assembly, so we have every right to be concerned about what P&O did last week. I have heard much made about the financial situation within P&O, and I have some sympathy with any business operating in these challenging times, but that does not mean that a business can just break the law. The law actually recognises that businesses may need to restructure or downsize, and that has happened many times before. Our laws allow for that but recognise that there is a process to be followed. They make it clear in regulation what that process involves, so I do not believe that P&O has acted within either the spirit or the letter of our employment law.

P&O seems to recognise that, as it has offered what have been reported as "enhanced payments" to staff, but let us not be fooled into thinking that that is a generous step. It is not. Indeed, it is an even more cynical way of an employer simply seeking to circumvent its statutory obligations. When any employer falls foul of its obligations to give notice and consult, it is legally required to properly compensate its workforce accordingly. That is all P&O is doing here. It is not an enhanced payment. In truth, it could be considered nothing more than a bribe to stave off the threat of legal action by employees who have been denied their rights.

The law requires employers to engage and consult when they plan to make such numbers of staff redundant. No such engagement took place. There was no consultation.

The law also requires the employer to notify the Department, through the Northern Ireland Statistics and Research Agency (NISRA), when making such numbers of staff redundant. No such notification took place. I understand that there may have been some communication on Wednesday evening with the Department for Transport in London, but I repeat: there was no

sharing of that news, or engagement from the employer, with us.

Here we have an employer that has deliberately flouted employment law, seeking to buy its way out of its statutory obligations and failing to consult or notify the responsible authorities along the way. It is simply not good enough.

Of course, this is not the first time we have seen this sort of sharp practice in this industry on these islands. Members may recall that, back in 2005, Irish Ferries unilaterally issued proposals to replace 543 directly employed seafarers with a predominantly cheaper, Eastern European, agency workforce. Its ships would also be reflagged to Cyprus in the process. That dispute was eventually settled only after the intervention of the Irish Labour Relations Commission, so perhaps P&O has failed to learn the lessons from that dispute. However, even now, at this late stage, I encourage P&O to come to the table and discuss this with us.

Earlier today, I met our Labour Relations Agency. It stands ready and willing to meet immediately with P&O to see how they can turn around what is a terrible situation. It must be in P&O's interest to engage, but let us be in no doubt: its reputation, not to mention its future commercial viability, stands to take a massive hit here if it does not change course. It may want to hide behind the small print of maritime law, which might, in its eyes, justify what it has done, but the court of public opinion will not be so sympathetic.

### 1.15 pm

Going forward, not only do we stand ready to intervene, through the Labour Relations Agency, but, if P&O fails to take me up on that offer locally, I have already asked my officials to investigate what remedies we may have for breaches of our devolved employment law. I understand that a similar piece of work is under way in Whitehall. I will be writing to Ministers there to make sure that we are kept up to speed with their investigations.

As far as the staff are concerned, my Careers Service is immediately available to help anyone who has been affected. We have also been in contact with our counterparts in the Department for Communities, who can stand up redundancy clinics and job fairs. Our first and foremost priority must be the staff involved. My Department will do all that it can to assist and support them in the coming days.

Members will have heard me talk about the work of my Department to take forward a comprehensive employment Bill in the next mandate. I have already asked officials to look at the emerging issues from this dispute to identify what more we can do in legislation to ensure that employers do the right thing by their workforce. We will look closely at fire-and-rehire practices. There is no immediate suggestion that that is happening here, but I want to make sure that it has not been an underlying issue. We will also look further at increasing the financial penalty for those employers who think that they can simply buy their way out of employment obligations. If employers want to pay a price to avoid the law, I want to make sure that it is a price that will deter, not encourage, more of this behaviour.

Finally, I turn briefly to consumer protection issues that have arisen from last week's announcement. Yesterday, I read that P&O was, in effect, leaving customers with existing bookings to make their own arrangements. It was offering no further support or assistance with rescheduling. It is treating its customers with the same disdain with which it treated its workforce. P&O is nothing if not consistent, but it cannot do that. In order to make sure that they are aware of their rights, I ask any customers with bookings that have not been honoured to contact the Consumer Council. Compensation, in addition to the reimbursement of the cost of making alternative travel arrangements, may well be payable to customers who have had to reschedule.

Mr Deputy Speaker, my thanks for allowing me the time, in an already congested Order Paper, to make this statement. I hope that Members will appreciate that, because of the lack of engagement with P&O, this remains a fluid situation, which we are still learning about and investigating. Given the concerns already expressed in this place, however, I wanted to share my immediate thoughts with Members. I will do all that I can in the coming days to work with everyone to try to find a better way forward. I commend the statement to the House.

**Dr Archibald (The Chairperson of the Committee for the Economy):** I thank the Minister for his statement. It is important that there is strong and unanimous condemnation of P&O's scandalous actions. P&O showed utter contempt for its workers, workers' rights and employment procedures. I am sure that the Minister will agree that it would set a very dangerous precedent if that were to go unchallenged. Strong words are one thing, but we need action. I have heard reports that the

bogus, so-called enhanced payments could be time-limited or conditional on workers not taking unfair-dismissal claims. What is the legal position, and what can be done to challenge it via the Department or the Labour Relations Agency? I ask those questions because workers are essentially being bribed not to do what they are entitled to do. I am sure that the Minister will join me in encouraging workers, in order to ensure that they are fully informed, to engage with their trade unions and the Labour Relations Agency before taking any decisions.

**Mr Lyons:** I absolutely agree that it is important that we send a very strong message not just to P&O but to all companies that might think of getting involved in a practice like this in some way. We need to send a message that it is not acceptable and that just because it has happened once does not mean that it should happen again.

It is absolutely right that we have that cross-party support. It is also right that we investigate exactly what is going on and, where appropriate, that my Department takes action to make sure that the law is followed and, where it has not been followed, that there are penalties for that. The Member will be aware of the employment Bill that the Department hopes to bring forward in the next mandate. I hope that there will be cross-party support to ensure that any potential issues that have arisen out of this and are not already covered by employment law are covered in that Bill.

**Mr Weir:** I thank the Minister for his statement. I join him in his strong words of condemnation of the disgraceful actions of P&O towards its staff. He has touched on the exploration of the legal options for action that can be taken against P&O. What examination has there been to ensure that this is not something that is used by other employers or could happen again in another sphere of employment law?

**Mr Lyons:** The Member is absolutely right to raise that issue. I do not want our response to this to give cover or succour in any way to employers that might be thinking of doing this in the future. It is absolutely reprehensible that any company or employer might think that they can get around employment law by, as I and others have said, some sort of bribe. It is absolutely right that the Department takes all the action that it can. That is why I will be working closely with the Department for Transport to make sure that the law is followed and, where it is not followed, that appropriate penalties are put in place. I want to ensure that nothing that has taken place over the last week

or that will happen next week will in any way give any cover to other employers like this in future.

**Mr O'Toole:** I thank the Minister for his statement. I am pleased to say that my party was the only one in this Chamber that showed up to vote in favour of banning fire and rehire in the House of Commons last year. I am glad to see that others are now on board with that, and I welcome the fact that the Minister is saying that he is looking at legislation in the new mandate.

The Minister said correctly that labour and employment law is devolved here. Given the concern that one of the promises made by Brexiteers was that they would use Brexit to water down labour laws, will he make a pledge here that, even if the Tory Government in England decide to water down labour laws further, we will strengthen our employment laws in the new mandate?

**Mr Lyons:** I have already made a commitment to the House. It may well be that I will not be in post — I know that the Member would want me to stay on — but I think there is broad acceptance that we need to address a number of employment issues that we would have liked to take up in this mandate but were not able to. It is a devolved issue, so, ultimately, it is up to us to decide what our employment laws are. It is absolutely not the case that Brexit has changed anything. There has, of course, been no change to the retained EU regulation in terms of employment law.

**Mr Nesbitt:** I thank the Minister for making it clear that his Department got no heads-up from the employers. Did the Department get advance notice from any other source? Exactly which laws has P&O breached?

**Mr Lyons:** I do not believe that we got any advance notice or warning from any source whatsoever. I found out when a member of staff in my constituency sent it through to me.

It will be for the court, ultimately, to adjudicate on the laws that have been broken. However, we have basic statutory requirements with regard to redundancy. If an employer is making more than 20 employees redundant within any 90-day period, a consultation should take place between that employer and a representative. It is clear that that has not happened, and that is disappointing. In my view, this is a clear breach of Northern Ireland employment law, but, ultimately, it is up to the courts to decide.

**Mr Dickson:** I thank the Minister for his statement. I very much welcome his informing the House that we will look to strengthen employment law in Northern Ireland in the next mandate, particularly around the issue of fire and rehire. Minister, the reality is, however, that you and your party participated in wasting years, during which that type of legislation could have been introduced in this mandate. We are now left without the strength and protection that could and should be provided.

**Mr Deputy Speaker (Mr McGlone):** Can I bring the Member to a question, please?

**Mr Dickson:** Quite simply, my question is this: what action will the Minister take now to meet P&O to discuss the issues?

**Mr Lyons:** I will address the Member's first point. Given that the Member has been in the Chamber two or three times when I have addressed this issue before, he will be aware that we had only two years in the Chamber to pass legislation. He knows the pressures that were on our time in regard to employment law. We passed the Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022. I would have liked to go further. However, I have committed that we will do that in the next mandate.

I have requested a meeting with P&O. I have said that I am willing to work with it. I have met the Labour Relations Agency and suggested that it could be an intermediary on the issue. I have not yet received a response.

**Ms Dolan:** The Minister touched on the fire and rehire concept. I look forward to legislation on that in the next mandate. I am disappointed that it has not happened in this mandate, given that there were complaints to his predecessor from councils.

Minister, you directed people with bookings with P&O to go to the Consumer Council. Have you been in contact with the Consumer Council around what consumers may be entitled to?

**Mr Lyons:** I will touch on the fire and rehire issue. Yes, we will look at employment law in the next mandate, and we want to address issues that can come from that. However, let us be clear: we have employment law in Northern Ireland now, and that is what seems to have been breached. Let us not in any way allow anybody to get away with this on the basis of what may or may not be in our law right now. It is absolutely the case that what is in our law

right now appears to me to have been breached.

I have not spoken directly to the Consumer Council at this time. I am more than happy to do that. However, it is well positioned to hear directly from consumers, and I strongly encourage those who have been affected to get in touch with the Consumer Council so that they know their rights and know how they can proceed.

**Mr K Buchanan:** Minister, your statement referred to the fact that:

*"up to 50 staff from Northern Ireland could be directly impacted".*

Obviously, those staff members covered a range of tasks on the ferry. Do you have any concerns that, when the ferries start to sail again between Northern Ireland and Scotland, there may be a safety issue, bearing in mind that the new staff will have been trained in a very short time?

**Mr Lyons:** It absolutely is the case that we have had competent staff on ferries not only between Northern Ireland and Scotland but, I am sure, right around the UK and Ireland, who have had many years — in some cases, decades — of experience. I want to make sure that any staff who are brought on and agency workers who are hired to do the job are properly trained. We need to make sure that no corners are cut and that they have all the necessary experience. Not only is what is being done a huge disservice to existing customers and staff, but it is imperative that we look out for the safety of those who will travel with P&O in the future. It is absolutely right for the Member to raise the issue, and P&O needs to be aware of its need to follow all the regulations that may be in place on not only the standard of training required but minimum wage and other entitlements for staff.

**Mr O'Dowd:** Minister, I am pleasantly surprised by the strength of your statement. It is as strong a statement as I have heard from someone in your position and from your party on employment law. "Well done" on the statement, but what we need now is strong action as well as strong words.

Will the Minister take action with regard to the public funds that P&O has received? I have no doubt that that company, despite making £1.3 billion of profit last year, will have its hand out again for more public money. Will the Minister ensure that it does not receive public money

until the practices that it has been involved in are dealt with and it has been punished for what it has done to those workers?

**1.30 pm**

**Mr Lyons:** The Member has thrown me off a little bit by complimenting me, but I appreciate his words. I think that that was because we are all united on what has happened. P&O's treatment of its staff, especially those who served the company for so long, is reprehensible and disgusting. It is right that we have strong words. I completely agree with him that we need strong actions as well. Some of the financial support provided to that company in the past was via the Treasury or elsewhere in HMG. It is right that they look into that. Certainly, I am more than happy to look at what support has been given and how we can ensure that we do not support companies that disregard employment law in that way.

**Mr Dunne:** I thank the Minister for the statement. I, too, concur with Members on P&O's disgraceful treatment of long-serving and loyal staff. Is the Minister concerned about supply chains in light of recent activity?

**Mr Lyons:** Yes. I have outlined the volume of freight that comes in via those ferries. That will inevitably have a knock-on effect. We are seeing additional sailings by other companies and some of the hole being filled in that way. I will work very closely with the Department for Transport, and I get regular updates from it. I will work with the Department of Agriculture, Environment and Rural Affairs as well on those issues to make sure that we do everything that we can to ensure that that supply comes in.

That brings up a further question about what role and responsibilities a private company should have when it is responsible for a strategic national asset like that and then goes ahead and closes it down at a moment's notice. We will have to look at that as well.

**Mr Stewart:** I thank the Minister for his statement today. I echo completely what he said about the deplorable way in which P&O has treated its customers and staff. It is absolutely disgraceful.

Minister, I do not think that any of us could understand the notion of Belfast City Airport being owned by Flybe or British Airways or Belfast Aldergrove being owned by easyJet. That is almost impossible to accept in the interests of competition and delivery for customers. Yet that is exactly what we see in

the Port of Larne, where the owner/operator is the only company using it. That cannot be good for competition, and it is not good for delivery to the public. What conversations have you had about alternatives and the potential for a free port in Larne?

**Mr Lyons:** I am very keen to explore having a free port in Larne. That is another opportunity for us. Ultimately, my aim is to see much more competition not just between Larne and Scotland but, indeed, between all ports in Northern Ireland and Scotland. The cost of travel between Northern Ireland and Scotland is very high, because we do not have the same competition that you might see in, for example, the English Channel. We need to do all that we can to increase competition.

I have been pleased to work with councillors and MSPs in Scotland to look at the A75 and the A77, because improving those roads will be key to getting more traffic there. That will help to make the ports more sustainable for transport — passenger transport in particular. We should explore all the options. I am very keen to see a free port and to ensure that we harness the opportunities that can come from that.

**Mr McGuigan:** Minister, you quite rightly called out the shameful and disgraceful behaviour of P&O. You stated:

*"Our first and foremost priority must be the staff involved."*

Again, that is quite right. However, there was no mention in your statement or in the questions of engagement between you and the trade unions that are supporting the workers. Given that P&O is trying to divide workers and pick them off with pay offers, it is absolutely crucial that the Minister engage with the relevant trade unions. Can he confirm today that that is the case?

**Mr Lyons:** I am more than happy to confirm that I requested a meeting with RMT this morning. Unfortunately, it was not able to attend that meeting. I am more than happy to engage with any of the trade unions that have an interest in the issue. There is no barrier whatsoever to doing that.

**Mr Blair:** I thank the Minister for the statement and for the detail regarding planned actions. I associate myself and my party with the comments from across the House about the workers involved and those working to help those members affected.

As I am a member of the AERA Committee, my question relates mainly to supply chains. Some of the parties — including the Minister's, it seems — on the local council thought that resources should not be shared with Belfast port at this time of need. I have raised those matters with DAERA for clarification of its intentions. Might good practice involve resource sharing between ports and between agencies to ensure supply chain sustainability at this time?

**Mr Lyons:** Of course, I want to see the sustainability of the supply chains. That is why I am an opponent of the Northern Ireland protocol, which has caused so many of the issues and problems that we have seen over the past year. It is contributing to the increase in costs: the Road Haulage Association estimated that anywhere between 10% and 25% has been added to costs. If the Member wants to see a more secure supply chain between Great Britain and Northern Ireland, I hope that he will join us in our efforts to dump the Irish Sea border.

**Mr Beggs:** P&O has brutally cast its workforce aside in a Dickensian fashion. There was no consultation or notice, and the company delivered a live message by video link. Will the Minister clarify whether the P&O redundancy announcement is covered by maritime law, Northern Ireland employment law or GB employment law? There seems to be a variety of thoughts on that.

Regarding disruption to trade, our supply chain is exposed because no replacement crew has been approved to operate that passenger vessel safely. Will the Minister get in touch with Her Majesty's Government so that nothing like that can ever expose Northern Ireland again?

**Mr Lyons:** The Member is right to raise those issues. As I said in my answer to Mr Dunne, there have to be ways to protect a strategic asset such as that.

On the question of redundancies, discussions may go on about which employment law applies here or whether the redundancies are covered by maritime law. The ferry in question, Larne to Cairnryan, spends all its time sailing between UK ports in UK waters, however, so it is likely that Northern Ireland or Great Britain employment law will apply. Even if Jersey law were to apply, there would still be redundancy requirements. It is absolutely right that people be held to account to the law of the jurisdictions in which they operate.

**Ms Bailey:** I, too, thank the Minister for his strong statement and his written reply to the cross-Committee letter that was issued on Friday, to both of which, unfortunately, we are still waiting for a response from his South Belfast colleague, the AERA Minister.

Minister, you stated:

*"P&O has literally ripped up the employment rule book and, in the process, simply discarded 800 of its loyal and most diligent workforce."*

Even P&O could not disagree with that. It is largely accepted that P&O has calculated the move to be its cheapest option. When we look into remedies to breaches, I imagine that that has already been costed. Financial penalties aside, Minister, I want to push you on the question raised by Mr O'Dowd: how will you make sure that P&O will not profit from public funding for any and all efforts to clean up the mess that it has deliberately made, particularly given that it owns the port?

**Mr Lyons:** I hope that I was clear in my answer to Mr O'Dowd. I reiterate that, if it is a role for the UK Government, I will strongly support them in taking action, and, if there is a role for us to play, I will be more than happy to do that as well. If P&O gets public money and continues to act in that way, and if there is a role for us to play, I will be keen to look at all the options available, because it has acted in an absolutely disgraceful way.

What irks me even more is the fact that P&O knew a long time ago that this would happen. Six weeks ago, it engaged a security firm to come onto the boats in the event of trouble. The employees of that security firm were told to ensure that they had their utility belts and handcuffs. P&O knew six weeks ago the difficult situation that it was going to send that security firm into, yet it was not prepared to give its staff any notice ahead of time. It has acted in a reprehensible way, and there needs to be consequences for that.

The Member asked me what that action will be. That depends. I do not know what level of public funding the company gets at the minute. She will understand that we have not been able to have that engagement with P&O yet, but we will take whatever action we can. I hope that she hears the strength of my words today. I am prepared to do anything that I can to support the workers and to ensure that no company thinks that it can get away with this again in the future.

**Mr Allister:** I am sure that we all agree that any company that is dealing in a decent fashion with its workers does not need balaclavas or handcuffs. I want to focus the Minister's attention on the current economic consequences of the situation. There are hauliers who are at their wits' end wondering how they are going to get their goods, some of which are perishable, transported. I will read the Minister a comment that has just been sent to me by a haulier who listened to the Minister's statement. You will get the frustration:

*"All very nice words, but he'd be better focusing his attention on actually doing something about it before small businesses go to the wall while Stormont watches them."*

There are not enough spaces on the surviving services to transport necessary goods and —

**Mr Deputy Speaker (Mr McGlone):** I ask the Member for his question, please.

**Mr Allister:** What is the Department able to do to bring pressure on other companies in order to alleviate the situation?

**Mr Lyons:** I understand the frustration of not just the Member but the haulier he has spoken to. I am aware of those difficulties. I do not want to tread on the responsibilities of other Ministers. That having been said, I have had engagement already with what might be considered alternative providers in order to see what we can do to address some of the hold-ups that we are seeing. I know that that will have consequences.

I also know that it is a frustration for the Member and the haulier involved. I am dealing with the employment law side of the situation because that is primarily my responsibility, but I recognise the impact that it is having on the wider economy. Although supply chain issues are the responsibility of the Agriculture Department, we are working together to see how we can ensure that the capacity that is required is there. My Department and I will do everything that we can to get that capacity up to where it was before as soon as possible.

**Mr Carroll:** I was proud to stand with RMT workers and former P&O workers at Larne harbour on Friday past against that despicable decision. Minister, their union is calling for the public ownership of P&O and its fleet so that the jobs can be kept and the service allowed to continue. Do you support that call? People will find your talk of making employers do the right

thing a bit hollow considering that you and your party voted against the trade union freedom Bill only a matter of weeks ago.

**Mr Lyons:** Of course, it is nonsense to suggest that the trade union Bill that he brought forward would in any way have prevented the situation. It is absolute nonsense, again, from the Member to suggest that. The one problem that we have right now is that the employment law that we have has not been followed. I am more than happy to look at what else we might be able to do to make sure that our employment law is completely fit for purpose, but let us make it very clear: the responsibility lies with the company to follow its obligations. That has not been done, and that is the root of the problem.

**Mr Deputy Speaker (Mr McGlone):** That concludes questions on the statement. Members should take their ease while we move to the next item of business.

1.45 pm

## Executive Committee Business

### Occupational Pension Schemes (Administration, Investment and Charges and Governance) (Amendment) Regulations (Northern Ireland) 2021

**Mr Deputy Speaker (Mr McGlone):** Glaoim ar an Aire Pobal leis an rún a mholadh. I call the Minister for Communities to move the motion

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

*That the Occupational Pension Schemes (Administration, Investment and Charges and Governance) (Amendment) Regulations (Northern Ireland) 2021 be approved.*

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

**Ms Hargey:** The rule that we are considering today is somewhat technical and places administration and governance requirements on trustees of occupational defined contribution pension schemes. In particular, it requires trustees of certain schemes to disclose their investment returns and demonstrate that they are providing value for their members. It increases flexibility for defined contribution schemes to take account of performance fees payable to fund managers when calculating the cap on charges that apply to default investment arrangements, which are funds into which members are automatically placed by the scheme. It makes other changes. For example, it changes how specific types of pension schemes must comply with the requirements to produce a statement of investment principles. It also includes a provision to control the level and range of charges.

The regulations require trustees of relevant schemes, with less than £100 million in assets and that have been in existence for at least three years, to conduct an annual assessment of the value that the scheme offers to its members. They specify the criteria that must form part of the assessment, including the quality of the scheme's record-keeping, the promptness of accuracy of administration and the extent to which existing requirements concerning trustees' knowledge and understanding are being met. Those measures aim to encourage consolidation of defined

contribution pension schemes so that members can benefit from economies of scale and a diverse range of asset class that larger schemes bring. They have been introduced alongside guidance to help trustees of schemes that are in scope to meet the requirements.

The regulations clarify the statement of investment principles, for example the requirement for default investment funds. They may make consequential amendments, for example to the information that must be published on a publicly available website. They amend the definition of charges and make changes to the way that performance fees may be taken into account when assessing whether or not a scheme complies with the charge cap that limits the charges that can be applied to default investment funds. They also provide a cap on early-exit charges and a ban on member-borne commission charges arising under existing arrangements. In complying with the requirement to assess the value for members that their scheme provides, and to report net investment returns and costs and charges, trustees and managers are required to have regard to the guidance issued by the Department.

**Mr Deputy Speaker (Mr McGlone):** Before I call Paula Bradley, the Chair of the Committee for Communities, I pay tribute to you, Paula, and wish all the very best to you and your family. It will be a lesser place for your absence, but you will probably contribute just as well elsewhere to the improvement of other people's lives, particularly those of your family. I wish you well in that.

**Ms P Bradley (The Chairperson of the Committee for Communities):** Thank you for those kind words, Mr Deputy Speaker. Apologies for my slight lateness in getting down to the Chamber; everything has gone a wee bit ahead of time.

The Committee considered the statutory rule at its meeting on 7 October 2021 and understands that the regulations amend a number of existing sets of regulations and will place administration and governance requirements on trustees of occupational defined contribution pension schemes. The regulations will increase the flexibility of those schemes to take account of performance fees to fund managers when calculating the cap on charges that apply to default investment arrangements. There are other small technical changes, including to the way that specific types of pension schemes must comply with the requirements to produce a statement of investment principles. The regulations also include a provision in

consequence of the Pension Schemes Act (Northern Ireland) 2021 to control the level and range of charges.

It seems that I speak regularly on pensions regulations. Whilst the regulations that have come before the Assembly in recent weeks are technical in nature, they are no less important to protect the individuals who have money invested in the schemes. The aim is to ensure that occupational defined contribution pension scheme members benefit from efficient administration, sound investment governance and access to innovative and diversified investment strategies. Therefore, the Committee agreed to recommend that the Occupational Pension Schemes (Administration, Investment and Charges and Governance) (Amendment) Regulations (Northern Ireland) 2021 be confirmed by the Assembly.

**Mr Deputy Speaker (Mr McGlone):** No other Members have indicated that they wish to speak. Sorry, is Mr Durkan indicating that he wants to speak?

**Mr Durkan:** Go raibh maith agat, a LeasCheann Comhairle. I was going to say only a few words on the regulations before us. The Minister and the Chair ably outlined the technical nature of the regulations. Mr Deputy Speaker, you then stole my thunder with your tribute to the Chair of the Committee for Communities, Paula Bradley. Paula was elected at the same time as me, and we were thrust onto the old Social Development and Health Committees at the same time. Eleven years on, I am on a Committee that she has chaired so well, dealing with extremely important, emotive issues. I have always been struck by Paula's sense of social justice and her passion for putting people first. Now, she is putting the people closest to her first, and I wish her well with that; they are lucky to have her.

**Mr Deputy Speaker (Mr McGlone):** Minister, if we have a quick winding-up speech, we could probably get this done and dusted before Question Time.

**Ms Hargey:** I will be very quick. I love how Mark got the SDLP election mantra in there, in the middle of congratulating you, Paula. Obviously, you will be missed. There is no doubt about that, given the contribution that you have made, particularly to the Communities Committee. I have enjoyed working with you in the time that I have been here. Like the Deputy Speaker, I wish you well in the more important



role that you are taking on with your mummy and daddy in the time ahead.

There is nothing left to be said about the regulations other than that I commend the motion to the House.

*Question put and agreed to.*

*Resolved:*

*That the Occupational Pension Schemes (Administration, Investment and Charges and Governance) (Amendment) Regulations (Northern Ireland) 2021 be approved.*

**Mr Deputy Speaker (Mr McGlone):** I ask Members to take their ease until Question Time.

2.00 pm

## Oral Answers to Questions

### Infrastructure

#### A26: Woodgreen Junction

1. **Mr Frew** asked the Minister for Infrastructure for an update on work to improve the Woodgreen junction on the A26 road between Ballymena and Antrim. (AQO 3303/17-22)

**Ms Mallon (The Minister for Infrastructure):**

Following the road traffic collisions and tragic fatalities in 2015 and 2016, my Department carried out a detailed safety review of the A26 Lisnevenagh Road, including the junctions between Dunsilly and Ballee roundabouts. As a result of the review, a number of safety measures have already been implemented along the route. Measures implemented at the Woodgreen junction include the application of a high-friction surface on the approach to the A26, enhancements to signage and lines and an upgrade to the street lighting. I am pleased to advise that, since 2016, there have been no injury collisions recorded at the Woodgreen junction, and there are therefore no plans to carry out any further work there at this time. I have, however, asked officials to keep the situation under review.

**Mr Frew:** I thank the Minister for her update on a junction that has concerned many residents, drivers and pedestrians for many years. At a time, there were plans to stop right turns there, similar to what was done at the Cromkill junction 2 miles down the road. Has the Minister now ruled that out completely?

**Ms Mallon:** The Member is right that a proposal to prohibit right turns out of the junction was given consideration, but it received a number of objections. A further review of the proposal by the Department and PSNI has identified other potential safety issues, and, as such, it has been decided, on balance, that it should not be progressed.

**Mr Allister:** Looking back, I raised this issue in 2016, following the tragic death of young Karla Cameron. At that point, the then Infrastructure Minister promised that definitive, real action would be taken at that junction. The junction has proved to be a deathtrap. I suspect that, if it were on the A21 or the A1, there would have been a flyover built years ago. All that we have got, however, at the Woodgreen junction is a

few extra lights and some high-friction surface treatment. It is totally inappropriate for a junction that has a record —

**Mr Deputy Speaker (Mr McGlone):** Does the Member have a question?

**Mr Allister:** — of death, so is that the best that the Minister can offer us? Has she really abandoned all hope of improving that junction?

**Ms Mallon:** Mr Deputy Speaker, I take great exception to the use of such language by the Member. As I set out very clearly in my response to Mr Frew, the Department has taken a number of measures. What is really important to point out is the fact that, since 2016, there have been no injury collisions recorded at that junction. My Department will continue to do what it can to improve road safety. As I said in my initial response, I have asked my officials to keep that particular junction and stretch of road under review.

**Ms Hunter:** Minister, I ask for an update on any other transport plans that your Department is currently working on.

**Ms Mallon:** My Department is developing a suite of local transport plans, including the subregional transport plan, the north-west transport plan and the Belfast metropolitan transport plan. Those local transport plans will be developed alongside the councils' local development plans and will reflect their growth ambitions. That proactive planning and design approach will facilitate real changes and a holistic consideration of which transport solutions can best deliver our desired outcomes, including having reduced carbon emissions and creating high-quality urban spaces that benefit communities. As local transport plans are to be developed alongside the councils' development plans, their delivery dates will be influenced by that process.

**Mr Blair:** Whether it is the improvement of the road link in my constituency with North Antrim, which was the subject of the original question, or the progress made on the various active travel routes that I looked at in my constituency yesterday — I welcome some progress on those — how will the failure to agree a Budget impact on the Minister's departmental capital infrastructure spending priorities across the board and across constituencies?

**Ms Mallon:** I thank the Member for his question. He raises a crucial point. Of course I had concerns with the draft multi-year Budget that was presented when it was going out for

consultation, and I highlighted the reasons for that concern. However, the purpose of having, hopefully, an agreed multi-year Budget was to enable Departments to forward plan and deliver change in their communities with a greater degree of certainty than before. It is therefore deeply frustrating that, without an Executive, an agreed Budget cannot be brought forward. The people who will suffer in all this are our citizens in every constituency right across the North.

## Road Safety: Rural Roads

2. **Ms Á Murphy** asked the Minister for Infrastructure for an update on the measures her Department is taking to improve safety on rural roads. (AQO 3304/17-22)

**Ms Mallon:** I take safety on our rural roads very seriously. My Department continues to be actively committed to improving safety on our roads and to work closely with our road safety partners to deliver a programme of road safety education, engineering and enforcement activities. My Department has a rolling programme of maintenance and repairs across the road network. All roads are inspected on a regular basis, and defects that meet my Department's current intervention levels are recorded and prioritised for repair. The forecast spend for capital structural maintenance in 2021-22 is £85 million. That includes £17 million for a roads recovery fund, with £15 million of that allocated to rural roads, which is a 50% increase on last year and is the highest level of funding allocated specifically to this rural roads initiative by any Minister to date. Significant programmes of work have been delivered across all areas in 2021-22, in particular on rural roads.

From a road safety perspective, we know from the evidence that, regrettably, two thirds of deaths or serious injuries in road collisions in Northern Ireland occur on rural roads. My Department has a campaign within its current public information campaign portfolio that specifically challenges drivers to be aware of the hidden dangers on rural roads, underpinned with the warning, "Your risky driving catches up with you". That message is delivered frequently across the year. I remind all road users that we all have a responsibility as drivers to adapt our driving to the weather, the road conditions and our own ability. Always expect the unexpected.

**Ms Á Murphy:** In 2020, 73% of fatalities occurred on rural roads. The Fermanagh and Omagh district had the highest number of people tragically killed or seriously injured per head of population. Does the Minister agree

that improving road safety in rural areas must be a priority?

**Ms Mallon:** I absolutely agree with the Member. As she highlighted, as did I in my response, we have particular challenges on our rural roads. Part of that is due to the quality of our rural roads. That is an issue that I have been trying to address. It will take some time, because of historical underinvestment. It is also about ensuring that we have the right infrastructure. We are doing what we can to encourage all road users to be safe in their actions. I will continue to do what I can. The forthcoming road safety strategy will play a crucial role in that. I thank Members across the House, because road safety is an issue that, regardless of where Members sit in the Chamber, everybody feels strongly about, and they have been proactive in spreading that important road safety message.

**Mr McNulty:** I am aware of the budgetary constraints that you operate under, Minister, but I have mentioned the state of the roads in Newry and Armagh many times in the Chamber. Traversing some of the country roads and back roads, you sometimes feel like you are traversing the far side of the moon. The potholes are not potholes; they are more like craters. Will your new asphalt contracts do anything to alleviate that? Can you give us some information on how they will improve rural roads?

**Ms Mallon:** The interim asphalt resurfacing procurement strategy consists of four phases of fixed-term contracts, as well as a number of larger one-off contract packages. The first phase of term contracts, with a total maximum estimated value of over £35 million over the next two years, was released for tender on 19 November 2021. Tenders have been received and are being assessed.

The development of the phase 2 competition is well advanced, and it will be released for tender in the coming days. A one-off contract package for Skeoge road and roundabout resurfacing was awarded in January, and intention-to-award letters for a resurfacing contract for the Cookstown area will be issued later this week. Contracts for the Coleraine ring road and cycle path, and for resurfacing part of the A6 at Castledawson, have been tendered, and the tenders are being assessed. A contract for resurfacing in the Ballygawley area has also recently been released for tender. It is anticipated that those contracts will be awarded in April and May this year. In addition, further

one-off contracts are being prepared, including for resurfacing part of the A3 Portadown Road.

**Mr Beggs:** I acknowledge that it is important that there are widespread resurfacing schemes, but it is equally important that potholes are repaired on a timely basis to remove the risk that they present to road safety. Along with that, there is the significant cost of having to repair such a deep gouge in a road and the possible cost of damage to vehicles. What assessment has been made of the overall cost of allowing potholes in rural roads to get to 50 millimetres before they are repaired?

**Ms Mallon:** The Member knows, particularly as he is a member of the Infrastructure Committee, that the Barton report, which was carried out a number of years ago, identified a minimum level of funding of £140 million per annum to maintain the road network. Allocations to the Department and its predecessor have fallen significantly short of that year-on-year, and we now find ourselves in the untenable situation of there being significant deterioration to our road network. The Department has had to implement a limited repair service compared with what it was able to do before.

The Department continues to do what it can with the resources allocated to it, certainly in respect of defects. Our current standards specify response times for the repair of defects that range from one calendar day for the most serious defects to periods of five working days and four weeks for less serious defects. I assure the Member that I will continue to make the case at the Executive to ensure that we have sufficient funding not only to maintain the road network but to seek to improve it with new infrastructure.

**Mr Muir:** This is probably the Minister's last Question Time, so I will say that, whilst we have had our differences, it has always been a pleasure to work with the Minister.

Minister, during your tenure as Infrastructure Minister, you announced an independent investigation of the procurement of road surfacing contracts, which are a key element in road safety. Will the outcome of that investigation be reported before the end of the mandate?

**Ms Mallon:** I thank Mr Muir and all the members of the Infrastructure Committee for very constructive working relationships. At times, those working relationships were tense, but they were always very constructive — I mean that.

Given the fact that this could be my last Question Time as Infrastructure Minister, I also place on record my appreciation for all the hard work of my officials. I have certainly pushed them. I pay tribute to their determination and commitment to the communities in which they live and to the people of Northern Ireland.

The independent investigation is a really important piece of work. Members know that, in my statement to the Assembly on 15 June 2021, I announced that I was establishing an independent investigation to ensure that the Department and others learned from that court judgement. The investigation, led by Ms Sarah Hannaford QC, has been completed. I expect to receive the report in the coming days. My intention is to then ensure that the House is updated on the investigation's findings. As I have laid out to officials, my commitment is to do that later this week.

**Mr Dunne:** On a similar theme, what lessons have been learned by the Department following the Court of Appeal's ruling that the Department engaged in a clandestine preferential process that caused significant delay to quite a number of significant road resurfacing schemes across Northern Ireland?

**Ms Mallon:** I agree with Mr Dunne about the seriousness of that court judgement. That is what led me to come to the House to make an oral statement and to the establishment of the independent investigation, details of which I just outlined in response to Mr Muir. I am very keen to receive that report. I have not received it as yet. When I made the statement to the House, I gave a commitment that I would report back to the House and update it on the findings of the investigation. I have also been very clear with my officials that we have one week remaining in the mandate and that we need to ensure that my commitment to every Member in the House is honoured and that they are given that clear update.

## Road Safety: Hannahstown

3. **Ms Flynn** asked the Minister for Infrastructure when additional road safety measures will be installed in the Hannahstown village area. (AQO 3305/17-22)

2.15 pm

**Ms Mallon:** I am keen to improve facilities for pedestrians, and I recently visited Hannahstown to listen to concerns and see for myself the difficulties being experienced by road users and, in particular, pedestrians. I have given my

commitment to the delivery of a new footway through Hannahstown village, and my Department is progressing the design. I have instructed my officials to assess the suitability of the existing speed limit in Hannahstown village. A traffic survey to determine the mean speed and traffic volumes in the village was carried out in January, and the results are being analysed as part of a speed limit assessment. My officials will also carry out a survey to determine the need for a pedestrian crossing in the village, which is an issue that the Member has also raised.

**Ms Flynn:** I thank the Minister for her answer. The Minister will know that Hannahstown village has an increasing population of young families and elderly residents, and they are desperate to have that footpath and, hopefully, those additional road safety measures. The Minister mentioned the work that is being done to progress the footpath: does she have a recent update on the timescale for delivery? I know that there were complications with officials accessing lands for surveys and stuff, but an update on that would be brilliant.

**Ms Mallon:** The Member will know that there are complexities to the project around topography, the presence of adjacent private residential properties, access to land, which was resolved last month, public utility equipment and the existing narrow masonry bridge. I have said to local residents and to my officials that we need to work hard to complete the design. A consultant has been appointed to take that work forward, so, hopefully, that should progress things further.

Given all the processes that have to be completed, I am keen to see work on the ground started at the earliest opportunity. While it will fall into the new financial year, I have made it clear that it sits perfectly with the blue-green infrastructure fund. Hopefully, whatever Minister is in place will recognise the clear need for and multiple benefits from the project and will continue to push it forward.

## A5 Garvaghy: Traffic-calming Measures

4. **Ms Brogan** asked the Minister for Infrastructure what action has been taken to immediately implement traffic-calming measures on the A5 at Garvaghy. (AQO 3306/17-22)

**Ms Mallon:** I have had the very moving opportunity to meet families who have tragically lost a loved one on that stretch of road. That

was an important opportunity for me to hear at first hand their experience and the experiences of the local community as they try to go about their everyday business while living in close proximity to a key transport corridor.

I assure the Member and all the families who have been affected and have a lost a loved one along that stretch of road that I reaffirm my commitment to the delivery of the A5. The project will transform things and improve road safety. It will also deliver multiple benefits to those who live around it.

Last week, I published the new environmental statement addendum and associated documentation as the next vital steps for the progression of the A5 dual carriageway scheme. That commenced a consultation process that is open until 6 May. I encourage anyone with an interest in this significant project to make their views known during the consultation period.

In advance of the major upgrade, it is important that we do what we can to improve road safety. I have asked my officials to progress a programme of work that will include interventions at the location, including the provision of street lighting and gateway signage on the approach to Garvaghy. A temporary traffic counter recently gathered information on the speed of traffic at the location, and that information will be shared with the PSNI and will be used to help to inform further safety interventions. I have asked my officials to liaise with the PSNI and the PCSP to consider placing a speed indicator device at the location.

I assure the Member that, on my watch, my Department remains committed to improving road safety along the existing A5 until such times as the long-awaited A5 dual carriageway is constructed and fully operational.

**Ms Brogan:** Gabhaim buíochas leis an Aire. I thank the Minister. Thank you for meeting the families so that you could see for yourself just how busy that road is and how much the temporary safety measures are needed. As you said, the temporary safety measures are important, but we need to see the upgrade of the A5. I know that you published the environmental statement last week, but will you give us an update on the progress of the entire project?

**Ms Mallon:** I have published the new addendum and the associated documentation. The public consultation process is under way and will run to 6 May. As Minister for Infrastructure, I have no authority over when the

Planning Appeals Commission (PAC) will reconvene the public inquiry, but it is hoped that it can take place later this year. My officials have been in discussions with the PAC to secure an early date for that.

Receipt of the PAC's final report from the inquiry should allow a new ministerial decision to be taken. Subject to the successful completion of all the necessary statutory processes and environmental assessments, the construction of phase 1A could commence later that year. In recent years, the programme for scheme delivery has referred to full scheme completion by 2028. Although some slippage has occurred, that time frame remains achievable. Certainly, I have instructed my officials to work to that time frame.

**Ms Bradshaw:** Minister, my question is not about the A5. I have written to your private office twice about traffic-calming measures, and I am conscious that it is nearly the end of the mandate. My question is about Orpen Park. I know that your officials were consulting residents about traffic-calming measures. Do you have an update?

**Mr Deputy Speaker (Mr McGlone):** As the Member knows and so does the Minister, that question does not relate to the original question. How the Minister wishes to answer it is at her discretion.

**Ms Mallon:** I am happy to provide a written update so that the Member has the latest position on Orpen Drive.

**Mr Deputy Speaker (Mr McGlone):** The Member is not in her place to ask question 5. That is due to a sad family bereavement.

The Member is not in his place to ask question 6.

## Dungiven Bypass

7. **Mr Robinson** asked the Minister for Infrastructure to provide an update on the completion of the Dungiven bypass scheme. (AQO 3309/17-22)

**Ms Mallon:** Construction of the new 25.5-kilometre section of dual carriageway between Drumahoe and Dungiven, which includes a bypass of Dungiven, is now well advanced, with earthworks, drainage and all 22 structures substantially complete. In November 2021, work commenced to lay the final surface

course. To date, more than 30% of the final road surface has been laid.

Work continues on the remaining elements of the project, including the provision of a safety barrier, road marking, signage, street lighting at junctions, landscaping and accommodation works. I am pleased to say that those will be completed this year, largely as planned.

**Mr Robinson:** I thank the Minister for her answer. Will she consider a similar scheme at Greysteel in my constituency to alleviate the significant traffic congestion on the main route from Limavady to Londonderry?

**Ms Mallon:** The Member will know that the regional strategic network transport plan is being developed with the aim of going out to public consultation. That will set strategic priorities to 2035 for road, bus and rail. I encourage the Member to make representations about the project that he has just cited when that goes out to public consultation. He has raised others with me that can be considered within that framework.

**Ms Hunter:** Will the Minister detail which active travel measures will benefit the people of East Derry as a direct result of the scheme?

**Ms Mallon:** To help to promote active travel in line with my Department's commitment to create greener infrastructure and encourage people to walk and cycle, the scheme provides a continuous route for cyclists and pedestrians between Claudy and Drumahoe. It will be a combination of proposed new and existing footpaths and new shared-use access lanes and existing roads that will also provide a link to Oaks Wood and Burntollet Wood.

Between Dungiven and Claudy, cyclists and pedestrians will use the existing shared paths, footpaths and hard shoulder on the old A6 Foreglen Road, which will have significantly reduced traffic flows following the opening of the new dual carriageway. My Department proposes further upgrades to footways and cycleways on some of those sections under separate schemes.

Two park-and-ride facilities are also being provided as part of the scheme to provide local commuters with more sustainable, cleaner and greener transport options. One is in Drumahoe, and it became operational last year. The other is at Claudy and is nearing completion. Covered cycle shelters are provided at both facilities.

**Mr Delargy:** I welcome the announcement on the development of the A6. I welcome your work and that of the previous Minister, Chris Hazzard. Another key development that is needed in the north-west is better rail links between Derry and Belfast. Will you update us on where that is?

**Ms Mallon:** The Member will be aware that I have initiated a number of feasibility studies. One is of phase 3 of the Derry to Coleraine rail line. That has been completed, and the business case is being worked on. A feasibility study for the additional three halts and a half-hourly service will be completed in the summer. Overlaying all that is the all-island strategic rail review, which is looking at how we can improve existing rail connectivity on the island, where we can have new rail links, the role of rail for freight and rail connectivity to our ports and airports. I am due to go to Dublin tomorrow to get an update with Minister Eamon Ryan and the consultants on that work, and I am committed to driving it forward. As we have discussed before, there has been historical underinvestment in the north-west, and you can see that most starkly when you look at a map of rail connectivity on the island, so I am committed to doing what I can through working with partners to address that.

## Concessionary Fares Scheme

8. **Mr Sheehan** asked the Minister for Infrastructure for an update on the extension of the Northern Ireland concessionary fares scheme. (AQO 3310/17-22)

**Ms Mallon:** I have announced my intention to extend the concessionary fares scheme to provide free travel for people with disabilities who currently pay half fare and to new operators who have already indicated or expressed an interest in joining. I am aware that many people with a disability have limited travel options. I took the decision to extend free travel to those who currently receive half fare as, for me, it is not just an economic, societal and environmental issue but a social justice issue, and I am keen to see more people benefit. In response to my bid for funding to do that, the draft 2022-25 Budget consultation included a proposal for ring-fenced funding to support extending free travel and extending the scheme to the new operators that had already indicated or expressed an interest in joining. Regrettably, the draft 2022-25 Budget consultation has now been paused by the Finance Minister in the absence of an Executive. However, I am committed to continuing the work towards completing the necessary steps to enable the

scheme to be extended. Those steps include engagement with Translink on issues such as changes to ticketing infrastructure, targeted consultation with key stakeholders and the completion of the necessary approval processes.

**Mr Sheehan:** Gabhaim buíochas leis an Aire as ucht a freagra. I thank the Minister for that. I welcome the steps taken to extend the concessionary fare to black taxis and people with disabilities who access only the half-fare concession. Will the Minister give more detail on the timeline for putting that into action?

**Ms Mallon:** I want the extension to free travel for people with a disability to come into effect under those new operators as soon as possible. That is the timescale that I am working on. As I said, I intend to work towards completing the necessary steps to enable the scheme to be extended in the new financial year.

I have outlined what steps are required, and I will continue to work to secure the funding. In the absence of that, from our perspective, all the necessary steps are being taken forward. I am clear that the timescale for it is the new financial year.

**Mr Deputy Speaker (Mr McGlone):** There is time for a brief question from Mervyn Storey and an answer.

**Mr Storey:** The Minister said that, for the continuation of the scheme, it will be vital that we have an infrastructure to deliver it. When will the regional strategic transport network plan be published? She has promised the House on a number of occasions that it would be, but we are told today that it is going out to consultation?

**Ms Mallon:** It has always been the case that the regional strategic transport network plan would have to go out to public consultation. It is a key strategic document that will set out infrastructure priorities up to 2035. Given that it is such complex and important work, I am sure that the Member will agree that it is important that we get it right. That is the work that officials have been undertaking. The intention is that, when it is completed, it will go out to public consultation, every Member and citizen will have the opportunity to feed back their views and then the plan can be adopted accordingly.

**Mr McNulty:** Minister, given your ambition to move people towards public transport, do you have enough money to do that?

**Ms Mallon:** The short answer is no. It has been well rehearsed and is in the public domain that Translink was not in receipt of sufficient funding over many years, which then required it to eat into its reserves. Significant funding was provided during COVID, as was the case for transport providers and operators across these islands, given the significant drop in passenger numbers, which impacted on demand.

## 2.30 pm

Making sure that we have a publicly owned public transport network is crucial. That ensures that we are able to service areas that are not on profit-driven routes. That is really important, particularly for our rural communities. It is also really important that we get as many people as possible out of their private vehicles and onto public transport. The only way that we can do that is by ensuring that we have sufficient funding to maintain the existing network and to improve and enhance the transport offering across the North and, through the all-island strategic rail review, throughout the island. I will certainly continue to make that case with Executive colleagues.

Difficult choices have to be made. We have a difficult Budget and a number of priorities. However, public transport is right up there due to its impacts on the economy, society, the environment and social justice.

**Mr Deputy Speaker (Mr McGlone):** That ends the period for listed questions. We now move to 15 minutes of topical questions.

## A4 Enniskillen Bypass: Update

T1. **Mr Gildernew** asked the Minister for Infrastructure for an update on the A4 Enniskillen bypass. (AQT 2171/17-22)

**Ms Mallon:** The Enniskillen bypass was one of the key strategic projects that I committed to take forward. Work has started on the ground, and I am sure that the Member has seen that. It is very important that the project advances. Crucial to that will be ensuring that there is the funding to do so.

I refer back to my previous comments about my frustration, which I know is shared, with the absence of an agreed Budget and the missed opportunity of having a multi-year Budget. The progress and pace of that project will be dictated by the funding that is made available to the Department.

I hope that the Member has seen that I have prioritised that project since taking up office. I am certainly pleased to see work starting on the ground.

**Mr Gildernew:** I thank the Minister for that. Indeed, I welcome that initial works have begun, and I support your indication that we need to see sustained investment in the project. Minister, can you provide more detail about the project, such as what active travel provision is being included and when construction might start in full?

**Ms Mallon:** We hope to be able to move to full procurement and construction. Of course, that is dependent on the funding that comes across in the forthcoming financial year.

On the issue of active travel, when we look at bypasses, it is very important that we do not just look at them in the very narrow sense of building a road away from a town. It is really important that we breathe life into those towns and make them places where people are comfortable and can enjoy walking and spending time shopping, visiting and socialising. Therefore, parallel to the work on the structure of the bypass — the road — my Department has taken forward a feasibility study to see what we can do to maximise the space in the town centre and revitalise it. It is very important that both aspects progress in parallel.

## Fuel Costs: School Bus Operators

T2. **Ms Brogan** asked the Minister for Infrastructure whether she has engaged with the Minister of Education on the impact of soaring fuel costs on school bus operators. (AQT 2172/17-22)

**Ms Mallon:** The Member raises a very important point. It is certainly an issue that I am concerned about in relation to Translink, although it bought and secured fuel in advance. Members will also know that rising costs are a massive issue for Northern Ireland Water, which is the single biggest electricity consumer in the North.

School transport is a matter that falls to the Department of Education and the Education Authority. However, I am happy to engage with the Education Minister on the issue and provide her with support, because I know how pressing it is. Sadly, it looks set only to escalate further.

**Ms Brogan:** Gabhaim buíochas leis an Aire fosta. I thank the Minister for her answer. She is

right. I have been contacted by a number of school bus operators who have contracts with the Education Authority and are afraid that they will be unable to maintain them because of the cost of fuel. Will the Minister confirm whether she will provide support to bus operators that are really struggling because of the increases in the cost of fuel?

**Ms Mallon:** I have to be respectful of the Education Minister's role and responsibilities, but the Member will know that we have initiated the third scheme for private bus and coach operators that were impacted by significant reductions in their income during the pandemic. Applications for that scheme closed earlier this month, and we received 90 applications. Those applications are being processed so that payments can be issued as quickly as possible to those who qualify for support. I will continue to engage with the sector. If the Education Minister wishes to discuss the matter with me, I am very happy to do that, given our experiences with Northern Ireland Water.

## Derry to Coleraine Rail Network

T3. **Dr Archibald** asked the Minister for Infrastructure for an update on the phase 3 Derry to Coleraine feasibility study, specifically in relation to the provision of a rail halt at Ballykelly. (AQT 2173/17-22)

**Ms Mallon:** That is an important piece of work. The feasibility study on the half-hourly service between Derry and Belfast, and also on the three rail halts, is ongoing and is due for completion in the summer. That will enable us to move to the next stages and get to the point where it is being realised and where the local community there can enjoy the benefits of improved access to rail and be able to get to and from work or do anything else that they wish to do. That work is progressing as planned.

**Dr Archibald:** I thank the Minister for that response. There is obviously need for improvement in that rail stretch. I think that everybody will agree that it is a very picturesque train journey, but it is a long one. The provision of public transport is important in enabling people to have access to work and in tackling the climate emergency. The feasibility study is being undertaken. Is there a time frame, beyond the completion of the feasibility study, for when we might see delivery?

**Ms Mallon:** All the steps that need to be taken in advance of construction on the ground are being taken. How quickly progress will be made



will be dependent on the funding that comes across to the Department. As Minister, I have been very clear that rail is a huge untapped opportunity that we have been missing. I am very keen that we do what we can to expand the rail network, particularly in the north-west area. I hope against hope that, after the election, we will have an Executive formed and have Ministers in post so that the Minister for Infrastructure will be able to move to the construction parts of the rail projects that we have been working on. That would be hugely beneficial. I know that rail is an issue that many Members across the House feel passionately about.

### **Cost-of-living Crisis: DFI Actions**

T4. **Mr Durkan** asked the Minister for Infrastructure to outline her actions to help people who are struggling with the cost of living, given that she will know that he, like many Members, has been out on the doors to engage with constituents a fair bit of late, and, for once, potholes and parking issues are not the hot topics, meaning that it is incumbent upon our Ministers to work collectively and individually within their Departments to help. (AQT 2174/17-22)

**Ms Mallon:** The Member is absolutely right. We bandy about terms like "cost-of-living crisis", but the reality is that so many households are being crippled by soaring food bills, fuel bills and energy bills. People who are on social security are absolutely struggling. People who are not in receipt of social security are absolutely struggling, with many saying that their finances are being challenged like never before. There is a responsibility on all of us to do what we can to try to mitigate that and make sure we get money into people's pockets and keep it there.

I was pleased to be able, before Christmas, to take forward regulations in the House to protect people and families from having to pay water charges. It was important to me to take forward the motor insurance legislation to try to protect people against a hike of up to £50 in their motor insurance premiums. Members will be aware that I took the decision to freeze any hike in public transport fares. I did that because I recognise that many people who cannot afford a car are completely reliant on public transport. I also hope that freezing fares will make life easier for people who have to run a car and are facing huge and escalating petrol and diesel prices. It will mean that they are able to afford to travel on our public transport network.

I am conscious of the private Member's Bill that Mark H Durkan is working on. That is emergency legislation that, in the absence of an Executive, would see emergency energy payments go to households right across the North. I am very pleased that, to date, that Bill has been able to secure the political support of every party in the House. People are looking to their politicians to act to help them, and we should certainly be doing everything to help them, even in the very difficult political circumstances in which we find ourselves.

**Mr Durkan:** I thank the Minister for her answer and, even more, for her actions. The Minister referred to private Member's legislation that I am working on. I am awaiting the green light or white smoke from the Speaker's Office's legal team on whether it will be a goer. Should it be, will the Minister assure me of her support?

**Ms Mallon:** The Member can be absolutely assured of my support. All of us have constituents contacting us, all of us know how difficult and tight things are getting for people, and all of us want to make sure that we are doing everything that we can to help our citizens at this difficult time.

### **Traffic Lights: Victoria Road, Carrickfergus**

T5. **Mr Stewart** asked the Minister for Infrastructure, at the risk of sounding ridiculously parochial, whether, in the interests of public safety, she will look into the traffic lights at one of the busiest junctions in Carrickfergus from Victoria Road to the main road, which have failed more than 20 times in the past six months, and despite constant communication with her Department and Siemens, nothing has been done. (AQT 2175/17-22)

**Ms Mallon:** All politics is local, and these issues are hugely important. I am not aware of that particular instance. My instinct leads me to think that there may be an electrical fault, if the outage has been so frequent, but I give a commitment to taking the issue away, asking my officials for an update and providing the Member with an update in writing.

**Mr Stewart:** I thank the Minister for her answer. I will move slightly further up the coast, to Larne. Last week's disgraceful actions by P&O shone a light on the questionable ownership of the port. We would not allow an airline company to own an airport in Northern Ireland — it would certainly raise eyebrows — but, in Northern

Ireland, we have the Port of Larne being operated by the ferry owners. It does not seem right, or to be in the interests of fairness or delivering for the public. Will the Minister look into the option of a free port for Larne, and at the other options that may be available?

**Mr Deputy Speaker (Mr McGlone):** I realise that there may be some sort of a tenuous link between the lights and the supplementary question, but the supplementary question is supposed to be supplementary to the original question. It is at the Minister's discretion as to what her response will be.

**Ms Mallon:** I am shocked and appalled at how P&O workers have been treated, as was everybody. Who thinks that it is acceptable to treat people in that way — stripping them of their dignity and treating them like a cheap commodity? We need to reflect very carefully on where society is going on workers' rights and protections, particularly in the globalised world in which we live. The Member will know that my Department has a limited role in the situation at Larne because it is a privately owned port, and we do not have statutory responsibilities for ferries or shipping.

That said, while I am conscious that maritime and shipping is a reserved function of the Department for Transport, and I am calling on the Secretary of State for Transport to take every possible step to save jobs and maintain connectivity for passengers and critical goods on the Irish Sea routes, my Department is working with the Department for the Economy and DAERA to ensure that we are minimising any risks to the supply chains for critical goods. My officials will continue to do what they can, working with colleagues across government.

**Mr Deputy Speaker (Mr McGlone):** Mr Humphrey is not in his place. I call George Robinson.

## **Regional Strategic Transport Network Transport Plan**

T7. **Mr Robinson** asked the Minister for Infrastructure to provide a long-awaited update on when the regional strategic transport network transport plan will be published. (AQT 2177/17-22)

**Ms Mallon:** As I said, it is an important document, because it will set out the infrastructure priorities for road, bus and rail up until 2035. Officials have been working with consultant partners to try to bring further detail

to that. I am clear that we need to make sure that we get it as right as we can before it goes out to public consultation. Members will have the opportunity to respond and to make their views known when it goes out for public consultation because it is important that we have a genuine consultation process and that, then, the Minister and the Department are able to reflect on the views and, if required, not shy away from making changes to that document.

**Mr Deputy Speaker (Mr McGlone):** I will bring in Mr Robinson for a quick supplementary.

**Mr Robinson:** I thank the Minister for her answer. As this is my last Question Time before retirement, I ask the Minister, again, to commit to the inclusion of a bypass for Ballykelly and a climbing lane at Gortcorbies on the Limavady to Coleraine route within the plan.

**Ms Mallon:** I wish Mr Robinson well. In my encounters with him, he has always been an absolute gentleman. He has never played the person. He has always really cared about his constituents and his community, and that constantly shines through.

### **2.45 pm**

If I were able to bring forward infrastructure projects based on the integrity of the Member campaigning for them, those would all be built, I assure you of that, Mr Robinson. Obviously, however, we need to take projects forward within a strategic framework. I assure you that those road projects will be considered as part of the regional strategic transport network transport plan. Even as a relaxed citizen who is no longer in politics, you can, of course, still make your views known through the consultation process, and I, for one, look forward to reading them.

**Mr Robinson:** Thank you, Minister.

**Mr Deputy Speaker (Mr McGlone):** On that positive note, time is up. I ask Members to take their ease while we move to the next item of business.

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

## Finance

**Mr Deputy Speaker (Mr Beggs):** Questions 12 and 15 have been withdrawn.

### Cost of Living: Funding

1. **Mr McNulty** asked the Minister of Finance to outline what additional funding he will make available to address the rise in the cost of living. (AQO 3259/17-22)

**Mr C Murphy (The Minister of Finance):** A number of measures have already been introduced, including a £2 million emergency fuel payment scheme and a £55 million energy payment support scheme delivered by the Department for Communities. The latter scheme is mitigating the impact of fuel price increases for some 280,000 of our most vulnerable people.

As a result of the absence of the Executive, my Budget proposals to freeze rates for three years could not be agreed. Despite that, on 2 March, I was able to announce a freeze on rates for the next 12 months. That is in addition to the extension of the small business rate relief scheme, which currently supports almost 29,000 business premises. In conjunction with other measures, including the freezing of Housing Executive rents, that provided further help with the rising costs that families and businesses alike are facing.

An additional £300 million of funding has become available for 2022-23 since the draft Budget was agreed for consultation. Although there is no mechanism to allocate that funding in the absence of an Executive, I have asked ministerial colleagues to bring forward costed proposals on the supports that their Departments can deliver. That will allow us to move quickly once an Executive is restored. I will continue to press the British Government to take further measures, including acting on my request to waive VAT costs and excise duties for a period.

**Mr McNulty:** I thank the Minister for his answer. He will be aware that the SDLP is working tirelessly to progress emergency legislation to access the £300 million that is not being used by the Executive. We want to allow for emergency financial support to be prioritised and given to people and hard-working families who need that money now. Minister, will you commit to supporting our efforts?

**Mr C Murphy:** I will commit to supporting any and all efforts to ensure that the money that we have ready to support families is released. I have had no indication yet as to the success or otherwise of that particular effort. The Member will know, of course, that the clearest, most consistent and most obvious way to allow us to take decisions to spend money to support families is to re-form the Executive, sit around the table and get back to work to take those decisions. That could be done in an instant. There may be other attempts and measures to see whether we can get around these things. Although I have tried through legal means on a number of occasions to look at possible solutions, the very obvious solution is the one that is staring us in the face, and that is to re-form the Executive.

**Ms Dolan:** Last week, the Dublin Government cut petrol and diesel excise duties, and we have seen other countries around the world take the same action. Does the Minister agree that, by contrast, the British Government's response to the cost-of-living crisis is woefully inadequate?

**Mr C Murphy:** I had an engagement this morning with the Chief Secretary of the Treasury, alongside the Scottish and Welsh Finance Ministers, ahead of the announcement that the Treasury and the Chancellor of the Exchequer will make on Wednesday. I hope that the British Government begin to address some of the issues that we have been pressing them on consistently, like excise duties, VAT, energy bills and the rebate on red diesel, which affects rural families, farms and small contractors. All of those issues, alongside the events in Ukraine, which are putting an even bigger squeeze on the cost of living, are creating a real sense of crisis out there. There are steps that the British Government could take immediately, and, given that we pressed them again on that this morning, I sincerely hope that we hear something substantial on Wednesday.

**Mr Nesbitt:** Does the Minister support the call on the Chancellor to bring in a rebate on fuel tax for essential users to mitigate the high costs that are impacting the haulage sector and, indeed, carers, who clock up a lot of mileage?

**Mr C Murphy:** There is no doubt that the Chancellor and the Treasury have it within their gift to take measures in relation to that. They need to look at where those measures are most needed. The Member has identified people who are essential users of fuel; undoubtedly, an increase in costs reduces the income to their households. In the case of carers, it is not a

very substantial income in the first place. I support any measure that can be put in place. We have been pressing the Chancellor and the Treasury to look at any and all measures they can take between now and next Wednesday. Because we have been pressing them on this for some time, and the crisis and the implications of it for families and individuals have been deepening, I hope that we will see something substantial announced on Wednesday, such as some of the measures that the Member outlined.

**Mr Muir:** Households across Northern Ireland are facing real dire pressures as a result of the rising cost of living. What efforts has the Minister made to engage with Treasury to encourage it to abandon the increase in National Insurance payments and to uplift benefits in line with inflation as it currently stands?

**Mr C Murphy:** As I said, my latest engagement with the Treasury was this morning. I have been in touch with it on a number of occasions. This cost-of-living crisis has been gathering since the autumn. Although I very much welcome additional funding for our health system, I do not believe that the correct response was to try to take that from National Insurance contributions. We will continue to press the Treasury to take all and any measures that it can in the time ahead. I believe that it has some scope to take some measures and that it has to recognise that the crisis is deepening and the implications for people are becoming worse by the day. Therefore, the Treasury has it in its power to take some very substantial initiatives in that regard, and I hope that it takes that approach.

## Health: Barnett Consequentials

2. **Mr Stewart** asked the Minister of Finance whether he has identified a mechanism to ensure that £400 million accrued from Barnett consequentials for health can be utilised for that purpose. (AQO 3260/17-22)

**Mr C Murphy:** I have taken legal advice on this matter and written to Ministers about an approach that would allow the Department of Health to utilise the additional funding related to the increase in National Insurance contributions. It is important to say, however, that that approach will not provide the same level of funding that the draft Budget set out for the Department of Health or any other Department, and it will not offer the certainty that would have been provided by a multi-year

Budget. In short, it is no substitute for an agreed Budget.

**Mr Stewart:** I welcome the Minister's effort on contingency planning, which I hope will allow key services to continue, as well as further spend on waiting list initiatives. In particular, how is the Minister taking into account the unforeseen funding pressures as a result of increased energy costs, which could be up to £50 million across the trusts?

**Mr C Murphy:** As part of that, we have asked all Departments to bring forward costed schemes that they might consider. Although we do not have the ability to allocate funding to them, I want to be in a position to move very quickly on that, should an Executive be reformed. I do not doubt that there are energy cost issues across all the Departments. Of course, the priority has to be to try to help families that are under pressure in the time ahead, but nonetheless the Department of Health has engaged with our officials, and I am sure that it will bring forward some sense of where it sees the pressures on the Department in the time ahead.

**Ms Kimmins:** Minister, do you agree that the only way to guarantee that available funds get to our essential services, particularly our very overstretched health service, is for the DUP to end its electorally motivated boycott of the Executive? Is it not long past time that the DUP stopped putting its selfish party political interests before the people?

**Mr C Murphy:** Clearly, that is the quickest way to deal with those issues, which everybody is feeling. Every elected representative is in touch with the cost-of-living crisis in particular. The pressures brought about by that have undoubtedly begun to be felt and are increasing daily. Now that we are going into a new financial year, bills will start to fall on doormats, and people will feel an acute sense of pressure.

Of course, we do not have all the funds to deal with all the issues that we want to deal with, but we have some funding available to us, so there is an opportunity to try to provide some support to families in the time ahead. The quickest way to do that — I have heard various intricate solutions to all of that, none of which has borne any fruit to date — is to get back to work with one another, to sit around the table and prioritise the issues that need to be addressed, as we have done in the past, and to allocate the funding to try to provide some level of support.

**Mr O'Toole:** While I agree that collapsing the Executive is utterly wrong — it is as wrong now as it was in 2017 when the Minister's party did it — I hope that the Minister will be able to support the SDLP's proposal, should we be able to get it on the Floor, to unlock that money and spend it on the cost of living.

Minister, have you had any conversations about whether your Department will be able to spend further Barnett consequentials, should there be any from the spring statement on Wednesday?

**Mr C Murphy:** I am tempted to remind the Member again of his encouragement for us to bring down the Executive in 2017. I know that he personally was not here then, but he can check Hansard from that time to see what his party's position was on that.

I raised that issue this morning in my discussion with the Chief Secretary to the Treasury. He is fully aware that the absence of an Executive is impeding our ability to respond to the crisis in front of us. I said to him that he needs to take that into account if there are potential Barnett consequentials coming as a consequence of the spring statement and that we would need to receive those in a way that provided some possibility of their being spent. The officials undertook to go off and examine that. My officials will be in touch with them in the time ahead. As the Member will know, if it comes across simply as an unhypothecated Barnett consequential, Executive approval is required to make sure that that is spent.

**Ms Bradshaw:** Minister, you will be aware that the new cancer strategy will, hopefully, be published this week. In your response to Mr Stewart, you talked about the Departments coming forward and presenting their pressures. There will be new costs in that strategy, and, obviously, we will need to get it implemented in a timely manner. What is the prospect of funding being forthcoming for the new cancer strategy without an Executive?

**Mr C Murphy:** As the Member will be aware, in the draft Budget, I proposed to fund the cancer strategy in full. That is not possible when we do not have an Executive to agree a Budget going forward. What we have been able to do through the Vote on Account, however, is to allow the Department to go forward on an assumption of spending of about 45% as its baseline. That does not provide any additional money for all the additional things that were costed and provided for in the draft Budget, such as the cancer strategy, the mental health strategy and

the elective care strategy. I am afraid that it does not allow us to deal with those issues.

We will continue to engage with Health to see what support we can get it and how we can get that support, because it is crucial that it be provided in the time ahead. From my perspective, and from the legal advice that I have received, our hands are firmly tied by the fact that we, as Executive Ministers, do not have the ability to sit round the table with one another in order to plan and agree those matters and allocate the funding accordingly.

**Mr Deputy Speaker (Mr Beggs):** Jonathan Buckley is not in his place.

### **Net Zero Targets: Funding**

4. **Ms Hunter** asked the Minister of Finance to outline his Department's plans to finance net zero targets on a multi-year basis. (AQO 3262/17-22)

**Mr C Murphy:** The draft Budget allocated over £300 million for green growth. While that funding was not ring-fenced in departmental budgets, as part of the Budget consultation, Departments were encouraged to provide details of the green growth projects that they are taking forward. In the absence of an Executive, it will not be possible to agree a multi-year Budget. Therefore, any plans to finance net zero targets will have to wait until an Executive are established.

**Ms Hunter:** I thank the Minister for his answer. Like many across the House, I was very pleased to vote in favour of the Climate Change (No. 2) Bill a few weeks ago. Does the Minister agree that, without long-term funding in place to support us to reach our goals, the legislation could be potentially doomed to fail?

**Mr C Murphy:** I sincerely hope that it does not. The intent has to be to get an Executive back in place as quickly as possible. Climate change is one of a range of hugely important issues that we, as a society, face. We have an ability here to take decisions and to try to allocate the limited funding that we have to things that are priorities for us in this part of the world. The essential purpose of our being here is to take those types of decisions. The way to do that is to put an Executive back in place as quickly as possible to make sure that, having finally got a three-year Budget, we are able to take advantage of it to plan and set targets for ourselves for the time ahead. The sooner an Executive are back in place to take those decisions, the better for everyone here.

**3.00 pm**

**Mr McGuigan:** Minister, in your answer, you mentioned green growth. Will you give a bit more detail about what provision and strategy for green growth were in the multi-year Budget?

**Mr C Murphy:** As I said, we had proposed £300 million for green growth. We had also considered ring-fencing that money, but, on the advice of the Department of Agriculture, Environment and Rural Affairs, that proposition was not taken forward. The money was available to be bid for, however, which would have formed the basis for discussions. As part of the Budget consultation, my Department releases high-level documentation; each Department would have released specific proposals relating to that, but we did not get to that position because, unfortunately, the Executive went down. The sooner that we can get back to that and see the strategies that Departments have brought forward to match the proposed funding for green growth, the better.

**Mrs Barton:** Minister, are you confirming that you have not been asked to scope out likely resource for capital DEL or DAERA requirements relating to the target of net zero by 2050?

**Mr C Murphy:** As I said, funding was proposed to be set aside for that. As part of their planning, Departments would have brought forward propositions as to how they would have spent that funding, but we did not get to the stage at which that could be done in the detail that we wanted. If an Executive can be put in place quickly, I assume that we will get back to that exercise, see what Departments bid for and see how that matches the targets. It is a collective decision, however. Net zero is not any single Department's responsibility; we all have responsibility for it. The Executive have set the target, and we all have responsibility to see which projects will lead us most quickly to that area. It is clearly a collective decision. It is unfortunate that we have not been able to get there, because the impacts of climate change will not wait until an Executive are back in place but will carry on damaging the planet as we speak. We really need to get back quickly to making those decisions.

**Mr Blair:** Following the passage of the Climate Change (No. 2) Bill, will the Minister seek to ensure that all future financial decisions are climate change proofed to ensure that we play our part in averting climate catastrophe and meet the targets set in that legislation?

**Mr C Murphy:** When the Executive have agreed and the Act has confirmed the targets that we face, we have to ensure that all Executive decisions play their part in meeting that direction of travel. Although I do not have the power to go into each Department and specify how it spends — our devolution arrangements allow a significant degree of autonomy in each Department, and that is part of our power-sharing framework — nonetheless, each Department is subject to the legislation. If the legislation has targets, spending decisions should reflect the desire to meet them.

**Mr Deputy Speaker (Mr Beggs):** Gerry Carroll is not in his place.

### Ministerial Cars

6. **Mr Allister** asked the Minister of Finance what oversight and accountability arrangements exist in regard to the use of the ministerial car. (AQO 3264/17-22)

**Mr C Murphy:** The Department has arrangements in place for the use of official vehicles, which relate to journey costs, road and weather conditions, speed limits, parking, passengers, use of mobile phones, smoking and adhering to the provisions of the Road Traffic Order 1995, which concerns the consumption of alcohol or the use of drugs.

**Mr Allister:** Does the Minister accept that the ministerial car is a departmental asset? If so, what gives him the right to use it for private business, such as he has done? Does he apologise for such use, given that he heads the Department that has oversight of how civil servants conduct themselves in respect of the rules?

**Mr C Murphy:** As I have said in many answers to the Member, I have reimbursed the Department for the cost incurred, which was £4.36.

Given that he has not only encouraged but provided public support for his friends in the DUP to shut down the Executive, denying us the right to set a multi-year Budget and allocate over £300 million to families who are struggling at this time, he has a strange sense of priorities if he is obsessing over £4.36 *[Interruption.]*

**Mr Deputy Speaker (Mr Beggs):** We are moving on.

## Shared Prosperity Fund

7. **Mr Delargy** asked the Minister of Finance for an update on the Shared Prosperity Fund. (AQO 3265/17-22)

**Mr C Murphy:** I have been raising the matter with British Ministers for two years. The continued lack of detail on the Shared Prosperity Fund is concerning. The British Government's engagement to date on EU structural fund replacements has been wholly inadequate, with a failure to recognise the impact of the loss of approximately £80 million per annum to spending power here.

Following the receipt of legal advice, I wrote to Ministers to seek approval to share their high-level departmental priority investment options with the Department for Levelling Up, Housing and Communities. I thank Ministers for their responses and confirm that their departmental information has now been shared. That will enable the Department in London to draft locally specific options to be included in the upcoming Shared Prosperity Fund prospectus and investment framework. I recognise that the lack of detail on the Shared Prosperity Fund is causing significant anxiety to groups, particularly those in the voluntary and community sector. My Department and I will continue to engage with Whitehall on the fund.

**Mr Delargy:** I thank the Minister for his answer. A greater role for the Executive in the Shared Prosperity Fund is welcome, but does the Minister agree that that still falls woefully short of the British Government's commitment to fully replace the EU funding that we have lost as a result of Brexit?

**Mr C Murphy:** I do. This morning, I again raised that very point in the meeting that we had with the Chief Secretary to the Treasury. The £80 million that we traditionally used, through the Department for the Economy and the Department for Communities, to target skills and assist people into employment has not been replaced at all. The groups that provided that service for us now face the prospect of trying to secure the money from the Departments' budgets, which would impact on other services that the Departments provide, or taking pot luck on the Shared Prosperity Fund, with which they might or might not be successful. That is no way for those groups to continue to provide the services that they have been providing over many years to such great effect.

The tailing off and netting of budgets, particularly in relation to farm funding, will leave us significantly short over a number of years compared with the funding that the EU provided previously. The replacement of EU funding may have been written on the side of a bus; our Brexit experience, however, is that it has not materialised.

**Mr O'Toole:** What has happened with replacement EU funding is nothing short of a scandal. The Economy Minister's desire is to sweep it under the carpet and pretend that his Department and the community and voluntary organisations do not face a huge funding black hole, but they do. We are days away from the end of the financial year. What representations have the Minister and his Department had from the Economy Minister? There are community and voluntary organisations that will not be able to make financial plans for next week because they have not had clarity from that Department. What has he heard from the Economy Minister?

**Mr C Murphy:** The Member will be aware that that has been an ongoing topic of discussion for some time. I had many meetings with people in that sector. I am very aware of the cliff edge that they face and of the services that they provide to us. At a time when there are job opportunities — our economically inactive numbers have grown, but there are job opportunities out there — that is precisely the type of service that we need to focus on. I recognise the gap that exists. I also recognise that there is a hole in the Department for the Economy's budget in relation to previous funding that it relied on for such issues.

I offered a solution to the Department for Communities and the Department for the Economy to give certainty in advance to the groups involved. The Department for Communities took up that option; the Department for the Economy wrote to me to say that it was not taking it up and that it would provide the certainty required. I hope that it is engaging with those groups and that they are getting some certainty. I have not heard that, but I recognise, as the Member does, that we are fast approaching that cliff edge and that they need a clear sense of how they will be funded in the next year in order to retain staff and make sure that they are there to provide those services.

## Connect2 Regional Hubs

8. **Mr McGlone** asked the Minister of Finance for an update on the Civil Service regional hubs scheme. (AQO 3266/17-22)

9. **Mr Muir** asked the Minister of Finance for an update on the establishment of new Civil Service regional hubs. (AQO 3267/17-22)

**Mr C Murphy:** With your permission, Mr Deputy Speaker, I will answer questions 8 and 9 together.

The hubs in Ballykelly, Downpatrick, Ballymena and Craigavon are complete and will become operational when appropriate. Progress is advancing well at the Connect2 hubs in Bangor and Omagh. Planning has started for additional hubs in the Antrim/Newtownabbey area, Derry, mid-Ulster, Enniskillen and Newry, all of which are planned to be delivered over the next two years.

**Mr McGlone:** Gabhaim buíochas leis an Aire as sin. Minister, will you give some details about the hubs in mid-Ulster, which is, as you will know, is one of the fastest-growing economic areas in the North? When might the scheme start in mid-Ulster?

**Mr C Murphy:** When we looked at the council areas that had been provided in the first run of the scheme, there was a recognition that mid-Ulster was a notable gap. We want to ensure that there is the ability to access the hubs across all the council areas. The initial programme was mapped on to the data of where people were travelling into Belfast from in order to make sure that the areas that had the highest numbers of people travelling into Belfast were dealt with. We have worked our way through that. We have a good working relationship with local government, and I am sure that we are engaging with Mid Ulster District Council to identify a suitable location so that we can work in partnership with the council to make sure that a hub fits into its economic development strategies.

The purpose of the hubs was to put them in town centres to make sure that they had an added benefit and were not sitting in an industrial estate but were bringing people into the town centres. They coincided with councils' development plans, so they harmonised with those. We will continue to engage. I am not certain about the time frame for that, but the sooner we get that level of engagement, the sooner we can identify sites. We have been pressing ahead with the hubs, and there are a number that are ready to open once we get the back-to-work announcement from the task force in the Department of Health. I think that they will be a success, and there is significant interest in them. They will generate additional interest from people in those areas and create more

opportunities in the longer term for people to apply for Civil Service jobs when travelling in and out of Belfast five days a week is not part of that job.

**Mr Muir:** One of the main Civil Service accommodation areas is at Rathgael House in Bangor. Has consideration been given to relocating to Bangor town centre to aid the regeneration of that town centre?

**Mr C Murphy:** Politics is becoming very local this week for some reason [*Laughter.*] I am not sure why Rathgael House was chosen or whether another option was available in Bangor; I am happy to check that. As I said, the broad template is to look for an available property, discuss with the local council to make sure that it fits in and for it to be as much in the town centre as possible. Rathgael House is slightly out of the town centre. A property should be as central in a town as possible to allow people the flexibility to work a number of days a week from their own area and, perhaps, to provide a space for local government officials to meet central government officials so that we can break down some of the barriers between the strands of administration here. I am happy to see whether another property was available in Bangor town centre, but availability of government-owned property is one of the key criteria. That is possibly why Rathgael House was chosen.

**Ms Brogan:** I will continue with the local politics trend and ask you for an update on the Civil Service hub in Omagh.

**Mr C Murphy:** I said in my original answer that the Connect2 hubs in Bangor and in Omagh were advancing well. The Omagh hub may not be up to the same level as the first few that we have done, but it is moving with some progress, and there has been useful engagement with Fermanagh and Omagh District Council to make sure that we get the right place. I know that there is a lot of property in Omagh that is government-owned and that a lot of it is surplus to requirements now. We want to get a place that is the right fit to make sure that it coincides with the development plans for Omagh town centre and makes a contribution to all of that. I have been informed that progress is going well there, and I hope to see more movement on the hub in the near future.

**Mr Storey:** In the Minister's original answer, he talked about the hubs becoming operational "when appropriate". Can he elaborate on what that means? Does "when appropriate" mean "when we have in place a proper return-to-work



policy", so that spaces that have been identified are no longer continually vacant?

**Mr C Murphy:** The Member is correct. We are waiting for the advice. At the moment, the official advice is that people should work from home if possible. As a Department, we cannot countermand that advice. I have asked the task force if it is looking at the issue, and it will discuss with the Department of Health what the latest advice might be.

**3.15 pm**

The pandemic has not gone away. A lot of people are still contracting COVID-19 and unfortunately there are still people dying from it. So we have to have a cautious approach to emerging from this, although there is a great sense that we are, at last, seeing a lot of light at the end of the tunnel. We are awaiting that advice and making sure that we adhere to it.

We have been developing policies on what a return to work looks like because the workplace, undoubtedly, will have changed. There is much more opportunity for people to have a flexible approach to work, and we need to recognise and accommodate that. IT solutions have advanced rapidly during the pandemic, which allows us to do that, and that is good for the Civil Service generally because it makes the option of working in it more open to people from rural and peripheral areas and to women to make sure that our Civil Service is more reflective of the society that it serves. We are waiting on that advice, and, as soon as we get it, we will press ahead as quickly as we can.

## **Budget 2022-23**

10. **Miss Woods** asked the Minister of Finance to outline the budgetary process for 2022-23 in the absence of an Executive. (AQO 3268/17-22)

14. **Mr Boylan** asked the Minister of Finance for an update on financial contingency plans, in the absence of an Executive Budget. (AQO 3272/17-22)

**Mr C Murphy:** With your permission, a LeasCheann Comhairle, I will answer questions 10 and 14 together.

In the absence of an Executive, it will not be possible to agree a final Budget for 2022-25. However, there are mechanisms in place that will allow Departments to continue spending to maintain public services. The Vote on Account,

which is included in the Budget Bill that just concluded its passage through the Assembly and is awaiting Royal Assent, will allow Departments to continue spending until the summer.

That, on its own, may provide time for a returning Executive to agree a Budget and for a Budget (No. 2) Bill to be passed. However, if that is not the case, from 31 July, the Department of Finance's permanent secretary may approve the issue of cash and use of resources under section 59 of the Northern Ireland Act 1998 and section 7 of the Government Resources and Accounts Act 2001. Of course, neither of those allows Departments to plan effectively, nor do they provide the additional resources included in the draft Budget.

I am considering measures that may allow the Department of Health to plan on the basis that its budget will increase by the £400 million generated by the National Insurance increases. However, even if that is possible, the lack of an Executive will still mean that there will be significant funding that cannot be allocated in 2022-23. That includes some £300 million that has become available since the draft Budget was announced.

**Mr Deputy Speaker (Mr Beggs):** That ends the period for listed questions. We now move to topical questions. Questions 1 and 5 have been withdrawn.

## **Banking Services: Rural Areas**

T2. **Mrs Erskine** asked the Minister of Finance to detail the support that his Department is giving to provide people with access to cash in rural areas, given that he will know that access to banking services is very important in rural areas, albeit a number of banks have closed over the past few years in towns and villages. (AQT 2162/17-22)

**Mr C Murphy:** We have had a number of engagements with the banks. About a month ago, I hosted a banking forum where we brought together the financial institutions, the credit unions, the unions and some of the business organisations, because there is a recognition that a lot of branches have been closing, particularly in small towns — two have closed in my constituency, in Crossmaglen and Keady — which has a very significant detrimental impact on the town centres. Unfortunately, the Bank of Ireland, which closed the two branches in my constituency, just announced a massive profit for this year.

Undoubtedly, communities that feel left behind as a consequence of the closures will reflect ruefully on the money that has been made by the Bank of Ireland, in particular, although closing branches across the North is not unique to the Bank of Ireland. I understand that there is more digital banking now and fewer people are using branches, but you represent a rural community, as do I, and you see that those services are essential. We have been impressing on banks the need to keep supporting rural and peripheral communities.

Later this afternoon, we will bring forward the Rates Order in relation to rural ATMs. We are incentivising people to keep rural ATMs because it has become one of the only mechanisms for accessing cash in rural communities, so that is very important. We are doing what we can to continue to support access to cash but we need to continue to press collectively. We do not have responsibility for banks — it lies with London — but we need to press them to continue to support communities and particularly rural communities.

**Mrs Erskine:** I thank the Minister for his answer. With regard to the rates relief, a number of buildings will be included in that, which is good. However, that may be a small number of buildings that is not representative of ATMs across Northern Ireland. Can you detail why that is the case and whether anything further can be done in relation to ATMs in rural constituencies?

**Mr C Murphy:** It is a rural ATM support that specifically recognises problems with access to cash in rural areas. Urban centres tend to be served well enough by ATM provision. A number of rural ATMs have closed, so, to provide an incentive, we have given rates relief on rural ATMs. That is measured by the indices that dictate what a rural ward is. If the location is in what is considered a rural ward, it is eligible for the support.

More ATMs may open. In some situations in which banks have closed ATMs, other companies have provided them, and they may well be eligible for rates relief for rural ATMs. It is not fixed; it is based on meeting the rural ward criteria and providing that service. It is specific to rural areas, in recognition of the fact that such areas have particular problems with access to cash.

## Cost-of-living Crisis: Financial Support

T3. **Mr Sheehan** asked the Minister of Finance to outline, had the DUP not walked out of the Executive in an attempt to shore up its electoral fortunes, the additional financial support that would have been available to the ordinary families and workers who are facing mounting, if not intolerable, pressure as the cost of fuel and everyday necessities spirals, albeit some Ministers, such as Deirdre Hargey, have shown leadership and compassion by introducing support schemes including the £200 fuel payment, welfare extensions and rent freezes. (AQT 2163/17-22)

**Mr Storey:** Three years, Pat. Are you forgetting about that? Short memory.

**Mr Deputy Speaker (Mr Beggs):** Order.

**Mr C Murphy:** Those schemes are, undoubtedly, very welcome, but we recognise that they are not enough. The crisis has been deepening almost daily, and events in Ukraine have only added to that sense of crisis. There is clearly a need for more action. Some of that is the responsibility of the British Government. That is why I pressed them again this morning on taking action. We hope to see announcements on Wednesday that will have a significant impact on how people meet the challenges, but we have no indication of whether the British Government will take that opportunity.

On further schemes, as I have said many times, we have £300 million that came after the draft Budget was announced and that we were able to carry over. I asked some Departments to take forward propositions for how they might spend that. We have not got the ability to allocate it, but I want us to be ready, if an Executive come back into place — I sincerely hope that they do in the near future — to hit the ground running in providing that necessary support to families and workers.

**Mr Sheehan:** Gabhaim buíochas leis an Aire as a fhreagra. Does the Minister agree that many of the causes of the cost-of-living crisis are firmly rooted in disastrous British Government policies such as Brexit and austerity —

**Mr Storey:** Aye. We got £6.4 billion.

**Mr Deputy Speaker (Mr Beggs):** Order, Members. This is Question Time.

**Mr Sheehan:** — and that Boris Johnson's Government, therefore, has responsibility to take actions such as reducing excise on fuel and home heating oil, abandoning the planned hike in National Insurance contributions and introducing a windfall tax on profiteering energy companies, so that —

**Mr Deputy Speaker (Mr Beggs):** Can we have a question please?

**Mr Sheehan:** — the money can be redirected to those who need it most?

**Mr C Murphy:** I have raised some of those issues this morning and over the past number of months. We find ourselves in an ever-increasing crisis as a consequence of a series of political decisions. Brexit has been detrimental to all our economic issues here. The protocol tries to mitigate those; it needs work, undoubtedly, but it is, in effect, a mitigation measure.

There are opportunities. The British Government have responsibility in relation to excise duties and VAT on energy bills. The energy companies have been doing well out of arrangements and making significant profits over the past number of years, and there is an opportunity to look at what their contribution can be. Only the British Government can address those matters. That is why we have been pressing them for months on the crisis, which has been building since the autumn and worsening as time has gone on. I hope that they take the opportunity on Wednesday to announce significant interventions in that regard.

## Holiday Hunger: DUP Actions

T4. **Mr Delargy** asked the Minister of Finance whether he agrees that, given its impact, the DUP's collapse of the Executive is an absolutely disgraceful policy that needs to be addressed urgently, particularly in light of its effect on the holiday hunger scheme, which cannot now be guaranteed until 2025, albeit when he worked as a primary-school teacher, he saw at first hand the need for free school meals for vulnerable children to be supported. (AQT 2164/17-22)

**Mr C Murphy:** A number of additional schemes were brought forward as a consequence of the pandemic. The holiday hunger scheme was one of those, and it is a very beneficial and necessary scheme. There has been some discussion about how far we can ring-fence support for that scheme in the time ahead. We

will certainly do all we can, within the restrictions that have been placed on us by the absence of an Executive, to make sure that critical areas such as that get the support that they need. We will leave no stone unturned in that regard.

Of course, as I have said many times in response to all of those issues, the best and most certain way to provide the level of support that is needed right across the community is to ensure that we have the ability to sit around the table as a collective, with all of our differences, but take decisions as we have been doing over the last two years to provide support where it is needed most. That is what we need to do in the time ahead.

**Mr Delargy:** I thank the Minister for his answer. As well as denying free school meals to children, can the Minister outline how many additional resources have been denied to the beleaguered health service and its overstretched workers by, again, the DUP's reckless and self-serving actions?

**Mr C Murphy:** The draft Budget proposed a very significant allocation to the Department of Health to address a lot of the long-standing issues that have plagued it as a consequence of many years of austerity Budgets. The Budget was to finally address the issues of employing people and to fix cancer services and address waiting lists and health service reform. All of those things will go on hold until such times as we can agree on the allocations that are necessary for them. The Department of Health has the finances to continue to provide services, but everyone in the Chamber knows very well that if Health is only trading water, it is, in effect, getting worse. Our ability to do anything to support the people who rely on that service and fix the public spend on the health service needs budgetary approval through an Executive process.

## High Street Stimulus

T6. **Mr Robinson** asked the Minister of Finance, who will know about the very successful high street scheme, led by a DUP Minister in the Department for the Economy, to outline what he can do to help the high street as it comes out of two years of the pandemic. (AQT 2166/17-22)

**Mr C Murphy:** By all accounts, the voucher scheme was successful. I am very glad that it was because it stimulated some spending on the high street. As a rural representative, the anecdotal evidence that I have received is that

businesses in small towns felt the benefit of that scheme. Our ability to carry out extra schemes requires approval: that is just a fact of life. It will be for the Department for the Economy to bring forward propositions to support businesses on the high street in the time ahead, but our ability to bring them into effect requires approval.

If the Department wants the Executive to fund a specific scheme, it will require an Executive to be in place to give that approval. When we do not have an Executive in place, there is not much more we can do. However, we have taken forward a rates initiative. The Member will know that many businesses will benefit from a further three-month rates holiday, until July in the new financial year. A lot of those businesses will not have paid any business rates from April 2020 until July 2022, and that is a very significant saving. Specific projects and programmes to support the high street will have to be brought forward by the Department for the Economy and approved by an Executive.

**Mr Robinson:** Who has the Minister engaged with to come up with innovative ways to help the sector? Some businesses in smaller towns such as Limavady have had a torrid time during and after the pandemic.

**Mr C Murphy:** I mentioned that we are giving rates relief, and part of today's business is on schemes that will give rates support for start-up businesses in the time ahead. The Member is retiring from his post, and I wish him well in the future. He has been a very effective representative for his community in East Derry. However, we have a collective responsibility to do what we can. We recognise that businesses in small towns, which are the backbone of our economy, are under pressure. We have a collective responsibility to encourage people into town centres and to take whatever measures are needed, be that rates relief or schemes to improve the high street.

As the Member undoubtedly knows, some of that will require us all to sit around a table and agree schemes and agree what funding is allocated to them.

**3.30 pm**

### **Justice Budget: Net Decrease**

T7. **Miss Woods** asked the Minister of Finance to detail which Departments, apart from Justice, will see a net budget decrease under the draft Budget, given that he will be aware that the Department of Justice is the only Department for which general allocations are insufficient to

cover the baseline cut, despite the fact that, like Health, which is the main beneficiary, the Justice budget includes a demand-led welfare service, namely legal aid. (AQT 2167/17-22)

**Mr C Murphy:** I do not believe that Justice will see a net budget decrease. We have had the discussion many times. All Departments receive a budgetary increase over each of the three years under the proposed draft Budget.

I met representatives of the Law Society to discuss matters of legal aid and what support could be provided for the Department of Justice. The Member knows that the Department has autonomy over its budget and can prioritise areas that, it feels, are most in need of support. That is the choice that will face all Departments, regardless of what Budget might finally arrive with us, whenever it arrives: Departments will have to prioritise from within the funding that they have. We do not have all the funding that we would like to have to do all the things that we want to do. That is the impact of 10 years of austerity Budgets that have cut public services to the bone.

When we get the opportunity to have a three-year Budget, we have to plan and prioritise across the Executive's collective priorities, and then all Ministers have to prioritise within the allocation that they have. That is where the legal aid issue could and should be sorted out.

**Miss Woods:** I thank the Minister for his answer. Legal professionals have warned that the Justice budget net decrease would cause:

*"generational harm to the Justice System".*

Will the Minister offer an assessment of how the draft Budget may impact on the provision of legal aid as a public service?

**Mr C Murphy:** I hope that there will be no impact, because it is within the authority of the Department of Justice, if it considers it to be a serious enough matter, to provide the necessary support. I met those who are directly responsible for the provision of services that rely on legal aid, and I discussed what is required with them. In my view, if the Department considers legal aid to be a priority, it can find the funding for it. That is not to say that it will not stretch other services, but that is the decision that every Department will have to take. When you prioritise something that is of significance, you deprioritise something else. That is the balancing exercise that we all have to do within the limited financial framework that we have.

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

## **Executive Committee Business**

### **Coronavirus Act 2020 (Extension of Provisions Relating to Local Authority Meetings) Order (Northern Ireland) 2022**

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

*That the Coronavirus Act 2020 (Extension of Provisions Relating to Local Authority Meetings) Order (Northern Ireland) 2022 be approved.*

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

**Ms Hargey:** Thank you very much. Today I seek the Assembly's approval for the Coronavirus Act 2020 (Extension of Provisions Relating to Local Authority Meetings) Order (NI) 2022. The order extends the provision of section 78 of the Coronavirus Act 2020, which is due to expire on 24 March of this year. Section 78 provided the Department with an enabling power to make regulations to give councils across the North the ability to hold meetings remotely or by hybrid means during the coronavirus emergency. The extension of the provision will permit the arrangements introduced under the 2020 Act to continue to be used until 24 September of this year. I welcome the support expressed by the Communities Committee at its meeting of 16 March 2022. In considering the order, the Committee indicated that it was content to recommend that the order be approved by the Assembly.

The extension will not impose any restrictions on councils or the public; rather, it will continue to provide councils with the flexibility to hold meetings by remote or hybrid means. The extension is an interim measure until such time as permanent legislation can be made. As you will recall, last year I introduced the Local Government (Meetings and Performance) Bill, which, amongst other things, provided my Department with the ability to make further regulations for councils to continue to meet remotely or in hybrid form. Members' comments during the debates on that Bill indicated that there was support for continuing the flexibility for remote working for council meetings post pandemic in certain circumstances. Allowing councils the flexibility to hold meetings by remote means has proven beneficial in terms of inclusivity, allowing those with caring

responsibilities or disabilities and those from rural areas to participate more fully. I also received representations from councils and local government representative groups, including NILGA and the Society of Local Authority Chief Executives (SOLACE), asking that the provisions on remote meetings be extended or made permanent.

As part of the development of new regulations, which will be subject to the draft affirmative procedure in the Assembly, a call for evidence was issued to gather views on how remote meetings had operated so far. Initial findings from the call for evidence have indicated generally strong support for the introduction of a permanent provision for councils to have the flexibility to hold remote or hybrid meetings. However, a number of disadvantages were also highlighted and will require further exploration. For example, some respondents raised the issue that some members had expressed the view that meetings are more effective when held physically on-site, given the opportunity for more informal interactions and the opportunities for relationships to be built and for better communication in complex and nuanced debates; that it can be difficult to provide effective opposition and scrutiny through remote meetings; and that there is less opportunity for local residents to speak or to ask questions. When the Local Government (Meetings and Performance) Bill was considered by the Assembly, the issue was also raised that there is a need to ensure that councillors have the same voting, speaking and participation rights whether they attend in person or remotely.

As you can see, there is clearly a need to engage further with the local government sector on those important issues, particularly in developing future regulations. The extension of the current arrangements will give the Department time to do that. I therefore commend the order to the Assembly.

**Ms P Bradley (The Chairperson of the Committee for Communities):** The Committee considered the statutory rule (SR) at its meeting of 16 March 2022 and understands that it is to be made under section 92 of the Coronavirus Act 2020. The regulations will extend the expiry date of section 78 of that Act — "Local authority meetings" — by six months. Section 78 includes an enabling power for the Department to make regulations regarding remote hybrid council meetings. The statutory rule will make provision for a further six months, extending that until 24 September 2022, to continue to provide local authorities with the flexibility to hold meetings remotely or by hybrid means.

At the Committee's meeting on 16 March, members noted the change of name of the regulations to the Coronavirus Act 2020 (Extension of Provisions Relating to Local Authority Meetings) Order (Northern Ireland) 2022 but were content that there had been no changes to the policy since the SL1 was agreed. Although the Committee noted the need for the regulations to be extended, members discussed the pros and cons of hybrid meetings going forward into the new mandate and the need for more permanent and fit-for-purpose legislation. When the Committee considered the SL1, it wrote to the Department to ask whether there were plans to enable councils to have the option of permanently conducting hybrid meetings in the future. We understand that the enabling power in the Local Government (Meetings and Performance) Act (Northern Ireland) 2021 will, indeed, allow for such regulations. We welcome the fact that further engagement is taking place between officials and the local government sector. Although the Committee supports the extension, members look forward to further consultation and discussion on those matters.

The Committee agreed to recommend that the Coronavirus Act 2020 (Extension of Provisions Relating to Local Authority Meetings) Order (NI) 2022 be confirmed by the Assembly.

As the DUP's spokesperson on — I was going to say DSD, but it is not that — communities, I will just say that we are disappointed that we are having to further progress the Coronavirus Act 2020 in order for those meetings to continue to take place. As I said, it would be much better if a more permanent arrangement were in place. I am encouraged by what the Minister said in her opening speech about the consultation and its results, and I would hope that a more permanent arrangement could be found. As the Minister said, it has been a lifeline for many people to be able to come in virtually and through hybrid meetings, whether they were people who were vulnerable during coronavirus or some of the many people who had caring responsibilities. It has enabled them to continue to do the job that they love and want to do. Looking at that more permanent model is most definitely something that the Assembly needs to get a grasp of in the new mandate. Other than that, although we wish that the permanent arrangement were in place now, we understand why that has not happened.

**Ms Armstrong:** I take the chance to say this to the Committee Chair: Paula, I will miss you. You have been a fantastic Chair and a friend. It will be sad coming back here without you being here, Paula. Thank you so much for all your

time. You have been patient with some of us who were, perhaps, a bit wet behind the ears.

The Chair summarised the legislation well. It extends until September 2022 the period for hybrid meetings for our council colleagues and councils across Northern Ireland. I absolutely support that, going forward. I have a word of caution, however: we hear from many quarters that, after the Assembly election in May 2022, there may be a period of negotiation. My concern is that, in September 2022, following a summer recess, there may not be an Executive to take that hybrid model forward for councils and councillors. At this stage, we are coming out of COVID, thank goodness. I hope that we have no further outbreaks. However, as the Minister mentioned, there have been many benefits of the legislation in that parents, rural dwellers and other people have been able to take part in meetings for which they may have, otherwise, needed to give an apology. I am keen that we do not lose sight of the bigger picture in the longer term. We need more permanent legislation to take that forward for councillors in the future.

**Mr Allister:** It is clear to me, having listened to the Minister, that, although the proposal is being brought under the guise of COVID, it is not, of necessity, any longer COVID-driven. It is now being driven by a desire to bridge time so that the Department might bring in longer-term provisions that are nothing to do with COVID but give remote attendance at council meetings a permanency. That is not a good idea, because the idea of electing a council is so that it meets collectively as a council for discussions and decision-making.

One thing that concerns me most about the operation of some of the existing rules is that there have been instances where an aggressive chair has overstretched their authority and, when someone was making a point that they did not like, has switched them off. That sort of process allows that sort of behaviour, whereas, if it were in the chamber, there would be a lot more exchange, which would curb that sort of activity.

That is a retrograde step that will take away a lot of the presence, impact and, indeed, status of councils if they can simply meet remotely and not have the appearance of meeting as a council, as they should, which lends credence to what they are doing.

**3.45 pm**

I am not convinced that this is anything but a guise under COVID, when it is not COVID-required, to simply bridge the gap to when the Department hopes to bring some permanency for other reasons. I do not think that that is the right way to proceed. To that extent, the proposal is unworthy.

**Mr Deputy Speaker (Mr Beggs):** I call the Minister for Communities, Deirdre Hargey, to conclude and make a winding-up speech on the motion.

**Ms Hargey:** I thank the Chair and members of the Committee for Communities and those who contributed to the debate today. Obviously, we need more time to look at a permanent change, if that is what the House agrees going forward, so it would not be prudent to rush through a permanent change now without that work being done.

I issued a call for evidence in December, and the vast majority of respondents were strongly in favour of a change to having the flexibility of remote and hybrid meetings in certain circumstances, but Members raised a number of issues in this debate and in previous debates. Councils and others have also raised those issues. It is clear that we need more engagement with councils to inform what the drafting of regulations will look like.

I have not been hiding the fact that we are looking at a flexible model, but the request for that is coming from councils and councillors. There will be those who are completely opposed to that, and there will be those in the Chamber who are completely opposed to that, but it will be down to those who are elected on 5 May and come back to the Chamber, if they do come back, to have that vote and make a decision on the way forward.

It is clear, however, that having some level of flexibility around meetings allows such flexibilities to be included, notwithstanding the fact that we need to ensure that we mitigate abuses of that and build in protections. That is why, at this point, I am asking only for the order to be extended under the existing Act to allow that much-needed work to be done. I commend the motion to the House.

*Question put.*

**Some Members:** Aye.

**Mr Allister:** No.

**Mr Deputy Speaker (Mr Beggs):** I can hear Ayes from all sides of the House and a solitary No from Mr Allister.

*Question accordingly agreed to.*

*Resolved:*

*That the Coronavirus Act 2020 (Extension of Provisions Relating to Local Authority Meetings) Order (Northern Ireland) 2022 be approved.*

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

### **Coronavirus Act 2020 (Extension of Powers to Act for the Protection of Public Health) Order (Northern Ireland) 2022**

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

*That the draft Coronavirus Act 2020 (Extension of Powers to Act for the Protection of Public Health) Order (Northern Ireland) 2022 be approved.*

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

**Mr Swann:** The order, which was laid in draft on 11 January this year, seeks to extend section 48 of the Coronavirus Act 2020 and the provisions contained in schedule 18 to same for a period of six months from 24 March to 24 September. Section 48, along with schedule 18, inserts powers into the Public Health Act (Northern Ireland) 1967 to make health protection regulations for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination relating to coronavirus in Northern Ireland.

Whilst the order provides powers to make regulations, it would remain a matter for the Executive to decide on the need to make further regulations. Whilst that might not be a detail that suits the narrative being presented by some, it is a clear point of fact nonetheless. This is not the first time in recent weeks that the House has debated extensions to an element of the 2020 Act, yet I am aware of inaccurate claims emanating from some quarters as to the real purpose and rationale of the order.

People will, of course, occasionally come forward with entirely genuine questions or seek particular points of clarification. However, not for the first time, a very small number of people, including some in the House, who should really know better, are seeking deliberately to misinform and distort the truth of what we are doing today. Even after so long, it is clear that some still choose not to let facts get in the way of their own objectives.

I make it absolutely clear that I, as much as anyone else, want us to permanently cast off the shadow of COVID-19 and the prospect of any further restrictions. I have seen the real harm that both can do. I have looked into the faces of enough broken health workers. I have seen the immense societal and economic disruption that they can cause, and, probably at closer quarters than most, I have seen the damage that they can inflict on other key health and social care services.

Despite the genuine experts who urge cautious optimism, despite all the global evidence that we could have asked for over the last two years and despite the vast majority of people recognising that it would be utter madness to blindly follow a narrow ideological path, we still have a small minority of people who are so blinded by their own opinion, genuinely held or not, that they cannot understand what the implications of rejecting the order would be. Today's debate is a useful opportunity, once again, to set the record straight on the exact rationale for and purpose of the order.

Our primary public health legislation is the Public Health Act (Northern Ireland) 1967, and it provided the base on which we made coronavirus restriction regulations to protect public health during the pandemic. However, the 1967 Act does not provide regulation-making powers to respond to COVID-19 in the same way as our neighbouring jurisdictions in England and Wales can respond, nor as provided for by similar legislation in Scotland. The Coronavirus Act 2020 did. However, it allows the use of temporary powers to enable my Department to make regulations that are consistent with any provisions made in the rest of the United Kingdom under its existing equivalent powers. These temporary provisions were used extensively throughout the pandemic in the making and amending of general restrictions and international travel regulations. To date, around 70 sets of domestic restrictions and face covering regulations and approximately 64 sets of international travel regulations have been made.



While I had never envisaged having to make those regulations, they were crucial in our fight against COVID. During the pandemic, the severity of the situation changed rapidly, and the regulation-making powers enabled my Department to act quickly to introduce legislation that supported efforts to prevent or control the infection and the spread of infection, helping to save lives.

The Coronavirus Act 2020 expires two years after commencement unless Parliament decides to extend it. When it ceases to have effect, all secondary legislation made to date under the temporary modifications made to the Public Health Act by section 48 of the Coronavirus Act will also cease to have effect. Unlike other UK jurisdictions, however, Northern Ireland will revert to a position of not having public health regulation-making powers specific to coronavirus unless and until primary legislation, including such provision, could be brought before the Assembly. In plain terms, if the draft order does not pass today, after 24 March, we will not be able to legislate to protect public health in the event of a worsening of the pandemic. Not only will the powers on domestic restrictions be removed but so will the powers relating to international travel.

In the past, I have been clear in saying that we are, thankfully, already in a position where we have revoked all restriction regulations. The full relaxation of the international regulations came into effect at 4.00 am on 18 March. I would prefer not to have any more restrictions put in place. However, the virus continues to pose a risk as it remains in circulation, and it is difficult to predict its trajectory or the possible emergence of new variants of concern. It is, therefore, imperative that we have the necessary powers, should they be required.

If Members vote against the order, I hope that they will at least attempt to explain why, in their opinion, such essential possible safeguards, which will, hopefully, never be utilised, are no longer required or should not even be held in reserve. On matters of such seriousness, I hope that Members will engage in more genuine debate, rather than just provide sweeping generalities.

Let us also remember that extending the order was also the collective view of all my Executive colleagues. I wrote to them on two occasions, 12 October 2021 and 20 December 2021, advising them of my intention to lay the draft order. Not a single objection or concern was raised by any ministerial colleague — not one. Therefore, I will say to those who will possibly stand up today and protest that I am not sure

where their parties and their concerns or objections were only a number of weeks ago.

It is for the reasons that I explained that I propose to use the powers in section 90(2) of the Coronavirus Act 2020 to extend the operation of section 48 of that Act for six months by means of the order. That is to provide the minimum powers that are necessary to deal effectively with coronavirus comparable to the position in other UK jurisdictions. If the extension order is made, the intention is to use the additional time that is provided by the extended expiry date to review and update the 1967 Act in order to bring it into line with the situation in other jurisdictions. However, that will require extensive work and will take some considerable time. Ultimately, it will be for a future Health Minister and Executive to make a decision on that.

The Executive had intended to review the remaining restriction regulations at their meeting of 10 February. Having initially tabled the motion to approve the order prior to that date, I decided to withdraw the motion ahead of that meeting to allow a full Executive discussion about the trajectory of the virus so as not to preclude any Executive decision on regulations. As we know, for reasons elsewhere, that Executive meeting never took place and there has not been a meeting since.

As I said in the Chamber just last week, while the legal restrictions may have come to an end, the pandemic certainly has not. Following the revocation of the remaining restriction regulations on face coverings, I still deem the extension of the powers to be imperative, and, as such, I re-tabled the motion for the draft order to be approved. Should the need arise, we must have sufficient powers to allow us to continue our fight against COVID-19, as we have done with great effect since March 2020.

Devolved Administrations are also working with the UK Government on contingency measures that can be ramped up in the event of another variant of concern that warrants the implementation of travel restrictions. Some aspects of those contingencies will require new travel regulations, for which primary powers will be required. Further, as I said, even with those powers in place, it would almost certainly be impossible to introduce new restrictions in the absence of an Executive.

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

**Mr Swann:** Yes.

**Mr Allister:** Should the Minister get the vote that he seeks today, the powers would continue to exist. Would the Minister be able to exercise those powers in the absence of an Executive?

**Mr Swann:** I suppose that is the crux of the debate. We had to seek legal advice to lift even the last set of regulations. As I said, even if those powers that the order would give were in place, it would almost certainly be impossible to introduce new restrictions in the absence of an Executive. Should the order be approved and an extension made to the expiry date for the powers, it is likely that any decision to implement restriction regulations would be controversial and cross-cutting and, as such, would necessitate an Executive decision, and that is a position that I would support.

#### 4.00 pm

Finally, I reiterate to Members that the extension of this order is merely an insurance policy. We do not want to have to avail ourselves of it, but it is there should the worst happen. None of us in the House wants to see any further restrictions in place, and I certainly hope that we have seen the last of any such measures. However, despite the appeal to some of grandstanding on the issue, I simply cannot risk being in a position where we cannot protect public health, which I firmly believe will be the case if the powers are not extended. I commend the order to the Assembly.

**Mr Gildernew (The Chairperson of the Committee for Health):** I will make some very brief remarks as Chair of the Health Committee and then some comments as my party's health spokesperson.

The Committee welcomes that we are in a place where restrictions are being eased and that it seems that we are returning to a more normal situation. However, it has been a long and difficult two years. Many in our communities have lost loved ones to COVID. The figure on the Department website today is 3,274 total deaths, with over 10,000 right across this island. These have been two very difficult years for those families, and our thoughts are with each and every one of them.

Over the past two years, we have seen our health workers stretched beyond any reasonable expectation, yet they have shown real strength in helping us to get through the pandemic. Let us not be complacent, Members. COVID continues to be an issue in our hospitals, with 484 patients in hospitals at present. That is a sign that, although things are

beginning to return to normal, COVID has not gone away. I ask people to continue to follow the guidance and advice, including by wearing face coverings, social distancing and practising good hand hygiene.

The Committee was first made aware of this rule when we received it as an SL1 in November. Members received a short briefing on the SL1 and asked for some further information, including details of the powers that had been used and further information on what would happen in the event that an Executive is not formed after the next election. We asked where, in that event, responsibility would lie for implementation of regulations that may be needed. The Committee received a response from the Minister in January outlining the powers that had been used and those that had not. The Minister also advised that, if an Executive is not formed or in place, implementation of the regulations will remain the responsibility of those mentioned in the regulations: that is, the Department of Health.

The regulation was then laid in the Assembly back in January, and there was some confusion in relation to the regulation being scheduled for debate. At its meeting on 8 March, the Committee was informed that the Minister intended to take forward the regulation and was subsequently briefed on the rule on 15 March. The Committee highlighted that the rule would allow the Department to respond quickly if other problematic variants are identified and measures need to be put in place. Members considered that a sensible and reasonable approach and were content with the regulation. I note that the DUP members present at the meeting did not take part in the Committee's formal agreement of the rule.

I will make some very brief remarks as Sinn Féin health spokesperson. While it is certainly welcome that, because of a combination of factors — the vaccination programme, better treatments and the enduring work of our health and social care services — we are in a better place, these have been very difficult and, at times, very dark days. We need to guard against complacency. There is an old saying that the time to repair the roof is when the sun is shining. It is incumbent on us to learn the lessons from the pandemic and work together across these islands, and, crucially, on this island, to ensure that, should further variants of concern emerge or, indeed, should there be other viruses or pandemics in the future, we will be better able to respond and be better prepared. I would welcome any update from the Minister on the work that is ongoing across the island and on his approach, as Minister of

Health, in recognition that this island is a single epidemiological unit and must work together, now and in the future, to protect and guard all our populations from disease and viruses.

**Mrs Cameron:** Mr Deputy Speaker, thank you for the opportunity to speak on this important motion on the draft Coronavirus Act 2020 (Extension of Powers to Act for the Protection of Public Health) Order (Northern Ireland) 2022. DUP Members are unwhipped on this motion, so I speak as an individual MLA.

We understand that this legislation is to extend article 48 of, and schedule 18 to, the Coronavirus Act 2020 in order to retain powers to make emergency legislation, and that those current powers are to expire this Thursday, 24 March. The legislation would extend those powers for six months, until 24 September 2022.

We are painfully aware of the outworkings of those powers in managing the coronavirus pandemic since 2020. Some of the notable powers in schedule 18 are paragraph 25B, "Health protection regulations: international travel etc"; paragraph 25C, "Health protection regulations: domestic"; paragraph 25F, "Health protection regulations: supplementary", which is used to create offences; paragraphs 25G, 25H, 25I, 25J, 25K, 25L and 25M, which relate to Magistrates' Court order powers, and which have not been used; paragraph 25N, "Power to make further provision by regulations", which also have not been used; paragraph 25Q, "Emergency procedure", which allows certain regulations, which, otherwise, would have been subject to the draft affirmative procedure, to be made without a draft of the regulations first having been laid before and approved by the Assembly; paragraph 25R, "Powers of entry"; and paragraph 25T, "Offence of obstruction".

We also understand that Scotland intends to make these emergency powers permanent through the Coronavirus (Recovery and Reform) Bill. England and Wales have permanent powers in place, and the Irish Republic has extended its remit of comparable powers until September.

It might have been more appropriate or, perhaps, desirable had a selective approach been taken in relation to which powers were to be extended, especially given that not all of the powers had been used. I ask the Minister whether it is appropriate to extend powers that have not had to be used. I also ask whether pre-existing legislative provisions covering public health emergencies might be sufficient in

governing Northern Ireland through the COVID recovery phase.

The Minister outlined the practical difficulties that may exist around the absence of an Executive. It is unclear as to whether he alone can use these powers. I would appreciate the Minister addressing those points in his winding-up speech.

I, for one, completely understood and supported the introduction of the powers at the beginning of the pandemic. I remember well the fear that I felt for those around me whom I knew would be more vulnerable to the highly infectious COVID-19. I am glad that, as a nation, we acted responsibly, heeded the public health advice and acted in a way that protected each other.

Health Committee members have spoken dozens of times in the Chamber on the health regulations, often weeks after those regulations had already come into effect. Every one of us has been highly frustrated at scrutinising and debating what has already passed, but we understood the nature of the emergency legislation and why it was appropriate at that time. It is fair to say that every Member would choose democracy, the timely processing of legislation and the vital scrutiny of legislation before changes become law, as is normal fashion with any other type of legislation in the House. In short, I would not choose to legislate in this fashion under anything other than the most serious of public health emergencies, such as that which we have just been through.

I trust that this legislation will not have to be used again, given where we are in the pandemic and the fact that we are heading to more favourable weather and, hopefully, leaving behind the additional winter pressures. That should see some easement in the capacity in our hospitals in particular.

I cannot mention hospitals without paying tribute to our incredible healthcare workers: every doctor, nurse, porter, cleaner, cook, dentist; pharmacist; and every individual who played a part, and continues to play a part, in the incredible vaccine roll-out or our PHA contact-tracing services. We owe each and every one of those amazing individuals a debt of gratitude for their selfless work ethic and for putting others above themselves. I put on record my thanks to every person in that sector who has played a part in what has been the most extraordinary and challenging time in Northern Ireland and, in fact, the most challenging time that the world has seen.

In conclusion, I thank the Minister and his officials, who have worked hard in what have been incredibly difficult times, and the entire Executive, who made very difficult decisions that were, very often, very unpopular. I will be abstaining on the motion for the reasons that I have outlined.

**Mr McGrath:** I am glad to be participating in the debate. Since the outbreak of the pandemic in March 2020, we have had a number of tools at our disposal to try to combat the virus. One of those tools has been the trust that we have been able to place in the Health Minister, through these powers, to respond quickly and effectively to the ever-changing nature of the virus as it spread so rapidly through our communities. The powers that were given to the Health Minister were achieved through our collective humanitarian and political will. Although I believe that the humanitarian will is still very strong across the House, the political will has regrettably diminished in some sections.

Should we fail to extend these powers today, they will expire on Thursday, and we will not have the ability to respond quickly or effectively to the virus, which, as I can attest to, is still very much alive in our community. In our fight against the virus, there must be accountability in government. Although our response to the virus has been made collectively, it is to the Health Minister whom MLAs have gone when we have had questions. It is the Health Minister who has been accountable for the decisions taken, and that has not been an easy task.

Disgracefully, one party in the House has collapsed our Executive. It refuses to nominate a First Minister. It has drawn its own red lines ahead of an Assembly election, which may mean that, after 5 May, who knows what our capacity to form an Executive once again will be? As a result, should these powers expire on Thursday and should there be no Executive following the election, there will be no final point of accountability and decision-making. As is quite often the case in these matters, people complain to us that they do not want these decisions to be taken. Perhaps we can ask the Health Minister to explain to us what the alternative is if we do not have the capacity to take them. What is the alternative if there is a need to do so?

From his experience, does the Minister know of any other place that has been left without the capacity to take these decisions? Sometimes, whenever everybody else is doing something and people suggest to us that we do not do it, we should give that some consideration. I

implore those DUP Members who, I know, hold that humanitarian will very close to their heart to see the bigger picture. Their actions will have a ripple effect on our capacity to respond to the virus and other issues, not excluding the crippling cost-of-living emergency that we are also facing. The SDLP will be supporting the motion.

**Ms Bradshaw:** I support the motion. It enables the maintenance of the emergency law around coronavirus for six months so that, in practice, in the event of a public health emergency arising from a new wave based on a new variant of the virus, we can reintroduce public health measures to reduce its onward infection.

It is worth emphasising that, in the absence of a functioning Executive, the law can be used only on the same basis as that on which all restrictions were removed last month, which is with the written consent of Ministers representing all parties in the Executive. That renders the law less draconian than some like to claim ahead of an election. It also demonstrates, however, how the uncertainty around the future of a functioning Executive is a relevant consideration.

More broadly, I have to say that there is difficulty with the key argument against maintaining the law, namely that it is about freedom. We could have argued that — indeed, some did — when cases fell close to zero in the summer of 2020, yet the virus rebounded. We could have argued that at this time a year ago, when the first dose of the vaccine seemed to be reducing not just illness but the spread of the virus, yet the delta variant emerged, and the virus rebounded. We could argue that now, yet the truth is that we do not know what lies ahead.

Death rates connected to the virus in some territories in the Far East are spiralling to record levels, and there is some uncertainty over why that is the case.

When the departmental official came to the Health Committee last week, I asked for an assurance that there would be no further such waves here, and, of course, he could not give such an assurance.

#### 4.15 pm

It is worth noting at this point that the only thing that is evident about those territories experiencing a further wave of hospitalisations is that they are territories where vaccination levels, particularly among the older population,

are low. It is reinforcing the point that vaccines work and that, in fact, vaccines are perhaps the best argument against the extension.

All of that would still probably not be enough for us, as a liberal party, to justify maintaining emergency laws at this stage but for one further vital consideration: we are about to enter the election period, and there is considerable uncertainty about the formation of a functioning Executive, which may eat into some, if not all, of the coming six months. One particular party has caused the uncertainty in that regard and seems intent on continuing to do so. Without an Executive and with no emergency law in place, if something were to happen with the virus, there would be no practical means of introducing Executive legislation or managing a swift, cross-departmental response. Even if the chances of our needing to do that are low — who knows what they are in practice — we simply cannot leave ourselves entirely undefended with no future means of defence while there is still a deadly virus out there and so much political uncertainty about it. Therefore, on balance, and with respect to those raising valid views against the extension, we will not be raising an objection to it. Naturally, we sincerely hope and believe that it is the last one.

**Mrs Erskine:** I welcome the opportunity to speak on the legislation. As my colleague Pam Cameron pointed out, the DUP Members are unwhipped on this particular issue, so I will speak in my individual capacity and as a member of the Health Committee.

From the outset, as this matter deals with COVID regulations and powers, I take the opportunity to extend my sympathies to those who have sadly died as a result of COVID-19. I also pay tribute to our health service staff, who have had to cope with pressures in handling COVID and dealing with a pandemic. They have had a very stressful number of years, trying to save lives, and they are still under extreme pressure in our hospital settings. COVID is still here. I know; I had it last week. I lost my voice, which is not great for a politician, but, thankfully, I recovered. Thankfully, we are in a better place with the vaccine, and I was very glad to have had my three jabs, which minimised my symptoms.

I am glad that we are in a place where the virus is such that we are able to relax the restrictions that we have had. However, I also recognise that the restrictions have been draconian at times. The Minister will know that I was not in favour of COVID vaccine certificates, most notably. As far as I can see, they were ushered

in as quickly as they were ushered out. Businesses and families have really struggled with the changing nature of the COVID restrictions and, in fact, with the restrictions as a whole. They have had major ramifications for the economy, our health service, mental health and domestic abuse. We have to remember that home was not always the safest place for people.

I understand that we have no crystal ball, but I wish that we all did. The legislation will extend article 48 of and schedule 18 to the Coronavirus Act 2020 for a further six months until 24 September. If I had that crystal ball, we would know what will happen between now and then, but we do not. I understand that other jurisdictions have legislated for emergency powers in situations relating to COVID. As a member of the Health Committee, I understand why the legislation is before us. However, I will abstain today, given that I have concerns regarding how these powers may affect lives and livelihoods here. I also understand that, should a variant emerge in another country, we may need to mitigate its impact by putting in place some restrictions and travel regulations for the protection of public health. I welcome the opportunity to outline my views this afternoon.

**Mr Frew:** First, I pay tribute to all the people who, over the last two years, have worked on the front line, most notably in our health service and all its side departments, including pharmacy and home care. I pay tribute to every person in all the elements that make up our superb health service, some of whom struggled grievously at the start of the emergency as they sought PPE and went to work not knowing what they were stepping into and were going to face or how it would affect their health and that of their family. Yet, they marched into wards and cared for grievously ill patients.

I also pay tribute to those healthcare workers who have yet to receive — they may have no hope of receiving it — the one-off reward payment, even though they did an enormous amount of work and did the same hours as the people working alongside them. Those people who have yet to receive that one-off payment feel hurt today.

I also pay tribute to those healthcare workers on the front line who are still being discriminated against on close contacts and isolation periods just because they have not, as yet, had their vaccinations. That is a disgrace. I support — 100% — those healthcare workers. They need to be treated the same as everyone else in order for the health service to function

efficiently, appropriately and properly. They should not be treated differently.

Then, there was the issue of the consultation on vaccinations for staff. That, of course, has disappeared out of all psyche. Perhaps the Minister could address in his closing remarks what his plans are for that consultation and what its findings were on the way forward for the vaccination status of healthcare staff in our trusts.

**Mr Deputy Speaker (Mr Beggs):** Order. I have given considerable latitude to the Member. I remind him that we are here to debate the motion on the draft Coronavirus Act 2020 (Extension of Powers to Act for the Protection of Public Health) Order 2022. He has given a historical tour of what has happened on many, many issues. I ask him to come back to the motion.

**Mr Frew:** Thank you very much, Mr Deputy Speaker. I will abide by your ruling, because I value your role, just as I value the role of the Assembly in scrutinising legislation. The motion will grant the Health Minister, no matter who that is, and his Department extensive, sweeping and draconian power. I ask the Minister to address this in his closing remarks: if he feels that he cannot use those powers after today because of the lack of an Executive and because they are controversial and cross-cutting, how can he come before the Assembly today when those same powers and the motion are cross-cutting and controversial? How does the Minister have the vires to even ask for that extension?

I think that I heard the Minister say that no ministerial colleague of his had any objections to the extension. Has any Minister written to the Health Minister about the controversial and cross-cutting aspect of today's motion? If they have written to him, will he enlighten the Assembly about that in his closing remarks?

The motion is before the Assembly, so the Assembly needs to decide what to do. What will it do? The Assembly is a legislature; it scrutinises and then passes legislation. It rightly takes its time. Each line and clause is deliberated on, and that takes time. The legislation then goes to a Committee, which deliberately takes its time to make sure that each clause is appropriate, and it then comes back to this place, and we take more time and have further stages to ensure that the legislation that we pass is the most appropriate and will not cause any harmful effects.

The House cannot say that about the legislation that has been born of the Coronavirus Act, however. Many of those pieces of legislation caused great harm. They were wished up in the morning, written up in the afternoon and implemented in the evening; they were enforced that same day. At times, that was catastrophic for folk.

What will the Assembly do today? How can it be sure that one person, no matter who it is — it could be a member of my party — or one Department, no matter what that Department is — it happens to be Health — will act in the best interests of all of Northern Ireland, not only in health but in the economy, in education, in industry and in communities?

**Ms Bradshaw:** Thank you for giving way. Maybe I was not following every word you said, but, from what I picked up, are you suggesting that, going forward, one Minister could function and take forward regulations unilaterally? If that is what you are suggesting, you were not listening to what other people contributed before you started to speak.

**Mr Frew:** I thank the Member for her contribution. I will try to keep the debate as civil as possible. The Member has obviously not been listening when in the Chamber. One Minister moved, amended and enacted legislation for the certification scheme. The Member will recall that, when the Executive decided one scheme, on the Friday before the Monday on which it was to be implemented, the Health Minister amended it to remove coffee shops. I am happy to give way to the Member again if that jogs her memory. That was one instance when the Minister in question amended the legislation unilaterally. The power was always there to do that.

We have to ask ourselves this: is the Health Department clued-in to all the other factors of government in this place? Does it have the expertise? My suggestion is no: why would or should it? Yet the Assembly is going to give the power to one person and one Department. How is that democratic? How is that accountable? How is the Assembly doing its job properly with regard to scrutinising legislation? It does not make sense to me. Look at the impact that those regulations have had. They are so powerful, but they can be wished up in the morning, written up in the afternoon, enacted in the evening and enforced on the same day. They have the power to close down business and prevent people from earning a living — a God-given right.

### 4.30 pm

The regulations left vulnerable people alone and isolated from other family members. They closed gyms but kept off-sales open. They closed schools. They closed down active sports when young people were crying out for comfort, friends and mentors. They closed down active behaviour. In fact, they kept us imprisoned in our homes. There was a time when I had to deal with constituents who had been turned away from attending a loved one and providing them with hot food. Their car was turned away a mile from their loved one's house. That was not even in the regulations, but the police struggled to enforce draconian legislation that they were never designed to enforce. The impacts on our people have been mighty. The lockdowns will have a detrimental effect on people's health for many years.

I am not making light of the coronavirus and the potential for people to get sick and die. However, we should be responsible for the actions that we take. We have to take into consideration the balance that has to be struck between the good that you do and the harm that you do. I hear nothing from the other Benches about the harms that will come from the powers that have already been used. Those powers have discriminated against people. They prevented people from going to a restaurant, a local pub and other venues just because they waited a while and did not take government advice. Imagine a Government discriminating against somebody because they did not take government advice. Where do we live? How dare the Government encroach on people's rights in that way. People have been treated as though they were unhealthy. They had to prove that they were healthy before they could gain entry. What message does that send out? They had to prove that they were healthy before they could partake in everyday life while someone who just happened to be vaccinated could walk in without proving anything. Where was the health consideration in that? Where was the science in that? There was none. It was to put pressure on people. That, in itself, is a place where government should not go.

The Coronavirus Act and the extensive, draconian powers that flowed from it have been a shambles, so why would the Assembly want to give any sort of extension to them? There must be a better way. Legislation that was written quickly, without due scrutiny or consultation, was often harmful, incomprehensible, incoherent and confusing, so much so that the enforcement agencies, such as the PSNI and councils, could not cope. They could not enforce the legislation properly and

made so many mistakes that thousands of people who broke the law did not face any consequences. People were prevented from attending the cremation of loved ones. Think about what we have lived through over the past two years, and yet the Assembly would grant the same power to the same Minister and Department? I say no. There must be a better way.

People were fined because they wanted to swim in the sea. A police officer said to a lady, "If you leave me now and run across that sand into the sea, you can expect a £200 fine when you come out of the sea". A family of two parents, three grandparents and a nanny, who were celebrating a child's first birthday, received a £200 fine. Who can afford that in this day and age? Yet, that is what the regulations brought, and there is no science behind it. There is no health strategy behind it. It just does not make sense.

The proposed order provides sweeping powers to the Health Minister outside of an emergency. We now know what we are dealing with. It is not like two years ago, when not one of us knew what was coming down the track. What was the mantra from the Ministers then? It was that the powers will not be used a day longer than required. That day has long gone past. I say that the powers should lapse. There is no evidence from the Minister or the Department that says why the powers need to be extended. If they are extended because there might be another virus or another strain, that same pretext will apply from September when we walk into this year's autumn and winter pressures.

We cannot keep giving an extension to these draconian, sweeping powers to the one person and the one Department, no matter who its Minister is, and think that things are going to go well. They have not gone well these last two years. The regulations have been confusing and incoherent. The police cannot manage to enforce them, and they should not. Why should they? They are not designed to do that. It is not that type of police force, yet, with the extension, we are going to give the Minister the power to keep administering the powers. No. I say that we should not.

We are on the eve of an election, and we hope to be back in this place. What if we are not? That power would still reside with the Department, but it would be worse than that. There would be no scrutiny at that point. There would be no Committee at that point. There would be no Assembly and no voices of dissent like mine. Yet the Minister will have power like

no other politician, probably in the history of this state. We must think carefully about our next step before we agree to something like this, which has caused real harm, real pain and, I believe, death. That is the action that the Assembly will take today, so I say this: think again. We should think carefully before we proceed down this road.

**Mr Chambers:** The owner of the lone voice of opposition that we have heard to date this afternoon has been looking back quite a bit in his comments. I like to view the order as looking forward and not back. The Minister has made it very clear that he has no desire to impose more regulations or guidance. Maybe the clue is in the title of the order, which includes the words:

*"Extension of Powers to Act for the Protection of Public Health".*

That is exactly what it is for: public health. This is a Minister acting with prudence to enable measures to be taken in the event of a new variant emerging, and God forbid that that should happen. The Minister mentioned that it is an insurance policy. It made me think. Look around this Building, your office and maybe your own home. What is sitting in the corner? Fire extinguishers. Why do you have them? They are an insurance policy so that, in the event of a fire, you will be able to deal with it. It is the same with defibrillators, which we are trying to put into more and more public buildings. It is prudent; it is planning for something that could go wrong. That piece of equipment will be there to save a life. That is how I view the extension of these powers. It is about saving lives in the event of the virus coming back.

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

**Mr Chambers:** No.

If the Minister did nothing and there was an outbreak of a variant, the first people to point the finger at the Health Minister and his Department and accuse them of being ill-prepared would be the very people who object to the extension of these powers. These powers are simply powers to react — an insurance policy.

We have heard a lot of tributes being paid — absolutely and totally deserved — to the people who work in our health and social care system. They are people to whom, at the start of the pandemic, PPE was maybe not available because of the circumstances, but they went in, fought, nursed people and put themselves at

personal risk. What are we going to do? Are we going to say, "No. We will not extend these powers"? Are we going to let our health and social care staff face the potential of another outbreak with no controls in place to protect them? What a kick in the teeth that would be to those heroes. What about more families facing the grief of losing a loved one to the virus, while we, including the Minister, stand like spectators unable to do anything to help curb the spread of that new variant?

Members have asked, "Why are you bringing this legislation in, because you admitted earlier that you may not be able to use it?". That may be true. It might end up in front of a judge; I do not know. However, it is prudent that it is in place so that, if it is necessary to test it in court, it is there to be tested. I would rather have that situation than simply to dismiss the extension.

It was mentioned that this would give the Minister draconian powers. Tell that to the hundreds and hundreds of people who are suffering from long COVID. Tell that to the family who I know in which four young children, all under 12 years of age, lost their mother and grandmother to COVID within 10 days of each other. Tell that family that the powers that we are going to give the Minister are draconian.

We have also heard — I am sure that the Minister will enlighten us — that a Minister in the Executive is trying to stymie this draft legislation's going forward. I give this message to that Minister: hang your head in shame. That is a Minister who helped to collapse the Executive.

Two of my DUP colleagues on the Health Committee, who are well aware of the issue, having worked on it over the past two years, and know the score, have said that their party is whipping today but that they will abstain. I say to those two Members, "Well done".

Mr Frew says that there has to be a better way than this. I suggest to Mr Frew that, perhaps, the start of creating a better way would be to get the Executive back in place.

**4.45 pm**

**Ms Bunting:** Will the Member give way before he sits down?

**Mr Deputy Speaker (Mr Beggs):** The Member has sat down. I call the Minister of Health to make a winding-up speech.

**Mr Swann:** I will give way to the Member.



**Ms Bunting:** I appreciate that, Minister. I want to put it on the record that Mr Chambers is mistaken. It was clear from two of our contributors that the DUP has a free vote on the extension. I want to ensure that that is corrected. Thank you, Minister.

**Mr Swann:** You are welcome. It was important to record the fact that the DUP is unwhipped on the matter. It is worthwhile that the clarification comes from the Chief Whip of the party.

I welcome today's debate on the order and the way in which it has been held. The Coronavirus Act 2020 (Extension of Powers to Act for the Protection of Public Health) Order (Northern Ireland) 2022 seeks to extend the expiry date of section 48 of the Coronavirus Act 2020 and of the provisions in schedule 18 by six months, from 24 March to 24 September.

I turn to some of the comments in Members' contributions. The Chair of the Health Committee rightly acknowledged, as he always does, the difficult and dark times that the virus has visited on the people of Northern Ireland, those working across our health service and those who live here. He spoke about how complacency is now the biggest challenge that we collectively face. I note the support of the entire Health Committee on the issue and on other regulations and restrictions that we have had to introduce over the past two years using the Act. It is about looking to the next step, and, as the Chair recognised, that will be the review of the entire Public Health Act (Northern Ireland) 1967. Legislation that was written before I was born definitely needs to be brought up to date to deal with modern-day medicine and viruses and how, as a society, we react to them.

The Deputy Chair, Pam Cameron, spoke on what the legislation is actually about. The first provision that she listed — one of the most, if not the most, significant — was section 25B on international travel. Without the order, we could leave ourselves completely at risk from a variant that could be established anywhere across the world. It would be able to make its way into Northern Ireland, where we could see travel closed down across these islands, North/South and east-west, but, without the order in place, we would not be able to introduce regulations or restrictions on international travel. That would leave Northern Ireland not only susceptible itself, through international travel, to another variant of concern but able to be used as a back door to the United Kingdom and to the Republic of Ireland.

The Deputy Chair also acknowledged that a number of powers in the Coronavirus Act have not been used. My Department has worked with Health Departments across the other jurisdictions to ensure that powers that have not been used and that there is no intention to use will lapse at this point; indeed, some of them have already lapsed. Ministers from Departments in other areas are, even today, bringing forward extensions under the Coronavirus Act 2020 because of how their Departments and arm's-length bodies are working.

The Deputy Chairperson usefully highlighted what is in place in other jurisdictions. Scotland, England and Wales, and also the Republic of Ireland, have reacted by having a proportionate response to the continuation of what may be necessary but will hopefully never have to be used. Unfortunately, we have had to seek the six-month extension of the order because of a difference in historical legislative provisions. As I said when talking about the Chair's contribution, we very much rely on the 1967 Act.

Colin McGrath asked what the alternative is to extending the powers today. The alternative is to let them fall in their entirety, which would leave us susceptible to having to bring in emergency regulations should they be necessary, but only should they be necessary for what can be done. Colin also asked whether the emergency powers have been allowed to lapse completely elsewhere. Not to my knowledge.

Ms Bradshaw spoke about the Alliance Party's approach to the regulations and restrictions in the past as being that of a liberal party. I have always noted the Alliance Party's contributions to the debates in the Chamber and in Committee as being a proportionate response to the entirety of our reaction to the virus over the past two years.

That leads me on to Mrs Erskine's contribution. She is right about needing a crystal ball to look ahead to the next six months. If we had a crystal ball, we would know whether the legislation is needed. We do not have that crystal ball, however. Some Members are trying to react to where we are now by saying what we should have done two years ago and how we could have reacted then. We did not enter the pandemic with perfect hindsight about what could have been done. There will be work done on how those decisions were made and enacted. As Mrs Erskine said, it is about having the ability to mitigate the additional pressures, should that be of additional variance or the

international implications. That theme came through in Mrs Cameron's contribution as well.

No matter what some may think in this place, I value Paul Frew's contribution to these debates, because it is right for me to be challenged. That is what the Chamber is about, but, when he has spoken, it has sometimes felt personal, because he mentioned "this Health Minister" or "that Health Minister" a number of times. It was always directed at me, but I am glad that he has changed the message today. It may not necessarily be me who is in this post again. He said that it could be someone from his party. Indeed, it could be him, depending on his party leader, of course.

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

**Mr Swann:** Yes.

**Mr Frew:** I assure the Minister that, if I were Minister of Health today, I would not have brought forward this motion. Thank you.

**Mr Swann:** I am not under any illusion, but I also fear how many people would have been in our hospitals. How many people would not be walking the streets of Northern Ireland today because of some of the decisions that the Member may have taken, should he have been in this position? That is an assumption, however, and, again, it may be unfair, because nobody knows how any individual in such a post over the past two years, be that in Northern Ireland or across the jurisdictions, would have reacted.

Mr Frew talked about the "Government's approach" and "what the Executive did". I remind him that his party has — had — the most Ministers in that Executive. Many, if not the majority, of the decisions that were taken were therefore made with the full support of his party's Ministers. At the end of his contribution, Mr Frew spoke about how I brought forward all the regulations and restrictions. There was a time when the junior Ministers led the debates about the restrictions that were brought in. Indeed, Minister Lyons, now the Economy Minister, was at one point standing in the Chamber, behind these Benches, trying to convince the rest of the Assembly to vote for the restrictions, while Mr Frew and others in his party seemed to be railing against them, although from a historical point of view rather than currently.

With regard to some of the comments, there have been many contributions on, and much acknowledgement paid to, our health workers

and the work that they have done over the past two years. They are to be commended. Some in the Chamber spoke about their contribution in combating COVID in the past tense, but they are still at it today. They are still supporting patients with COVID across the entire sector, in care homes, on the front line and in the vaccination programme.

With regard to a number of other points raised in Mr Frew's contribution, it was a collective response over the past two years that actually brought us to where we are today. I welcomed that response. I welcomed the engagement and the message that I had from the Member's party leader about how it was the Executive who collectively agreed the emergency procedures. That included the DUP Ministers.

There have been some questions asked about where we go from here and what will happen with regard to the draconian ability that some have mentioned. I think it was Mr Allister, away at the start, who gave us a history lecture about who Draco actually was. That is not an approach that I have ever taken. I concentrate, instead, on the collective public health response.

It is my view and that of my Department that, in the absence of a functioning Executive, even if these powers are extended, it is not clear how future regulations, if required, could be implemented, since any decision such as this would likely be seen as controversial and cross-cutting and, as such, would necessitate an Executive decision. Therefore, there are challenges already there.

Mr Frew asked whether I had received any communication. Like many in this place, he never asks a question unless he knows the answer. The Member already knew that his party colleague, Minister Lyons, had sent me a letter just before coming into the Chamber about how he has changed his opinion about the extension of these regulations. Having said nothing when I wrote to him on 12 October and nothing when I wrote to him on 20 December, he wrote me a letter expressing his concern just prior to coming into the Chamber. My officials will, of course, respond to that.

The powers that we are talking about already exist, and the power to extend them for six months at a time already exists. Those features were built into the initial legislation, so there is an ability to extend it for six months. That is what I ask the Assembly for today.

Mr Chambers spoke to reiterate my initial point that I seek the extension of this order as an

insurance policy, so that whoever is next in this position, if they need to — hopefully, they never will — will be able to enact or utilise this extension.

I hope that I have answered as many of the Members' queries and questions as possible. I thank Members for their participation in this informed debate, both today and throughout the entirety of the pandemic. I mean that sincerely. I also place on record my sincere thanks to the members of the Health Committee for their valuable scrutiny of legislation throughout this process. That process has never been easy but always challenging. As I have said before during these debates, our system needs to be looked at and reformed so that we can act more quickly to change regulations and restrictions, as they do in other legislatures.

I reiterate that, while the legal restrictions have been removed, and I sincerely hope that there will be no return to them, the pandemic certainly has not ended. I implore us all to follow the guidance in place. Each of us should play our part in ensuring that we are not back here debating any further measures needed to tackle this disease in the future. I commend the order to the Assembly.

**5.00 pm**

*Question put.*

**Some Members:** Aye.

**Some Members:** No.

**Mr Deputy Speaker (Mr Beggs):** Clear the Lobbies. The Question will be put again in three minutes. I remind Members that they 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 that it would be preferable to avoid a Division.

*Question put a second time.*

**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 everyone to maintain social distancing during the voting process, ideally keeping a distance of 2 metres. Please be patient at all times.

*The Assembly divided:*

*Ayes 57; Noes 25.*

## **AYES**

*Dr Aiken, Mr Allen, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Catney, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Ms Sugden, Mr Swann, Miss Woods.*

*Tellers for the Ayes: Ms Armstrong and Mr Chambers*

## **NOES**

*Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Rankin, Mr Robinson, Mr Storey, Mr Wells.*

*Tellers for the Noes: Mr Clarke and Mr Frew.*

*The following Members voted in both Lobbies and are therefore not counted in the result: Mrs Cameron, Mrs Erskine, Mr Irwin, Mr Weir*

*Question accordingly agreed to.*

*Resolved:*

*That the draft Coronavirus Act 2020 (Extension of Powers to Act for the Protection of Public Health) Order (Northern Ireland) 2022 be approved.*

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

## **Rates (Exemption for Automatic Telling Machines in Rural Areas) Order (Northern Ireland) 2022**

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

*That the Rates (Exemption for Automatic Telling Machines in Rural Areas) Order (Northern Ireland) 2022 be affirmed.*

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

**Mr C Murphy:** The order extends the rural ATM rates exemption scheme to the 2022-23 rating year. The scheme was reintroduced following the return of functioning institutions in 2020, having lapsed in 2017. The scheme has always been a small but important measure in the non-domestic rating system, with a policy objective of encouraging and sustaining the provision of ATMs in rural areas by removing any rates liabilities for those facilities. Previous research and analysis, along with feedback received during the 2019 business rates review conducted just prior to the pandemic, confirmed the value of and support for the scheme. In reintroducing the measure, the Executive took the view that the policy objectives behind the scheme remained important. On balance, that continues to be the case despite some recent changes in valuation case law.

The legislation that we are discussing will go some small way towards helping the retention of specific ATMs in rural areas by extending the scheme until the end of March 2023. The scheme will continue to apply to stand-alone rural ATMs that are individually valued on the valuation list; for example, in separate units on main streets or completely stand-alone units. As in previous years, it does not need to apply to ATMs that are located in, and valued as part of, banks or building societies, as those machines are subsumed within the overall value of those properties. The current revenue loss associated with the measure is modest: less than £100,000 in foregone rates revenue. Although the measure is modest in scale and cost, the scheme continues to assist with the retention of rural ATMs, which, as noted by the Committee, is important to many of our rural communities.

I will turn to the statutory rule (SR) itself. Article 1 of the order sets out the citation, commencement and interpretation provisions. Article 2, in turn, provides for the extension to 1

April 2023 as the date before which the scheme must end. Article 3 revokes the previous end date for the scheme laid out in last year's legislation.

I look forward to Members' comments, and I commend the rates order to the House.

**Mr K Buchanan (The Deputy Chairperson of the Committee for Finance):** I thank the Minister for setting out the purpose of and background to the statutory rule that is before us today. The Committee considered the rule on 2 March and 9 March 2022, and members noted that the rule continues the rates exemption for separate entries into the valuation list associated with automatic telling machines — ATMs — in designated rural areas. Members welcomed the continuing measure as a way of providing much-needed banking services for some of our rural communities. However, the Committee was surprised to learn that the number of ATMs benefiting from the measure is only 43 across the whole of Northern Ireland and that that number is likely to reduce. It appears that, following a court judgement, the number of relevant ATMs has substantially reduced in recent years. That may also be influenced by security concerns, which have led to many rural ATMs being relocated inside shops and thus not benefiting from the exemption.

The Committee will, of course, support the rule. However, it is hoped that other measures that do not fall foul of the court judgement and that might increase the number of designated rural areas could be explored in order to support banking services across all parts of Northern Ireland. When the Minister is making his winding-up speech, perhaps he might respond to that point.

Notwithstanding the above, I am happy to advise the House that the Committee has agreed to recommend that SR 75/2022, the Rates (Exemption for Automatic Telling Machines in Rural Areas) Order (Northern Ireland) 2022, be affirmed by the Assembly.

**Ms Dolan:** I thank the Minister for the scheme. I welcome the opportunity to say a few words on what may seem like a small issue; however, it is a very important one. As an MLA for a rural constituency, I know the essential service that ATMs provide in rural areas. Dwellers still rely heavily on cash to access goods and services, and, in many towns and villages, ATMs are the only means of accessing cash.

Banking services are changing. All the major banking companies are taking the decision to

close branches in many of our towns and villages and to provide online banking services only. Those decisions have a detrimental impact on people who rely on those services. My home village of Belleek lost all its banking services a number of years ago. Despite a local campaign to have the services retained, the last remaining bank withdrew, and now residents must travel to Enniskillen — 25 miles away — if they require a face-to-face banking service.

Similarly, the way we pay for services is changing. More and more, we are transitioning towards contactless or credit cards as a means to pay for things, but not all businesses are in a position to accept credit card payments. Many small businesses or self-employed service providers still require cash payments, and, often, rural areas do not have the broadband connectivity that would enable online payments. Many of the towns and villages that I represent now have only one ATM, and those communities recognise that as the essential service that it is. Any scheme that will ensure the continuation of the service will be welcome.

We also need to see improved maintenance of rural ATMs. When issues arise, such as malfunctions or cash-flow problems, they cause huge disruption and often take a long time to be resolved. Rural ATMs can frequently be targeted by criminal gangs. That behaviour is extremely disruptive and is an attack on rural communities.

The statutory rule that the Minister is proposing is the continuation of a rates exemption that is applied to ATMs in rural wards, and that is welcome. I am happy to support the SR.

**Mr O'Toole:** I stand to briefly support the proposed SR. As the Deputy Chair of the Finance Committee said, we discussed it in Committee and were unanimous in supporting it. Of course, it is an extension of a relatively modest support, but it is an important one, particularly for rural areas, as the Member who spoke previously said.

The Minister touched on the relatively modest amount of forgone revenue, and the Deputy Chair of the Committee talked about the relatively small number of rural ATMs that benefit or, as it were, are subsidised by this. Frankly, this calls for, perhaps in the new mandate, a longer look at what we want to achieve in our banking services here, particularly access to banking in rural areas.

It is true that banking policy is largely a reserved matter, but not exclusively. Devolved Ministers are not without power to engage with

and lobby the financial services industry here. We have seen a very large divestment of branch networks. Last week, we heard of the imminent closure of a number of HSBC branches in Northern Ireland. That comes on top of wave after wave of closures. Those closures affect not only rural areas but branches in my South Belfast constituency.

### 5.30 pm

We therefore need to take a more coherent, joined-up look at what we want from banking services. The matter is largely reserved, as I said, and policy is run by the Treasury, but we have a distinct banking network here in Northern Ireland. We have had a slightly different composition of banks, many of which have been cross-border banks. Some of their activity has been impacted on by Brexit and by the fact that no special arrangements have been made for the provision of financial services on a cross-border basis. We have seen that Ulster Bank, for instance, has largely divested itself of its operations in the South, and certain other banks are in large part, but not entirely, divesting themselves of their operations in the North. That means that we need an overdue deeper look at the provision of banking services in rural areas, and more broadly. In closing, I will get back to the matter in hand, which is the passing of the SR. We obviously support it.

**Ms Armstrong:** I thank the Minister very much for extending the rate relief for ATMs in rural areas. As everyone in the House knows, I am a rural dweller. I represent the Strangford constituency, which is largely a rural constituency. You have to drive 25 miles from the bottom of the Ards peninsula before you get to a bank. That is something that is making life extremely difficult. I know that everyone is saying, "Sure, after COVID, everybody's using plastic", but not everybody is using plastic. During COVID, I came across hairdressers who rent a chair in a salon. They had to be paid in cash, because they did not have a mobile card machine. They lost out on the high street voucher scheme as well. How are we supposed to teach children about the use of money — hard cash — if they cannot get it in their hands? A lack of ATMs therefore causes problems.

As the Minister has said, retaining ATMs in rural areas is extremely important, but I say to him — this has also been said by Mr O'Toole — that we need to have some sort of a strategy. There are ATMs in my rural area that people will not use, because they charge £2 if you want to lift £20. There is something going on with ATMs,

whereby, if there are two ATMs within 1 mile of each other, one has to charge and the other does not. The rate relief is absolutely welcome. The lack of banking services in rural areas is extremely concerning, especially given the fact that post offices will no longer be allowed to deal with people's benefits. I was talking to the credit unions recently. They are thinking about expanding into other services, such as mortgages, but the fact is that credit unions do not have an ATM. Post offices do, if those post offices are not inside a shop. It is therefore important that we give some incentives to banks to keep ATMs in rural areas. Otherwise, they are just abandoning us.

**Mr Deputy Speaker (Mr Beggs):** I call the Minister of Finance, Conor Murphy, to conclude and make a winding-up speech on the motion.

**Mr C Murphy:** I thank Members for their comments on the order, on wider issues affecting the extension of exemptions for ATMs and on access to services in rural areas generally. As things stand, the scheme is worth continuing for those who live in isolated rural communities and still depend on the availability of cash from ATMs. We all appreciate the difficulties that could be encountered in those communities from any measure that would lead to a reduction in the availability of ATMs, so, especially at this time, we should do all that we can to continue to support them.

A number of points were raised in the debate. The Deputy Chair asked about the impact of the Supreme Court ruling. That decision, in May 2020, significantly altered the approach taken across Britain and here to how ATM facilities are valued for rates purposes, necessitating a review of ATMs here. All ATM facilities attached to a supermarket or a filling station have been reviewed, and those the presence of which presence represented a mutual benefit to the operator and the retailer are no longer considered to be separate properties for rates purposes. A further seven have been deleted from the list. That is in addition to the 34 that were deleted last year. None of the ATM apparatus on those premises has, however, been physically removed from the area occupied by the ATM, and it is now included in the rateable assessment of the attached shop.

Jemma Dolan asked whether banks would remove ATMs if the exemption were not applied. The economics of maintaining ATMs are changing, and there are real pressures to remove them from non-profitable locations. The exemption provision is therefore modest but important. The British Bankers' Association and

the Bank of Ireland had previously indicated that the rates exemption helped to maintain the retention of ATMs at existing sites. However, the British Bankers' Association did not consider that it substantively influenced the location of new ATMs. On balance, we feel that the support, although modest, continues to help ensure the viability of machines that are currently in receipt of the exemption.

Matthew O'Toole raised the broader issue of banking. Of course, we do not have responsibility, as he accepts, but we have the ability to engage and influence banking. There are unique features to banking in the North and across the island. In recent times we have set up a banking forum, which allows the Finance Minister to bring together representatives of the banks, other financial institutions, trade unions and business organisations to discuss many of the issues that affect people's access to finance and banking services, as well as the approach that has been taken by the banks in recent times. That will be a useful arena for discussion, and we intend to continue with that in the time ahead.

Kellie Armstrong mentioned the absolute need for ATMs in rural communities. There was a discussion about the ones that charge as opposed to those that do not. As part of the consultation, the Rural Development Council expressed a view that even a fee-paying ATM is better than no ATM. On that basis, it was agreed that the exemption should apply to all ATMs in designated rural areas, whether fee-paying or free. That rationale remains valid and should continue, especially given the small number of ATMs that are supported as part of the scheme. Of course, it would be preferable if they did not charge, in recognition of the vital service that they provide, but the view was that they should still be supported.

I ask Members to support the measure, and I commend the order to the Assembly.

*Question put and agreed to.*

*Resolved:*

*That the Rates (Exemption for Automatic Telling Machines in Rural Areas) Order (Northern Ireland) 2022 be affirmed.*

## **Rates (Temporary Rebate) (Amendment) Order (Northern Ireland) 2022**

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

*That the Rates (Temporary Rebate) (Amendment) Order (Northern Ireland) 2022 be affirmed.*

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

**Mr C Murphy:** Before dealing with the order itself, I wish to set out some of the background to the measure. The purpose of the legislation is to reinstate the Back in Business scheme, which lapsed in 2017. When they returned in January 2020, the Executive agreed to the reintroduction of the scheme, but that was then suspended due to the advent of the pandemic and the implementation of the 100% rates holiday for many businesses, which is still in place at the moment.

Today's order re-implements the scheme, which will become operative again on 1 May 2022. That operative date will follow the ending of the first month's rates holiday for 2022-23 and will ensure that the scheme is up and running by the time the three months' rates holiday for 2022-23 ends on 30 June 2022.

The reintroduced scheme will incentivise the occupation of property on the high street that has been vacant for 12 months. The scheme will be subject to ongoing economic evaluation over the next year to monitor its progress. It was first introduced as an amendment to the Rates (Amendment) Act (Northern Ireland) 2012. At that time, it was introduced as part of a package of measures aimed at assisting ailing businesses and improving the appearance of our town and city centres. Now, 10 years on, in what is hopefully an increasingly post-pandemic business environment, we again find that those aims are equally valid for today's high street.

The original Back in Business scheme provided a one-year concession that allowed a 50% empty property relief or vacant rating charge to continue to apply to the new occupier for one year. That was available where a qualifying property had been empty for at least one year previously and had become occupied again. Today's order extends the duration of that tax concession to 24 months with the aim of building a solid platform for new high street

occupation in the longer term, following the damage caused by the pandemic. The scheme will help to boost footfall in the high street as people return to shops and workers increasingly return to the office in the months ahead.

I have seen up close the effects of the prolonged period of disruption in my constituency and in other towns and cities that I have visited in my ministerial role since 2020. Today's extension of the scheme will allow Land and Property Services (LPS) to continue to receive new applications to the scheme until 31 March 2023. It will help to moderate the business rates burden for businesses in the difficult first two years by providing certainty in their overheads and helping them to budget for their businesses. It will also help them to adjust to full rates liability in due course and grow the tax base. In the interim period, the Department will generate the same revenue as it would have generated had the property remained vacant. The scheme is therefore a win-win when it comes to growing the economy, economic activity and tax revenue.

Between 2012 and 2017, when the scheme operated before, there were no instances of it being misused nor was there any evidence of displacement. As I mentioned, the reintroduction of the scheme will, however, continue to be monitored through economic evaluation over the next year to ensure that that remains the case.

I turn now to the statutory rule (SR) itself. Members of the Finance Committee have already been advised on its detail, and Members indicated at the SL1 stage that they were content for the scheme to be reintroduced and to run through to 31 March 2023. Article 1 of the order sets out the citation and commencement. Article 2 provides for the amendment of article 31D of the Rates (Northern Ireland) Order 1977, substituting the new end date of 31 March 2023. Article 2 also makes an amendment to ensure that the concessionary rate of liability will be granted for a period of 24 months in each case.

I look forward to Members' comments and commend the Rates (Temporary Rebate) (Amendment) Order (Northern Ireland) 2022 to the House.

**Mr K Buchanan (The Deputy Chairperson of the Committee for Finance):** I rise to speak briefly on behalf of the Committee for Finance. I thank the Minister for his opening remarks.

The Committee considered the draft rule at its meetings on 2 and 9 March 2022. As has been

indicated, it is understood that the rule will allow any business that occupies a long-term vacant property valued as a retail unit to pay rates at the vacant rating level, which is 50%, for a two-year period. The Committee welcomed the introduction of the measure and hopes that further similar steps will be taken to revitalise our city and town centres. The Committee also welcomes the Department's intention to review the effectiveness of the measure during 2022-23.

The Committee sought clarity as to whether the measure will apply to any business that relocates to vacant premises. The Department has kindly responded on that, and perhaps the Minister might also refer to it in his response.

**Mr McHugh:** Ar dtús, ba mhaith liom buíochas a thabhairt don Aire as a ráiteas. As the Minister has outlined, the statutory rule will reinstate the Back in Business scheme, which was designed to encourage new businesses to open up in previously unoccupied premises. The scheme provides for a 50% reduction in business rates for two years for any new business that moves into premises that have been unoccupied for 12 months or more.

Starting a new business can be expensive and beyond the reach of many. Prospective business owners have to contend with huge start-up costs that they must invest without a guarantee that their investment will see a positive return. One such start-up cost is, of course, the rates bill, if the business operates from rateable premises. A 50% reduction to the rates bill will go some way to giving breathing space to any new business and will enable it to establish itself and to start turning a profit.

The other aspect of the legislation is the boost that it will provide to our high streets. Our high streets have suffered badly, particularly during the pandemic. We have seen a rise in the number of derelict properties on our high streets. The rise of online retailers has also had a knock-on effect on bricks-and-mortar businesses in our town centres. We all want to see our town centres and shopping areas thriving. The rates support scheme aims to bring vibrancy, footfall and investment back to our high streets. The difference that a bustling business can make to a once empty property on a main thoroughfare is striking, and I welcome the reinstatement of this positive rates relief scheme. I support the motion.

**5.45 pm**

**Mr O'Toole:** I will speak briefly today. In short, we will support the extension of the Rates (Temporary Rebate) (Amendment) Order for all the reasons that have been outlined by others, specifically in order to support the high street and other non-domestic commercial properties as we move out of the COVID crisis.

I want to say a couple of things. While we support the extension in principle, it is important to draw attention to the order's wider context, because it will have wider policy implications, as it were, than the rural ATMs order that we debated earlier. This is a much more substantial intervention. The cost of the rural ATMs exemption is about £100,000 a year, whereas this relief costs tens of millions a year, I think. The Fiscal Commission report suggests that it costs around £35 million per annum.

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

I was very pleased that the Minister commissioned the Fiscal Commission report, but the problem with commissioning good reports is that other politicians sometimes quote them back to you. The report is very useful and examines those things in detail. While we are supportive of the principle, given the cost — this is one of the larger areas of sub-parity in which the Executive have made a decision, with which they are continuing, to have a relief in a particular area; in some cases, it is a more generous area of service provision, but, in this case, it is a more specific tax relief — we should have a thoroughgoing look at how well targeted the relief is and whether it is achieving what we want it to achieve. I welcome the fact that the Minister said that that will be reviewed over the next year or two.

It is really important to state a couple of things. The income from the regional or local rate, whether domestic or non-domestic, is, largely, the only revenue source that the Finance Minister has. We need to be better at understanding the effectiveness of the resilience of the rates base. We passed legislation earlier this year to ensure that we can defend some of that rates base. We had to interrogate that, and it was not easy in some ways to prevent appeals against changed valuations on the basis of coronavirus. It was about taking a responsible decision, because we had to defend the revenue base of our only revenue source.

As we, as an institution, hopefully "mature", we need to move towards being able to raise more revenue and to take responsibility for more revenue in this place. Certainly, more than one party in this place wants that to happen. For



that to be the case, however, we need to understand fully the effectiveness of the reliefs that exist at present. If someone asked me how well targeted and effective this relief has been in the years that it has existed at getting new businesses into vacant premises on the high street, I would not be able to point them to a piece of evidence on or an evaluation of that. That is not say that that does not exist. I am sure that it has been a factor.

We support the extension, but, in order to justify the relief, we need to understand, in broader terms, how well it is working, because it is costing us £35 million a year. There are other rating reliefs. Obviously, there is industrial derating, which has been instrumental in helping to support the growth of our manufacturing sector in particular parts of the region. This is not about saying that those reliefs should not exist; it is simply about saying that we need a better evidence base, which has been called for in the Fiscal Commission report. I understand that we will not get the Fiscal Commission's final report until after the election. I hope that, after the election, we are all back here taking responsibility and doing our job and that we can prove that we can take more responsibility for more revenue raising in this place and can understand how effective the relief that we are extending today is at getting support to our high street.

It is also worth saying that the policy interventions that are needed to continue to support our high streets as they recover from the pandemic in the medium and long term need to be joined up. They cannot simply be about rates relief. They also need to look at the planning process. My party colleague the Infrastructure Minister has announced a thoroughgoing look at that. I am sure that Andrew Muir, who is a regular correspondent on the planning system, will have something to say about that too.

We need to understand the range of things that impacts on the viability of our high streets, and we need to understand how they interact. Going forward, it would be helpful to have a more robust evidence base for how well the relief is working. I say that in support of the order's extension, but I very much hope that, after the election, departmental officials will be able to provide some evidence as to how all that is working.

**Mr Muir:** I thank the Minister for bringing the order to the Assembly. In response to Mr O'Toole's remarks, the Alliance Party continues to support a full, independent review of our non-domestic rating system. It is long overdue.

From the examination that we have done to date, and whilst not having any members of the Finance Committee, it is our understanding that the order will allow new businesses occupying a long-term vacant property that is valued as a retail unit to pay rates at a 50% reduction for a two-year period, reinstating the Back in Business scheme that expired in 2017 owing to the absence of an Executive. From watching the Committee's proceedings, I am aware that it was waiting for correspondence from the Department on the definition of a "new business". I would be grateful if the Minister could clarify what that means for established businesses that open a second premises and whether they will be able to benefit from the reliefs in the order.

I welcome the order for the injection that it will give to our town centres and high streets, which need all the support that they can get in light of COVID-19. I think particularly of the support that Bangor town centre needs for its regeneration and renewal. I welcome the Minister for Infrastructure's recent decision, after 13 months' delay, to approve the Queen's Parade development in Bangor, which will, hopefully, help towards the revitalisation of the town.

It is important to recognise the impact of not having an Executive. It is great that today's motion could be tabled, given that, previously, not having an Executive inhibited that. We need an Executive to be able to deliver for people and businesses across Northern Ireland. I therefore support the order.

**Mr Deputy Speaker (Mr McGlone):** There being no further notification of Members wishing to speak, anois glaoim ar an Aire Airgeadais le críoch a chur leis an díospóireacht ar an rún. I call the Minister of Finance, Conor Murphy, to conclude and make a winding-up speech on the motion.

**Mr C Murphy:** Again, I thank Members for their useful comments during the discussion and debate. I believe that the scheme is worth reintroducing as an integral element of rebuilding the high street as we continue, hopefully, to emerge from the pandemic. Vacant commercial property is a blight on the appearance of high streets across the North. By reintroducing the scheme, we can ensure that more empty commercial properties start to be brought back into use. That will improve the appearance of towns and create jobs across the community.

A couple of points were raised. New businesses were raised by the Deputy Chair and Mr Muir.

The scheme will apply to any new business or an existing business that wants to expand and occupy an additional premises. Both circumstances are covered by the scheme applying to businesses occupying a long-term vacant property — that is, one that is vacant for 12 months or more.

Matthew O'Toole mentioned the scheme's cost. Given that there would have been no income from the properties if they had remained vacant, the cost of the previous scheme was assessed as being in the region of £500,000 per annum during the years in which it operated. Some 550 properties were supported between 2012 and 2017.

Matthew O'Toole also made some points about the Fiscal Commission. He was right: we have very few other revenue-raising options or financial levers. Of course, we need to assess carefully how we use those and the evidence of how the intervention actually has an impact. We will continue to do that. Certainly, when I visited and talked to town centre organisations and business support organisations, they continuously raised the Back in Business scheme as one that they would like to see back in place. They feel that it is of significant benefit in encouraging the uptake of vacant properties, which, as Mr O'Toole and other Members know, blight the landscape of town centres. It is a disincentive for people to come into town if it looks as though half the properties are vacant. We will, of course, assess that in order to make sure that the evidence stacks up over the lifetime of the scheme.

As I said, I am very grateful to Members for the support that they offered, and I ask them to support the measure. I commend the order to the Assembly.

*Question put and agreed to.*

*Resolved:*

*That the Rates (Temporary Rebate) (Amendment) Order (Northern Ireland) 2022 be affirmed.*

### **Coronavirus Act 2020 (Registration of deaths and still-births) (Extension) Order (Northern Ireland) 2022**

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

*That the draft Coronavirus Act 2020 (Registration of deaths and still-births)*

*(Extension) Order (Northern Ireland) 2022 be approved.*

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

**Mr C Murphy:** The order seeks to extend powers in the Coronavirus Act, specifically those relating to death certification and registration for a further six months, from 24 March 2022 to 24 September 2022. The provisions relate to temporary changes to powers that are in the Births and Deaths Registration (Northern Ireland) Order 1976, for which my Department has responsibility. However, while that is Department of Finance legislation, the inclusion of the temporary provisions in the Act was agreed between three Departments: Finance; Health; and Justice. The temporary provisions were included in the Act in order to ensure that the certification and registration of deaths and stillbirths continued during the pandemic, when all parts of the service were under extreme pressure.

The provisions are in two parts. Part 1 relates to death and stillbirth certification, including who can sign the medical certificate of cause of death (MCCD) and when a death or stillbirth should be referred to the coroner. The Health and Justice Departments respectively have responsibility for decisions in those areas. Part 2 relates to death registration, which is the responsibility of the General Register Office (GRO) in my Department. Those provisions enable members of the public to register deaths remotely. They allow for the electronic transfer of documents and non-attendance in person at registration offices. They also enable the next of kin to register a death by telephone, as opposed to attending the registration office in person. The provisions do not put any restrictions on the public or the service that is provided; rather, they build on the positive lessons that were learned from the Coronavirus Act, which will assist the public to continue to be able to register deaths remotely until September. The provisions have reduced the need for face-to-face contact between the main stakeholders, including medical practitioners, informants, registrars and funeral directors, thereby assisting in reducing the possibility of spreading the infection.

In their responses to my letter and draft Executive paper of 21 January, Ministers Swann and Long outlined their position on the proposed extension of the provisions. The Finance Committee Chairman subsequently wrote to Ministers Swann and Long on 4 February seeking further information on the

nature of their concerns and any mitigations regarding an extension to the Coronavirus Act provisions. Minister Swann responded that, although he has concerns regarding paragraph 24 of schedule 13 to the Act, which allows any doctor to complete an MCCD provided that they can state the cause of death to the best of their knowledge and belief, his main concern relates to paragraph 26 of schedule 13. That provision relates to deaths that have not been referred to the coroner, where the deceased has not been seen and treated by a doctor within the previous 28 days. Minister Swann feels that the current position does not provide an assurance that deaths are appropriately referred to the coroner for investigation and that the removal of the original requirement increases the risk that untoward activity, malpractice or negligence could be concealed. Whilst he has concerns about the extension of the powers, he accepts that there are also arguments in favour of the extension, and he does not formally object to the extension of the provisions.

Minister Long stated that the provision has permitted the Coroners Service to continue to deliver an effective and efficient service throughout the pandemic in light of the marked increase in the number of virtual clinics that are delivered by GPs. She pointed out that the requirement on doctors to immediately notify the coroner if there is reason to believe that the death is not from natural causes has not been changed by the coronavirus provisions and that that duty on doctors remains. Minister Long stated that, while she supports a return to the usual statutory position at the earliest opportunity, she is content that an extension to the provision on reporting deaths from natural causes is necessary for the Coroners Service until such times as section 7 of the Coroners Act (Northern Ireland) 1959 is amended to include "virtual clinic" in the definition of "seen and treated", as a virtual examination is unlikely to satisfy the requirement to be "seen and treated" by a doctor "within twenty-eight days prior to" the death in the Coroners Act.

While doctors may not be referring as many cases to the coroner for review, registration staff registering the death continue to scrutinise every MCCD, with registrars contacting medical practitioners if they believe that the death should be notified to the coroner. That process assists in maintaining assurance on the cause of death.

## 6.00 pm

If the extension is not put in place, the provisions will fall on 24 March, and we will

revert to the original provisions in the Births and Deaths Registration (Northern Ireland) Order 1976. It requires that, for death certification, an MCCD has to be signed by a doctor who has seen the deceased within the past 28 days, or the death has to be referred to the coroner. For registration of the death, it means that the informant receives the MCCD directly from a doctor, and then attends in person at the registration office to carry out the registration. Once the registration is complete, they are required to confirm that the registration details are correct and to sign the entry. The informant is then given a GRO21 form, which provides confirmation that the death has been registered, to pass to the funeral director.

I recognise that the pandemic situation has improved since these provisions came into operation, but systems may continue to be put under additional pressure, and the public may still not be able to attend a registrar's office in person. That could be due to a member of the public or registration staff being ill or self-isolating, or because the registration office is closed or has a reduced capacity due to social distancing in council buildings. By extending the service to 24 September, we can ensure that the administrative processes relating to the registration of deaths and stillbirths can continue to operate even as the status of the pandemic is changing. The extension also gives officials the opportunity to investigate making some of the changes permanent, especially the electronic transfer of documents and the amendments required to the Coroners Act, as outlined by Minister Long.

In conclusion, I am comfortable recommending the extension of the powers as they have helped the death certification and registration process to continue to operate throughout the past 24 months. We have an opportunity, by extending the provisions, to continue providing the service, which has been welcomed by the stakeholders, including registrars, the public, funeral directors and medical practitioners. The order has been considered by the Committee for Finance, and no objections have been raised. I commend the order to the Assembly.

**Mr K Buchanan (The Deputy Chairperson of the Committee for Finance):** I thank the Minister for setting out the purpose for and the background to the statutory rule that is before us. I will speak on behalf of the Committee for Finance.

The Committee considered the rule on 2 February and 23 February 2022, and we corresponded with the Department on its content. The rule continues some welcome

simplification measures in respect of the registering of deaths using electronic media. The Committee found that uncontroversial but noted that those useful measures will lapse from September 2022. It is hoped that one of the first actions in the next mandate will be to extend those sensible provisions further.

The draft rule also continues the waiver on the requirement to advise the coroner of a death where the deceased had not been seen by the doctor in the previous 28 days. Both the Justice Minister and the Health Minister expressed reservations but indicated that they would accept a temporary continuation of those practices until September 2022, as indicated in the draft rule.

The Committee learned with surprise and some concern that none of the Departments or the General Register Office can tell us how many deaths have been registered in those circumstances to date; that is, they are unable to clarify how many deaths there have been where the deceased has not seen the doctor in the previous 28 days and where that has not been notified to the coroner. As the draft rule simply extends the existing measures for a short period, I expect that the House will provide its support for it. However, it is a bad practice whereby this House gives its agreement to legislation and does not know how many of our constituents it affects. I am not saying that there is a problem with death registrations. I am saying that I hope that the Minister will provide us with some reassurance on the matter today. I also hope that he might undertake to separate from each other in future subordinate legislation the two issues of electronic registration and notification of the coroner.

**Mr McGuigan:** I welcome the opportunity to say a few words on the regulation. As the Minister outlined, this is an extension of emergency legislation that has been in place since the outset of the pandemic. The legislation relaxes the procedures in the registration of deaths to allow a death to be registered via telephone and documents to be presented electronically.

The legislation extends the provision that relaxes the requirement for a doctor to notify the coroner where the death is by natural causes and the doctor has not seen the deceased within the previous 28 days. Under the provision, any doctor may sign a death certificate, provided the death is from a natural illness, and the doctor can state the cause of death to the best of their knowledge and belief.

While it should be acknowledged that this is not the ideal situation and we want to see a return to normality as soon as possible, we must accept that COVID-19 is still with us and, unfortunately, people are still dying from it. However, it should also be noted that this is a six-month extension until September. Hopefully, by then, we will have returned to a more normal situation and the emergency legislation will no longer be needed in its current form. I am happy to support the motion.

**Mr O'Toole:** The SDLP will support the extension and the draft SR before us today. As the Deputy Chair said, it was discussed at the Finance Committee some weeks ago. It is important to say that, while we will not raise any objections to this being extended, there is a slight lack of clarity over whether it is being extended because we still need the exigencies of emergency legislation because we are still dealing with COVID or because it is bureaucratically efficient and we want to continue it for a bit longer. It would be helpful to have clarity on that because, although it was a useful and necessary step in simplifying the process in the extreme situation of COVID, making the situation easier to manage for all those affected, including doctors, registrars and those in the coronial service, it would be a substantive change if it were to be made permanent. We would need more discussion and consultation with stakeholders and, possibly, the wider public on the consequences.

I would like clarity about what an extension until September will mean in the event that we do not have a fully functioning Executive by then. Certainly, my party does not want to see that, but will the SR simply lapse and we revert to normal? If the Assembly is still sitting in some shadow form, as per the legislation recently passed at Westminster, can the legislation come back for an extension or not? Could a Minister operating in shadow form, as it were, bring it back for an extension? My view is that, as we have, I hope, moved out of the absolute acute phase of the pandemic and are moving back into normality, any desire to make this permanent would have to be done properly through a proper consultative process with stakeholders and the public and explained.

We have no objections to the legislation being extended for a few months, but, as I said, it is slightly unclear whether the main reason for extending it is that we are still at the tail end of COVID or simply that it is bureaucratically helpful to just extend it for a bit longer. It would be helpful to understand the long-term plan, particularly in the undesirable but, unfortunately, not unlikely situation where we

do not have fully functioning institutions in September. It would be helpful to understand exactly where we will be with this.

**Mr Muir:** As others have remarked, the order allows for the process of registering deaths and stillbirths to be completed without the need for face-to-face interaction. Throughout the pandemic, that has ensured that deaths can be registered without delay and that grieving families can make timely funeral arrangements. We are all aware of the horrendous circumstances that have unfolded over the last two years for grieving families. The Alliance Party is content that the order is made, but there are issues and concerns to be noted.

It is important that we try to provide a road map for GPs to see patients in person as the public health situation permits. I am aware of the context in which the SR is being made and the high levels of COVID-19 infection in Northern Ireland. The powers will help manage the pressure that is being experienced at the moment by health professionals in the context of COVID-19. If there is no progress on GPs being able to see patients in person in the manner that we were aware of before COVID-19, it is important that legislation is brought forward to allow for virtual consultations to be treated the same as in-person GP contact.

It is important that that be considered.

I will touch on the previous contribution. In the context of COVID-19, a war in Ukraine and the horrendous humanitarian situation there and a cost-of-living crisis that is crippling families and households across Northern Ireland, we should not even contemplate the idea that there will not be an Executive in the next mandate.

**Mr Deputy Speaker (Mr McGlone):** No other Members have indicated that they wish to speak. Arís eile glaoim ar an Aire Airgeadais, Conor Murphy, le críoch a chur leis an díospóireacht ar an rún. I call the Minister of Finance to conclude and make a winding-up speech on the motion.

**Mr C Murphy:** I thank the Members who commented on the order, and I welcome the expressed support for it. I thank the Chairman and members of the Finance Committee, who scrutinised the order. There were reservations, and questions were asked about it. The truth is that the figures are not retained by the Department of Finance or the Department of Health. As part of the exercise, however, there was, rather than formal consultation, feedback from stakeholders such as registration office

staff, funeral directors and medical practitioners, and that was positive

If there is to be future subordinate legislation — with the extension of the order, we have created space to allow measures to be put in place — there should be ongoing consultation, including with the Committee. I hope that that will, on the other side of the mandate, give the Committee an opportunity to do its own consultation with stakeholders and to satisfy itself about any changes. I hope that, at that stage — Mr Muir expressed it — we will have an Executive back in place. If that is not the case, the provisions lapse, and we go back to where we were pre pandemic. There is an opportunity not just for the sake of efficient bureaucracy but to put in place a better system that recognises that circumstances remain in which access to services could be impeded as a consequence of the pandemic, through people being off work ill or through an outbreak in a particular office that renders it unable to open. We are still dealing with that but thankfully not at the same level as in previous times. The intention is to use the time that the extension will give us to improve on the current situation, and, as that would create more space, I imagine that there would be much more consultation on the final outcome. I hope that we will be in a position to put in place a better system come September.

I thank Members for their comments, and I ask them to approve the draft Coronavirus Act 2020 (Registration of deaths and still-births) (Extension) Order (Northern Ireland) 2022 and that it should come into operation from 24 March 2022.

*Question put and agreed to.*

*Resolved:*

*That the draft Coronavirus Act 2020 (Registration of deaths and still-births) (Extension) Order (Northern Ireland) 2022 be approved.*

**Mr Deputy Speaker (Mr McGlone):** I ask Members to take their ease while we move to the next item of business.

**6.15 pm**

## Private Members' Business

### Preservation of Documents (Historical Institutions) Bill: Consideration Stage

**Mr Deputy Speaker (Mr McGlone):** I call Alan Chambers to move the Consideration Stage of the Preservation of Documents (Historical Institutions) Bill.

*Moved.* — [Mr Chambers.]

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

*Clause 1 ordered to stand part of the Bill.*

#### **Clause 2 (Meaning of “relevant document”)**

**Mr Deputy Speaker (Mr McGlone):** We now come to the single group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 4. Members may wish to note that amendment No 2 is a paving amendment to amendment No 4.

**Mr Chambers:** I beg to move amendment No 1: In page 2, line 9, after “with” insert “a relevant institution or with”.

*The following amendments stood on the Marshalled List:*

No 2: In clause 3, page 2, line 24, leave out “, but this is subject to subsection (6)”. — [Mr Chambers.]

No 3: In clause 3, page 3, line 17, leave out “for a period of at least two consecutive months”. — [Mr Chambers.]

No 4: In clause 3, page 3, line 19, leave out subsection (6). — [Mr Chambers.]

Again, I thank the Speaker and the Business Committee for their discretion in facilitating the swift progression and consideration of this important Bill.

I was very much heartened and reassured by the contributions from across the House at last week's Second Stage. The Assembly is at its best when it is considering and scrutinising legislation. Therefore, it is fitting that, despite the obvious problems elsewhere, in the final week of this mandate we are still able to, hopefully, pass hugely important legislation such as the Bill before us.

The rationale of the Bill was well understood and articulated by all last week. During the debate, however, there were a number of important questions asked and points made which it was decided, after further engagement with the Minister and his officials, would be important to address at Consideration Stage. Accordingly, we have four amendments before us today in my name and that of my colleague Robbie Butler. I also thank Linda Dillon for her continuing close interest, as well as her decision to add her name to some of the amendments before us. The cross-party support for the Bill will, I am sure, continue to be welcomed by the victims and survivors, many of whom are closely following its passage.

Amendment No 1 adds to the definition of “relevant document” at clause 2 and leaves no ambiguity as to what exactly will be covered by the duty to preserve and when the offence for non-compliance will apply. The proposed definition now includes documents created by a person in communication with a “relevant institution”. As a result, letters between parents, GPs or priests, for instance, will all be captured by the duty to preserve. It was also considered important that the definition of “relevant document” also captured communication with the institution itself, and I am glad that the amendment achieves that.

Amendment No 2 is largely technical, but it is important in the context of what amendment No 4 seeks to do. That amendment addresses a concern raised during the debate last week that clause 3(6), as drafted, excluded any information about accommodation or care provided to the child by a natural parent or relative of the child from the definition of “relevant information”.

During that debate, Ms Dillon made the very valid point that in many cases when babies were adopted, they were registered as the natural child of their adoptive parents. The point was also made that the fact that care was provided by a relative does not guarantee that an adopted person knows or knew anything about their birth parent or their time in an institution. Amendment No 4 removes that exclusion.

Finally, amendment No 3 removes from clause 3(5) the words:

*"for a period of at least two consecutive months".*

The Bill is intended to capture information relating to where children lived and how they were cared for when they were separated, either permanently or for long periods, from their mothers. As a result, it is necessary to provide a definition of "separated" in the Bill. Clause 3(5) is intended to exclude more routine separations between mothers and children, such as when one was ill in hospital or perhaps even staying with another family member over a holiday season.

Following close engagement with the Department of Health over recent days, however, it has been decided that it is still possible, if not probable, that information relating to the care of a child who was born to a resident in a mother-and-baby institution and separated from his or her mother within the first two months of his or her life will be of interest to a future inquiry. On that basis, it is accepted that clause 3(5) should be amended to leave out the words:

*"for a period of at least two consecutive months".*

That, I hope, avoids any ambiguity surrounding the clause.

I thank the Minister and his officials who worked with me, often well out of hours, to help to bring forward today's amendments. It is clear that they are as committed to the successful passage of the Bill as we, the MLAs, are.

We are only a few days away from the prospect of securing Final Stage approval, and I hope that today's amendments help to ease a number of the genuine points of concern that were raised in the debate last week.

**Ms Dillon:** I acknowledge the proposer, the Department and the Minister and their work.

The way in which we have worked together is a testament to the issue. That is really important, and I appreciate that everything that I outlined last week was taken on board. That is a good and positive sign, particularly to the victims and survivors. All those suggestions came from them. It shows that we are very much about the issue in this circumstance and that there is no politicking. No politics are to be made out of the issue or the people. I really appreciate the work that has been done.

Sinn Féin will support amendment No 1 to include engagement with institutions by families, as well as those by women and girls who were interned in the institutions. It is vital that victims and survivors can piece together a wide picture of what happened to them in institutions, why they were there and who knew what was happening.

We tabled amendment No 2, and it had also been tabled by the proposer. That is exactly what happened: the proposer listened to what was said. I appreciate that and thank him for that support. That will tidy up legislation in line with amendment No 4, which will remove subsection 6 of clause 3. I will explain the reason for that when discussing amendment No 4.

Amendment No 3 seeks to remove the provision in clause 3(5) that a child is considered to be separated from its mother only if they were separated for a period of at least two consecutive months. I accept that there was no ill will behind that and that it was well intended. However, I am grateful that the Department accepted that it was unnecessary. Again, I appreciate that and put it on the record.

The time limit did not factor in the reality of the institutions, as children were often fostered out to children's homes for some periods before being returned to the mother-and-baby institution and being adopted. Adoptees deserve to know where they were, with whom and what care they received for any length of time, be it a week, a month or two months. Forced separation of mothers and children has serious impacts on both, and the ongoing denial of that information is a gross violation of their human rights, as recognised by the truth recovery design panel report.

Amendment No 4 seeks to remove clause 3(6) in its entirety. We felt that it was important that the subsection was removed, and I am grateful to the sponsor and the party that co-signed the amendment. The clause states that:

*"Information ... is not relevant information if it is information about accommodation or care provided to the child by a natural parent or relative of the child."*

Again, that had not factored in the reality of the institutions.

The reality is that, in many cases where babies were adopted, they were registered as the natural child of their adoptive parents. That was, of course, illegal and has made tracing the birth parent or adopted child almost impossible in some circumstances.

The issue was recently covered by an RTÉ Investigates documentary, 'Who Am I? The Story of Ireland's Illegal Adoptions'. The documentary included the story of Mary Dolan, a Belfast schoolteacher who found out, at the age of 54, that her parents — the couple listed on her birth certificate — were not her real parents. Instead, Mary's mother was an unmarried woman who gave birth to her in Dublin. Mary was illegally trafficked to and illegally adopted in the North. Like many others, Mary discovered that the date on which she had been celebrating her birthday for all her life was not her real birthday. Mary still does not know who her real family is. She is one of thousands — most likely tens of thousands — of people who have no idea who they really are. Care being provided by a relative of the child should not be grounds for exception, as it does not guarantee that the adopted person knows anything about their birth parents or about their time in the institution. Many children were trafficked overseas to America and Australia. Even if they were with a relative, that does not mean that they are aware of their natural parents.

As I outlined, I appreciate the support from the Bill sponsor, the Department and the Minister. It is very fitting that this is one of the final pieces of legislation that will go through the House. I have been the party spokesperson on victims since 2017. Every single MLA and party from right across the Assembly should take credit for the work that they have done; it is just very sad that we had to do it. It is very sad that people's lives had to be devastated and destroyed by the transgenerational trauma that has been caused to them, to their families and to the many generations that might come behind them. I hope that some of the work that we have done in this place will give some closure, although it is not that I believe that many people will be able to get full closure. I hope that we will at least be able to make those people's journey a little bit easier. I really hope that this makes it just a little bit easier for people to get access to

records and to find out who they are, where they belong and where they came from.

**Mr Deputy Speaker (Mr McGlone):** Can we bring Pam Cameron on to the screens, please?

**Mrs Cameron:** Thank you, Mr Deputy Speaker. Hopefully, this works. I am having a technology malfunction tonight.

Thank you for the opportunity to speak at Consideration Stage of the Preservation of Documents (Historical Institutions) Bill, introduced by my Committee colleague Mr Alan Chambers. I thank Mr Chambers for proposing his private Member's Bill on this important issue. Although we, as an Assembly, plan to race this legislation through in the final hours of the mandate, this is a good example of the appropriate use of a private Member's Bill to plug a legislative gap that arose as we completed the long-awaited Adoption and Children Bill, for which the amendments in relation to the retention of records were ruled out of scope in recent days. Had the Minister's amendments been within the scope of that Bill, we would not have needed this additional legislation, so it is good that we are looking at these important clauses this evening.

We understand that, if the Bill is passed, it will introduce a legal requirement for all relevant record holders to preserve and not destroy any information relating to mother-and-baby institutions and Magdalene laundries. The Bill seeks to deliver a critical recommendation of the independent investigation. The legislation will bring about one of the five main recommendations from the truth recovery design panel's report: to legally secure and preserve all relevant information. That is based on recommendation 4 of the truth recovery design panel, which states:

*"The Truth Recovery Panel recommends immediate action by the Northern Ireland Executive, supported by the Northern Ireland Assembly, to create a statutory requirement on all relevant records holders to preserve and not destroy any information relating to Mother and Baby Institutions, Magdalene Laundries, Workhouses, adoption-related institutions and 'baby homes', and their policies and practices, including personal records. This requirement should extend to all State and non-State institutions and agencies, officials, representatives and professionals that serviced them".*

6.30 pm



It is entirely appropriate that we recognise that the passage of time is a risk to the preservation of these records and that there is an urgency to act now to preserve them in order to ensure that they are not damaged, lost or destroyed. We all witnessed the public apology that was made through our Ministers in the Chamber to people who were hurt and harmed by those institutions. Let us now add a little more to that by processing the Bill at pace.

Amendment No 1, in the name of Mr Chambers and Mr Butler, is to clause 2, page 2, line 9:

*"After 'with' insert 'a relevant institution or with'".*

That change relates to the two conditions that a document must satisfy in order to gain protection under the Bill. Clause 2(3)(c) currently stipulates that a document that is created by or on behalf of someone who has been in contact with a resident of a relevant institution is covered. The amendment extends the scope of clause 2(3)(c) to ensure that anyone who has been in contact with the relevant institution is also covered. That seems appropriate. It provides greater certainty. There may be situations where third parties or other public bodies outside of health or welfare have been in contact with mother-and-baby institutions, and those interactions should be within the Bill's scope.

Amendment Nos 2 and 4 are from the same Members with the support of Ms Dillon. Both relate to clause 3. Amendment No 2 to clause 3, page 2, line 24, is:

*"Leave out ',but this is subject to subsection (6)'",*

and amendment No 4 to clause 3, page 3, line 19, is:

*"Leave out subsection (6)".*

Clause 3(6) states that information is not relevant if care or accommodation was provided to the child by a natural parent or relative of the child. Amendment Nos 2 and 4 remove that exemption. We support the change. The current wording may not reflect that some babies were wrongly registered to adoptive parents as their natural child. It is also not certain that, just because somebody has been living with a birth parent or relative, they have knowledge of their time in an institution or recourse to deal with abuse or treatment in that institution.

Finally, amendment No 3, which is from the UUP and Sinn Féin, seeks to amend clause 3, page 9, line 17:

*"Leave out 'for a period of at least two consecutive months'".*

Under clause 3, information is deemed relevant and therefore protected under the Bill if it relates to any period that is subsequent to the mother's stay in an institution where the mother and child were separated. Clause 3(5) defines separation as situations in which:

*"the child was provided with care and accommodation by a person other than the mother for a period of at least two consecutive months".*

Amendment No 3 removes that minimum period requirement. We recognise that the current proposal has already been reduced from six months in the Adoption and Children Bill, so we want to ensure that we strike the right balance between ensuring that individuals can find out where they were and what care they received and ensuring that well-intentioned care arrangements are not wrongly targeted.

I will finish my contribution to Consideration Stage of this important legislation. After all that the individuals who were involved have suffered, it is vital that we do all that we can to ensure that these documents, which are important not just for legal reasons but for their historical and emotional value, are preserved. My party and I support the Bill and the amendments.

**Ms McLaughlin (The Chairperson of the Committee for The Executive Office):** I will speak on behalf of the Committee for the Executive Office. The private Member's Bill that has been introduced by Alan Chambers is absolutely necessary. Its provisions need to be brought into force as soon as possible. The preservation of documents that contain people's histories, lives and experiences must be an imperative for us all. Victims and survivors have told us that they were not believed, people did not understand what had happened to them, their identities had been taken away from them, and their families had been torn apart. These documents are the proof that what they say happened really happened. They are the link to their identity and the evidence of where they come from. Victims and survivors of those institutions have suffered enough. We owe it to them to do all that we can to preserve these documents. The Bill and the amendments have the full support of the Committee.

I would like to say a few words on behalf of my party. We in the SDLP support the Consideration Stage of the Preservation of Documents (Historical Institutions) Bill. We support all the amendments. We believe that they provide for a tighter Bill, rule out any ambiguity, tidy the Bill up and create good law. It is vital that we do everything that we can to support victims and survivors in their search for the truth. The documents concerned are vital to give individuals back their identity. The SDLP supports the Bill and will welcome its Final Stage at the end of the week.

**Ms Bradshaw:** I support the Bill and the amendments. It bears emphasising that bodies such as the Youth Justice Agency and Compensation Services have been cooperating fully with the Victims' Payments Board on the provision of records as requested. All Crown Court and custodial records that are in the possession of the Youth Justice Agency are marked for permanent preservation.

Bodies such as the Victims' Payments Board do not fall within any Department, and amendment No 1 helps to re-emphasise that the requirement here goes beyond Departments and the Northern Ireland Civil Service. The question that is almost posed by that amendment is whether it needs to go further with reference to records and documents that are held by what would now be called voluntary adoption agencies and perhaps even by the third sector more generally. I wonder whether we need to do more to define "relevant institution" and not just "relevant document" in clause 2. For example, what do we do if an agency has been reinvented or if it no longer exists? Where are its records and what can be done to ensure their preservation?

Furthermore, there is a hint in all the amendments that the legislation is not as extensive as it could be. For example, children in mother-and-baby homes were often transferred over the border, not least in cases where a diocese extended across the border. However, in all likelihood, there will be ongoing limitations to the reassurance that, under clause 1, relevant documents will be preserved where, for example, a child was no longer resident in Northern Ireland.

There remains a fundamental question about the acquisition and subsequent preservation of records from other jurisdictions, which affects children who were born or later resident in Northern Ireland. I also wonder whether we need to go a little further in order to ensure that the Bill encompasses records that have been kept into this century. Three amendments touch

on that point. Amendment No 3 removes the "two consecutive months", as it is recognised that that is inappropriate. Amendment No 4 removes unnecessary specifics, and amendment No 2 is consequential to that. However, have we done enough to amend "the relevant period", which is defined in clause 2(6) and applied in clause 3? To touch on a previous point and to re-emphasise it, I will say that some institutions that accepted children from Northern Ireland were open as recently as 2006.

I want to raise another point that I raised in last week's debate about the establishment of the repository. The Member for North Belfast Carál Ní Chuilín mentioned that there are plans to potentially house that repository in the Public Record Office of Northern Ireland (PRONI). Between last week and this week's debate, some of those who were affected by the mother-and-baby homes contacted me because they were concerned about the full independence of such an arrangement, not least because, if the repository were housed in PRONI, it would be subject to limitations in freedom of information requests, and those can be —

**Ms Ní Chuilín:** Paula, thank you for giving way. To give some reassurance, PRONI is governed by all the ECHR articles, including articles 2 and 8. Once you make a freedom of information request, your file is open for everyone. I introduced a non-FOI route, which is open just to the person making the request, and there is compellability. It is not as though PRONI can decide to withhold documents. If it is going to withhold anything, that would happen only under article 2 redactions. That is all.

**Ms Bradshaw:** I appreciate that being read into the record. There is an unease around government procedures and whether there is full transparency. It is the same with the institutional childhood abuse victims and survivors. A lot of people are watching on with interest to see how we are handling this very sensitive part of their journey.

Questions have been raised about the legislative process. I fully accept that we are a long way from an ideal process. However, we need to be aware that many issues and voices that need to be heard will not be heard as we rush this through over the next week. On balance, the Bill, as it stands, is better than no Bill, but, whether in this or the next mandate, we still have work to do to improve upon it and the other recommendations in the panel's report. We absolutely must not bank this and walk away.

There remain in the Bill, even as amended, serious ongoing issues of document preservation. The most fundamental is how we ensure the preservation of relevant documents even if they are not held within this jurisdiction or by a public body. I urge an incoming Executive Office Committee to take that forward as a matter of the highest priority.

**Mr Swann (The Minister of Health):** I support amendment Nos 1 to 4, tabled by my party colleague Alan Chambers. He has set out their purpose in detail, so I will not rehearse that.

The amendments have come about, as others said, as a result of constructive cross-party input to this important Bill. That serves as further evidence of Members' joint commitment to do everything possible to ensure that the information that would be central and critical to a future inquiry into mother-and-baby institutions, Magdalene laundries and workhouses in Northern Ireland is preserved. Also, as pointed out by Ms Bradshaw during the Second Stage debate, the information that the Bill intends to protect is a vital part of the life story of victims and survivors of those institutions and their relatives. The Bill will ensure that information is available for them to access, as part of the process of establishing their identity and what occurred at that stage of their lives.

Prompted by the Second Stage debate, amendment No 1 expands the definition of "relevant document" at clause 2. That includes communication between individuals and a relevant institution. That will mean that the duty to preserve documents will apply not only to letters between individuals such as parents, medical professionals or clergy and any relevant institutions but will be in addition to communication between those individuals and residents of the institutions that were already covered by clause 2. It is entirely sensible that such sources of potentially useful information should be protected in law. Therefore, I support that amendment. However, having listened to Ms Bradshaw's concerns that it maybe does not go far enough, I look forward to seeing her amendments to clarify something that she does not think is already covered by this amendment or was already in clause 2 on other institutions.

If you take amendment Nos 2 and 4 together, they widen the application of the duty to preserve documents so that all relevant information — including information about accommodation or care — is:

*"provided to the child by a natural parent or relative of the child".*

I am grateful to Linda Dillon for her constructive recommendations on that matter, and the examples that she gave at Second Stage of circumstances where it would not be appropriate to exclude from the scope of the legislation information relating to a child's care or accommodation by a parent or relative. That is why I intend to support amendment Nos 2 and 4.

At Second Stage, Ms Dillon raised a further concern that a child must have been provided with care and accommodation by someone other than their mother for at least two consecutive months. That was in order for the mother and child to be deemed to have been separated for the purposes of clause 3(4)(b). I accept that imbalance. It is appropriate that the minimum two-month period should be removed. Therefore, I support amendment No 4, tabled in the Members' names.

Members will not need reminding of the deep significance of the Bill for victims and survivors of the relevant historical institutions and their families. As I said in the Second Stage debate, the swiftest possible action must be taken to secure the truth, to secure accountability and to secure justice — the justice that they deserve. The amendments will further support those goals.

I am grateful for the continued all-party support for the Bill, and the amendments tabled in the names of my party colleague Mr Alan Chambers and Ms Dillon. I wholeheartedly support those amendments.

**6.45 pm**

**Mr Chambers:** I am very pleased to have tabled the amendments this evening to take account of the concerns that were expressed by Ms Dillon last week. I appreciate her articulation of those concerns.

If ever there was a Bill that gave the House a reason to act in common cause and harmony, this is it. The Bill will help to reveal many hitherto untold truths for many individuals who have been denied that truth to date. It will be a wonderful legacy for the House in this mandate to have produced this legislation, which, hopefully, will offer hope and the prospect of peace of mind to all the victims, who deserve no less. It will also facilitate, in any future inquiry, the uncovering of the many examples of abuse and negative and neglectful treatment of victims whilst they were in care. Victims deserve nothing less than the full truth.

I thank Members for their support and their embracing of the private Member's Bill. I am sure that, as I am, all Members are looking forward to Thursday evening, when we can finally say that the Bill has passed.

*Amendment agreed to.*

*Clause 2, as amended, ordered to stand part of the Bill.*

**Clause 3 (Meaning of "relevant information")**

*Amendment No 2 made:*

In page 2, line 24, leave out ", but this is subject to subsection (6)".— *[Mr Chambers.]*

*Amendment No 3 made:*

In page 3, line 17, leave out "for a period of at least two consecutive months".— *[Mr Chambers.]*

*Amendment No 4 made:*

In page 3, line 19, leave out subsection (6).— *[Mr Chambers.]*

*Clause 3, as amended, ordered to stand part of the Bill.*

*Clauses 4 to 9 ordered to stand part of the Bill.*

*Long title agreed to.*

**Mr Deputy Speaker (Mr McGlone):** That concludes the Consideration Stage of the Preservation of Documents (Historical Institutions) Bill. The Bill stands referred to the Speaker. As the Further Consideration Stage of the Bill is scheduled for Thursday 24 March, the deadline for amendments is tomorrow, Tuesday 22 March, at 12.30 pm.

Members, please take your ease as we move to the next item of business

**Domestic Abuse (Safe Leave) Bill:  
Further Consideration Stage**

**Mr Deputy Speaker (Mr McGlone):** I call Miss Rachel Woods to move the Further Consideration Stage.

*Moved.—[Miss Woods.]*

**Mr Deputy Speaker (Mr McGlone):** As no amendments have been tabled, there is no opportunity to discuss the Domestic Abuse (Safe Leave) Bill today. Members will, of course, be able to have a full debate at Final Stage. The Further Consideration Stage of the Domestic Abuse (Safe Leave) Bill is therefore concluded. The Bill stands referred to the Speaker.

**Hospital Parking Charges Bill:  
Further Consideration Stage**

**Mr Deputy Speaker (Mr McGlone):** I call Miss Aisling Reilly to move the Further Consideration Stage of the Bill. Glaoim ar Aisling Reilly leis an Bhille a mholadh.

*Moved. — [Miss Reilly.]*

**Mr Deputy Speaker (Mr McGlone):** Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There is a single group containing three amendments, which deal with parking charges and commencement.

I remind Members who intend to speak during the debate that they should address all the amendments in the group. Once the debate is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Questions will be put without further debate. If that is clear, we will proceed.

**Clause 1 (Hospitals not to charge for car parking)**

**Mr Deputy Speaker (Mr McGlone):** We now come to the single group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 and 3. Amendment No 3 is consequential to amendment No 1. I call the Minister of Health, Robin Swann, to move formally amendment No 1 and to address the other amendments in the group.

**Mr Swann (The Minister of Health):** I beg to move amendment No 1: Leave out clause 1 and insert—

**"Ban on charging for hospital parking**

*1.—(1) No person may impose or recover a monetary charge with respect to the parking of a vehicle in a car park at a hospital by someone*

who is attending the hospital in a relevant capacity as follows—

(a) for the purpose of—

(i) work or employment at the hospital, or

(ii) providing services at the hospital,

(b) as a patient of the hospital, or

(c) as a visitor to the hospital.

(2) For avoidance of doubt—

(a) a person is not to be regarded as attending a hospital as a visitor merely because the person parks a vehicle in a car park at the hospital, but

(b) a person is to be regarded as attending a hospital as a visitor if the person parks a vehicle in a car park at the hospital in connection with providing transport to or from the hospital for someone else who is attending the hospital in a relevant capacity (whether as a visitor or otherwise).

(3) In this section—

(a) the references to a hospital are to a hospital—

(i) within the meaning given by Article 2 of the Health and Personal Social Services (Northern Ireland) Order 1972, and

(ii) for which a Health and Social Care Trust has responsibility,

(b) the references to a car park at a hospital are to a car park or parking area which is part of the premises or facilities of the hospital and made available for use by people who have reason to attend the hospital in a relevant capacity,

(c) the references to parking in a car park are to parking in the car park in accordance with whatever reasonable conditions (including restrictions) apply in relation to the parking of vehicles in the car park.— [Mr Swann (The Minister of Health).]

The following amendments stood on the Marshalled List:

No 2: In clause 2, page 2, line 2, leave out "6 months" and insert "2 years".— [Mr Swann (The Minister of Health).]

No 3: In the long title, leave out "by Health and Social Care hospitals of charges for car parking; and for connected purposes" and insert—

"of charges for parking vehicles in hospital car parks".— [Mr Swann (The Minister of Health).]

**Mr Swann:** I am pleased to be here to debate this very important issue. I start by commending the sponsor of the Hospital Parking Charges Bill, Miss Reilly, for her work on the Bill to date. I also commend members of the Health Committee for their commitment to scrutinising and progressing the Bill.

Having worked closely with the Office of the Legislative Counsel (OLC), my proposed amendment to clause 1 is to provide technical refinement and improvement while continuing to place a duty on the Department of Health and on health and social care trusts not to charge for car parking. The amendment to clause 1 has been designed solely to ensure that the prohibition, with all the necessary details included, works properly in practice once the Bill's provisions are commenced.

The advice from the Office of the Legislative Counsel is that the fuller details surrounding the prohibition do benefit from adjustment so as to ensure that the prohibition is delivered in the best way possible for the sake of giving the Bill all the necessary legal and practical certainty. The prohibition can be stated in free-standing text in the Bill without inserting the text into the existing legislation, and that has the benefit of letting the Bill do the whole job by itself and without causing the readers of legislation to refer to different legislation once the Bill is enacted. The prohibition can be stated without referring to the underlying mechanisms by which charges could otherwise be imposed, be that by health and social care trusts themselves or through third-party arrangements. Subsection (1) of the proposed new clause 1 gets straight to the prohibition so as to cover, in fairly neat terms, everything that is done by paragraphs (1) to (3) of proposed new article 3A in the existing clause 1.

The result of amending clause 1 is that, just as in the existing clause 1, no one can charge for parking of vehicles by workers, patients and visitors at hospitals.

Workers, patients and visitors to hospitals are still mentioned expressly, but there is a better focus on who those people are. For example, the reference to workers is expanded to clarify that all relevant workers of different kinds are

covered, including where described as employees or service providers. The reference to visitors is embellished to ensure that only bona fide visitors are covered, but also making sure that those people who are dropping off or picking up workers, patients or visitors are similarly covered, just as actual visitors are.

Again, "hospitals" as a type of institution needed to be defined. That is done by adopting a definition that is recognised in the Health and Personal Social Services (Northern Ireland) Order 1972, which is cited. That ensures that the references to hospitals are to be taken fairly widely for the purposes of making sure to catch wider facilities than just those for inpatient treatment. Hospitals where the prohibition applies are, of course, to be our National Health Service hospitals, and that is achieved by referring in the definition of "hospitals" to those under the responsibility of health and social care trusts. Some useful narrative is added for ease of understanding, by reference to hospital premises, as to what hospital car parks are and what sort of parking in hospital car parks is legitimate in context. That is when attending hospitals for relevant reasons as workers, patients or visitors, for example.

New article 3A(4), proposed in the existing clause 1, has not been included in my amended clause 1 because the Bill is purely about the prohibition of charging, so the availability of parking capacity is something that lies, and is for due consideration, outside the strict confines of the Bill. Therefore, the prohibition of parking charges is not to be taken by a health and social care trust as the basis for reducing the amount of parking space to be provided at a hospital for the benefit of people who have reason to attend the hospital in a relevant capacity, but it should not limit the ability of the trusts to determine, from time to time, in light of all relevant factors, what represents the appropriate amount of parking space to be provided at a hospital for the benefit of such people. It is hoped, with real-life end users of the Bill in mind, that the new clause 1 will be simpler to follow on its own terms and in ordinary language.

The amendments to clause 2 relate to the commencement date. Following consultation with the health and social care trusts, I am proposing an amendment to the commencement date of the Bill which will extend the length of time available to the Department and the health and social care trusts to implement clause 1 of the Bill. I am proposing that the Act come into operation at the end of a 24-month period following Royal Assent. Clause 2 currently states that:

*"This Act comes into operation at the end of the period of 6 months beginning with the day on which it receives Royal Assent."*

Proper consideration needs to be given to what alternative arrangements need to be put in place to manage and control spaces in hospital car parks, should the charges be abolished through the Bill. Alternative parking management solutions will need to be carefully researched to establish how effective they would be at controlling the management of spaces, congestion and the cost implications. At present, there is not enough space to provide free parking for everyone, particularly at sites where space is limited, so sufficient time is required to put in place any necessary provisions to deal with capacity. Our health and social care trusts remain concerned that, if the Bill is enacted, the time frame currently proposed is insufficient for a carefully considered plan to address capacity issues.

It has always been the primary objective of the health and social care trusts to ensure that persons invited or in need of their services can safely access our sites with minimal delay. Should the legal requirements simply require that hospital parking be free, the only means to deliver that objective within the current stipulated time frame will be to open the barriers without any capacity controls. That will inevitably lead to operational issues and access concerns.

An extended implementation period will allow our health and social care trusts, in partnership with my Department, to regionally agree and finalise a new policy to direct and drive consistency across all hospital sites. That will also enable staff, patient and visitor involvement, and collaboration with other related Departments on infrastructure, public transport solutions and climate change commitments.

Our health and social care trusts will also need to identify how best to facilitate access to car parks for patients and their relatives, while preventing parking by staff or others for whom the facilities are not intended. That solution will need to be applied to all sites where the demand for car parking exceeds the number of available spaces.

#### **7.00 pm**

The solution will need to take account of the urgent nature of many attendances and the capacity of all motorists to engage with the necessary technology. That will require research and scoping; an equality assessment;

consultation with all stakeholders; preparation of a business case and securing the necessary funding; a procurement exercise; a programme of installation for the infrastructure across all sites; recruitment of personnel as necessary for each site to operate the verification arrangements; implementation of any new systems; and awareness raising of the new arrangements followed by a period of monitoring and modification as necessary. An enforcement process to clamp vehicles that are parked on site and not registered will also need to be developed.

The Belfast Trust has advised that, once parking charges are abolished, due to the current capacity issues, it would still need to apply a form of access control to ensure that car parking is available for service users when needed and for those staff who are not able to avail themselves of alternative travel options. That will require the full implementation of new staff car parking access criteria across all sites where car parking charges currently apply to staff. It is estimated that that could take up to around nine months for full implementation.

Anything less than a two-year implementation time would most certainly cause major disruption to the running of hospital car parking sites, which would have a real detrimental impact on service delivery on those sites. My Department previously outlined potential areas for further clarification and discussion prior to the implementation of the Bill. Significantly, the Department is already facing a substantial funding gap in its future years' financial position, and, given existing financial commitments, the Department will need to identify funding to absorb the loss of revenue from the abolition of car parking charges. At present, there is also not sufficient space to provide free car parking for everyone, and that is particularly the case at sites where spaces are limited. Implementing free car parking provision prior to giving the matter due consideration may have unintended consequences.

An extended implementation time frame would allow my Department to prepare for a reduction in income, to identify any as yet unidentified costs associated with the passage of the Bill and to identify other spending that may need to be stopped in order to make the abolition of parking charges affordable. In addition, given the current COVID-19 pressures on the Department and trusts and severely stretched and under-resourced staffing levels, the staffing resources are currently not available to ensure the full implementation of a new car parking policy within six months.

Amendment No 3 amends the long title. The change to the long title is merely technical in order to reflect the restating of the provisions to reach the result that is wanted. Currently, the long title states that it is a Bill to:

*"Prohibit the imposition by Health and Social Care hospitals of charges for car parking; and for connected purposes."*

Amendment No 3 will:

*"Leave out 'by Health and Social Care hospitals of charges for car parking; and for connected purposes' and insert 'of charges for parking vehicles in hospital car parks'."*

Therefore, the long title will read:

*"Prohibit the imposition of charges for parking vehicles in hospital car parks."*

I commend the amendments to the Assembly.

**Ms Kimmins:** I want to start off by thanking my colleague Aisling Reilly for bringing this really important Bill to the Assembly. I am delighted that it has got to this stage, and that is definitely due to the hard work that she and her predecessor Fra McCann committed to it.

It is long overdue that action has been taken with regard to hospital parking charges. As elected reps and as members of the community, we know the impacts of those charges and how they can take a real toll on patients and their families alike and particularly on staff in the context of the rising cost of living, almost daily at this stage. We should be doing all that we can to reduce costs, particularly those that arise for those who are travelling to work and going about their job. It is important that we look at that in the current context.

In my constituency, particularly at Daisy Hill Hospital, we have seen the importance of having safe and secure parking for staff. There is a safety element to it. In recent weeks — as recently as 31 January — there was an incident where a doctor was going on shift to Daisy Hill Hospital and was mugged at her car because she had parked on the road outside the hospital.

She was attacked on her way to work, where she saves and protects the lives of others. There was no free parking near the hospital that she could avail herself of for that long period, and she was attacked as a result. It is important to note that context for staff, and that incident sent shock waves through the community.

It has also left staff, many of whom have been in contact with me, feeling very vulnerable and fearful that, if they do not use the paid facilities, for which they incur huge daily costs, they are at risk of something similar happening to them. While there is free parking in the area near Daisy Hill Hospital, it still means that those who are going on shift at times when it is quieter, whether early in the morning, as it is for many of them, or very late at night, feel totally vulnerable and more at risk at those times. If we are successful in passing the Bill, it would be hugely welcomed by the staff in Daisy Hill Hospital; I know that for a fact.

Similarly, in recent weeks, a number of staff from Daisy Hill Hospital had their cars clamped because they were not able to get parked. They had to park where they could, and they ended up getting clamped, whether that was for staying over their time or parking somewhere that they should not have parked. I do not condone that, but it emphasises the need for staff to be able to access proper parking. For those reasons alone, it is important that we look after the welfare of staff, help to ensure that they are not experiencing increased costs at what is already a difficult time and do all that we can to acknowledge and emphasise their daily hard work to look after all of us, protect the lives of others and provide an invaluable service that we could not do without. We repeatedly talk about how grateful we are for the work that our front-line workers do, particularly as we have come out of COVID. This is one way in which we can show our appreciation of that in the longer term and acknowledge the work that they have done.

Similarly, the removal of parking charges will be beneficial to patients, particularly those who attend hospital regularly. We talk about cancer patients, dialysis patients and all those patients. I know from my family experience the toll that it can have when patients are required to attend hospital for full days and things like that. That can have such an impact on the household income, particularly when the household may already be experiencing reduced income owing to the impact of a person's illness on their ability to carry out their employment and on other family members who accompany them to appointments and provide important support. When we look at it in that context, it is something that we really need to think about.

I reiterate my support for the Bill and welcome the support of others. Hopefully, we can get the Bill through to its Final Stage fairly quickly.

**Mrs Erskine:** There is not a person in the Chamber who would not agree that the removal

of car parking charges for patients and, in particular, our front-line healthcare staff is the right thing to do and that we should be looking at that. I support the amendments. However, I want to put on record some of my difficulties and concerns with the Bill. I am grateful to the Minister for his amendments, which make clear who will benefit from free car parking.

Income from parking charges pays for maintenance, lighting, security, resurfacing, parking enforcement, secure bike storage and showers as well as contributing to patient care. It has been stated that, in 2018-19, hospital car parks generated £7.5 million from charges, but the cost of operating the car parks was £8.8 million. That is a deficit of £1.3 million. My understanding is that that deficit is charged to the health and social care trusts. Therefore, it is money that cannot be generated and put into patient care. To absorb the costs of car parking and maintenance for such car parks could strip vital moneys out of our already bruised health service. It would be good to know what that might mean for our health budget and our health service going forward.

When we look at the transport issue for patients and the workforce in my area of Fermanagh and South Tyrone, we see that the option of getting a bus to the hospital is simply non-existent, and people must therefore travel to the hospital via car or taxi, whether they are a patient, visitor or staff member. Therefore, to help with prioritising sustainable travel in the face of climate change, I would like the Department to engage with the Department for Infrastructure to ensure better transport provision to our hospital sites. That will help with our health transformation as well. For me, that is important, and it will help to end the postcode lottery in my area.

In 2008, the Scottish Government abolished car parking charges at NHS hospitals. However, that decision did not extend to three hospitals operating under a PFI scheme. In 2021, the Scottish Government then purchased the three car parks at PFI sites at a cost of £35 million to ensure free car parking. Given the timescales, have we been able to scope out what the cost might be for any PFI sites in Northern Ireland?

The capacity issue at hospital car parks, which the Minister raised as well, is a concern. My fear is that hospital sites could easily become glorified park-and-ride facilities. However, amendment No 1 from the Health Department goes some way towards dealing with that, as it clarifies who will be able to avail themselves of free car parking and who is a visitor.



It is crucial that we deal with capacity issues, because access, especially for emergency services vehicles, is vital. When you look at areas that are congested with cars, you see how dangerous that is for ambulances trying to get seriously ill patients to the accident and emergency department. Every minute counts, not least for patients who are trying to access appointments. Patients may miss appointments as a result of capacity and space issues in car parks. That is an unintended consequence of free car parking for all. Missed appointments, as the Minister will know, come at a colossal cost to our health service.

We all agree that —

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

**Mrs Erskine:** Yes. Of course.

**Mr Gildernew:** Those capacity issues certainly exist. However, they are not the fault of the staff, and they should not be dealt with by placing an extra cost on staff.

**Mrs Erskine:** Absolutely. I fundamentally agree with what the Member said. I do not think that that is the staff's problem, and I will come to that later. Certainly, we have to look at it in the round. There are capacity issues that need to be dealt with. We all agree that a root-and-branch review of car parking charges at hospitals in Northern Ireland is needed so that people are not disadvantaged in any way. We accept that different trusts have different policies.

At this point, I thank the Bill sponsor for her engagement with the Committee. During evidence sessions, we heard from the sponsor about technology used in other places, such as automatic number plate recognition, that would help to rectify some of the issues that we discussed. However, I point out again that that has not been without its challenges elsewhere. I question whether it would suit a growing ageing population. In the case of pre-booking slots, would people properly engage with the system? Is there also a need for the Department or trusts to provide significant capital investment to implement wider use of that technology? Capital investment is in short supply, given that we need it to plug gaps in our front-line services.

It may seem as though I spoke very negatively about the Bill, but those concerns need to be put on the record. Of most importance to me is that free parking at hospital sites will remove an

unfair burden on our wonderful NHS staff and very ill patients.

Those staff should not have to pay for parking, and it is unfair that they are expected to do so, particularly at those times when they come in to fill gaps in the workforce, sometimes at short notice. I also remind the House that we should continue to tell very ill patients that they can benefit from reimbursement schemes for the cost of getting to hospital settings. We must ensure that people know about those schemes and that they reach those who need them. I agree that staff and those who are extremely ill should not face the burden of paying what is classed as an additional tax.

**7.15 pm**

I will outline briefly why my party and I will support the Minister's amendments. Amendment No 1 is a genuine and well-intentioned attempt to mitigate unintended consequences. However, as I outlined, my concern is that it remains to be seen whether the proposal would be challenging to enforce, particularly given that any system for checking staff ID, appointment letters or registrations would be resource-intensive. There could also be lost receipts and things like that. We support the amendment, but it would be helpful if the Minister elaborated on how the principle behind it would be operationalised.

My party will also support amendment No 2, which increases the lead time from six months to two years. That will give trusts greater flexibility to plan, to mitigate the risks of any new system and, potentially, to look at options for enhancing parking provision, which will inevitably be needed. It would be interesting to know whether the two-year lead-in time is in part influenced by the duration of contractual obligations for current private parking or whether it is for dealing with capacity issues; it could be both. We will support amendment No 3, as it reflects the changes ushered in by amendment Nos 1 and 2.

I hope that that sets out not only my concerns but my overall support for the Bill and its intentions. I sincerely hope that, in practice, it will work for our hospital sites and for the betterment of all.

**Mr McNulty:** In the last month, there has been what I can only describe as pandemonium at Daisy Hill Hospital. A private contractor came in and started clamping cars. The cars of nurses, doctors, porters and hospital staff were clamped. It was a complete slap in the face for

our front-line health workers, who have been pushed to the limit throughout the pandemic. On that day, a community mental health nurse who had patients to visit had her car clamped and was unable to get the clamp removed even by police, who had no powers of enforcement. People's lives were literally put at risk as a consequence. I am not saying for a second that that lady was not parked responsibly, but responsible car parking will still be important. Parking helter-skelter cannot be allowed because of the implications for emergency vehicles and for patients.

In another incident at Daisy Hill, a member of a medical team was attacked as she tried to enter her car. That was a very frightening incident for that lady and her colleagues, who felt fearful about having to travel a long distance to get to their vehicle. The Bill has a huge safety implication too, so I welcome the opportunity to speak in the debate on the Further Consideration Stage of the Hospital Parking Charges Bill.

The amendments that the Minister of Health has tabled are a positive development in the Bill's progression. We in the SDLP have supported the Bill vociferously since it was introduced. We believe in the spirit of the Bill and that its delivery will assist many in our community as we continue through the cost-of-living crisis. The amendments help to clarify matters that were of contention for the Department, and they are a fair compromise.

One important point in amendment No 1 is the inclusion of clause 1(2), which clearly details that a person is not defined as a "visitor" simply because they park in a hospital car park; rather, they must have a clearly defined purpose for being in that hospital, such as providing a service for the hospital, being a patient of the hospital or visiting a patient. That is to be welcomed. It shows clearly that consensus is possible in this place, and it ultimately makes for better legislation.

We in the SDLP will support amendment Nos 1, 2 and 3 and will continue our support for the Bill.

**Mr Chambers:** Amendment No 1 meets the good intent of the Bill by excluding many groups, particularly staff, from having to pay a charge to park at hospitals. It also goes some way to helping to avoid abuse of the system.

On amendment No 2, during the Bill's journey through the Health Committee, I expressed concerns about the six-month period for coming into operation after Royal Assent being too tight

and that such a short lead-in time could lead to chaos. We were told that the system of number plate recognition that has been deployed in some Scottish hospitals would be a helpful and useful logistical process to use at our hospitals, but we have since learned from a research paper that a lot of problems are being experienced in Scotland and other locations where that system of number plate recognition has been deployed. Given the current state of the world, we could see delays in producing mechanical controls. They may have to be manufactured bespoke for each entrance at each site. There is no doubt that materials will be in short supply throughout the world over the coming months, given the situation in Ukraine.

The Minister mentioned the budget. That is one of the consequences of bringing in the Bill over six months, which is such a short period. Given the budgetary difficulties that the Assembly is experiencing, the next six months may not be the time to impose such a dent in the Department of Health's budget. We need to take account of that issue.

The amendments are certainly not designed to undermine the worthy Bill; they are designed to make it more deliverable and fit for purpose from day 1. The Ulster Unionist Party supports all of the amendments, but we also fully support the good intentions that the Bill brings to the House.

**Ms Bradshaw:** I support the Bill and all of the amendments from the Minister. We were not able to debate fully at Consideration Stage the issues that amendment No 2 addresses, but I had long thought that we needed to review the commencement date. Had we left it at six months or even reduced that period, it would have caused foreseeable detrimental impacts.

Fundamentally, the Bill's objectives are sound, and I commend the original and current proposers for pursuing its key principle. However, the Bill in its original form was not the best possible legislation to achieve its stated objectives. There were obvious consequences that would have meant that the outworking of the Bill would have been different from what was clearly intended on parking; in fact, it would have made things more difficult for some.

For the sake of brief clarification, we should be clear that we heard in Committee and from other research that free car parking is definitely deliverable. It has, after all, been delivered in Scotland and Wales. However, it was also made clear in evidence given to the Committee that the process of delivering it is not always smooth. Difficulties have applied, particularly in

urban areas near city centres. We could never have claimed that those difficulties were unforeseeable had they happened here.

A particular risk was the unintended consequence of hospital parking simply ceasing to be available for those who need it. Let us be clear: that is what this is all about.

The Minister was correct in his contention that the only way to deliver free hospital parking on the day after Royal Assent or even within six months of it would be simply to lift the barriers. There would be absolutely nothing in the Bill, as originally drafted, to stop someone parking in the City Hospital in my constituency to go to work, to shop on the Lisburn Road or to take part in another pursuit that had nothing to do with accessing healthcare and avoid car parking charges elsewhere. That would simply see hospital car parking crammed full early in the day by people with no connection to the hospital. That would be a clear detriment to Health and Social Care (HSC) staff, patients and visitors, who have good reason to be there at particular times but would then, potentially, face long waits just to get parked.

Nevertheless, we need to be clear that other parts of the UK abolished car parking charges seven years ago. We need to send a clear message that the wait in Northern Ireland has to end. The Department and the health trusts have had those years to prepare. They even had the clear indication during the pandemic that free parking for staff should be deliverable. That is why I do not want to walk away from this mandate without legislation that delivers free parking as a bare minimum for HSC staff and regular visitors to hospital. The Bill, if amended, will deliver that.

Alongside amendment No 2, amendment No 1 is about accomplishing the optimum balance where free car parking is assured in law and where reasonable time and clarity are given for arrangements to make it a reality without those unintended consequences. We also need to consider contractual obligations around car parking that have already been entered into, because the last thing that we want is for part of our health budget to be taken up, over the next year, by money being given to contractors for services that are no longer required or, indeed, even permitted. Amendment No 1 provides useful additional clarity about what constitutes a legitimate user of the hospital's parking facilities, and amendment No 3 is, of course, consequential to the other two.

I will make one other point in conclusion. The amendments also help to avoid another

potential unintended consequence of the Bill that might have led to people parking in hospital car parks, particularly those in and around Belfast, when they did not need to use their car at all. Potentially at least, therefore, the amendments also make the Bill more environmentally sound. In future, we need to proof legislation and amendments for that type of issue.

I welcome the Minister's intervention in tabling his amendments with clear detail about how they will deliver the Bill so that it will do what it was always supposed to do: deliver parking for HSC staff and patients.

**Mr Delargy:** I will keep my contribution quick. I begin by thanking my colleague Aisling Reilly and her predecessor Fra McCann for bringing the Bill before the House. I think that the House is united in seeing it as important legislation that will make a real impact on the lives of everyone across our society, particularly the front-line workers who have done so much always but especially in the past two years.

Aisling has talked a lot about the issue being important in her constituency. It is also important in my constituency and, as I mentioned, for people across the North. There are so many people in Derry and, indeed, across the North who travel regularly for healthcare. This is a way to take some of that burden off them. There is financial pressure, but there is also the worry about getting parked and arriving on time for their appointments. This will help to alleviate some of that burden.

One other really strong point about the Bill for me is, as some of my colleagues have mentioned, the cost of living and really putting money back into the pockets of workers and families. It is about making a substantial difference to front-line workers, including porters, cleaners, nurses, doctors and all of those who work in our health and social care system in our hospitals. I am proud to support the Bill, and I hope that others in the Chamber will do so.

**Mr Deputy Speaker (Mr McGlone):** *[Irish text to be inserted.]* I call the sponsor of the Bill, Aisling Reilly.

**Miss Reilly:** I welcome the opportunity to speak to my private Member's Bill, the Hospital Parking Charges Bill, at Further Consideration Stage. The Bill is about abolishing hospital car parking charges for Health and Social Care workers, patients and their families. Parking charges have for too long been an unfair tax on

front-line health workers, who have been holding our health service together.

### 7.30 pm

Patients should not be penalised for their ill health when accessing vital hospital services, and this Bill, as Pádraig said, will put money back into patients' and workers' pockets. At a time when the cost of living is ever-increasing and our health workers are under ever-increasing pressure, the Bill can and will make a real difference. It will remove that unfair additional tax on health and social care workers and any additional financial burden placed on workers, patients and their families whilst accessing hospital services as a result of incurring hospital parking charges.

The ethos of the National Health Service is that healthcare is free at the point of delivery, based on need and not on the ability to pay, yet, at the very first point of access, staff, patients and their loved ones are faced with a financial barrier. I am pleased to hear that the Minister supports the intent of the Bill. I have worked closely with his Department over the past number of weeks and months, and I thank him and his officials for the continuous open door and open dialogue throughout the process. I also thank the Health Committee for its scrutiny of and work on the Bill over the past number of months. We are legislators, and we want to make legislation that impacts on people's lives for the better. That is exactly what this Bill is intended to do.

The Committee heard from a range of groups, such as the Royal College of Nursing, allied health professionals, various health unions and Marie Curie. It received further written submissions from groups that were all in full support of the Bill. I also met Macmillan, Unite, UNISON and the Rural Women's Network, all of which expressed their full support for the Bill. I thank each and every one of those groups for taking the time to meet me, to write or to give oral evidence to the Committee. Some of the evidence that we heard came from allied health professionals representing 13 medical professional groups, ranging from physiotherapists to radiographers and occupational therapists. They explained that the exorbitant cost of making multiple site visits throughout each working day to various hospitals really hit them hard in the pocket. Marie Curie told us that hospital parking charges impose financial pressures on terminally ill patients and their carers, families and loved ones. Those pressures are worsened by the frequency with which many patients have to attend hospital. Indeed, some carers even

told us that they are unable to visit a sick family member owing to the costs imposed. We all know that a bit of TLC from close friends and family is important for any patient's recovery process. Patients with motor neurone disease said that hospital car parking charges are in the top 10 most expensive regular costs that they face monthly.

Workers feel that they are bearing the brunt and subsidising the health system, which has been under-resourced for years. We heard from workers who are paying up to £60 a week on hospital car parking. How can that be fair? Unions report that, during exit interviews, car parking charges are often raised as a reason that staff are leaving the health and social care sector, and we all agree that the retention of staff is critical. At a time when there are significant workforce shortages, we must create conditions that make the sector more attractive for workers. We must recruit and retain and take action to make hospital and healthcare centres places in which people want to work.

Many of our health and social care workers are amongst the lowest paid in our workforce, working long hours, sometimes in the most stressful environments. During the pandemic, we saw at first hand the sacrifices and endurance of our health and social care workers. Our passage through the pandemic might have been a lot worse were it not for the sacrifices of those workers. Instinctively, we all knew that when we were applauding them on a Thursday night, but applause simply is not enough.

Again, I welcome the cooperation of the Minister and his Department, and we will support the Minister's amendments today. I recognise that the amendments will ensure that the Department can work, practically, to undertake the changes that scrapping hospital parking charges will bring and put the necessary systems in place. I also recognise that the amendments will clarify some of the concerns raised at Committee Stage by some members. We are not reinventing the wheel with this legislation. It has been done in other jurisdictions, as some have said, and legislation is currently going through Westminster. We must learn the lessons from other jurisdictions, particularly Scotland and Wales, about how they were able to introduce and operate free hospital car parking for workers and patients.

I will finish with a quick comment. Illness is neither an indulgence for which people must pay nor an offence for which people should be penalised but a misfortune, the cost of which should be shared by society.

**Mr Deputy Speaker (Mr McGlone):** I call the Minister of Health to make his winding-up speech.

**Mr Swann:** I thank Members for their contributions. Again, I put on record my thanks to Miss Reilly for her engagement and the open door that she referenced in the interaction between my departmental officials and her, as the Bill sponsor. I also thank, of course, her predecessor, Fra McCann, for introducing the Bill. It is clear just how many important issues the Bill touches on. Those issues have been raised again today at Further Consideration Stage, just as they were raised at earlier stages. How important it is that we get this legislation right. What we are talking about today will impact on the lives of staff, patients and visitors.

Everyone knows that attending hospital can be very stressful. There is a concern that, if parking becomes unrestricted, spaces will be filled in the morning, and that this will only add to the anxiety of a hospital visit. I know from personal experience of trying to get a car parking space at the Royal Belfast Hospital for Sick Children that, as you enter the car park, you see a sign that says, "If you are delayed for your appointment, ring this number", because that is already such a regular occurrence. That is why we tabled the amendment that provides for an extension of two years to get procedures and things in place to make sure that this actually works as intended.

A number of Members referred to working with the Department for Infrastructure and to public transport solutions to make sure that, as we enact this Bill, we recognise the climate change commitments made by Members and parties in other pieces of legislation to make sure that everything works together. Proper consideration needs to be given to the alternative arrangements that would be put in place at each site, because each site will have its own challenges and opportunities to manage and control spaces in hospital car parks, should car parking charges be abolished via the Bill. The House will remember that my amendments at Consideration Stage were not accepted in full, and that was why I did not move those that were. The comments by all parties indicating support for the amendments that I have tabled at Further Consideration Stage are welcome.

Should the legislation be enacted, my Department will be duty-bound and legally required to comply with any changes. It will work with health and social care trusts to implement the changes directed by the Bill. I commend the amendments in my name.

*Amendment agreed to.*

### **Clause 2 (Commencement)**

*Amendment No 2 made:*

In page 2, line 2, leave out "6 months" and insert "2 years".— [*Mr Swann (The Minister of Health).*]

### **Long Title**

*Amendment No 3 made:*

Leave out "by Health and Social Care hospitals of charges for car parking; and for connected purposes" and insert—

*"of charges for parking vehicles in hospital car parks".— [Mr Swann (The Minister of Health).]*

**Mr Deputy Speaker (Mr McGlone):** That concludes the Further Consideration Stage of the Hospital Parking Charges Bill. The Bill stands referred to the Speaker. I ask Members to take their ease while we move to the next item of business.

### **Fair Employment (School Teachers) Bill: Further Consideration Stage**

**Mr Deputy Speaker (Mr McGlone):** I call Mr Chris Lyttle to move the Further Consideration Stage.

*Moved. — [Mr Lyttle.]*

**Mr Deputy Speaker (Mr McGlone):** Members will have a copy of the Marshalled List of amendments detailing the order for consideration. Amendments are grouped for debate in the provisional grouping of amendments selected list. There is a single group with one amendment, which deals with commencement. I remind Members that, once the debate on the group is completed, the Question on the amendment will be put. If that is clear, we will proceed.

### **Clause 3 (Commencement)**

**Mr Deputy Speaker (Mr McGlone):** We now come to the single group with one amendment for debate.

**Mr Lyttle:** I beg to move amendment No 1: Leave out clause 3 and insert—

### **"Commencement**

**3.—(1)** *The preceding provisions of this Act come into operation on such day as the Executive Office may by order appoint (but this is subject to subsection (2)).*

*(2) Those provisions come into operation at the end of the period of 2 years beginning with the day of Royal Assent if by the end of that period no order has been made under subsection (1) bringing them into operation.*

*(3) An order under subsection (1) may include such transitional, transitory or saving provision as the Executive Office considers appropriate."*

**Mr Lyttle:** I thank the House for its forbearance today. It has been a long day. Hopefully, this will be a straightforward session.

I welcome the progress of the Fair Employment (School Teachers) Bill to Further Consideration Stage. Amendment No 1 amounts to a few minor, non-substantive, stylistic changes to the existing language and substance of clause 3, further to amendment at Consideration Stage, which relates to the commencement of the provisions of the Fair Employment (School Teachers) Bill.

The single amendment — as, indeed, is the Fair Employment (School Teachers) Bill — is the product of hard work and cooperation from me, the Executive Office Committee, the Department of Education and the Assembly, and, as such, it commands cross-party support. I, therefore, commend the amendment to the Assembly for approval. I hope that we can move the Fair Employment (School Teachers) Bill to the Final Stage on Thursday and deliver fair employment for all teachers before the end of the Assembly mandate.

**Ms McLaughlin (The Chairperson of the Committee for The Executive Office):** On behalf of the Committee for the Executive Office, I thank the Bill sponsor, Chris Lyttle, for his persistence. He was not prepared to give up on the Bill at all. The Committee supports him in that ask.

Reflecting on the evidence that the Committee received from ordinary teachers and other members of the public, we know that removing the exception is the right thing to do. The evidence said that the exception had passed its sell-by date, is an anachronism, is grossly discriminatory and is totally unnecessary in this day and age; that it is barbaric to select

teachers on the basis of religion; and that this is 2022 — need I say more?

The Bill has also sparked a number of related debates. At Consideration Stage, the question of the certificate of religious education was raised. Again, one of the respondents —

**Mr Deputy Speaker (Mr McGlone):** Sorry. I remind the Member that we are just discussing the amendment.

**Ms McLaughlin:** Yes. I am coming to that. OK. I will —

**Mr Deputy Speaker (Mr McGlone):** You had better come to it rapidly. *[Laughter.]*

**Ms McLaughlin:** At Consideration Stage, the question of the certificate of religious education was raised. One of the respondents to the Committee's call for views gave an answer to that, saying that Catholic schools did not employ teachers on the basis of religion. They require teachers to have a qualification that is open to people of all faiths and none.

### **7.45 pm**

These are all questions to be discussed and considered in the two-year transition period between the Bill coming into law and the provisions coming into force. In Committee, we were happy to support the Bill and the technical amendment, which does not detract in any way from the amendment recommended at Committee Stage and moved at Consideration Stage.

I will add a few words on behalf of my party. The SDLP supports the technical amendment and looks forward to the Bill reaching its Final Stage.

Thank you for your patience, Mr Deputy Speaker.

**Mr Sheehan:** I welcome the opportunity to speak in the debate. I commend the Bill sponsor, Chris Lyttle, and my fellow members on the Executive Office Committee for ensuring that the Bill was, let us say, hurried through, but that is not a bad thing in the circumstances.

As the Bill sponsor has pointed out, the amendment is stylistic in nature. It is a tidying-up amendment, and Sinn Féin has supported the Bill through its passage so far. We support the inclusion of the amendment. Sin a bhfuil uaim. That is all from me.

**Mr Harvey:** I am grateful for the opportunity to speak on the amendment. As was noted at Consideration Stage, my party and I continue to support the passage of the Bill. The 24 months will be useful to provide schools with the time to prepare for the introduction of the legislation. It will also allow for positive conversations with stakeholders. It is worth noting the consensus generated across all political parties for the extension of the implementation time.

**Mr McNulty:** I thank the Bill sponsor, Chris Lyttle, for introducing the Bill. He has been persistent and determined to get this over the line. He deserves enormous credit for that. I also know that this is one of your last sitting days, Chris, so I wish you well. We have worked well together in Committee, and you have been a very good, balanced and fair Committee Chair. I thank you for your efforts in that regard.

I believe that there is now and always will be a place for faith in the education system. However, I also believe that to discriminate against someone or prevent them from getting a job in a school or, indeed, any place of work based on that person's religious belief is wrong. As I have said previously at the Education Committee, I cannot believe that such legislation is still on the statute book. It is outdated and should be removed.

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

I want to build a fairer, better and more equal society, one that shares and provides opportunity for everyone who calls this place home. I want to build a society that embraces those of Christian faith, other faiths and those of no faith at all, with an education system that, at its core, promotes equality and nourishes ambition and opportunity. We must lead by example. The exemption of teachers and schools from the FETO legislation has passed its sell-by date.

I support the Bill as amended and look forward to its passing Final Stage.

**Ms Armstrong:** On behalf of the Alliance Party, I support the Fair Employment (School Teachers) Bill. I would need to do that because I have co-signed the amendment.

The Bill sponsor has said that the amendment is a non-substantive stylistic change to clause 3. It tidies up the clause, and there is not too much more to say about that, other than it has cross-party support. If the amendment is agreed today, by the end of this week, rather

than continuing to allow employers to discriminate, hopefully, we will bring teachers into the fold and give them the full protections of the Fair Employment and Treatment Order.

**Mr Deputy Speaker (Mr Beggs):** I call on Chris Lyttle, the Bill sponsor, to make a winding-up speech.

**Mr Lyttle:** I thank all Members for their contributions, which were consistent with the positive way in which we all worked together to progress this important Bill. I reiterate my thanks to the Executive Office Committee Chairperson, Sinead McLaughlin MLA. Thank you for recognising my persistence. I recognise with ease the skill, good nature and proactivity that you showed in facilitating such a positive Committee Stage for the Bill.

I thank Pat Sheehan MLA for his support throughout the progress of the Bill. He was an important Executive Office Committee member during Committee Stage. I am grateful for his support of the Bill.

I thank Harry Harvey for his comments this evening, which emphasised that the amendment to extend the commencement phase to 24 months will give employers an important period in which to make the adjustments needed to commence the Bill's provisions.

I thank my Education Committee colleague Justin McNulty for his kind words. It has been a pleasure to work with you, Justin, particularly on the promotion of physical education. I have no doubt that you will champion that issue and so many others for children and young people in the next Assembly mandate. I agree with you about the importance of faith in our education system and, indeed, our society, but also, of course, that there should never be religious discrimination and that we need to have fairness and equality of opportunity for all.

I thank my Alliance Party colleague Kellie Armstrong for her support. I hope that that support extends slightly further than to my managing to persuade her to co-sign the amendment. I have no doubt that it does. I am very grateful for the constant support that Kellie has been throughout the passage of the Bill. On more than one occasion, she and her team gave me helpful advice about how to work towards the passage of legislation through the House.

I am very grateful for all the comments this evening and for the support for the Bill. I hope that that support means that we can progress to

a Final Stage debate and the approval of the Bill before the end of this week and the mandate. Thank you.

*Amendment agreed to.*

**Mr Deputy Speaker (Mr Beggs):** That concludes the Further Consideration Stage of the Fair Employment (School Teachers) Bill. The Bill stands referred to the Speaker.

*Adjourned at 7.52 pm.*



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