



# Official Report (Hansard)

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# Contents

## Assembly Business

### Members' Statements

Rural Housing .....	6
MOT Booking.....	6
High Street Scheme .....	7
Children's Funeral Fund .....	7
Detox Centre for Derry .....	8
Belsonic: Residents' Concerns.....	8
Legacy Investigations .....	8
Ryder Cup.....	9
Slemish College: Public Transport .....	9
Universal Credit.....	10
Department for Infrastructure: Backlog and Delays .....	10

### Assembly Business

Public Petition: Electric Vehicle Charging Network.....	11
Ad Hoc Committee on the COVID-19 Response: Extension .....	11
Committee Membership .....	11
Committee Membership .....	11
Committee Membership .....	12
Trustee of the Assembly Members' Pension Scheme.....	12

### Executive Committee Business

Betting, Gaming, Lotteries and Amusements (Amendment) Bill: Second Stage .....	12
--	----

### Oral Answers to Questions

The Executive Office .....	26
Finance .....	35

### Executive Committee Business

Betting, Gaming, Lotteries and Amusements (Amendment) Bill: Second Stage ( <i>Continued</i> ) .....	45
---	----

### Assembly Business

Standing Order 10(3A): Suspension .....	64
---	----

**Executive Committee Business**

Climate Change (No. 2) Bill: Second Stage ..... 65

# Assembly Members

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

# Northern Ireland Assembly

Monday 27 September 2021

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

*Members observed two minutes' silence.*

## Assembly Business

**Mr Speaker:** Before we begin business today, I want to deal with two issues. First, I make Members aware that I have written to Ministers about making statements in the Assembly Chamber. I was very pleased with the position that we reached some time ago, when it was clear that the Executive were making a determined effort to ensure that statements, including statements to the Ad Hoc Committee on the COVID-19 Response, were brought to the Chamber before they were made in the media.

It is noticeable that, for the first two sitting weeks in September and also for this week's business, there have been no requests by Ministers to make statements. A range of ministerial announcements has, however, been made in the media in the same period. It has always been the expectation that Ministers should, as far as is possible, address important matters in the Assembly first. Members will be aware that it is a requirement in law for Ministers attending meetings of the North/South institutions to report to the Assembly "as soon as reasonably practicable" after such meetings.

Members have expressed dissatisfaction in the past with the delay in such statements coming to the House, and I have previously raised the issue with Ministers. Records indicate that a North/South ministerial trade and business development meeting occurred on 21 April this year and that that meeting has still not been reported on to the Assembly. I have written to Ministers to indicate that such a delay is not acceptable, and the matter should be addressed with some urgency. I realise that we are still at an early stage in the last session of this mandate, and I therefore hope that this reminder will encourage Ministers to bring statements on important matters to the House in a timely manner and before such statements are made to the media. That is particularly important in order to enable the Assembly to perform its role of scrutinising decisions and holding Ministers to account. I will keep the

issue under review, but I will be extremely disappointed if it returns as an issue that Members have to raise frequently with me.

Secondly, Members will note that additional seating is in place today to allow a greater number of Members to attend Question Time and hold Ministers to account. I have written to Members, but I emphasise to them that the seats are, for the time being, for Question Time only and that social distancing of 2 metres should be retained for all other business.

## Members' Statements

**Mr Speaker:** The first item in the Order Paper is Members' Statements. If Members wish to make a statement, they should do so by rising in their place. Members who are called will have up to three minutes in which to make their statement. Members are reminded that statements will not be subject to debate or questioning, and interventions will not be permitted. I will not take points of order on this or any other matter until the item of business has finished.

### Rural Housing

**Ms Sheerin:** I want to raise the issue of rural housing, specifically the changes to planning permission that were brought in at the beginning of the summer via the Infrastructure Minister's planning advice note. The note was issued to councils at the beginning of the summer without any consultation, and it poses a threat to our rural communities.

It is a rights issue. Rural dwellers pay the same contributions, taxes and rates as anyone else, but they do not have the same access to services and infrastructure as our city and town dwellers. Now, they will not even be able to build on their own land in many instances. That will rule out what is called an infill or a cluster dwelling, and it will require houses that are built in connection with a farm to be built in the yard. As someone who was reared on a farm, I know how impractical and, indeed, dangerous that is. The Ulster Farmers' Union has pointed out the many challenges that this presents to the sustainability of our family farms and, indeed, the risks to mortgages and to people's ability to build a house.

Since the issue came to light, I have been inundated with calls from young couples, planning agents and people living on family farms, all of whom are concerned about what it will mean for their future. Council planning officers already implement planning policy in a thorough and responsible manner, which is why so many applications take so long to be processed. I have taken part in many site meetings with councillors from Mid Ulster District Council, during which we have urged people to amend their applications to ensure their successful passage and that the dwelling that they wish to build will not have an impact on the environment. Planning is already stringent, sustainable and measured. The last thing that we need is more restriction on who can build and where. The planning committee in Mid Ulster District Council is so worried about

the note that it held a special meeting to discuss it and has pledged, with cross-party support, to write to the Minister about the issues that the note has thrown up.

We have a housing crisis in the North. The shortage of public and private rental stock means that landlords are able to get away with charging extortionate rents. Meanwhile, in our smaller towns, many of the much-needed houses are occupied by people who intend to build a forever home in the country but are waiting to have the finances and planning permission to enable them do so. The note will add financial pressure, time pressure and unnecessary stress to the process. It will serve to make building a home a more exclusive enterprise.

Many of the constituents who have contacted me are attempting to build on the family farm in order to ensure its continuation and to maintain the link with past generations, many of whom had to work hard to hold on to their fields. The pressures on our health and social care services mean that many families rely on elderly parents to care for their young children and on grown-up children to care for their elderly parents. For that to work, they need to live nearby.

I ask the Minister to rescind the note immediately and to allow people to build in the communities that they call home.

### MOT Booking

**Mr Harvey:** MOT booking is a fiasco. Recent changes to the online booking service on nidirect have made it almost impossible — at best, very difficult — to book MOT tests for motor vehicles. Two weeks ago, the tried-and-tested system was working reasonably well, but the new online service has had numerous faults and complications since its introduction, causing even more backlogs in an already overstretched system.

I will give a few examples. People have been unable to access the site; they have had problems paying; and, when payment was taken twice, there was no simple refund process. My personal experience is that, when I went to book my MOT, I was told, "Your vehicle does not exist". Two weeks ago, however, it did exist, and only for the fact that the dates that I was given at that time were not suitable, I decided to wait. There was no answer at all on the helpline or on the book-by-phone number, and there was no queuing system. There was just a message to say, "Not available", which

was there all day on Friday and is there again today — I know, because I have just tried. The fact is that, at present, local people cannot make a booking at a test centre. What will we do? An MOT is a government requirement. At present, that service requirement cannot be provided in a reasonable time frame. Is it time for certificates of temporary exemption to be issued until the proper service can be provided?

I will be writing to Minister Mallon calling on her to act promptly on this issue. I have every faith that she will do so.

## High Street Scheme

**Ms McLaughlin:** The high street scheme opened today with a bumpy start. We have had website crashes and very frustrated people. This is an important scheme, and we want it to work efficiently, so I call on the Minister to ensure that all the resources that he has are put to ensuring the smooth running of the online application process.

Independent, locally owned retailers and hospitality businesses have been on their knees during the pandemic, while the big supermarket chains have survived without losing turnover. In fact, many supermarkets have increased their takings. Small independents have been in crisis, despite the support from rate relief and furlough. Many businesses have contacted my office in dire straits. Some business owners have cried on the phone. They told me that they cannot afford to keep paying staff who have been loyal to them for many years. I plead with consumers to show their loyalty to the independent, locally owned businesses on village main streets and in town and city centres. We need them today and will need them in the future.

Just look at our high streets. I can tell you about Derry. Even before the pandemic, we had serious problems because many consumers had stopped going into the city centre. They bought their goods online or at out-of-town shopping centres. The Labour Party in Britain today announced that it wants to reduce the impact of business rates and increase the tax burden on global online retailers.

I make this plea to every person in the Chamber and every person who is listening to this statement or reading my posts: encourage people to spend their vouchers in local businesses. We depend on them if our town centres are to survive.

I plead with the Minister to fix the broken website and throw all the resources that he has at that. We are spending £145 million on the voucher scheme, and we cannot cock it up at this point. If the problem is operational or to do with process, it needs to be fixed now instead of waiting for a week or two into the scheme.

## Children's Funeral Fund

**Mrs Barton:** How many of us sitting here this afternoon have not shed a silent tear as we watched a distraught parent carry a small white coffin to a waiting hearse? The loss of a child of any age is a tragedy that no parent can prepare for, and it rarely crosses the mind of a parent until, sadly, it affects them. No parent is ever prepared mentally, physically or financially for the funeral and the expenses incurred.

In England, Wales and Scotland, funeral costs for a child under the age of 18 are waived. Much to our shame, no official scheme exists in Northern Ireland. Yes, there has been an interim measure. A number of councils voted in favour of waiving burial fees fully or partially, but that is not the answer.

I pay tribute to Julie Flaherty, an Ulster Unionist Party councillor on Armagh City, Banbridge and Craigavon Borough Council, for all her work to increase awareness of the concerns of parents who have found themselves in this position. Sadly, Julie is one of those parents.

When a parent loses a child, they have so much to come to terms with — grief, shock, supporting other siblings and making decisions about the funeral — that the cost of the funeral is the last thing on their mind.

No bereaved parent should have the added burden and pressure of having to worry about the cost of their child's funeral. Many parents will have made no financial preparation for such an expense and may have to borrow to meet the costs associated with the burial, just as Carolyn Harris had to do following the death of her eight-year-old boy.

## 12.15 pm

In January 2020, when New Decade, New Approach was agreed, it included many commitments that, to date, have not been progressed. The Department for Communities submitted a bid of £703,000 for funding in 2021-22 for children's funeral expenses, but that bid was unsuccessful, and a further unsuccessful bid was submitted in the June monitoring round. We have all patiently waited for the Minister to

identify funding for the children's funeral fund, but it is not happening. This situation cannot continue. Therefore, I appeal to the Minister to show compassion for grieving parents who have such great personal and financial burdens to bear and to progress, with haste, to establish a children's funeral fund.

## Detox Centre for Derry

**Mr Delargy:** Recently, the campaign for a detox centre in Derry has intensified. Having started in 2014, the campaign ebbed and flowed but was recently given a new lease of life by a young Derry woman called Tamzin White. Tamzin has campaigned vociferously for a detox centre in the north-west to cater for those in our city and area who are battling addiction.

Why does Derry need one? There is a dedicated detox centre in Omagh, and one third of the patients there are from Derry. The work done in Omagh is spectacular, and I want to take this opportunity to thank the staff for their dedication and commitment to each and every patient. Derry does, however, have a disproportionate number of admissions to the centre, reinforcing the need for an additional facility in the north-west.

We are all very aware of the impact that COVID has had on our health service. I am sure that there is agreement across the Chamber that one of the enduring impacts of the pandemic will be its effect on mental health outcomes. That is already causing devastation to many families, and while I am acutely aware of the challenges facing the Health Minister, I ask him to prioritise putting in place the necessary resources to tackle poor mental health.

A detox centre represents an important first step in addressing that. It represents a pivotal piece of the puzzle. It represents one part of a bigger picture — one that shows joined-up strategic thinking and that supports all those in need of mental health support. However, we cannot stop there. A detox centre is not a tick box. It is not case closed. It is the beginning of addressing the mental health crisis in Derry and the beginning of removing the stigma around poor mental health, and I implore the Health Minister to act swiftly to save lives in our town.

## Belsonic: Residents' Concerns

**Mr Stalford:** Thank you, Mr Speaker. Sir, as a fellow citizen of Belfast, you will know that, over the past 20 or 30 years or so, people who traditionally would never have wanted to come to our city to hold events have decided so to do.

The first major event that I can recall was the Tall Ships in 1991, and that sent a very positive message that Belfast was starting to turn a corner and that people wanted to come to our city to hold major events.

Belfast is now a centre for great events, and one event that has taken place recently is Belsonic. I rise to express concern, on behalf of my constituents who live in the lower Ravenhill and Ballynafeigh parts of the town, in relation to the management of Belsonic. It is, of course, a good thing that public events are taking place in the city and that people want to have events in our city, but it is also a good thing to treat people who live around those events with respect and to listen to their concerns.

I have been disappointed at the lack of engagement with local residents by the organisers of that event. Specifically, the Lagan Village Youth and Community Group has been working hard to try to articulate the concerns of the people in that part of the town and to make the organisers listen. I regret to say that I do not believe that they are listening or that people's concerns are being taken on board. It is wrong that the associated antisocial behaviour that accompanies those events should be imposed on the people of the lower Ravenhill and Ballynafeigh communities.

I urge the organisers to engage more fully with local residents in that area to hear their concerns and to act on them. Whilst it is true that what takes place in Ormeau Park constitutes the event, it is not true that the organisers have no responsibility for that which takes place outside Ormeau Park, in the streets around the bottom of the Ravenhill Road. They clearly have a responsibility in that regard. I urge them and the council to engage more fully with local people to address those concerns in order to ensure that the event not only benefits the city but is one that local people do not feel detrimentally impacts their life and existence in the place and community where they live all year round, not just during those events.

## Legacy Investigations

**Mr McNulty:** I consider Eugene Reavey a friend. He is a man of dignity, shining integrity, steely resolve and fierce determination. He is a pillar of the Whitecross community. His wife, Róisín, taught me in primary 1, and I remember her glowing, shining integrity. She was a gentlelady. His daughter Aisling was in my primary-school class. The family is very well respected in the community.

At about 6.10 pm on 4 January 1976, three masked men, armed with Sterling sub-machine guns and pistols, burst into the Reavey family home in Whitecross. John, 24, and Brian, 22, were killed outright. Anthony, 17, escaped into a bedroom and later crawled 200 yards to a neighbour's house to raise the alarm.

Far too many families like the Reaveys have been waiting for decades for justice. I acknowledge and welcome the fact that all parties have firmly rejected the legacy proposals that were set out in the British Government's Command Paper. As I understand it, over 30 files have been forwarded to the Public Prosecution Service (PPS) for consideration, yet there is a lack of resources and, indeed, most worryingly, no dedicated legacy unit.

It is unthinkable that the Reavey family would have to suffer more delays. Therefore, I call on the Minister of Justice and the Finance Minister to provide adequate support to the PPS to allow all legacy cases to progress and be finalised and for justice to be done for the Reavey family of Whitecross and all the other families that have been waiting for far too long.

## Ryder Cup

**Mr Nesbitt:** Following Mr McNulty, I am reminded of a saying from the late Cliff Morgan, a famous Welsh rugby international and one-time head of BBC Sport. He said that, compared to social isolation, poverty, loss and ill health, sport is simply a nonsense, but an important nonsense.

I acknowledge the important nonsense that is the Ryder Cup, which was played in Wisconsin over the last three days. I congratulate the United States on its crushing record-breaking victory, but I acknowledge the role of two of our own — two Northern Irishmen in the European team: Graeme McDowell from Portrush, who was one of the vice-captains; and Rory McIlroy from Holywood in County Down, who is still one of the world's greatest professional golfers.

I commend him for his resilience during the tournament, because on day one, he went out twice to two heavy defeats — so heavy, in fact, that, for the first time in his long career as a Ryder Cup player, he was dropped for the Saturday morning foursomes. He went out again on Saturday afternoon for a third defeat, and, despite all that, yesterday not only did he win his singles match but he went out first, leading for the European team and posting a

blue mark for the eventual losers of the tournament.

That resilience is highly admirable. We often stand up in the House to talk about what is wrong with Northern Ireland, but if we think about people like Graeme McDowell and Rory McIlroy, we might realise that not just in sport but in music, the arts, business and all walks of life, we produce individuals of great character who give us a global reputation. Sometimes that is something that we should remember to celebrate. I thank Mr McDowell and Mr McIlroy for their contribution to promoting the little postage stamp on the world map that is Northern Ireland.

## Slemish College: Public Transport

**Mr Allister:** Slemish College is the primary integrated school in my constituency. It is in a very urban, heavily populated area of Ballymena on the Larne Road. By reason of the nature of the school and its reputation, its 800 pupils come from a very wide catchment area. Over 100 of them come more than 10 miles from the Antrim/Tempelpatrick area, while another 70 come from the Glens of Antrim, and so it goes on, around the hub of Ballymena.

In consequence, public transport is vital to the delivery of pupils to that school. Although there is heavy traffic on the Larne Road, there have always been some bus pull-in points at the front of the school in order to facilitate the reality that it is serviced by public transport and, indeed, by many parents who have to drive their children to school. Yet, this summer, the active travel unit of the Department for Infrastructure — that is the unit that tells us that we all must be on our bikes — decided to remove the bus pull-in points and to widen the footpath to, at one point, over 6 metres so that it is wider than the carriageway, for the purpose of driving cars off the road. Now, we have abundant chaos at Slemish College, which has been inflicted by the idiotic approach of the Department.

At the beginning of September, I met the relevant active travel official along with Councillor Matthew Armstrong, Councillor Quigley and the headmaster of the school on-site to see just what could be done about restoring some normality and sense to the situation. I might as well have talked to the wall. I asked then for a meeting with a higher official, but it was refused. I then asked for a meeting with the Minister, but the Minister has refused. Here we are, in a supposedly caring devolution system, where a school's transport network has been wrecked by the Department, and the

Department's attitude is so belligerent and dogged it is outdone only by its arrogance to the point where a Minister refuses a meeting and I have to bring the issue to the Floor in order to put proper attention on it. It is time that the Department woke up and acted on the matter.

## Universal Credit

**Mr Carroll:** The decision by the Tories to reduce universal credit by £1,000 a year will have a devastating impact on people in my constituency of West Belfast and right across the North. Millions of people will be impacted by the cut, and, in the North, we know that 105,000 households will lose £20 a week with the uplift being abolished. Given that we have larger families here compared with other places in the UK, some 300,000 people, according to the Government's own figures, will be impacted by the cut. Why, therefore, are the Executive putting up such a meek front on the question? The cut will push people further into poverty, hardship and difficulty. The Executive should be screaming about that and should mount a wall of resistance against the Tories' plans to implement this drastic cut, which is the worst in decades.

### 12.30 pm

The truth is that the universal credit uplift was needed so that people on universal credit — a large proportion of whom are in work, let us not forget — could afford the basic necessities to get by in the middle of a global pandemic. COVID is still with us and is circulating like wildfire in our communities. The cost of living has not reduced but has dramatically shot up.

The Tory Government's disgraceful response to rocketing energy prices and to inflation shooting up is to pull the carpet of support from under the people who need it. At the same time, they have not lifted a finger to tackle the obscene wealth increase during the pandemic. The UK now has a record number of billionaires. Corporate profits have continued to surge during COVID, yet working-class people feel the brunt of economic hardship. The Tories are willing to protect the wealthy, and the Executive dutifully follow suit. Class war is alive and well in today's society, and it affects everyone on the bottom rung of the ladder. People from all backgrounds are being driven into further economic hardship by these policies.

The main focus has to be on forcing the Tories to retreat and backtrack from imposing this huge cut on people's ability to live. A retreat can

be forced by mounting huge pressure on them. Hopefully, Marcus Rashford's intervention will help in that regard. In the instance that the Tories do not budge, however, and plough ahead with the shocking reduction, the Executive need to step up to the plate to ensure that people are not thrown under the bus. The Executive have responsibilities on many fronts, the chief of which is their insistence on signing up to implement welfare reform. At the very least, they need to ensure that people are not financially penalised as a result of a system that they endorsed.

For all the important talk about an anti-poverty strategy, if the Executive cannot intervene to stop the reduction, they will fail to stop many thousands descending further into poverty. If the Tories continue with the cut to universal credit, the Executive must intervene to ensure that people here are not financially worse off. As usual, we will hear cries that it is unaffordable, but let us not forget that over £100 million has gone to Capita to carry out its detested personal independence payment (PIP) assessment, and hundreds of millions of pounds have been spent on agency staff whilst health workers are left without proper pay. The Executive need to make it their priority to ensure that those who rely on minimal state benefits to get by are not hit hard by a cut in universal credit. It is time for action.

## Department for Infrastructure: Backlog and Delays

**Mr Buckley:** I rise to speak about the dire state of many elements of the Department for Infrastructure. That Department has rightly been dubbed "the Department of Backlog and Delay". How many of us have received correspondence from constituents who are unable to book an MOT test? How many constituents have contacted us because they are unable to get a driving test? How many major planning applications have been delayed in the system, some for over 200 weeks? Rural roads are unsurfaced because of continual legal disputes between the Department and contractors. There is a backlog of taxi drivers and HGV drivers looking to access the system because they are unable to get through the complex testing system. In short, service users are not getting the service that they deserve and, more importantly, that they pay for.

As Chair of the Infrastructure Committee, I wrote to the Minister on MOT testing when the new system became active, asking for a meeting to explain the rationale behind the delay. I was greeted with the same response as

many of the service users in my constituency: "Sorry, we will get back to you in due course". In the 12 months preceding the onset of the COVID-19 pandemic in March 2020, the Driver and Vehicle Agency (DVA) conducted 850,000 vehicle tests in Northern Ireland; in contrast, only 456,814 tests have been carried out in the most recent 12 months. That underlines the scale of the testing backlog.

If the situation is to be addressed sustainably and not compounded, there is a need for streamlined procedures for booking appointments. The protracted delays experienced by customers after the deferred launch of the new online DVA booking system has further undermined confidence in our testing system. We need active engagement from the Minister. How many car dealers face the real prospect of going under because they cannot get tests so that they can sell their cars? How many of our young people cannot get into the workplace because they cannot get a driving test? Some sit their test, unfortunately fail, are thrown out of the system and have to wait months before they can get another test. The system is flawed. It is broken. I call on Minister Mallon to bring forward realistic proposals to ensure that we get on top of the backlogs and deliver the service that our constituents deserve.

**Mr McNulty:** On a point of order, Mr Speaker. I am just checking to see if the purpose of Members' Statements is to allow Sinn Féin and the DUP to get into cahoots and attack the Infrastructure Minister, Nichola Mallon. Are they in cahoots this morning? What is going on?

**Mr Speaker:** I will consider your —.

**Mr Buckley:** Do not forget Mr Allister.

**Mr Speaker:** Order. I will address that in due course.

## Assembly Business

### Public Petition: Electric Vehicle Charging Network

**Mr Speaker:** Mr Andrew Muir has sought leave to present a public petition in accordance with Standing Order 22 but is unable to be in the Chamber today and has asked that it be rescheduled. The Business Committee will consider his request tomorrow.

### Ad Hoc Committee on the COVID-19 Response: Extension

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

*Resolved:*

*That this Assembly agrees that, unless it previously resolves, the time frame for the existence of the Ad Hoc Committee, appointed by the Assembly on 31 March 2020 for the purpose of receiving oral statements from Ministers on matters relating to the COVID-19 response and questioning Ministers on such statements, be extended to the end of the 2017-22 mandate. — [Mrs D Kelly.]*

### Committee Membership

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

*Resolved:*

*That Ms Sinead Bradley replace Mr George Robinson as a member of the Committee on Standards and Privileges. — [Mrs D Kelly.]*

### Committee Membership

**Mr Speaker:** This will be treated as a business motion. There will be no debate.

*Resolved:*

*That Mr Pádraig Delargy be appointed as a member of the Committee for Infrastructure and as a member of the Committee for the Executive Office; that Ms Áine Murphy be appointed as a member of the Committee on Standards and Privileges; that Ms Ciara Ferguson replace Ms Linda Dillon as a member of the Committee on Procedures; and that Ms*

*Ciara Ferguson be appointed as a member of the Committee for Communities. — [Mr O'Dowd.]*

## Committee Membership

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

*Resolved:*

*That Mr Alex Easton replace Mr George Robinson as a member of the Committee for the Executive Office; and that Mr George Robinson replace Mr Alex Easton as a member of the Assembly and Executive Review Committee. — [Mr Clarke.]*

## Trustee of the Assembly Members' Pension Scheme

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

*Resolved:*

*That Mr Stewart Dickson be appointed to the board of trustees of the Assembly Members' pension scheme. — [Ms Bradshaw.]*

**Mr Speaker:** Members should take their ease for a moment or two.

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

## Executive Committee Business

### Betting, Gaming, Lotteries and Amusements (Amendment) Bill: Second Stage

**Mr Principal Deputy Speaker:** In accordance with convention, the Business Committee has not allocated any time limit to this debate.

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

*That the Second Stage of the Betting, Gaming, Lotteries and Amusements (Amendment) Bill [NIA 36/17-22] be agreed.*

It has been over 35 years since legislation regulating the gambling industry here was last introduced. In that time, the industry's structure, systems and practices have transformed to the point at which, in many instances, they bear only a passing resemblance to what existed in 1985. In short, we no longer have legislation that is fit for the modern age.

Today's debate is mainly about the Bill's principles. What are the principles that the Assembly needs to reflect on when considering the Bill? First, I hope that, regardless of any differences that may arise over the details of the Bill, all of us will agree that reform of our gambling laws is long overdue. All of us will agree that the process of legislative reform needs to begin now, and we all agree that, in the short time that we have left in this mandate, some change must be delivered. Whatever that change may be, it must lay down a marker for the next Assembly and the next Executive.

Secondly, we need to be realistic about what can be delivered in the time that this Assembly has left. For example, there is much work to be done to tackle the growth in digital, online gambling and gaming platforms, which now make up an ever-growing proportion of the industry. In many respects, online platforms represent in the public mind the most concerning feature of problem gambling. Similarly, I have previously expressed support for the establishment of an independent gambling regulator to monitor, in the public interest, the activities of the industry and with appropriate powers to deal with malpractice and exploitation, wherever they occur. There are

also issues to be addressed about new types of betting and gaming machines on the market. We need to look at the control of gambling advertising, both locally and cross-jurisdictionally: east-west, North/South and internationally. There will always be concern about the exposure of children, young people and vulnerable people to gambling products, whatever the platform.

Unfortunately, many of the challenges simply cannot be addressed through our present system of regulation. When that system was designed, no one envisaged the digital revolution or the speed and scale of that change. The law that we have today is of a different era, and, because of that, the changes to the current legislation that I propose are merely what I see as being achievable and realistic within the existing statutory framework and the timescale open to me. I hope that Members will agree that, even if the Bill is eventually passed, there will remain a much larger job of work to be done, and that needs to take place in the next mandate.

**12.45 pm**

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

**Ms Hargey:** Yes.

**Mr Allister:** The Minister said that she is aware of the scale of the problem, and statistics show that gambling is an ever-extending problem in our community, yet she comes to the House with a Bill the only realistic proposal of which is to further liberalise gambling and increase its availability. Simple things, such as imposing a ban on credit card use on machines, which could be done relatively straightforwardly, are not done. Tackling internet gambling is not touched. Fixed terminals are untouched. Why does the Bill focus only on liberalisation and ignore the necessary regulation?

**Ms Hargey:** The Member is entitled to his opinion, but I completely disagree with him. The reality is that it will take much longer — a whole Assembly term next time round — to change the full framework of gambling here and, in particular, to look at online gambling and the impacts of that. We need to do more research and consultation on those issues.

The Bill cannot tackle gambling in its entirety. That is why I have decided to break it up. I want to see some changes, which will include protections, in this mandate. The Bill will be the biggest piece of legislation to go through the Assembly — bigger than the Planning Bill that

went through the Assembly previously — and there will be almost 340 amendments to it. It will be a huge piece of legislation and, with all the will in the world, it cannot be dealt with in this mandate. I assume that Members who have been here for a long time will understand its scale and magnitude. That said, I am doing what can, I believe, be done within this term. Of course, that will be up to the scrutiny of the Committee and Members in the Chamber. There will then be a much bigger piece of work, and I am laying the foundations for that work to be taken up in the next Assembly mandate.

One other principle that I trust Members will recognise when considering the Bill is around responsible gambling. Many in our society gamble, whether that is buying a ticket for the National Lottery, betting on a sports event or gaming. Most who gamble do so responsibly, but, for the small number for whom gambling is a problem, steps can be taken: they can consider self-exclusion from premises or websites or setting spending limits. That is responsible gambling on the part of the consumer, but the need to promote responsible gambling also applies to the industry. That is why I have included in the Bill powers to allow me to introduce a mandatory code of practice and a statutory levy to help to pay for research, education and treatment.

I believe that it is right that we allow our gambling industry some flexibility to operate and that we seek to remove some unduly onerous, unfair and inconsistent restrictions on betting and the related businesses. However, in doing so, we must continue to encourage, if not sometimes require, operators always to recognise the inherent human risks in the products that they offer and to take proper responsibility for those risks and, indeed, the adverse consequences for many individuals.

At the same time, I want Members to acknowledge a second small but equally important dimension to the Bill. It relates to the efforts of local charities, sports clubs and other voluntary groups to raise money for good causes in order to advance the health, happiness and sustainability of our community in matters that are close to their hearts. Those organisations are the backbone of our community. In my view, it would be wrong to allow today's opportunity to pass by without revisiting at least some of the rules applying to society lottery money-raising activities. We must be prepared to look at how the rules might be adjusted in a way that helps to increase donations and revenue-raising opportunities for voluntary schemes and charitable work.

With those principles in mind, I will now give an overview of the Bill.

The Bill contains 16 clauses, and its purpose is to amend the Betting, Gaming, Lotteries and Amusements Order 1985.

Clauses 1 and 16 deal with the interpretation, title and commencement of any future Act and how it may be cited: it is the Betting, Gaming, Lotteries and Amusements (Amendment) Act (NI) 2021.

The Bill also inserts schedule 15A into the 1985 Order and clarifies the arrangements about what is and is not classed as a payment to enter a competition or prize draw. The remaining 14 clauses — clauses 2 to 15 — are divided into provisions affecting betting, bingo clubs, gaming machines and lotteries.

Clauses 10 to 15 are a set of miscellaneous amendments to the 1985 Order. The amendments encompass gambling contracts; prize competitions; cheating; age; residency; incorporation status for licences; an industry levy; and a new code of practice. I am removing the current restriction that prevents bookmakers' shops from opening for business on Sundays and Good Fridays. Bookmakers' shops may open for trading on Sundays and Good Fridays, if they choose to do so, but not, as currently, on Christmas Day, including a Christmas Day that falls on a Sunday.

Currently, betting is allowed to take place on Sundays at licensed racetracks. Those employed by a bookmaker to work on those tracks are also protected under the 1985 Order from the requirement to work on a Sunday. In light of the proposal to allow bookmakers' shops and offices to open on Sundays, the protection that bookmaker track workers enjoy will be extended to those employed at shops and offices. Betting shop workers will enjoy the same safeguards against being obliged to work on a Sunday as track betting workers.

I wish to exempt betting offices from the existing restriction that prevents any person from carrying on a pool betting business, apart from at a licensed track or by means of a properly operated totaliser. The amendment will mean that licensed offices may legitimately operate a pool betting system off-track in their offices, but they will be subject to certain conditions. The conditions that are designed to protect consumers are set out in clause 4.

Rules on the membership of commercial bingo clubs will be amended. Only members and bona fide guests of members will be allowed to

play bingo at a club. However, the current law, which requires a 24-hour waiting time before someone who has applied for membership of a bingo club may play bingo will be repealed. Furthermore, and similar to what is envisaged for bookmakers' offices, the current restriction preventing bingo clubs from opening or making gaming machines available on their premises on Sundays and Good Fridays will be removed.

A new offence will be introduced of inviting, causing or permitting anyone under 18 to play anything other than a lower limit gaming machine. The Bill also sets out what is meant by a lower limit gaming machine. Those found guilty of the new offence will be subject to a level-5 fine or imprisonment for six months or both. However, the Bill allows it to be a defence for individuals who may be charged with an offence to show that there was good reason to believe that the person had attained the age of 18.

On lotteries and prize competitions, the Bill specifies:

*"an arrangement is not a lottery unless persons are required to pay to participate".*

The Bill adds new schedule 15A to the 1985 Order that sets out what does and does not constitute a requirement to pay to participate. The Bill further specifies that a prize competition arrangement is not prohibited:

*"unless persons are required to pay to participate in the arrangement".*

It refers to new schedule 15A, which sets out what does and does not constitute a requirement to pay to participate in such an environment. More importantly, the Bill will repeal the present £1 price limit on the sale of tickets for societies' lotteries. The limit on the amount that may be appropriated for expenses for societies' lotteries will be updated to a more straightforward 20% of the total proceeds.

I want to draw Members' attention to the significant miscellaneous amendments to the 1985 Order. The Bill amends many of the existing qualifications which councils and district councils require to be met before they may grant a bookmaker licence, bingo club licence, gaming machine certificate, gaming machine permit, amusement permit, pleasure permit or lottery certificate. The lower age limit for the granting of a bookmaker, bingo club, gaming machine and lottery licence certificate and permit will be reduced from 21 to 18. The requirement for an applicant to be resident in

the jurisdiction in order to be granted the relevant licence etc will also be repealed. Body corporates will also now be eligible to be granted those licences and amusements or pleasure permits. That amendment overturns the current provision and relates only to companies that are registered under the Companies Act 2006.

The existing offence of cheating in the 1985 Order is being replaced with a new and wider offence to make it unlawful to cheat at gambling or do anything to help another person to cheat. The new offence will also apply regardless of whether one either wins anything or improves their chances of winning through cheating. In short, the new offence now includes failed attempts to cheat.

With regard to the gambling contract, the Bill repeals two provisions of the 1985 Order which effectively prevent contracts and securities by way of gaming and wagering from being legally enforced. It now provides for any future contract or security that has been entered into after the Bill becomes law to be legally enforced.

With regard to the industry levy, the Bill creates an enabling power to allow a future Minister and the Assembly, if they consider it appropriate, to make regulations for the payment of a levy to my Department by anyone who applies for a bookmaker licence, bookmaker office licence, bingo club licence, gaming machine certificate, gaming machine permit or amusement permit. The Bill also allows for regulations to make provisions for the amount of the levy and its payment, administration and operation. Consultation will be required before the actual levy could be introduced by regulation. Regulations will also require approval by the Assembly through the affirmative resolution route. The Bill specifies that if a levy is imposed through regulations, any proceeds must be expended by DFC on projects that relate to gambling addiction or other forms of harm or exploitation that are associated with gambling. The Bill also specifies that the provision of financial assistance after a levy is introduced is subject to Department of Finance consent. That is a separate matter from the enabling power and a standard requirement for all public expenditure.

The Bill inserts a new article that requires my Department to issue and publish one or more codes of practice about the manner in which gambling facilities are provided. The code must incorporate arrangements to ensure that gambling is conducted in a fair and open way, where vulnerable persons and those who are under 18 are protected and assistance is

provided to those who are or may be affected by problem gambling. The code may be revised, revoked or updated at any time, and may include provisions around how gambling facilities are described or advertised. The Bill contains provisions that set out procedures for consultation prior to the introduction of the code.

I recognise that many people are impatient to see a more radical reform of gambling laws. There will be those, perhaps, who believe that I should take a far more stringent line on the gambling industry in general. I completely understand those concerns. However, I also believe that the Bill offers a balance between what needs to be done now and what is realistic in the remaining time of the Assembly. It offers a balance between what is fair to the responsible operator and what is right and necessary to manage the risks that are associated with gambling. Importantly for me, the Bill is also a chance for the Assembly to do more for all volunteers, charities and support groups that work in the community, not least the individual charities and NGOs that do so much to assist and care for people who are dealing with the crisis and consequences of problem gambling.

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

**1.00 pm**

**Ms P Bradley (The Chairperson of the Committee for Communities):** I welcome the Second Stage of the Betting, Gaming, Lotteries and Amusements (Amendment) Bill.

The Committee heard in May that the Minister had completed her consideration of the issues raised in the Department's consultation on the regulation of gambling in Northern Ireland. She confirmed that a two-stage approach would be adopted, including a medium-sized Bill to be brought forward during this mandate, with the opportunity for a future Executive to agree a larger and more complex Bill. Here we are today, at the Second Stage of that medium-sized Bill.

The Minister introduced the Bill on 14 September. That marked the start of the process to bring about important and long-awaited amendments to the 1985 Order, which has remained largely unchanged since it was enacted 35 years ago. It is clear that, as a result, gambling legislation here is very outdated and has not kept pace with industry and technological changes. The current law is inflexible, and even minor amendments require

changes to primary legislation, which, we know all too well, is a very slow process. To highlight just how outdated the current law is, it is helpful to remind the House that even the 1985 Order is based on various pieces of GB legislation dating back as far as 1963.

There is no doubt that the preferred approach of the Committee, many members of the public and lobbying groups that responded to the consultation was a full replacement of the 1985 Order, with new laws that fully reflect the modern betting, gaming, lotteries and amusements industry. We also know, however, that the outcome of reviews of gambling regulation in Great Britain and in the Republic of Ireland may affect the direction of any changes here.

The Committee cannot ignore the context of the Bill. It has been reported in recent years that up to 40,000 people in Northern Ireland may have a gambling problem. That is the highest incidence in the UK, four times higher than any other region and three times higher than in the Republic of Ireland. The Gambling Commission has reported that children as young as 11 years of age have problems with gambling.

We are where we are, and now we have this Bill that will not, unfortunately, establish a new regulatory framework but will at least amend parts of the 1985 Order. The Bill will provide help for small-scale society lotteries and charities to guarantee their long-term viability and will deal with some aspects of existing gambling law that are a source of public concern. A key inclusion addresses the issue of the industry doing more to protect the vulnerable from gambling harm.

We are here to debate the main principles of the Bill, and the detailed work of the Committee lies ahead. I highlight the fact that the Committee is in the position, not of its own making, of having to complete the Committee Stages of three Bills in parallel. We will not be pushed into rushing our scrutiny, risking the making of bad laws; neither will we cause unnecessary delay to the progress of this legislation. Frankly, it is bad enough that we are not in a position to undertake a full repeal and modern replacement of the 1985 Order, so it is all the more imperative that the Committee get this Bill, within its limited scope, into as good a shape as possible. We need to ensure that it strikes a balance between supporting the industry, protecting under-18s and enhancing support for those who have sustained gambling-related harm, through the proposed regulations to introduce a levy.

I do not intend to discuss all the clauses, however I will highlight a number of key areas. The Committee supports the overarching principles: to address specific anomalies in the current regulation of land-based betting, gaming, lottery and amusement activities; and to strengthen existing regulatory protections for operators and consumers as well as young people and those who may be vulnerable to gambling harm.

The Committee will closely scrutinise the range of measures that impact on those who are under 18. It supports the principle of creating new offences for licence holders in relation to the playing of high-stakes gaming machines by under-18s. The Bill proposes mandatory codes of practice for the holders of gambling licences and lottery operators. The Committee will carefully consider the evidence on that, including on making compliance with the codes a condition of the licence.

The Committee knows that the power to impose an annual financial levy on the gambling industry is a popular aim with the organisations that treat or research gambling-related harm and with responsible industry members, and we look forward to investigating that further.

The principle of having Sunday and Good Friday opening for licensed bookmaking offices and bingo clubs is about removing an inconsistency given that gambling is already allowed on licensed racetracks and arcades on Sundays. However, we know that additional Sunday opening may be problematic for some Members. The proposed reduction to 18 years of age in the lower age limit of those to whom licences, certificates and permits can be issued will need consideration, and we look forward to seeing what evidence comes to us regarding those proposals.

Through scrutinising the Bill, I have learnt that a bet is still considered a gentleman's agreement rather than a contract, so it seems very sensible to modernise the law in that regard through the Bill. Broadening the definition of cheating to include failed attempts to cheat, for example, by making attempted match-fixing illegal, also seems a sensible proposal. Many will be delighted to see the removal of the restrictions on promotional prize competitions, which require a person to purchase a product or service or to hold a specific amount in savings in a bank as a means of being entered into a prize draw. As stakes and prize limits here have not been increased in over 14 years, I am sure the Committee will hear support for that proposal, which the Department states can be achieved using secondary legislation in parallel with the Bill's progression. The Committee

welcomes the proposals to put the operation of pool, or Tote, betting in bookmaking offices on a firm legislative footing.

As with the Licensing Bill, which concerned alcohol, all of us will have personal views about gambling based on experience or perhaps our beliefs. However, we are here to legislate for all of society. It will, therefore, be the job of the Committee to consider all the evidence and arguments presented and to advise the House accordingly. The Committee is supportive of principles of the Bill and looks forward to considering it in much further detail during Committee Stage.

I will now make a few points in a personal capacity and as our party's spokesperson on Communities. I am disappointed with the Bill's lack of ambition. I know the Minister had said that it was not realistic in the remaining time of the Assembly mandate to introduce a fuller Bill. The Minister has stated that she is taking a two-staged approach, introducing this legislation now and then hoping that regulation can be put in place in the next mandate. It is clear to me that the Bill is a missed opportunity. Problem gambling in Northern Ireland is endemic. Lives are ruined, families are torn apart, children are condemned to greater levels of poverty and people in the grips of gambling are more likely to take their own lives. In the context of the issues of problem gambling that we face here, it is astounding that the Bill, rather than taking the opportunity to regulate the industry, seeks to further deregulate gambling in Northern Ireland.

Regulation of the gambling industry is not novel or unusual. It is, in fact, the stated position of the Minister's own party. That makes it all the more curious why no meaningful regulation of the industry is in the Bill. In the rest of the UK, regulation exists to protect problem gamblers. While those regulations are not perfect and more needs to be done, especially in relation to young people and on greater advertising restrictions, regulation is in place. However, it is shocking —.

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

**Ms P Bradley:** Yes, certainly.

**Mr Allister:** Is the Member aware whether there is any reason why the ambit and powers of the Gambling Commission in GB could simply not be extended to Northern Ireland, thereby bringing some regulation and oversight of an independent nature?

**Ms P Bradley:** I thank the Member for his comments. It is probably up to the Minister to respond to that, but I do not see any reason why we could not have followed suit.

It is well known that Northern Ireland has the worst incidence of problem gambling in the UK. It is clear that we need gambling regulation to help those in the grips of addiction, yet, at a time when regulation is needed, what we have in the Bill is greater deregulation.

Clauses 2 and 6 extend the opening hours of betting shops and bingo halls. That is a not insignificant increase in high street betting. The changes proposed represent an increase in opening hours of 16.67%. What is worse is the fact that the increase in opening hours would disproportionately affect those on low incomes. There are over 300 betting shops on the high street in Northern Ireland. Almost 37% of those shops — over one third — are found in the bottom 10% of areas of social deprivation; over 80% are located in the bottom 50% of the most deprived areas of Northern Ireland; and not one is located in any of the most affluent areas of Northern Ireland. An increase in the opening hours of betting shops will, obviously, affect the areas that can least afford to suffer the harms of problem gambling.

A wider question should, perhaps, be why large betting companies have been allowed to cluster around the most deprived areas of Northern Ireland. My constituency has the most betting shops of any constituency, with 31 shops. That compares with North Down, which has fewer than 10. Gambling is of greater prevalence in our more deprived areas, and research shows that people in deprived areas are more likely to bet on outcomes that have greater odds and, consequently, more chances of losing. That is particularly true in sports betting, which is more prevalent in betting shops.

**Mr O'Toole:** I appreciate the Chair giving way. She took an intervention about the lack of a commissioner similar to that which exists in GB: does she also recognise that the Bill does nothing about an anomaly that exists on a North/South basis? Gaming machines are not allowed in pubs or bookies south of the border, but the Bill is completely silent on that.

**Ms P Bradley:** I thank the Member for highlighting that. He is absolutely right. Throughout the Bill, there are anomalies with the situation North/South and east-west.

The legislation does nothing to legislate for fixed-odds betting terminals, as Mr Allister

brought up earlier. In the rest of the UK, such terminals are regulated and limited to £2 a bet. There is no regulation in Northern Ireland. There is a voluntary code in place, but not all operators have signed up to it, and it is not universally applied. Given that fixed-odds betting terminals are inside betting shops, most of those machines are located in the poorest areas of Northern Ireland. Such machines, especially if they are not limited, are huge moneymakers for the gambling industry and, more worryingly, are more attractive to young people. While clause 7 makes it an offence for under-18s to be enticed to play gaming machines, the Bill does not go far enough.

Betting shops, by clustering around deprived areas, target those who can least afford it. The Bill does little to help those in vulnerable positions who are being targeted by mega companies that simply exploit them for profit. It is time that something was done to help those who need it. The Bill is an opportunity to bring real and meaningful change, but that opportunity has been missed.

While other parties have taken little action in this regard, my party colleagues at Westminster have been at the forefront of helping better regulate the market. At Westminster, the Gambling (Licensing and Advertising) Bill proposed the deregulation of advertising for online gambling. It was the DUP, taking its seats at Westminster, that made the case that gambling cannot be deregulated unless there is regulation in place to help and support problem gambling. It was my party colleagues at Westminster who went against the Government and put together a coalition across the House to ensure that meaningful self-exclusion measures for online gambling were put in place. As a result, the Government introduced multi-operator, self-exclusion measures, which resulted in the creation of GAMSTOP. As of Christmas last year, 170,000 people had received support for gambling addictions. That is why I and colleagues feel so passionately about ensuring that any deregulation of the industry is balanced by regulations to help those who find themselves in difficulty. It is clear that, if the Bill passes Second Stage, substantial amendments will be required to protect families and communities, help problem gamblers and ensure that people get the help that they need.

**1.15 pm**

**Ms Ferguson:** Mr Deputy Speaker, thank you for the chance to speak at the Second Stage debate of this important Bill. First, it is important to acknowledge that many people —

approximately two thirds of people in the North — enjoy gambling and that most do so responsibly. Sinn Féin is not seeking to take that enjoyment away from anyone, but we understand that, for some people and their families, gambling can become a serious problem and, more often than not, lead to heartbreak and pain for many individuals, families and communities.

In 2016, the gambling prevalence survey — the second of its kind here since 2010 — reported that 2.3% of respondents deemed themselves to be problem gamblers. That is obviously a high number, as has been mentioned: it is over four times that in England, three times that in Scotland and twice that in Wales. We can and must do better, not only to support those who suffer from a gambling addiction but to make strident efforts to reduce the number of individuals who may be affected in the future. That is why we in Sinn Féin welcome this extremely important legislation that has been tabled by the Communities Minister. We also recognise and acknowledge the endeavours of previous Ministers to bring about the imperative reform of our gambling legislation. That reform has not been achieved, which is why we must ensure that the reforms in the Bill are implemented as soon as possible.

A special mention must go to my colleague Sinéad Ennis MLA for her commitment to ensuring that we see change to the outdated legislation. In 2019, Sinéad, along with our colleagues in the South, launched the party's all-Ireland document on problem gambling. That document sets out the key recommendations and proposals on how to tackle the growing issue. It looked at specific issues, some of which are being debated today and others that hopefully will be discussed in the not-so-distant future. The recommendations in that document included tackling the issue of fixed-odds betting terminals; greater protection for children and young people, especially from online gambling, advertising, sponsorship and promotions; and the issue of casinos, to name but a few. Those recommendations and proposals will allow for greater protections to be introduced to protect the most vulnerable in our society.

As the Minister said, our current gambling legislation is extremely complex and outdated and requires a lot of reform, as seen with the interest in the consultation. The consultation closed back in February 2020, and a report was published in November 2020. The Minister for Communities' decision to reform our gambling legislation in a two-phased approach is the smart and correct way to go about this. The Minister and her Department plan to deliver

tangible changes to around 16 key areas, including greater protection for children and young people, powers to impose a statutory levy on gambling operators and mandatory codes of practice, among other key recommendations. The Minister recently announced that she is changing legislation to allow local voluntary and community groups, along with clubs, to raise vital funds by selling lottery tickets online. That is extremely important, especially with so many of those groups being impacted by COVID, but it is just one step in coming up to speed with the technological advancements in modern society.

On the specifics of the Bill, it was great to hear the Minister reinforcing the point that, when the Bill passes, it will be not the end of the reform of our outdated gambling legislation but simply the beginning. We welcome all proposals, and I will not touch on them all at this stage as we will have plenty of time at further stages to get into greater detail on the clauses. I welcome the work of the Minister and her Department on the introduction of a new article on codes of practice. That will enable the Minister and her Department to issue and publish one or more codes of practice on the manner in which gambling facilities are provided. That will ensure greater scrutiny of the industry and mean that the vulnerable are not exploited.

It is clear that many in the House would like to see more radical reform, but we fully understand what the Minister said about bringing through what is possible and realistic in this mandate. We also welcome the Minister's statement that there will be a next phase, after this phase has been introduced, that will include more radical proposals. We look forward to getting stuck into them when the time comes. In the meantime, however, we have a job to do to ensure that the legislation is done in the best possible way, in order to give greater protections to our most vulnerable and to ensure that our gambling industry comes up to speed with technological advancements.

**Mr Durkan:** I welcome the opportunity to speak on the Bill and on the important matter of gambling-related harm in our communities. I hope that, in doing so, we can raise awareness and break some of the stigma surrounding the addiction, which affects swathes of people in our society, as well as legislate to prevent and mitigate the damage that gambling can and does do.

Others have leant on some of the figures, but, in real terms, the North has a total of 40,000 problem gamblers. That means that there are 40,000 individuals and their families who

desperately need protections and support. The Bill fails to provide either. It lacks not only ambition but substance in that regard. The statistics are clear. The Chair of the Committee and my Foyle constituency colleague have already used them. The North has the most profound gambling problem across these islands. That is in no small part attributable to the fact that we have not witnessed any significant gambling law reform for almost four decades. It is therefore hugely disappointing that the Bill fails to address the root causes of gambling and omits significant safeguards. I recognise that, as the Minister said, the Bill is a starting point, but, while some elements are good and welcome, the legislation that the Minister has introduced is notable for what it does not do, rather than for what it does.

The issue is not isolated to the North; rather, it is a problem for the whole island. Mr O'Toole referred to an anomaly between the two jurisdictions. I note with interest that the Minister's party has contributed vociferously to a similar debate in the Dáil, where it has called for all the trimmings — a gambling regulator, an online regulator and self-exclusion regulation — that we would like to see in the Bill. My question is this: why is the Minister opting to deviate in the North from her party's policy? Surely we should push for a 32-county strategy that applies protections for vulnerable people. We need regulation across the island and the islands.

I turn to the detail of the Bill. We welcome clause 7, which makes it an offence to invite a person under 18 to play gaming machines. Clauses 12 and 13 focus on the enforceability of gambling contracts. That is another welcome inclusion, but I fear that, in aiming for the low-hanging fruit, the Department fails to tackle the bigger issues in hand. We would have liked the inclusion of a regulatory provision for fixed-odds betting terminals. I appreciate that that is a legally grey area, but the exclusion of such a key component is regrettable, to say the least. The voluntary reduction in the fixed-odds betting terminal maximum stake to £2 by larger gambling organisations was a welcome step. The absence, however, of a regulator or regulatory body to oversee the number of gaming machines in operation or to determine how many have been recalibrated to reduce the maximum stake puts people at greater risk of gambling-related harm.

I turn briefly to clause 3, which permits betting shops to trade on Sundays and Good Friday. I recognise that that clause has already proved to be a point of contention for some in the Chamber; I am sure that we will hear more on

that throughout the day. Criticism has been levelled at clause 3 for normalising gambling in our society. I do not want to gloss over those concerns entirely, but to dwell on that one element is to lose sight of the real issues in the Bill and the wider problem of gambling-related harm. For example, online gambling, which accounts for so much of gambling here, is available 24/7 and is accessible from home, work or wherever else someone may be. I argue that attention should be focused on the online element and on the overall failure of the Bill to provide a framework of protections. Personally —.

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

**Mr Durkan:** Certainly.

**Mr McNulty:** Will the Member agree that my good friend and former teammate Oisín McConville speaks with enormous power and credibility on the issue?

He has identified how potentially destructive the proliferation of online gambling and of online betting companies' sponsorship of the sport are to young people's lives. As someone who has gone through that experience, he speaks with real authority. Does the Member agree that sponsorship and access to online gambling must be addressed and that the Bill should seek to do that?

**Mr Durkan:** I thank the Member for his contribution. It is important that we listen to the voices of those who have been and those who are being damaged by gambling. I commend Mr McConville for the courage that he has demonstrated. Just last week, I watched a documentary about a different code — the Premier League in England — in the 1990s. Keith Gillespie, another man from this part of the world, was very good at outlining the risks of gambling.

I see some rationale for permitting Sunday opening for bookmakers' shops. Many of our major sporting events reach their climax on Sundays, and local businesses miss out while online providers, bookmakers over the border and, indeed, illegal bookmakers can prosper.

Clause 14 establishes a levy on the betting industry. There are concerns that the proposal will place restrictions on smaller businesses such as bookmakers and bingo halls, thus reducing the effectiveness of garnering funds to support people who are experiencing gambling addiction. Again, it seems to let online providers off the hook. Bookmakers who are established

here, paying rates and employing people will, effectively, be left to carry the can for the whole industry. The proposed levy is eerily similar to the provision made under the Gambling Act 2005, the shortcomings of which have already been highlighted at Westminster and by stakeholders. We need to do better than to copy and paste from existing legislation elsewhere, particularly when it is outdated.

To address the exponential rise in online gambling, we need a more comprehensive approach that takes into account the North's unique challenges and keeps pace with the industry. The current voluntary model is inadequate and neglects to look at the bigger picture. Figures provided by the NI Turf Guardians Association revealed that, in 2019, only £24,000 was paid to counselling services to support problem gamblers. Considering the commitment of £25 million a year until 2025 that was made by five of the largest gambling companies in England, Scotland and Wales to support those affected by gambling addiction, and bearing in mind that the problem, as all Members so far have said, is most profound in Northern Ireland, £24,000 is but a drop in the ocean. It is a complete pittance in comparison.

Clause 15, which sets out the terms of a code of practice, is, again, remarkable in its feebleness. For cases in which some in the industry breach the code, the provision fails to impose even a slap on the wrist. Without enforcement powers, it proves meaningless.

The oversights and shortcomings that I have outlined so far highlight the need for in-depth scrutiny and amendments that, I hope, will be considered and passed at Committee Stage to strengthen the sentiments and body therein.

In bringing my remarks to a close, I will say that I find it difficult to comprehend that, despite universal support, it is fair to say, across the Chamber for strong regulation, the Minister presents a Bill that does little to help those who are experiencing problem gambling and their families. The fact that the Minister is missing an opportunity to implement her party's policy is even more confounding. Ms Ferguson referred to her party's "all-Ireland" approach, but it seems more like a Twenty-six Counties gambling strategy. Here in the Six Counties, where Sinn Féin has the power to improve things meaningfully and radically for people, it is tinkering around the edges.

The Bill makes for quite a disappointing read. It does not provide the bare minimum of regulating online betting or fixed-odds betting terminals. I am of the belief that, if something is

worth doing, it is worth doing right. The delay in bringing forward the necessary regulations will only compound problem gambling and do nothing to help those caught in the grip of gambling addiction.

### 1.30 pm

The Bill has no teeth. To leave a place that is recognised and accepted by all to be at the greatest risk of gambling-related harm without appropriate protections is not only unconscionable but quite reckless. The Minister cited a lack of time as a reason or some sort of justification for this piecemeal approach, but whose fault is it that we have not had a full mandate? Does the fact that we were not here for three years and not able to legislate at all mean that we should now accept substandard legislation? I do not think so, and I do not think that that is fair on people either.

I am mindful that the gambling industry is an important employer in the North and that gambling, as Ms Ferguson pointed out, can be and is enjoyed responsibly by many. When enshrining gambling protections into law, those points must be considered. However, rather than being nuanced, the Bill is neglectful.

Overall, the SDLP supports the broad principles of the Bill, but, as you may have gathered, we recognise its significant shortcomings and failure to provide a bespoke set of safeguards for those across the North who are at risk of gambling-related harm. The Bill had potential, but it is looking like an opportunity missed. It will be up to us on the Committee and the Assembly to work hard to improve it.

We will support the Bill's passage today in order to give us the chance to do that important work to protect people from the harm and damage that gambling can do.

**Mr Butler:** Like the Member across the Chamber, the Ulster Unionist Party will vote in favour of moving the Bill through Second Stage. In doing so, we will encourage the Committee to apply a huge amount of scrutiny. The Chair mentioned that, given the volume of legislation that the Committee is sitting under, good legislation is essential, and it will not be rushed through.

There is a lot to draw from. We are talking about only the broad principles today, but, encapsulated within that, we need to ensure that we give voice to those who suffer most from the ill effects of gambling. I do not think

that too many prohibitionists will be speaking today with regard to gambling.

Mr Speaker, to declare an interest, I am chair of the all-party group (APG) on reducing harm related to gambling. The group has met religiously for about a year and a half. Philip McGuigan is the deputy chair. The meetings have been well attended, so there is an absolute appetite in the House across all parties to ensure that any legislation protects those at most risk.

We have heard some testimony. Mr McNulty spoke about GAA player Oisín McConville, who has shared not only with the APG but on a mental health podcast. The correlation between gambling-related harm and poor mental health is inextricable, as is the case with most addictions.

Some Members said that Northern Ireland has the highest incidence of problem gambling in the UK and, indeed, on this island. Gambling here, as was said but is worth saying again, is four and a half times worse than in England, three times worse than in Scotland and the Republic of Ireland, and twice as bad as Wales. That is why we need something quite radical because the risk here has been measured to be infinitely worse.

Many people hide their gambling, and, by the time it is uncovered, they find themselves in deep debt, and financial problems can escalate quickly. Oisín McConville, who has shared openly many times, has talked candidly about the impact on his family and himself, and the lengths that people will go to to hide that addiction.

In the internet age, the betting shop is always on offer. People can chase their losses 24 hours a day, seven days a week. As problem gamblers try to recoup what they have lost, bills go unpaid. In Northern Ireland, we allow credit cards to be used for gambling, and these can quickly be maxed out. That really is a problem. People get into this type of problem, and the APG heard from witness testimonies that they can steal from loved ones. They can beg, borrow and steal and often find themselves unable to repay their debt. Relationships then become incredibly strained and can often break down.

Even children at home can go without when parents or carers use money that was for things like food, clothing and heating. With the nature of their addiction, they fire the money into a machine — we have heard a lot about fixed-odds betting terminals — or go the bookie's

shop or, unfortunately, go online. We know that, during COVID, there has been micro-targeting of prevalent gamblers, and, very often, the high profits come from those prevalent gamblers. It is getting out of control.

At that point, many people will see no way out. They keep gambling and trying to recoup their losses, as they just chase after the money that has slipped through their fingers. Often, the despair is suffered alone, as many problem gamblers keep their addiction a secret, and it is only uncovered when that person has no way out.

As I said, that impacts on people's mental well-being, not just the person with the addiction but, in fact, those around them. People caught in problem gambling are more likely to be depressed, feel anxiety and be stressed and, unfortunately, are more likely to have suicidal thoughts. Problem gamblers are 15 times more likely to attempt suicide than anyone else in the population, and they are four times more likely to attempt suicide than any other people who have an addiction. We already know that we have a problem with poor mental health in Northern Ireland and very high rates of suicide and suicidal ideation, and that is why, when we get the facts about where these problems lie, that gives us the impetus to do something about it. We can no longer choose to ignore what is in front of us. Action is needed now, and if we wait until the next mandate to bring in regulation, it could be another three years before gamblers here are given the same statutory protections that people in the rest of the UK benefit from. People are in the grips of problems now, and we need to act today.

I will turn to the Bill. Clauses 2 and 6, as has been said, refer to Sunday opening. It is disappointing that, rather than regulate the industry, the Bill will give problem gamblers even more time to spend in betting shops and bingo halls. I take the point from the Member across the Chamber that, with the explosion of online gambling, that problem is already there, and I suppose that, in some ways, it levels the playing field. My point is not necessarily about opening on Sundays or having any real problem with that. My issue is that we should not open them up without making sure that the protections are in place for gamblers, if we do indeed open up premises on those days. Perhaps the Committee could look at how these clauses could be amended to take account of the fact that regulations and protections need to be in place before the shops can be opened on Sundays. It would be like a negative resolution, if you like, but that might have some value.

Clause 7 is about gaming machines. The regulation of gaming machines for under-18s in clause 7 is to be welcomed, and a new offence prohibiting the enticement of young people to gaming machines will protect young people from the dangers of gaming, which is a gateway to problem gambling. It is obvious that the earlier a person starts gambling, the more likely it is that they will become addicted. Preventing children and young people from developing a habit that could lead to problem gambling is, obviously, to be welcomed. For me, one of the disappointing parts of the Bill is that I would like to see a much more preventative approach. Whilst we need to have that intervention strategy and help for people who have an addiction, we are learning that addictive behaviour can become imprinted on young people at a very early age, and I would have liked to see something in there about education and prevention.

We need to go much further. I have already mentioned fixed-odds betting terminals, which are regulated across the rest of the UK. They are limited to a £2 bet. That regulation is voluntary in Northern Ireland. Many of the large companies comply with the voluntary code. In fact, many of our gaming establishments already do. However, not every fixed-odds betting terminal is limited to £2, and that cannot be allowed to continue. It is time for comprehensive regulation that allows for age verification, self-exclusion and the banning of the use of credit cards, and we should mandate the use of algorithms to ensure that problematic patterns of play are picked up and acted upon. Many of those regulatory practices are already in place in the rest of the UK but, sadly, not here. Problem gamblers here need the same protections as those that are available in Great Britain, and it is time for the Minister to act.

Clause 10 is about qualifications by age, residence or corporate status. I would like the Minister to clarify the purpose of what, in my eyes, amounts to deregulation in clauses 10(4) and 10(5). That is the removal of the need for a body corporate in Northern Ireland to be registered under the Companies Act 2006. That seems to create a layer of risk and serves no benefit that I can see. I raise that point because there has been a rise, particularly during the COVID pandemic, in unauthorised and unregulated bingo-style events across Northern Ireland, with instances of children under the age of 16 being given access to bingo cards with cash prizes. It seems that such a relaxation, without a robust code of practice and independent regulator or, indeed, a gambling commissioner, may increase the risk of

gambling-related problems and habits among young people across our communities.

Clause 14 deals with the statutory levy. If we are to help problem gamblers, we need the resources to be in place, and that will require a huge investment. In 2019, the top five bookmakers in the UK posted profits of almost £15 billion. Of course, that is not the entirety of the gambling profits in the UK; it is just those that were reported. It is estimated that gambling costs about £1 billion in the UK each year. It is easy to see why a gambling levy is required to redress the balance, and I know that it has been addressed in some way. That levy needs to be mandatory and to be significant in terms of what the gambling industry is required to pay. Moreover and crucially, money for research and education — as I outlined, we need to get upstream with our problems — and treatment for gambling-related harms is needed more urgently in Northern Ireland than anywhere else in the UK or, indeed, these islands because of the high levels of gambling-related harm here.

Clause 15 deals with the code of practice, which is welcome. The industry needs to be set the highest standards to follow. However, it is concerning that the code of practice before us is not enforceable and has no meaningful sanctions for those who breach it. A code of practice without meaningful sanctions when it is breached is worthless in combating the harms related to gambling. That omission should be looked at during Committee Stage.

Finally, I want to address some issues with online gambling. It is disappointing that the Bill does not tackle that key area. I am sure that most Members will have been contacted by someone, perhaps a constituent or someone from elsewhere in the country, or will know someone who has fallen foul of the enticements, flashy advertisements or the promise of getting rich quick and then the addictive behaviour that can quickly follow. It is essential that we follow the regulation in the rest of the UK and properly regulate online gambling to protect those people and that we do that as soon as possible.

Online gambling is now a substantial part of the gambling market. Approximately 40% of gambling in the UK market is conducted online. In that sense, the bookies never close, and problem gamblers can never escape their addiction. With 15% saying that they bet while they are working, online gambling has become much more destructive than high street betting. I understand some of the constrictions that the Minister is under and how we have got to the Bill, and, to be fair, at least we have something

for the terra firma betting shops and so on. However, it is maybe regrettable that the online part did not come as part of the Bill or, indeed, first. People chase their losses — I said that — and they can do that at any time, day or night. There is absolutely no escape for those who are addicted, and it is clear that people need to be given the tools to escape and to walk away from online harms.

Online gambling does not just take place with the big bookmakers. Significant online harm is aimed at children and young people, too. Children are encouraged to pay money and take risks in computer games, as many games employ what is termed "loot boxes", which are virtual treasure chests that contain undisclosed items that can be used in games. Those might be ways of customising characters or weapons. Loot boxes are random, and you could get a significant character or boost in a game or what amounts to nothing. Games encourage children to spend more money to buy more randomised prizes in the hope of getting a large end-game return. It is easy to see the links between gambling and gaming. The same techniques used by gambling companies are now found in children's gaming. That should alarm us. It may seem subtle, but it is a clear introduction to gambling and something that should be regulated to ensure online safety.

We will support the Bill progressing from Second Stage. We look forward to the Committee's scrutiny and the amendments that will come forward.

#### 1.45 pm

**Ms Armstrong:** Thank you, Minister. I know you are hearing a lot against the Bill today, but it is a step in the right direction. You are certainly keeping the Communities Committee busy. I am going to declare this interest: I have played the National Lottery, I have bet on Grand Nationals and I have been to Drumbo. I am not going to say that all gambling is wonderful; it is something that is treated as entertainment. However, when it is not entertainment, that is when it becomes a problem.

We know that the Bill is an amending Bill, so I will say this to you, Minister, and your Department: expect amendments to come forward. Your Bill will amend parts of the existing 1985 Order, but it will not legislate for, as others said, online activity, as the 1985 Order is too old. Those of us who were teenagers or maybe slightly older than that in 1985 did not even have the internet, so times have certainly changed.

It is not possible to import modern-day terms into the structure and language of the 1985 Order. I get that, and I get why there needs to be a second piece of legislation, but, as others said, the Bill in front of us is somewhat disappointing. However, I want to let you know, Minister, that I will vote for it, because there is a way to amend it — a few amendments may be coming forward — to make it more fit for purpose, especially during this mandate, when we have so little time left.

Others have talked about different clauses, but I want to come back to clause 14, which is on the industry levy. I have difficulties with that clause. I understand what it is trying to achieve, but the Department of Finance will need to give approval to Communities for what a levy, if we get one, can be spent on. The only people who are going to pay the levy will be the owners of gambling venues in Northern Ireland. The online gaming and gambling industries will not pay and will not be asked to contribute because those businesses do not have an address here. There is very little information in the Bill about what the levy will look like. I hope to tease that out in the Committee in order to see what we can do with a levy within the bounds of the current gaming and gambling industries in Northern Ireland.

I know, Minister, that you are in the process of setting up a cross-departmental group that will look at some of the issues on health promotion. My colleague Paula Bradshaw will talk about that when she speaks on the Bill. I know that you are thinking about what gambling is and what some of the indicators of potential harm are. Many would like to see a stand-alone addiction service for gambling. That is not the responsibility just of your Department, Minister; it will have to go across Education and Health. At the moment, if someone presents to their GP surgery saying they have a gambling addiction, there is very little that GP can direct them to.

As we know, there are protections in the Bill for workers who do not want to work on a Sunday, and that brings us into line with the rest of the UK and with Ireland.

The second phase of the legislation, which you have talked about, Minister, is going to be absolutely enormous. I get the fact that we cannot cover that in the time we have left of the mandate, but there are lots of questions, and I look forward to working with the Committee, with you, Minister, and your Department on moving forward what we can at this stage.

At this point, I pay tribute to Gambling with Lives, which is an organisation that many on

the all-party group will have worked with. I absolutely support its campaign that appropriate legislation to restrict gambling needs to be updated in Northern Ireland. Gambling preys on vulnerable people, and it ruins lives. Around 10% of people who take their own lives do so as a result of their gambling addiction. Addiction to slot machines, online betting and lotteries is an issue that is about more than money. Gambling kills. It is vital that the Assembly moves forward on gambling legislation as a matter of urgency in order to save more people from being pulled into a life-destroying habit.

While the Minister says that online gambling will be dealt with in the next mandate, online gambling means that access to betting is available 24 hours a day and often with very few checks on the ages of people using the sites. I am disappointed that we have not taken the opportunity to align with GB by bringing in the ban on the use of credit cards for gambling. Gambling with credit cards allows people to use money they do not have. For addicts, that can be too tempting a proposition to ignore, particularly at a time when online and virtual gambling is more popular than ever before. During the coronavirus lockdown, we saw an increase in the numbers of people using those outlets, so legislation is more important than ever.

Gambling can be fun. The Assembly has used the outputs of gambling to save an absolute fortune. From looking at a piece of research, I know that the National Lottery has put £43 billion into the UK economy. A significant amount of that comes to Northern Ireland. Quite often, we fund charities and organisations that prop up government using National Lottery funding. We have to consider whether we are doing this in the right way. If we want to fix gambling so that it does not cause harm, we need to fix how we budget within the Assembly and ensure that charities that help the most vulnerable do not have to depend on gambling for their income.

The Bill throws up a lot questions — I think that there will be amendments to it — but I welcome any opportunity to act on gambling. I support the Bill at its Second Stage.

**Ms Á Murphy:** I welcome the opportunity to speak at the Second Stage of the Betting, Gaming, Lotteries and Amusements (Amendment) Bill. From the various contributions so far, it is clear that the House is in agreement that urgent reform of the North's gambling legislation is needed. As others have mentioned, it is not Sinn Féin's objective to

remove the enjoyment of gambling for all. More importantly, our objective is the introduction of changes that will ensure greater protection for problem and at-risk gamblers and their families.

Sinn Féin recognises that urgent action is needed to tackle the rise of problem gambling on the island of Ireland. The North of Ireland has a higher rate of problem gambling than England, Scotland and Wales. The North has approximately four times the number of problem gamblers as England.

It is accepted by many, including the Department for Communities, that current gambling legislation is complex and outdated. The legislation has not kept pace with technological developments, such as online gambling. The Minister for Communities recognised the urgent need for reform when she launched a consultation on the regulation of gambling in the North. The level of response to and engagement with that consultation speaks volumes about the importance of this legislation. Indeed, that consultation led to the Minister bringing forward this legislation. It is a two-phased approach. The current phase includes 16 key areas, including greater protection for children and young people, powers to impose a statutory levy on gambling operators and mandatory codes of practice. We agree with and support those recommendations.

The recommendations will ensure that there is greater protection for our most vulnerable, more scrutiny and an onus on the industry to protect those who are at risk. The recommendations are in line with the problem gambling document that my colleague Sinéad Ennis launched in 2019. Some of the key recommendations and proposals in it, such as the introduction of greater protection for children and young people, powers to impose a statutory levy on gambling operators, mandatory codes of practice for the industry and the beginning of the process of establishing an independent regulator to oversee and scrutinise the industry, are being discussed and debated today.

On advertising and promotion, just last week, the English soccer club Bolton Wanderers took a big step by announcing that it is cutting ties with all betting organisations and that it will instead back charities that provide support for people with gambling addictions.

On the specifics of the Bill, we welcome the Minister's words about the introduction of an industry levy. That levy will go a long way towards controlling and tackling the rise of problem gambling in the North, so long as the

proceeds are put towards greater research into and education about problem gambling. With greater investment in that research and education, many more problem and at-risk gamblers will get the best possible requested and needed help.

In conclusion, I welcome the debate on this long-overdue legislation. I remind people that Sinn Féin's policy is not to remove the enjoyment from gambling or to stop people gambling, but to ensure that greater protections and regulations are in place to protect the most vulnerable. I look forward to debating the Bill again as soon as it goes through the Committee and comes back to the Assembly.

**Mr Deputy Speaker (Mr Beggs):** Members, Question Time is due to commence at 2.00 pm. I suggest, therefore, that the House takes its ease until then. This debate will continue after Question Time, when the next Member scheduled to speak is Paul Frew. I ask Members to take their ease for a few moments.

*The debate stood suspended.*

2.00 pm

*(Mr Speaker in the Chair)*

## Oral Answers to Questions

### The Executive Office

**Mr Speaker:** Questions 1, 5 and 8 have been withdrawn. I call Andy Allen to ask the first question. Bear with me: Andy Allen's question has been withdrawn. Apologies. I call Sinéad Ennis.

### Protocol on Ireland/Northern Ireland: Investment Opportunities

2. **Ms Ennis** asked the First Minister and deputy First Minister what discussions they have had with the British and Irish Governments and the European Union about investment opportunities arising from the protocol on Ireland/Northern Ireland. (AQO 2453/17-22)

**Mrs O'Neill (The deputy First Minister):** With your permission, a Cheann Comhairle, junior Minister Kearney will answer the question.

**Mr Kearney (Junior Minister, The Executive Office):** The Member will be aware that discussions on the protocol are continuing between the British Government and the EU. We continue to engage with the British Government and the EU on issues relating to the end of the transition period, including through the Joint Committee and the Partnership Council and in meetings with David Frost and Maroš Šefčovič.

We will continue to take such opportunities to highlight the impact of the end of the transition period on our traders and to reiterate the need for permanent solutions to the issues that they are facing. That is often the necessary first step to ensuring that they have the capacity to grow their businesses in a range of markets, including the British market, the EU and further afield. Our officials are also in regular contact with their counterparts in Whitehall and Brussels, and they regularly meet Irish Government officials to discuss matters of mutual interest.

The primary driver for investment here remains our skilled workforce, competitive cost base and the fact that government, academia and business collaborate to provide a platform for growth. As an Executive, we will never stop

promoting the message that our region is a great place in which to work and do business through the Department for the Economy and Invest NI but also through our international offices in Brussels, Washington DC and Beijing.

**Ms Ennis:** I thank the Minister for his response. Does he agree that the wholly negative presentation of the protocol from some quarters is not only inaccurate but irresponsible?

**Mr Kearney:** Mo bhuíochas leis an Chomalta as ucht a cheiste. I absolutely agree. As the Member appreciates, much of the narrative around the protocol flies in the face of reality, and it is directly contradicted by the fact that many businesses see and utilise the advantages that the protocol provides them with, such as dual market access. There is a lot of dishonesty and fake news about the place. As the Member states, such inaccuracy becomes irresponsible when it is accompanied by inflammatory rhetoric and not-so-thinly veiled warnings. That creates more economic uncertainty and political apprehensions.

I urge all representatives to be responsible. Where there are issues that need to be addressed, let us do that in a pragmatic way that finds durable solutions. The Joint Committee is the forum for how we can find solutions that implement the protocol flexibly. Our businesses, farmers and manufacturers must be allowed to use the opportunities presented by the protocol to create and protect jobs and to attract investment. Our business community now needs certainty and stability, and it needs and wants to get on with embracing the unique opportunity that the protocol provides.

As for the political repercussions, the sabre-rattling needs to stop. Those whipping up tensions should step back from the brink. Let us implement the protocol properly and maintain power-sharing.

**Mr O'Toole:** On the impact on the economy post Brexit, what impact study has been done by the Executive Office on the catastrophic effect on our economy of the loss of EU labour? Last week, the DUP Agriculture Minister talked about the devastating impact that it was having. Has a study been done? Manufacturing NI, the Federation of Small Businesses (FSB) and every major business group has talked about the cost to —

**Mr Speaker:** Will the Member come to a question, please?

**Mr O'Toole:** — the Northern Ireland economy of losing EU labour since Brexit, thanks to the hard Brexit backed by the DUP. What study has been done by the Executive Office of the impact?

**Mr Kearney:** Go raibh maith agat as a cheist sin a chur. You are absolutely right to pinpoint that fault line. It is essential that we get to grips with the repercussions that we see. If we look to what is happening in the British state, we see the serious repercussions and fallout that are flowing from the impact of Brexit and as a result of it. We are caught in the tailwinds, so it is essential that our power-sharing Executive and all Departments now come together to ensure that we have resilient strategies that ensure that we do not face any more of the difficulties that are already being posed as a result of Brexit and the failure to properly implement the protocol.

**Ms Armstrong:** What efforts and representations has Invest NI made internationally to ensure the maximisation of the opportunities that could arise from the unique access that Northern Ireland has to the UK and the Republic of Ireland?

**Mr Kearney:** I thank the Member for that question. The Department for the Economy, alongside Invest NI and InterTradeIreland, continues to engage with many sectors to clarify the terms of access to the different markets that are now available and to encourage and enable export growth that could help to drive our economic recovery. However, our industry is capable of analysing those scenarios in and of itself.

In the next few days, I hope to meet local business leaders to explore precisely such issues. We have already seen reports from Invest NI that, latterly, up to 30 new prospective FDI investors were looking at the opportunities in the North that the landing zone of the protocol could provide to maximise opportunities to do with dual market access: the British market and the single European market.

## **Executive: Emergency Powers**

3. **Mr Frew** asked the First Minister and deputy First Minister, in order that future legislation will be considered by the Assembly under normal procedures, when will all emergency powers currently being used by the Executive come to an end. (AQO 2454/17-22)

**Mrs O'Neill:** The coronavirus regulations fall under the responsibility of the Department of

Health, which is best placed to provide an update on their continued requirement. At present and in line with the pathway out of restrictions, the regulations will remain in place for as long as is necessary to protect the health and well-being of our people and to reduce the pressures on the health service, particularly coming into the autumn/winter period, which is predicted to be difficult.

**Mr Frew:** I thank the deputy First Minister for her answer. I have asked the same question of the Health Minister. Given the draconian nature of the emergency powers, the undemocratic harm that they do and the brutal impact of lockdown measures on mental health, suicide, self-harm and isolation of our people, what work have the Executive undertaken to establish the true cost of their undemocratic decisions?

**Mrs O'Neill:** There is a bit of irony in that question. The Executive have taken democratic decisions throughout the pandemic. The Executive have sought to work together to protect lives and livelihoods. Every Minister sitting around the Executive table is there to do right by the public whom we serve. It is important that we continue to do that because we are not out of the woods yet; we still have a way to go.

It is important to note that we are making some progress, and I am glad to see that, even at this stage, we are starting to see a decrease in hospitalisations. I hope that that is the trajectory that we are now on, and I hope that it continues. We have set out our pathway to recovery, and we have set out clearly how we will continue to make progress. It must be steady and sustainable progress because none of us wants to go backwards. I certainly do not want us to be in a position ever again where we have to consider circuit breakers or lockdowns. The preventative approach today is crucial to avoid reaching that point. It is crucial that we make sure that we have a health service that can serve the population whom we serve when they need it and make sure that people have access to a GP and hospital services if that is required. We need to work to make sure that our business community can open safely, that staff are safe and that the public who use those facilities are safe.

I am confident that the Executive have been on a democratic journey to take us from dark and difficult days to, hopefully, a brighter future. We have set out a recovery plan that is clear for us all to see. We will have an Executive meeting later today and a further meeting on 7 October that will set out the winter plan for what we do about the pressures that we will see in the

health service over the coming months. A large body of work is under way. We need to continue with that work in the period ahead and keep making steady progress. I am mindful of the fact that the health service is in dire straits and that we are dealing with healthcare workers —

**Mr Speaker:** Time is up.

**Mrs O'Neill:** — who are exhausted.

**Mr McGrath:** I welcome the deputy First Minister back after her recent illness. It is good to see her back.

May I ask for details of the legislative timetable going forward? The Business Committee and the Executive Office are keen to see the work that will happen between now and the end of the mandate. May we get a full list of all the legislation that will be tabled in the coming period?

**Mrs O'Neill:** I thank the Member for his good wishes.

The question was about coronavirus regulations. We have, perhaps, a short legislative window in front of us. I am happy to provide that information in writing.

**Ms Ferguson:** I thank the Minister for the update on the future of the COVID emergency measures. What is the Minister's assessment of the impact of the British Government's cuts on the COVID financial measures, including the furlough scheme and the universal credit uplift?

**Mrs O'Neill:** I thank the Member, and she is welcome to the Assembly. This is the first time that I can officially say that to you in the Chamber. Good luck in your new role as an MLA for Foyle. I do not doubt that you will be a fantastic representative for the people of Foyle and will champion their needs in the Assembly.

There is no doubt that, with energy and food prices rising, the universal credit uplift ending and furlough ending, this is a time of real economic hardship and uncertainty for many families, particularly those who rely on benefits to put food on their tables and to heat their homes. That is why Conor Murphy wrote to the British Chancellor last week to seek an extension to the furlough scheme. That is very important. Also, for the British Government to end the current £20 weekly uplift is beyond crass; it is absolutely offensive for the Tories to consider doing that at this time. I have no other way to describe that action.

Let us be in no doubt that those ideological decisions by the Tories will drive more people further into poverty and through the doors of food banks. Again, if evidence were ever needed, the reality is that Tory Governments do not care about the everyday reality for the people who live here, and that is clear for all to see. We need to see immediate progress on the things that are within our gift such as ending the bedroom tax, as brought forward by the Minister for Communities, Deirdre Hargey. That proposal commands the support of the Cliff Edge Coalition and the wider sector. There can be no more delays and prevarication; we need action to protect the most vulnerable.

As joint head of government in the North, I will continue to challenge Tory austerity at every turn, stand up for families, workers and those who are most disadvantaged in our society and fight for a more equal, fair and just society.

**Mr Stafford:** In a response to a question for oral answer that I tabled to the Minister for the Economy, I was told that the cost of COVID to the local economy thus far has been more than £6 billion. This week, we have launched a £145 million high street scheme. Does the deputy First Minister agree that, if we enter a situation where there is another lockdown around October time, whether it is called a "lockdown" or a "circuit breaker", the net result will be that the high street scheme will have been money spent in vain?

**Mrs O'Neill:** There clearly is an economic cost. We have always said that COVID is devastating on a personal basis for families who have had sickness or lost someone whom they loved, and there is certainly an economic cost. We have all engaged with businesses such as those in the hospitality sector that have felt the worst brunt of that. All sectors across the board have faced real challenges at different stages of the pandemic.

That is why we must do everything that we can to prevent having to go backwards. That is why we need to keep making steady progress, moving forward and making sure that that is sustainable. It will never be reversed if we can absolutely avoid it. That should be where all our efforts are focused.

## 2.15 pm

Recent medical evidence and scientific advice says that the earlier that we can go in with lower-impact mitigations, the better that will serve us and will, hopefully, lead to a point where we never have to go back to the

lockdown or circuit-breaker approach. I want to take that approach. I hope that all others round the Executive table will also want to take that approach. In the meeting on 7 October, when we talk about our winter plan, those are the very issues that we will discuss.

## **NSMC: Upcoming Agenda**

4. **Ms Brogan** asked the First Minister and deputy First Minister for an update on the topics due to be discussed at the next meeting of the North/South Ministerial Council (NSMC). (AQO 2455/17-22)

**Mrs O'Neill:** Mr Speaker, with your permission, junior Minister Kearney will take that question.

**Mr Kearney:** At the NSMC plenary meeting on 30 July 2021, an indicative schedule of NSMC meetings was agreed to take place from September until December 2021. Agendas for NSMC meetings in the various sectors are developed by the lead Ministers from each jurisdiction and reflect the priorities in each sector at that time. NSMC plenary meetings involve the Executive, led by the First Minister and deputy First Minister, and the Irish Government, led by an Taoiseach. The task of the plenary meeting is to take an overview of cooperation on the island and of the North/South institutions. The next NSMC plenary meeting is due to take place in December. It is not possible to be specific about what the agenda will include at this stage, but recent meetings have focused on cooperation in the response to COVID-19, as well as other relevant matters, such as the implementation of various New Decade, New Approach (NDNA) commitments that have a cross-border element.

**Ms Brogan:** I thank the junior Minister for his answer. Does he agree that the North/South bodies are an integral part of the institutions of the Good Friday Agreement, alongside the Executive and Assembly, and that the DUP boycott of those bodies not only undermines the agreement but does a huge disservice to the people whom that party claims to represent?

**Mr Kearney:** Mo bhuíochas leis an Chomhalta as ucht an cheist a chur. I agree that the North/South bodies are an integral part of the three-stranded approach to the Good Friday Agreement, as are all the political institutions. They are interlocking and interdependent. One cannot have one without the other. As the Member knows, the North/South all-island cooperation bodies are a fundamental part of the political architecture, they are the bedrock of peace and the political process. I am due to

attend sectoral meetings as an accompanying Minister on 14 and 15 October. I expect those meetings to go ahead.

Any DUP boycott of those bodies would be a serious matter. That party should reflect carefully on the implications of such a decision, as the requirement to attend ministerial council meetings is embedded in the ministerial code. Reckless threats to pull down the Assembly and/or the Executive and boycott NSMC meetings place an immediate risk on €1 billion of EU PEACE PLUS funding, which is waiting to be signed off by the Executive and NSMC. That is about supporting jobs, communities and major projects. For the DUP to undermine the required all-island response to the crisis for party and electoral reasons would do a huge disservice to the people whom that party represents and to all the people of the island. To do that while we are still in the middle of a global health crisis, dealing with a disease that does not respect any border or boundary, is beyond belief.

Any threat to disengage from the NSMC is race-to-the-bottom politics. We need greater North/South and east-west cooperation at this time, not less. We need to build greater resilience and strengthen our power-sharing institutions. At this time, we all, collectively, need to double down and commit to delivering a progressive and pluralist —

**Mr Speaker:** Time is up.

**Mr Kearney:** — future for all our people.

**Mr Stewart:** Does the junior Minister agree that the Belfast Agreement was established on the basis of mutual respect and the principle of consent, and that east-west, as well as North/South, relations must be conducted in good faith? Does he also recognise that a trade border between Northern Ireland the rest of the UK runs contrary to the ethos and spirit of the Belfast Agreement?

**Mr Kearney:** I can agree entirely with everything that the Member said. I am against any type of border that impacts on our people. It is essential that we see the British-Irish Council, the NSMC and all bodies function. We need to see all strands of our political architecture work. That is why it is the height of madness for any political party, for sectional, political or electoral reasons, to threaten the basis of how those institutions work.

**Mr McNulty:** Can the joint DUP and Sinn Féin First Ministers confirm whether there is a legal

requirement on the North/South Ministerial Council to sign off on the £1 billion of Peace funding, as detailed by the Finance Minister, that can breathe life into communities that are falling behind because of the pandemic?

**Mr Kearney:** I am not sure whether the Member fluffed his lines. He and his party are members of a five-party coalition and power-sharing Executive here in the North. The Executive Office reflects the role of the joint First Ministers — the First Minister and the deputy First Minister — so I am a wee bit confused about where he is coming from with all this, but if he had listened to me earlier, he would probably have heard me — maybe not — make the point that attendance is required under the ministerial code and that we require NSMC sign-off in order to ensure that we access that €1 billion of PEACE PLUS funding.

**Mr Allister:** Why do the Minister and his party value the discredited protocol above the North/South bodies? They must realise that, if their partners in government are as good as their word, there will be no more North/South meetings as long as the protocol subsists.

**Mr Kearney:** I thank the Member for that question and barb. In reality, we have the protocol because he and his fellow travellers fought and campaigned for and then secured the hardest Brexit possible. The protocol exists as a way to blunt the worst effects of the Brexit that he championed. I would far rather not see a protocol in place; I would far rather not see Brexit exist at all.

The protocol needs to be used in a way that guarantees that our people can live together on the basis of progress and prosperity. Instead of asking silly questions like that, perhaps the Member could turn his intellect to working alongside the rest of us on how landing zones and solutions can be secured. The protocol is not going away.

**Mr Speaker:** Question 5 has been withdrawn.

## Troubles Permanent Disablement Payment Scheme

6. **Mr Storey** asked the First Minister and deputy First Minister what additional support, both practical and financial, will be given to organisations representing victims following the commencement of the Troubles permanent disablement payment scheme. (AQO 2457/17-22)

**Mrs O'Neill:** First, let me say how pleased we are that the scheme is open for applications. It is hoped that the opening of the scheme will have a positive impact for all who have suffered permanent disablement. We also put on record our thanks to the victims and survivors organisations for the support that they have provided to the implementation of the scheme and for the assistance that they are providing to help victims and survivors through the application process.

Funding was provided to the Victims and Survivors Service by TEO in the last financial year and this year to manage the anticipated demand for support and advice regarding the scheme. That funding provides an additional resource of 14 full-time equivalent welfare staff in Victims and Survivors Service-funded organisations and funding for additional administrative support. It will also enable the Victims and Survivors Service to provide ongoing coordination across the sector to ensure consistency of approach, collaborative working and learning, liaison between organisations and the Victims Payments' Board, referral of clients and monitoring and evaluation.

Part of the funding has been allocated to allow for any increases in demand for health and well-being services currently provided by Victims and Survivors Service-funded organisations. Officials will continue to meet a range of sector representatives to support meaningful and productive engagement on the scheme.

**Mr Storey:** It is so sad that we have come to a place where we have to provide money for people who have permanent disablement as a result of the acts of terrorists and those who endeavoured to take life. It is ironic that, in the House today, there are people who talk about preserving life but were quite happy to justify the taking of life.

**Mr Speaker:** Will the Member ask a question?

**Mr Storey:** Will the deputy First Minister clarify whose responsibility it is to run the scheme? It seems as though the Minister of Justice has said, "I have created it, and now it is over to the Executive Office". Is that the case?

**Mrs O'Neill:** First, it is so sad that anybody suffered in any way at all throughout the course of the conflict. Hurt was caused on all sides, and, whilst we will never agree —

**Mr Storey:** You justified it.

**Mrs O'Neill:** Hurt was caused on all sides, and, whilst we will never agree on the past, we can agree to never drift backwards, to only move forwards, to build a better society for all and to ensure that we do not lumber today's generation with the past. Let us build for a better future, but let us do that together. That is certainly where I will focus all my efforts.

It is really important to note that, after taking a considerable period of time to get to this point, we, in the first instance, welcomed the fact that the scheme had opened. Justice was the Department that designed the scheme and put the practicalities, if you like, together. I am not interested in passing the buck around who is responsible. The work of the Victims and Survivors Service is all done through the Executive Office support scheme, so that is certainly our responsibility. I listened to Question Time last week, during which some of the questioners asked where the responsibility for the scheme now lies. The delivery of the scheme comes under the board. That is independent, in a sense, but supporting the victims through the scheme comes under TEO, and we will make sure that we play our part.

**Mr O'Dowd:** Will the joint First Minister give us an update on the provision for the funding of the scheme?

**Mrs O'Neill:** Thanks for that. At the outset, as I said, I am pleased to confirm that we have been able to get the scheme open. In the first instance, that is the best outcome. You will know that the funding of the scheme has put a huge pressure on the block grant, and you know that Ministers are working together. The Finance Minister is continuing the conversations he is having with the British Government on the fact that they took policy decisions that have implications for the Executive and that put huge financial strain on the Executive. Therefore, the Executive Office and the Minister of Justice continue to work together putting on pressure in order to ensure that we have the right funding and that the British Government actually live up to their commitment in their own statement of funding policy, which states that, where a decision is taken by the British Government and is imposed on a devolved Administration, they must foot the Bill.

It is really important that we continue with that, and I can confirm that the Finance Minister has written to the Chancellor of the Exchequer requesting that he reconsider the Treasury's position on the funding of the scheme. He will also look at dispute mechanisms to raise the issue further, so I think that there is a journey to

be travelled collectively in the Executive with the British Government in order to try to ensure that they provide sufficient funding to allow us to continue with the scheme.

**Mr Nesbitt:** One of the main campaigners for the scheme was blown up on 4 March 1972. Can the Minister tell the House that she is certain that that victim will receive a payment before the fiftieth anniversary of their being confined to a wheelchair?

**Mrs O'Neill:** First, as I said, I am very glad that the scheme has opened, and I think that victims have had to wait for far too long to get to this point. I will not discuss any individual's application in the House. That would be completely inappropriate, to say the least. I will ensure that all victims who have applied to the scheme receive their payment promptly. I believe that, since the scheme opened on 31 August, 421 applications have been received. I hope that they are processed as speedily as possible and that the support gets to victims as quickly as possible. If the Member wishes to query an individual's particular circumstances, I suggest that he does that through the appropriate channels rather than across the Chamber.

**Mrs D Kelly:** Joint First Minister, many families who have been bereaved are excluded from the scheme. Is any representation being made on their behalf? There is a lot of misinformation and expectation right across the community, particularly among families who have suffered bereavement.

**Mrs O'Neill:** We are very aware of the issues affecting bereaved families and survivors, and we are very keen to address their needs and, importantly, to acknowledge the loss that has been felt by so many people. We are delighted that the payment scheme for bereaved victims, administered by the Victims and Survivors Service, reopened in April. Again, we encourage all those who are eligible to get in touch with the service, because it can assist them with the process and provide them with additional support, like well-being support, which is also very important.

**2.30 pm**

**Mr Speaker:** I call Stewart Dickson. You are not likely to get a supplementary.

**FICT Report: Publication**

7. **Mr Dickson** asked the First Minister and deputy First Minister for an update on when the report of the Commission on Flags, Identity, Culture and Tradition (FICT) will be published. (AQO 2458/17-22)

**Mrs O'Neill:** With your permission, again, Mr Speaker, junior Minister Kearney will answer that question.

**Mr Kearney:** The Executive discussed the FICT report at their meeting last Thursday and agreed that the report should be published. Consideration is being given as to how best to facilitate that.

**Mr Speaker:** I call Stewart Dickson for a supplementary. Be brief, please.

**Mr Dickson:** I thank the Minister for his reply. Will the Minister explain, and elaborate on for the House, what is holding up publication of the report? What meetings have been held since the Minister's most recent announcement that the report was in preparation?

**Mr Kearney:** I thank the Member for that question. The same blockages remained over the summer when I was committed to making progress. I reported on those blockages on 28 June. My efforts to take this forward have, again, been frustrated. A special Executive meeting to discuss the report, recommendations and approved next steps should have convened at the end of April or beginning of May, but that did not happen. Therefore, I formally proposed to the Executive on 8 July that a full report be brought to the Executive by mid-September and that the report and recommendations be published at that time. The most recently scheduled meeting of the FICT working group was due to take place on 21 September, but that was cancelled. During the Executive meeting on 23 September, I called for the procrastination to end and again urged that the report be published, with an implementation plan. The Executive agreed with that position. That is appropriate. It is an Executive report. I intend to ensure that this commitment is delivered imminently. There is no excuse for any further delay or blocking on the matter.

**Mr Speaker:** That ends the period for listed questions. We move on to 15 minutes of topical questions. Question 7 has been withdrawn.

## Northern Ireland Bureau, China

T1. **Mr Harvey** asked the First Minister and deputy First Minister, after wishing the deputy First Minister well on her road to recovery, to provide an update on the Northern Ireland Bureau in China, further to the success of the 2017 leaders' summit. (AQT 1591/17-22)

**Mrs O'Neill:** I thank the Member for his good wishes. They are very much appreciated. I am glad to say that I am doing well.

I thank the Member for his question. Our bureau in Beijing continues to engage with key economic contacts in our partner provinces and agencies in China to discuss ongoing economic cooperation following the COVID pandemic. The bureau is working with Invest NI, through our partner provinces in the north-east of China, in preparation for a future trade mission. That will include working with a number of our councils and the friendly city agreements that we have in that region.

The bureau has also supported Invest NI, and a number of our local businesses have been able to attend trade shows in China. Ministers, TEO officials and the bureau continue to work with the Chinese consulate here and government departments in China to develop and maintain market access for a number of companies in the agri-food and farming sector, particularly as we move towards more easing of COVID restrictions there. TEO, the Executive bureau in China and Invest NI are working with Ulster University and the Confucius Institute on a research project to provide advice and information to organisations in the early stages of doing business in China, and to encourage organisations to consider China as a target market in the upcoming period.

**Mr Harvey:** I agree that a link with China is vital for future economic growth locally. What potential is there to further increase the number of Chinese tourists visiting Northern Ireland in the coming years? What can the bureau do to assist that aim?

**Mrs O'Neill:** The bureau will have a key role to play. We were making real strides before the pandemic. We had a huge — major, in fact — increase in tourism from China. That work will need to continue apace, particularly as things start to open up and opportunities come again. We look forward to the day when we can get back to the tourism sector enjoying a strong economy. There are lots of opportunities for us to maximise the number of tourists from China coming here. It will be key that we work across our councils, the Executive and Invest NI, particularly on the economic opportunities.

There is great scope for positive progress to be made in tourism in the years ahead.

## **FICT Report: Action Plan**

T2. **Ms Armstrong** asked the First Minister and deputy First Minister, in the light of interesting answers to earlier questions, to state whether, when the FICT report is published, it will be published with an action plan. (AQT 1592/17-22)

**Mrs O'Neill:** With your permission, Ceann Comhairle, I ask junior Minister Kearney to answer that question.

**Mr Kearney:** Yes, absolutely: the report needs to be published with scaffolding. Work has been done on an implementation plan, which I have mentioned in the House before and raised at the Executive. We should have the publication of the report accompanied by a specific plan that addresses the 45 areas or recommendations on which there was consensus within the commission.

Every party and Minister has had access to the report. There are 45 recommendations on which there is consensus. There are other areas where challenges remain, and the Executive need to deliberate on how best we address those in order that we move forward in a cohesive way, ensuring that the report is finally published in a responsible and strategic way with the type of next steps and recommendations for action that you spoke of.

**Ms Armstrong:** I thank the junior Minister very much for his response. We are coming into budget-setting time. Will that action plan be taken into consideration across all Departments when the budgets are being considered? Will that be a direction from the Executive Office to ensure that there is a cross-cutting commitment to that action plan?

**Mr Kearney:** Yes, the FICT report is owned by the Executive, which means that it is cross-departmental. All Ministers and Departments will have some responsibility for the delivery of the report. Therefore, it follows that we will need to see budgets being profiled to accommodate the particular requirements requested of certain Departments as a result of their shared responsibility for the implementation of the report. Those issues need to be priced into our budgets so that we have the resource to ensure that the actions in the action plan, when we finally publish it, are successful. I hope that it will be published sooner rather than later and have asked for an indication of the deadline for

the publication and implementation of the plan by the Executive.

## **Tories: Angela Rayner's Comments**

T3. **Mr K Buchanan** asked the First Minister and deputy First Minister, in the light of some of the deputy First Minister's earlier answers, which suggested that she is no fan of the Tories, what her opinion is of the commentary from Angela Rayner, deputy leader of the Labour Party, who referred to the Tories as "homophobic", "racist", "scum" and "absolutely vile", which she classed as "street language", leaving him glad that he does not live on that street. (AQT 1593/17-22)

**Mrs O'Neill:** First, you are right in your assessment that I am not a fan of the Tories, nor will I ever be. Secondly, the reasons for that are purely political and ideological. They prioritise the needs of the few against the needs of the majority of citizens. The stringent cuts that we have had to deal with are a result of budget cuts since the Tories came into power. There are many reasons for the health service crisis, but one of the major contributory factors has been that the budget for health has been cut for far too long. My opposition to the Tories is purely on that basis. In political discourse it is important that we try to be as courteous as we can when making our political points. That is certainly the approach that I take.

**Mr K Buchanan:** I did not really hear a condemnation of the terms, but I will leave it at that. Everyone's language and actions are massively important to public messaging. Do you feel any regret for destroying the pandemic messaging when you attended the funeral in June last year?

**Mrs O'Neill:** Here we are, almost at the end of September. We have made huge strides forward in responding to the pandemic, and I want to continue with that progress. I have led us, through the Executive, and taken the right approach to support the health service and support our people by protecting lives and livelihoods. That remains and will continue to be my focus. We continue to make progress, and we need to create a sustainable way forward and bring in preventative measures that take us through the winter months and take the pressure off our health service. That should be the focus of everyone in this Chamber instead of going down rabbit holes again.

## **Bedroom Tax**

T4. **Ms Á Murphy** asked the First Minister and deputy First Minister why there has been a delay in the Executive's agreeing to get rid of the bedroom tax, which penalises the most in need. (AQT 1594/17-22)

**Mrs O'Neill:** I thank the Member for her question. When we talk about the Tories, welfare cuts and targeting the most vulnerable are the issues that come to mind. The implications of all their actions have been to make it so difficult for people just to survive, to put food on their table and to heat their home. It is therefore time to bin the bedroom tax once and for all. Dealing with that issue has been stalled and delayed for far too long. Despite the best efforts, and I mean the best efforts, of the Communities Minister to bring forward legislation that would put it to bed once and for all, the issue has failed to get on the Executive agenda, and that is really not acceptable. It is for those who have blocked the matter from getting on to the Executive agenda to explain the rationale behind their position. I assure the Member that the blockage does not rest with me.

**Ms Á Murphy:** I thank the joint First Minister for her answer. Does she support the request from the Communities Minister, Deirdre Hargey, for an urgent Executive meeting to agree her proposal to get rid of the bedroom tax?

**Mrs O'Neill:** In short, yes, I do. As I said, the legislation to bin the bedroom tax and to amend the welfare mitigation scheme by closing the loopholes is ready. The money has been budgeted for it. There is no reason for delay. The Minister for Communities, Deirdre Hargey, is ready to get it done. The bedroom tax is a Tory attack on those most in need, whether they live in Coleraine, Belfast or Ballymena. It affects everybody equally. It is time for the issue to be dealt with. I want to see the Executive make progress on that issue and to see the blockage ended. I want to see the Communities Minister bring forward the legislation and bin, once and for all, the bedroom tax. That is where we need to be at. Some political parties say that that is their public position, but legislation is the way in which to confirm that to be the case.

### **Climate Change Committee: Executive Briefing**

T5. **Mr Durkan** asked the First Minister and deputy First Minister to outline any details of the discussions that took place when the Climate Change Committee presented to the Executive last week. (AQT 1595/17-22)

**Mrs O'Neill:** It was very informative. We had a presentation and an opportunity to question the guests who had come along. I am quite sure that the presentation is not a secret and that we can probably send it to Members. I will clarify that, but I imagine that it is OK to do so. It was a very detailed presentation on the opportunities and the need to be ambitious and to support rural communities. All those things were discussed in the round. It was timely that we had that conversation, particularly in advance of the upcoming summit.

**Mr Durkan:** I thank the deputy First Minister for her answer. I look forward to seeing more detail from that important presentation. The Infrastructure Minister, Nichola Mallon, has won Executive support for a climate summit to be held ahead of the UN Climate Change Conference of the Parties (COP26). That summit is to be organised by the Executive Office. Will the deputy First Minister provide an update on when it will happen and confirm that a wider range of stakeholders and experts, including Climate Coalition NI (CCNI), will be invited?

**Mrs O'Neill:** First, last week's presentation was a direct response to the Infrastructure Minister's ask for a discussion on that issue. Perhaps the —. *[Interruption.]*

**Mr Speaker:** Order, please.

**Mrs O'Neill:** It is hard to hear when people are mumbling away.

It is important that we had that discussion. *[Interruption.]*

**Mr Speaker:** Order in the Chamber, please. Sorry, Minister.

**Mrs O'Neill:** Thank you, a Cheann Comhairle. It is really important that we had that discussion. I am more than happy to work with the Infrastructure Minister, as I have done consistently. If a climate summit is what we should do, I am more than happy to receive a formal proposal, which the Executive Office has yet to receive.

**Mr Speaker:** Alan Chambers is not in his place to ask his question. The topical question after that has been withdrawn.

### **First Minister and deputy First Minister: Joint Authority**

T8. **Mr McCrossan** asked the First Minister and deputy First Minister, in the light of a lot of interesting media commentary of late, particularly from colleagues across the Chamber, about who will be the next First Minister or deputy First Minister, to confirm that it is the case that it is a joint office in which both positions are of equal power and, therefore, both occupants of those positions are joint First Ministers. (AQT 1598/17-22)

**Mrs O'Neill:** The simple answer is this: yes, I can confirm that the office of the First Minister and the deputy First Minister is a joint office. It has joint authority and the joint ability to take decisions. One does not operate without the other, so that is certainly the answer. I note a lot of the commentary around the issue. My only desire is to do right by the public who elect us.

We are here to deal with today's most challenging issues. The issues that are weighing most on people's minds are hospital waiting lists, the health service and the process of getting out of COVID and into recovery. It is about jobs, health and housing. The public want us to be very much focused on those in the time ahead.

2.45 pm

**Mr Speaker:** I call Daniel McCrossan for a very brief supplementary.

**Mr McCrossan:** Thank you very much, Mr Speaker. I thank the Minister for her answer. Was the question about the First Minister and joint First Minister, in fact, an electoral ploy by some in the Chamber? Was it not a meaningless question that did not focus on the core issues that we should be dealing with as an Assembly?

**Mrs O'Neill:** I assure the Member that I will be more interested in my party's approach to the election than I will be in that of others. I will put my manifesto to the public, and I will ask for their support for progressive change and for dealing with issues such as health, housing and jobs. That is how I will set out my stall; it is for others to do what they wish.

**Mr Speaker:** Time is up. Members should take their ease for a moment or two before we move to the next item.

## Finance

**Mr Speaker:** Questions 7 and 12 have been withdrawn.

## HSC: Ring-fenced Barnett Consequentials

1. **Mr Butler** asked the Minister of Finance what steps he is taking to ring-fence any Barnett consequentials from the UK Government's proposed health and social care (HSC) tax for the transformation of health and sustainability of social care in Northern Ireland. (AQO 2466/17-22)

3. **Mr Harvey** asked the Minister of Finance whether his Department will ring-fence money received from HM Government from the health and social care tax for healthcare in Northern Ireland. (AQO 2468/17-22)

**Mr C Murphy (The Minister of Finance):** With your permission, a Cheann Comhairle, I will answer questions 1 and 3 together, as both relate to the health and social care levy.

My officials are in discussion with the Treasury around the health and social care levy and how it will impact on the Executive's Budget. However, I understand that there will be a legal obligation for the cash raised from the levy to be directed to health and social care.

For clarity, although the announcement referenced £400 million, that sum included levy-funded spend that is not specific to England, such as vaccine costs, and, as such, that will not give rise to a Barnett consequential. The actual funding provided to the Executive will not be known until the spending review outcome, but the current estimate is that the Executive will receive an average annual amount of £300 million.

The Executive recognise the importance of directing funding to our health service, and that will be a wider consideration in the local Budget process. My recommendation will be that the funding provided by the levy should be ring-fenced for health.

**Mr Butler:** I thank the Minister for his answer. He has given us tangible figures, which are of a reduction from £400 million to £300 million. Will he expand on that a bit so that we can understand the gap?

**Mr C Murphy:** Yes. As I said in my response, bringing the figures across each of the devolved areas appeared to indicate that we would receive £400 million. However, some of that spend is not England-specific and does not therefore give rise to a Barnett consequential for us. Rather, some of the spend is on the vaccine more broadly, the cost of which is

attributed to all of us. Our estimate, which is yet to be confirmed — it will be confirmed finally in the outcome of the spending review at the end of October — is that it will be more like £300 million.

**Mr Harvey:** Thank you, Minister, for your answers. As we enter another winter, we are all mindful of the pressures faced by the NHS. What other plans are there to ensure that the health service budget is prioritised?

**Mr C Murphy:** I thank the Member for his question. We have begun the exercise of planning for a multi-annual Budget outcome. That is what we have been seeking for many years. In order to address the longer-term transformation issues in the health service in tackling matters such as waiting lists, we need recurrent funding to make sure that we have the staff to carry that out. That was never possible under a one-year annual Budget scenario.

Now that we have had it clarified that we will have a three-year Budget, the Executive have already begun planning. I have put a paper to the Executive identifying that health has been our consistent priority right across the Executive since we came back in January 2020. We then need to consider how we would meet the requirements of the Health Department.

Health interests, of course, span beyond the Health Department, but certainly the primary area of acute services would be through the Health Department. We have been talking to the Health Department about its needs and what it thinks it would require in terms of transformation. The Executive will get down to that discussion, hopefully in the next week or so, to begin to match funding or some estimated funding to that priority — we will not know the amount until the end of October — to make sure that we can plan a better outcome for health over the next three years than we have had over the last number of years.

**Mr Gildernew:** Health and social care is under severe pressure in terms of demand and the provision of services. What discussions have you had, Minister, with your Executive colleagues to ensure that health will be prioritised in the forthcoming Budget?

**Mr C Murphy:** My Department talked to other Departments over the summer in relation to the Budget outcome and the Budget planning that we need to do ahead of the outcome of the spending review at the end of October so that we are ready to draft and launch a draft Budget

and go out to public consultation as quickly as we possibly can.

As I said in my previous response, I have written to Executive colleagues. I spoke to this issue at the Executive meeting last Thursday. I reminded people that our priority has consistently been to support the health service, and that was probably even more acute than when we came in in January 2020. The needs of the health service are now more pronounced than ever. We will need to consider, first in dialogue with the Health Minister and his Department, what the requirements are. The Executive will then have to take decisions on prioritisation.

We do not know what the outcome of the spending review will be. We have no sense that it will be an improved position in terms of our Budget. That may mean that we have to look at other Departments and how we prioritise to meet the health needs.

**Ms Hunter:** In relation to current pressures on the health service, we want to see health prioritised. I am also mindful that we have seen the biggest cut in benefits by the British Government since World War II. I note the mental stress that this has caused for many people on benefits. Will the Minister commit to working with the Communities Minister to give it back?

**Mr C Murphy:** That decision was taken at Westminster, and any decision to give it back should be taken at Westminster. It is interesting that there seems to be an attempt to pass the problem to the Executive when it was a decision taken at Westminster.

The Communities Minister has asked for an urgent Executive discussion on all welfare mitigations, including the money that would be lost by the ending of the universal credit top-up. I hope that that meeting takes place as soon as possible. We then have to discuss what we have in our budgets and what we expect in the spending review outcome. That decision should have been fought at Westminster. I understand that it will affect people here, but it is almost as if the problem has been presented as the Executive's problem. The Executive did not cut the top-up. The decision was taken at Westminster.

**Mr Allister:** At the end of June, the Minister, in a written response to me, indicated that, of the £769 million of Barnett consequential arising from allocations to the Department of Health and Social Care in England, only £504 million

went to our Department of Health. Will the Minister give an update, if not today then by other processes, on what the present situation is in terms of the Barnett consequential on health and the actual spend of that consequential on health? There is much talk and concern about austerity, but we want to make sure that we are spending the money that we get for health on health.

**Mr C Murphy:** It goes back to the discussion about a three-year Budget versus a one-year Budget. If we get a Barnett consequential in year, it has to be spent in year. If it is a substantial consequential, Health may not be in a position to fully spend that. I will get the Member the detail, but I know that, this year alone, we have given an additional £70 million-plus to Health to deal with waiting lists. We are expecting a Barnett consequential of £180 million, which we will allocate as part of the October monitoring round. Health has asked to have all of that, and I would support that request and will make a recommendation accordingly.

With previous Barnett consequentials, particularly those that arrived late in the year, Health may have said that it could not spend such a level of consequential and that it did not ask for all that, but I am happy to get the detail of that and pass it on to the Member.

**Ms Bradshaw:** Has the Minister had any discussions with the UK Treasury on additional funding for healthcare workers, particularly nurses' pay? Is there an update on that?

**Mr C Murphy:** As the Member will know, the British Government did not make the type of pay offer that healthcare professionals, nurses and others wanted. Applauding them outside 10 and 11 Downing Street did not mean much when it came to actually allocating them a pay award. The Health Minister has been discussing that pay award and the additional £500 payment. The Department of Health is progressing that at the moment for healthcare workers. The outcome of the pay award for healthcare workers was very disappointing but, perhaps, not unexpected from Treasury.

**Mrs Dodds:** The Minister started to answer the question that I will try to get at. Can he give the House an update on healthcare workers in the private sector who were promised the additional £500?

**Mr C Murphy:** I have seen responses. It is not the responsibility of the Department of Finance. As the Member will know from her time in the

Executive, we allocate the funding to cover those issues and the Department of Health is responsible for distributing that. That Department seems to have run into some technical procedural issues that have delayed that. The latest responses that I saw were talking about this being sorted in the autumn. I know that people are anxiously waiting for that £500, and I am sure that all Members have received a lot of enquiries about the subject. I hope that that payment is expedited, because I know that a lot of people have been looking forward to that and very much need it in the time ahead.

## Operational Delivery Apprenticeship Scheme

2. **Mr Newton** asked the Minister of Finance how many places are available on the operational delivery apprenticeship scheme. (AQO 2467/17-22)

**Mr C Murphy:** I was delighted to recently launch the new Civil Service operational delivery apprenticeship scheme, alongside Minister Hargey and Minister Lyons, to recruit 45 operational delivery apprentices. This is the largest Civil Service apprenticeship recruitment to date and offers successful candidates an entry-level route into a career in the Civil Service, allowing them to earn a wage while undertaking a work-based qualification over a two-year period. Apprentices who successfully complete their apprenticeship will progress to the next grade — administrative officer — within the operational delivery profession.

**Mr Newton:** I thank the Minister for his answer so far. Minister, 45 apprentices out of, as I understand it, a workforce of some 23,000 seems to be a very small number. What qualifications are necessary to gain a place? Will the Minister be mindful of giving consideration to youngsters who have, in effect, been underachieving at school and perhaps find a route into the Civil Service, under this scheme, for those youngsters?

**Mr C Murphy:** The apprenticeship scheme is only one of a number of options. I think that there are about 100 student placements as well, and people can come in and work for a period and go back to their training. I will get the Member the exact entry requirements.

The Member makes a very valid point — it is one that we have, on occasion, discussed in the Department — about opportunities for people who are not achieving as they might have wished in school and ensuring that the Civil

Service is a very broad home for people of all skills and levels of education. I will take that away and report back to him on any progress, but he makes a very valid point about these schemes. I would like to see greater numbers in these schemes. We are changing recruitment and looking at the whole area of recruitment practices as per the recommendation from the Audit Office report.

There are a number of measures, including the apprenticeship scheme, student placement schemes and open recruitment processes, all of which, I hope, will have a transformative effect on the Civil Service. I am certainly happy to take suggestions from the Member about that.

### 3.00 pm

**Mr McGuigan:** Minister, given the identified need for change that was outlined in the RHI inquiry report and the capacity and capability review, will you outline the steps that you are taking to improve recruitment in the Civil Service?

**Mr C Murphy:** The reports asked for a review of recruitment, and that is under way. I have agreed the terms of reference for the review and an independent advisory panel of HR experts has been established to support it.

Officials are developing a proposed overarching policy framework, which will set out the future approach by which the Civil Service recruits and selects to ensure that it is staffed by people with the necessary skills and expertise. While that policy is under development, it will aim to open up recruitment to the Civil Service and to expand its resourcing mix — the routes into the Civil Service, which the previous Member who spoke asked about — through an increased use of apprenticeships, trainee schemes and employability interventions.

**Ms McLaughlin:** The apprenticeship scheme is extremely welcome, albeit it should probably be expanded. We also need to fix the management staff cliff edge that the Civil Service faces. When will the Minister announce a timescale for an extended resumption of the graduate programme, which the SDLP called for in the 'Make Change Programme' paper that it released a few weeks ago?

**Mr C Murphy:** It is intended that the policy framework for the elements that came out of the inquiries will be submitted to me for consideration in October. Thereafter, there will be detailed, formal consultation with the trade union side and other key stakeholders. That is

obviously a fundamental requirement when undertaking significant work to make changes.

Of course, we want to see the schemes developed, as well as opportunities for more lateral entry into the Civil Service and a transformation within it. We also want to see a contribution being made by the regional hubs, which will allow people to apply who previously would not have applied because of proximity issues. A range of different measures is under way.

I had a discussion with some of your colleagues about the proposals that the SDLP developed. I invited them to engage with the Civil Service team that is working on the matter to see where the policy proposals match.

A range of propositions is under way as a consequence of a need for change and as a consequence of the RHI inquiry and Audit Office reports.

### Business Rates

4. **Mr M Bradley** asked the Minister of Finance for his assessment of the level of business rates in town centres. (AQO 2469/17-22)

**Mr C Murphy:** The amount of rates payable by a business is a product of the assessed net annual value (NAV) of the property and the regional and district rate poundages. A 2019 review of business rates highlighted the general feeling in the business community that the rates burden on businesses was too high. In response, I reduced the regional business rate by 18% in 2020 and held the reduced rate for the current year as well. Businesses located in town centres have also benefited from £108 million per year of relief through rates holidays, which has seen many town centre businesses pay no rates at all for two years. That is in addition to the £5.8 million of small business rate relief that was awarded to town centre businesses.

I have asked Land and Property Services (LPS) to carry out a revaluation of non-domestic properties. A new valuation list will come into effect on 1 April 2023 and will be based on the property market in October this year. That will ensure that businesses pay rates that are based on values that take account of the market changes because of the pandemic.

Finally, I continue to urge councils to show restraint in setting their non-domestic rates poundages in order that we can limit business rate increases going forward.

**Mr M Bradley:** I thank the Minister for that answer. He has probably answered my supplementary question as well. Has he had any assessment of the impact of the 12.5% reduction in the regional rate during 2020-21, the four months of the rates holiday in April, May, June and July 2020 or, indeed, the business support scheme? If those measures turn out to have been a success, does he envisage further help being given to our retail sector in order to regenerate town centres and to keep businesses in town centres rather than out-of-town retail centres?

**Mr C Murphy:** The Member is right. As I am sure other Members have done, I have been out and about engaging with businesses, and, over the summer months, I took the opportunity to visit different towns to engage with people who had benefited from rates support and rates reduction. The feedback that I got was that it undoubtedly kept a lot of businesses open. Obviously, we wish to keep them open in the time ahead. A lot of the money that paid for that was COVID money that we got from Westminster last year. We have no guarantee of that level of funding, if any at all, in the time ahead. I have asked Ulster University, which did the initial assessment to determine those sectors that most required intervention, to do a further analysis of that to see whether there is anything in particular that we can do when this financial year and the rates holidays that we introduced come to an end.

**Mr Delargy:** What is the value of the rates support that has been provided to town centres this year?

**Mr C Murphy:** The total value is over £100 million. I am happy to give the Member a breakdown, town by town. He will be pleased to know that Derry got almost £10 million of support and that Strabane, in his council area, got nearly £1.5 million. I will be happy to provide him with a full breakdown of the support for each town.

**Mr O'Toole:** This was alluded to in the previous answer, but the business rate — I mean the non-domestic rate — is by far one of the biggest taxation levers that we have locally. It is also, because of the COVID crisis, one of the most insecure. The fiscal commission is looking at that, but what is the Minister's long-term vision for the business rate? Clearly, it would seem to be unsustainable at the moment to have such a high burden of taxation on one area of small business and very little guarantee of it going forward into the longer term.

**Mr C Murphy:** The Member is correct in that, I think, the rate generates about 10% of the funding and finances that are available to the Executive, which, as he will know, are used to support public services across a range of Departments. It is a very significant income for the Executive. Of course, we want the burden of that to be fairly distributed, and we had been hearing from businesses that they felt that the business rate was excessive. It has been reduced by 18%. Many people did not get the full value of that because we also introduced a rates holiday to cope with the pandemic. We have kept the business rate down by 18%, and we have been speaking to councils about the need to ensure that businesses can recover from the pandemic.

In the longer term, I want to continue to review and engage with business organisations and businesses. One of the other asks on the non-domestic side was for more frequent revaluation exercises so that there would not be a significant jump in the valuation over a longer period and so that the redistribution of that burden having a more severe impact on some businesses than others would be avoided. We have gone for a three-year revaluation exercise for the next one, which is the shortest period between revaluation exercises that we have ever had.

It is about listening to businesses and trying to work through a fair system of rates that takes account of the issues that businesses raise. Of course, however, that income for the Executive is very important for our public services generally. Given that we have faced nine or 10 years of austerity Budgets, we need to rely on those things in order to supplement the income the Executive get.

**Mr K Buchanan:** The Minister mentioned the rates holidays etc. Those rates bills are going to land on businesses' mats in, I presume, April or May next year. Is there anything the Department or LPS can do to ease that burden over and above what they currently do? Obviously, the bill can be paid monthly over a period of time. Is there anything else that can be done to relieve the shock that is going to hit those businesses?

**Mr C Murphy:** As I said, the ability of the Department to manage a two-year full rates holiday was due to the COVID money that we received. There is a real sense from businesses, as he will know, that the rates bill is one of their key burdens. As I said, the feedback from the businesses that I have been speaking to is that the rates holiday has been a lifeline for them. They recognise that the only

guarantee was to the end of this financial year; beyond that, we do not and have not had any indication that we will get COVID support to the level that we previously got.

We will continue to talk to the Treasury about that. That is why I have asked Ulster University to look at more specific targeting, if it were possible and if the Executive had the resources and agreed to apply them in order to target sectors that were really struggling. We can all try to encourage local people, as we are doing with the voucher scheme, to shop local and support local businesses by spending in our local high streets and our rural businesses in order to make sure that whatever spending power we have goes into supporting our local businesses.

**Mrs Dodds:** The Minister referred to the very considerable rates support that was given to businesses and all the other schemes that happened through COVID funding. He also allocated £300 million for an economic recovery action package, which has been adopted by the Executive in their fully costed set of interventions for the economy. Some sectors of our economy are still closed, however, because of the restrictions imposed by the Executive. As furlough ends, what provision can we make to support those businesses, should the Executive's decision continue to be to close those particular sectors?

**Mr C Murphy:** I have written to the Chancellor on a number of occasions, including recently, to argue the case that the furlough scheme should continue, even if in a more targeted fashion. As we, thankfully, emerge from the pandemic, we have been able to open up a lot of businesses and areas, but the economic impact will continue for a significant period.

The Executive have not taken the decision to close businesses, but some of the restrictions mean that some businesses will consider whether or not it is commercially viable to open. My Department and — when the Member was in it — the Department for the Economy were able to pay out on the basis that regulations from the Health Department said that businesses had to close. That gave us the vires to pay support to people in business. That situation does not exist now, but I hope that restrictions can continue to be eased. That depends very much on the transmission of the virus in the community and on people following advice and behaving sensibly to ensure that our health service is not overwhelmed. We are progressing in that direction. We face a difficult time over the winter, and the health service is challenged. However, if society as a whole can

continue to cooperate with the advice that we have been given, we will be out of this more quickly, and some of those businesses will be able to open up in a more commercially viable way.

## PEACE PLUS: Update

5. **Mr Nesbitt** asked the Minister of Finance for an update on the PEACE PLUS funds. (AQO 2470/17-22)

13. **Mr McAleer** asked the Minister of Finance for an update on the PEACE PLUS programme. (AQO 2478/17-22)

**Mr C Murphy:** With your permission, Ceann Comhairle, I will answer questions 5 and 13 together, as they both refer to PEACE PLUS.

The budget for PEACE PLUS has been confirmed at almost £1 billion. The Special EU Programmes Body (SEUPB) is finalising the programme document, which requires approval from the Executive, the Irish Government, the North/South Ministerial Council (NSMC) and the EU Commission. It is planned that Executive and North/South Ministerial Council approval will be sought in October, before submission to the EU Commission. That would allow the SEUPB to open the programme for calls in early 2022.

**Mr Nesbitt:** The Minister publicly warned of a grave danger of losing that money if the DUP boycotts the North/South Ministerial Council. My question to the Minister is this: how much EU funding was lost in the three years following Martin McGuinness's resignation as deputy First Minister and the consequent collapse of the North/South Ministerial Council?

**Mr C Murphy:** The reality is that it was probably none. This is a new PEACE PLUS programme that requires approval to get running. The Peace IV programme, which ran over that time, had all its approvals in place and was able to continue as per those approvals. Therefore, I am afraid that the Member's question is misplaced.

PEACE PLUS is a new programme. In order to get up and running over a seven-year period, it requires initial approval through the British Government, the Irish Government, ourselves and the North/South Ministerial Council, and then to go to the EU Commission for final sign-off. I am sure that the Member will be relieved to know that that was not the case over that period.

**Mr McAleer:** I have a follow-on question. The DUP leader is threatening the stability of these institutions. What would be the Minister's assessment of the DUP walking out of the Executive? What impact would that have on agreeing and allocating this funding, and getting it out to rural community and voluntary organisations and, indeed, to all the community and voluntary organisations that badly need it?

**Mr C Murphy:** I do not think that we should be distracted too much by the behaviour of other parties. We all have a responsibility to carry on with the work that we were elected to do. If the North/South Ministerial Council was not able to meet in October, however, it could not approve the SEUPB's proposition for a PEACE PLUS programme, which, as I said, comes with funding that is just short of £1 billion — over €1 billion. The SEUPB allocates on a yearly basis to organisations that apply for that funding. That funding of almost £1 billion is allocated over seven years.

If it is not spent year on year, it is lost. Any delay in approving the programme and allowing it to open for calls in early 2022 would mean that money would be lost annually if it was not up and running.

**3.15 pm**

Any interference in the North/South arrangements would have a detrimental impact on, obviously, border communities and rural communities but also communities across the North, including working-class communities, community and voluntary sector groups and the many capital programmes that have applied in the past to Peace programmes and will, undoubtedly, apply to PEACE PLUS, which is a significant programme that incorporates not only Peace but previous INTERREG programmes. A lot of groups are waiting for that as the funding from previous Peace programmes starts to run out. Any delay in the implementation will undoubtedly have a negative effect.

**Mr Speaker:** There are two minutes left.

**Mr McCrossan:** Minister, PEACE PLUS funds are vital for people in cross-border communities; I know that well as a representative of a border constituency. One of the major issues in border areas is the closure of banks. Brexit has contributed to the complexities of cross-border banking. What has your Department done to protect the cross-border banking sector from the damage caused by Brexit?

**Mr C Murphy:** The Member will know that we do not have a regulatory function for banks; unfortunately, that resides in London. However, I have met the banks and bank leaders on a number of occasions. I have pressed them not to be in the business of closing branches in small rural towns, which would have a detrimental effect, regardless of the fact that banking practices have changed for people. Undoubtedly, the loss of banks on small high streets has a negative impact. I have asked them to hold back on those decisions until, at the very least, we emerge from the pandemic and have some assessment of the economic damage and what economic recovery can take place. Unfortunately, some banks have pressed ahead with those decisions. We continue to urge them to hold back on negative decisions in relation to the number of branches across Ireland.

## Procurement Policy

6. **Mr McHugh** asked the Minister of Finance how his new procurement policy will benefit voluntary and community groups. (AQO 2471/17-22)

**Mr C Murphy:** A new procurement policy note on scoring social value was published in July following endorsement by the Executive. In support of that policy, training on bidding for government contracts will be rolled out to voluntary and community groups. In addition, I plan to bring a new policy on the procurement of social and community-type services to the Executive. That policy will ensure that, when commissioning social and community services, Departments must engage with communities and service providers to establish whether grant funding is a more appropriate mechanism. If procurement is the appropriate route, Departments will be required to remove unfair barriers for community and voluntary groups.

The policy note provides guidance on reserving contracts for the voluntary and community sector and highlights the provisions in the existing procurement legislation to create markets solely for third sector bodies. Currently, there are only two local examples of contracts being reserved in that manner. That needs to change.

**Mr Speaker:** That ends the period for listed questions, unfortunately for Mr McHugh.

We now move to 15 minutes of topical questions. Topical questions 1, 6 and 7 have been withdrawn.

## Business Intervention Grants

T2. **Mr McCrossan** asked the Minister of Finance, given that although, during the height of the pandemic, the business intervention grants were hugely welcomed and helped a lot of businesses through very difficult and challenging times, some money was overpaid, to state how much money was overpaid, how much was paid in error and how much was claimed fraudulently. (AQT 1602/17-22)

**Mr C Murphy:** I will need to come back to the Member with all of those figures; I do not have them readily available to me. I know that the margin of error or fraud was relatively small, given, as he will understand, that the schemes were delivered quickly, which is not the norm, particularly for schemes that give out money. There was a relatively low level of error or fraud. There was certainly a significant level of follow-up with Land and Property Services to make sure that, where error had occurred, that was corrected, both in terms of people not receiving what they should have and people receiving what they should not have.

The rules and regulations of that scheme changed so many times; I think that, at one stage, 16 iterations of it had come through. It was a challenging scheme to manage. Nonetheless, as the Member will know — I certainly know it from visiting a lot of businesses and towns over the summer — the interventions were very welcome. They very much kept businesses alive when the consequences would have been bleak otherwise.

**Mr McCrossan:** I agree with the Minister about the importance of the intervention. Public moneys were paid out wrongfully or were claimed in error or fraudulently, however. What is your Department doing to ensure that that public money is clawed back to the centre?

**Mr C Murphy:** Where LPS has discovered that money was paid out in error or claimed fraudulently, it will pursue it. A significant amount has been returned. Where people were overpaid in certain circumstances but were due a different type of grant had they not got money from the localised restrictions support scheme (LRSS), we have arranged with other Departments to take it out of the grant that they should have had rather than take the money off that business. They will recover the difference that was overpaid, although, in some cases, the difference is to the benefit of the business itself. There has therefore been a proactive

programme to retrieve moneys paid out in error or claimed fraudulently.

## Arm's-length Bodies: NDNA Commitment

T3. **Mr Stalford** asked the Minister of Finance for an update on the New Decade, New Approach (NDNA) commitment to "a review of Arm's Length Bodies with a view to their rationalisation." (AQT 1603/17-22)

**Mr C Murphy:** We began a programme of work in the Department and produced a paper for the Executive in which we did a desktop analysis of all the arm's-length bodies. I agree entirely that it was not just a review exercise but a review with a view to rationalisation. That means that action will be being taken.

Many of the arm's-length bodies are a product of direct rule Administrations. They were created to try to give a veneer of local democratic input. They are no longer fit for purpose. There is little standardisation among them. In their relationships with Departments, they have a range of functions and arrangements. They have different management arrangements. Some are remunerated, while some are not.

To make sense of all of that and to provide a programme for Departments to say, "You really need to look proactively at the bodies that are your responsibility", we will create legislation, which may not be done in time for the end of the mandate, but we hope that it will. That depends on what time we have left; maybe the Member can advise us on that. We will create legislation that will give Departments the tools that they need to do their own review and to start a programme of rationalisation of arm's-length bodies. I think that we will produce a report annually so that Committees can hold their Department to account and ask them to justify the existence of any body: for example, should it be brought back into the Department, done away with altogether, left as it is or reviewed to have its own functions in some way looked at again? There is a range of approaches to be taken to arm's-length bodies, but we want to get that work done as quickly as possible and to give Departments the necessary legislative framework to undertake that work.

**Mr Stalford:** I welcome the Minister's response, because it is an area of work that has been left for far too long. I will press the Minister a little further on his time frame for putting legislative provisions in place. In an ideal world,

independent of other political considerations, has the Minister a time frame in mind for bringing the process to a conclusion?

**Mr C Murphy:** As I said, I want to see the legislation done in this mandate, and, if it is possible to do that, we will. I have been holding meetings in recent days and weeks with departmental officials about progressing the matter as quickly as we can. Legislation will give Departments a basis on which to carry out their own, more in-depth review. We have done a desktop exercise to draw to the attention of Departments the number of arm's-length bodies. We have said what we think should happen to them, but that is up to Departments themselves. If we give them the necessary framework to do that, I suspect that it will be in the new mandate before Departments start to conduct reviews. They may do so on a rolling basis, taking some of the more obvious ones and considering them first. One of the benefits will be an annual report, which will mean that the Assembly and its Committees can monitor each Department's activities in that regard.

### **Domestic Abuse Workplace Policy**

T4. **Miss Woods** asked the Minister of Finance for an update on the Northern Ireland Civil Service domestic abuse workplace policy. (AQT 1604/17-22)

**Mr C Murphy:** I think that I have written to the Member recently about this. If not, I wrote to someone recently about it, but I think that it was her. A number of workplace policies are being reviewed by NICS HR, and that is one of them. I am happy to write to her with the full detail of the review, where it is currently and when we hope to conclude it.

**Miss Woods:** I thank the Minister for his answer. Does he agree that victims and survivors of domestic abuse in Northern Ireland should be entitled to safe leave from their job, should they need to avail themselves of it?

**Mr C Murphy:** Yes, we have to be as sensitive as we can to people's individual circumstances. One of the key focuses is the time to which people are entitled to deal with issues of domestic abuse and, if necessary, to readjust their lives, including, sometimes, accommodation and other issues. Policies need to be kept continuously under review to make sure that we have the most appropriate, sensitive and supportive policies for Civil Service staff in the time ahead. That is certainly my intention for the outcome of any review, but I am happy to correspond with the Member. If

she thinks that there are issues in the policy that have not been addressed sufficiently, I will be happy to hear from her.

### **RHI Inquiry: Update on Recommendations**

T5. **Mr Gildernew** asked the Minister of Finance for an update on the RHI inquiry recommendations, which he touched on in earlier answers. (AQT 1605/17-22)

**Mr C Murphy:** The RHI subcommittee met on a number of occasions following the publication of the report and agreed recommendations arising from it. I have sought to get the Executive to table and approve a report in response to the RHI inquiry. I have not been able to secure that despite submitting a paper on a number of occasions, but I hope to secure it in the near future. It is long beyond time that the Executive made a formal response to the RHI inquiry.

**Mr Gildernew:** Does the Minister agree that improving recruitment to the Civil Service is crucial in addressing the deficiencies highlighted by the RHI inquiry? Will he outline the ongoing work in that area?

**Mr C Murphy:** Yes, I agree, but Civil Service issues were only one part of that. There was a range of things, and we have improved things like the codes for Ministers and spads. Some of that work has already been done and brought forward through the Assembly.

There is a range of measures, some of which flow from the RHI report, some from the Audit Office report on recruitment. We have undertaken reviews of that policy and initiated some new measures. We will continue to do that because it was obvious that we needed transformation in the Civil Service anyway, but the RHI inquiry brought acute attention to some specific skills and competencies that are necessary for particular functions in the Civil Service. We need a more agile Civil Service that can recruit the necessary people to do specific tasks at specific times.

**Mr Speaker:** The next two questions have been withdrawn.

### **Budget: Priority for Health**

T8. **Ms Brogan** asked the Minister of Finance whether he will recommend that the Budget gives priority to Health so that the transformation programme can be delivered and waiting lists reduced. (AQT 1608/17-22)

**Mr C Murphy:** That is the case, and, as I said, the Executive have always prioritised health. When we first came back in 2020, we agreed that, to try to take the politics out of health, we would have a whole-Executive approach to supporting the requirements of the health service. In the time since, those requirements have come into even sharper relief because of the pandemic. After the Bengoa report and other reports, we now want multi-annual Budgets that will allow us to properly allocate the resources to create transformation and tackle issues like waiting lists and other problems in the health service. It is time, as we set Budgets over the next three years, to prioritise and to match those priorities with the necessary resources.

We hope for a better outcome at the end of the spending review. We may not get that. That is why I have asked Departments and the Executive to look at how we will support the prioritisation of health, the health service and health spending generally in circumstances where the Budget outcome is not as good as we had hoped. That might mean asking other Departments to offer support for health provision from the finances that they will have received. Some Ministers have indicated a willingness to do that, and that may well be one of the options that the Executive have to look at over the next couple of weeks.

**Ms Brogan:** I thank the Minister for his answer. Following on from that, will the Minister give an update on the introduction of the multi-annual Budget process?

**Mr C Murphy:** My Department spent the summer engaging with other Departments on planning and prioritisation for multi-annual Budgets.

I have written to my Executive colleagues about the matter. At the Executive meeting on Thursday, I spoke about a planning session that we want to bring forward next week at which we will focus entirely on the Budget process.

In some ways, the fact that this Budget is for the next mandate can have a liberating effect on people. They can take off their departmental hat and plan a budget for a Department for which they may not have ministerial responsibility beyond an election. We can have a more holistic Executive conversation about the Budget and agree on the priorities. My view is that Health remains our priority, and that will have to be substantially underpinned with resources. We will agree on those priorities and how they will be matched ahead of the

announcement on the review's outcome at the end of October.

**3.30 pm**

**Mr Speaker:** I call Pádraig Delargy. *[Long Pause.]* The Member has no question.

### **Civil Servants: Return to Work**

T10. **Mrs Dodds** asked the Minister of Finance, after thanking him for his earlier answers, particularly on the huge project of how we can build a more agile Civil Service and a workforce for the future while responding to all the challenges that we have, to state how he has engaged with the unions on the return of civil servants to in-office working, albeit we are immensely grateful for all the work that has been done to keep us safe and to produce all the schemes that were needed throughout the COVID pandemic. (AQT 1610/17-22)

**Mr C Murphy:** I agree with the Member's closing remarks on the work of the Civil Service. We are planning a return, as we sensibly should. At some stage, we will get a message from Health that it is safe to return to work. We need to be ready for that. Work will change not only in the Civil Service but right across all large-scale employers. We will plan for a more hybrid or blended model where people will sometimes work at their desks and at other times from a remote location. We must plan for that return in each business area. The nature of a civil servant's job will determine whether they will be required in an office or whether there is built-in flexibility. We will see a very different system. There is an ongoing discussion with the unions to ensure that workers are aware of their rights and that we get the best possible outcomes from the new way of working.

**Mr Speaker:** The time for questions for oral answer is up. Members may take their ease for a moment before we move to the next item of business.

**Mr Chambers:** Mr Speaker, I apologise to you and the House for not being in my place when called for a topical question to the First Minister and deputy First Minister.

**Mr Speaker:** I thank the Member. Members, please take your ease for a moment.

## Executive Committee Business

### Betting, Gaming, Lotteries and Amusements (Amendment) Bill: Second Stage

*Debate resumed on motion:*

*That the Second Stage of the Betting, Gaming, Lotteries and Amusements (Amendment) Bill [NIA 36/17-22] be agreed.*

**Mr Frew:** I will apologise straight off to Members in the Chamber, as I have come lately to the Communities Committee and have attended only one meeting. It may be the case that the Committee members who are much more learned on the subject than I am will go into far greater detail than I can. What I bring to the debate on this major issue is life experiences and constituency work. When I read the Bill and reflect on some of those life experiences, the first thing that disappoints me about the Bill is that I see none of the essence of gambling in it. It fails in many ways. What I mean is that, when we look at any legislation, we need to produce the best legislation possible. A Bill will come from any Department, get its airing in the House and, if it passes, will go to Committee. I fear that, on this occasion, the Department has left all the heavy lifting for the Committee.

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

In her opening speech, the Minister talked about the problem that we face in Northern Ireland, but she then went on to say that she is not the one to fix it and that it will be for someone else at another time and in the next Assembly. At a time when people need there to be an air of decisiveness, we ain't getting it in the House from the Minister, from the Department or in the Bill. That aggrieves me because I want to see the best legislation possible produced in the House. We ain't getting it.

I have mentioned the essence of gambling. We can all tell stories about loved ones and friends who are caught up in gambling. Many people gamble socially. If one were to walk into any high-street betting shop, one would see punters who go there, certainly to bet, but almost definitely to socialise. They could be there all day. They could have nipped out of other premises to try to catch a certain race or sporting event. For those people, it is a way of

life. Many people manage that, and they do so quite well, to be fair. However, many people fall foul of gambling and fall into gambling addiction. They start to dig deeper and deeper. It destroys them, their lives and their families' lives. It destroys their livelihoods. It can destroy their health. That is what we need to legislate for. Simply welcoming the Betting, Gaming, Lotteries and Amusements (Amendment) Bill just will not cut it. If it is bad law, it just will not cut it. It needs to be different.

People have referred to the eighties and the previous legislation, from 1985, that governs gambling here. I remember being at high school during the late eighties, from 1986 to 1991. I ran about with friends who were, most definitely, addicted to what, in those days, we called fruit machines. It was not about money but what it led to. Those young guys of around the same age as me and in my friendship group, many of them addicted to fruit machines, played machines called "Lite a Nudge" and "Copper Win". We are talking about a 2p or 5p deposit to play the game, but they used any little money that they had — a pound, a fiver, a tenner; not much more than that — that was given to them by their mother or father. The addiction caught hold to such an extent that they ended up missing school to go to their local arcade.

When they realised at the end of a Saturday or a school day that they had no money left and nothing to show for it, another industry was created. A punter in the arcade headed up the high street and stole £5 or £10 worth of goods to give at a discounted price to the person who had lost their money, so that, when they went home to their parents, they could show what they had bought with their £5 or £10 that day.

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

**Mr Frew:** Yes, I will.

**Mr Clarke:** I listened carefully to the Member as he gave his example. Does the Member agree that some of those places are unscrupulous in their practices? On one occasion on the north coast, I witnessed the punters, as the Member described them, playing two machines. The owners were so excited by their attendance that they brought them sandwiches so that they would not leave the machines. That shows how unscrupulous some of those people are in preying on the vulnerable when they see weakness.

The Member described the 2p or copper machines, but we all know that those copper

machines lead to the bigger stuff. Does the Member agree that many of those people are unscrupulous in their practices?

**Mr Frew:** Yes, I certainly will, but let me make it clear that, when I talked about a punter, I meant an ordinary person who was also gaming and then went up the street and saw it as a further industry to gain a wee bit of money in order to feed the machines again. They took part in criminal activity, stealing stuff and produce from other shops, which has an impact on the high street and on that person once they are caught. There can be all sorts of ramifications further down the line — much more than just the gambling aspect — but I get the point that the Member makes, and there are some unscrupulous people.

There is the very fact that a school pupil can attend during school time. I can remember it being put to me, when all those young people should have been pushed out of an arcade in the late eighties and early nineties, that, "Surely they could not be of school age if they are here during school". That was the naivety — or maybe not — of some of the people who worked in or ran those arcades. There is a massive issue here. Does the Bill tackle it?

We know that the excitement around gambling and sport can attract and trap people. I am a Spurs supporter, so I am in a very vulnerable, fragile position today. Before the match started yesterday — the north London derby, no less — odds came up on the TV: Tottenham to win 2-1 on odds of a whopping 14/1. If anyone can work out the odds, you will find that, if you put £10 on that at 14/1, you got zero, because Spurs got beaten. They got annihilated; I will be honest.

The presence of that advertising, that micro targeting, is doing incredible damage. If you have someone with a tendency to gambling addiction, and they love their sport, and their blood is up, no matter what team they support, they will be watching that match. It does not have to be Tottenham to win. It could be Manchester United to win. It could be their favourite horse to win. It could be their rugby team to win. If you are that way inclined, addicted to gambling, you will take that bet. You will take it again, and you will take it in-game. You will bet on corners. You will bet on throw-ins. You will bet on first score, next score, last score. Those companies prey on sports fans and people who are addicted to gambling.

I believe there should be a mass movement in the same way there was in the 1980s on tobacco advertising. I believe advertising in

front of, during and at the end of games should be looked at by government.

### 3.45 pm

I have given you experiences of the low end, where it does not take much money to get you into trouble, and of the high end, where people have lost hundreds and thousands of pounds through gambling. I see the Bill as a failed opportunity. The Minister said there was time pressure. We are coming to the end of a mandate, so of course there is, but there are still Departments in the Executive —.

**Ms Ennis:** I thank the Member for giving way. I wholeheartedly agree with his sentiments on broadcasting and how it should be regulated. Much has been made of the document we put together, and one of its proposals was on whether advertisers should be allowed to advertise before the watershed. While I said that I agree with the Member's sentiments, surely he knows that it is not within the remit of the Assembly or the Minister to influence the rights on broadcasting and that that rests with Westminster.

**Mr Frew:** I accept that, but I think the Department and the Minister here should push the parameters as much as they can not only to make sure that we have effective law and legislation but to ensure that we can make a difference to the wider UK psyche on gambling. I take the Member's point on board.

This is a massive issue, and for the Minister to say that there is not enough time so she will produce a Bill that is suboptimal and with which she wishes she could do more but cannot does not cut it for me. There are Departments that are producing top-quality Bills at this time. Bills can always be improved, but I see nothing in the Bill other than deregulation at a time when we really need to be tightening things up. There are good things in the Bill, but there are so many things that are not in it that I believe are needed. I believe the heavy lifting will be done in the Committee, and I look forward to the work we will do there.

I will turn to some of the issues in the Bill. We could talk about all the things that are not in the Bill, and I will address some of those, but, straight away, I will say that we have what I believe to be a token gesture on Sunday trading and Sunday opening. People will know my views. I am a Christian. However, it is about much more than that, because the Bill gives people with issues and problems more time. It extends the danger period for those people who

are susceptible. Whilst I get the argument that a lot of people now do this on a mobile, computer or even by telephone, the fact that we are opening up more opportunities to gamble does not sit right with me.

There is also the issue about employees. Most people who work in a bookie's enjoy their Sunday off. That maybe is the only common free time they have with their families, and, if the Bill goes through in this guise, the chances are that that will be gone for those people. Some people will make light of that, and some people do not care about Sunday opening. I do, and not just on religious grounds. It is about family, and it is about the dangers of gambling. I ask Members to see and accept that and to see what we can do about those clauses.

There is one issue I would like the Minister to address, and that is one that was brought to my constituency office, probably a year ago now. A local bank or building society offered cash prizes to people simply for being a branch member of that bank or building society. The person who brought that to me quickly realised they did not qualify for that prize incentive. It must have been a lottery that was pooled every month, but because he was a Northern Ireland customer, he was excluded. I hope the Minister can address that issue. I corresponded with the Minister on this, and she said that she would introduce legislation. I hope that it is contained within the Bill and that the Minister can point me to the clause that will remedy that for Northern Ireland customers of all of the banking and financial organisations, so that they can avail themselves of everything that a bank's customers from Manchester or Bristol can.

I am sure that everyone here will say that the statutory levy will be a good thing, and so it will. However, I am troubled by this: how many times do we throw good money after bad? What is the point of raising money, even if it is from the industry, and throwing it away because we have not fixed the problem and are just throwing money at it? I am not making light of the fact that we need more money to tackle these things, but it is a big false economy if we are going to pull in money from the industry and think that that is its moral responsibility over, and then have to fund institutions and support groups and everything else that comes with it, including education, but nothing changes with regard to the problem. We need to fix the problem, and I see nothing in the Bill that does that. I hope that I am wrong and that, by the time that we get to the end of the Bill's process, there will be fixes in it. However, I do not see those yet. Therefore, whilst the statutory levy is a good thing, it would be pointless to throw

good money after bad. We do that so many times in the House. We can throw more money at health but, unless we fix the health service, some of that money will not be well spent. That is a primitive state of fact.

There are issues around the code of practice. A code of practice is nothing unless it is enforceable. We need a code of practice that has teeth, because these industry drivers are powerful and rich and make a big profit. The code of practice must ensure that:

*"gambling is conducted in a fair and open way".*

I will let you into a wee secret: there is nothing fair about gambling. The bookies set the odds. There is nothing fair about that. The bookies get their cut. There are no odds that a bookie will give you that are fair. They might do something to promote something, but gambling is stacked against the punter. That is the way that it has always been and the way that it always will be. To have a code of practice that aims to ensure that:

*"gambling is conducted in a fair and open way"*

is a misnomer. It does not make sense. That is not the essence of gambling. The bookies will always get their slice and have their cut. It is the punter who loses. The punter wins sometimes — sometimes, they win big — but then they lose more, and more often. There is no fair way of gambling; there really is not. What is the point of having a code of practice if, even though it says that you have to gamble in a fair way, it has no teeth and the big, powerful beasts ignore it?

In the Bill, the Minister proposes to bring in regulations next time. Next time. Is that not kicking cans down the road even more? Are we leaving it to someone else to bring those in? The word "may" is used. The Bill states that:

*"The Department may make regulations for, or in connection with, requiring every person who intends to make an application to which this Article applies to pay a levy to the Department."*

There is nothing solid in that; nothing. When we need an air of "decisionism", where is it? There are no decisions being taken here. We are kicking the can down the road. It is not good enough. We have time to bring in legislation that is fit for purpose. It does not have to be all-encompassing. Let us get right the things that

are in the Bill and those that will be put into the Bill.

The Member opposite talked about time. We were down for three years. We should not have been, but we were. What was the Department doing in that time? Gambling addiction and abuse has been a problem in Northern Ireland for years; it is a bigger problem in Northern Ireland than it is anywhere else in the UK. Why are we coming late to the game? It is not an excuse. Whilst it is criminal that we were down for three years, it cannot be used by any Department as an excuse for bringing forward poor legislation. That is just not going to cut it in this place.

There is so much that we can add to the Bill. Credit cards were mentioned earlier, and there is no way that anyone with a gambling addiction should be allowed to gamble with a credit card. It is not their money — it really is not — but as soon as they put the card into the machine it becomes their money and their problem. It not only becomes their problem, it becomes their partner's problem, which means that it becomes their children's problem because they do without. I am sure that it is such an easy clause to add to a Bill. Why do we not see it? Why is it not in the Bill?

Think about when the blood is up and someone who is susceptible to gambling addiction has that little piece of plastic. We are all doing a bit of shouting about a bit of card that has £100 on it that you can spend on the high street. I bet you that there are many partners in our towns, cities and villages who wish that only £100 could be spent on their credit card. Credit cards can rack up untold debts and horrors, which percolates through every single family member, yet we are not tackling that here. We are not helping those people. Is allowing people to max out a credit card on a gambling machine helping them? No. It is helping them dig a hole of despair deeper, yet we do not seem to tackle that. It is not here, it is mute, it is not present and you cannot see it, yet so many Members have brought it up today.

The fact that we have fixed-odds betting has been, and still is, a massive issue everywhere. It is being talked about everywhere, but the only place where it is not being talked about is in this Bill, which is silent, mute and non-existent on the subject. We are ignoring the problem of gambling and addiction to gambling when we have missed so much in this Bill. There is no excuse for that. You cannot blame time and you cannot blame the three years when the Department was in place and the Minister was not. So much could have been added to the Bill,

and it is inexcusable that it was not. The heavy lifting will have to come at the Committee, which is a shame.

There is so much more that could have been done here. There are good things in the Bill, but even those are either diluted or weak. That is the shame. So we will have to knuckle down, and I hope that the Department and the Minister step up when Committee comes knocking on their doors, because this Bill is not right and needs fixed. I am certainly prepared to vote on it today to get it into Committee to see what we can do, but it is not good, and I just do not understand why.

The Member opposite, Mr Durkan, raised the issue of Sinn Féin Northern Ireland and Sinn Féin Republic of Ireland. Sinn Féin will cry and bleat about how the Government in the Republic of Ireland are not doing enough, yet it has it in its hands here to fix the problem or help to fix it, but it has missed the opportunity. Why has it missed the opportunity? We see the blue pages in front of us.

Why is that the case, when we know that it is such a fundamental issue and that there is a massive problem with gambling addiction in Northern Ireland, where it is greater than in any other part of the United Kingdom? We have a Bill that is 10 pages long and pushes regulations onto the next Minister and the next elected Assembly. That is simply not good enough.

There is so much more that I could say, but I will reserve it for Committee. I support the Bill's Second Stage, but I am disappointed, because we have lost such an opportunity.

#### 4.00 pm

**Ms Ennis:** I, like others, welcome the opportunity to debate this important legislation. While I am no longer a member of the Communities Committee, this is one of the pieces of legislation that I had been greatly anticipating. It is one of many necessary and progressive pieces of legislation that the Minister is bringing forward that are designed not only to help vulnerable people but to modernise much of our outdated legislation. I wish *adh mór* to my former colleagues on the Communities Committee and good luck to the Minister with their workload in the time ahead.

In 2018-19, along with my Sinn Féin colleagues in the Oireachtas, I undertook to put together Sinn Féin's all-Ireland 'Problem Gambling Policy' document. The document has been

referenced quite a bit today by other parties. I would have been really interested to read other parties' proposals on problem gambling, but, alas, Sinn Féin was the only party to put together such a document. I stress that I recognise that most people — *[Interruption.]* It is a fact.

I stress that I recognise that most people enjoy gambling and can do so responsibly. My party colleagues and I also recognise, however, the alarming rise in problem gambling across Ireland. Through our research at that time, we discovered that, in the North, we have the highest rate of problem gambling in comparison with England, Scotland or Wales. We have four times the number of problem gamblers that England has. It is clear that problem gambling is a serious public health issue, yet there are no dedicated inpatient addiction services specifically for problem gamblers. That is not to say that places such as the Dunlewey Centre and Cuan Mhuire and Davina's Ark in Newry are not doing great work providing gambling services and addiction services more broadly, because they absolutely are, but we need more gambling-specific addiction services in place for citizens in the North.

I thank everyone at Davina's Ark in Newry. They allowed me to come into their premises to chat to staff and service users and gave me the opportunity to discuss the proposals that we were putting forward and to see how those proposals measured up against their experiences in Davina's Ark.

The trauma that ensues when someone in your family has a gambling addiction is really far-reaching, because it affects not only the person living with the addiction but the wider family. It affects people mentally, emotionally and, of course, financially. That is why we need properly funded, gambling-specific addiction services here that can treat not only the person but those close to them —.

**Mr Butler:** I thank the Member for giving way. Like many Members, she has rightly testified that Northern Ireland has higher rates of gambling than anywhere on this island or across the UK. There is a focus on the intervention piece, which is really needed. Does the Member agree that we also need to get upstream of the issue with young people in our schools, perhaps through the education sector, to ensure that we address it ahead of time and prevent as many people as possible from falling into the dangers of gambling addiction?

**Ms Ennis:** I absolutely agree with the Member's sentiment. There are so many areas that we

deal with in the Chamber that, if there were specific focus put on them in our schools and other education facilities, it would save us a lot of time, hassle and money further down the line.

That is why I am glad to see that the Minister is proposing a levy on the industry. While we need to ensure that there are mechanisms in place to allow people to enjoy gambling safely, there is a responsibility to protect vulnerable people. The introduction of mandatory codes of practice and a statutory levy to help pay for research, education and treatment in the way that the Minister outlined would go a huge way to achieving that.

As many Members have said, our gambling legislation is complex and outdated and requires urgent reform. The Member opposite asked what the Department was doing when the Assembly was down recently: it was taking forward the consultation on gambling legislation. On behalf of Sinn Féin, I responded to that consultation, which the Department launched in 2019. Some of the key asks that we included in our consultation response came from our all-island problem gambling document, such as the introduction of modern gambling legislation that takes account of and accommodates faster responses to future technological advances so that we can give comprehensive coverage to gaming, gambling and betting, whether that is land-based or online. Sinn Féin also wants the establishment of an independent gambling regulator whose functions include administering a fund to minimise problem gambling. The fund would be financed by a mandatory levy on the industry. We also want the introduction of a requirement for age verification to precede gambling online. The extension of an electoral database checking facility should be explored to enable that to happen more speedily. I will put that into context: currently, our 14-year-olds, 15-year-olds and 16-year-olds can take their parents' credit cards, go online, sign up for one of the online betting companies and gamble for 72 hours before anybody checks that they are who they say they are, but a 14-year-old, 15-year-old or 16-year-old cannot go into a bar and drink for three days before the barman asks for ID. It is totally wrong and needs to change. Participation in multi-operator self-exclusion schemes, designed and overseen by the gambling regulator, should be a licensing condition for anyone operating in the Irish market, whether they are do so from a shop, at a track or online.

We understand from the Minister's comments that the legislation is being done in two phases.

That is due to the constraints imposed by the time left in the mandate and the impact of bringing forward other legislation. Today, former colleagues on the Committee and other Members have made hay out of the fact that the legislation is in phase 1 and does not go far enough. Of course it does not go far enough: that is because it is phase 1. The Minister said that there will be a phase 2. Much has also been made of the time pressure that the Committee is under with other legislation. As a former Committee member, I know that. I also know that my former colleagues on the Committee know and appreciate that overhauling the legislation and introducing a completely new regulatory framework would take no fewer than 360 new clauses. If you are telling me that my former colleagues on the Committee believe that they can scrutinise 360 new clauses before next May, good luck to them. That is definitely not the same cautious Communities Committee, bemoaning its workload, as I left a number of weeks ago.

**Mr Durkan:** I thank the Member for giving way. As a member of the Communities Committee, I do not know whether bemoaning is the right word or the word that we use to describe the volume of work that the Committee gets. I mentioned, as other Committee members did during the earlier part of the debate, the importance of getting the legislation right. In that vein, we will take whatever comes our way, and we will do whatever we have to do with it.

**Ms Ennis:** I appreciate that. If the Member thinks that the Committee can get 360 new clauses right between now and next May, who am I to tell him otherwise?

Many of the recommendations included in our policy document, some of which I outlined, will not, I know, be included in this phase. I am hopeful, however, that some will be considered in the next phase.

The Minister touched on lotteries. We know that those are a huge issue relating to the ability or, rather, inability of local charities, GAA, soccer and rugby clubs, societies and the community and voluntary sector to raise revenue. We need only look to the past year and the huge impact that those groups and clubs made through their response to the pandemic. We need to acknowledge that and make it easier for those groups, societies and clubs to raise revenue. That is their main source of income.

For the reasons that I and all the other Members have outlined in the Chamber today, we need the legislation to progress, and we need it to progress at pace. This is just the first

phase; it is not the final product. I urge my former colleagues on the Committee and other Members to work on this with the Minister rather than against her and ensure that we do all that we can to protect those dealing with a gambling problem and stop the risk of others falling into a gambling addiction.

**Mr Dunne:** I welcome the opportunity to speak at the Second Stage of the Betting, Gaming, Lotteries and Amusements (Amendment) Bill, which would be the first significant change to gambling laws since 1985.

Over the past 36 years, there has been considerable change to life in Northern Ireland. It is vital that gambling regulation keeps up with digital technology and the industry changes that have transformed the gambling industry and made it much more accessible. I share the concerns of colleagues that this is an opportunity missed — that is certainly how it appears at this point — and that the Minister has not gone far enough with the Bill.

As has been said, Northern Ireland has a gambling problem. A total of 40,000 people here are believed to have a gambling problem — the highest incidence rate in the UK. It is four times higher than any other region in the UK and around three times higher than the Republic of Ireland. Problem gambling can impact people from all backgrounds — the wealthy and the less well-off. All can be equally impacted by gambling, and it can bring devastation into homes, families and the lives of children and young people. It not only impacts gamblers but impacts their families, friends and loved ones with its domino effect. The most vulnerable in society are adversely impacted by gambling. They can easily fall into a vicious circle of problem gambling, even leading to crime to feed their addiction, something my colleague touched on. The COVID pandemic has resulted in people spending much more time at home over the past 18 months, which has led to an increase in the number of people gambling from home, including those perhaps laid off from work due to the pandemic or on furlough, who may have more time to spend at home.

It is also a major public health issue. That has not been talked about enough, particularly in the Bill. It impacts mental health, causes depression and, tragically, has even led to suicide. I am sure that everybody in the Chamber has seen somebody touched by suicide, which can often result from gambling. More needs to be done to highlight the key dangers and the real risks associated with gambling. Never has it been as accessible,

particularly to children and young people. Schools can play a role in raising awareness and the public health messaging on the dangers of problem gambling. We also need to focus on school curriculums to get that message to the very young, even those of primary school age.

The digital revolution has transformed the gambling industry. Almost every mobile phone has the ability to have a gambling app installed. Those apps have no set opening or closing times and no doormen to monitor age restrictions and policies. The betting shop is in their pockets day and night, 24/7. Online gambling has brought gambling from the high street to our homes, and easy accessibility can be the biggest issue for problem gamblers and those with addictions. It is an addiction, as was mentioned. That highlights the need for a cross-departmental approach, given that it is very much a public health issue. People can bet in their kitchens, living rooms and bedrooms. People do not even know if someone likes to bet. In the past, people had to visit the local bookmaker's shop, and some may not have liked to be seen going in or out of that shop. Things have certainly been transformed.

Another example of online gambling was the popular Football Index scheme, with which I am sure some Members are familiar. It collapsed in March this year, leaving £90 million worth of stakes trapped across the UK. That was an example of an online betting scheme that attracted many people as it operated under the guise of being a football stock market, where people bought shares in footballers. All that was done by apps on smartphones. No player had to go over the door of a betting outlet to play. It attracted even more novice gamblers, people who would never have darkened the door of a bookmaker's or gambling outlet. Many individuals lost thousands and thousands of pounds on the scheme.

I, personally, know some who lost thousands of pounds, with not a penny paid out to date following its collapse. The UK Government's independent report, published just last week, into the Football Index scheme identified significant lessons to be learnt and provided recommendations for the Gambling Commission and the Financial Conduct Authority. It leaves both those bodies with significant questions to answer. That story highlights the need for tougher regulation to tackle this problem. Users have said to me that it should never have got the licence, and that is the key point that the Minister really needs to get a grip of. This is an opportunity to do that,

but I do not think that the Bill, in its current format, is thorough or robust enough.

#### 4.15 pm

Several well-known, local sports stars have had the courage to speak up and talk openly in recent years about the battles that they have faced with very serious gambling addictions. That is to be welcomed. Sports stars will relate to people that many of us will never relate to, and we should encourage them to do that. It has certainly been very positive to see that happening right across the community — in football, rugby, Gaelic and other sports. I salute them for their bravery and commend them on it. They have often talked about their financial and personal breakdowns and highlighted the importance of necessary support structures and the need for people to talk openly about their battles, as well as highlighting the prevalence of gambling in sport locally and right across the globe. Those personal stories are powerful and moving, and they reinforce the need for a strong structure, through legislation, to tackle this very serious and growing problem.

Money for research, education and treatment for gambling harm is needed more urgently in Northern Ireland than anywhere else in the UK because of our high levels of gambling-related harm. The multibillion-pound gambling and gaming industry needs to step up to support those affected by problem gambling and addiction, and rigorous mandatory levies should be used to tackle the problems that it has created. The Minister needs to highlight that issue.

Players should not be able to use their credit card as a direct form of payment for gaming machines or for any form of gambling. A ban on credit cards has been in place GB since April 2020, and I firmly believe that a similar ban should be in place here to protect problem gamblers who are at risk of getting into serious financial hardship through credit cards. That was mentioned earlier. That is not money that they have, and they may never be able to repay it. The problems that flow from that — the domino effect — are very dangerous and can often be tragic.

One of the key provisions in the first, substantial, Northern Ireland gambling legislation for over 36 years is to actually propose less regulation of betting shops, with them being allowed to open on a Sunday. That will not help to support those who have gambling addictions. There is also an issue for staff as well, because Sunday is the one day that they have off to spend with their families.

Again, opening on Sunday increases the attractiveness for those who have serious addiction problems and allows them to access gambling on additional days.

The Bill should have been a series of legislative provisions aimed at bringing Northern Ireland into line with the rest of the UK and making our laws fit for purpose. It is important that we scrutinise the Bill, outline what should have been in the legislation and state what the Committee should consider as it scrutinises the Bill, should it pass Second Stage today. The Bill should have included legislative provisions on gaming machines. Whilst clause 7 does introduce an offence of inviting a person under 18 to play gaming machines, that falls well short of what is needed. It was an opportunity to tackle fixed-odds betting terminals, and, again, that opportunity seems to have been missed to date. We know the harm of fixed-odds betting machines. They are highly addictive, primarily used by young people and are attractive to those from lower-income households. They particularly attract problem gamblers because multiple bets can be placed. That means that there can be bigger wins, but it is more likely that people who use them will face crippling losses. There is often only one winner, and it is not those who are playing. While regulation is in place in the rest of the UK, any control of fixed-odds betting terminals here is purely voluntary. Whilst most larger operators have limited bets to £2, that is by no means universal. Only legislative change will properly regulate these terminals, and more needs to be done through the Bill, particularly around the issue of online gambling.

**Mr Frew:** I thank the Member for giving way. Not only is he right in what he is saying about regulation of the industry and the betting fraternity, but we have a lack of provision in the Programme for Government and a lack of joined-up government here. We know that gambling addiction is a public health issue, yet the Programme for Government is silent on what it can do to achieve better outcomes for addicted gamblers.

**Mr Dunne:** I thank the Member for that point, and I certainly concur with it. As I touched on, there is a role for more than just the Department for Communities to play to try to get to grips with it. Hopefully, lessons can be learned going into the future, so that we can improve the situation and ultimately help those with addiction problems and those who suffer from problem gambling.

Whilst some parts of the Bill are welcome, there are many gaps, including on online gambling,

which is so key and the number one means by which people become attracted and addicted to gambling. I have concerns about some elements of the Bill, and it is clear that more needs to be done to render it fit for purpose and to maximise its effectiveness in tackling problem gambling. Serious change is needed to address that very serious problem. I look forward to the constructive work ahead.

**Mr Catney:** In 2016, an NIO officer described the prevalence of problem gambling in Northern Ireland as extraordinary. I call it completely shocking. Not only do we have the highest prevalence of problem gambling in the UK, but our rate is four times that of England. A further 4.9% of people are at moderate risk and 6.7% of people are at greater risk.

When I was thinking about the Bill earlier, I thought of myself working in the bar, and you normally find a bookmaker's office beside a public house. I want to give those who find themselves gambling a small statistic. It is not an attack on the bookies, but, when you walk into a bookmaker's shop, you will find six holes or little units for paying in but only one for paying out. As my colleague from North Antrim said, the odds are against you.

There is a dire need for legislation to tackle the issue. While I agree with some of the provisions in the Bill, I cannot help but find that, overwhelmingly and as a whole, it is limited. The introduction of the levy in clause 14 is positive but not mandatory, and it refers only to bookmakers, bingo clubs and amusements. That will limit its effectiveness. The offence that is proposed in clause 7 of inviting a person who is under the age of 18 to play gaming machines is to be welcomed, but its impact will be limited if we do not tackle the grey area of fixed-odds betting terminals. You like to think that you have a fair chance when you gamble. Even in one of yesterday's matches, when you might have backed the American or European team, there was always a winning bet in the middle, as it could have been a draw. Those fixed-odds betting terminals are set to pay out a percentage of the income that comes into them. For every £100 that they take in, they will pay out only £70. Some could be set lower or higher. That needs to be noted as we discuss the Bill. It needs to be set and regulated in such a way that it at least tries to be fair.

The Bill also has a number of glaring omissions. Since April 2020, there has been a ban on using credit or debit cards as a direct form of payment for gambling machines or any other form of gambling in England. Why is there no similar provision in the Bill?

I listened to an MLA from South Down, who stated that, when this Building was closed for three years — the first three years that I was elected to it — they went to the South of Ireland in order to develop a strategy; a strategy that they are not implementing in the North of Ireland, where they have the power to do it. They are calling for it in the South, but they have the power to implement that strategy here. Why is that? It is some gamble to try to pull that off and tell us what they are trying to do here, where they have the power to do it, while calling for it in the South.

Gambling addiction destroys lives and tears families apart. Folks, those who find themselves addicted to gambling will neither put in them nor on them. It is all about the bet. It is all about that big win. It is all about tomorrow. I have known people who gamble. I have known professional gamblers in my lifetime, some of whom are very witty and funny. One in particular was always dressed immaculately in new suits and shiny shoes. More times than enough, that man had no money, but he always was well dressed. His answer to me would have been, "It's not a sin to be skint, but it's a sin to look skint." Gambling is an addiction that can drive you to that.

I am disappointed that the ambition of the Bill falls far short of addressing the problems of gambling and of providing help to those who need it most. The Minister's party, as has been stated, has a policy document that goes far further than the Bill in front of us today. It seems that there are words, folks, but no action.

As other Members said, where is the action on fixed-odds betting terminals? Where is the commitment to care pathways for those with gambling addictions? On virtually every measure, the Bill is weak, weak and very weak. Ultimately, while any legislation is welcome and, most importantly, should move towards tackling problem gambling, more research is needed urgently in order to better understand why our levels of gambling addiction are so incredibly high. The Bill needs to focus on the economic and social factors that have led to those high levels of addiction. We need to look at what has been done in other jurisdictions in order to help those 40,000 members of our community who are living with the massive impact of gambling addiction.

I have spoken about those who find themselves addicted to gambling. My colleague from Lagan Valley has talked about the mental impact that it has. In real terms, however, as I have gone through my working life, I have seen it and the harm that it causes to families. When men — gambling was male dominated in earlier days

— found themselves gambling everything and borrowing to gamble, they would do anything for that gamble. They believed wholeheartedly that the next bet would get them out of it.

I will tell one little story very quickly. We ran a trip from the bar to Cheltenham, and I ended up sharing a room with a gentleman whose name I will not mention. He always seemed to be a very lucky gambler. I did not smoke, and that year was the second year that a horse called For Auction was running. That gentleman had a hat on his head with a band around it, and he was convinced that For Auction would win the 2-mile Champion Hurdle. To cut a long story short, I did not know that he had lifted his savings and put everything on For Auction. He walked about Cheltenham with that hat on his head, and, that night, when I went to bed, I noticed that the room had filled up with smoke. As I tentatively looked over to him, I could hear him praying. I saw all the burned-down butts and the ashes, and he was praying to get out of it. He had used all his savings. That cost him his job, it cost him his marriage, and I never saw that man ever again from that day. That is the price that people pay.

We will support the Bill, but the Minister needs to scale up her ambitions and quickly.

**Mr McGuigan:** I should declare at the outset, even though it is no secret, that I am a recovering gambling addict and have suffered at the hands of this very serious illness that, unfortunately, affects too many individuals and families across society. Anyone who suffers from any addiction will know that there are many times when it is impossible to believe that there is a way out. So, when I say that I am glad to stand today and speak to this important legislation, I assure you that I really mean it.

#### 4.30 pm

Gambling addiction is an illness that does not discriminate between female and male. It does not take into account how much or how little you earn, what job you do, where you live, or how old or young you are. In fact, given the design of modern gambling products, the growth of gambling harm within our young population is increasingly a cause for concern.

Even though information gathering on gambling harm is pretty poor in this jurisdiction, it is estimated that 2-3% of the North's population suffers from gambling harm. As the Chair of the Committee for Communities pointed out, that equates to 40,000 individuals, which is four times higher than in England, Scotland or

Wales and three times higher than in the South. I know that people have already quoted those statistics. I mention them purely because they are staggering and should be a cause for concern. Another cause for concern is the fact that suicide as a result of gambling addiction is statistically higher than that as a result of any other form of addiction. I have witnessed people struggling with the impact of that addiction until they could not struggle any longer.

At this juncture, I need to state, as others have, that I am not anti-gambling. My experiences have not made me anti-gambling, and I was not anti-gambling before I became addicted to gambling. Many in society, including my friends and family, gain fun and enjoyment from betting on sports, on the lottery and so on. We have a problem, however. It is not a problem with gamblers; it is a problem with legislation. No person or business should have anything to fear from good legislation. Good legislation will have no impact on, nor will it remove the enjoyment from, the many people who can gamble safely. However, it can and will reduce the potential for gambling-related harm.

Minister Hargey is bringing forward the first overhaul of gambling legislation in the North for over 30 years. She has been in office for 18 months. Others have pontificated about why the Minister is not doing more or why one thing or another is not included in the Bill and asked what is the cause of the delay. The Minister has been in office for 18 months. Other parties in the Chamber have held this responsibility in some of the preceding 35 years, so I am delighted that it is a Sinn Féin Minister who is bringing forward the legislation. I also welcome Minister Hargey's intention to rectify a situation that needs to be rectified. In the debate, I have listened to criticisms of her two-phased approach to modernising the legislation, even though the Minister dealt with many of the issues raised in her opening remarks and will no doubt deal with them in her closing contribution.

It is clear that this Bill will tighten up important aspects that need to be tightened up, such as creating the new offence in relation to allowing children to play gaming machines, broadening the definition of cheating to include attempted cheating, establishing a mandatory code of practice for those holding gambling licences and creating powers to impose a statutory levy on gambling operators. Those things need to happen and can happen now.

I am not a member of the Communities Committee, but I wish it luck in the process of scrutinising the detail of the Bill. I do not think

that any of us will disagree with any suggestions that can improve the resulting legislation. We need change. That fact has been endorsed by everybody's contribution. We have waited for 35 years, so it is imperative that we get this legislation through in this mandate.

As I said, this legislation has the potential to improve and save people's lives. We need a socially responsible gambling industry and a much better balance between the freedom to gamble and protection from the social and financial risks that gambling entails. This Bill is part of the process. The Minister has already outlined that it is only a part of the process. It is the beginning. As outlined by the Minister, the second phase is to bring forward a completely new regulatory framework to regulate online gambling, including gaming machines. That will require a longer time frame than we have in this mandate, but it will be a crucial piece of work.

My own experience of gambling was not so much of being in bookies' shops or gambling premises, but of sitting at home with a laptop or an iPad, or on the move using my phone. There is open access 24 hours per day and seven days per week, with absolutely no limits and little or no effective restriction, control or regulation. In my experience from my time gambling online, online platforms for gambling were like the Wild West. As a result, they created many casualties. Online gambling companies make huge profits. In some cases, they make obscene profits. Those profits, by and large, come from a small proportion of gamblers. In one instance, a company made 83% of its huge profit from only 2% of its customers.

**Mr Butler:** I thank the Member for giving way. I thank him for sharing his personal story; it adds real value to the purpose of the legislation. He raised an important point about the levy, and he is now talking about the online industry. When you look at the revenue that is taken by any gambling company, you see that the turf accountants and betting shops here at least employ people. The online companies employ a decreasing number of people, so their profits are exponentially bigger. Does the Member agree that it is important that, in the second iteration of the legislation, the levy for online companies is reflective of the profits that they make vis-à-vis the jobs and social capital that are not created?

**Mr McGuigan:** I thank the Member for his intervention, and I totally concur. I have had the privilege of working with you on the all-party group (APG) on gambling-related harm. That is

one of the aspects that we certainly discussed and would like to see in phase 2.

I raised the statistic about 83% profit from 2% of customers. If you understand that statistic, you realise that there is little incentive for gambling companies to regulate themselves. That is why legislation is vital. We need to see responsible policy and legislation from government, followed by responsible provision by operators, to allow and assist responsible consumption by customers.

**Mr Frew:** I thank the Member for giving way. I echo the comments from my colleague about the Member's personal story. We share a constituency, and I wish the Member all the best in the future with regard to that. He is right about regulation, but is it not the case that we could easily have adopted some of the regulations that are already in place in GB, not least a gambling commissioner who would regulate and look at those things in a more in-depth way?

**Mr McGuigan:** I will answer that point later in my contribution.

Dealing with online gambling is very complicated. They have been looking at legislation in Westminster since 2019 and have yet to reach a conclusion because of its complications, which is why we need, in the short time that is left in this mandate, to approach this issue in the way in which the Minister proposes.

Nicotine is put in cigarettes for a particular reason, and we all know what that reason is. That could also be said about some of the gambling products that are offered by gambling companies, particularly online companies, along with the growth of in-play betting, the speed of online games and betting, introductory offers, free bets, VIP schemes and much more. I want to see those things being tackled in the next phase of the legislation, which will be brought forward in the next mandate. Those things are currently being looked at in Westminster, but they are complicated and time is required to get them right. I totally agree with everyone who has laboured on the importance of dealing with the issues that arise from online gambling.

**Mr Durkan:** I thank Mr McGuigan for giving way. I should like to be associated with the remarks of Members from across the Chamber about his courage and his contribution to the debate, not just today but over his time as an MLA.

The Member outlined the fact that this is the first overhaul of gambling in 35 years and lamented the fact that previous Ministers for Social Development, for example, did not act. Would the Member be as sympathetic to the legislation if a Minister from another party were bringing it forward, or might he find fault in the fact that it does not include the provisions that he is outlining must be in the second piece of legislation? Is he saying as well that we have to wait and see how Westminster does it? That is a strange position for someone in Sinn Féin to take.

**Mr McGuigan:** It is not what I was going to say, but I note that, in the previous contribution, your party colleague said that we need to look at the legislation of other jurisdictions. That is the point that I am making. This is complicated. I would not argue against any Minister who put forward a rational approach to the way forward with regard to important legislation. The Minister sitting beside me has done that. There are very good reasons for her doing that. Mr Butler and I, who sit together on the APG, have explored some of the issues, and they are very complicated. With online companies, you are dealing with jurisdictions, offshore, regulation and the gathering of information. All of that is very complicated, and there is absolutely no way that it could all be dealt with properly in the remaining time of this mandate.

Kellie Armstrong said that doing that would be an enormous piece of work. I agree with that. If my experience on the APG on reducing harm related to gambling has taught me anything, it is that not only would it be an enormous piece of work but it would be very complicated legislation to get right. It would be impossible to tackle in the remainder of this mandate. As I said, they have been tackling it for over two years in Westminster. They have been tackling it for a long time in the South. I am not saying that we should copy Westminster, as I would never accept that. We can, however, learn from what it does and share it. As has been pointed out about other things, it would be foolish to try to tackle or ban gambling advertisements, when we can all switch on our TV and watch Sky Sports, or any sports programme, and be inundated with advertising. We cannot do it. There is a certain logic to dealing with this important issue across these islands. That is the point that I am making.

**Ms Armstrong:** I thank the Member for giving way. The reason that there should be two pieces of legislation is that, when we look at the breadth of online gambling, how can we, who live in this tiny place, possibly bring in legislation that will compete with people from

America, China or whatever other country from which people are given access. Does the Member agree that a second piece of legislation will need to be, as he has just said, enacted across these islands? We cannot deal with online gambling on our own.

**Mr McGuigan:** Absolutely. I assure Mark H that, for gambling, as I do with any other policy or legislation, I want to see an all-Ireland approach. The point has been made, however, that this goes much further and wider than the particular island on which we live.

The campaign group Gambling with Lives was mentioned earlier. Along with my colleague Robbie Butler from the APG, I look forward to welcoming representatives from Gambling with Lives to the Long Gallery tomorrow to launch its education programme on gambling issues for young people. The group has been to the forefront of the campaign for better legislation across these islands. It has also been to the forefront of the campaign against gambling advertising. If you are a sports fanatic, as I am, you will realise that such advertising is at saturation point on TV, on online platforms and in print media, as well as, unfortunately, at some sports grounds and on players' shirts.

I want to see the issue addressed, but, as we have said time and again, for it to be effective, any legislation on this island and beyond has to be compatible. As I said, we are not going to be able to stop people watching their favourite soccer team, even if it is Spurs, on TV.

Among the work that the APG on reducing harm related to gambling has done is to conduct an inquiry. The evidence that we obtained has made for some very useful recommendations. I hope that the Committee and the Minister will find that report helpful in their work and deliberations in this phase and in any future phases. The report, which gives recommendations on self-exclusion, advertising, affordability checks and much more, is a useful contribution on the subject.

I noted the points about credit cards that other Members made. As someone who was able to rack up a substantial debt, using a range of credit cards solely for gambling, with no restriction, I will be extremely disappointed if that issue is not addressed in the Bill. I hope that the Minister can detail whether that is the case in her summing-up.

I am coming to the end of my remarks, but I cannot let any discussion on the subject go without expressing my view, which others have also stated, that, in order to tackle gambling-

related harm properly, we must go beyond legislation from the Department for Communities.

I have stated that gambling addiction is an illness, so it needs to be treated as such. That requires a public health approach from our Chief Medical Officer (CMO) and our Health Minister. Whatever about the addiction services that the health service provides for alcohol and drug addiction, when it comes to gambling, they are non-existent. I welcome the mandatory levy that will produce a fund to minimise the harm from gambling. That is a good start, but it should not absolve our health services from treating gambling harm with the seriousness that it deserves. I commend the Bill.

**4.45 pm**

**Ms Bradshaw:** I will add a few words, primarily about health, but, before I do so, I put on record that I am a member of the APG on reducing harm from gambling. Unfortunately, I cannot get to as many meetings as I would like because they clash with Committee for Health meetings, but I recognise the amazing work that the APG has done since it was set up.

I also put it on record that my son, whom I left to university this weekend, is paying his way through university by working in a betting shop. You can imagine that my heart sank when he told me that that was how he was going to do that. My only hope is that, working in that environment, he will see how exploitative it is.

**Mr Frew:** I thank the Member for giving way. I would not lose heart in that regard. Some who work in betting shops are the most responsible of people. They look after a lot of the punters. They make sure that they are sensible, try to keep them level-headed and even get them home at times. Some really good people work in bookies' shops.

**Ms Bradshaw:** I thank the Member for that intervention. I do not want to labour the point, but he is a 21-year-old football fanatic who is very impressionable at times, and the last thing that I want him to do is to see gambling as glamorous. However, knowing what his hourly rate will be, I can assure you that, in my opinion, bookies are just as exploitative of their staff as they are of their customers.

I put it on record that I understand the concerns of those who have cautioned against the approach inherent in the Bill, namely that of the middle road of amending parts of the 1985 Order rather than going with outright

replacement legislation. Given that problem gambling is a markedly bigger issue in Northern Ireland than elsewhere in the UK, I understand fully where some are coming from when they warn that what is really required is fully considered new legislation fit for the 2020s. In an ideal world, most of us would want to proceed in that direction. That is particularly the case with the industry levy proposed in clause 14. Given that that will have to go out to full consultation, I am unclear on why it has been included at this stage, but I look forward to hearing more about that. However, as others have indicated today, having already lost three years of legislative time, we do not have time to leave this untouched for the time that it would take to draft and approve what would inevitably be compromised legislation on something that is considerably complex. So, while fully recognising, understanding and, indeed, even agreeing with the notes of caution, I do not think that we have much option but to proceed on the basis on which we are proceeding. That does not necessarily mean that this will be perfect, and, as my colleague Kellie Armstrong indicated, the Committee for Communities has a lot of work to do in its deliberations and in putting forward potential amendments.

I broadly agree with the measures in the Bill. They bring Northern Ireland into line with the rest of the UK in allowing customers access to the same games and fixing the oddities around Sunday trading and operating in the internet and social media age.

My concerns are around what appears to me to be the lack of priority given to the health aspects. They appear to have been left to later legislation, when the 1985 Order is completely overhauled. I am unconvinced that that is good enough, because there is an increasing recognition that problem gambling is a health issue. Therefore, we need to include the health aspects at the very start of any deliberations or drafting.

I tend towards the view that there should be a stand-alone service for addiction. At this point, I thank Dunlewy Addiction Services, Extern and Gambling with Lives for the work that they do, but they are not sufficiently funded. More commissioning of such services would be particularly welcomed. We need to do so much more to provide accessible support, remove stigma and ultimately use the experiences of those who have, unfortunately, experienced addiction in order to help with interventions to prevent it occurring in the first place. Mr Butler mentioned that the Bill needs to be more comprehensive to ensure that people do not get into gambling in the first place. It is not entirely

a matter for legislation because much can be done through adequate resourcing and policy prioritisation. However, it should be at the core of everything that we do on the issue.

Gambling is a public health matter, and it requires a public health approach. I want that to become more evident in the deliberations on the Bill and the issue in general.

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

**Ms Bradshaw:** Go ahead.

**Mr Catney:** I did not want to interrupt you. Yesterday, I had a little gamble or a little punt on the golf, but I can take it or leave it. There is nothing wrong with that when it is under control. I take on board what Mr McGuigan said; he is not in the Chamber now. When gambling gets out of control, I understand how difficult that can be. I have seen that at first hand. May I add that I wish your young son the best of luck as he goes across to university? He will get an education in that betting office that he will never get in a university. Good luck to him.

**Ms Bradshaw:** Thank you. That is the point that I was making, and Kellie mentioned it as well: we all do the lottery, put on small bets or go down to the amusements in Newcastle, but it is a problem when that becomes exploitative and people are taken advantage of. For example, Gambling with Lives said that the messages come through at 2.00 am when people are lying in bed, having not gambled for a few weeks, and those messages hook them back in with offers and deals.

The Bill is really important. I wish the Minister and the Committee all the best going forward.

**Mr O'Toole:** I have listened with interest to the debate. My colleague Mark H Durkan said that, substantively, we do not have any deep objectives to the Bill on its own terms. However, I have an objection and a concern about the way in which the entire debate has been framed, which is that the Bill is about protecting consumers from harm. That is not true, as far as I can see.

The Bill, when netted out, liberalises our gaming laws. I should say up front — everyone else has said it — although it is a slightly tiresome disclaimer, that I have no issue with gambling on moral grounds. I enjoy a bet, as the cliché goes. I, too, had a bet on the golf over the weekend. Europe let me down: that is the first time that I will use that phrase in the Assembly Chamber [*Laughter.*] I have no issue

with gambling; I enjoy a bet. It is a significant industry, and a lot of people enjoy controlled and responsible gambling in their leisure time. I originally come from Downpatrick, home of one of the most historic racecourses in Ireland. I will get all that out of the way at the start of my contribution, as it is not relevant to what we are debating. We all accept that most of us can enjoy an occasional flutter and a responsible gamble, whether that is buying a scratch card or making a bet on the horses. We are not talking about that today because we all accept that the world has completely changed since the 1985 Order was made. We are not, substantively, talking about the same thing.

The regulation of land-based gambling, such as bookies and lottery tickets, is fundamentally and categorically different from what happens now. As Mr McGuigan said in his powerful testimony, it is the ubiquitous and constant presence of the ability to destroy your life at the touch of a button. It is important to acknowledge that fundamental difference. It is creating an epidemic. Throughout the debate, people have talked repeatedly about the shocking statistics in Northern Ireland. The rates of gambling addiction here are four times higher than in Britain and three times higher than in the South of Ireland. If we accept that that is a shocking and appalling position to be in, surely we must accept that the primary purpose of any legislation on gaming is to deal with that harm. I have no particular substantive objection to opening bookies' shops on a Sunday, but that should not be a priority for the legislation. If we accept the principle that this society has the worst problem with gambling-related harm in these islands, why, in the two-phased approach that has been talked about, does phase 1 not, at least, start to address some of the issues around online harm and its ubiquitous, constant threat to individuals not just from financial loss but mental health, family breakdown and all the appalling consequences? I recognise that Mr Butler and others have done extremely good work on the APG. However, recognising how serious an issue that is, why does the Bill not start to address it?

Others have said that the Bill is a good start in tackling gambling harm. Well, is it? To be honest, is it? Of the 16 clauses, two of them deal with harm, so far as I can see. The one that has been talked about most is clause 7. Obviously, I totally welcome the creation of the offence in that clause. I am glad that the Minister is bringing it forward. Clause 14, on the industry levy, is a relatively modest step forward. I am glad that it is happening. However, on both of those clauses, it is important to point out that we have said

consistently today that the primary driver of the epidemic of harm in our society is not physical gambling. That is a real problem. I will come on to that, because the Bill does not touch on one other area of physical gambling harm. Both of those clauses relate to land-based, in-person gaming. They say nothing about online harm, unless I am wrong. I am happy to be corrected by the Minister or someone who wants to intervene.

The industry levy relates specifically to new licences that are granted for in-person bookies. If you know much about the gaming industry, you will know that, frankly, not many physical bookies are opening any more. Bookies' shops do not tend to open that much any more. All the growth in the industry is online. It is online for a reason: candidly, that is how they get a hell of a lot more money out of people, destroy their lives and make more profits. To concentrate the levy on new bookmakers' premises and, indeed, new fruit machines and bingo halls — yes, bingo halls are opening — does not, I am afraid, focus on where the primary growth is in the harm to society.

I do not dispute those clauses on their own terms. However, I question the suggestion that, somehow, it is a completely seamless prioritisation through phase 1 and then phase 2 to deal with harm. If we accept that the priority has to be dealing with online harm, why is that not the priority? Why does the Bill not start with that? Ms Ennis said that it would take 360 clauses. I am not on the Committee, and I do not know where that number came from. I am not sure why it would take 360 clauses. No one says that you have to boil the ocean to do these things. To start, why not have some clauses and particular measures? I hope that Committee members and others will look at amendments to strengthen and add a bit more ballast to the Bill and, I am afraid, its complete lack of ambition.

As I listened to some of the debate, I paid attention to lots of interesting contributions. However, my mind wandered a little, as all our minds do. I will confess that I flicked onto Twitter. I saw that there was a news story from 'PRWeek', which is an industry title for the communications trade. The story that was linked to 'PRWeek' was about Paddy Power. I am sure that we are all familiar with that brand and its great advertisements with their hilarious banter. Paddy Power is also, of course, one of the companies that makes outlandish and enormous profits out of the harm that is created. The 'PRWeek' story referred to the fact that Paddy Power is recruiting a "Head of mischief". It is all a bit of craic, is it not? God, it

is all a bit of craic. A head of mischief to do fun stunts and have a bit of craic.

It is not. It is not when you are losing your home, your family, your marriage and your career. That happens every day in this society. We have all acknowledged it, so why are we not doing more to tackle that harm?

### 5.00 pm

Ms Ennis also talked about the strategy. She said that other parties had not produced a strategy. I do not know whether that is true. I have seen the all-island strategy and the Twenty-six Counties gambling strategy. I do not know whether that evolution is for a reason. We agree that there should be an all-island gambling strategy, but, when I look through the key recommendations of Sinn Féin's Twenty-six Counties gambling strategy, I am afraid that I cannot see any of them — I may have missed one or two — included in the Bill.

Specifically, it was said that one area in which legislation could not be made in Northern Ireland was broadcasting, because it is reserved. That is fine — everyone knows that broadcasting is reserved — but there are multiple other areas, and I come back to the point that we are in both a North/South and an east-west context. Let us look at the contradictions North/South and east-west. Unlike GB, we do not have an independent gambling regulator. Unlike GB, we have not taken action on FOBTs. Unlike GB, we do not have restrictions on the use of credit cards for online gambling.

On North/South divergence, if any of you were in a pub in the South over the summer — I confess, Mr Deputy Speaker, that I have been, and I should say, in parenthesis, that its vaccine passport scheme works seamlessly and effectively, but that is not what we are debating today — you will have noticed that they do not have fruit machines. Is that not interesting? They do not have gambling machines. We do have them up here. We could address that bit of North/South divergence in the Bill, but we are not doing that. It would not require 360 clauses, but we are not doing it; that is fine.

I come back to the point that I made at the beginning. If we accept that gaming, particularly online gaming, is causing an epidemic of harm, we have to accept that our priority in legislation, whether it is phase 1 or phase 2 — it should be phase 1 — should be to at least start to address the appalling harm from online gaming, but that is not in the Bill. I am sure that the Minister will

say, as others have said, that there is not time. I have two things to say to that. One is that it is a good "self-own", as it is sometimes called on social media, showing why we should have had these institutions between 2017 and 2020 in order to progress legislation in these areas. It also reinforces the point that, when you have limited time, you focus on what matters. What matters at the minute is addressing the epidemic of online harm. It would have been good to see even a clause or two in the Bill, but we have not seen that. It comes back to the point about prioritisation and dealing with issues that actually affect people.

There are lots of the specific principles in the Bill that I do not have a problem with. Personally, I do not oppose on principle the opening of bookies on a Sunday, but physical bookies are not, proportionally, where the harm is happening or where the growth in harm is happening. I question why we would prioritise that as a legislative measure and present it to the Chamber as action on gambling harm. It is not, and it is disingenuous to say that it is. The Chair of the Communities Committee talked about her constituency of North Belfast and the high proportion of bookies in areas of high deprivation. She is exactly right. Gambling harm hugely disproportionately affects people in deprived areas and people who, frankly, have other issues in their lives. That is why we should prioritise dealing with online harm.

I wish that the Bill did more. Why do we seek power? Why do we seek to legislate in this place? It is to improve people's lives. I am afraid that the Bill does not go far enough and does not prioritise enough helping people to deal with the problems that have been created by gambling. I wish that it did. The lack of ambition is disappointing; I would like to see more in various areas. I will close my remarks there.

**Mr Allister:** I do not know what the odds on this would have been, but I find myself almost in total agreement with Mr O'Toole on the matter. I think past form was contrary to that, but, on this issue, I find myself very much empathising with the points he made.

**Mr Frew:** Did Europe let you down too?  
*[Laughter.]*

**Mr Allister:** Across the House today, I have heard many affirmations of recognition of the deep, deep harm being caused by problem gambling. The fundamental question that I have is this: how does the Bill match up to that? In the words of Mr Catney, is it just "words ... but no action"? Sadly, that seems to be largely the

category into which it falls. None of us can afford to be complacent about the problem of gambling and about the horrendous visitation of misery and deficit that it brings to so many working families. We have heard the statistic today that 2-3% of the population of Northern Ireland, which is 40,000 people, are problem gamblers. Another 4-9% are at moderate risk of being problem gamblers. It is not just the gamblers who are affected. It is not just problem gamblers and those who are at moderate risk, which probably comes to something like 120,000 people, but the families, the wives, the children and the dependants. When you multiply that, you find that, for every problem gambler or person who is at risk of being a problem gambler, there probably are another three or four people affected. That is coming close to half a million people. That is quite shocking.

When we recognise that the gambling industry really leeches off the poor in our society, we see why, as Ms Bradley pointed out, 37% of all the betting shops are in the wards with the greatest deprivation rates. She pointed out that 10% of all betting shops are in North Belfast, which exudes much deprivation, and that there are only nine betting shops in the whole of North Down. We know that, when we are talking about those who are suffering from the ravages of problem gambling, they are the very coterie of our society who can afford it least. Yet the shops are there because that is where the profits are being made and where our problem gamblers are spending their time. Yes, there is the internet, of course, but those who use betting shops and turn themselves into problem gamblers are predominantly, although not exclusively, from highly deprived areas. It is an unconscionable scandal that gambling firms exploit that to the nth degree.

When we know all of that, and then say that we are going to legislate for it, how is it that the Bill that we produce does not tackle any of those problems? In fact, the Bill liberalises. The headline of the Bill is that, instead of being open six days a week, betting shops, in the areas where they are bleeding people dry, can now open seven days a week. Is that really the Executive's answer to problem gambling? No one can say that they did not know. The statistics are there — virtually every Member who has spoken has quoted them — yet the shocking contribution of the Department and Executive to tackling the problem is to give us the most liberal betting shop laws in the United Kingdom. What will that do for problem gambling? Just as online gambling is 24 hours a day, betting shop gambling will now be seven days a week. Are we serious?

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

**Mr Allister:** Yes.

**Mr Butler:** The Member raises a really good point. It goes back to an offering that I made to the Committee to consider. If the Committee is minded to accept the first iteration, which "liberalises", as the Member put it, Sunday opening hours, I have said that the code and regulations need to be in place before that is enacted to ensure that the people who will use those premises are protected as well as they can be.

**Mr Allister:** The principle should be clear: there will be no liberalisation until there is regulation, where it can be, in other sectors. If we are serious about tackling the scourge of problem gambling, why are we making it easier, by opening seven days a week, to cultivate that problem? That is the question. We are told, "Oh, it's too hard for the Executive. It would take 360 clauses". That suggests that somebody somewhere has drafted a Bill but it is not before the House.

There are straightforward things that could have been done in the Bill. In April last year, a ban was brought in on the use of credit cards in GB. Why is that not in the Bill? That is not 360 clauses. It might not even be 360 words. Where is the appetite to do something as simple as that? Where is the appetite to do something as simple as putting a £2 maximum stake on these wretched machines? It would not take great legislative drafting to do that, but the Department has chosen not to do it. In choosing not to do it, it chooses to liberalise the law when it could regulate in such areas. This is a Department that, in answer to an Assembly question, could not even say how many fixed-odds betting terminals there are in Northern Ireland. The question was asked in AQW 1378/17-22 — I cannot remember by whom — and the answer was that the Department did not know how many fixed-odds betting terminals there were. That is not good enough. That does not point to an appreciation in the Department that that is an issue that needs to be grasped and dealt with.

**5.15 pm**

We could bring in regulation. There is a Gambling Commission in GB. We could readily and easily, with a few words rather than clause after clause after clause, extend its powers. Is it because it is the GB regulator? Has politics consumed the issue? I have heard no rational

explanation as to why regulation could not be brought in through that source.

The Department and the Executive, which allowed the Bill to come to the House, need to take a long hard look at themselves and ask why they are in the business of liberalising the law in a problem area and turning their backs on regulating. It might be very complex and difficult to regulate online banking — I am under no illusion about that — but there are important, simple, easy steps, such as the ban on credit cards and the £2 stake limit, that could have been taken. Why have they not been taken? What sort of message do we want to send out from the House? With this Bill, we are sending out very much the wrong message.

**Ms Hargey (The Minister for Communities):** I thank everybody who made a contribution on this important issue. I thank the Chair, the Deputy Chair and the whole Committee for Communities, with whom my officials and I will be engaging as the Bill goes through the Committee's scrutiny process. As with the legislation on liquor licensing and the private rented sector legislation, which went through its Second Stage a few weeks ago, if there are changes that can be made through engagement and oversight at Committee Stage, I am more than willing to work with Committee members or any Members in the Chamber to improve the legislation.

A lot of Members have talked about getting things right, and that is what I want to do. I would be lying to the Chamber and the people outside it if I said that I could bring through, in this mandate, a full piece of legislation that repealed the 1985 Order and replaced it with a new one. That would be a lie, and it would be disingenuous for any other person in this Chamber to say that it could be done. Looking at a regulatory framework, consulting the public on these matters, looking at the jurisdictional issues and the reserved matter issues — if somebody in this Chamber can do all that in six months and get it through the Committee, I will swap seats with them now.

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

**Ms Hargey:** No, you are OK, thank you. You have had plenty of time.

I recognise, and some members of the Committee recognised, that we are dealing with a lot of legislation. That does not mean that you should not do a piece of legislation, but there is the reality of time; the Committee only has a certain amount of time to scrutinise. Already,

there are seven pieces of legislation going through the Committee for Communities. If I just sat and waited on getting the legislation right, I would not have moved Second Stage today. I wanted to bring in some additional protections and modernise the 1985 legislation, and the only way that I could see of doing that in a practical way was through a two-phased approach. So this is not the finality of the legislation, and the Executive have recognised that.

The legislation will be done in two phases over the next period. In phase 1, there are 16 clauses, and phase 2 will comprise around 360 other clauses. The existing Order has 187 articles, but it does not deal with online gambling, which, when you look at the legislation in other jurisdictions, is where the majority of the new clauses would come in. We do not have time to do all of that. I am just being brutally honest with Members, because I would be leading them up the garden path if I were to say that it was possible to do it all within the time frame that we have.

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

**Ms Hargey:** No. I am OK. I have heard from everybody, and I do not want to say yes to one Member and no to another.

The legislation will ban the use of credit cards. That will be included as part of the operator licence via the mandatory codes of practice, which will be a new article in the 1985 Order. Separately, the Department for Digital, Culture, Media and Sport (DCMS) is working with financial institutions to prohibit the use of credit cards. I will update the House and the Committee on that, as those discussions are ongoing.

I fully support the creation and implementation of an independent regulator, but doing that requires a new and comprehensive regulatory framework, and there is not enough time to do so in six months. We cannot create a new framework and consult with people within a six-month period. That having been said, work is beginning on looking at all those issues for the second phase of legislation. We are not just sitting about waiting. As an interim step, I am considering appointing a temporary independent adviser to consider the issues as we progress this legislation and look to the formation of its second phase.

I understand the commentary around online gambling. The internet was not here in 1985. Again, we cannot do the bare minimum with the framework that we have. Mark said:

*"if something is worth doing, it is worth doing right."*

There is no point in my trying to rush through half-written legislation on online gambling without the regulatory framework with which to regulate it. All of that needs to be looked at, and that takes time. We are finding and learning lessons from other jurisdictions. That is not to say that we are replicating what is happening in other jurisdictions, but, with their regulators, we are certainly looking at the lessons learned. Yes, they have regulators, but those regulators have been heavily criticised for not having the teeth that they need. We are looking at all of that as we start to progress the important piece that looks at online gambling.

My officials and I have engaged with those on the ground who support people impacted on by gambling. I have included an enabling power to look at a levy, and there is ongoing work being done to look at having a gambling regulator. Those are two areas that organisations have been calling for legislation on. As I said, we continue to engage with our counterparts in the South and also those in Britain, as they are grappling with those issues and reviewing their current procedures and their regulators at the moment.

The Bill starts to look at problem gambling. It will do more in the second phase, but, as was said, it is a multidimensional issue. The inclusion of the Minister of Health and the Minister of Education and their Departments is critical to that conversation. A variety of all-party working groups are looking at the issue, because it is so cross-cutting. For that reason, and having engaged with those groups, I am in the middle of setting up a cross-departmental group that will look at problem gambling. I have communicated with the Minister of Health and the Minister of Education and am hopeful that the group will be up and running and having its first meeting within the next couple of weeks.

With any changes to the corporate status, we need to make sure that the law is more consistent with other licensing schemes, such as that for liquor licensing. We also need to make sure that it reflects the more global nature of today's betting market. Some of that was discussed today. The approach to be taken to gambling is not one for across this island or these islands but one for across Europe and, indeed, the globe. We need to look at the matter more consistently and more coherently. Clause 10 is not a stand-alone clause, but it should be read as putting elements of new controls on the industry.

The code of practice is enforceable and can impose a condition on the licensee to comply with it. If facilities do not comply, they do not get their licence. That is an important point to make. They can also be charged quickly so that they respond to emerging problems. The code of practice will therefore be a living document. If new issues do arise, they can be changed, and the code of practice can be amended to meet new and emerging needs. Of course, the codes are admissible as evidence in criminal or civil proceedings. They are acceptable and valid as evidence in a court.

As was said, workers' rights are protected in clause 3. Bank savers' prize draws are covered in clause 8.

There has been a lot of talk, rightly, about the impact of gambling on health and the harm that it can do, which I have touched on a bit. That is a matter of close consideration. It is one of the areas that comes up regularly when listening to key stakeholders, and it came up in the consultation and when we engaged with the all-party groups. That is why I am establishing the cross-departmental group, which will meet shortly. I will be able to update Members through the Committee, in the Chamber and through the all-party groups on the progress of the cross-departmental group, which will look at that important issue. The Bill also introduces mandatory codes of practice. It has an enabling power to introduce a levy, which groups on the ground have been asking for. Aside from that, some of the large gambling companies have given money to look at harm reduction and health. My understanding is that up to £100 million is available, and I have encouraged Health Department officials to draw down as much of that money as they can to support grassroots organisations and to look at issues around addiction and harm reduction.

There has been talk of looking at what Britain is doing and at what is being brought in at Westminster. Some Members said that this Bill, unlike the legislation in Britain, does not have A, B or C. The legislation in Britain is not working, however. Even the Ministers have said that it is not fit for purpose, as has the regulator. If I were to adopt what is being done there, it would already be out of date by the time it came through. It is not working. I would be criticised even more for rushing through bad legislation.

There are, then, some practical difficulties. These matters are under the Assembly's jurisdiction. Politically, the Assembly's permission would be needed for these powers to go back to Westminster. It is not as easy as asking, "Why is Westminster not doing this?"

Why can we not fall under its regulatory system?". If the legislation in Britain is not working, the critical question is this: why would we adopt a system that has been heavily criticised even by its own Ministers? We need to find a system that is robust and fit for purpose and that will meet the needs of the people here who need it. That is what I want to do.

Issues were raised about fixed-odds betting terminals. I am clear, from legal advice, that fixed-odds betting terminals already fall within the existing framework of the 1985 Order. The Supreme Court ruled that fixed-odds betting terminals fit within the definition of gaming machines, and the legal advice is that that ruling applies here. The prize limits in the 1985 Order therefore apply to fixed-odds betting terminals. The legal limits on stakes here are the lowest of any jurisdiction.

Many have made the assertion that this is a missed opportunity to regulate online gambling and to have a regulator. As I said, doing so would involve more substantial legislation that would completely rewrite the 1985 Order. The legislation would move from being 186 clauses, as in the current Order, to over 360 clauses, judging by the initial assessment that we looked at. There is no time in this mandate. I have taken the view that we need to do something rather than nothing and to extend protections and modernise in the time frame that we have.

I have been in post since January last year. Despite the pandemic, I am the first Minister in 35 years to introduce new gambling legislation. I was five when the existing legislation was brought in. I want the Bill to lay down a marker for the major reform in phase 2. That legislation will have over 360 clauses.

### 5.30 pm

It was said that we needed to get it right. What we have in front of us is about giving additional protections. It is not everything, and I completely recognise that. However, what is being proposed is the improvement of rules for societies' lotteries; banning the use of credit cards; a mandatory code of practice that will be admissible in court; and the introduction of enforceability of gambling contracts. The Bill introduces new offences, for example, on under-18s in a premises. The Bill also introduces an enabling power for a levy, which stakeholders have been calling for.

The Bill introduces all those protections, which we do not have at present. It is important that we do not wait to get it all right in a much bigger

Bill. We should introduce those protections now. For that reason, I commend the Bill to the Assembly for approval.

*Question put and agreed to.*

*Resolved:*

*That the Second Stage of the Betting, Gaming, Lotteries and Amusements (Amendment) Bill [NIA 36/17-22] be agreed.*

**Mr Deputy Speaker (Mr McGlone):** That concludes the Second Stage of the Bill. The Bill stands referred to the Committee for Communities.

## Assembly Business

### Standing Order 10(3A): Suspension

**Mr Deputy Speaker (Mr McGlone):** I have received notification from members of the Business Committee of a motion to extend the sitting past 7.00 pm under Standing Order 10(3A).

*Resolved:*

*That, in accordance with Standing Order 10(3A), the sitting on Monday 27 September 2021 be extended to no later than 11.00 pm. — [Mr Butler.]*

**Mr Deputy Speaker (Mr McGlone):** Members, please take your ease as we move to the next item of business. Thank you.

*(Mr Speaker in the Chair)*

## Executive Committee Business

### Climate Change (No. 2) Bill: Second Stage

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

*That the Second Stage of the Climate Change (No. 2) Bill [NIA 28/17-22] be agreed.*

**Mr Speaker:** In accordance with convention, the Business Committee has not allocated any time limit to the debate.

Members will be aware that a private Member's Bill on climate change is currently making its passage through the Assembly. While it is not unknown to have Bills on similar topics in the same mandate, this is the first time that a Bill with provisions that are mutually inconsistent with an existing Bill has been introduced to the Assembly. Should the Climate Change (No. 2) Bill pass Second Stage today, the issue of mutual inconsistencies will no doubt be a significant aspect of any debate at amending stages. Although this is a unique and challenging situation and is far from ideal, there is no procedural impairment whatsoever that prevents two such Bills from being considered by the Assembly and Committees at the same time.

The Minister is entitled to bring forward legislation on areas within his remit as he sees fit. Each Bill will be subject to the normal legislative processes, and the procedures for timings and activities within each stage will not be affected by the existence of another Bill. Members may decide to support the principles of one of the Bills, neither of them or both of them and should bear that in mind during today's debate. The Committee approach to scrutiny of the Bills is a matter for the Committee, and any queries can be referred to it for consideration. Ultimately, the progress of both Bills is in the hands of the Assembly, but, for today, the debate should focus on the principles of the Climate Change (No. 2) Bill.

**Mr Poots:** First, I would like to thank my Executive colleagues for their support in bringing the Bill to the Assembly, and I look forward to working with Members and the

Committee for Agriculture, Environment and Rural Affairs in progressing it further.

Climate change is an issue that affects everyone in Northern Ireland — indeed, everyone on the planet — and it requires both a global and a local response. As politicians, we have a duty to take action to mitigate the impact of climate change and to move towards a more sustainable economic and environmental model where both can prosper.

Since my appointment as Minister of Agriculture, Environment and Rural Affairs in 2020, I have made climate change top priority in my Department. There may be some in the Chamber who wish to contest that, but my actions speak for themselves. From the outset, I have committed additional resources in my Department to take forward work on climate change adaptation and mitigation and in preparation for the 26th UN Climate Change Conference of the Parties (COP26). I have prioritised the development of a cross-cutting green growth strategy, which is being led by my Department on behalf of the entire Executive, and that strategy will map out the actions that we must take to meet sector-specific greenhouse gas emission reduction targets, which will deliver a cleaner environment, lead to more efficient use of our resources within a circular economy and provide more green jobs.

I engaged with the UK Climate Change Committee (CCC), within one month of taking office, to start the process of identifying what would be appropriate as long-term emission reduction targets for Northern Ireland. As part of the process of developing legislation to set out such targets, my Department undertook policy analysis work and issued a consultation on a potential Northern Ireland climate change Bill in December 2020. Since then, my officials have been working to analyse the responses to the consultation, agree the policy objectives and develop a draft Bill.

Bringing forward a cross-cutting Executive Bill on an issue of this importance in that timescale has been very challenging, but developing the right legislation cannot be rushed. I want to deliver on the commitments that the Executive made in the New Decade, New Approach agreement, and the Bill before the House will do so.

The Bill has a strong focus on greenhouse gas emissions reduction targets and puts in place a legal framework for Northern Ireland policymakers and decision makers to build on. The Bill includes ambitious and challenging targets that have been recommended by the

UK Climate Change Committee; a committee that is the world-renowned, independent statutory advisory body to the UK and devolved Governments on climate change. The Climate Change Committee has been and is very demanding of the UK Government, and it will not be slow to criticise any lack of action on our part. It has also been clear that we must legislate for a credible, evidence-based target in Northern Ireland, and, in its view, a net zero target cannot be credibly set for Northern Ireland at this time.

I want to be clear: I would like Northern Ireland to achieve net zero emissions as soon as possible through a balanced pathway and a just transition; however, the available evidence indicates that that will not be possible by 2050, never mind 2045. My Bill sets a target of an at least 82% net reduction in greenhouse gas emissions by 2050, with interim targets for 2030 and 2040. Crucially, however, the Bill allows for those targets to be modified should updated advice recommend it or if it is appropriate to do so as a result of significant scientific, technological or legal developments relative to climate change. I am very hopeful that such developments will take place and that we will be in a position to make the targets more ambitious in the future. The Bill is, therefore, based on current evidence, but it is also future-proofed to allow us to react to what, I hope, will be positive developments.

I know that Members have expressed concerns about two climate change Bills passing through the Assembly at the same time. It can cause confusion, and it has significant resource implications for the AERA Committee and the Assembly. I recognise those concerns and met Clare Bailey, as the lead sponsor of the private Member's Bill, to discuss the matter. I then instructed my officials to work with Clare and her team to develop a compromise that would involve incorporating some elements of the private Member's Bill into the Executive Bill. The basis of a compromise has been agreed. I wrote to Clare to seek her agreement on the proposed way forward, and I await a response. I hope for a positive outcome and will update Members, as appropriate. However, I want to be clear: based on current evidence, I cannot support, nor will I agree to, a net zero target, as it is aspirational and, therefore, not real at this time.

The purpose of the debate today is to focus purely on the principles of the Bill that I introduced in July. I will now turn to the detail of that.

Part 1 of the Bill focuses on emissions reduction targets. It then outlines how we will measure our emissions and provides important powers to bring forward future legislation to cover a potential carbon accounting scheme and legislation on how emissions from international aviation and international shipping will contribute to our overall measurement of emissions. Those are fundamental building blocks of effective climate change legislation. Responsibility for meeting the targets in the Bill is placed on all Northern Ireland Departments, and those duties are further clarified in Part 5 of the Bill. That approach is essential because all Northern Ireland Departments can and must assist in efforts to tackle climate change. That transparent and clear approach is in contrast to the private Member's Bill on climate change, which places no duties on any Department to take action to achieve that target in the Bill.

Part 2 of the Bill covers carbon budgets. Those are important tools in limiting emissions over a defined period in order to keep us on a pathway of achieving the targets in the Bill. The approach adopted is in line with the UK approach, and the carbon budgets will be set based on advice provided by the Climate Change Committee, with the first period beginning in 2023.

Part 3 of the Bill covers reporting requirements against targets and budgets set by or under the Bill. A key requirement for my Department will be the production of reports that set out the proposals and policies for meeting the carbon budget for each period. Those reports will cover the areas that fall under the responsibility of each Northern Ireland Department, and all Departments will be required to provide the relevant input and support to assist in the development of the reports.

#### **5.45 pm**

The Bill would require interim reports to set out what progress has been made on the implementation of proposals and policies. It would require final statements on carbon budgets, including assessments of the extent to which the proposals and policies for meeting the carbon budgets have been implemented. That would ensure a high level of scrutiny and assessment of progress through each carbon budget period.

Where a carbon budget has not been met, a further report would be required to be laid before the Assembly setting out the proposals and policies to compensate for excess emissions. Further statements would be required on each of the emission reduction

targets, and those statements must include the reasons why a target has or has not been met. The Bill also includes enabling powers to bring forward future legislation on public bodies and their climate change reporting duties. That is important, because all public bodies need to focus on how they can adapt to and mitigate the effects of climate change.

Schedule 1 to the Bill covers the reporting duties that would be placed on the Climate Change Committee. I fully understand the importance of having robust independent scrutiny. Those on the Climate Change Committee are the independent experts in the assessment and scrutiny of the efforts and actions on climate change by the UK and devolved Governments. They already have that statutory role under the UK Climate Change Act 2008. My Bill would place further duties on them in relation to such actions being taken in Northern Ireland; thus, they would act as independent scrutinisers of the progress being made to deliver on the Bill's commitments.

The approach to scrutiny in my Bill would mirror the approach taken in the rest of the UK and, indeed, in the Republic of Ireland, where there is only one advisory body with a clear role. The Climate Change Committee would have to produce reports after each budgetary period, providing a scrutiny view of the actions that have been taken to reduce the emissions in the period as well as a scrutiny view on the progress that has been made towards meeting future carbon budgets and targets by Northern Ireland.

The committee would also have to produce reports after the interim emissions reductions targets in 2030 and 2040 have passed. In those reports, the committee would have to provide its views on whether any future emissions reduction targets set by the Bill are the highest achievable targets for Northern Ireland and, if not, what the highest achievable targets would be and what further measurements would be required in order to meet such targets. The Climate Change Committee would also provide interim progress reports on Northern Ireland climate change adaptation plans. Adaptation is an important part of climate action.

My Department would be required to prepare a response incorporating input from other Northern Ireland Departments to each of the reports produced by the Climate Change Committee. All those reports would be laid in the Assembly, and, in that regard, the Assembly would be kept well informed of the progress being made to reduce emissions. I have purposely kept the Bill focused on elements that

are essential for effective climate change legislation. The Bill does not specify that targets need to be put in place in order to address other environmental issues, such as water quality or biodiversity, because there are other statutory drivers for that. A number of strategies and plans are in place to deliver in such areas.

Moreover, the environment as a whole and, in particular, water, soil and biodiversity quality will benefit from the actions that are required to be delivered under the Bill to meet carbon budgets and emissions reduction targets. In addition, the green growth strategy, which I hope to launch for consultation in the coming weeks, will be one of the key delivery mechanisms for the Bill's aims. The strategy will address how we plan to ensure a just transition towards a low-emissions society.

I want to focus again on the targets in the Bill. It is vital that we include the right targets in our climate change legislation. The Climate Change Committee has identified that a net zero target for Northern Ireland would not be credible and that setting such a target would be morally wrong. As I have previously highlighted in the Chamber, the additional costs of meeting a 2050 net zero target compared with the target in my Bill could be up to £900 million per annum, according to the Climate Change Committee's estimates.

Let me put that phenomenal cost into a clear context by highlighting the findings of the draft regulatory impact assessment (RIA), which was carried out by my Department. The indicative net cost of the Executive Bill's provisions between 2022 and 2050, including the at least net 82% 2050 emissions reduction target, is estimated to be over £4 billion or, in yearly terms, approximately £140 million per annum.

In contrast, a similar Bill with a target of net zero by 2050, a whole five years later than 2045, is predicted to cost a staggering £30 billion-plus between 2022 and 2050. That is an approximate annual cost of over £1 billion per year. The budget of every Northern Ireland Department, including Health, would be affected by that. That is an extraordinarily high price for the public of Northern Ireland to pay, especially as, while it would decimate key parts of our economy, it would not actually reduce global emissions due to offshoring of our emissions to elsewhere to meet food demand.

Indeed, you may also have seen the recent independent report by KPMG on the impact of the 2045 net zero target in the private Member's Bill. The findings in the report are shocking and will reaffirm the scientific evidence that the

Climate Change Committee and I have put into the public domain regarding the impact of the net zero target. The KPMG report shows that there could be a reduction in cattle and sheep numbers of up to 86%. Therefore, traditional grass-based family farming systems would be wiped out if net zero by 2045 was applied in Northern Ireland. Many thousands of jobs would be lost as a consequence, and there would be a huge loss to our economic output.

**Ms Bailey:** I thank the Minister for giving way. Is the Minister aware that the KPMG report says that:

*"Subsidies and grants were not included when calculating each farm's income"?*

The sector gets up to 86% of its income from public subsidies. If I were to do an economic impact assessment of my household income, it would find that removing 86% of my income would have pretty damaging effects.

**Mr Poots:** It is a brave consultancy organisation that would predict that we will receive the same subsidies in 20 years' time as we do now. Essentially, we want to make the production of food a more profitable exercise and one that creates massive employment across Northern Ireland. There are many steps that we can take to ensure that farming responds to the needs around climate change, water quality and a better environment in general. In doing that, I am very hopeful that we will have other products to sell, such as methane, phosphates and even ammonia, and that we will be able to create circumstances in which farming can become more profitable and, at the same time, better for the environment.

**Mr McGuigan:** I thank the Minister for giving way. He outlined some potential costs of moving towards reductions in greenhouse gases. Is he of the same view as he was in February 2021, when, in the foreword to his discussion document on a climate change Bill, he said that:

*"tackling climate change should be viewed not just as an environmental challenge, but also as an economic opportunity"?*

Is he of the view that that there are plenty of economic opportunities for businesses, agriculture and all sectors across the North?

**Mr Poots:** Yes, there certainly is economic opportunity, particularly in hydrogen. Given that we have already achieved 45% renewable energy, and with the opportunities that are open

to us for further renewable energy, I believe that Northern Ireland can lead the way in hydrogen. I raised that issue with Kwasi Kwarteng, the UK Secretary of State at the Department of Business, Energy and Industrial Strategy (BEIS), again this afternoon. There are tremendous opportunities, and I believe that not just the farming community but the community in general is up for the challenges. However, to meet those challenges, we do not close down farms here or stop folks on farms here — particularly those on marginalised farms and in less-favoured areas, such as hill farmers — producing food. Food still has to be produced, because consumption has not disappeared. That food will be produced somewhere that produces even more emissions and carbon. You will have taken that somewhere else. It may be good to salve the conscience, but it is not good for the economy, nor is it good for the environment. That is the challenge facing all of us, including the folks on the other side of the Chamber. We need to produce climate change legislation that takes account of the reality in Northern Ireland — the fact that we are a significant food-producing region — and looks at how we can continue to produce large quantities of food. The population of the world is going to rise; it is expected to put on another 2 billion by 2050. We continue to produce good-quality food, but we do it in a way that has minimum impact on the environment.

**Mr McGuigan:** I thank the Minister for giving way. His analysis of perceived difficulties, problems and costs with moving towards greenhouse gas reductions is very detailed. Is he equally as expert on the potential benefits? The CCC said that net zero:

*"can provide a significant economic boost in the coming years and support ... economic recovery."*

I have quoted what the Minister said in his own document. The CCC also said:

*"We are not therefore able precisely to calculate the costs"*

to the North in terms of "reaching Net Zero". You seem to be an expert when it comes to all of the difficulties. Why did you not engage the same kind of expertise to try to produce the benefits economically, societally and environmentally for moving towards net zero?

**Mr Poots:** I am very grateful to the Member for elevating me to being an expert. I have to burst that bubble: I am not an expert, but I listen to expert advice. When we pay for and employ

expert advice, we do well to pay attention to it. The Climate Change Committee gave very powerful evidence to the Executive on Thursday. People had the opportunity to pose questions. There were no questions asked that the Climate Change Committee did not effectively deal with. I encourage others, including the AERA Committee, to engage with the Climate Change Committee. The Member will have the opportunity to speak to real experts: the scientists who are involved there. I trust that he will give respect to the science on the issue and accept it.

**Dr Aiken:** Will the Minister give way?

**Mr Poots:** Yes. I would like to get on with this, but go ahead.

**Dr Aiken:** Thank you very much indeed. It was quite interesting that you mentioned the CCC's report. Will the Minister lay that report, which was put before the Executive, in the Library? I understand that there is a considerable amount of information in it that we have not seen yet. It might be useful for all Members to see that when we are making up our minds about the Bill.

**Mr Poots:** I will be very happy to. I will clarify whether everybody else is happy with that, and, if that is the case, I will do that. The more things are in the open, the better — where possible.

For Northern Ireland to reach a net emissions reductions target of at least 82% requires a percentage reduction greater than is required in the rest of the UK to reach net zero. By way of example, Scotland is almost halfway to net zero emissions, having achieved a 45% reduction by 2018. Unfortunately, Northern Ireland is only a quarter of the way to reaching an at least 82% reduction; it had achieved only 20% by 2018. We are starting behind, and we need to recognise that and reflect it. An at least 82% emissions reduction is in no way lacking ambition; we actually have to do a lot more than others across the UK to do that.

I recognise that the AERA Committee will play a key role in scrutinising the Bill. My officials have already been constructively engaging with the Committee. That engagement will increase. I appreciate that, at this stage in the mandate, the Committee is under a lot of pressure to perform its crucial scrutiny role efficiently and effectively, but I know how important climate change is for the Committee, and I look forward to further engagement during the Committee Stage. My officials and I will be happy to

provide any support that the Committee needs as it conducts its business in respect of the Bill.

I hope that Members will recognise that this Bill — the Executive Bill — will deliver on the New Decade, New Approach agreement commitments; will help to deliver net zero for the UK and across these islands; and will set Northern Ireland on a balanced pathway towards a sustainable low-carbon economy in which key sectors can prosper and grow through a just transition. The Bill is supported by the key sectors that will have the most important part to play in reducing our emissions, and it will help us to protect and support those sectors. It is based on the evidence and advice from the experts. It is an effective piece of legislation that places clear duties on all Northern Ireland Departments and includes robust scrutiny and reporting requirements. We, as an Executive and Assembly, need to tackle climate change head-on. My Bill is the right vehicle to do that.

**6.00 pm**

**Mr McAleer (The Chairperson of the Committee for Agriculture, Environment and Rural Affairs):** I welcome the opportunity to speak as the Chairperson of the Committee for Agriculture, Environment and Rural Affairs on the Climate Change (No. 2) Bill that the Minister has introduced.

Climate change is one of the most profound challenges facing our society. In recent months, we have seen the devastating impact that global warming has caused to our natural environment, with intense flooding in central Europe, unprecedented heatwaves in Canada and extensive wildfires in California. In August, the Intergovernmental Panel on Climate Change (IPCC) reported that progress to mitigate climate change had not gone far enough. It is more likely than not that the Paris pledge to limit warming to less than 1.5°C by the middle of the century will be missed. In advance of COP26 in November, countries across the world are being asked to do more to meet the global challenge to reduce harmful greenhouse gas emissions and change how we live, work and travel in order to be more environmentally friendly. There is a collective responsibility, and we all have a duty to play our part. It is in that context that the Committee welcomes the introduction of the Climate Change Bill sponsored by the Minister.

Members are aware that the Committee has engaged in extensive activities in recent weeks to gather evidence and information to help inform its deliberations and scrutiny of the

climate change legislation. It stands ready to accept the Minister's Bill for scrutiny. The Committee received a briefing from departmental officials in March on the principles and policy aims of the intended Bill, following the completion of the Department's consultation. Members received a written briefing to update it on the progress of the Bill in May, and it was formally introduced in the Assembly on 5 July 2021. The Committee looks forward to hearing further oral evidence from departmental officials on the Bill on 14 October, should it pass its Second Stage today.

The Bill has 41 clauses, divided into five Parts, and would provide a legal framework for climate change mitigation locally through the following aims: setting targets for the reduction of greenhouse gas emissions for 2030, 2040 and 2050; establishing a system of carbon budgeting and independent reporting on the attainment of those budgets; providing for a duty to be applied to public bodies in respect of climate change reporting; and creating a process to receive advice and independent reports from the UK Climate Change Committee.

Part 1 of the Bill covers emissions targets and outlines how global greenhouse gas emissions will be at least 80% lower than baseline levels by 2050. It also sets interim targets for 2030 and 2040. Those targets are in line with advice provided to the Department and the Committee by the UK CCC on what is deemed to be currently achievable on local greenhouse gas mitigation. Part 1 also gives the Department the power to amend the emissions target years and baselines, subject to certain justifications. Any proposed change must be in line with the CCC's recommendations and will have to be ratified by the Assembly.

The Committee is acutely aware of the potential and profound implications for different sectors of the economy associated with any greenhouse gas emissions target. We know that many stakeholders, particularly representatives of the agri-food sector, welcome the advice and recommendations of the CCC in that regard and that many others feel that we should be more ambitious and legislate for a net zero emissions position. It is a complex and significant decision, and it is therefore only right and proper that the Committee have adequate time and space to consider the implications and detail in order for it to come to an informed position on what the greenhouse emissions targets should be and what flexibility should be afforded.

Part 2 sets out proposals for the Department to establish carbon budgets that will set the maximum permissible greenhouse gas emissions on a five-yearly basis. The Committee understands that all local government departments will be jointly responsible for achieving the carbon budgets and providing the Department with information on the strategies and policies that will be taken forward to achieve the emissions limits. The process for developing, laying and reviewing carbon budgets is an essential component of the Bill, and the Committee looks forward to engaging with that in detail as part of its scrutiny, should the Bill pass today.

Part 3 establishes a mechanism for progress reporting and sets out a timetable for how frequently the Department will lay progress reports in the Assembly that will document the achievement of the carbon budgets and recommend measures to address non-compliance. The Committee is conscious of the need to ensure that a robust accountability framework is in place to hold government to account for delivery against climate change, and effective reporting is central to that. A key message arising from the work of the Committee in recent weeks is this: individuals and organisations want to be able to see clearly what progress has been made, what the direction of travel is and whether we are on course to meet targets. It is therefore important that the Committee review the proposed reporting framework to ensure that it will facilitate transparency and accountability.

Part 3 also confers on the Department powers to impose climate change reporting duties on specific public bodies following consultation. That is an interesting aspect of the Bill and one that the Committee will consider carefully. In other jurisdictions, such as Scotland, climate change legislation places an automatic duty on public entities, including Departments, councils and arm's-length bodies, to report on their climate change mitigation and adaptation activities. In recent weeks, the Committee has heard the strong message that members of the public and, indeed, public authorities are keen to see more responsibilities placed on local institutions with respect to their climate change actions. A crucial aspect of climate change legislation is how it caters for the independent oversight and scrutiny of government action. That is essential to assure citizens and organisations that performance against emissions targets is being objectively assessed and that recommendations can be made by an independent entity to stimulate improvement.

Part 4 sets it out that the UK CCC will be the primary responsible body for reporting on local progress in meeting the climate change goals by sending reports to the Department following the completion of each carbon budget period and each of the interim target years. The Department will be compelled to lay with the Assembly a response to any CCC independent report. The proposed method of obtaining independent oversight is one that the Committee intends to consider carefully as part of its scrutiny. Whilst the UK CCC is considered to be a world-leading and credible source of expertise on climate change policy, there are other organisations that could provide useful oversight of and advice on local climate change action.

There is also a need to consider the most appropriate mechanism for independent oversight, given the unique circumstances of sharing a land mass with a different jurisdiction that could have different policies on climate change. Climate change does not recognise borders. The Committee understands the importance of local organisations working with entities in other jurisdictions so that actions taken here accord with those of our neighbours. The Committee welcomes the proposal in Part 4 that stipulates that the UK CCC will provide a report to DAERA on its consideration of progress made and any relevant recommendations against climate change adaptation programmes laid by the Department with the Assembly under section 60 of the Climate Change Act 2008. That should help to ensure greater oversight and independent accountability of such programmes introduced through the House.

In summary, on the face of it, the Committee broadly welcomes and supports the principles of the Bill in relation to facilitating greenhouse gas reductions; introducing a system to monitor progress; reporting on climate change; and obtaining independent advice on and scrutiny of local measures. However, as is so often the case, the devil is in the detail. Therefore, should the Bill pass today, the Committee looks forward to the opportunity to consider those issues as part of its scrutiny and to engaging with members of the public and organisations on those matters.

Members will be aware that, in August, the Committee launched a public call for evidence on the Bill. It was not undertaken to pre-empt the outcome of today's debate; it was simply a method of gaining views from stakeholders on the salient aspects and issues in the context of the Committee's wider workload and programme going forward. Members will also

be aware that, should the Bill pass today, the Committee will be in the unique position of scrutinising two pieces of legislation that ostensibly cover the same policy area. I assure the House that the Committee is committed to addressing that potentially complex challenge and to considering the Bill before us today on the basis of its individual merits and potential consequences

The scale of the climate change challenge is enormous and affects us all. How we live, work, travel and do everyday things will have to change if we are to mitigate the harmful impact to our environment. Not only that, but we have a duty to younger and future generations to put in place mechanisms to avoid further damage from climate change and to ensure that they do not have to deal with an even worse situation. That is why it is incredibly important that the Committee has the opportunity to scrutinise the Bill and to ensure that any climate change legislation that is introduced is effective for our local public institutions, economy and society. That said, the Committee welcomes the Bill and looks forward to scrutinising it, should Members pass it today.

**Mr Irwin:** I very much welcome the opportunity to contribute to the debate. I speak as someone who has a lifelong interest in agriculture. That said, I also have a great interest in our environment. The Bill is important for many reasons, not least because it represents a much more achievable and less destructive path to a reduction in emissions. The Bill can be compared and contrasted with the private Member's Bill, which has been referred to as highly damaging to one of Northern Ireland's mainstay industries. While the Bill tabled by the Minister and his Department is by no means a walk in the park, it is, crucially, a Bill tabled with important input and expertise from across a range of areas, including departmental officials and UK Climate Change Committee experts. I have made many comments on the issue in Committee and publicly. For any Bill to succeed, it must be reasonable and reflective of the facts about Northern Ireland's contribution to global emissions, which currently stands at 0.04%.

Among farmer representative organisations and bodies, the overwhelming view is a recognition that climate change is a real and present challenge. However, they also believe that the Bill represents the best way forward to tackle change locally when considered in the global context. Make no mistake: the legislation is a huge challenge, with a reduction of 82% by 2050. It will require a significant effort across every sector of life in Northern Ireland, in all

sectors of business, across the transportation sphere and in the home. The challenge is considerable and must, crucially, be viewed in the UK context and overall UK effort on emissions targets. The Climate Change Committee has recognised that important issue and has suggested a benchmark for Northern Ireland on a UK-wide basis. Playing to strengths is a key part of the joined-up approach.

Today, major countries account for a significant portion of global emissions. We must be not only clear in our ambitions but realistic about what we can achieve. I have consistently argued that it would be foolish to impose legislation that creates a drastic downward trend in our domestic productivity, only for the demand to be met by countries with extremely poor records on emissions; indeed, at this time, such countries are increasing emissions as part of an expansive, deliberate economic domination-driven policy. China, for example, does not plan to reach its peak emissions until 2030, and it currently emits 27% of global emissions.

I resent the fact that we have two Bills on the table. Again, I urge the Green Party to get behind the Department's efforts. I understand that discussions between the Department and the sponsor of the private Member's Bill are ongoing. It is important to arrive at a sensible outcome, and it is incumbent on all parties to recognise that.

I support the Minister and the Department in their efforts. As was said, the targets are a real challenge and will take significant effort. It is vital that the House gets behind that effort and embraces actions that are sustainable and achievable. To do otherwise will obliterate Northern Ireland's agri-food sector. The expertise at the Department's disposal from the Climate Change Committee will be vital in going forward, and the legislation cannot be looked at in isolation. The efforts to reduce emissions are UK-wide, and Northern Ireland will play its full part. There is merit in the Ministry setting up a forum or committee facility to assist with the transition. Important work will have to be done to manage this course of action. It will be vital to ensure that our farming community and rural dwellers can raise their views and concerns about these matters. I would welcome the Minister's thoughts on that suggestion.

I thank the Minister for his efforts on this huge issue. I am interested to see the Bill's progress. I urge the House to play its part in assisting with those efforts. I support the motion.

**Mr McGlone:** The SDLP welcomes the Second Stage of the Minister's Bill. I thank the Minister for it. We are behind the curve in legislating for our responsibility to reduce greenhouse gas emissions. It is over 10 years since the UK Climate Change Act was passed, and we still do not have any Northern Ireland-specific climate legislation. It is over six years since my party colleague from Foyle, when he was Environment Minister, proposed a radical climate action Bill to limit the average global temperature increase to 1.5°C above pre-industrial levels.

With the addition of the Minister's Bill, there are now two climate change Bills before the Assembly. As a member of the AERA Committee, I can safely promise the Assembly that we will be equally rigorous in our examination of both.

### 6.15 pm

That we have reached this point now is timely, given the imminent 26th United Nations Climate Change Conference in Glasgow. At the UN assembly last week, many countries across the world, including China and the US, announced renewed commitments and further investments towards meeting the aims of the Paris agreement. The Climate Change Conference of the Parties may well result in a new declaration that re-commits Governments to net zero emissions by 2050, as well as big reductions by 2030. There may also be specific pledges on ending coal, petrol cars, and further protections for the natural world. Developing countries will hope to see a significant financial package in the short term to help them to adapt to rising temperatures. That is often left out of the debate here. Those measures are expected because Governments have woken up to the realisation of just how serious the global situation has become. They have been helped in that awakening by the effect of more people seeing the devastating impact of human-driven climate change on the environment and by the efforts of a younger generation who are justifiably angry at the damage that is being done now to the world around them.

To date, there have been successful efforts to cut emissions in some sectors such as electricity generation — what has been described as the "low-hanging fruit" — but the most recent NI greenhouse gas inventory estimates for 2018 show only a 20% decrease in emissions compared with the figures for 1990. Current projections estimate that there will be a 39% reduction by 2030. Agriculture remained the largest source of greenhouse gas

emissions for Northern Ireland in 2018, at 27%. That share is expected to increase to 35% in 2030 due to a combination of the effect of the improved performance of other sectors and an only 3% reduction in agricultural emissions. That is not sustainable, whichever target the Assembly sets.

Given where we are, it would be irresponsible for any Member to suggest that any sector of society would be able to carry on as it has been doing. To reach even the Minister's target will require support and incentives to ensure that the necessary changes are made to reduce greenhouse gas emissions in agriculture and other sectors. The aim must be to maintain the profitability of farms while encouraging the use of less-environmentally damaging methods and practices. That is where science comes into it.

At the Committee, we have been discussing the measures that could be introduced via transitional support. Indeed, I championed the fact that that would not just be for farming but for some of the other subsidiary industries that are so dependent on farming — the linked industries of agri-food and other supply chains that are affected by it. That would include building social benefits into reduction efforts so that communities could see that working for them. Bringing communities with us as we reduce greenhouse gas emissions across all sectors, including energy, transport, business and agriculture, is key. We would need to shape policy in order to meet the targets that are set and put in place support and incentives to help all sectors, particularly agriculture and the agri-food sector, to make those changes.

There will also need to be greater cooperation across the island of Ireland in areas where we have already agreed to work together. Even after Brexit, the agri-food industry continues to operate on an all-island basis. The latest figures on North/South trade show a 66% increase in trade that comes north and a 146% increase in trade that goes south in the first six months of 2021 when compared with the same period in 2018. That increase in economic activity obviously means more vehicles on the roads. The move away from petrol-driven vehicles will require additional investment in the single electricity market to ensure that the network can sustain the increased pressure of having more charging points on all routes.

On vehicles, roads, infrastructure, air quality and water quality, we need harmonisation of standards to help to drive down those emissions. The North/South Ministerial Council exists to facilitate that cooperation, which we will need. That is unquestionable. It is definite:

we need that cooperation to see what we can do to ensure that we achieve those targets for reducing greenhouse gas emissions.

**Mr Poots:** I thank the Member for giving way. The Member talks about cooperation, and that is certainly key to all this. Will he agree with me that we also need internal cooperation so that, when there are opportunities for renewable energy projects, we all ensure that we get those projects over the line? The benefit of renewable energy projects is that we in Northern Ireland will be able to go down the route of producing hydrogen, so that the vehicles that the Member talks about travelling between North and South can run on a non-fossil fuel, which is critical. If we resist renewable energy projects, however, it will be hard to achieve carbon neutrality.

**Mr McGlone:** I hear some of what the Minister says; I am not sure what specifically he refers to. There have been some contentious areas that have not fitted well around communities. I made the point earlier that we have to bring communities with us. I welcome the fact that the Minister's Department, with the Department for Infrastructure, has carried out useful collaborative work on all this. I know that both Ministers have been working very positively on that.

Passing legislation on climate change is only the first step. We have a long way to go and difficult decisions to take if we are to meet our obligations under the global commitment on the reduction of greenhouse gas emissions. Sin é.

**Dr Aiken:** The Ulster Unionist Party supports the Climate Change (No. 2) Bill. We also support the Climate Change Bill. It is clear to our party, having taken a wide range of soundings, that there is a need for climate emergency legislation. Northern Ireland must not be the only part of our nation or, indeed, of these islands and beyond not to have specific legislation. We do not have it, and we are way behind.

Not to have legislation will impede our economy, prevent future-proofing of our planning and strategic development and considerably undermine our people as they deal with the existential threat posed by the climate emergency. Doing nothing is not an option. Denying the climate emergency is not an option. Somehow discounting the science and scientific advice is not an option. Creating an effective legislative framework with realistic and achievable targets, backed up by an independent commissioner with the necessary

ability to oversee and shape our responses, is the only option.

We believe — I say this now — that the Minister and Ms Clare Bailey, of whose Bill we are co-sponsors, need to work together to merge their Bills in order to achieve goals that we as a party will seek to advance by amending both Bills if the Bill sponsors cannot agree on the practicalities of combining their efforts. Many in the House would like to see that agreement happen.

First, there has to be a clear and unambiguous statement that there is a climate emergency and that the Executive and their Departments will use the best peer-reviewed scientific advice to deliver solutions to adapt to and mitigate the real challenges that are ahead.

Secondly, we must have an independent climate emergency commissioner with responsibility for monitoring the climate action plans, reviewing the implementation of the Bill and making recommendations to the Executive. The Executive Office must be mandated to address the issues that are raised by the commissioner. It must be an all-Executive responsibility.

Thirdly, in reporting against targets, we must have independent verification in order to build trust in the delivery of measures to ameliorate CO<sub>2</sub> and methane emissions and other activities that contribute to the rise in temperature. That can only be achieved by the establishment of an independent climate commissioner and monitoring organisation — ideas that I encourage the Minister to take from the Climate Change Bill and incorporate in his Bill, if he and Ms Bailey will not reach an accommodation, which we encourage them to do.

Finally, we have the vexed issue of targets for greenhouse gas emissions that are achievable without undermining critical sectors of our economy. Northern Ireland is a significant net exporter of agri-food products, with nearly 50% of such products that are produced in Northern Ireland being consumed in the rest of the UK. That will not change. The independent Climate Change Committee has said that, for the UK to reach the net zero target, a fair contribution from Northern Ireland would be an 82% reduction in greenhouse gases by 2020 compared with the 1990 levels. The Ulster Unionist Party welcomes that intervention from the independent committee, has accepted its recommendation and will target an 82% or better reduction in greenhouse gases for Northern Ireland as part of the ongoing climate

action plan. Adding those amendments to both the Climate Change Bill and the Climate Change (No. 2) Bill would bring them into alignment but, more importantly, would actually begin to deliver what is required.

However, finally, we hope that, rather than proceeding with the two Bills, we can merge them to make an effective, durable and practical piece of legislation. I think that is what the Assembly wishes, and I think that is what the people of Northern Ireland want. I believe that, given the goodwill of the Minister and, indeed, of Clare, it is very achievable. We in the Ulster Unionist Party will give our best endeavours to make that happen.

**Mr Blair:** I share with many others the frustration at the incredible delay in progressing vital legislation on climate action. This is a point that has been made before here, including by me, but it is worth repeating that the crisis is no longer a looming threat but is here and is happening now, yet we prevaricate. The refusal to act at the pace the science demands is, quite frankly, deadly. We have learned many lessons from the COVID-19 pandemic, but its central lesson has been that high-impact threats must be acted upon in a timely fashion and that delay is costly.

We need a green recovery, with huge investment and urgent, radical changes to our economy. That radical change is not only sensible but now critical. As the only jurisdiction in the UK and Ireland without an independent environmental protection agency, a climate change Act or a specific net zero emissions target, Northern Ireland is in urgent need of policies that will address the climate emergency and economic and social transformation.

I will focus my comments on legal frameworks for environmental governance in the departmental Bill, and I understand that my colleague Kellie Armstrong will up pick some other points on behalf of Alliance later in the debate. I will start by drawing attention to the fact that our exit from the EU and subsequent legislative reassessment and realignment will have substantial implications for climate action in Northern Ireland. The Department's Bill, I have to say, goes some way towards addressing the governance gaps that Brexit has exposed; however, in its current state, it does not offer the same level of protection and accountability as the European courts did. As a result, there is a greater ongoing requirement for Northern Ireland to remain aligned to previous EU standards. As I said last week, we are told that we can do better and that we are going to do better. I hope we do, and I, with my

colleagues, am ready to support the doing better when we see it coming forward.

In the absence of the independent environmental protection agency, which, as we know, is an outstanding New Decade, New Approach commitment, or an office of environmental protection based in Northern Ireland, it is necessary to incorporate a mechanism to independently scrutinise progress on delivering the provisions of such an Act. Unlike the private Member's Bill, of which I am a co-sponsor, the departmental Bill would not make provisions for such an independent oversight body. The private Member's Bill would establish a climate change commissioner, whose duties would involve holding the Executive and the Northern Ireland Departments to account in relation to their duties. However, governance needs to be considered separately from policy. It should go without saying that independence in holding the Executive to account on climate action is critical, but that is not the case. It appears that it still needs to be said. The new powers under the proposed legislation appear to have the effect of allocating the AERA Minister and, indeed, the Minister in DEFRA a central role in shaping guidelines administered by the oversight body, thereby, I suggest, constraining the role of the Office for Environmental Protection (OEP) and its ability to act totally independently.

As we seek to recover from COVID-19, I hope that all Departments and sectors work together to protect the environment. As well being committed to existing jobs and bringing forward new green jobs, Alliance is committed to a green and just recovery and an urgent and radical overhaul of the policies and practices that have hindered our progress to date. On behalf of Alliance, I do, however, pledge support to the Department's Bill at this stage in the hope that sufficient consideration can be given to and progress made on points raised today in order to ensure support at future stages. These are urgent matters, and they must be addressed for the good of our people and our future. I hope the Minister can address some of the concerns.

**6.30 pm**

**Ms Á Murphy:** I welcome the opportunity to speak in the debate. If we are to tackle climate change effectively, it will require clear, decisive legislation. Even the CCC admitted that the advantage of a net zero target was that it removed uncertainty and the temptation of sectors to lobby for a larger share of the remaining 18% of emissions. It stated that the

clarity of a net zero goal, coupled with good policy design, could help stimulate innovation across all sectors and cut the cost of capital, thereby bringing down the overall cost of mitigation.

Following the recent Intergovernmental Panel on Climate Change (IPCC) and climate change risk assessment (CCRA) reports on climate change, it is clear that now is not the time for half measures or piecemeal approaches. That is why my colleagues and I have been working on a number of environmental PMBs that will make quick and practical differences to our environment. In particular, I have been working on a fracking prohibition Bill, which will outlaw fracking in the North and, as a result of similar legislation in the South, right across the country. Fracking is a profoundly dangerous practice that presents a threat to the health of the environment and the population. Nobody in my constituency, where the fear of fracking is perhaps felt more greatly than elsewhere, would appreciate legislation offering an 82% reduction in the practice. Nobody wants to deal with 18% of the effects that it produces. That is why my private Member's Bill would outlaw the practice entirely. Similarly, climate change presents an absolute threat to the planet, and we must address it. Net zero should be the minimum that any climate legislation aims for.

**Mr Harvey:** I welcome the opportunity to speak at the Second Stage of the Climate Change (No. 2) Bill. We are all aware of the need to address the issue of climate change legislatively and, in so doing, ensure that this part of the United Kingdom plays its role in reducing emissions. I am a firm believer that, as custodians of our planet, we all have a moral and civic responsibility to care for the environment and to do all that we can to create safer and healthier spaces to live in and enjoy. As I, and others, have previously outlined in the House, tackling climate change is a commitment of the NDNA agreement. As such, I am pleased to see Minister Poots bringing this legislation forward. I look forward to the engagement at Committee Stage on the finer detail. In the meantime, as the Bill continues its passage through the House, I will make a number of general points.

As we consider the Bill, the most fundamental issue is that of striking the correct balance. There is a need for legislation on environmental targets that is ambitious but which does not require us to bankrupt our businesses. We have been warned by representatives from many sectors, including Manufacturing NI, to strike the right balance and not to destroy jobs. It is

imperative that that is at the forefront of our deliberations.

It goes without saying that our efforts on the issue will have greatest impact on our agriculture community. If the legislation is to be of any success in years to come, it is vital that the agriculture community has ownership of it and that we work collectively to make progress. It is worth remembering that our agri-food sector represents £5.2 billion a year to the local economy and provides employment for around 113,000 people. There is often a tendency to pitch the farming community against progress on climate change. That narrative needs to be challenged. In my engagement with farmers, it has been evident that there are few sectors more clued-in on the need to tackle climate change. Farming is on the front line of its impact. It is particularly vulnerable to extreme weather events that directly hamper business. The sector has already been engaged in efforts to combat greenhouse gas emissions since 2008 through the implementation of the greenhouse gas programme. In 2019, the UK Government put us on the front foot as the first major economy to have a net zero target in law: the only country in the world to have developed a pathway to net zero. With the professional support of the UK Climate Change Committee, we are in a good position to do our bit.

The Paris agreement set ambitious targets but also recognised the importance of safeguarding food security. The impact of the COVID-19 pandemic has shown the importance of local food supplies, and we must ensure that they are protected. Although Northern Ireland must reduce its impact on the climate, we should not reduce our capacity to produce high-quality and affordable food to high environmental and animal health and welfare standards. We must ensure that we reduce our local greenhouse gas emissions and not merely export our problem to some other country through carbon leakage. If we set unachievable targets and time frames, we will only move the problem elsewhere. If all we achieve is carbon leakage, we will have achieved nothing.

The target of 82% by 2050 for Northern Ireland is ambitious, so much so that it asks more of our farmers and of this region than we are asking of the rest of the UK or that is being asked of our counterparts in the Republic of Ireland. Lord Deben of the UK Climate Change Committee recently gave evidence to the AERA Committee, stating that a target any higher would not be achievable, would not be scientifically possible and would be "morally wrong". I agree with that position, and I believe that this Bill is best placed to address climate

change in an ambitious yet realistic manner. Various elements of the Bill will need consideration, such as the accountability mechanisms outlined and whether they can be bolstered. However, following wide consultation and input from the UK CCC and other devolved Governments, I am content that the key elements of the Bill are well grounded. The Bill has my support.

**Mr O'Dowd:** I have sat and listened with interest to the debate, although I suspect that when the general public listen to some of these debates, the acronyms and terminology can be quite confusing. All of a sudden, everyone has to turn into a climate scientist or become an expert in carbon, carbon leakage and all those terms that are floating around. Is it any wonder that those who are at the centre of the debate — often, the farming community — are scratching their heads, saying, "How can we deal with all this?" and "Why should this all be our responsibility?" There, they have a fair argument to make.

Among the terminology, the accusations back and forth and the scientific reports, the reality is that we have only one planet and we have two climate change Bills before us. We have two very important questions to answer: how do we arrest climate change and how do we support and protect our farming and rural communities? Those are the real questions at stake in my mind today. A farmer who is rearing a few head of cattle in my constituency or a few sheep up in the Sperrins will quite understandably ask, "How are our actions responsible for climate change or to the detriment of the climate?" Urban dwellers have responsibilities as well in their consumption of goods and how they go about our daily life.

I too am out and about talking to farmers and concerned citizens, and I have not met a farmer yet who is not concerned about the climate and about climate change. I have met many farmers who have questions about the Bill before us today and about subsequent Bills, but there is a mistrust in all of this. I do not want to personalise that around the Minister, but his record on international standards of environmental protection is not a good one. I am not saying that the Minister does not care about the environment or the climate, but he has a different view on it to many leading experts around the globe. He will quote other experts back at me: it is almost like the COVID debate, with experts coming back and forth at you. There is a recognition, however, that, unless we reach net zero within an acceptable time frame, we are in for a climate disaster: a disaster that is already being faced in many

parts of the world. We talk about the impact of climate change, but many parts of the world are already experiencing it.

The question for you, Minister, is this: are you serious about protecting the climate? Thus far, you have not lived up to your obligations under NDNA on independent environmental protection. Down through the years in the Chamber, we have heard you and several of your colleagues resisting independent environmental protection. The question that therefore needs to be satisfied, Minister, is this: are you serious about playing your part on climate change and not using the farming community as a battering ram against it? I do not believe that that is where the farming community wants to be. I believe that the farming community, like urban dwellers, understands that it has a significant role to play in tackling climate change.

**Mr Poots:** I thank the Member for giving way, and, rather than challenge him immediately, I allowed him to develop that point. I am not easily offended, so do not worry about it, Mr O'Dowd.

I was previously the Environment Minister. During that time, I faced the challenge of what to do about renewable energy. I put forward proposals for dealing with renewable energy that enabled us to achieve 45% renewable energy by 2020. That left Britain trailing behind, as it has not reached its 20% target. At that time, I also set a target of 50% for recycling, which I was told was too high. That was for 2020. When I came back into office, we achieved that. I have set new targets for recycling, which, I believe, we will again achieve. In doing all these things, we need to study the science and then set targets that are achievable, and, indeed, if we find that we are over-delivering, we will up those targets to ensure that we maximise what we have. To set a target that is not achievable is to set an aspiration.

The Member for Fermanagh and South Tyrone indicated that we need to achieve net zero. Net zero in Fermanagh and South Tyrone, where there are a lot of sheep farmers, for example, would lead to a 60% reduction in the keeping of sheep. It would lead to a 98% reduction in farms in less-favoured areas (LFAs), from 15,137 down to 348. Fermanagh and South Tyrone, Mid Ulster, and Newry, Mourne and Down account for 43% of less-favoured area farms. I assume that when she goes canvassing in April next year, she will not be telling those farmers that it is her desire to put them out of business, but that is the reality that

we are talking about. It is not me who is using the farmers as a battering ram. Others are imposing a battering ram on the farmers.

**Mr O'Dowd:** I thank the Minister for letting me back into my speech. *[Laughter.]* Minister, it comes down to setting targets that are achievable. The private Member's Bill that is sponsored by Clare Bailey — my colleague is involved with it as well — has set ambitious targets that are achievable.

I will move on, because you mentioned renewable energy. Tomorrow, my Small-Scale Green Energy Bill is before the Assembly, because small-scale renewable energy, which helps farmers and rural communities to be sustainable, has ground to a halt, and there needs to be legislative intervention there. That is as much about renewable energy as it is about climate change, just as my colleague's Bill about banning fracking is about ending that practice but also protecting the environment and the climate. Although there quite clearly needs to be an overarching climate change Bill with achievable targets that arrest climate change and protect the farming and rural community, there needs to be other legislation brought to the House and supported as well.

#### 6.45 pm

**Mr Durkan:** The urgent need for a climate change Bill has been well established. The extensive body of research demands that we act immediately — globally, locally and as individuals — in response to the emergency. Climate change is arguably the most serious threat that we face, not just to the environment but to our health and our economic and global security.

The overwhelming scientific consensus is that the impacts of climate change are accelerating and that they are largely driven by greenhouse gas emissions that result from human activity. If we are to combat the devastating impact of climate change, we have a responsibility to act. We owe it to ourselves and especially to future generations to face up to that uncomfortable reality. No longer can it be swept under a carpet or buried in a hole in the ground to be dealt with at a later date. It remains a blot on our collective record that it has taken so long to implement specific legislation to prevent climate breakdown through emission reduction targets, working towards carbon neutrality or preparing industry for tomorrow's economy.

While the COVID pandemic may have played some part in the delay in implementing climate

change legislation here, the collapse of the Assembly and the shameful three-year stalemate have left Northern Ireland lagging even further behind on the single biggest issue facing this Executive and those beyond. However, I appreciate that steps are being taken to rectify that. As the old adage goes, you wait ages for a bus, and then two come along at once. We need to make sure that we get on the right one: the one that will take us where we need to go. We cannot afford to dither and end up missing both, nor do we want a collision between the two. Very much in the spirit of this legislation, and perhaps echoing some of the Member opposite's sentiment, we should at least explore vehicle sharing options in order to improve efficiency.

In discussing the Bill that Minister Poots has introduced, we cannot neglect to mention the private Member's Bill that is progressing through the Assembly and to which I have referred. Although it shares a similar aim, I argue that it is much more robust than the legislation before us today. Minister Poots outlined his commitment to tackling climate change and laid out some positive actions that he has taken in his role as Minister. That is to be acknowledged and welcomed. He outlined the complexity of legislating on the issue, which I do not doubt for a second. I wonder whether that complexity has been compounded by the establishment of DAERA: the amalgamation of the Department with responsibility for environmental protection with the Department with responsibility for agriculture. We are where we are, however.

In our view, the Bill as it stands lacks ambition. In some ways, it is remarkable for what it fails to include rather than what it includes. Put simply, it falls a bit short. It is not as radical as it needs to be, nor does it treat climate change with the urgency required. Since we last debated the issue in the Chamber, the situation has deteriorated even further, as per the IPCC sixth assessment report, which the UN Secretary-General called a "code red for humanity." How many more wake-up calls will it take? We cannot continue to push the snooze button on the climate emergency.

**Mr Poots:** I thank the Member for giving way. I appreciate the thoughts of a former Environment Minister on the issue. I recall that, as Minister, Mr Durkan brought in the single-use plastic bag levy. That was far-reaching legislation, and I congratulate him on bringing it in. I am looking at that legislation with a view to amending it and making it tougher. We have done it, and we have demonstrated what is achievable, so we can take a further step.

Similarly, with climate change, it is better to set out something that is achievable; if, in five, 10 or 15 years' time, we discover that we can achieve much more, we will be standing ready and willing to do so. His action in bringing forward that legislation and my action in improving on it, having the benefit of hindsight all these years later, is a demonstration of what we can also do in this Bill.

**Mr Durkan:** I thank the Minister for his intervention. I do not doubt the benefits of an incremental approach to issues where necessary. He gives me more credit than I deserve. It was my predecessor and party colleague Alex Attwood in the ministerial role who did all the heavy lifting. I came along in time to get the headlines. I look forward to seeing the Minister's proposals for strengthening the single-use carrier bag levy, and I hope to see something forthcoming from him on the bottle deposit return scheme as well.

**Mr O'Dowd:** Will the Member give way?

**Mr Durkan:** I should mention that Daithí McKay initially introduced the single-use carrier bag levy under a private Member's Bill. Yes, I will give way.

**Mr O'Dowd:** You are a bit of a mind reader. It is worth noting that there was opposition to the plastic bag levy in the Chamber for a variety of reasons. I think that even some of the Minister's colleagues were opposed to it at the start. It shows that, when you take a bold move, you can progress legislation and make change when necessary.

**Mr Durkan:** I thank the Member for his intervention. I am fairly sure that his former colleague Mr McKay will be watching with interest in his new role.

In our view, the Bill's most significant shortcoming is the absence of a net zero target for the North. Scientific evidence makes it clear that Northern Ireland needs to meet net zero carbon emissions by 2045. To deviate from that policy would see the North at odds with the direction of travel being pursued elsewhere.

We cannot accept anything less than net zero. What we have here is a dilution of that target. It is a bit of a hokey-cokey piece of legislation, if you will — half in and half out. As such, we have significant concerns also about clauses 4 and 5, which will give powers to the Department to change emissions targets' years and baselines. To do so could not only make for a weaker piece of work but add another layer of

confusion that we cannot afford when there is already so much confusion out there, particularly in some sectors, on such a vital matter.

The vision of net zero emissions can be achieved only through collaborative working, declaring a climate emergency and establishing a mandate for climate change mitigation and adaptation. The roles of a Northern Ireland climate office and climate commissioner as overseers will be integral in accomplishing those goals. This is a necessary incorporation to any climate legislation, and it is crucial that any mechanism of scrutiny is independent.

The targets are ambitious, but they are ambitious because they need to be. For too long, the Executive have sat on their hands when it comes to legislation on climate change — I say that as a former Minister — not to mention the three years of complete inaction that we suffered collectively across the North to the detriment of its denizens and climate. The dither and delay mean that Northern Ireland remains the only jurisdiction in these islands without greenhouse gas reduction targets enshrined in law.

The focus on green recovery and the creation of a sustainable society are of even greater significance as we emerge from the fog of COVID. If we have learned anything from this horrific year it is that we must do things differently. The pandemic has served as a reminder of the delicate and unpredictable balance between humans and the natural world. It has also given many the opportunity to reconnect with our natural environment and realise the importance of protecting it.

We now need to witness a sea change in behaviours within the powers that be. I pay tribute to the Climate Coalition Northern Ireland and the many groups and individuals who have not let up in that regard. They have been an invaluable resource who have worked tirelessly in their mission to put climate action firmly on the agenda.

However, I cannot pretend — it has become obvious this afternoon — that there is or has been consensus on the issue. Reservations — in some cases, outright opposition — about the targets in the private Member's Climate Change Bill have come from certain quarters in industry and agriculture. There has also been opposition from environmentalists to this Bill based on its perceived lack of ambition. Any climate change Bill must focus on working with, not against, the agriculture sector to ensure that it is supported and to enable it to establish sustainable

practices; for example, by incentivising farmers to sequester more carbon in their land, as we move forward together.

We have moved, or at least are moving, beyond the old-world view that environmental requirements must constrain economic performance and productivity. It is possible to create a better environment and a stronger economy — a sentiment, as Mr McGuigan reminded us, that is shared by Mr Poots, who is on record as affirming that environmental challenges present economic opportunities.

Climate change will affect all sectors, not just agriculture. The possibilities that enacting climate action legislation can bring should be embraced rather than be seen as something negative. It is undoubtedly a vehicle for prosperity and should be grasped with both hands, but regardless of economic losses or gains, tackling climate change and hitting net zero carbon targets can no longer be put off. Delivering a real, tangible change requires difficult conversations and very difficult decisions. The alternative — inaction by the Assembly here and now — does not bear thinking about.

The climate crisis has caused, and is causing, devastation to people and communities across the world. The language being used by climate experts leaves no room for ambiguity. As has been referred to, we are looking at a "code red for humanity". The inclusion of a just transition, set out in law, is a necessity, not a pipe dream. The Minister's Bill and its silence on that key component is as conspicuous as it is disappointing. We need to set out a framework for net zero carbon investment, create work that is fair and sustainable and reduce inequality as far as possible.

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

We live in an interconnected climate in which an ecological emergency has been driven by human activities. Therefore, ambitious action is critical. How we live our lives is placing pressure on biodiversity. We must learn to do things differently and to do better. The Bill neglects, in our view, to place sufficient attention on nature, nature-based solutions or biodiversity. It must be strengthened in that regard. The Climate Coalition points to the Scottish Climate Change Act as an example of good practice, which establishes a duty on Ministers when setting targets with regard to environmental impacts, particularly on biodiversity. Legislation here should mirror that approach, given our similar geographical make-up.

Looking toward a greener future is not about restricting certain sectors but about maximising opportunities. We cannot afford to do the bare minimum when it comes to a matter that will define not just this Executive but this generation. Failure to act now will have severe repercussions, so we are glad that we potentially have two Acts, but we have to act to ensure that we get a good Act. There is no planet B.

Commitment to advancing this legislation is an important cornerstone of New Decade, New Approach. I am glad that it seems to be being addressed now because, for a while, there was a suspicion that there was some back-peddalling on that. We cannot afford a piecemeal approach, because the time for climate justice is now.

In conclusion, we support the sentiments and broad principles of the Bill but would very much like to see action taken and amendments made so that it is strengthened significantly. I look forward to the progress of the Bill. We certainly will not be obstructing its passage.

**Mrs Barton:** Thank you very much, Mr Deputy Speaker, for the opportunity to speak this evening to the Climate Change (No. 2) Bill, which is the second of two climate Bills that are making their way through the legislative process in the Assembly at the moment.

It is recognised and accepted that Northern Ireland is not immune to the climate emergency that is trundling towards us very quickly. After years of no climate change legislation, work must proceed to address the climate change emergency with haste. Doing nothing is not an option.

### 7.00 pm

Both Bills set targets and carbon budgets, with the aim of reducing greenhouse gas emissions. One of the major differences is that the Climate Change Bill includes a net zero target for Northern Ireland by 2050, while the Climate Change (No. 2) Bill includes emissions targets for 2030, 2040 and 2050, with 48%, 69% and at least 82% reductions in greenhouse gases respectively. Those targets in the Climate Change (No. 2) Bill are based on advice that was provided by the UK Climate Change Committee, and they are considered fair and equitable for the different Departments.

It is acknowledged that achieving the required targets will present the agriculture and food sector and many aspects of infrastructure with

considerable challenges and that there will need to be plans to improve housing standards and waste management. As the years progress, with technological advances being introduced, together with support from scientific evidence, DAERA, if the need arises, will have the opportunity to change the targets for emissions and introduce newer, more ambitious ones through regulations that must be approved by the Assembly. To meet the targets set, the Assembly must be prepared to carry out economic appraisals of the potential costs of the Climate Change (No. 2) Bill and to support those who will have greater economic challenges in reaching those targets.

The agricultural targets are based on the CCC modelling on changes in consumption patterns, which result in lower demand, and the introduction of low-carbon farming practices, including changes to the diets of animals, the increased use of anaerobic digestion and a move to low-carbon fuels in machinery. There is also recognition of the higher environmental, animal health and welfare standards of locally produced meat and dairy products. There is further recognition that Northern Ireland should continue to fulfil the demand in Great Britain for Northern Ireland-based products. It is expected that nearly 46% of land will have to be freed up through changes in output and more efficient farming methods. Land may have to be released for forestry, restored peatlands and energy crops. However, it is important that targets are realistic and achievable.

We all accept the need to reduce carbon emissions, but that must be put in context. Northern Ireland produces 0.04% of global emissions. China is responsible for 27% of world emissions and continues to build more coal-fired power stations in a bid to meet its internal demand, while Brazil has significant plans to increase its cattle production by millions. Is it not ironic that Brazil is potentially a country that Northern Ireland could import food from if our production does not meet demand due to the impact of climate legislation? Coupled with the added food miles that it would take to bring the food to Northern Ireland, that would certainly not do anything positive for global climate change.

Let us not put all of the climate emergency down to agriculture or agri-economy businesses. Of course, questions must be asked of what we, as members of the community and public, will do to improve climate change. It is estimated that daily water consumption in Northern Ireland is an average of 145 litres per person. For 1.5 million people in Northern Ireland, that is a daily water

consumption of 217.5 million litres. That is an enormous figure. As individuals, can we reduce that daily usage? Can we reduce our energy usage from electricity, gas, oil and other sources?

In conclusion, after years of having no climate legislation, we now have two Bills to consider. While the UUP will support the Climate Change (No. 2) Bill, it is imperative that the best advice and evidence are taken in order to inform decisions. In due course, appropriate amendments will be tabled. As scientific data and evidence emerge, it must be more desirable to work towards a single climate change Bill that will be acceptable to all.

**Mr McGuigan:** As I was listening to everybody else, I was conscious that this is the fifth debate on climate change I have participated in since the Assembly resumed. I am also conscious that it probably took the previous four debates to bring the Minister to the position of bringing this legislation forward. I pay tribute to the activists, particularly the young people, and to the Climate Coalition, which has kept the issue in the headlines and forced the position where we now have two Bills before the House.

I was going to interject when you, Minister, and Mark H were having the discussion about the plastic bag levy. The Minister will be aware that I had my own private Member's Bill on single-use plastics. Given that I sit on the AERA Committee and we have two climate Bills as well as other legislation, I am not a glory hunter: if the Minister wants to interject to tell me that he will introduce something on the merits of single-use plastics before the end of the mandate, I will certainly give way to allow him to do that.

**Mr Poots:** I am certainly happy to respond to that. We have a series of things on single-use plastics. It is my desire, certainly in government circles, to lead the way on that and to demonstrate that we can remove single-use plastic from the government estate. We need to pursue that agenda, and I am fully supportive of any efforts any other Member wishes to bring to the table on reducing single-use plastics. It is an area we really need to move on.

**Mr McGuigan:** The Minister will be aware that, prior to being taken out of the EU against our will, we would have been included in the single-use plastics directives. That is the kind of ambition, with regard to that legislation, that I would like to see brought forward.

In 2016, 197 countries signed the Paris agreement to limit global warming to 1.5°C and to reach net zero emissions by 2050. I am conscious that my colleague mentioned using acronyms on this subject, but it is very difficult not to do so. In August 2021, just a month or so ago, the IPCC released its sixth assessment report and revealed that we are already on track to miss the Paris target. The 234 scientists from the 66 countries that compiled that report from more than 14,000 scientific papers were unanimous in their assessment that the world's governments are not doing enough and are not doing it fast enough. If I am wrong, I will stand corrected, but it is striking that, given the seriousness of that recent report, the Minister who is responsible for the environment in this jurisdiction, as far as I am aware, has not made any comment about that very serious report, which he certainly should have.

At our present rate of emissions, we will reach 1.5°C global temperature increases by 2040. That is the trajectory we are on. As has been said on numerous occasions in the Chamber, that will have catastrophic consequences for the planet: floods, fires, droughts and extreme weather will all become more prevalent. As somebody else said, the UN Secretary General has described it as "a code red for humanity." That is a worry not just for some far-off distant land; it is a worry for people, businesses, groups and organisations who live and work here in the North. It should be a worry for all of us because its impacts are going to be felt here.

The third climate change risk assessment report was released in June this year, and it identified 61 specific threats to the North that are caused by climate change. More than half were categorised as being in the most immediate level of urgency, while all but 11 have increased in urgency since the last report. Those were things including but not limited to wildfires, flooding, coastal erosion, saltwater intrusion, threats to natural carbon sinks and an increase in pests, pathogens and invasive species. Those things will impact on all of us in our everyday life if they are not addressed, particularly those of us in rural and agricultural communities.

There is a very small window of opportunity to avert all of that. A piecemeal 82% reduction in emissions will just not cut it. Net zero should be the absolute bare minimum that we, in the Chamber, aim for. The Minister's Bill sets an overall target of 82% reduction in greenhouse gases by 2050. Far from being unique just in these islands as an environmental laggard, that would leave the North as the only corner of

Europe that is not even attempting to reach net zero. Not only would we be the only jurisdiction on these islands not trying to reach at least net zero by 2050, we would be the only corner of the EU not doing that. As a result, we will have worse air quality, worse water quality, worse soil quality and greater biodiversity loss than the entire continent of Europe. If our produce is coming from a region with lower environmental standards, what effect will that have on our ability to trade with not just the rest of Ireland but the rest of Europe?

Our agri-food industry is inextricably linked, North and South. It is also a reality that we are on the same island and have the same agricultural practices. Legislation in the South states that it can achieve net zero by 2050 at the very least. The Minister's Bill has zero all-Ireland elements. That is ludicrous, given what we have talked about regarding environment and climate change on our small island. Air, soil, water, flora and fauna are not limited by political boundaries. The North and South of Ireland not only share the same unique environment; our economies, particularly agri-food production, are inextricably linked. This Bill makes no mention of biodiversity or the scientific community's unanimous assertion that climate change and biodiversity are interconnected and that neither domain can be addressed without effectively addressing the other.

As others said, the Bill lacks any kind of independent oversight. It is not enough to legislate for these targets. There needs to be independent oversight to assist with meeting the targets. I know that the Minister mentioned a just transition, but the Bill has no mention of a just transition. Major changes to all sectors are required to help us tackle the climate crisis, but those changes will be effective only if they are made in partnership with industries and communities. A just transition is necessary for that and for protecting livelihoods, and if we are to take advantage of the many economic opportunities that are offered by moving to a net zero society.

In conclusion, as others have outlined, this Bill is lacking. It does not contain a net zero target for greenhouse gas emissions, a requirement for climate action plans or a mechanism for independent scrutiny, and there is no provision for a just transition, which would help and is vital to support sectors to move to net zero.

As others have said, we will not obstruct this Bill, as it is vital that the Assembly produces a climate Act prior to the conclusion of this mandate. However, the Minister needs to

realise that that is not to say that this Bill is not weak, nor is it to say that it is ambitious; it is both weak and unambitious. The Bill is flawed. Many changes will be required to ensure that we can consider supporting it at a later stage.

**Ms Armstrong:** Although the need for legislation on this issue is very clear, the Assembly Bills process means that we will be debating two Bills on the very same issue within months of each other. That will take up this Assembly's valuable time and resources so, where there are opportunities for the Bills to come together, I would be absolutely delighted to see that happen. I am interested in what the Minister said earlier about there having been a discussion about the Climate Change Bill and the Climate Change (No. 2) Bill. I look forward to seeing what the potential amendments to, or coming together of, those Bills will be.

Earlier in this discussion, many others, including Mr O'Dowd, Mr Durkan and Mr Hamilton, mentioned that this is not an issue just for farmers. It is not. We all need to take actions to reduce emissions. The farming community is certainly one of the communities that can help to guide us towards better land management and in how to improve things in Northern Ireland without damaging their industry.

If we are to tackle the climate crisis, departmental priorities and budgets will need to change. Difficult decisions will need to be faced, and challenging questions will need to be asked.

**7.15 pm**

I welcome the requirement on Departments to develop and implement appropriate policies and actions to tackle the climate crisis. The Alliance Party has called for the creation of a Northern Ireland Department for energy and climate change. In order to make an impactful change across these islands, we must prioritise close cooperation between the Northern Ireland Executive and the Irish Government in an all-island context. It is also vital that those in Westminster place a green new deal at the heart of government. Many different actions will need to be taken to target the climate crisis. It is disappointing that more have not been included in the Bill, such as a separate oversight body and a specific net zero emissions target. However, as I said, I look forward to seeing what discussions have happened between those involved in the Bills.

Just think about what those other Departments have to do. I am a member of the Committee for Communities, where we know that targets are needed to ensure that any investment to retrofit homes will meet effective standards. New homes must be planned with interconnectedness via public transport and internet access. We need to invest in innovative construction methods. Of course, as Mrs Barton mentioned, the use of energy is becoming more and more of a key factor. In my constituency, the Strangford Lough tidal energy project that has been worked through with Queen's University and others is something that I would love to see being further expanded.

Active travel and sustainable transport should form key elements of any climate change Bill. There is a need to rebalance the Department for Infrastructure's budget towards those areas. We should follow the commitment made by the Republic of Ireland to spend 20% of transport capital funding on active travel. The creation of an independent active travel commissioner with a specific ring-fenced budget to deliver strategies would also help to encourage people to consider greener modes of transport. Investment in new rural or city road improvements, such as footpath repair and lighting to include safe active travel options, should also be included in a meaningful climate change Bill. An example in my constituency, as Mr Hamilton will know, is Teal Rocks outside Newtownards, which is connected to Newtownards town by a footpath that, in parts, is no more than 1 metre wide. People drive at 60 mph along that road. Why would anyone walk on that footpath rather than getting safely into a car and driving into the town? We are not working together across Departments to ensure that all that can be done is being done to take the pressure off our farmers.

It is disappointing that there is not more of a focus on active travel in the Bill. Wales has seen the success of establishing a mutual company to provide water. The mutualisation of Northern Ireland Water, provided with sustainable and long-term funding, would be another commitment that could help us to better tackle the climate crisis. I absolutely support the Minister's view that we could lead the way on hydrogen. We have a unique situation in Northern Ireland: we have a water company that is in public ownership. We have the opportunity here to create hydrogen and oxygen, which is in shortage at the moment.

The Bill puts an onus on all Departments to report on the measures that they are taking to combat the climate crisis. In order to take proactive and meaningful steps, climate-proof

budgets must be delivered. If each Department is to prepare and publish a report for each budgetary period setting out the policies and proposals for meeting the carbon budget for that period, the financial implications of that will need to be set out in departmental budgets.

It is disappointing that the Bill does not bring about the commitment in 'New Decade, New Approach' to establish an independent environmental protection agency. That body would increase cross-border cooperation on the protection of the natural environment and ensure good governance when tackling climate issues.

As I said, I look forward to seeing what changes appear to have been agreed between the two Bills. The Bill that the Minister has tabled is lacking in some areas, but I welcome any opportunity to act on the climate crisis that we all face, and I will support the Bill at Second Stage.

**Ms Hunter:** I welcome the opportunity to speak as someone who is slowly edging out of the under-25 bracket and recognises how passionate young people are about the topic.

Climate change has an impact on each and every one of us. Decisions that we make today will impact not only on our lives but on those of future generations. The North is not immune to the severity of the impacts of a changing climate, and it is important that we play our role and our part in the global effort, and the effort across these islands, to tackle climate change.

Having a constituency surrounded by beautiful coastline, I am all too aware of the growing concern at climate change and the fears of coastal erosion in areas such as Portrush, Portstewart and Castlerock. I believe fundamentally that we have to make our laws for tackling the climate crisis as robust as possible so that we contribute to the protection and preservation of our land for future generations. Until now, I feel that we have failed them.

Although the Climate Change Act 2008 extends to Northern Ireland, specific greenhouse gas emission reduction targets for the North are not included in it, so I recognise, and welcome the fact, that those issues are highlighted in the Bill. As we look to the future, I feel that it is all about transformation in order to limit the damage to our environment in all aspects of our life. It is about the small steps that each of us can take at home, such as the materials that we use, what we recycle and, say, ethical buying. I also welcome the efforts of young activists across

Ireland and those from the Climate Coalition to highlight the issue of fast fashion across these islands and the impact that it has on our environment.

Over-reliance on road use is a contributing factor to emissions in the North. I give my sincere thanks to Minister Mallon for her commitment to enhancing our public transport, which allows us to better connect our communities and also contributes to tackling the climate crisis. I also recognise the importance of the £20 million funding for blue-green infrastructure that will support transformation of our communities and play a key role in active travel.

In the North, disruption to businesses, services and people's daily lives will no doubt increase if adverse changes occur as a result of climate change. An increased risk of flooding and coastal wear will certainly put pressure on drainage, sewerage, roads, water and habitat. Increased temperature, increased pollution and poorer air quality will certainly bring discomfort to the vulnerable and, unfortunately, threaten our species and ecosystems.

In the SDLP, we are committed to doing all that we can to fight the climate crisis, protect our natural environment and prevent biodiversity loss. In Westminster, our leader, Colum Eastwood, has brought forward his climate emergency Bill, so we believe that we can make real change, both here and at Westminster. Any further delay will increase the problem and present more difficulty in how we deal with it.

Finally, and most importantly, I have significant concern about how reckless profiteers — companies that are driven by greed — continue to damage our environment, especially in the Sperrins and beyond. It is our moral duty as public representatives to continue to call that out where we see it, and not only continue to encourage but demand that businesses have legally binding, ethical, environmentally friendly policies to protect our environment and ecosystems for future generations.

**Miss Woods:** I am glad to get the opportunity to speak on the Bill at Second Stage. I do not intend to speak for long, as others have covered a lot of detail already.

I will make a brief comment, as others have done at the start of their contribution. It is worth noting that, at this time last year, we had no climate Bill, and now this is the second in a matter of months to reach Second Stage in the House. It is good to see what can be done

when there is a will. We do not need to kick cans further down the road or bury heads in the sand.

Moving on to the principles of the Bill, I wish to comment on two aspects: the target and the lack of a just transition.

Clause 1, as we know, includes a target of an "at least 82%" reduction in greenhouse gas emissions by 2050, using baselines from the 1990s, depending on the gas. Never mind the issues that many have already outlined in possibly not meeting 82%, we know that that is not enough.

The Bill also allows DAERA to establish carbon budgets, which outline the maximum greenhouse gas levels for Northern Ireland for time periods noted in clauses 2 and 3. I note that each budget is designed with the allowance that the Department can amend and alter the targets in clause 4, which means that that clause gives the Department the power to change clauses 1, 2 and 3, either specifying a different year or a different percentage. That is linked to clause 31.

I take it that that flexibility will be used to amend targets only for the better, by which I mean that, if we are doing better than expected, we should get to net zero quicker.

Provision could be made only to allow targets to be revised upwards, and I do not see any reason why they would go downwards.

I also question the lack of oversight and accountability in the Bill. This will be a monumental challenge to everyone in society, so we need to have public buy-in and trust in the process. There needs to be independent oversight and democratic accountability in the Bill, giving the Assembly a stronger oversight and scrutiny role. Creating an independent Northern Ireland climate commissioner is a simple way of doing that. However, if the 82% reduction from baseline is not met, what protections are in place to ensure that targets are met? Most of us in the Assembly will not be sitting here in 2040, let alone 2050, to scrutinise the legislation. Hopefully, we will not be under water but living in retrofitted warm homes, of course.

Why does Northern Ireland not deserve to be net zero? Are we to continue to lag behind? Given that the Climate Bill for Northern Ireland at Committee Stage has a net zero target and this one does not, it begs this question: why the difference? What is the problem with the additional and much-needed 18%?

There is a lot lacking in the Bill, as many have noted, but most importantly for me is the absence of any principles, let alone mechanisms, for a just transition to net zero. Without those, it is fundamentally impossible to transition to net zero, which we must do, without leaving people behind. The Assembly has a unique chance, through legislation, to change the course that we are on to irreversible climate catastrophe and to build back better in the context of the pandemic. We need to rebuild with a transformative green new deal and with the foundations of a just transition. We need to end investment in fossil fuels. We need to implement the moratorium on hydraulic fracturing that the Assembly voted in favour of last year, and we need to put a final stop to Dalradian's gold mine in Tyrone, to name but a few things that we need to get on with.

The transition to a green economy must be underpinned by the values of social and environmental justice and the principle that nobody gets left behind. Again, we must question this and reflect the will of the Assembly, which has been shown many times in motions on a just transition. Why is it absent from the Minister's Bill? Perhaps the Minister can outline in his summing up why just transition is not in the Bill. Perhaps it was an oversight to leave out fairness in all of this.

Maybe some Members need reminded that this is a "Code red" for humanity. This is an emergency. It is not a case of, "Keep calm and carry on". Low ambition is not good enough. We cannot wait around any longer. I have said before and will say again that there are siren voices that urge us not to do anything too radical: "Why spend money on cutting emissions when we are only a tiny part of a huge global economy? Let the others do the harder work, and we can follow later". That argument is completely morally bankrupt. If we do not invest in a zero-carbon economy and society now, we will be left in pretty short order. Even the explanatory and financial memorandum admits that Northern Ireland is not immune to the severity of the impacts of a changing climate and that it is important that it plays its part in the global effort. However, with no targets and shabby environmental regulation, our businesses will wake up one morning and realise that they cannot compete, and it will not be their fault; it will be the fault of the House for not providing the much-needed leadership.

**Mr Poots:** On a point of order, Mr Deputy Speaker. I apologise for the interruption, but I have been asked to leave the Chamber briefly for a vote in the Executive Committee. It is in

your hands, Mr Deputy Speaker, as to whether you wish to adjourn for 10 minutes while I do that or whether you wish to carry on in my absence.

**Mr Deputy Speaker (Mr Beggs):** Members, I appreciate that you will want to hear a response from the Minister. It is in your hands. I can ask, by leave of the Assembly, for a brief adjournment. Shall I say 15 minutes? Then you will stand over it. I do not want to say a time and it not be held to.

I propose, by leave of the Assembly, to suspend the sitting for 15 minutes.

*The sitting was suspended at 7.29 pm and resumed at 7.45 pm.*

**Mr Deputy Speaker (Mr Beggs):** The sitting is resumed. I call Rachel Woods to continue her speech.

**Miss Woods:** The anticipation for my closing remarks is real. I have two sentences left, so I will conclude by saying that we are the first generation to truly feel the effects of climate breakdown and that we are the very last to be able to do anything about it. We can and must do better, for there is a lot of work to be getting on with. We need strong, ambitious climate legislation to deliver a true just transition for every person in Northern Ireland and not just a carbon Bill.

**Mr Carroll:** It has been over 10 years since the UK Climate Change Act was introduced, yet the North of Ireland is the only jurisdiction in these islands not to have introduced its own climate change law. We can no longer afford not to act. We are in a climate and ecological emergency, yet this seriously deficient Climate Change (No. 2) Bill and the inaction of the Stormont Executive on many environmental fronts is typical of how successive Executives have treated our environment here. The Stormont Executive have done too little too late, colluding with corporations and continuing the exploitation of workers and the planet. We have had decades of a systemic failure to take environmental protection seriously. There are serious deficiencies both in how arrangements for environmental governance have been designed and how environmental regulation has been delivered, with penalties for breaking regulations merely a slap on the wrist compared with similar offences elsewhere.

As Members have said, we are without an independent EPA, which would have enhanced the protections of our natural resources and

biodiversity. Instead, we have had to rely on ordinary people and communities who have acted as independent environmental protection agents in their own right in the battle to save our planet. The Executive should be indebted to those environmental campaigners, without whom our environment here would be in a much poorer state. They have managed to stop the drill in Woodburn forest and to stop incinerators being built outside Derry, instead pushing for zero-waste solutions. They have halted fracking in Fermanagh and have campaigned to keep railway lines open, knowing that is the future for travel. They are fighting against Goliath-like gold-mining companies in the Sperrins with no help from DFE in that endeavour. They are fighting to save our last remaining ancient woodland, of which we have only 0.04%, and they are fighting for rights for nature in law, to name some examples. Also, they are taking part in highlighting the petroleum licence in and around Lough Neagh, petroleum licence application PLA1/16, and the landfill site at Mullaghglass, which forces residents in west Belfast and Lisburn to endure terrible odours daily.

We also have a growing youth climate movement that is calling on the Stormont Executive to take urgent, radical climate action, because the decisions that we make here today will affect the lives of those young people and of future generations. I, alongside some other Members from across the House, stood with them last Friday as they restarted their campaign.

The science is clear: the latest IPCC report is "a code red for humanity". The effects of climate breakdown are already being felt. Just this year around the world and locally, we have had floods, droughts, wildfires and storms on a scale that we have never seen before, and they will only get more frequent and more extreme. Scientists are hopeful that, if we can cut global emissions in half by 2030 and reach net zero by the middle of the century, we can halt and possibly reverse the rise in temperatures. Right now, the North's per capita emissions are higher than the UK average, accounting for 4% of the UK's total emissions. In addition, the North's emissions are falling significantly lower than the UK average, achieving just an 18% reduction compared with the UK's 44%. If we are to do our fair share in tackling climate change, there is simply no room in the carbon budget for new fossil fuel infrastructure or exploitation, and we must make a rapid transition to a zero-carbon society as soon as possible.

The Bill will not deliver the climate action that we need to address this global emergency. The specific targets included in the Bill are inadequate. The Bill does not include a science-based net zero target. A net zero target has significant political power. It would establish a clear, unambiguous intent to transition to a climate-resilient society. We cannot be the only part of these islands without a net zero target because of inaction.

Net zero by 2045 is achievable, despite the Minister's comments; with more ambitious measures, it is possible earlier than 2045. The Tyndall Centre for Climate Change Research has demonstrated that we could have a net zero carbon energy system by 2042 if the will was there. Scotland, Wales and the Republic of Ireland have not only had climate legislation in place for a number of years, but recently amended that legislation to show more ambition in reflecting the urgency of the climate crisis and the need to do more.

The net zero by 2045 target is rooted in the overwhelming scientific evidence that we are living in a climate and ecological emergency and that ambitious action is needed to limit global temperature increases. It is unlikely that a weak, caveated target of at least 82% will encourage the adoption of the technologies, policies and behaviours that are necessary to ensure that there is a just transition to a climate-proofed society. The "at least" terminology sets the bar incredibly low. A more ambitious target is possible. For example, there is no technical reason why the North could not invest in the electric grid to facilitate a rapid wholesale shift to electric heat. There is no technical reason why a programme of public works to increase energy efficiency in homes and public buildings could not be implemented quickly.

Clauses 4 and 5 give substantial power to the Department to change the emissions targets' years and baseline. I share people's concerns about that. DAERA should not be given the power to dilute what are already very weak targets. We see no valid reason why the Department should be allowed to revise targets down in the future. Provision should be made only to allow targets to be revised upwards and become more ambitious.

Carbon budgets are a key indicator of the extent to which we are meeting targets. However, there are other indicators that should be included in similar budgeting mechanisms. For instance, nitrogen budgets should be included. Biodiversity decline is also a key indicator of climate change. Any climate change

legislation for the North should reflect the importance of biodiversity as a key performance indicator in the battle against climate change. Carbon budgets should specify the limits to carbon emissions within the period of the commitment and align with the dates of the internal targets. Those should be reviewed on a five-yearly basis to reflect the most up-to-date science and any changes in global agreements on climate mitigation.

However, carbon budgets alone do not provide enough detail. We need climate action plans to provide the details that are necessary to set sectoral emissions targets. Without the guidance set by climate action plans, there is a real risk that the North's response to the climate emergency will remain unfocused, contradictory and inadequate. A climate action plan should set out the Minister's proposals and policies for meeting the emissions reduction targets during the planned period and cover such areas as nature-based solutions, agriculture, food, energy, transport, waste, land use, land use change, forestry and residential and public buildings, to name a few.

Certain sectors should not be given de facto immunity from greenhouse gas reduction requirements while others are forced to carry an unreasonably disproportionate burden. Policies and plans may offer transitional support to some sectors that are less able than others to make early cuts, but it would be wholly unjust to allow some sectors to continue to grow and produce increasing emissions while others have to make dramatic and drastic cuts.

Rather than relying on advice from the CCC alone, it is necessary to incorporate a mechanism for independently scrutinising progress on delivering the provisions of the Act. A climate office should be established, with a commissioner based here. The commissioner should review the adequacy and effectiveness of the Act, and prepare and review progress reports on the working of the Act for the Assembly. The commissioner should propose recommendations for amendments to the Act that are considered necessary and desirable in order to achieve the overriding climate objective. That would keep us on track to do the most that we could in the quickest time and in a way that is fair to all. Without the scrutiny of a commissioner, it is likely that we will continue to lag behind. It is important that the climate commissioner is independent of government and free to be critical of departmental plans and policies. The commissioner must be able to speak freely without fear of funding cuts, ministerial gags or political interference.

There is too much reliance on the Climate Change Committee as the sole advisory body, and if we are to ensure that the best evidence-based information is drawn upon when devising policy, amending targets and assessing overall compliance with the legislation, advice should be sought from multiple sources such as the IPCC and the South's Climate Change Advisory Council. That is particularly important given the fact that we are on a partitioned island and the Bill does not address transboundary issues sufficiently. Obviously, climate change knows no borders. However, the CCC has confirmed that it does not concern itself with the Republic of Ireland's efforts.

The lack of mention of nature, nature-based solutions and biodiversity in the Bill is, as people have said, a major oversight. The IPCC and the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services — that does not roll off the tongue — are united in their view that climate change and biodiversity are interconnected and that neither domain can be addressed without effectively addressing the other. Given the growing awareness of the vital role of nature-based solutions to climate change, specific provisions have been incorporated into the Republic of Ireland's Climate Action and Low Carbon Development (Amendment) Act 2021. Given the importance of harnessing the power of nature to help tackle the climate emergency, climate change legislation here should, but does not, include specific provision for nature-based solutions.

As others have said — this is very important — there is no provision in the Bill for a just transition. It could be implied from that that the AERA Minister does not support sustainable jobs and job growth, net zero carbon investment and infrastructure, the creation of work that is of high value, fair and sustainable, and reducing, with a view to eliminating, inequality, poverty and social deprivation. The absence of the provision for a just transition from the Minister's Bill makes the case for all sectors, including the agriculture sector, to support the other Bill, as it safeguards workers as we transition to the net zero target.

The CCC said in 2019 in its report, 'Net Zero: The UK's contribution to stopping global warming', that the concept of a just transition is widely recognised as being a crucial element of a low-carbon transition, but it is not in this Bill. On page 257 of that report, the CCC says:

*"HM Treasury should undertake a review of how the transition will be funded and where the costs will fall. It should develop a*

*strategy to ensure this is, and is perceived to be, fair. A broader strategy will also be needed to ensure a just transition across society, with vulnerable workers and consumers protected."*

In its report, 'Policies for the Sixth Carbon Budget and Net Zero', the CCC states:

*"Fairness is fundamental to public support and must be embedded throughout policy. Only a transition that is perceived as fair, and where people, places and communities are well-supported, will succeed. UK Government policy, including on skills and jobs, must join up with local, regional and devolved policy on the just transition. Vulnerable people must be protected from the costs of the transition and benefits should be shared broadly."*

To implement that — in my view; this is not in the report — you need a corporate wealth tax to cover the costs. How can this Bill have no provision for a just transition, despite the AERA Minister saying on 23 September:

*"The scientific evidence presented to me by the CCC has been absolutely front and centre in shaping my Climate Change Bill"?*

The Scottish Government established the Scottish Just Transition Commission in 2019 to advise on a net zero economy that is fair for all. The Scottish principles for a just transition state that action to reduce net greenhouse gas emissions should support environmentally and socially sustainable jobs, support low-carbon investment and infrastructure and create decent, fair and high-value work in a way that does not negatively affect the current workforce and overall economy, and contribute to resource-efficient and sustainable economic approaches that help to address inequality and poverty. That is an approach that is worth considering for here.

There is a historic duty on the House and the Executive to introduce ambitious climate change legislation. A climate change Act needs to be robust and challenging and have a clear and undiluted net zero target that reflects the severity of the situation. However, having a net zero and effective climate Bill is only one step in addressing the climate crisis; we also need to transform the economic system, which is at war with life on earth itself. The IPCC report calls for transformative systemic change. The dominant capitalist system is no longer sustainable. A healthy capitalist system prioritises the needs of the market for infinite growth above all else, creating greater wealth inequality and greater

health inequalities and extracting resources from the earth and from workers in ways that exploit and destroy.

The change needed to our economic system and the full transition to renewable and non-carbon energy is a threat to an elite minority who have a stranglehold over our economy, our political processes and the major media outlets.

### 8.00 pm

We either let capitalism change everything that we know and love about the planet or we change the system itself. We need to transform our economic system in such a way that production is based on need, not profit, and on cooperative and democratic systems of worker and community control. The climate crisis is a social justice crisis issue as well, with those who have done least to cause the crisis being the most vulnerable to its effects. It is the poorest and most vulnerable in our society who feel the greatest impacts of climate change, but, whether it is the end of the world with the climate crisis or the end of the month with our wages, it is the same fight at the end of the day. The change needed to avert catastrophic climate change has the potential to improve the quality of life for the vast majority of people on the planet, if that opportunity is grasped.

**Ms Bailey:** It is impossible to look at the Bill without also looking at the state of us in Northern Ireland. We have had carbon reductions of 18% since 1990, when every other region is reducing by an average of up to 40%. Why is that? We have been pursuing the Going for Growth strategy with no regard to the environmental, climate or human health consequences. Our habitats and communities are choking on ammonia. An ineffective environment agency is upholding knowingly unlawful policies. There is no independent environmental protection agency. We have power-sharing institutions that are constantly beset by crisis after crisis, under a system that is not fit for any future governance purposes, and we have siloed departmental working that cannot develop the sustainability that we need.

The arguing about the costs needs to stop. We cannot continue to uphold an economic system that has done us wrong and claim it as a right. Every time that we set ambitious targets, we are told that we cannot achieve them. When we do set them, we overachieve and surpass them. Some railed at the renewable energy target of having 40% of our electricity come from renewable sources. We were told that it was going to cost the consumer too much, when, in

fact, the very opposite was the reality. Again, recycling targets were challenged as being unachievable and costly, and here we go again with the "We can't do it" mantra from those who should just admit that they do not want to do it.

DAERA has been good at making promises, and we are looking at new ones coming in the green growth paper, but it seems too afraid to put those promises into law. People have had enough of undelivered strategies. Those will no longer suffice. How long have we waited for an ammonia strategy, a waste strategy, an air pollution strategy, an environment strategy and an agriculture strategy? I could go on and on, and yet the health and well-being of people continues to suffer year-on-year.

We have all heard about the inaction, the empty promises and the unachieved commitments from the New Decade, New Approach deal that have led us to this point. We have heard about the IPCC report, and we have seen for ourselves, even just this summer, how we have had extreme weather events all over the world. Everybody knows what needs to be done, whether they admit it or not. We continue to say, "Doing nothing is not an option", which is a nice, catchy line that is being widely used, but I want to stress that not doing enough is also not an option.

I turn to the Bill. It includes a target for an at least 82% reduction in GHG emissions by 2050. Before we get to the target, as Mr Carroll pointed out, Members need to be aware that DAERA is giving itself the power in the Bill to amend the target. There is, as Mr Carroll also rightly pointed out, no guarantee to prevent it from lowering that target. The CCC has termed the 82% a target that we cannot say that we cannot reach. Therefore, I see absolutely no reason to include in the Bill a provision that could lower the target. Neither can I see such a provision in climate legislation in any other jurisdiction. The 82% target is simply inadequate. Should the Bill be passed, that will reflect on Northern Ireland, and we will be in another embarrassing situation. The target is predicated on a business-as-usual model when business as usual is over. We need to start being open and honest with people about the drastic, deep and rapid change that needs to happen in order to deal with the increasingly urgent threat to humanity's existence that we are watching unfold due to our inaction and the very systems that we have created across the globe.

The 82% target is calculated solely on the basis that Northern Ireland will contribute to the UK net zero target, without any acknowledgement

of Northern Ireland's political and geographical context as a devolved jurisdiction that has a unique relationship with the UK, the Republic of Ireland, the EU and the rest of the world. Many will cite and have cited our agri-food sector as a reason not to aim for net zero, but we know that the Republic of Ireland has forged ahead with a net zero target, even though its emissions profile is even more heavily influenced by its agriculture sector than ours is.

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

**Ms Bailey:** Certainly.

**Mr Poots:** Can the Member give us any idea of how the Republic of Ireland plans to implement that?

**Ms Bailey:** Minister, you sit on the North/South Ministerial Council. You should have that conversation with your ministerial colleagues in the South and bring that learning back to us.

Recently, I read about a project called Farm Zero C that has received funding in County Cork. It aims to make 5,000 dairy farms carbon neutral within the next five years. That is the kind of innovation that is being driven by a strong commitment to a net zero target. We need exactly that kind of ambition to enable our sector and our farmers here, at home, to achieve the same. I remind the Minister that, if he is concerned that setting a net zero target would negatively impact on the agri-food sector, his Department has the power to avoid that by introducing the necessary policies and the economic incentives to go with them. Policies need to be underpinned by ambitious targets. That legal underpinning will force us to embed what we know is happening in England, for example, with the public money for public good principle and the establishment of a Just Transition Fund for agriculture to help farmers to pay for new technologies. Those are just two examples of policies that the Minister may want to consider.

Just transition principles are noticeably absent from the Bill, as others mentioned. Such principles have the potential to significantly help many sectors to ensure fairness in the process. They are included in my Climate Change Bill and in the Scottish Act, so it is disappointing that they are missing from this Bill.

The Bill's inherent failure to consider Northern Ireland's unique geographical and political position, as I mentioned, means that we need an oversight body, such as the climate commissioner included in my Climate Change

Bill, that is physically located here in Northern Ireland and can provide advice to us.

It is fair to say that Minister Poots has introduced a low-carbon Bill as opposed to a climate change Bill. It has no just transition, as others have said; no Northern Ireland climate commissioner or other independent monitoring body that is physically located here, at home; and no targets on soil, water quality or biodiversity, even though those are considered key climate change indicators. The IPCC concluded recently that neither biodiversity loss nor climate change will be resolved successfully unless tackled together, yet biodiversity is absent.

However, there are positive aspects to the Bill. It contains well-developed provisions on carbon budgeting, which appear to mirror those in the 2008 UK Act. However, it might be worth looking to our neighbours in Scotland to see how to enhance those because Scotland's carbon budgeting procedures are more up to date. Of course, it is deeply regrettable that, despite the UK Act being in place since 2008, the Northern Ireland Executive are only now, in 2021, applying that to specific Northern Ireland legislation.

The public-sector duty is very welcome. It would be worth expanding that duty beyond Departments to all public bodies. Councils, in particular, will have a huge role to play in adaptation measures, so it would be good to see them included in that duty.

I have listened to a lot of arguments over the past few weeks and months about the cost of taking action and the affordability of meeting a net zero target. The cost of meeting net zero in the UK is estimated to be 1% to 2% of GDP. Inaction, on the other hand, could lead to a fall in global GDP of up to 10% by 2050. Yet again, this shines a spotlight on the absolute need to be open, honest and transparent with people about the real cost as opposed to any scaremongering or political point-scoring that might be going on.

We need to bring people on board —

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

**Ms Bailey:** Certainly.

**Mr Irwin:** Will the Member accept that the Climate Change Committee made recommendations? Is she saying that it was political point-scoring? The CCC made recommendations for England, Scotland, Wales

and Northern Ireland. It made recommendations that we could reach 82% by 2050. Its report states that, in every scenario that it looked at, Northern Ireland could not reach net zero by 2050. Does the Member accept those recommendations?

**Ms Bailey:** I thank the Member for that. Mr Irwin, I have reams of stuff that I could come back to you with on that. I never said, by the way, that the CCC was politically point-scoring. It also states:

*"A net-zero GHG target is not credible unless policy is ramped up significantly."*

To say that a net zero target covering all GHGs cannot credibly be set for Northern Ireland would, therefore, appear to be a judgement of what is deemed politically feasible rather than what is scientifically or technically achievable. There are reams of it.

The time for talking and debating is over. We need action and to start moving on. That is the important part. We can sit here for another 10 years debating smaller points. What is really needed is action to begin the mitigations.

We heard claims that Northern Ireland is small and how little of a difference we in Northern Ireland can make on a global scale. There is no doubt that we are small. In other opinions, that makes us better primed to play our full part in mitigation measures. We make up 0.02% of the global population, yet we emit 0.04% of all global emissions. That is double our fair share on the grand scale.

As a developed country, we emit more, so we also have a duty to decarbonise faster. The worst impacts of climate change will be felt in less-developed countries. We need to take responsibility for that damage and for those local people and to start thinking globally while acting locally.

Last week, I was in conversation with an ex-president of the Marshall Islands, a set of islands set to be wiped out soon unless radical mitigation measures are imposed. She told me that, despite them not causing the problem, they are going above and beyond their capacity in mitigation because their population and land are at risk.

What will we do in the future with climate refugees? How will we mitigate the mass migration of people whose land is disappearing?

## 8.15 pm

Those are the things, Mr Irwin, that we should be really getting stuck into, because we are at the tipping point. We are at the point of irreversible damage, and it is happening under our watch. This is the choice that we are making. We can afford to do it, and arguing that because we are little, we will not make a difference sends a message to every other small country in the world that there is no point in even trying, and that is not a message that the Green Party will ever support. If you add up the emissions of all the countries in the world that produce less than 1% of total global emissions — just like us — it adds up to more than the total emissions of the USA. Every player, big and small, must play its part and must do its fair share in bringing a secure and sustainable future in which no one in this world is left behind.

It is worth noting that there are quite high levels of environmental and climate ambition in many current and upcoming DAERA strategies, and the green growth strategy, which was mentioned, is only one example. Therefore, why can we not enshrine that ambition in law? There is one big main difference between law and policy, and that is that legal obligation must be met and is not negotiable. We can be held accountable, so why is accountability the fear factor? Why are we so afraid of being held accountable? If the ambition is there, enshrine it in law so that we know that it will be achieved and so that every Department will work towards enabling people and planet not just to survive but to thrive.

The Minister has been heavily critical of my Climate Change Bill during debates. Indeed, in the Chamber, he referred to it as a:

*"Disney World Bill". — [Official Report (Hansard), 25 May 2021, p29, col 2].*

Minister, we are all hoping that this second Bill is not to be the Mickey Mouse Bill. As it stands, the Green Party cannot support such unambitious legislation, because we know that Northern Ireland deserves better, and acknowledging that only as we begin the road to climate change mitigation and only as everything begins to change can we be ambitious really shows poor leadership. The Green Party will be focused on stepping up and doing all that it can to make this Bill fit for purpose. Are we not tired of constantly being the laggard and being told that we cannot achieve on ambition? It is not unreasonable to aspire to something better. The Climate Change Act (Northern Ireland) that will be

delivered by the end of this mandate must reflect the fact that, yes, we can do better, that we can be ambitious and that we will achieve, because our very future depends on it.

During this debate, I received an email from one of our young climate activists, who was on strike in Cornmarket on Friday. As I spoke about a 2045 net zero target, she wanted to let me know:

*"2045 is not ambitious at all. It is far too late. I will be 43 years old in 2045. Please, please realise that 2045 is not ambitious when you know what we are headed for — 1.5°C of warming by 2025. Even this is catastrophic for humanity. When you realise this, you will realise that aiming for 2045 is COMPLETELY crazy. The private Member's Bill needs to be better."*

I concur with that young person, because it is her future that we hold the responsibility for.

**Mr Poots:** I again apologise for the interruption to Miss Woods's contribution, and I appreciate you allowing the suspension, Mr Deputy Speaker. I thank all those Members who participated in the debate. It has been a reasonable and well-argued debate, and I want to respond to a number of the issues that were raised.

First, on climate, we cannot and will not deliver the decarbonisation of the world on our own. However, we can do that if we work together with the rest of the world. Together in the Assembly and in the Executive, who serve the Assembly and the people of Northern Ireland, we can do things that are really significant in reducing our carbon input across all sectors and, consequently, make a real and tangible difference. I hope that our recognition of the need to work together, to all put our shoulder to the wheel and to find an agreement on a way forward that is rational, sensible and based on science will become a common thread during the Bill's completion. We should not say, "We will take this on, and it does not matter how it will affect that person, that sector or that community". A genuine transition to net zero should not be at the cost of somebody else's livelihood. We need to take that into account.

I heard Mr McGuigan talk earlier. North Antrim has a lot of sheep farmers. Income for sheep farmers is generally between £10,000 and £40,000, but, far more commonly, it is in the £10,000 to £20,000 range. The proposals that were brought forward on achieving net zero by 2045 would lead to a 30%-plus reduction in incomes over those years. I am not sure how

he is convinced that the sheep farmers in north Antrim who earn £10,000 or £20,000 could live with cuts of £3,000 or £6,000 respectively. That probably takes in most of the sheep farmers in north Antrim. Would he like to live on an income of £7,000 to £14,000? I know that I would not.

**Mr McGuigan:** I thank the Minister for giving way. Like all colleagues in the Chamber, my engagements with farmers over the last while raised a lot of conversations. Some farmers, indeed, raised the climate Bill, but the majority, particularly in north Antrim, were more concerned about trade deals with Australia and the likely loss of their livelihoods because of trade deals that the British Government are doing as a result of Brexit.

**Mr Poots:** I am really grateful to the Member for raising the trade deal with Australia. Remarkably, while we could be importing lamb and, indeed, beef from Australia, it has not set a net zero carbon target for that huge country. Therefore, it is exactly as I said: we could have carbon leakage and be importing materials that we can produce with a lower carbon footprint. Importing those materials while driving our people out of work is not the way forward. That is why I have been so resistant, and will continue to be, to aspirations that are not based on science. We can deliver net zero across these islands with targets that are meaningful, achievable and scientifically based.

Mr Durkan and Miss Woods raised clauses 4 and 5. The ability to increase our targets based on science is what those clauses are about. Miss Woods, you are correct to assume that those provisions are there only to increase targets, not to decrease them. I also assuage Mr Durkan's concerns about that.

Other Members mentioned what Scotland could achieve, and it has achieved a considerable amount in the past.

Some of that has involved taking bold decisions. For example, in the '70s and '80s, our people looked at using hydropower, which is taking water from reservoirs and using it to generate electricity where there is high consumption during the day and then pumping the water back into the reservoirs at night when consumption is lower. There was an opportunity to do that, but we did not take it. We are behind, and we need to recognise that we are behind. However, that does not mean we cannot play catch-up. We are playing catch-up, but we cannot do that in the time frame that some people are suggesting.

Mr McGuigan also talked about missing the target. I will mention consumption versus production to him. When you have consistent consumption, you need consistent production. If you do not reduce consumption, the production has to happen somewhere. Moving that production to importation, which is what would happen in the reality of the Climate Change Bill that he has initially supported, only exports the climate change problem. If Brazil goes ahead and increases its cattle herd by 24 million, do you, Mr McGuigan, think that will decrease or increase climate change? Do you think that if we imported beef into the UK from South America, the carbon footprint would be reduced or increased? The answer, very clearly, is that it will increase the carbon footprint and will do away with jobs here in Northern Ireland — some 13,000 jobs in the primary food sector and in agriculture and tens of thousands of jobs in the processing sector. That is not a route that we want to go down.

Mr McGuigan and Mr Carroll mentioned how we should work more closely with Ireland. Ireland's carbon footprint has increased by almost 10% since 1990, while we have reduced our carbon footprint by 18%. We have not reduced our carbon footprint by enough, but to suggest that we should tie ourselves to those who have increased their carbon footprint at the same time does not strike me as particularly rational.

Ms Bailey told us about the wonderful work that is being done in the Irish Republic, but we do not have any evidence of any actual work. They have an aspiration that they will deliver net zero, but we have no evidence whatsoever of how they are going to do it. Where is the science? Where have they demonstrated how they are going to deliver that? We need to get back to evidence-based policy.

Evidence of saying that something is achievable does not make it achievable. For example, I could aspire to be the heavyweight champion of the world in boxing by 2030. I can tell you that the heavyweight bit would be achievable, but being the boxing champion of the world would not be achievable. That would be an unrealistic aspiration. I know that Mr McGuigan is a very keen and proficient cyclist. He may want to be the Olympic champion in 2024, flying the flag for the United Kingdom and receiving his knighthood, following in Sir Chris Hoy's footsteps, but it is not realistic. We need to get back to doing things that are realistic.

The Climate Change (No. 2) Bill should not be delayed any further. Unfortunately, because the Assembly was not operational for three years, it has been delayed. I am pleased that we have

got to this point. We were working on it this time last year, and it took that period of time to properly go through the evidence base to achieve it. However, while Ms Armstrong suggests that we should add things to the Climate Change (No. 2) Bill, I say to her that this is a Bill to address climate change. We will deal with biodiversity and other aspects of the environment, including independent protection, in other pieces of legislation. We did a course of work last week on the office for environmental protection, which will provide independent oversight of environmental policy. We are doing other courses of work on other aspects of the environment.

### 8.30 pm

Mr O'Dowd suggested that I am not for real on the environment. Meanwhile, Ms Bailey suggested that the waste recycling that we have achieved and our achievement on renewables demonstrated how people could set realistic targets. I was the Minister who set those targets and brought those things forward to enable that to happen. I have also been involved in tackling plastic waste in government, the environmental farming scheme, the pollinator scheme and the environmental challenge fund. My speech to the Balmoral show breakfast last week was all about what we can achieve in environmental terms, how we can encapsulate and capture methane, how we can utilise that methane going into our gas pipe networks — we are working with companies such as Firmus and Phoenix to do that — how we can introduce hydrogen, how hydrogen vehicles can drive and power our farms and power the lorries that transport food and the buses that transport people. It is a very exciting area to be in, and I assure Mr O'Dowd that, unlike others, I have a real vision for the environment rather than an aspiration.

Miss Woods asked what was wrong with the additional 18%. Ms Bailey went on to talk of the figures, such as the 1% to 2% of GDP that is needed to reach net zero for the UK. She is right: that is what we are working on. We are working on achieving net zero for the UK. The Climate Change Committee's advice for achieving that is to follow the current figure of 82%. I believe that that will rise closer to 100%, although not quite to 100%.

**Ms Bailey:** Will the Minister give way?

**Mr Poots:** I will in a moment, but let me conclude this. The Climate Change Committee has said that it will take 1% to 2% of GDP,

including Northern Ireland's contribution, to achieve net zero for the UK. However, Ms Bailey wants to deviate from that and to apportion a bill of £1 billion per year, which is about 10% of our block grant, to achieve 100% net zero in Northern Ireland, which will have only a very marginal impact on the UK's net zero aspiration, target and delivery.

**Ms Bailey:** I thank the Minister for giving way. There has been much mention of the CCC's independent expert advice in setting the targets and advising you and the Executive. Can you let the House know what other expert advice you have availed yourself of when drafting the Bill?

**Mr Poots:** Back in 2016, before I became the Environment Minister, the former First Minister and deputy First Minister, on behalf of the Executive, appointed the CCC to provide advice. We pay that body and make our contribution to ensure that it provides us with that independent advice. Aside from that, I sought advice from our own Agri-Food and Biosciences Institute (AFBI), which very much corresponds with what the Climate Change Committee has said. Those people have no particular agenda that Northern Ireland should not make a significant contribution to climate change. They are looking at the issues.

To be fair to Ms Bailey, she is fairly clear about the fact that we can export some of our food production to other places, such as New Zealand and Poland. Most of the rest of you have not come out publicly to say that. I wonder how those who represent rural communities would be received if they did. Ms Bailey has actually come out and said it, so, if you agree with Ms Bailey's Bill, perhaps you would like to join her in saying that you would be happy to see Northern Ireland's food production exported to New Zealand, Europe and other places. I do not agree with that. I fundamentally disagree with it.

**Mr McAleer:** Will the Minister take an intervention?

**Mr Poots:** Yes, I will.

I honestly believe that we can produce our food in a way that has a really small environmental footprint and that we can use our farms to produce not just the food but the renewable energy needed to drive our economy.

When Mr McAleer makes his intervention, he might reflect on the 16% of greenhouse gas emissions that come from homes. The fact that

we have more rural homes means that it is more challenging. I have a vision of how we can resolve it, but I have not heard anybody else indicate how they would resolve it. I will come to that in a moment.

**Mr McAleer:** I thank the Minister for giving way. There are no parties in the Chamber that want to export our food production. We have seen during the course of the pandemic how important our local secure food supply is. Look to the South of Ireland and some of the work that Teagasc has been doing with its marginal abatement cost curve. It has been working with farmers to help them to reduce their emissions with on-farm solutions around the use of urea fertiliser, low-emission techniques, incorporating seaweed into cattle diets and reducing the crude protein in cattle diets. Those changes can happen on farm. Indeed, it is stated on the DAERA website that, rather than reducing cattle numbers, changes can be made on farm.

During the course of our evidence-gathering, and even from listening to the regional presidents of the Irish Farmers' Association, the case has been made that many farms in marginal areas are already carbon-neutral. The Minister is very quick to point to north Antrim, Fermanagh, west Tyrone and all that and say that the only solution to reduce emissions is to cut livestock. He needs to provide a proper carbon calculator for farmers to see where they currently are rather than just scaremongering and saying that the only solution to addressing emissions is to reduce livestock.

**Mr Poots:** Again, I am extremely grateful to the Member for his intervention. Maybe he made the comments out of ignorance — I am sorry if that is the case — but we have already been working with Teagasc and AFBI to do that. I am absolutely clear that I want Teagasc and AFBI to develop a scheme for how we measure carbon and what carbon sequestration takes place. There is so much commonality. I have already cleared that so that that can happen. The working together already exists. I do not need any bells or whistles to do those things; I just need to see that, practically, it will work for us and for others. I will then get on with the job, like I did when I was Health Minister with the Altnagelvin cancer unit. I can very easily do those things, and I am very comfortable about doing that in conjunction with Teagasc. I am pleased to inform the Member that that course of work is under way. I am not sure how he knows that certain farms are net zero already. I would like to see that evidence base, because it is not really in the KPMG report. I am not sure what he thinks of that report. If he wants to

criticise it, I look forward to that criticism in due course.

Mrs Barton and Ms Armstrong raised the issue of household usage. I want to get to that, because, although farming accounts for 27%, householders account for 16%, which is a very significant figure. I see how we can challenge the transport one with the use of hydrogen vehicles and electric vehicles. I hope that there will be more hydrogen vehicles than electric ones, to be perfectly honest, because a lot of minerals are used in the production of batteries, and there are issues with end-of-life disposal and all of that. Hydrogen will, ultimately, be a cleaner renewable energy to use, and it is better suited to Northern Ireland. How do we deal with the household issue, given our rural dispersion and our inability to connect a lot of people to the natural gas network? We could increase the amount of anaerobic digestion, for example. We would capture the methane that is produced by the cattle when they are housed in the wintertime. We would engage in a separation process after the anaerobic digestion. We would strip the phosphates and nitrogen out of it, and we would compress that nitrogen and apply it to the land through sprayers.

Those sprayers would be linked to GPS and be associated with the lidar and the soil sampling that we carry out. We would therefore have intelligent use of natural fertilisers, as opposed to chemical fertilisers.

Those are all means of reducing our carbon footprint and also of improving the water quality, biodiversity, soil management, soil nutrition and other environmental aspects.

I have a vision that the methane that we capture is cleaned on farms and either goes into the pipe network, mixed with hydrogen or, indeed, is collected by lorries that run on hydrogen and then delivered to those households dispersed around the country.

We can have a truly renewable energy revolution here in Northern Ireland. Ultimately, we can export that renewable energy but do it in conjunction with feeding the 10 million people whom we currently feed, not through a reduction in that number.

Members who participated in the debate may suggest that, in agriculture, we should go for regression to meet our climate change targets. I challenge that. The science does not say that. Rather, it says that we should go for a better, more environment-based agriculture so that we can achieve what is important, and that is

feeding this world. The population is growing, and we cannot do anything to stop that. We can also ensure that we do not import gas from Russia, oil from the Middle East and other fossil fuels, all of which contribute to the damage to our environment.

That is what I call a proper vision for Northern Ireland. That is what the young person who is on climate strike needs to hear about, Ms Bailey, not about something that is going to destroy jobs. Mr Carroll and People Before Profit want to export our jobs. His illogical position will increase carbon leakage, and that position is shameful.

**Mr Carroll:** Thank you for giving way, Minister. I advise you to read our party policy. We are for creating green jobs. We want to create jobs, whereas you want to dither while the planet burns.

**Mr Poots:** How are you going to create those green jobs? I have just given you the vision. Instead of closing down agriculture, we build on what we have and create those green jobs by creating green energy and exporting it, as well as by exporting meat, lamb, eggs, chicken, milk and other dairy products, and all that go with them. We are serious about keeping jobs for working people in Northern Ireland, not creating a circumstances in which tens of thousands of people are put out of their jobs and in which families who have been working on the land for years are no longer able to do so, because of a misplaced aspiration.

I will wind up by addressing Ms Bailey's comments. She talks about a just transition. I have to say that the Climate Change Bill pays lip service to a just transition, while the Climate Change (No. 2) Bill delivers on it. It is important —.

**Miss Woods:** I thank the Minister for giving way. Can he point to exactly where in the Climate Change (No. 2) Bill the just transition is delivered?

**Mr Poots:** Where the just transition is delivered, Ms Woods, is where we deliver on carbon reduction. We meet the UK's commitment to net zero and, at the same time, retain the jobs and the livelihoods of people in Northern Ireland. That strikes me as being just. It strikes me as being pretty unjust to put tens of thousands of people out of work with an aspiration, as opposed to something that is based in science.

I commend the Bill to the House. It is based on the qualitative science that we have received.

One thing was clear during the debate: not one of those who said that they wanted to go further demonstrated how it could be done, where the science was coming from or what the science says about how it could be delivered.

Therefore, until they get to the point where they have the science, they should back this Bill, with the aspiration to go far beyond 82% but recognising that that is an aspiration until the science allows us to achieve more.

*Question put and agreed to.*

*Resolved:*

*That the Second Stage of the Climate Change (No. 2) Bill [NIA 28/17-22] be agreed.*

**Mr Deputy Speaker (Mr Beggs):** That concludes the Second Stage of the Climate Change (No. 2) Bill. The Bill stands referred to the Committee for Agriculture, Environment and Rural Affairs.

*Adjourned at 8.46 pm.*

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