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Northern Ireland Assembly

Wednesday 19 January 2022

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

Members observed two minutes' silence.

Assembly Business

Mr Speaker: Members, before we start, I want to stress the importance of getting business done today as quickly and efficiently as possible. The Business Committee agreed to today's additional sitting to ensure that all of this week's plenary business could be completed. However, it is also a Committee day, and we all want as little disruption as possible to our normal business. There is no scheduled lunchtime suspension, but I will propose one or two short breaks, if and when appropriate, as the day goes on.

Committee Business

Domestic Abuse (Safe Leave) Bill: Extension of Committee Stage

Dr Archibald (The Chairperson of the Committee for the Economy): I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 11 February 2022, in relation to the Committee Stage of the Domestic Abuse (Safe Leave) Bill.

Mr Speaker: The Business Committee has agreed that there should be no time limit on the debate. I call the Chairperson of the Committee for the Economy to open the debate on the motion.

Dr Archibald: I welcome the opportunity to speak as Chair of the Economy Committee to seek an extension to the Committee Stage of the Domestic Abuse (Safe Leave) Bill. The Bill was referred to the Economy Committee on 30 November 2021 for its Committee Stage. The Bill should, under Standing Order 33(2), complete its Committee Stage by 31 January 2022. The main objective of the Bill is to provide workers or employees who are victims or survivors of domestic abuse with at least 10 days' paid leave in each leave year. The legislation is long overdue, given that, up until now, there has been no statutory entitlement to paid safe leave for people in these very difficult circumstances. It has received cross-party support, in principle, with agreement that employees should be given adequate time to receive the help and support required, and should be supported by their employer.

The Committee received a pre-introductory briefing from the Bill sponsor at its meeting on 24 November where she outlined the detailed policy proposals in the Bill. At its meeting on 1 December, the Committee agreed to publish its call for evidence and survey and to write to key stakeholders inviting written submissions on the

Bill. At the meeting on 15 December, the Committee took oral evidence from key stakeholder groups. The Committee has completed taking oral evidence and requests an extension to ensure that the Committee Stage of the Bill is completed to the standard that is expected.

To conclude, I ask on behalf of the Economy Committee that the Assembly support the motion to extend the Committee Stage of the Bill to 11 February 2022.

Mr Speaker: No other Members have indicated that they wish to speak on this item.

Question put and agreed to.

Resolved:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 11 February 2022, in relation to the Committee Stage of the Domestic Abuse (Safe Leave) Bill.

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

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

Public Services Ombudsman: Complaints-handling Procedures Statement of Principles

Ms McLaughlin (The Chairperson of the Committee for The Executive Office): I beg to move

That, in accordance with Section 35(2) of the Public Services Ombudsman Act (Northern Ireland) 2016, the draft statement of principles concerning complaints-handling procedures laid before the Assembly on 6 December 2021, be approved.

Mr Principal Deputy Speaker: The Business Committee has agreed to allocate up to an hour for the debate. The proposer of the motion will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

Ms McLaughlin: It gives me great pleasure to bring the motion to the Assembly on behalf of the Committee. It marks the culmination of a

considerable body of work aimed at standardising the various systems of complaint handling and making them more transparent and accessible.

The Public Services Ombudsman was established by the Act of that name in 2016. The legislation was scrutinised by our predecessor Committee, the Committee for the Office of the First Minister and deputy First Minister, and I pay tribute to the members of that Committee for the thorough work that they carried out during the passage of that legislation. Part 3 of the 2016 Act was not commenced at that time. It relates to the complaints standards authority role for the ombudsman. On 3 March 2021, my Committee was pleased to welcome the ombudsman, Margaret Kelly, to brief us on the proposed complaints-handling role, and we were happy to endorse the commencement of Part 3 of the 2016 Act.

I put on record the Committee's thanks to the Audit Committee for its work on the financial aspects of the scrutiny process. The relevant commencement order was laid before the Assembly on 26 April 2021. Section 35 of the 2016 Act states:

"(1) The Ombudsman must publish a statement of principles concerning complaints handling procedures of listed authorities.

(2) The first statement of principles is not to be published unless a draft of the statement has been laid before, and approved by a resolution of, the Assembly."

That brings me to the business of today's motion. Research carried out by the ombudsman found that there was room for wider standardisation of complaints processes and the handling of complaints. The recognition of a complaint handler's skill set was important for improving complaint handling. Any large-scale improvement to complaint handling is dependent on a positive culture, and best practice can be shared within and between sectors.

The findings of the research informed a public consultation on proposed complaints-handling principles, which ran from June to September 2021. On 1 December, the ombudsman came before the Committee to update it on the consultation and to explain how any concerns raised in the consultation were to be addressed. There were 101 responses to the consultation, and there was also sectoral engagement with education, health, housing, local and central

government, and advocacy and support groups in civic society. The Committee was particularly keen that the ombudsman engaged sufficiently with those who handle complaints and those making complaints.

Acknowledging the challenges of time and resources involved in dealing with complaints, there was a commitment by the ombudsman and the relevant sectors to collaborate on a co-design of complaints-handling procedures. The Committee was happy with the outcome of the consultation and agreed to bring the statement of principles to the Assembly for approval. I commend how the ombudsman has engaged with the various sectors, listened to their concerns and made adjustments to the proposed principles where necessary.

There are six key principles: start off right, fix it early, focus on what matters, be fair, be honest, and learn and improve. The detail of standards for complaints handling flow from those key principles, which the Committee has endorsed. It is acknowledged that, while standardisation is good and aids transparency and understanding of complaints processes, different sectors have different characteristics that are reflected in their processes and procedures. That has been particularly raised in the education sector.

Having heard the arguments, the Committee is satisfied that the right balance has been struck between sound principles and the flexibility needed for individual sectors. For those Members who have heard from constituents about the bewildering array of different approaches to handling complaints, it must come as a welcome development that some form of common principles are applied to that important area. I commend the motion to the Assembly.

Mr Sheehan: The Chair has outlined the background to the debate today, insofar as there is no single complaints process for people who want to make complaints against public bodies. Indeed, when the ombudsman, Margaret Kelly, was with the Committee, she gave the example of one person who had contacted 54 different organisations before being directed to the ombudsman's office.

In my experience, as health spokesperson for Sinn Féin, I have received numerous complaints and emails from people who did not know where to go to when they had a complaint about a health trust or some other component of the health service. It is important that we have a streamlined process that is accessible and easily understood. It is important that the six principles, outlined by the Chair, are in

simple, straightforward language that people can understand. If those principles are applied properly, they will go a long way to allowing people to make complaints and be confident that they will be dealt with in the right way.

I will reiterate the six principles. First, start off right. That does not need any explanation. If someone comes to make a complaint, make sure that they understand what the process will be like and what the ombudsman's office can or cannot do.

If it can be fixed, fix it early. If an apology would suffice, let us get that done earlier and focus on what matters. Be fair, be honest, learn and improve.

10.45 am

Quite often over the past 15 or 20 years, or maybe even longer, we have seen that, rather than dealing with complaints from the public, health trusts, in particular, have circled the wagons and tried to protect their reputations.

One case in particular was that of young Claire Roberts, who was nine years of age when she went into the Children's Hospital and ended up dying as a result of the treatment that she received there. I noticed on Twitter that it would have been her thirty-fifth birthday only a matter of weeks ago. The Roberts family are still trying to get justice for what happened to Claire. They had to endure lies and untruths about what happened to Claire when she was in hospital, a cover-up and false information being given to the coroner at the first inquest, and they had to go through a second inquest before they finally got to the truth of what happened.

I welcome the statement of principles, as far as it goes. However, I have encountered one issue in all the health scandals, whether it was hyponatraemia, the ill treatment of patients in Muckamore and Dunmurry Manor care home or the neurology scandal that has been in the media more recently: those who are responsible for the ill treatment or whatever else may or may not be held to account, but the one absolutely sure thing is that no attention seems to be given to those at a senior management level who had oversight and managerial responsibility for ensuring that the type of scandals that we have seen did not happen. That is a weakness in all the complaints procedures.

We had a public inquiry into hyponatraemia. A number of children died, and Claire Roberts was one of those. Justice O'Hara made a

number of recommendations, which are still to be implemented. One of the most important of those recommendations was an individual duty of candour for all those who work in the health service. I hope that those recommendations will be implemented soon. They will obviously complement the ombudsman's statement of principles.

Ms Armstrong: I welcome the Public Services Ombudsman's statement of principles concerning complaints-handling procedures, with the hope that those who lodge a complaint with the Public Services Ombudsman go through a process that is well structured, focused and honest. However, I note that that course of action is completely avoidable and that the first point of contact to complain about a public body should be with the public body itself. It is disappointing that so many of those complaints have to be taken to the ombudsman as a result of poor action by some of our public bodies.

From a quick glance at the Public Services Ombudsman's case studies, it is clear that members of the public in some very challenging circumstances, particularly regarding children with special educational needs, have been failed by our public services.

When dealing with any sort of complaint, it is vital that respect be shown by both parties involved and that matters are dealt with in a prompt, professional and measured way. The statement of principles will help to ensure that complaints that are lodged with the Public Services Ombudsman are dealt with consistently, regardless of who makes the complaint.

I cannot help but think of the difficulties that certain groups in our society face in such instances. That includes older people or those who are very unwell and may require extra time to process information, or those with a learning disability. It is vital that all our public services are inclusive and accessible to all. I am glad to see the publication of the principles, and I welcome an open and transparent approach to the Public Services Ombudsman's complaint-handling procedures.

Mr Principal Deputy Speaker: No other Members have indicated that they wish to speak, so I call the Deputy Chair of the Committee, Mr John Stewart, to wind on the debate.

Mr Stewart: I am pleased to make a winding-up speech on behalf of the Committee for the

Executive Office on this important motion, which seeks the Assembly's approval for the statement of principles for the handling of complaints by the Public Services Ombudsman. I thank the Members who contributed today for their participation. I also thank those who provided evidence to the Committee in order to inform today's debate.

I place on record my appreciation of the work undertaken by the ombudsman and her staff on the matter, of their willingness to engage across the sectors to get the principles right and of their open and productive engagement with the Committee. We were impressed by the ombudsman's thoughtful approach to compiling the principles, listening to the views of others and establishing a basis for the standards that can be collaboratively developed and utilised for the handling of complaints. The Committee looks forward to engaging with the ombudsman in the ongoing task of making the principles operational.

The most important work of MLAs is ensuring that things are done better, people's lives are improved and engagement with public services is as unproblematic as we can make it. When things go wrong, it is of the utmost importance that we facilitate processes to make them right again. The principles will not create a perfect world and may need to be adjusted along the way, but the Committee believes that they are a good place to start.

I will briefly reflect on Members' remarks. The Chair referred to the wide and robust consultation that has taken place up to this point and commended the work of the Public Services Ombudsman, Margaret Kelly, and her team. She said that a sound balance had been achieved across the six key principles.

Pat Sheehan talked about the issues that the public face when making complaints about public services and the difficulties that that can often involve. He talked about the importance of having a simple and straightforward process that everyone could understand. He, too, referred to the six principles and how they will make it easier for the public not only to complain but to get a satisfactory outcome in a satisfactory time. He referred to the tragic case of Claire Roberts and the many others who have been affected by so-called health scandals and the ongoing difficulty in getting answers. Hopefully, the statement of principles will lead to a more secure way for them to get the answers that they rightly deserve.

Finally, Kellie Armstrong said that it was disappointing that so many complaints by the

public to public services had to end up with the Public Services Ombudsman: I think that we all agree with that. Every public service and body has a responsibility and a requirement to do their utmost to deal with complaints in a timely fashion and in the best manner possible. When, however, complaints end up with the Public Services Ombudsman, it is important that they are dealt with under the six key principles as quickly as possible. It is also vital that public services are inclusive and accessible to all.

That concludes my winding-up speech. I commend the motion to the House.

Question put and agreed to.

Resolved:

That, in accordance with Section 35(2) of the Public Services Ombudsman Act (Northern Ireland) 2016, the draft statement of principles concerning complaints-handling procedures laid before the Assembly on 6 December 2021, be approved.

Mr Principal Deputy Speaker: The next items of business are from the Department for Communities. The Minister for Communities indicated in advance that it would not be possible for her to be in the Chamber before 11.00 am. I propose, therefore, by leave of the House, to suspend the sitting — no, we shall not. The Minister has arrived in the nick of time — here come the cavalry. I ask Members to take their ease for a moment before we move on to the next item of business.

Executive Committee Business

Welfare Supplementary Payments (Amendment) Bill: Accelerated Passage

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

That the Welfare Supplementary Payments (Amendment) Bill proceed under the accelerated passage procedure.

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

Ms Hargey: I welcome the opportunity to address the Assembly on the motion. The decision to use accelerated passage is not taken lightly. I know that I keep saying that, but, with the circumstances that we find ourselves in, with a shortened mandate and a pandemic, I know that every party is keen to see the mitigation payments completed within this mandate. It is on that basis, in these exceptional circumstances, that I ask for accelerated passage. Normally, we would do it clause by clause and allow for full Committee scrutiny, but we do not have the time to do that. In the case of this legislation, however, there are compelling grounds to depart from that and for accelerated passage to be considered.

The existing welfare mitigation schemes came to a statutory end on 31 March 2020 in accordance with the relevant legislation. In January 2020, that was a cliff edge that, all political parties agreed, should be avoided and was part of the New Decade, New Approach agreement. The Executive committed to extending welfare mitigation measures beyond March 2020.

The extension of the mitigation schemes will require two new pieces of legislation, both of which must be approved by a resolution of the Assembly. The Bill is necessary to extend welfare mitigation payments for all who are impacted by the social sector size criterion known as the "bedroom tax". I will outline the proposals in greater detail at Second Stage. The plan is to bring the changes into operation on the day after the legislation receives Royal Assent. Securing approval for the Bill in the current mandate is important to provide certainty to the thousands of people that will be impacted by it.

As required by Standing Order 42(4), I wish to explain my reasons for seeking an agreement to use accelerated passage and the consequences if it is not granted. I had hoped to bring forward the legislative proposals much earlier in the mandate. However, a number of issues significantly impacted on the progression of the work. I have always been clear that the continuation of the welfare mitigations is a priority for me. After becoming Minister, one of my very first actions was to instruct the team in the Department to prepare for the extension of the mitigation schemes.

I first sent a paper on the issue to the Executive on 24 January 2020, almost two years ago. In February of that year, the Executive agreed to extend the existing welfare mitigation measures for the bedroom tax. At that meeting, the Executive also agreed to the drafting of the required primary legislation to effect the extension, that the Bill should be admitted to the legislative programme and that Assembly approval could be sought for the use of accelerated passage.

I then appeared before the Communities Committee on 13 February 2020 to explain that I was proposing to use accelerated passage for the Bill. That was important, as I wanted to extend the bedroom tax mitigation scheme before the cliff edge on 31 March that year. However, since I briefed the Committee on that occasion and despite my best efforts, I have not been able to progress the legislation and was unable to secure Executive agreement to introduce the Bill until 2 December 2021.

The delay in securing the agreement to proceed with the legislation means there is a real risk that there will not be sufficient time to secure approval of the legislation in the current mandate. That could have serious consequences for the thousands of families that depend on mitigation payments. If the extension of the mitigation scheme is not secured, those families will face another cliff edge of worry and uncertainty this March, which would be unacceptable. That is why it is now necessary to progress the Bill via accelerated passage. I very much hope that it will reach its Final Stage before the end of the mandate. Clearly, any further delay would impact on that timeline.

I propose to introduce two new sets of regulations in the coming weeks. The first set is required to extend the remaining welfare mitigation schemes, and the second will strengthen the existing benefit cap and bedroom tax mitigation schemes by closing the loopholes in both of them. An estimated 640 families with children are impacted by the

benefit cap but do not receive a mitigation payment, and around 199 households are subject to the bedroom tax and do not receive mitigation payments. The proposed changes will ensure that they become eligible for those mitigation payments.

11.00 am

Details of my proposals to extend the remaining mitigation schemes and strengthen the benefit cap and bedroom tax mitigation schemes by closing the loopholes have been shared with Executive colleagues, and I hope to secure Executive agreement on those two sets of regulations shortly. The regulations are draft affirmative and will come to the House for approval. I have previously assured the Committee for Communities that it will be given the time to undertake its formal scrutiny role. Importantly, the legislation on that can be taken forward at the same time as the Bill, and I want to be clear that I am seeking to use accelerated passage only for the Bill.

Accelerated passage will enable my Department to plan for the operational implementation with a degree of certainty that the legislation will be in place on time, given that processes and systems will need to be updated in advance. If we cannot proceed on that route, the consequence will be a real risk that legislative passage will not be completed during the current mandate. That would mean that the Bill would fall and that an estimated 43,000 households across the North could face a cliff edge on 31 March this year, when their welfare mitigation payments would stop, unless the Assembly moves to avert that.

In accordance with Standing Order 42(3), I appeared before the Committee for Communities on 13 February 2020 to explain accelerated passage, as I said, and, again, I thank the Chair and members of the Committee for their recognition of the need to progress the Bill as quickly as possible and, indeed, for their support in seeking Executive approval to introduce the Bill. Members will have the opportunity to look at that at Second Stage. I, therefore, urge Members to support my appeal for accelerated passage.

Ms P Bradley (The Chairperson of the Committee for Communities): The Committee was previously briefed by the Minister on the reasons why the Bill is required to proceed under accelerated passage. Members heard that one of the Minister's priorities was to extend the current mitigations, particularly around the bedroom tax, because of the impact

that it would have and to ensure that there was no break in payments to the people who would be affected. The Minister further informed us that she had secured the support of her Executive colleagues to use the accelerated passage procedure.

The Committee is acutely aware of the impact on nearly 40,000 households and families, should the legislation not be passed as soon as possible. It is an issue that has been of particular concern to the Committee and one that, on a number of occasions, we have spoken about in Committee, taken evidence on and written to the Department about. I will touch on that in greater detail in my Second Stage speech. We do not want vulnerable families to lose out and certainly do not want to see a situation where families that need the mitigations most are plunged into increased rent arrears or further hardship.

The Minister acknowledged at the Committee meeting that this is not her preferred way of handling legislation, and, whilst members would also prefer the opportunity to scrutinise the Bill in greater detail, the Committee supports the motion to allow accelerated passage as there is no time to delay and too much time has already passed, causing too much worry to too many vulnerable households.

Ms Ferguson: I support the motion that the Welfare Supplementary Payments (Amendment) Bill proceed under the accelerated passage procedure.

The welfare mitigation package has been instrumental in protecting thousands of low-paid workers, families and vulnerable people across our communities from the bedroom tax. I recognise the positive impact that that mitigation has had in contrast with the Tory cuts. It is important that the mitigation continues, and it is vital that the legislation passes as a matter of urgency so that we can provide certainty for our people, our working families and our most vulnerable. I support the motion, and I welcome the opportunity to speak at the next stage.

Mr Principal Deputy Speaker: I call Mr Mark Durkan into the spotlight.

Mr Durkan: You will be relieved to hear that my camera does not seem to be working, so you will have to bear with the voice alone.

I recognise the urgency of the matter before us, and I recognise the incalculable harm, the increased household poverty and the financial

repercussions that not extending the mitigation would undoubtedly bring. The Minister recognised that urgency this morning.

We have been calling for this legislation for two years. That is not hyperbole. We have been calling for it since the Committee was formed two years ago. The fact that it is coming forward only now suggests that the Executive's approach to welfare mitigations to date has been nothing short of lackadaisical, to be honest.

Will the Minister join me and others today in lamenting the use of accelerated passage, as it is a suboptimal route? Although we reluctantly accept the need for it this late in the day, the reality is that we should never have been presented with a situation where it is required in the first place. The Minister may well argue that she had no choice in the matter and cite her well-documented and well-publicised struggle to have mitigations legislation tabled on the Executive agenda, but she cannot ignore the fact that we are now trying to do this at the eleventh hour. As I said, for two years, the SDLP and others have been urging that action be taken on this crucial legislation. While we have heard a lot about it, we have not yet seen the necessary action. We are glad, however, that we are now going to see that.

Also, we cannot allow people to forget, as much as others would like them to, that Sinn Féin, DUP and Alliance MLAs lined up to hand our welfare powers to the Tories, knowing full well that it would mean that people here would have their support cut and fall victim to the bedroom tax. We warned then that putting those measures in legislation would leave vulnerable people exposed, regardless of what temporary mitigation measures might be put in place. It is a wee bit ironic that the parties that voted for those reforms and cuts are today arguing about how best to mitigate their impact.

The bedroom tax is the perfect microcosm of our Executive and the complete dysfunction at their heart. The DUP and Sinn Féin leadership is failing our people, who have become collateral damage, as they engage in sham fights over mitigations. The Minister alluded to — I know that this is not for this debate, but we will come on to it before too long — the loopholes that she is intending to close before the end of the mandate as well.

We recognise the need for speed today in order to protect over 36,000 households from being subjected to the worst of Tory social reforms under the bedroom tax. In that vein, we support the use of accelerated passage to ensure that

people do not bear the brunt of the Executive's failure to act in a timely manner.

Mr Allen: It is important to cast our minds back to 2019, when we did not have the institutions and when various media outlets raised and magnified this issue and the fact that we were heading towards a cliff edge. Rightly, the Cliff Edge Coalition has highlighted repeatedly the fact that there is an unacceptable cliff edge and has lobbied and campaigned for politicians to resolve the situation. We were told repeatedly by the Department that the legislation had been drafted and was ready to go. At that stage, there were calls for Westminster to step in and remove the unacceptable cliff edge that we were heading towards. Thankfully, in 2020, these institutions were re-established. As the Minister outlined in her speech, she has attempted to get this important matter on the agenda, to no avail.

I believe that we could and should have dealt with the issue through the normal route and mechanisms of the House and through the Committee. We should not be at the point at which we have to use a tool that should only be used in exceptional circumstances. I accept that, in this instance, because of the political stand-off that has been created on the issue, we are in the arena of this being an exceptional circumstance. As the Minister highlighted, over 40,000 households will be impacted by this if we do not progress the legislation by accelerated passage. I am reluctant to support accelerated passage on the majority of issues. We should not use it in most cases. However, given the mitigating circumstances in this instance, we should support accelerated passage, and we are happy to do so.

Mr Principal Deputy Speaker: No other Member has indicated that they wish to speak. I therefore call the Minister for Communities to wind on the debate.

Ms Hargey: I will not keep the House too long. I thank all Members who spoke for their contribution. I thank the Chair of the Communities Committee and its members, who have been supportive when I have gone to the Committee to progress this legislation over the past two years. I am glad that we are in the position that we are in now. Hopefully, with the votes today on accelerated passage and Second Stage, we can get the Bill done by the end of the mandate. I urge all Members to support my motion for accelerated passage.

Mr Principal Deputy Speaker: Before we proceed to the Question, I remind the House

that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That the Welfare Supplementary Payments (Amendment) Bill proceed under the accelerated passage procedure.

Welfare Supplementary Payments (Amendment) Bill: Second Stage

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

That the Second Stage of the Welfare Supplementary Payments (Amendment) Bill [NIA 50/17-22] be agreed.

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

Ms Hargey: The Bill that I bring before the House today will provide much-needed continued support to some of the most vulnerable in our communities by shielding them from the financial impact of the bedroom tax, which was introduced across the North back in 2017 as part of Westminster's welfare reform legislation. The New Decade, New Approach (NDNA) deal includes a commitment to extend the existing welfare mitigation schemes, a package that was secured back at that time, and the Bill is a key step in realising that aim by providing for mitigation payments to continue until 31 March 2025 for those households affected by the bedroom tax.

In 2020-21, welfare mitigation payments totalling almost £32 million were issued to approximately 43,530 people, covering 36,400 households affected by the bedroom tax. My Department's budget for 2021-22 included an allocation of £42.8 million to continue existing mitigations until 31 March this year. Subject to Executive agreement, I propose that the cost of providing continued mitigation for the bedroom tax until 31 March 2025 be met in the Budget 2022-25 settlement. The estimated cost will be £25 million per annum.

The legislation will ensure that that vital financial support continues for an estimated 37,000 households across the North, providing

a long-term assurance to vulnerable people that they will not be penalised by the bedroom tax. The Housing Executive and housing associations have made strong arguments for the continued mitigation of the bedroom tax in order to counter the threat of increasing rent arrears and the impact that that would have on their funding to deliver social housing. Housing Executive research has shown that the social housing stock is not available in the North to allow tenants to avoid being penalised by the bedroom tax. That is one of the reasons that there has been consistent cross-party support in the Chamber for not applying the bedroom tax here.

My officials are making preparations to extend all existing welfare mitigation schemes, and, until Royal Assent is received for the Bill and until the draft Welfare Supplementary Payment (Extension) Regulations 2021 have been approved by a resolution of the Assembly, my Department will continue to make non-statutory welfare mitigation payments to all those who are eligible, based on the existing policy. That arrangement, whereby mitigation payments have continued since 1 April 2020, has been provided under the sole authority of successive Budget Acts. That process is currently set to expire on 31 March this year, hence the urgent need to make this legislation before then.

The Bill also provides for my Department to monitor and report on the ongoing operation of the welfare mitigation schemes. A recent review report is to be laid in the Assembly no later than 31 March this year, or before purdah kicks in.

The report must include an evaluation of the need to amend, revoke or introduce legislation on the various welfare mitigation schemes. That will include, in particular, a view on the provision of a statutory extension of each mitigation scheme.

11.15 am

The Bill represents an important step that we can take now to deliver meaningful change here before the end of the Assembly mandate. I believe that we can all support this Bill to allow mitigation payments to continue to be made to vulnerable households who would otherwise face increasing rent arrears owing to the imposition of the bedroom tax. I hope that Members are content with the broad thrust of the Bill, and I am happy to deal with any point that they may raise. I commend the Bill to the Assembly.

Ms P Bradley (The Chairperson of the Committee for Communities): As I mentioned in my speech on the accelerated passage motion, the Committee has taken a particular interest in welfare reform mitigations. I could give a long list, starting from early in 2020, of the number of times that the Committee has discussed the issue, written to the Minister and, indeed, sent letters to the Executive in support of the Minister. It is more productive, however, to focus on the here and now. It is good to see that the Bill has finally made it through the Executive to this stage.

On behalf of the Committee for Communities, I welcome the principles of the Bill. As we are all aware, the legislation to make the existing welfare supplementary payments came to an end on 31 March 2020, and the Department has continued to make payments under the authority of the relevant Budget Act. The Bill will substitute a new end date of 31 March 2025 for the mitigation payments for the social sector size criteria. I have no doubt that other Members will comment on the 2025 date and the need for the period to be longer or, potentially, indefinite. They may also make remarks in relation to the danger of another cliff edge at that time. On behalf of the Committee, I respect what they might say, but we have waited a long time to get to this stage. We now have time to consider the issue in greater detail, in order, hopefully, to ensure that we do not come to another cliff edge.

Through the Bill, the Committee hopes that we can start to reduce the worries of many vulnerable households and the organisations that support them. The Committee welcomes the fact that the Bill will require the Department for Communities to conduct a review and to report on welfare supplementary payment schemes, to inform future decisions on a further extension of the schemes beyond 31 March 2025.

All Members will be aware of the disparity between the size and type of social housing required to avoid social size criteria deductions and the profile of our existing housing stock. There is a dearth of smaller dwellings, which could mean that many people will be unable to move to another property, leading, in turn, to a reduction in their benefit entitlement. Figures show that failure to extend the mitigation scheme will have a direct impact on about 36,000 households. It is therefore essential that this legislation is passed as soon as possible to ensure that there is no negative impact on those households.

I mentioned earlier that the Committee has taken a particularly keen interest in this issue, and, as part of that, we were briefed by the Cliff Edge Coalition. It was a sobering session. When you hear that the five-week wait before people receive their first universal credit payment has led to hardship, debt and increased reliance on food banks and that participants in the Joseph Rowntree Foundation study of Northern Ireland associated the early stage of universal credit claim with financial hardship and unusual debt, you know that action needs to be taken.

We also heard that families unable to claim universal credit for a third or additional child would lose out on over £2,700 per child per year and that Northern Ireland would be disproportionately affected by the universal credit two-child limit, given the region's larger than average family sizes in comparison with those in GB.

We heard that cuts to housing benefit in the private rented sector over the past decade have made it increasingly difficult for low-income private renters to find and keep their homes and that, in Northern Ireland, there are significantly more households at risk of poverty after housing costs in the private rented sector than in the social sector. The coalition has consistently called for the introduction of welfare reform legislation to address those issues. I hope that it is content that the Bill will now, hopefully, make rapid progress and come into effect as soon as possible.

At the start of my remarks, I highlighted the numerous letters from the Committee to the Department, the Minister and the Executive Office on this issue. It has been a long, winding and frustrating road, and I know that there is more legislation to come on the issue. On behalf of the Committee, however, I welcome this Bill and support its principles.

Ms Ferguson: I welcome the provision in the Bill which extends the bedroom tax mitigation scheme. I thank the Minister and the Committee Chair for outlining the detail of the Bill. I acknowledge the need to use accelerated passage in this case, particularly given the limited time available before the end of the mandate and the importance of ensuring that all those in receipt of the welfare supplementary payment will continue to receive it beyond March 2022.

It is important to commend the Minister for her efforts since February 2020 to progress this legislation. Like many others, I must express my disappointment that the Minister was left

with no alternative but to include an end date. Since she came into post, the Minister has been clear about her intention to abolish the bedroom tax once and for all, and I fully support that position. I acknowledge that Executive support was required, and I accept that, with the limited time available, it is important to ensure that people do not face another cliff edge this March. I recognise the positive impact that this mitigation has in contrast to the Tory welfare cuts, and it is important that the mitigation continues.

It is important to acknowledge, as the Chair has just done, the work of the Cliff Edge Coalition, which is a network of 100-plus organisations from across the community, voluntary and third sectors, and other organisations, all of which have tirelessly campaigned for the extension of the mitigations.

I welcome the Minister's commitment to closing the loopholes in both the bedroom tax and the benefit cap and to bringing forward the necessary regulations that will extend the remaining mitigations. I look forward to the next stage, and I support the Bill.

Mr Principal Deputy Speaker: I call Mr Mark Durkan, via StarLeaf. Ah, we have a full image.

Mr Durkan: I must apologise: my camera is working.

I welcome the opportunity to speak on the important issue of welfare supplementary payments, the chaos that is welfare reform, and its messy implications and repercussions, of which, I fear, we have not heard the last. We stand here today on a rescue mission to salvage what we can and clear up the remnants of the damage that was imposed on vulnerable people here at the hands of the Tories, but facilitated by the Executive.

For years, the SDLP has warned of the harm that welfare reform would inflict on people across the North. Despite those warnings — not just from us but from the Cliff Edge Coalition, as has been cited, and many of the partners in that coalition, who were particularly vociferous as we stood up against the Welfare Reform Bill — Sinn Féin, the DUP and Alliance voted to hand welfare powers over to a Tory Government that proceeded to — and will, if they get away with it again — subject our people to the worst of Tory austerity.

While some here will, no doubt, begrudge me raising this fact time and time again, I do so in order to highlight the complete absurdity of the position in which we find ourselves today and in

which we will find ourselves again. The extension of mitigation payments when this legislation goes through, specifically in relation to the social sector size criteria, or the bedroom tax, is welcome, although I lament the time that it has taken to reach this point. We have been calling for action on this issue for two years, as other Members have mentioned, but no one has yet mentioned the three years that were wasted as a result of the political stalemate that left us without these institutions.

The Bill will help vulnerable people who need it, but only until March 2025. The Minister herself has acknowledged that the legislation before us is, in essence, creating another cliff edge. What really would have helped people was voting against welfare reform and the bedroom tax in the first place. The bedroom tax has not gone away. It will return to haunt people who cannot afford to pay it. Creating another cliff edge kicks the issue further down the line. I acknowledge the efforts that the Minister has made to avoid that cliff edge, but it creates a problem for another Minister, another Executive. It is something that they will have to contend with. It is not only irresponsible; it is a complete dereliction of duty with far-reaching implications for people on the ground.

The Minister's party and her partners in the DUP created the cliff edge when it suited them. Now they warn people about the consequences of their decision. I am not alone in finding that a wee bit crass. Rather than own up to the hypocrisy and stinging irony of their actions, leadership here has the audacity to roll out tired slogans to "bin the bedroom tax" and to champion their own heroic efforts in bringing forward long-overdue protections for people from the same tax that they vowed would never reach our shores. Representatives from the Minister's party publicly stated — I quote — "categorically, without reservation, unambiguously" that that tax would not come to pass, despite their having voted to bring it in.

No amount of political spin can hide that reality. As a result of those actions and inactions, around 1,200 households currently lose out on payments through loopholes in welfare mitigations. The time and effort placed in perpetuating mistruths and spin would have been better spent in progressing this legislation and the other legislation that the Minister will bring forward to close those loopholes. That people have been left to sweat until the last possible moment before mitigations are extended is unforgivable but, once again, unsurprising.

As I alluded to earlier, in my view, the bedroom tax is almost a perfect microcosm of how the Executive work or do not work and typifies the dysfunction of Sinn Féin and the DUP at their heart. Almost every issue morphs into a tug of war between those parties to further their own selfish agenda focused on political power for their own parties, rather than power for the people. The determination to exculpate themselves outweighs the desire to do the right thing for the people whom they have been elected to represent. Once again, people are left wanting, where stability and faith in their Government are concerned. They are sick and tired of doublespeak. The Minister speaks often of her promise to protect the most vulnerable, while returning millions of unspent funds allocated for welfare mitigations, as ordinary people are plunged deeper into poverty.

I recognise that we have had a truncated mandate and that we have had a global pandemic to deal with. I have commended the Minister and her Department on their efforts in that regard. However, we have had plenty of time to do much more to protect people.

We recognise the urgent need for the passage of this legislation in order to protect the 36,400 households that have been mentioned, but we wholly regret how and why the need for this legislation has arisen. We will, however, support the Bill.

Mr Allen: This is a relatively small Bill in comparison with some that have gone through the House. Even in the last two days, Members have been in the Chamber until well past 9.00 pm for consideration of one particular Bill.

It is a small Bill, but it has a huge meaning for the tens of thousands of households right across Northern Ireland that will be impacted should we lose the mitigations. We can get into the party politics of whether we should or should not have the mitigations and who is responsible; but we are in the here and now. The reality is that we need to safeguard for and protect the tens of thousands of households across Northern Ireland that are impacted.

Will the Minister provide an update on her ongoing engagement with DWP in respect of getting it to recognise the particular circumstances that we have in Northern Ireland, which is that we are in the midst of a housing crisis?

We have over 45,000 applicants on our housing waiting lists, and tens of thousands of people are being taken off the waiting lists, so we do not have a true perspective on them. If we were

to lose the mitigations, it would be unforgivable. I am not saying that we will lose them; it is clear that the consensus across the House and in the Committee for Communities is that the mitigations need to be extended.

11.30 am

Where there have been issues is in the party politics and the apportioning of blame. I am not interested in that. Yes, I am frustrated that it took so long to get the mitigations into the House. It should not have taken that long. There should have been an ability to come together to compromise. One party had a view on a clause on the end date; another party had another view. My view on what the end date should have been, in the context of our having a housing crisis, is on the record, but we will not address that crisis any time soon.

We need to move beyond party politics. This is about ordinary people who would lose their homes if we did not have these much-needed mitigations. Ordinary people in all our constituencies would lose their homes without them, because their household budgets would become unaffordable, even without the added pressure of the cost-of-living crisis that many households face right across Northern Ireland. That is the reality. We need to step up and address that. We need to do more, and I will not miss this opportunity to highlight the need for the Minister to bring forward a fuel poverty task force in that regard.

I welcome clause 3 on monitoring and reporting. It is important that we always assess, monitor, report and evaluate legislation, whether on mitigations, licensing laws or gambling. Whatever the legislation may be, we should always assess and try to improve it. Given that the end date has been included in the Bill, I sincerely hope that, after 5 May, we are not in that unforgivable place of not having institutions, where we would be run down to another cliff edge. That would be deeply unacceptable in this instance and in many others where households and people across Northern Ireland would be adversely impacted.

It would be remiss of me not to echo the comments of the Chair and other Committee members in thanking the Cliff Edge Coalition and the many other organisations right across Northern Ireland that continued to keep this matter on the agenda and highlight it, even when the institutions were not operating. It is imperative that the legislation be passed.

Ms Armstrong: I did not speak on the accelerated passage motion because, to be honest, there was no argument with it. The Minister outlined succinctly that, if it were not for accelerated passage, we would be leaving people in poverty without mitigations. I will not get into the party politicking that Mr Durkan mentioned. I will just say that, as there is no Committee Stage because of accelerated passage, the debate gives me the opportunity, Minister, to ask you some clarification questions, if you do not mind. My focus in all this is on the citizens out there — the people whom UC:Us and the Cliff Edge Coalition represent — and on how we will help them. In New Decade, New Approach, all parties agreed that mitigations should continue. That is the right way to go.

Minister, I will take you to the clauses. I have asked a few questions in writing, so your officials may well have some of the details. I ask for clarification on clause 2(3). Does the amendment mean that, from 1 April 2020, any people who were new to universal credit or universal credit claimants with a change of housing circumstance affected by social sector size criteria cannot receive a payment to cover what has already been deducted as a result of their social sector size because they have an extra bedroom? When the clause states that there will be "no payments", does it mean that people who have not received any payments because they were outside the then criteria will not receive a back payment to cover the deductions that were taken because they fell through that loophole? We all will have spoken to constituents who have been impacted by the social sector size criteria: people who joined universal credit (UC) or had a housing change or a change of circumstance after 31 March 2020 and who therefore fell outside the mitigations that we brought in.

The other thing that I want to check with you, Minister, is that, as others mentioned, clause 1(2) brings in a new date of 31 March 2025 as the fixed end date for the mitigations. I would have preferred a review, which I may well consider putting forward at Consideration Stage — I will be open with you about that, Minister. I say that because I do not understand how that end date ties in with the social security mitigations panel, which you have asked to consider whether the mitigations are right or wrong and whether we should have different mitigations. Having the bedroom tax continue until 2025 takes that, in effect, out of the panel's considerations. It will be in place until 2025, and, if the panel were to come up with an idea to change it, it could not do that. The panel

might want to review it, but it is there until 2025, and I am just not sure how that works.

Going back to the point that I made earlier about the people — the 199 households — who fell outside the social sector size criteria, I appreciate that there will be a cost to that payment. I therefore submitted a question for written answer and await an answer to find out how much it will cost to provide that back payment.

I am disappointed that it has taken so long for this Bill to come to the Chamber. The Communities Committee has listened. As the Chair mentioned, it asked for this legislation to come forward many times and is delighted that it has. The Executive, however, bartered with people who are living on benefits. That is despicable. I point out to Members across the House, from all parties, that we all have constituents whom we are responsible for representing. This is not the way to do good government. The 2025 cut-off date is an issue for me. If that goes through in this legislation, I will seek to amend it, because I think that we need to review that date. Review may stop it or it may allow it to continue, and it will also give the option for the social security mitigations panel's recommendations to be brought forward.

I will reiterate what Mr Allen said: people who are subjected to the bedroom tax cannot move to mitigate that tax. I appreciate that the Minister is bringing forward her housing strategy. The Minister is up against it, however, because councils are taking up to two years to pass planning applications for new homes. The system seems to be working against us. Due to the problems with Northern Ireland Water's funding, many developments cannot take place. There are areas in my constituency where all planning, housing and development have been stopped over the past number of years because what is under the ground cannot cope with any further housing development. We have huge problems. While all that is going on, we are saying to people that the bedroom tax, in its current form, will come to an end on 31 March 2025. The people who are subjected to the bedroom tax cannot move to mitigate that change.

I say to everyone that we need to work together. I absolutely support the Minister's pushing forward. In fact, I ask the whole Executive to help her to get DWP to understand that the situation is different in Northern Ireland: we have larger families, and we have a housing problem. DWP needs to step up and recognise that welfare reform is not right for this devolved

nation. We voted for welfare reform to come in so that we could put in mitigations. I am very proud of the work that we have done over the years to bring in mitigations, and we need to keep those mitigations in place until DWP understands the situation in Northern Ireland.

Mr Principal Deputy Speaker: No other Members have indicated that they wish to speak in the debate, so I call the Minister for Communities to make a winding-up speech.

Ms Hargey: Thank you to everyone who contributed. In relation to earlier comments, I confirm that the Communities Committee has been very supportive of me over the last two years. As I said in the accelerated passage debate, I came in as a Minister when the Assembly was re-established in January 2020, and I had a paper in front of the Executive within two weeks of the institutions being re-established. As somebody who comes from a community development background, I have campaigned on these issues. Living in a working-class, inner-city community, I know first-hand the impact that welfare reforms have.

Many other Members also know their impact. The Committee has been very supportive of my proposals.

Some Members spoke about a review. That dovetails with some of the comments about an end date. I have appointed a new panel to review mitigations, which was a commitment in New Decade, New Approach. That is not about stopping any of the existing mitigations. That is my view and it is consistent with the reports that the likes of the Human Rights Commission did almost two years ago. It is about additionality because of the need that exists, particularly around the two-child rule, and looking at all the other mitigations. Our housing situation was, quite rightly, pointed out. I would not like to think that anybody would consider ending the bedroom tax mitigation in the new mandate, because even contemplating it would be catastrophic.

The review is ongoing, and I await its work. It is chaired by Les Allamby, who is a former human rights commissioner. When I came into post, he was one of the first people whom I met, and mitigations was one of the first items on his agenda at that time. I will leave that issue to the review panel, which is conducting its work independently.

There was some comment about budgetary processes and money being returned. I do not know whether some Members do not

understand the Budget processes — for example, with ring-fenced budgets, you cannot reallocate money — or whether they are just being mischievous because we are running into an election. What Mr Durkan did not mention is that in the same year I bid for over £283 million. My Department received that money in additional payments, and it went out to protect the most vulnerable and those who have been struggling over the past year. I secured that additional money in the past year. It is interesting that the Member did not point out that figure.

I think that it is known that I did not want an end date. I do not see an end date; the mitigation needs to be continuous, but it is clear that I would not have received Executive approval for that. I engaged with the Cliff Edge Coalition and others that have campaigned excellently on these issues and engaged people at a grassroots level. Many of the people who receive those vital payments do not realise that they are receiving them. In some ways, the system is that seamless that they do not realise that they have received a mitigation payment until it has been removed.

Mr Allen: Will the Minister give way?

Ms Hargey: Yes.

Mr Allen: Minister, you highlighted that very early in your tenure as Minister you brought forward the mitigations to the Executive. When did you become aware that there was a logjam in respect of the end date?

Ms Hargey: I cannot give the exact date. I gave the Committee an update on how many times I brought it to the Executive. When I brought forward the proposal in January, going into February, of that year, the principle of what I was proposing was approved by the Executive. Therefore, when I finally brought forward the legislation, I was confused that it did not appear on the Executive's agenda because the principle of what I was proposing — to have no end date — had been agreed by the Executive.

We are here now. I am glad that we are at the Second Stage of the Bill. From meeting the Cliff Edge Coalition and others, I know that they want to make sure that the legislation is approved by the Assembly before the end of the mandate. Obviously, the Committee is busy with other pieces of legislation as well.

We see other issues, such as the cost of living and the rising fuel crisis, across the board, but we need to systemically address them. I agree

that mitigations are one way to do that. Going by some of the commentary on the cost of living and the rise in inflation rates over the past while, the global fuel crisis is obviously playing a big part in that. However, so, too, is the squeezing of salaries for many in our local economy. Broader issues need to be addressed, such as the low-wage workforce, workers' terms and conditions and the rights of workers to unionise and look at collective bargaining. There is a series of issues that we need to systemically address in order to build an economy that actually works for workers and people more broadly. Of course, as Minister for Communities, I am more than happy to play my part in that wider focus.

11.45 am

There was some commentary about the mitigations. Make no mistake about it: if those mitigations were not secured in 2017, all the welfare changes that the Tory Government wanted to bring in would have been imposed on people here. There was no stopping the British Tory Government. We have seen what they have done with Brexit and other issues against the wishes of people and the majority of the population here. That was an ideological drive by the Tory party. I commend those parties that had the foresight to work together in order to militate against the worst impacts of that. When we talk to community and civil rights activists who are based in the likes of England, we hear that they have seen the shattering of communities because those mitigations were not secured in their local areas. We managed to secure them. We are extending them. I hope that we actually build on them when the ongoing review by Les Allamby is completed.

Again, I urge the House to pass this important draft legislation and get it cleared before the end of the mandate. I commend the Bill to the House.

Question put and agreed to.

Resolved:

That the Second Stage of the Welfare Supplementary Payments (Amendment) Bill [NIA 50/17-22] be agreed.

Mr Principal Deputy Speaker: That concludes the Second Stage of the Welfare Supplementary Payments (Amendment) Bill. As the Bill is proceeding through the accelerated passage procedure, there will be no Committee Stage. The Bill now stands referred to Mr Speaker.

Social Security (Terminal Illness) Bill: Further Consideration Stage

Mr Principal Deputy Speaker: I call the Minister for Communities, Ms Deirdre Hargey, to move the Bill.

Moved. — [Ms Hargey (The Minister for Communities).]

Mr Principal Deputy Speaker: As no amendments have been tabled, there is no opportunity to discuss the Social Security (Terminal Illness) Bill today. Members will, of course, be able to have a full debate at Final Stage. The Further Consideration Stage of the Social Security (Terminal Illness) Bill is, therefore, concluded. The Bill stands referred to Mr Speaker.

Before we resume the Consideration Stage of the Integrated Education Bill, I ask Members to take their ease while we change the top Table.

(Mr Speaker in the Chair)

Private Members' Business

Integrated Education Bill: Consideration Stage

Debate resumed.

Clause 10 (Regulations)

Mr Speaker: We now come to the fourth group of amendments for debate. With amendment No 46, it will be convenient to debate amendment Nos 47, 49 to 56 and opposition to clause 10 stand part.

I call the Minister of Education to move amendment No 46 and to address the other amendments in the group.

Miss McIlveen (The Minister of Education): I beg to move amendment No 46: In page 5, line 8, leave out "must" and insert "may".

*The following amendments stood on the
Marshalled List:*

No 47: In page 5, line 8, after "regulations" insert "in respect of integrated education".— [Mr Lyttle (The Chairperson of the Committee for Education).]

No 49: In page 5, line 19, leave out from "(including" to "option)" on line 22 and insert—

"(including measures to support integrated schools);".— [Mr McCrossan.]

No 50: In page 5, line 23, leave out "and other steps taken".— [Mr McCrossan.]

No 51: In page 5, line 29, leave out "about mandatory and standard" and insert "for".— [Mr McCrossan.]

No 52: In page 5, line 34, leave out paragraph (j).— [Mr McCrossan.]

No 53: In page 5, line 37, leave out paragraph (k).— [Mr McCrossan.]

No 54: In page 5, line 39, leave out paragraph (l).— [Mr McCrossan.]

No 55: In page 5, line 42, leave out paragraph (m).— [Mr McCrossan.]

No 56: In page 6, line 1, leave out subsections (3) and (4) and insert —

"(3) Regulations under this section may include any supplementary, incidental, consequential, transitional, transitory or saving provision the Department considers appropriate—

(a) for the general purposes, or any particular purpose, of this Act;

(b) in consequence of any provision made by this Act; or

(c) for giving full effect to the provisions of this Act.

(4) Regulations under this section may not be made unless a draft of the regulations has been laid before and approved by a resolution of, the Assembly."— [Mr Lyttle (The Chairperson of the Committee for Education).]

Miss McIlveen: As we move through the amendments and debates, we have reached the final set of decisions about the Integrated Education Bill. In this debate, we have only one clause to discuss, clause 10, which is about the power and scope of the regulations that can support the Bill. As introduced, clause 10 sets out a range of unnecessary provisions and includes a hammer blow approach that would amend primary legislation through subordinate legislation.

I refer Members to amendment No 46, which I have tabled to clause 10: rather than the Department "must" make regulations, the Department "may" make regulations. This appears to be very straightforward. However, as with so many in this Consideration Stage, this amendment cannot be taken in isolation. We must also look, in particular, at amendment No 56, tabled by the Chair of the Education Committee. That amendment, amongst other things, requires regulations to be made by draft affirmative procedure rather than negative resolution procedure, as introduced.

Regulations made by negative resolution are laid and come into operation unless they are prayed against, with a Member actively opposing them. Regulations made by draft affirmative resolution are subject to a debate and active approval by Members. Why this is important is the combination of amendment Nos 46 and 56. If the Department "must" make regulations via draft affirmative procedure, I am advised that, procedurally, this is not a straightforward combination. If approval was not given, the statutory duty to make, not draft,

regulations would still apply. The risk of the Department not being given the approval to make regulations in these circumstances would place it, through no fault of its own and due to circumstances outside its control, in breach of a statutory duty. If the Department "must" make regulations, it should be via negative resolution. Therefore, if amendment No 46 is not supported, amendment No 56 should not be supported. If the Department "may" make regulations, these can be made via negative resolution or draft affirmative resolution. I urge Members to support amendment No 46, which will make the choice at amendment No 56 much more straightforward.

On the other amendments tabled on clause 10, whilst I appreciate that amendment No 47 seeks to clarify the regulations as they relate to integrated education, it would not make a material difference to the impact of the Bill. Amendment Nos 49 to 55 represent improvements on the Bill, as introduced. I urge Members to support those amendments.

As I said, we are nearing the end of the Consideration Stage debate. The impacts of weak and unclear legislation would be felt for years to come. I would be failing in my duty, as a Member of the legislative Assembly and as Minister of Education, if I did not bring those longer-term and far-reaching consequences to the attention of the House. Thank you.

Mr Lyttle (The Chairperson of the Committee for Education): I will speak on the Education Committee's amendment Nos 47 and 56 on regulations.

In attending to the Bill's regulation-making powers, the Committee noted that clause 10(1) enables supplementary provision to be made and that clause 10(2) prescribes a list of matters for which that provision may be made. The Education Committee was content that supplementary provision was in service to the provisions of the Bill to make it work better but came to the view that the list of matters in clause 10(2) was required to be more clearly limited to the context of changes to and decisions on integrated education only. Accordingly, the Committee's amendment No 47 sets out to achieve that. The Committee consulted the Examiner of Statutory Rules (ESR) for her advice on the regulation-making powers in the Bill. We are very appreciative of that assistance. The ESR provided written advice and attended the Committee to advise on and check our understanding.

The Bill contains a number of powers, each delegated to the Department, under which

subordinate legislation might be made. Clause 10(4) provides that those powers be subject to negative resolution. Clause 10(3) provides that regulations under clause 10:

"may include provision amending other Northern Ireland legislation."

"Northern Ireland legislation" is not defined in the Bill, but it is defined in the Interpretation Act (Northern Ireland) 1954, which applies to the Bill.

That the powers include a power to amend primary legislation is a significant delegation of power from the Assembly to the Executive, given that subordinate legislation before the Assembly is not subject to amendment by the Assembly. The Examiner assisted the Education Committee in considering whether, in every case, the exercising by the Department of those powers to make legislation, particularly the power provided for in clause 10(3) to amend primary legislation, would be subject to an appropriate level of Assembly scrutiny, in the form of the negative resolution procedure. A statutory rule (SR) that is subject to the negative resolution procedure is made by the rule-making body, which is often the Department, and laid before the Assembly. It will have effect when it comes into force, when the relevant date is reached. It can be annulled by resolution of the Assembly.

At the other end of the scale of scrutiny, a statutory rule that is subject to the draft affirmative procedure is laid, in draft, before the Assembly by the Department. It may not be made unless, and until, affirmed by a resolution of the Assembly. Having considered the appropriateness of a higher degree of Assembly scrutiny in the exercising of the powers in the Bill, the Education Committee agreed that it was advisable for the Assembly to amend the Bill to ensure that statutory rules are scrutinised by the draft affirmative procedure. The Committee ascertained from the Bill sponsor the view that that was a precautionary drafting safety net to account for any unforeseen consequential impacts of the Bill. Accordingly, the Committee agreed to request a draft amendment to remove the power to amend primary legislation. Amendment No 56 combines those actions by removing clause 10(3) and (4) regarding negative resolution and by providing for appropriate regulation making, and scrutiny thereof, by the draft affirmative procedure.

Ms Brogan: I again welcome the opportunity to contribute to the debate. As we have heard, this group of amendments focuses on regulations,

as set out in the Bill. Regulations play an important part in the successful delivery of any legislation. As I mentioned in the debate yesterday, the Committee worked constructively to bring forward amendments that would improve the Bill. I therefore welcome the amendments in this group that the Committee tabled: amendment No 47 and amendment No 56, the latter of which was advised on by the Examiner of Statutory Rules. Amendment No 47 provides clarity that the regulations will relate to integrated education only, while amendment No 56 ensures that the Assembly will continue to play its part in overseeing the implementation of the Bill, if enacted. Democratic oversight is particularly important in order to ensure that the ethos and intention of the legislation is not weakened over time.

My party and I will not be supporting amendment Nos 52, 53, 54 and 55 for now. Instead, we ask the Bill sponsor to provide more clarity and define some of the phrases used in clause 10. Clause 10(2)(j), for example, mentions:

"collaboration between public bodies providing services".

Will the Bill sponsor define what those public bodies are and the services that they will be providing?

Another example is clause 10(2)(l), which talks about:

"collaboration and coordination between other stakeholders".

Again, it is important that we get clarity on those definitions. Following clarity from the Bill sponsor, the amendments and the clause could be considered again at Further Consideration Stage.

12.00 noon

Mr Speaker: I call Robin Newton. *[Pause.]* Bear with us for a minute, please.

We have a very unusual situation in that all the Members who are scheduled to speak are not in their place, so I intend to suspend for five minutes or so. I ask Members to take their ease for a few minutes, please.

The Members listed to speak are Robin Newton, Daniel McCrossan, Diane Dodds and Jim Allister.

Mr Stalford: On a point of order, Mr Speaker, just to confirm that a Member may choose not to be present to move an amendment, but, because that amendment is in the Order Paper, any Member can choose to move it. I just seek clarity on that.

Mr Speaker: You are correct in that, but we have not come to the Divisions yet.

The House took its ease from 12.02 pm to 12.04 pm.

Mr Speaker: Members, we will resume. I call Justin McNulty.

Mr McNulty: I am not sure that this helter-skelter way of doing things is the correct way to work through legislation, but that is the nature of the beast.

I welcome the opportunity to contribute to this important debate and speak on amendment Nos 46 to 71, and I do so on behalf of the SDLP. My colleague, Daniel McCrossan, is en route, and he is trying to get here as fast as he can, as he is the SDLP's education spokesperson.

Amendment No 46 is the amendment where Ms Armstrong and the Minister are negotiating over the words "must" and "may". It will go to Further Consideration Stage. Amendment No 47 has been tabled by the Chair of the Education Committee. It is better drafting. We support amendment No 48, as it addresses the concerns of the Committee.

In amendment No 49 we say that clause 10 requires the Department to make regulations supplementing the provisions of the Bill. It is sensible that regulations issue from the Bill, and the SDLP welcomes that direction of travel. It is important that the provisions of the Bill are taken forward in a structured manner, and the Department of Education should facilitate that. However, we have concerns about that. There are aspects of the provisions alluded to in the details of clause 10 that we have some difficulty with, and that forms the substance of the next seven proposed amendments. Before I go into any further detail on that, it is important to emphasise again our contentment with the general direction of regulations to support the Bill and advance the cause of integrated education. Our interventions here are an attempt to ensure that the regulations that stem from the Bill are proportionate and proper. The House must do all that it can to avoid unforeseen consequences when passing

legislation, and it is in that spirit that we approach the next seven amendments.

Our amendments to clause 10 are amendment Nos 49, 50, 51, 52, 53, 54 and 55. We have agreed with Ms Armstrong that we will not take amendment No 49 to a vote. The amendment relates to clause 10(2)(f). We have no issue with the general nature of the provision that we see laid out there, but we would like to probe the need for the specific references set out inside the brackets on the deployment of resources dedicated to integrated schools, up to the point of the information to parents advocating integrated education. In terms of creating a level playing field for all sectors, we are aware —

Mr Butler: Will the Member give way?

Mr McNulty: Of course.

Mr Butler: That specific point is a good opportunity for the Bill sponsor to outline in detail what public bodies the Member is referring to in that clause. I would prefer — without clarification at this stage — that the SDLP move that amendment, as it is useful. However, if the Member can give clarification on the public bodies that are being alluded to, we will have that on record, and perhaps that will give confidence.

Mr McNulty: There will be no opposition to that taking place.

Ms Armstrong: I was going to bring that up later on. If you note, clause 10(2) says:

"regulations may, in particular, include",

and it gives a list. It is for the Department to decide exactly what will be included in those regulations, and I understand there will be a discussion. Later, I can go into that when I am speaking. However, it can be any public body from Translink to a school meals provider, an outdoor sports centre or anything like that.

Mr McNulty: Thank you. That is certainly something that needed to be clarified.

In terms of creating a level playing field for all sectors, we are not aware of any sector having the same provision. Perhaps we can have an explanation of what is described here and how it creates a level playing field and clarification of that.

We agreed with Ms Armstrong to take amendment No 50 to Further Consideration

Stage. It is a probing amendment that is simply around the words "other steps taken". It seems a rather vague expression, and we are not sure where it will lead. Considering that we are framing legislation, we want to explore what the sponsor means. From the sentence it is found in, we clearly see that it is a matter that focuses only on the integrated education system. However, we want to know more about the substance of the "other steps taken". Once again, the House must be careful about the possibility of unintended consequences. Our amendment is put forward in that spirit.

We have also agreed to bring amendment No 51 to the Further Consideration Stage. It is a probing amendment that is trying to tease out why the words "mandatory" and "standard" are included in the text, which is wide-reaching and includes:

"all teachers, school governors, non-teaching school staff and education bodies".

It also involves initial and continuing professional development. Does the sponsor intend that that will extend to all staff and governors in every school in the land, not just the integrated ones?

We query the wisdom of trying to standardise diversity. You cannot standardise diversity. How will we ever reach a consensus? Considering the nature of diversity, is that even desirable? Remember, we will enshrine that process in statute and make it mandatory.

Ms Armstrong: Will the Member give way?

Mr McNulty: Of course.

Ms Armstrong: To clarify that point — I will talk about it later to reaffirm it — you can standardise training. It is not about standardising diversity.

Mr McNulty: Thank you. I will put more emphasis on the point. Does the sponsor intend to standardise diversity, or is it a case of needing to look at the intent and wording of the clause more carefully? I remind the House that true education enables children and young people to explore ideas and to arrive at their own conclusions. Education is designed to open minds, not close them. Diversity is an area of exploration, not standardisation. The substance of our concerns lies, once more, with the notion of potential unintended consequences.

We have also agreed to bring amendment No 52 to Further Consideration Stage as a probing amendment. It and, indeed, the next three amendments all centre on the same concern. In that amendment, we draw attention to the term "public bodies". What exactly does that refer to? Does it include all councils, Translink, the Equality Commission etc? Where does the list end? Does the sponsor really expect the Department to:

"encourage and enhance collaboration and coordination"

between all those diverse groups in providing services related to integrated education? Has that measure the potential to put a massive strain on departmental and educational resources or the resources of other public bodies? Regulations will have to be implemented and will require resources at some point. In the interests of having a level playing field, does the Department do that for anybody else? I want to see integrated schools being treated absolutely fairly, of course. However, we must be realistic about what that means for others. We want to be fair to everyone, and I believe that that is the spirit in the integrated sector also. My probing of that issue is designed to ensure that we end up with a provision that is manageable and that embraces everyone in a spirit of fairness and partnership.

We have one other reservation with how the provision is being brought forward. There is a definite cross-cutting nature in involving public bodies. Does that matter not rightfully belong in the Executive? Further, to execute that provision via the vehicle of secondary legislation brings the potential for judicial challenge much closer. The best legal understanding of the use of delegated powers by any Department in any Act is that delegated powers should be sought only when their use can be clearly anticipated and defined and that broad or vague powers are inappropriate. If we have proper regard for integrated education, we will want to legislate clearly to help that good cause by avoiding judicial challenges where possible.

We have again agreed with the Bill's sponsor to bring amendment No 53 to clause 10 to Further Consideration Stage as a probing amendment. Once again, the same problem arises with the provision. The wording in question is "persons using integrated education services". In practical terms and with the best will in the world towards supporting integrated education, which the SDLP, of course, does and always

has done, how can we expect the Department to regulate to:

"encourage and enhance coordination and collaboration"

in that context? Is the area to be covered vast? Is it another area that, in the spirit of creating a level playing field, opens up the potential for the opposite? Once again, we say that we are probing the issue to ensure that we end up with a provision that is manageable and embraces everyone in a spirit of fairness and partnership.

Mr Lyttle: I thank the Member for giving way. He makes the case that it is a probing amendment, but the proposal in the amendment is to remove provisions from the Bill. I am not entirely sure how that is a probing amendment.

I also seek clarification of why the SDLP would not wish to see provision for the encouragement and enhancement of coordination and collaboration between public bodies and, indeed, users of integrated education in its provision.

12.15 pm

Mr McNulty: I thank the Member for his comments. The SDLP has always been about partnership and working together. We are merely interested in providing the best legislation to move forward on integrated education and to create a level playing field. Again, our probing around the issue is designed to ensure that we end up with a provision that is manageable and that embraces everyone in the spirit of fairness and partnership, as that is how community cohesion is built.

We query whether the provision has the potential to be cross-cutting in nature and whether it could, therefore, fall under the remit of the Executive. Also, executing the provision via the vehicle of secondary legislation brings much closer the potential for judicial challenge. The best legal understanding around the use of delegated powers by any Department is that delegated powers should be sought only when their use can be clearly anticipated and defined and that broad or vague powers are inappropriate. If we have proper regard for integrated education, we will want to legislate clearly to help that good cause by avoiding judicial challenges where possible.

Amendment No 54 relates to clause 10. Again, we will bring that one to Further Consideration Stage as a probing amendment. Our

reservations about clause 10(2)(l) fall on the vagueness of the term "other stakeholders". That term is perhaps capable of embracing an even more nebulous group than any term that has been spoken about so far. How can it be defined? Furthermore, by engaging in that exercise, is there an issue of creating an unlevel playing field? What other sector has that provision? Again, we must be fair to everyone and move together in the spirit of equality, cooperation and partnership.

Mr Butler: I thank the Member for giving way. The Chair of the Committee made a reasonable point around clause 10(2)(k). I do not have much of a problem with that, but the use of the word "stakeholders" in clause 10(2)(l) comes to my attention only because of the concerns raised by the Council for Catholic Maintained Schools (CCMS) and representatives from the controlled sector about the level of consultation. In this instance, I imagine that the stakeholders are the other sectors. What confidence can you give to the other sectors about the level of collaboration with stakeholders? I imagine that that is what "stakeholders" refers to in that matter.

Mr Stalford: Will the Member give way? That is twice that we have had imagined interpretations of what the legislation says from the Member from Lagan Valley. Unless it is codified in law, imaginings and assurances on the Floor are worthless. If something is not defined in the Bill, it is not defined in the Bill.

Mr Butler: Will the Member give way? The Member on the Bench behind me has chuntered a few times about that issue, but the reality is that we are at Consideration Stage. When we talk things out in the Chamber, it is reported by Hansard. We have Further Consideration Stage, where we have another chance to put in what has been said and commended by me, the Bill sponsor and anybody else in the Chamber. Anything that is said is absolutely useful. It is on the record, and it can be used to develop good legislation.

Mr Stalford: I appreciate that, but, if something is not defined in the legislation, the Member's imaginings of what it means are solely content that exists between his ears. If it is not in the law, it is not in the law. Like John Lennon, you can imagine all you like, but, if it is not there, it is not there.

Mr McNulty: We are all here to make good law; that is why the debate is so important and why all contributions should be made in the proper

spirit. We have seen that to date, and it is very positive.

I have lost my place, so forgive me if I repeat myself. We query whether the provision has the potential to be cross-cutting in nature and whether it could, therefore, fall under the remit of the Executive. Also, executing the provision via the vehicle of secondary legislation brings much closer the potential for judicial challenge. The best legal understanding around the use of delegated powers by any Department is that delegated powers should be sought only when their use can be clearly anticipated and defined and that broad or vague powers are inappropriate. If we have proper regard for integrated education, we will want to legislate clearly to help that good cause by avoiding judicial challenges where possible. I have said all that before.

Amendment No 54 relates to clause 10. Again, we agreed with the Bill sponsor that we would take that amendment to Further Consideration Stage as a probing amendment. Our reservations about it fall on the vagueness of the term "other stakeholders". That term is perhaps capable of embracing an even more nebulous group than any term that has been spoken about so far. How can it be defined? Furthermore, by engaging in that exercise, is there an issue of creating an unlevel playing field? What other sector has that provision? Again, we must be fair to everyone and move together in the spirit of equality, cooperation and partnership.

We query whether this provision, too, has the potential to be cross-cutting in nature and therefore fall under the remit of the Executive. Further, to execute this provision via the vehicle of secondary legislation brings the potential for judicial challenge much closer. The best legal understanding of the use of delegated powers by any Department is that they should be sought only when their use can be clearly anticipated and defined, and that broad or vague powers are inappropriate. If we have proper regard for integrated education, we will want to legislate clearly to help this good cause by avoiding judicial challenges where possible.

We are happy to bring amendment No 55 to clause 10 to Further Consideration Stage. It is an appropriate amendment.

I come to our final proposed amendment to clause 10, and we see much good intention in the direction of travel in this clause. Therefore, it is with a somewhat heavy heart that we once again query not the motivation or desire behind the provision but the vehicle chosen to take us

to the destination. Perhaps, if the sponsor were to describe in more detail what she hopes to achieve and how that would be achieved, we could have those reservations put to rest. As it stands, however, we query whether this provision, too, has the potential to be cross-cutting in nature and therefore fall under the remit of the Executive. Further, to execute this provision via the vehicle of secondary legislation brings the potential for judicial challenge much closer. The best legal understanding on the use of delegated powers by any Department is that they should be sought only when their use can be clearly anticipated and defined, and that broad or vague powers are inappropriate. If we have proper regard for integrated education, we will want to legislate clearly to help this good cause by avoiding judicial challenges where possible.

We support amendment No 56, which brings greater clarity.

Jim Allister, in giving notice of his intention to oppose clause 10, seeks to remove it altogether. We are against that. It is, we feel, too severe a measure.

I move to clause 11. We support amendment No 57, just correcting a typing error. We have no problem with amendment No 58, which is dealt with by a previous amendment. Amendment No 59 from the Chair of the Education Committee is helpful. It brings the guidance under the scrutiny of the Assembly, so we support it. Amendment No 60 is from Daniel McCrossan.

Clause 11 states:

"The Department of Education may give guidance about —

(a) the implementation or application of a provision of this Act".

As a general direction of travel, this clause is most reasonable. Indeed, it is important that the Department issue guidance. Here is our challenge with it: to whom should the guidance be issued? Stating:

"other public authority with functions relating to education"

casts a very wide net. The question has to be asked: how onerous a duty have we imposed? Furthermore, is this necessary or helpful in every instance? For example, as written, clause 11 would include sending guidance to health and social workers who are engaged with some of the most vulnerable children and young

people in our education system. We must be clear: the focus for such health and social workers should be the child whom they are supporting, not integrated education.

Mr Newton: I thank the Member for giving way. Does the Member recall that, when advice was given to the Committee on these regulations, they were categorised and referred to as Henry VIII regulations? Will the Member comment on the amendments and how they fit in with Henry VIII regulations?

Mr McNulty: I do not care to comment.

We must be clear: the focus for such health and social workers should be the child whom they are supporting, not integrated education. We should remember that such services may be dealing with matters of life and death. Resources in the vital area of child protection are already spread too thinly. We must not seek to bring other priorities to bear. I believe that many supporters of integrated schools will wholeheartedly agree with what I am saying and will understand what I am alluding to. That could most certainly be considered an unintended adverse consequence. Our proposed amendment to clause 11 has the intention of removing such unintended consequences by focusing on the core group that the guidance will be relevant to. It is that simple. I trust that the House will see the intent of our proposal and see that our desire is to protect vulnerable children, including those in integrated schools, by enabling social workers and others to concentrate on their vital core functions.

On amendment No 61 to clause 12 from the Minister, we are saying no; if amendment No 2 falls, that will fall with it. On amendment No 62 to clause 12 from the Minister, we are saying no; if amendment No 2 falls, that will fall with it. On amendment No 63 from the Minister, we are saying no; if amendment No 2 falls, that will fall with it. On amendment No 64 from the Minister, we are saying no; if amendment No 2 falls, that will fall with it. On amendment No 65 from the Minister, we are saying no; if amendment No 2 falls, that will fall with it. It is the same for amendment Nos 66, 67 and 68.

Amendment No 69 is from the Chair of the Education Committee and removes an unnecessary subsection. Some Members want to remove clause 12 altogether, and we are saying that that is too severe a measure. On amendment No 70 to clause 13 from the Minister, we are saying yes, because it is consistent with changes to clause 6. Amendment No 71 from the Minister is linked to

amendment No 7; if amendment No 7 falls, that will fall with it.

My friends, that finishes my remarks for now.

Mrs Dodds: Thank you, Mr Speaker, for your forbearance. I made the rookie mistake of attending the start of the Education Committee meeting this morning from home, which, in hindsight, was not the best thing to do.

For the third day, I rise to speak on the Integrated Education Bill — this time, to the group 4 amendments. Before I speak to specific amendments, we should maybe address some of the issues that were raised by my colleague on what is in the Bill, which will be the law, what we might want in it or what we think might be good in it. I take us back to the debate yesterday and to the clarification offered by Deputy Speaker McGlone on what the Further Consideration Stage actually is. It is for tidying up the Bill, not for making large amendments, so whatever we agree to being in the Bill will largely stand.

Mr Stalford: I am grateful to the Member for giving way. Does she agree that those who would have been satisfied with tweaks to the legislation as was are basically living on a wing and a prayer and hoping for the best outcome rather than studying its content and seeing what it actually says?

Mrs Dodds: Again, the Member's comments go to the heart of the argument that I have made over the last number of days. We are making legislation that will have far-reaching implications, not just for the integrated sector but all the other sectors in education. I fear that some people in the House are making legislation with their fingers crossed and are hoping for the best, which is very worrying. It is important to get that on the record so that everyone understands that what we are doing now will have a huge impact on all our children, including the 90% who are educated in maintained and controlled schools. That is hugely important.

Mr Butler: Will the Member give way?

Mrs Dodds: Yes, of course I will.

Mr Butler: Will the Member outline exactly what the pressures will be on the children in those schools and how they will manifest in their education? We have heard quite a lot about that. You are absolutely right, and I do not want anybody to think that that is not foremost in the

minds of all Committee members. Will you detail what those pressures will be?

12.30 pm

Mrs Dodds: I thank the Member for his intervention. I will come on to look at what some of those pressures will be. We have established that, if we place a duty in law on the Minister that is for one particular sector and do not make it applicable to all sectors, that duty in law will have pre-eminence. That will lead to consequences for funding, and it will have huge consequences for area planning. We have to take cognisance of that. If we place that duty, as the House is rushing headlong to do, we must realise that the consequences for the other sectors will be quite significant.

I want to progress to clause 10. I confirm that we, of course, support the Minister's amendment No 46, which will take out the word "must" and put in "may". Why is that particularly important? It is important because clause 10 has the potential — I am not the Minister of Education, but this is a passion of mine — to clog up the Department if it has to talk to everybody and anybody about the sole issue of integrated education, which will be the case if we agree to the Committee's amendment on that. So, we are not going to talk about transport in a holistic way, and we are not going to talk about the transport issues that my constituents in the Portadown and Lurgan area are hugely concerned about at the moment, but we are going to talk about transport only "in respect of integrated education". The remit there is absolutely huge.

The Member for the SDLP has left the Chamber. It is somewhat ironic that, despite the fact that I and my colleagues have spent the last two days talking about what is fair and equitable, we are hearing about that from the SDLP only at this point in the debate. It would absolutely clog up the system if that were done for only one sector.

We are:

"to encourage and enhance coordination and collaboration between public bodies providing services in relation to integrated education".

If we do not accept the Minister's amendment, the Minister "must" make regulations on that. We are not talking about what she "may" do; she "must" do that. I am not terribly sure how on earth we will do that and how the Minister will start an exercise in which she makes sure

that she looks at every public body across Northern Ireland and at how they provide services for integrated education — one sector only. A huge sector of her Department "must" be involved in that area.

Mr Stalford: I am grateful to my colleague for giving way. The regulations include the words "targets", "benchmarks", "data capture" and "monitoring" etc. Does my colleague agree that the content of the clause, if implemented, will require the creation of an enormous bureaucratic structure in the Department of Education in order to cater for the demands that are laid in the legislation, which covers 10% of all school pupils? We will have an enormous bureaucratic structure looking after one in 10 children. The other 90%? They can swim alone.

Mrs Dodds: That is the point that I am making. The point is about fairness. That is really important. The point is about fairness to all our children and across all the education sectors. We in the House simply cannot ignore that if we are concerned about the majority of children in our system.

Mr Lyttle: I thank the Member for giving way. The Member for South Belfast queries the inclusion of targets in the Bill. The tackling paramilitarism strategy, adopted by the Northern Ireland Executive, includes a recommendation on specific measurable targets for the reduction of segregation in education. Are we now saying that we do not accept the recommendations of that Executive strategy and that they, therefore, cannot be provided for in other provisions?

Mrs Dodds: The Member is throwing dust in the air, and I will not go down a rabbit hole on another strategy. We are here looking at and examining the draft legislation as it appears in the Bill and at what will potentially be the law in Northern Ireland. The onus from and the import of the Bill for the Department of Education will relate only to integrated education. It is a long time since I have refreshed my memory on the draft strategy, but I suspect that it relates to all sectors of society and all people. This relates only to integrated education. The onus from the Bill on the Department would be enormous in that the Minister would be obliged to make these recommendations for one sector only.

Mr Stalford: I thank the Member for giving way. Would the Member agree that it is outrageous to suggest that it is only possible to target segregation in our society through increased provision of integrated education? Will she suggest that the Member for East Belfast

should go to schools in his constituency, like Ashfield Boys' High School, Grosvenor Grammar School, Ashfield Girls' High School and Campbell College, and tell them that, because they are outside of the Alliance Party's chosen and favoured sector, they do not have a role to play in targeting division in our society?

Mrs Dodds: We all have a role to play. All sectors have a role to play. Much has been made recently of the comment about ending apartheid in our education system. My former party leader Peter Robinson was actually the first person to say that, and, after that, he and the Assembly delivered the Shared Education Act. There are many ways in which we should be tackling the issues of segregation, sectarianism and so on. As I have said on the record in the House and as I passionately believe, a stable, prosperous Northern Ireland will give opportunity to all of its people, including its young people, in all sectors. My problem with the Bill is that it does that only for one particular sector.

Mr Lyttle: Will the Member give way?

Mrs Dodds: I want to make progress, so I will not take any more interventions at the moment.

We will support the SDLP amendments to clause 10, if they are moved, because we feel that they present a more realistic view of what the Minister could or should do on integrated education.

I will finish on this group by referring to figures that were given at the early part of this morning's Education Committee — the bit that we all got to. The Department of Education finance director told us that, during the next three-year Budget period, just to stand still, the Department will require an additional £195 million in year 1, an additional £240 million in year 2 and an additional £300 million in year 3.

Much has been said about fairness, equality and so on, and the Bill sponsor says that that is the point of the Bill. However, the real inequality in education is shown in the numbers who are in receipt of free school meals; as I quoted, 28% of pupils in the controlled sector receive free school meals. That is where the real inequalities in education lie. We need to fund programmes like A Fair Start so that we give all of our children, from the moment that they start school and enter the system of education, the best opportunity that they possibly can have. That is why clause 10, in itself, would be onerous and very difficult for the Minister to

actually implement. Again, I make the point that it is an onerous obligation in one sector only.

My colleague Mr Newton referred to the advice that we were given on subsections (3) and (4) of clause 10 that the regulations could be made under amending legislation. The legal advice and so on that we received stated that that would be an unusual step, giving the Minister enormous power, should the regulations be brought to the Assembly, and the House be minded to make them. The Committee amendment somewhat alleviates that issue.

I will finish speaking on this group of amendments by going back to some of the issues that I have raised over and over during this very lengthy debate. We all want to see our children learn together, play together and work together, but supporting only one sector, or disproportionately supporting one sector over another, will not achieve that goal. Some of the issues that we have discussed will make it difficult for the Department to distribute finite resources, because it will have a legal obligation to fulfil the additional duties required by the Bill.

I am not blind to the need to make change in education. I have many ideas that are perhaps more radical than those of most on this side of the House about what that change should look like and how it should progress. I would like to see our children more appropriately educated for the world of work. I would like to see much greater connection among the world of work, schools and the Careers Service. There are many things that we could do in the sphere of education, but the right place in which to discuss the issues in the Bill and those other changes is in the independent review of education, not by taking something on its own and running with it for one sector only.

Mr Speaker: I call Kellie Armstrong, the sponsor of the Bill.

Ms Armstrong: Thank you, Mr Speaker. I was not expecting to be called this quickly. I think that we have all found that the Bill has taken a very long time. Before I go into the details, I thank all Members. The Bill must be a record-breaker for time spent on Consideration Stage, not only for a private Member's Bill (PMB) but for any Bill. I thank in particular the Minister and her Department for their engagement. As I said at the start of the process, my ears were open, and I wanted to work to make sure that the legislation was good.

I also thank the Committee, and I say to it: you put me through the wringer. We had open and

frank discussions, and, as I said I would, I tabled the amendments that you wished me to, making sure, of course, that they were in scope. At this point, I thank our Bill Office. I know that Caroline Perry has been sitting at the Table as long as we have during this. Thank you so much, Bill Office. I have gone through the full Assembly process for the Bill, and we are not out of the woods yet. We still have Further Consideration Stage — Caroline will be looking at me — and Final Stage to go, but the work has been very much appreciated.

She will be very cross with me for using her name, but others have mentioned Fiona McAteer, my policy and research officer, who has lived the Bill with me. Babies have been born, houses have been moved, we have had funerals: we have had everything throughout our time with this Bill. It has been the longest almost-six years of our lives.

I put on record those thanks and also my thanks, Mr Speaker, to you and your team. I appreciate that the Bill has taken you and your staff a long time, with all the voting and everything else that has happened. Thank you very much for enabling that.

I will move on now to the group 4 amendments on regulations. I thank everyone for tabling amendments. When I met the Department last Friday to discuss its amendments, it brought to my attention the fact that there may be an anomaly in the Bill that will need to be sorted out at Further Consideration Stage.

12.45 pm

I have to say that I cannot support the Minister's amendment No 46, in which she asks to change the word "must" to "may". My policy intent to require the Department to make regulations is because, throughout my work on the Bill, I felt that we needed to hold the Department's feet to the fire. We wanted the Department to make regulations so that, when it was going through the detail, it could spell out exactly what it needed. Clause 10(2) says that:

"The regulations may, in particular, include".

It sets out how the data would be captured and the formulation and measurement of targets. It is very important, however, to point out that clause 10(2), which nobody has amended, says "may". It was drafted in that way in order to give the Department the ownership of what those regulations would include.

I can understand the Minister saying that, if the Committee's amendment goes forward, that may create an anomaly. However, throughout the Bill's progress, it has been said how important legal advice is. As an MLA, I cannot stand here and go against advice that has been provided to the Committee by the Examiner of Statutory Rules and that is in the report. The Examiner of Statutory Rules looked at the Bill and decided that it needed to be laid before the Assembly. I had it in the Bill that it should be by way of negative resolution — but the Committee has brought it forward in a different way as a result of the recommendations of the Examiner of Statutory Rules, so I cannot stand against that. I have always said that when a legal person tells me what to do, I believe them because they are the professionals.

I am content to support the Committee on amendment No 47. It makes the clause explicit, and I am happy to support that.

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

The amendments that may or may not be moved by Mr McCrossan or anyone else — amendment Nos 49, 50, 51, 52, 53, 54 and 55 — are all in the "mays" and are within the gift of the Department of Education to decide whether or not to take forward. It can clarify or change that. I have tried my very best to make the Bill not so restrictive as to make it impossible for the Department. When it comes to all of those lines in 10(2) that include all of the amendments that the SDLP and others are concerned about, I have to say that unless you make that a "must" as well, those are in the gift of the Department to decide on.

I am saying to everyone here that we still have the Further Consideration Stage. I read through Mr McCrossan's amendments, and I know that they were probing amendments to leave out the references to coordination and collaboration. Nevertheless, I believe that efforts to coordinate and collaborate are very welcome. The House has already agreed to a future single education system that will have to involve collaboration and coordination. That is already happening across most sectors, and we all know that it needs to happen if a successful single education system is to progress.

Mr Lyttle: I thank the Member for giving way, and I will say this as calmly as I can. The vision and policies of my colleagues and I have been misrepresented frequently, often with quite grave consequences, to be serious about it. I will not allow Mr Stalford or any of his colleagues to misrepresent me on my respect

for all educators in schools across Northern Ireland and particularly in East Belfast, the constituency that I am proud to represent. At no point have I ever said, nor does the Bill provide, that controlled, maintained or any other type of school cannot contribute to the building of a more united community in Northern Ireland. This is but one way of doing so, and I am grateful for the opportunity to correct the scurrilous misrepresentation that I would ever say otherwise.

Ms Armstrong: I thank the Member for his contribution. Just to follow up on that, it has been mentioned so many times that I have not included references to other sectors in the Bill. I cannot do that, because this is the Integrated Education Bill, and it would be outside the scope of the Bill to make presumptions against any other sectors. Although this is the third day of Consideration Stage, Members have the option to bring forward their own legislation or private Member's Bills if they so wish. In fact, if the Minister so wishes, when she makes the regulations that supplement the Bill's provisions when it becomes an Act, she could do something along those lines for other sectors. I am not stopping that from happening; I just cannot include it in the Integrated Education Bill.

I understand the Department's concerns. I listened last Friday. My ears have been open, as anybody on the Committee can tell you. I will be happy, between now and Further Consideration Stage, to sit down with the Department and look at the terminology used in clause 10:

"The Department of Education must make regulations supplementing the provisions of this Act."

I am not prepared to go as far as "may" because that takes the feet off the fire. However, there may be another word that we can find that means that the regulations can be taken forward. I did not ever intend to change clause 10(2), where it says that:

"The regulations may, in particular, include".

That is a huge risk, because the Department can decide to put whatever it wants into those regulations. However, the Department is full of professionals who know what they need to do to deliver on a report and bring it forward. As I say, the Committee has decided that it wants it in the affirmative, so it will have to come before the House. That was not my doing. However,

as I said earlier, who am I to argue against the Examiner of Statutory Rules?

There are generalities used in the clauses. I do not apologise for them, because I expect the Department to make the final decisions on that. That is the right place for that to happen. It has the professionals who work with all the sectors, and it can define that later. I have suggested:

"The regulations may, in particular, include".

The list is there. Taking them in or out, to be quite frank, is not really going to change the powers that we have already given to the Department.

Mr Stalford: I am grateful to the Member for giving way. Subsection 10(1) uses the word "must", and 10(2) provides the word "may". I have heard the explanation that she gave for that, but does she not accept that that opens up the clear possibility of legal action against the Department by those who will interpret 10(1) in terms of "must"? The Member must establish where the balance lies between "must" and "may", if that clause goes through as it is.

Ms Armstrong: I thank the Member for his intervention. The key word that he used is "interpret". I have it very clearly that it is "must make regulations". There is no ambiguity in that. The Minister has asked for an amendment to change it to "may".

Mr Humphrey: I am grateful to the Member for giving way. Earlier in her contribution she talked about the legal advice that was given to the Committee, and she asked who was she to go against it. Does she agree with me that that is how the said solicitor will interpret the law? Again, it is a matter of interpretation.

Also, when she responded to an intervention earlier, she was going to expand more on diversity. I ask the Member to expand on what she means by "diversity" and address the issue that some of us have concerns about: the lack of diversity that has been mentioned so far in the Bill.

Ms Armstrong: Thank you very much for that. To be honest, the choice between the words "must" and "may" is a policy intent. It is not legal. It does have legal implications, but the decision to change it from "must" to "may" is a policy intent, as opposed to anything else. As I explained earlier:

"The regulations may, in particular, include".

Throughout that subsection, there are suggestions for that.

It talks about the "mandatory and standard" piece that the SDLP had considerations about. Throughout this Bill, when we were doing some research, we met St Mary's and Stranmillis teacher training colleges. We looked at the postgraduate certificate in education (PGCE) at the University of Ulster — my goodness, there were so many people — to see what the content was of their diversity and inclusion training, which they all provide, they were very different in type. You might have one place that does a number of hours and another that does a module. It was very different.

With regard to "mandatory", in integrated education, governors, classroom assistants and non-teaching staff all go through integrated education and understanding of what an integrated school is, what integration is and so on. I have not dealt with the content of the course. I just say that we need to have a standardisation so that we can say to all teachers that there is a standardised approach. For those schools who wish to put their board of governors through that — I do not force it — here is a standardised approach. That will probably be developed by St Mary's and Stranmillis, I guess.

Mr Lyttle: I thank the Member for giving way briefly. Does she acknowledge that many of the parties in the House have frequently supported mandatory and standardised initial teacher training in many other areas of provision, such as autism and restraint and seclusion?

Ms Armstrong: Absolutely. Throughout the passage of the Bill, I have declared an interest as a governor of two schools. I have attended Education Authority and other training. I have attended so many kinds of training to make sure that I provide good governance in the schools that I work with. That is part of:

"The regulations may, in particular, include".

I have not —

Mr Stalford: Will the Member give way?

Ms Armstrong: Yes.

Mr Stalford: Does the Member agree, in all sincerity, that comparing training for working with children who have disabilities or autism with training to inculcate a particular ethos as to how education is delivered is not comparing like with like?

Ms Armstrong: I did not say that that was the only training that I took. Mr Speaker, sorry, now it is Mr Deputy Speaker — that changed quickly — as someone who had a relative with autism, I take a slight from that comment.

Look, here we are. Amendment No 46 is in front of us, through which the Minister wants to take out "must" and replace it with "may". I am not minded to do so, because I want regulations supplementing the Bill's provisions to be made. I am happy to sit down with the Department following Consideration Stage. If a reasonable amendment can be made, I or the Department can table it. My ears have been open, and I have reacted to everything that has been said. At clause 10(2):

"The regulations may, in particular, include"

gives the Department the opportunity to choose. If the House decides to take out those things, to be honest, I say that the Department can put whatever it wants into regulations at a future stage. The Bill will not stop it doing so.

Mr Humphrey: Will the Member give way?

Ms Armstrong: Not just at the moment, thank you.

If any Member wishes me to make that more concrete by changing clause 10(2), I would not be happy to do that, but, if others tell me that the way forward is to have "the regulations must, in particular, include", we will then have to define absolutely who the stakeholders, public bodies and all those organisations are. At this stage, however, I have left that open.

Mr Humphrey: Will the Member give way?

Ms Armstrong: Yes, certainly.

Mr Humphrey: I return to the point that Mr Stalford made. To be fair, you have made reference on a number of occasions to the must/may issue. "Must" is compelling. I think that I heard you right in saying that the legal advice that the Committee received —

Ms Armstrong: No *[Inaudible.]*

Mr Humphrey: I thought that I had heard you say that.

Legal advice is subjective. You and the House should consider that you are almost throwing out an opportunity to look at other wording. If you are not comfortable with "may" but are

happy to look at other wording, now is the time to accept that there are concerns, probably across the House, on the wording. Your consideration of legal opinion will be different from that of others, and a different legal opinion will come from another solicitor or barrister. You need to be mindful of that, of the implication and compulsion that "must" will have for the Department, as was said by my colleague from Upper Bann, and of the huge financial pressures that the Department is already under. We all know that, as governors of schools — I declare an interest as a governor of two schools and a former member of the Committee. You will be aware of those pressures, and you will add to them.

Ms Armstrong: I thank the Member very much for his contribution. I am glad that he has understood what I have said, because I absolutely mean "must". I have not changed it. It is the Minister who is asking for "must" to be taken out and replaced with "may". I am happy to keep "must" in. I have said that I will not support that amendment.

I have heard from so many people that, somehow, enabling parental preference for integrated education will harm funding for other schools. 'A Fair Start' was mentioned today. Really? If we in the House respect parental preference, it is not about taking away from one because of the other; it is about allowing parental preference to take place where that option exists.

Miss McIlveen: Will the Member give way?

Ms Armstrong: I will not give way. Sorry.

1.00 pm

For instance, one of the schools of which I am on the board is oversubscribed by 150 pupils, and there is a temporary variation of 20 places. What happens to the other 130 pupils? They cannot go to any other integrated school because all the other integrated schools that are close by are full. The parents have no choice. Their preference is not taken into account. The cost per child of the 130 pupils who do not go to that integrated school is lost to another sector. That is what happens at the moment. A modal shift is happening. In poll after poll, 71% of parents say that they would prefer integrated education or for children to be educated together. The view of that 71% is not being addressed.

Of course, some will turn round and say that integrated schools have spare places. A spare

place in Drumragh in Omagh is not much help to my constituents in Strangford. All sectors have spare places. We have heard about small schools. I have said on record in the House that the only primary school that should absolutely be allowed to have under the numbers is on Rathlin, because of its geographical area. In Scotland, Highlands and Islands legislation deals with that and talks about why a small school would be there.

I will come back to —

Mr Newton: Will the Member give way?

Ms Armstrong: I will not give way. Sorry.

I will get back to group 4. It is hard to believe that we are still here. I have spoken with the SDLP about the group 4 amendments and am content that, as Mr McNulty said, it will take parts through to Further Consideration Stage. I will continue to work with all of you on this. My door is open, and Fiona and I will probably send you guys lots of emails and ask for meetings following this debate. We still have work to do. This is not Final Stage. We are about creating good and right legislation. The integrated education movement has watched how encouragement and facilitation has happened over the past number of years. That is why I will go for what is in the Bill, which is:

"The Department of Education must make regulations".

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

Miss McIlveen: I had not intended to do this but, given that a number of Members were not present at the beginning of the debate, I feel that I should repeat some of my initial remarks about my concerns about amendment No 46, which I tabled, and its linkage to amendment No 56, which was tabled by the Committee.

Amendment No 46 to clause 10 means that the power to make regulations would be an enabling power. That is important when we link it to amendment No 56, which would make the regulations subject to the draft affirmative approval procedure. If the Department "must" make regulations, then, in optimal procedural terms, the regulations should be made via negative resolution. If the Education Committee's amendments to subsections (3) and (4) are agreed and the regulations are to be made via draft affirmative resolution, the power should be enabling: the Department "may" make the regulations. I am very clear

about the risk if the duty for the Department to make regulations were to be subject to the draft affirmative approval process. That is my concern. That could leave the Department in breach of its statutory duty if approval were not given. That is my concern, which relates primarily to the Committee's amendment. If amendment No 46 is not supported, which the Bill sponsor has indicated, my request is that amendment No 56 not be supported. I therefore urge Members to support amendment No 46, which will make the choice about amendment No 56 more straightforward, because it will not matter one way or another.

Although I appreciate that amendment No 47 seeks to clarify that the regulations relate to integrated education, I do not believe that that makes a material difference to the impact of the Bill. Again, I urge Members to support amendment Nos 49 to 55, which, I am sure, Mr McCrossan will be delighted about.

In the Chamber, we will have to face up collectively to the implications of the final legislation that emerges from this process. Throughout the process, I have taken that responsibility very seriously. I hope that Members do likewise in the last moments of the Consideration Stage debate.

Mr Deputy Speaker (Mr McGlone): The Speaker clarified earlier that, for any amendment, if the Member who tabled it is not present, it may be proposed by another Member.

Question put, That the amendment be made.

Mr Deputy Speaker (Mr McGlone): I remind Members to continue to uphold social distancing and that those who have proxy voting arrangements in place should not be in the Chamber.

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

Question put a second time.

Mr Deputy Speaker (Mr McGlone): Before the Assembly divides, I remind Members that, as per Standing Order 112, the Assembly currently has proxy voting arrangements in place. Members who have authorised another Member to vote on their behalf are not entitled to vote in person and should not enter the Lobbies. I remind all Members of the requirements for social distancing while the Division takes place. I ask Members to ensure

that they retain a gap of at least 2 metres between them and others when moving around the Chamber or the Rotunda and especially in the Lobbies. Please be patient at all times, observe the signage and follow the instructions. After the vote, I will announce a 15-minute comfort break for Members.

The Assembly divided:

Ayes 38; Noes 48.

AYES

Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Harvey and Mr Newton

NOES

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

Tellers for the Noes: Mr Blair and Mr Lyttle

Question accordingly negated.

Mr Deputy Speaker (Mr McGlone): Members, we will now take a short recess. I anticipate that business will be back by 1.50 pm or ten to two where I come from.

The debate stood suspended.

The sitting was suspended at 1.30 pm and resumed at 1.54 pm.

Debate resumed.

Mr Deputy Speaker (Mr McGlone): We move to amendment No 47, which has already been debated.

Amendment No 47 made:

In page 5, line 8, after "regulations" insert "in respect of integrated education".— [Mr Lyttle (The Chairperson of the Committee for Education).]

Amendment No 48 proposed:

In page 5, line 18, leave out "promote" and insert "support".— [Ms Armstrong.]

Question put, That the amendment be made.

Mr Deputy Speaker (Mr McGlone): We have already agreed to speedy voting. I have been advised by the party Whips that, in accordance with Standing Order 113(5)(b), there is agreement to dispense with the three minutes and move straight to the Division.

I remind all Members of the requirement for social distancing while the Division takes place. Please ensure that you retain a gap of at least 2 metres between yourself and other Members when moving around the Chamber, the Rotunda and particularly the Lobbies.

The Assembly divided:

Ayes 57; Noes 29.

AYES

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

Tellers for the Ayes: Mr Blair and Mr Lyttle

NOES

Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robison, Mr Stalford, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Harvey and Mr Newton

Question accordingly agreed to.

Amendment No 49 proposed:

In page 5, line 19, leave out from "(including" to "option)" on line 22 and insert—

"(including measures to support integrated schools);".— [Mr McCrossan.]

Question put, That the amendment be made.

Mr Deputy Speaker (Mr McGlone): I am advised by party whips that, in accordance with standing order 113(5)(b), there is agreement that we can dispense with the three minutes and move straight to the Division.

I remind all Members of the requirement for social distancing when Divisions take place. Please ensure that you maintain a 2 metre gap between yourself and other people when moving around.

The Assembly divided:

Ayes 40; Noes 38.

AYES

Mr Allister, Mr M Bradley, Ms P Bradley, Ms S Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Catney, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Durkan, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Ms Hunter, Mr Irwin, Mrs D Kelly, Mr Lyons, Mr McCrossan, Mr McGrath, Miss McIlveen, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Middleton, Mr Newton, Mr O'Toole, Mr Poots, Mr Robison, Mr Stalford, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mrs Dodds and Mr Harvey

NOES

Dr Archibald, Ms Armstrong, Ms Bailey, Mr Blair, Mr Boylan, Ms Bradshaw, Ms Brogan, Ms Carroll, Mr Delargy, Mr Dickson, Ms Dillon, Ms

Dolan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McGuigan, Mr McHugh, Mr Muir, Ms Á Murphy, Mr C Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Ms Sugden, Miss Woods.

Tellers for the Noes: Mr Blair and Mr Muir

Question accordingly agreed to.

Amendment No 50 made:

In page 5, line 23, leave out "and other steps taken".— [Mr McCrossan.]

Amendment No 51 made:

In page 5, line 29, leave out "about mandatory and standard" and insert "for".— [Mr McCrossan.]

Amendment No 52 made:

In page 5, line 34, leave out paragraph (j).— [Mr McCrossan.]

Amendment No 53 made:

In page 5, line 37, leave out paragraph (k).— [Mr McCrossan.]

The following amendment stood on the Marshalled List:

In page 5, line 39, leave out paragraph (l).— [Mr McCrossan.]

Amendment No 54 not moved.

Amendment No 54 proposed:

In page 5, line 39, leave out paragraph (l).— [Mr Stalford.]

Question put, That the amendment be made.

Mr Deputy Speaker (Mr McGlone): I have been advised by the party Whips that, in accordance with Standing Order 113(5)(b), there is agreement that we can dispense with the three minutes and move straight to the Division. I remind all Members of the requirement for social distancing while the Division takes place. Ensure that you retain a gap of at least 2 metres between yourself and other people.

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

The Assembly divided:

Ayes 38; Noes 38.

AYES

Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Newton and Mr Stalford

NOES

Dr Archibald, Ms Armstrong, Ms Bailey, Mr Blair, Mr Boylan, Ms Bradshaw, Ms Brogan, Mr Carroll, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McGuigan, Mr McHugh, Mr Muir, Ms Á Murphy, Mr C Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Ms Sugden, Miss Woods.

Tellers for the Noes: Mr Blair and Mr Muir

Question accordingly negatived.

The following amendment stood on the Marshalled List:

In page 5, line 42, leave out paragraph (m).— [Mr McCrossan.]

Amendment No 55 not moved.

Amendment No 55 proposed:

In page 5, line 42, leave out paragraph (m).— [Mr Stalford.]

Question put, That the amendment be made.

Mr Deputy Speaker (Mr Beggs): I remind all Members to maintain social distancing of 2 metres during the Division.

The Assembly divided:

Ayes 29; Noes 37.

AYES

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

Tellers for the Ayes: Mrs Dodds and Mr Harvey

NOES

Dr Archibald, Ms Armstrong, Ms Bailey, Mr Blair, Mr Boylan, Ms Bradshaw, Ms Brogan, Mr Carroll, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lyttle, Mr McAleer, Mr McGuigan, Mr McHugh, Mr Muir, Ms Á Murphy, Mr C Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Ms Sugden, Miss Woods.

Tellers for the Noes: Mr Blair and Mr Muir

Question accordingly negatived.

Mr Deputy Speaker (Mr Beggs): Members, I propose, by leave of the Assembly, to suspend the sitting until 3.00 pm.

The debate stood suspended.

The sitting was suspended at 2.55 pm and resumed at 3.01 pm.

Debate resumed.

Amendment No 56 proposed:

In page 6, line 1, leave out subsections (3) and (4) and insert —

"(3) Regulations under this section may include any supplementary, incidental, consequential, transitional, transitory or saving provision the Department considers appropriate—

(a) for the general purposes, or any particular purpose, of this Act;

(b) in consequence of any provision made by this Act; or

(c) for giving full effect to the provisions of this Act.

(4) Regulations under this section may not be made unless a draft of the regulations has been laid before and approved by a resolution of the Assembly."— [Mr Lyttle (The Chairperson of the Committee for Education).]

Question put, That the amendment be made.

Mr Deputy Speaker (Mr Beggs): I remind Members to maintain 2 metres of social distance during the vote.

The Assembly divided:

Ayes 49; Noes 38.

AYES

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

Tellers for the Ayes: Ms Bailey and Ms Brogan

NOES

Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mrs Dodds and Mr Newton

Question accordingly agreed to.

Mr Deputy Speaker (Mr Beggs): Before I put the next Question, I remind Members that we have debated the Member's opposition to clause 10 stand part, but the Question will be put in the positive as usual.

Question put, That the clause, as amended, stand part of the Bill.

Mr Deputy Speaker (Mr Beggs): Again, I remind Members to maintain 2-metre social distancing while in the Lobbies and during the process.

The Assembly divided:

Ayes 48; Noes 38.

AYES

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

Tellers for the Ayes: Ms Bradshaw and Mr Muir

NOES

Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Harvey and Mr Newton

Question accordingly agreed to.

Clause 10, as amended, ordered to stand part of the Bill.

Clause 11 (Guidance)

Amendment No 57 made:

In page 6, line 8, leave out "11" and insert "10".— [Ms Armstrong.]

Mr Deputy Speaker (Mr Beggs): Mr Jim Allister is not in his place to move amendment No 58.

Amendment No 58 proposed:

In clause 11, page 6, line 8, leave out paragraph (b).— [Mr Newton.]

Question put, That the amendment be made.

Mr Deputy Speaker (Mr Beggs): I remind Members to maintain 2-metre social distancing during the Division.

The Assembly divided:

Ayes 29; Noes 57.

AYES

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

Tellers for the Ayes: Mrs Dodds and Mr Harvey

NOES

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

Tellers for the Noes: Ms Bradshaw and Mr Lyttle

Question accordingly negatived.

Amendment No 59 proposed:

In page 6, line 9, at end insert —

"(1A) *The Department of Education must—*

(a) lay the guidance, and each revision, before the Assembly; and

(b) publish the guidance in such a manner as it considers appropriate."— [Mr Lyttle (*The Chairperson of the Committee for Education*).]

Question put, That the amendment be made.

Mr Deputy Speaker (Mr Beggs): Again, I remind Members to maintain 2-metre social distancing during the Division.

The Assembly divided:

Ayes 58; Noes 29.

AYES

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

Tellers for the Ayes: Ms Bradshaw and Mr McCrossan

NOES

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

Tellers for the Noes: Mrs Dodds and Mr Harvey

Question accordingly agreed to.

Amendment No 60 made:

In page 6, line 10, leave out from "any" to "education," in line 11 and insert "integrated schools".— [Mr McCrossan.]

Question put, That the clause, as amended, stand part of the Bill.

Mr Deputy Speaker (Mr Beggs): I again ask Members to maintain social distancing.

The Assembly divided:

Ayes 58; Noes 29.

AYES

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

Tellers for the Ayes: Ms Bradshaw and Mr Lyttle

NOES

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

Tellers for the Noes: Mr Harvey and Mr Newton

Clause 11, as amended, ordered to stand part of the Bill.

Clause 12 (Consequential amendments)

Mr Deputy Speaker (Mr Beggs): I will not call amendment Nos 61 to 68 as they are consequential to amendment No 2, which has not been made.

Amendment No 69 made:

In page 6, line 22, leave out subsection (3).—
[Mr Lyttle (*The Chairperson of the Committee for Education*).]

Mr Deputy Speaker (Mr Beggs): Before I put the Question, I remind Members that we have debated the Member's opposition to clause 12 stand part, but the Question will be put in the positive, as usual.

Question put, That the clause, as amended, stand part of the Bill.

Mr Deputy Speaker (Mr Beggs): I remind Members of the requirement to maintain social distancing.

The Assembly divided:

Ayes 58; Noes 29.

AYES

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

Tellers for the Ayes: Ms Bradshaw and Mr Muir

NOES

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

Tellers for the Noes: Mr Harvey and Mr Newton

Question accordingly agreed to.

Clause 12, as amended, ordered to stand part of the Bill.

Clause 13 (*Interpretation: general*)

Amendment No 70 made:

In page 6, line 32, leave out sub-paragraphs (iii) to (v).— [Miss McIlveen (*The Minister of Education*).]

Amendment No 71 made:

In page 6, line 38, after "section 1" insert —

*"and words and expressions which are defined in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 have the same meaning as in that Order".— [Miss McIlveen (*The Minister of Education*).]*

Question put, That the clause, as amended, stand part of the Bill.

Mr Deputy Speaker (Mr Beggs): Again, I remind Members that they should maintain 2 metres of social distancing during the Division.

The Assembly divided:

Ayes 58; Noes 29.

AYES

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

Tellers for the Ayes: Ms Bradshaw and Mr Muir

NOES

Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr

Robinson, Mr Stalford, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Harvey and Mr Newton

Question accordingly agreed to.

Clause 13, as amended, ordered to stand part of the Bill.

Clause 14 (Commencement)

Question put, That the clause stand part of the Bill.

The Assembly divided:

Ayes 58; Noes 29.

AYES

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

Tellers for the Ayes: Ms Bradshaw and Mr Lyttle

NOES

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

Tellers for the Noes: Mrs Dodds and Mr Newton

Question accordingly agreed to.

Clause 14 ordered to stand part of the Bill.

Clause 15 (Short title)

Question put, That the clause stand part of the Bill.

The Assembly divided:

Ayes 58; Noes 29.

AYES

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

Tellers for the Ayes: Ms Bradshaw and Mr Muir

NOES

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

Tellers for the Noes: Mrs Dodds and Mr Harvey

Question accordingly agreed to.

Clause 15 ordered to stand part of the Bill.

Long Title

Question put, That the long title be agreed.

The Assembly divided:

Ayes 58; Noes 29.

AYES

Dr Aiken, Mr Allen, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Carroll, Mr Catney, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon,

Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Ms Sugden, Mr Swann, Miss Woods.

Tellers for the Ayes: Mr Lyttle and Mr Muir

NOES

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

Tellers for the Noes: Mr Harvey and Mr Newton

Question accordingly agreed to.

Long title agreed to.

Mr Deputy Speaker (Mr Beggs): That concludes the Consideration Stage of the Integrated Education Bill. The Bill stands referred to the Speaker. Thank you for your cooperation.

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

(Mr Speaker in the Chair)

Motion made:

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

Adjournment

A5: Road Safety

Mr Speaker: In conjunction with the Business Committee, I have given leave to Nicola Brogan to raise the matter of road safety on the A5. Each constituency MLA who wishes to speak will have six minutes, while non-constituency MLAs will have four minutes.

Ms Brogan: I welcome the opportunity to bring a debate on road safety on the A5 to the Assembly this evening. I thank the Infrastructure Minister, Nichola Mallon, for attending.

Improving the safety of the A5 is of critical importance to constituents in West Tyrone.

Mr Speaker: Sorry. The Member is entitled to 15 minutes in which to speak. I forgot to say that. The Minister will have 10 minutes. Sorry about that.

Ms Brogan: No problem. Go raibh maith agat.

I secured the Adjournment debate in response to the tragic deaths of three young men just over three weeks ago, on 27 December. Sadly, they lost their lives following a road traffic accident on the A5 at Garvaghy. A fourth man was also seriously injured in the accident. I express my deepest sympathies to the families and friends of the men who lost their lives and to all those who have been affected by the tragic accident. As you can imagine, a Cheann Comhairle, the local community was left shocked and devastated by the loss of those young men. It is our job, as public representatives, to make sure that we are doing all that we can to improve the safety of our roads, which, in this case, is the A5.

The purpose of the debate is to highlight the very serious concerns about the A5. I am hopeful that it will lead to urgent and decisive action that will bring about much-needed safety improvements to the road. Crucially, however, a full upgrade of the A5 is required.

The A5, and particularly that stretch of road at Garvaghy, is notoriously dangerous and has

been responsible for many serious accidents over the years. Since 2006, 42 people have lost their lives on the road. We cannot accept any more delays to the A5 upgrade project, because delays are costing lives. I therefore ask the Infrastructure Minister to do what she can to ensure that there are no more delays to the upgrade of the A5 and to give assurances that her Department will be fully prepared and ready to act when the public inquiry is reconvened.

5.15 pm

The Finance Minister, Conor Murphy, recently confirmed funding that would get workers on site and ready to start the first phase of the upgrade. That is hugely welcome. In the meantime, I ask the Infrastructure Minister to implement temporary road safety measures along the A5 whilst we wait for the full upgrade. Sinn Féin colleagues in West Tyrone have asked for additional slip roads to reduce the likelihood of traffic accidents, especially around Garvaghy. I make the plea again to the Minister to have those slip roads put in place.

I recently asked and ask again that the Department put lighting along the stretch of the A5 near Garvaghy. There is housing, a shop and a restaurant in close proximity to that section of the A5, and it is important that motorists are aware of those facilities and that housing in order to avoid accidents. I also ask that the Department complete a review to ensure that there are adequate catseyes, reflective arrows and solar lighting along the entire A5. Those measures, although temporary, are vital for road safety.

As I said, I brought the adjournment debate to the Assembly to reinforce the importance of safety on the A5 and to ensure that we see the upgrade commence at pace. The A5 has been talked about for years, and I have made the same points in the Assembly before. We need to see movement on the issue. I do not want to return here after another serious or fatal accident on the A5 to send my condolences to another devastated family and plead with the Infrastructure Minister to progress the project. For the safety of the people of West Tyrone and beyond, we need to come together to ensure that the A5 is upgraded and that that upgrade proceeds at pace.

Mr McCrossan: I thank my constituency colleague Nicola Brogan for securing this important Adjournment debate. We can never be done with ensuring that this is put on record. This is a vital infrastructure project with the solid

commitment of the Executive and, indeed, of all the parties. It has been a flagship project since it was announced as such in 2006 or 2007.

Forty-two lives have been lost. I have sat at the funerals of quite a number of those who have died since I took over as MLA in 2016; indeed, I attended the funerals of some of the lads who, sadly, lost their lives in December. Four young lives were lost on that road in December alone. Aaron Harkin died on the A5 at the far end of Strabane in early December. That caused huge devastation to his family and to the entire community. I was with the family; I visited their home and attended the funeral. The great pain was very clear on those days. My thoughts and prayers are also with the families of Peter Finnegan, Petey McNamee and Nathan Corrigan. I attended the funeral of Peter Finnegan in Beragh, where there was great grief and sadness as well as frustration.

The project is a key priority for all parties in the Assembly. It is, indeed, a key priority for the SDLP and for the Minister for Infrastructure, Nichola Mallon. Consistently and for some time, we have been saying that the project needs to be delivered in its entirety to ensure that we have a road that is safe and fit for purpose, putting an end to the carnage and death on that road. I have long said that it is the most dangerous road on these islands. It needs to be addressed quickly.

Looking at the commitment of the parties in the Assembly, the commitment to the project that has been laid bare by the Executive and the financial commitments from the Assembly, the Executive and the Irish Government, you would wonder what is holding this up. There have been considerable legal challenges to the project over the last number of years. I am not here to give a lecture to the Alternative A5 Alliance, telling them how wrong they are. However, as an elected representative for West Tyrone, I appeal to them to think about their actions and consider the families who have lost loved ones on that road: the four families who lost loved ones in December, coming up to Christmas time and just after it, just last month. I also ask them, if they have genuine concerns about that road, to please come and talk to elected representatives.

Meet the parties; indeed, my colleagues in Sinn Féin, the DUP, the UUP, Alliance and my party, the SDLP, will meet anybody who has concerns about the road to see whether we can address them. We cannot allow a small minority group of individuals to continue to block this necessary and vital piece of infrastructure.

We need to see the A5 delivered in its entirety, but we also need the public to keep faith and keep with us. We are battling to see that road project fully delivered. We have a commitment from the Minister to see that happen. We need to ensure that we engage with those who are adamant that they will continue to put in challenge after challenge to see whether we can find a way through this. The road will not be stopped; it will happen. The difficulty with the delay is that more people will die.

As an elected representative for West Tyrone, I am not prepared to stand in silence and allow a small group to continue pursuing that agenda without a proper and full explanation of what they want. In the public interest and in the interests of transparency, we have a real situation. People are objecting, as is their right, but they are objecting under the group name "Alternative A5 Alliance". We do not know who those people are. We do not know what their agenda is; indeed, we do not know who is funding them. That is not representative of the many thousands of people who engage with me and other MLAs in the constituency who are desperate to see the road delivered or, indeed, the families of people who have to travel on that road every day, who are terrified that something might happen to their loved one.

The House has been divided on many things, but we are united on this. I ask the parties to reaffirm their commitment to seeing the road happen and to join me in appealing to the Alternative A5 Alliance to, please, withdraw from any future challenge and allow this vital and necessary infrastructure to go forward so that no more lives are lost. I give my thoughts and prayers to every family who have lost loved ones on that road, well beyond 2006. I pray every day for the safety of everyone who travels on it. It runs through the very heart of my constituency, and it is absolutely vital that we see it delivered. I thank the Minister, Nichola Mallon, for her continued commitment to it.

Mr McHugh: I will reiterate much of what has already been said. Speaking on this Adjournment topic gives me no satisfaction whatever, because I can only reflect on the fact that so many accidents have happened on that road. Most recently, in December, Aaron Harkin, Peter Finnegan, Nathan Corrigan and Petey McNamee all lost their lives. They were young people who would have been looking forward to the future in every respect, but they lost their lives on that road. Father O'Dwyer, commenting at the funeral of one of those young people, said:

"The upgrade of the A5 is a pro-life issue."

His community has suffered greatly over the years from not just recent events but many others concerning the A5. We have already heard that 42 people have died on that road since 2006. Perhaps we can reflect on this as well: 16 of those deaths were on the part of the road from Ballygawley to Omagh. There were a further 17 deaths on the part of the road from Omagh to Strabane. I do not have the number of deaths that happened on the part of the road that I travelled on daily to Derry, but I assure the House that, on many occasions when I travelled on that road, I came on an accident. There were accidents constantly. Some involved serious injury. Unfortunately, in many cases, people had lost their lives.

Reflect for a minute, too, on the other part of the road that may not come under the umbrella of the A5 but, at one stage, was continuous with the part of the A5 that goes to Ballygawley: the road from Ballygawley to Dungannon.

The stretch from Ballygawley to Dungannon was notorious, in every respect, for the number of deaths that had happened on it as a result of it being totally and absolutely inadequate to cope with the traffic that was using it. Since the dual carriageway was built, we never hear about the road from Ballygawley to Dungannon. Therein lies the answer, and we all know that that is the answer. However, people are lining up already to attempt to undermine that as a solution to the work that is needed on the A5. As my fellow MLA Mr McCrossan has done, I focus on the Alternative A5 Alliance. I seriously question its motives.

At the outset, when the project was launched, it was, primarily, seen as something that would benefit the economy of not only the north-west — Tyrone, Donegal, Fermanagh and Derry — but the North of Ireland and the Republic. However, that benefit has been surpassed entirely by the fact that it is now a safety issue. We know now that too many lives have been lost on the A5. It is time to call a halt to that and to ensure that the project — a flagship project for this institution, and one that is supported by all parties — is seen to be delivered. In that respect, we have the total support of the Minister. I want the Minister to make sure that, within her Department, all the t's are crossed and i's dotted, in every respect, to ensure that the project can be brought to fruition. We know that there will be another consultation shortly, but, if those t's are crossed and i's dotted, there is a higher probability that we will have success. People are crying out for it. People who travel from Derry, or to Dungannon, or from Derry to Belfast, are crying out to us as elected representatives and saying, "How come this

project has not been delivered?". They are absolutely confused about that. It is time to get our act together in every respect and ensure that we get it delivered, primarily for the safety of all the people. The whole of the island will benefit from it.

Mr McCrossan: Will the Member give way, briefly?

Mr McHugh: Go raibh maith agat. I was finished, but go on ahead.

Mr McCrossan: I thank the Member for giving way. A key point is that, if Mr McHugh and I were neighbours, and I was building an extension to my house and Mr McHugh objected, his name has to be put to that objection. Therefore, I would know that Mr McHugh had objected. My concern about the process — I know that Mr McHugh will agree — is that we do not know who is objecting under the umbrella of the Alternative A5 Alliance. Surely, that is not in the public interest, nor is it transparent.

Mr Speaker: The Member has an additional minute.

Mr McHugh: Those who make up the membership must seriously question their motives. They must look into their conscience and ask themselves to what extent they have contributed to the deaths of many of the individuals in the accidents that have happened on that road.

Mr McAleer: I thank my colleague Nicola Brogan for bringing this important debate to the Chamber, and I am glad to see that the Minister is present. I very much welcome that.

I begin by extending my sympathy and support to the families of all road traffic accident victims, including the 42 who have died on the A5 since 2006, and the three young fellas — Nathan Corrigan, Petey McNamee and Peter Finnegan — who sadly passed away after a road traffic accident on 27 December. As a parent of young people who are out and about, I can say that that is one of your worst nightmares. The thought of a knock to the door to say that something has happened to your child when they have been out and about is an absolute nightmare. I was reflecting on that as I stood out on New Year's Day at one of the funerals. I could never imagine how that could be dealt with. I express my sympathy and solidarity with the families.

It is important to underline the fact that the A5 is an Executive flagship project, and it should be delivered. In the interim, it is important that we see road safety improvements, particularly at Garvaghy, which was the site of the most recent accident and of so many fatalities over the years.

5.30 pm

The mother of one of the young fellas killed three weeks ago made calls on social media today for that area to be made safer. As someone who uses that road at least three days a week — I will be back up again tomorrow — I have to say that, for every accident that happens, there are many near misses. If you drive along that road, you have your heart in your mouth all the time.

In the interim, the road really needs to be upgraded, but, in the long term, we need to see the construction of the A5 dual carriageway to improve road safety, for the economic development of the north-west and as an important east-west route here in the North.

I support what was said earlier. The people who are objecting to and blocking the scheme need to reflect seriously. Some critics of the scheme who want to block it or do not want it to go ahead for other reasons say that we do not need a new road and can just upgrade sections of the existing road to a "two plus one" standard with additional passing bays etc. I reiterate: that would not suffice. We need a full offline A5 dual carriageway. We need a new road that segregates local traffic — farmers moving between their fields, parents taking their children to school and people going to Mass or the local shop — from the through traffic of people who are commuting from the north-west to Belfast or Dublin or moving goods and materials between the north-west and Dublin. Unless we have full segregation between local people moving through their community and that through traffic, accidents will continue to happen.

It was quite rightly pointed out earlier that the A4 is a really good example. Since the new A4 dual carriageway was built, you rarely, thankfully, hear of accidents on it. The original A4 has returned to being a local road, which is what it was built for, and the new A4 dual carriageway takes that through traffic. We need the A5 to be returned to a local road, with the A5 dual carriageway performing the same function as the A4 dual carriageway.

I recall from previous public meetings that I attended, which were headed up by Professor

Pat Darcy, who was an avid supporter of the A5 dual carriageway project, that the point was made that 1,300 individual access lanes and local roads link on to the A5, and every single one of those 1,300 access lanes and roads are accidents waiting to happen. Even if the road were upgraded to a "two plus one" standard, you would still have the situation where local traffic is interfacing with through traffic, which is the strategic traffic. Even in a "two plus one" standard, you would still have to create an additional two parallel lanes to facilitate traffic because they could access directly on to "two plus one" only at certain points. Even in that so-called alternative, the land take would likely be even bigger than a proper dual carriageway, and the confusion, disruption and delays over many years would be enormous, and we would still not end up with a safe road.

In conclusion, there is no alternative to a new A5 dual carriageway. It is important that we all take this opportunity to weigh in behind the project and reaffirm our support for it and for the Department to work meticulously and get prepared for the public inquiry, which will happen later this year and will leave us in a situation where we can get the project started without further delay. We owe it to the people of the north-west to improve road safety, and we owe it to the families and to the next generation.

Mr Speaker: There are two more Members on the list who wish to speak: Roy Beggs and Colm Gildernew. Andrew Muir, do you want to speak?

Mr Muir: Yes.

Mr Speaker: Robbie Butler?

Mr Butler: Yes.

Mr Beggs: I declare an interest as a member of Carrickfergus road safety committee.

I take road safety seriously. There have been too many serious injuries and sad fatalities along the A5 route over the past number of years.

Tragically, too many lives have been lost. There is a clear need for investment, improvement, upgrading and better road safety on that route. That is indisputable. To enable development, we have to overcome the procedures that are set out in law. Planning permission has to be agreed. Not only does it have to be approved, but it has to be approved in a manner that will sustain a legal challenge. To date, there has been a single application for a very complex

route that has many complex issues, and that has left the application more open to challenge and continual delays. Frankly, it is ridiculous. The A5 has been talked about for 15 or 16 years, and there is still no planning permission. We all need to look at what can be done to ensure that something happens. We must not just talk about doing something; we must ensure that road safety improvements are delivered for the people who use it, that congestion is dealt with and that lives are not lost. What will we do to make sure that approval is given and that contractors can be appointed to start work on the ground?

I urge all Members to look very carefully at the interim report by the Planning Appeals Commission (PAC), because it contains advice. The report clearly identifies a range of issues that will be problematic. The commissioner indicates:

"phase 3 of the scheme, Ballygawley to the South of Aughnacloy, offers no significant benefit and represents over provision".

He also highlights that it will have a large adverse effect on the climate and landscape. We are, hopefully, in the process of approving a climate change Bill for Northern Ireland. That will make such "over provision" even more difficult.

Mr McCrossan: I thank the Member for giving way. There is no stronger advocate for the environment than me or my colleagues in the SDLP, but it does not outweigh the value of human life. Many lives have been lost on the A5, and that, surely, is the higher priority.

Mr Speaker: The Member has an additional minute.

Mr Beggs: I am clearly saying that improvement and investment are needed, but I am highlighting that the approach to date has been problematic. The planning experts have indicated that the application represents over provision, and everyone should listen carefully to that huge warning bell, which will be a weakness in any planning application. Indeed, should such an application be approved, it would be wide open to judicial review, further ongoing delays and, potentially, more lives being lost. The over provision is on areas of the route where many compulsory purchases would have to occur, and that is a human rights issue. That, then, is another argument that would have to be sustained. Wanting to compulsorily take property away from someone for an over provision is a weakness that would lead to a

challenge. Again, I ask Members to look carefully at the advice in the interim report from the Planning Appeals Commission.

One very obvious suggestion has been made. The report does not say "when", it states:

"If the scheme is to proceed, phasing needs to be reviewed and priority given to those stretches of the proposed road that offer greatest benefit."

The report states in black and white:

"Phase 3 is unjustifiable and should be removed."

I fear that, if we continue along the route of a single application, we will not be successful, and the road safety issues will continue. I urge everyone to get behind the guidance in the report and get on with making the investment. It has been highlighted that other issues are clearly more sustainable in law: for example, the higher traffic levels, particularly on the Omagh and Strabane bypasses. The need there is clear, justified and could, should there be a challenge, be defended. It is important to box clever.

If you continue to insist on an entire route, you are in danger of getting nothing, but, worse than that, if you continue to get nothing, that means no investment and no road safety improvements along some deserving sections of the road.

There needs to be clarity. Investment needs to be allowed to begin along the road and road safety improvements allowed to occur. I urge everyone, including the Minister, to take the advice that has been given, and let us make sure that we can have significant investment along that route and significant road safety improvements. It is not good enough to put your head in the sand and say, "Build the whole road", because if you do that, you will probably end up with nothing and no planning permission.

Mr Muir: I speak as the Alliance Party infrastructure spokesperson. At the outset, I offer condolences from my party and me to the families of the three young men whose lives were lost most recently and also to the families of all those who have sadly lost their life along that stretch of road. I understand that, since 2006, there have been 42 deaths on that stretch of road. That is 42 deaths too many, and, obviously, there were many more before that. It is important that we, as an Assembly,

unite in our support for the project to upgrade the A5, because far too many people have lost their life on that road.

I remembering travelling along that road in 1999, from Derry to Dublin, to meet Mary McAleese at one of her first visits to an LGBT centre. There is very little difference between the road as it was then and as it is now. It needs significant upgrades, and the concerns that have been expressed here and outside this place need to be addressed. The Alliance Party is firmly committed to the project to upgrade the A5. We also believe that delivering connectivity in the west should be a key priority, as it is in the Programme for Government. That is right.

Some talk has been made around climate change. I am very conscious of the impact of that and the need to prioritise how we do our investment in transport infrastructure. That is right, but we also need to take road safety into account. For me, the priority is around road safety. Far too often, we hear on the news of people who are being killed or seriously injured on the A5. Action needs to be taken to progress the works in relation to that.

I am also conscious, however, of all the different legal challenges that have taken place. I echo some of the concerns that Daniel McCrossan outlined about those legal challenges. We need to find a fit-for-purpose system that allows us to deliver infrastructure projects in the North, and the legal challenges that are being taken forward are one of the key challenges. I do not devalue or seek to inhibit anyone's right to be able to seek redress through the courts, but we need to be able to save lives through road safety. That is a key concern for me. The Audit Office is looking at that issue, and it is important that due consideration is given to how we ensure that not only that project but other projects are able to proceed, whilst also taking into account the views of different people.

I am also aware of the amount of money that has been spent on consultants in relation to the A5 project. There is real frustration about the amount of money that has been spent on consultancy and preparation work, yet no work has taken place on the ground. As Mr Beggs outlined, I also am conscious of the findings of the report that came back most recently. It is important that we all take into account what that report said.

I want to be very clear: the Alliance Party and I support the upgrade of the A5. It has to be upgraded to a quality road of a decent standard. We outlined that the stretch of road

that runs from Ballygawley to Dungannon is of the kind of standard that people of the west should be able to have.

One of my concerns about road projects is that when the project is conceived, it is one massive project, so if one part is successfully challenged, the whole project falls. The question is whether we look at certain elements of the project and prioritise those over others in order to get the work started. My worry is that the constant threat of legal challenge will inhibit the work from taking place in the future. Obviously, it is a priority for the Executive. The money is there, so we need to be able to spend it.

It would be useful if, in her response, the Minister could say what more is being considered to ensure that we can get the project done. Hopefully, all of us in the Chamber are united in saying that we want to get the project done. We need to support the Minister when it comes to the ways to achieve that.

Maoliosa McHugh outlined the stories of people being killed and seriously injured on the stretch of road from Ballygawley to Dungannon.

We remember all the stories of people being killed and seriously injured there. We do not want to hear any more stories of people being killed and seriously injured on the A5, so we need to find innovative ways to ensure that we can get the project delivered and that we do not have to have another Adjournment debate like this, which has been triggered as a result of the deaths of young people. They had their whole lives ahead of them, and those were robbed from them, so we need to find ways to ensure that that does not occur again.

5.45 pm

Mr Butler: I thank Nicola Brogan for securing the debate, and I thank the Minister for her attendance. I want to be on record passing on the condolences of the Ulster Unionist Party to the families, who are still very much grieving, of the three young men who died in tragic circumstances in December.

I have stayed behind to talk about this matter because of road safety. I know that we are here to talk about the A5, but, as you know, in my previous job in the Fire and Rescue Service, road safety and attending traffic accidents were very much part of my remit. Sadly, over 16 years, I attended dozens and dozens of incidents. When you attend those incidents,

especially if you are responsible for the staff and the crew, the reality is that it is almost worse than turning out to a house fire.

Road traffic incidents are really quite horrific. There is no other way of painting the picture. It is one of the saddest scenes that you will ever come across. Sadly, most of the accidents that I attended involved young men. There are different reasons why crashes happen, but, certainly, dangerous roads are one of them, as are driving conditions, speed, driving attitudes, the nature of the cars — lots of things. Lots of agencies are involved in trying to redress the balance in road safety. In Northern Ireland over these past 20 years there has, in many ways, been great success in addressing road safety. However, the number of incidents is still far too high, and families are still grieving.

The discussion about the A5 has been running on for a number of years. The Member from Strabane said that the A5 may be the most dangerous road in Northern Ireland. I have one such road, the A1, in my constituency, and I have spoken to the Minister at length about it. Similarly, it is a road on which a number of improvements are likely to be made, and I hope that they are, but there is not a hierarchy of projects.

I want to point to something that we had some success with in Lisburn. A junction was on the cusp of probably being the subject of a legal wrangle. It involved a junction between Knockmore Road and Ballinderry Road. People had taken different sides. The council had taken a position and sought legal advice. The Department had sought legal advice, and developers were involved in the case. Road safety is genuinely one of the things at my core because of my experiences, and I want to reduce the risk of traffic accidents for any other family. We literally just got the people in a room. It perhaps goes back to what Daniel said about some of those people who are lobbying to stop the project. They really need to show up and be part of the discussion. Everybody involved in it needs to be part of that discussion. Discussions in isolation are not going to help or bring the project forward. Everybody needs to literally be in the room, show up, say what they have to say and find a solution, because a solution exists.

A solution exists, and it should be everybody's priority to say, "We're setting aside everything here. We've got plans on the table, we've got the issues here, but we have to deliver on this." I agree that nothing trumps saving lives. That has to be the priority of the Assembly whenever

we address any issue. The solution can and must be found.

Mr Gildernew: I thank Nicola Brogan for securing this important debate, and I thank the Minister for attending throughout.

It is a hugely important debate. There is not a person or family in our part of the country that has not been impacted in some way as a result of the deaths over many years. When the news came through of those latest deaths, the prevailing sense was simply shock, devastation for the families, dread about the likelihood of it happening again and the fact that it has now happened again.

That is something that we all have to grapple with, and we have to work together to deliver what is such a key infrastructure project for our part of the North. It is a vital infrastructure project, and, indeed, a flagship project that has been mentioned in the Executive and continually recognised in important agreements such as Fresh Start in 2015, and, most recently, New Decade, New Approach in 2020, yet we do not have the start of the project.

The long-awaited upgrade would put 85 kilometres of dual carriageway from just south of Derry, at Newbuildings, down to Aughnacloy in County Tyrone. It would enhance social connection and access to services by better connecting communities, but, most importantly, it would save lives. The 42 individual tragedies that have taken place since 2006 have been mentioned several times. That is not only 42 lives lost; it is 42 families devastated. Forty-two social and community connections of families and friends have been devastated by the impact of those deaths.

The Department has projected that the new A5 could prevent 2,877 casualties and 19 fatalities over 60 years. It is clear from what we have discussed in the Chamber that that is probably, if anything, an underestimation of the devastation that will arise should we not see progress. It is absolutely vital that we see that. I heard the Member for East Antrim talk about overprovision, which will jar badly in my constituency, where we have —

Mr Beggs: Will the Member give way?

Mr Gildernew: I will.

Mr Beggs: Those are not my words; those are the words of the Planning Appeals Commission, which has provided an interim report. They are words with planning weight behind them, rather

than a wish list. Those are the words of the planning experts. The challenge to all Members is this: how will you achieve planning permission — not a wish to do something — and actually deliver?

Mr Speaker: The Member has an additional minute.

Mr Gildernew: I recognise that you were quoting from a document. However, the problem with assessing this as overprovision is that it does not recognise the impact of underprovision over many decades. I live in a constituency that the A4 and A5 go through. Parts of the constituency are in Fermanagh, which is the only county of the six that does not have an inch of dual carriageway. Our part of the country is as entitled to investment as everywhere else.

Those roads not only devastate lives but divide communities. There will be times when people will not attempt to cross the A5. That is why Declan McAleer's point about providing the proper dual carriageway system and giving the community back the cohesion that it had in previous years before the volumes of traffic rose to a degree where the A5 effectively became a barrier right down the middle of that community is so important.

I am glad to see support for the scheme from so many of the representatives here. It is clear that the Minister has work to do to get everything as ready as possible so that we can overcome the hurdles. It is vital for investment, as I said, but also for social inclusion. I will give you an example. I live close to Aughnacloy, and I can be in Dublin City University almost as quickly as I can be in Derry. It impacts people at both ends of the road. People just do not travel it. Again, that feeds into what is being described as overprovision. I do not think that that takes account of people actively choosing not to travel because the journey would be so dangerous, take so long or just be unmanageable and the road inaccessible.

I welcome the focus on the issue today, and I thank everyone for taking time to stay on to debate it. It is imperative that construction starts on the project as soon as possible.

Mr Speaker: I call the Minister to respond. She has 17 minutes.

Ms Mallon (The Minister for Infrastructure): First of all, I thank Ms Brogan for instigating this important debate on road safety on the A5. Like all Members who have spoken, I offer my

sincere condolences to the families of the four young men who lost their lives in December. My prayers are with the friend of the three young men who lost their lives on 27 December. That person remains in hospital. I also offer my deepest sympathies to the families of all those who have lost loved ones on that stretch of road. As a mother, I cannot imagine the unbearable pain and suffering that those families face every day.

I have listened intently to the comments and the issues raised by Members and have heard their sorrow and their concerns about road safety on the A5.

I want to assure every Member and the public that delivery of the A5 is a top priority for me, as the Minister for Infrastructure.

The A5 western transport corridor project is, as Members have rightly identified, a flagship project of the Northern Ireland Executive. It is also a commitment in New Decade, New Approach. It is a project that I acutely recognise will improve road safety and have many other benefits, such as improving the economy, job prospects and opportunities for our young people, while helping to tackle regional imbalance. Like all Members, I share the concerns and frustrations about the length of time that it has taken to have this hugely important infrastructure scheme taken forward to construction on the ground.

Work on the delivery of the A5 began 14 years ago, in 2007. None of us can change what went before, but, ultimately, the only way in which to achieve this goal successfully now is for the Department to work at pace whilst ensuring that it is able to navigate carefully and diligently through the technically and legally complex statutory processes involved. I assure Members that, since taking up my post two years ago, my decisions have always been made in the best interests of progressing the A5 as far as possible and within the shortest time frame, while ensuring that the Department and I, as Minister, follow due process and apply due diligence.

Following receipt of the interim report from the Planning Appeals Commission on the public inquiry held during 2020, officials have been working hard on the development of a new environmental statement addendum for public consultation so that the public inquiry can be reconvened later this year as planned. Although I, as the Minister for Infrastructure, have no authority over when the public inquiry can be reconvened, my officials are already in discussion with the PAC on that point to try to

ensure that it is heard at the earliest opportunity. Receipt of the PAC's final report on the inquiry should then allow a new ministerial decision to be taken. Subject to the successful completion of all the necessary statutory processes and environmental assessments, the construction of phase 1A — New Buildings to north of Strabane — could commence next year. The programme for scheme delivery in recent years has alluded to full scheme completion by 2028, and, although some slippage has occurred, that time frame remains achievable. I have certainly said to my officials that that is the time frame to which we must work.

As well as being focused on the delivery of this long-awaited scheme, in the interim, I remain committed to carrying out road improvements on the existing A5. In recent years, resurfacing and realignment works, as well as improvements for pedestrians, have been carried out on the A5 at Ballymackilroy. Road markings and signs have been upgraded along the A5 between Aughnacloy and Omagh, and the catseyes have been replaced. Further measures planned include a left-turn slip road at Bankmore Road near Omagh and upgrading the signal-controlled junction at the A5 Great Northern Road/Tamlaght Road. I am also aware of calls to provide specific lighting and to ensure that there are adequate road markings and catseyes.

I assure Members that, following the fatal road traffic collision last month, officials will meet the PSNI investigating officer to establish what further road-related measures we can bring forward. As Mr McCrossan said — this has been echoed by every Member across the House — the House divides on many, many issues, but, on the A5, the House is united. I assure Members of my commitment to work with them and to do everything that I can while I am the Minister for Infrastructure to ensure that this long-awaited project is delivered.

Mr Speaker: I thank the Minister for that. In fact, I thank all the Members who contributed to the debate this evening. It is obviously a very important matter to debate in the Chamber, and there is no better place for it be discussed. I add my personal condolences to all the families of those who have lost their life on our roads. Hopefully, we do not hear of any further deaths, particularly on the A5, which has been on all our minds in recent times, horrifically so.

Adjourned at 5.59 pm.

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