



# Official Report (Hansard)

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# Assembly Members

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

# Northern Ireland Assembly

Monday 24 January 2022

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

*Members observed two minutes' silence.*

## Members' Statements

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

## Menopause Services

**Ms Flynn:** Across the North, there is a chronic lack of provision for NHS menopause services. There is only one dedicated NHS menopause service in Belfast, and, according to the Department's data, there are only two menopause specialists across the entire North. Throughout trust areas outside greater Belfast, women are treated for menopause symptoms by gynaecologists or GPs who quite often have no training in how to treat menopause, and women are not getting the understanding or the treatment that they need. There is clearly a need for more menopause services for women. These services can only be provided when doctors, nurses and other health professionals are given the education and the training that they need to treat and help women who are going through this, often disruptive, period in their lives.

There are many good reasons to invest in menopause training for our medical professionals and, indeed, to extend that training and knowledge to our wider society. One of those reasons is the significant contribution that women make to our workforce and their impact on our economic well-being. According to the Office for National Statistics in Britain, menopausal women are the fastest-growing demographic in the workforce, with women over the age of 40 being the fastest-growing demographic in the North's workforce. Data from an Irish Congress of Trade Unions (ICTU) survey in 2018 shows that 98% of

women surveyed did not know whether their workplace had a menopause policy, while 49% said that menopause had been treated as a joke in their workplace.

Some 96% said that they would welcome a menopause workplace survey, and 97% said that they would welcome training for union representatives and managers to support women in the workplace who are experiencing menopause.

In October 2021, Sinn Féin Minister of Finance, Conor Murphy MLA, indicated that his Department was in the process of developing a menopause policy to support Civil Service staff. His Department has also delivered several awareness sessions on menopause. I commend the Minister for that move, and I hope that others throughout the public and private sectors can follow suit.

## Care Homes: VAT

**Mrs Cameron:** Throughout the public health crisis, care homes across Northern Ireland have faced significant challenges as they have aimed to keep those who are in their homes safe and well. Our communities are full of examples of staff going above and beyond to protect residents, with some even moving into these settings full-time. The problems witnessed at the start of the pandemic with the supply of PPE, testing and availability of staff reflected the need for a fundamental rethink of social care. We must better support those who are some of the most vulnerable in our society.

As our economy seeks to recover from COVID-19, it is unlikely that the operating challenges facing care homes will get easier. It is therefore vital that we harness all available tools to reduce the practical and financial burdens that they face. The Care Act 2014 permits greater flexibility for state-registered care home providers to recover VAT, or value added tax, on supplies and other expenditure related to care services across the United Kingdom. That includes things such as meals, refreshments

and certain toiletry products. It is regrettable that the terminology in health and social care trust contracts has not been updated as required to allow care homes here to benefit. It is crucial that they have the ability to reclaim VAT to the same extent as care homes in other parts of the United Kingdom. That will not only support residents and lessen burdens faced by individual homes but ensure that additional resources are available for reinvestment.

## Parenting and Mental Health

**Mr Durkan:** Being a parent is a blessing, but it is not always easy. It is one job role that maybe you are never truly prepared for, and, rewarding as it is, parenthood is not all sunshine and rainbows. Having little eyes always watching, looking for guidance and relying on you to restore a sense of calm during trying times is tough, and parenting over the course of a pandemic, when adults have just as many anxieties and questions as children, has been no mean feat. Today, in the run-up to Parent Mental Health Day this Thursday, 27 January, I pay tribute to parents, carers and guardians and remind them to take time to nurture their own well-being and to make their mental health a priority.

The events of the past two years have been the most challenging in living memory. Most parents and guardians have done their best to create a balance between work, home and school life. Without the practical support networks that we so often take for granted, parenting has never been harder, and single parents have shouldered a particularly heavy burden during the lockdown period. Many would agree that the old adage, "It takes a village to raise a child", has never been more keenly felt.

That sense of chaos has filtered out beyond lockdown, however. The "new normal" still feels pretty alien. Children are dealing with the ever-changing COVID rules in schools. Playground chat has morphed into talk of much more serious matters, and bedtime routines, at least in my house, are a distant memory. Family life in general has been turned upside down. For many families, the fallout of the pandemic has hit harder, whether that means struggling with the rising cost of living or grieving the cruel loss of a loved one. Expectant parents have had to contend with restrictive hospital visiting rules, in some instances being left without the crutch of their partner or family member. New parents still await the implementation of the perinatal mental health strategy and the support services therein. Raising children has never been more challenging.

As elected representatives, we have a responsibility to address those concerns, to improve support for parents, to create a fairer welfare system and to improve access to mental health support services. In the here and now, however, it is important to acknowledge that parenting can be overwhelming and to remind parents to take care of themselves. Putting your mental health first is not selfish: it is essential.

## Personal Apology

**Mr Beattie:** We must all be mindful of our language: I have said so on the Floor of this Chamber on many occasions. We must guard against language that is both hurtful and harmful. Over the weekend, I let my guard down, and for that I am truly sorry. I posted a joke, and, regardless of what my intentions were, it was not just inappropriate but absolutely and fundamentally wrong. Therefore, it is important that I stand here and say to Mr and Mrs Poots that I am sorry for the hurt that I may have caused.

I have to say to wider society that my language was wrong on every level, and I have to apologise to everyone. We have to guard against that, and I did not. I did not show the leadership that I should have shown, but I can by standing here and saying that, although it was a mistake, it was wrong. Some people may accept my apologies, but I cannot make them do so. They may not see that there is sincerity in what I am saying, but I am being genuinely sincere. What I posted was wrong, and I unreservedly apologise to everybody for posting on Saturday night.

**Some Members:** Hear, hear.

## Secondary Breast Cancer

**Ms Bradshaw:** I want to highlight the shocking lack of data on the women in Northern Ireland who are living with secondary breast cancer. I start by thanking Ann McBrien and Julie Ann Lillis of Beaconbridge secondary breast cancer group for coming to our all-party group meeting last week. It was a very powerful meeting, and the MLAs who attended very much appreciated their contributions and their sharing their personal experiences.

Whilst we know that around 35,000 people are living with secondary breast cancer in the UK, that is merely an estimate. Without accurate data, we cannot possibly provide the best care for those patients. Secondary or metastatic breast cancer is a truly devastating diagnosis

for any patient. Women deserve the best possible care in order to prolong their life and spend their valuable time with loved ones. In Northern Ireland, however, we are failing those women, largely because our health service is not collecting the required data and, therefore, there are gaps in the service.

In May last year, thanks to the dedication of campaigners and charities, NHS England announced the first-ever national metastatic breast cancer audit to collect accurate figures for the number of people who are living with secondary breast cancer in England. NHS Wales has also committed to participating in the audit, but, unfortunately, Northern Ireland will not be taking part. I wrote to the Health Minister, in November 2021, to ask whether he had considered joining the national metastatic breast cancer audit. I was informed that we do not collect and organise the data that is necessary to carry out that audit. Whilst I welcome the fact that data collection will be a central focus of Northern Ireland's cancer strategy, it seems that we are missing an opportunity, and that is keenly felt by patients and campaigners.

Trusts in England are required to record cases of secondary breast cancer. According to Breast Cancer Now, however, compliance is relatively low here. Therefore, I question why our health service cannot undertake the audit, given that we are in a relatively similar position to that in England. As the charity points out, that information is vital for the effective planning of services. Without it, we are unable to identify how we can make necessary improvements.

For patients with this incurable diagnosis, the commitment in the cancer strategy to review the use of data seems like too little, too late. Those women already feel disadvantaged compared with patients in England. They have highlighted the lack of clinical trials in Northern Ireland, the additional administrative processes to access drug treatments and that the first dedicated clinical nurse specialist for secondary breast cancer has only recently been appointed here.

For those patients, every moment counts. I urge the Health Minister to take advantage of this opportunity and re-examine the decision —

**Mr Speaker:** The Member's time is up

**Ms Bradshaw:** — not to take part in the audit.

12.15 pm

## Cervical Cancer Screening

**Miss Woods:** I wish to speak about cervical cancer. Screening is one of the best ways to prevent cervical cancer, but over one in four do not attend their appointments when they are invited. We know that tests can save lives, but they are not easy for everybody. Some people find them uncomfortable or embarrassing. Others face additional barriers, such as a disability or an experience of trauma. We need to focus on reducing the barriers to this potentially life-saving test and encourage its uptake.

Last week was Cervical Cancer Prevention Week, and the charity Jo's Cervical Cancer Trust took the opportunity to highlight the importance of those tests. The trust opens up conversations about what follows a test, which are the results. A number of people in the Chamber and I know that, after receiving a screening, you receive a letter. I know what it looks like and the feeling about opening it. It can sometimes be really embarrassing and cause a feeling of shame. A lot of women who responded to Jo's Trust said that. However, each year in the UK, 220,000 women are told that they have cell changes following their routine cervical screening appointment. The cells are not cancerous, but they could develop into cancer if they are not monitored or treated appropriately. Treatment given to prevent the development of cervical cancer is highly effective, with a success rate of about 90%. That makes examination and treatment crucial aspects of prevention.

Recent research found that nine in 10 women knew little or nothing about cell changes before being diagnosed, and more than a quarter were ashamed. Nobody should feel alone, confused or ashamed when receiving their screening results. We need to have discussions around human papillomavirus (HPV), which is the virus that causes 99.7% of cervical cancers. Half of the calls to Jo's Trust focus on HPV, with women saying that they feel dirty, embarrassed and confused about having this very common virus. Far more work is needed to reduce the stigma surrounding it, starting at the age of the HPV vaccination being given in school.

In the rest of the UK, the screening programme tests first for the presence of HPV before testing for cell changes. That is a more sensitive and effective method for screening than that which is currently used here, as it allows those at greater risk of developing cancer to be monitored more closely and from an earlier age. The transition to HPV primer early has been agreed in principle, with an aim to implement it next year. I welcome that move

to more accurate testing here. It is important that the roll-out happens as swiftly as possible to ensure that the women of Northern Ireland receive the highest standard of health screening. That is what they deserve, and there should be more testing, not less. Lessons should be learned about how to communicate changes in the screening programme. It is crucial to ensure clear and informative public health communications around this change so that it can be recognised as the good news and positive change to the programme that it is.

## Historical Institutional Abuse: Apology

**Ms Dillon:** Last week, the Executive Office announced the very welcome news that an apology to victims and survivors of historical institutional abuse will be made in March this year.

I was elected to the Assembly in 2016 and became Sinn Féin spokesperson on victims just weeks before the launch of the Hart report. I will never forget attending the launch of that report and the feeling in the room that these children, who had been abused, in many different ways, now stood as adults, acknowledged and believed. The shame was given to those who own it: the institutions, those who carried out the abuse and the state.

The implementation of redress and support services has been a long and difficult road with many twists and turns. Now all these victims and survivors, regardless of the institution responsible, will get the apology that they rightly deserve from the state that failed them and allowed the abuse to take place. The state was responsible for every one of those children. Regardless of where the abuse took place, the state had a responsibility to look after, care for and protect them, and it failed them. We can never take away the pain or the harm that the abuse caused, and nothing that we can do will ever give those people back the lives that they should have had, but it is right that we say sorry to them all.

Many have not lived to see this day, including my mother-in-law and her sisters, but, if nothing else, I hope that they can now rest in peace. If we do not fully acknowledge and address what happened, we will leave the gates open for similar abuses to happen in the future. My thoughts are with all the victims and survivors. This belongs to them — they own it.

## Net Zero Emissions Target

**Mrs Erskine:** The reckless pursuit by some in the House of a net zero emissions target by 2045 is irresponsible and threatens devastation to the Northern Ireland economy, including our £5.2 billion food and drink industry. Let us not forget that the independent Climate Change Committee (CCC) recommended an 82% reduction target for greenhouse gases by 2050. It stated:

*"In every scenario for achieving UK Net Zero that we have constructed, Northern Ireland would not get to Net Zero greenhouse gas emissions by 2050."*

The private Member's Climate Change Bill is out of step with that and out of touch with practical reality. All that you have to do to understand that is to speak to the farmers in my rural constituency of Fermanagh and South Tyrone, where this Bill puts jobs and livelihoods on the line.

Northern Ireland makes up 3% of the UK population but provides around 20% of the food consumed in the United Kingdom. Fifty per cent of what we produce locally goes to Great Britain. Therefore, the reduction in herd numbers and food production that would be the inevitable result of the Bill would, perversely, leave a gap in supply that could be filled only via cheaper imports produced to lower environmental and animal welfare standards.

Sinn Féin TD Matt Carthy articulated the problem during a debate in the Dáil. He said:

*"When I talk to people in rural communities and I ask them what climate change means to them ... they tell me it means higher taxes, higher costs on products for which they have no alternatives, job losses and greater fear for their livelihoods, particularly in farming families."*

Tell me, then, what you will say to your constituents when you are looking at a 54% decrease in farm employment, which equates to 13,000 jobs, not forgetting the decrease of 86% in the number of farms in the dairy sector, as the KPMG report explains. Perhaps the Members opposite can explain why they do not share the same view on the Green Party Bill. It seems that they are very happy to implement partition when it comes to climate change targets.

## PSNI: Recruitment

**Mr Nesbitt:** I declare an interest as a member of the Northern Ireland Policing Board, as I wish



to comment on correspondence published over the weekend from the Chief Constable to the Policing Board on budgets and his decision not to progress the planned recruitment drive this spring.

When the Minister of Finance came to the House to announce the draft three-year Budget, he mentioned a ring-fenced allocation of £14.8 million to the police for staffing. The 2% overall cut in budget of £14.6 million, however, largely and effectively offsets that money.

Let us be clear that, when the Chief Constable says, "I am not recruiting", that does not mean that the police headcount stays static. It falls because, annually, the police lose around 300 officers, for a variety of reasons but largely through retirement. If there is no money to recruit over the three-year Budget period, the headcount will drop by 900 and end up at around 6,100 or, at best, 6,200. Yet we have a commitment, not just from the Patten report of 20 years ago but in New Decade, New Approach two years ago, to increase the headcount to 7,500. On the current Budget projections, that will not happen. Over the three years of the Budget period, to increase the headcount from its current number to 7,500, the contribution would need to be north of £70 million, which the Chief Constable does not have.

The Chief Constable made it clear to the Policing Board in writing on 7 January that, were we to go the other way and see numbers fall by 300 per annum, dropping 300 in financial year 2022-23 would mean:

*"the impact on frontline policing would be significant".*

Where would that impact most likely fall? It is most likely to fall on neighbourhood policing, despite Patten's recommendation 44:

*"policing with the community should be the core function of the police service and the core function of every police station."*

This is a very serious situation. We are not giving the police the money that they need to keep people safe.

Finally, on a positive note, I welcome what I heard on Radio Ulster this morning, when she was discussing the police budget and the Chief Constable's decision to postpone recruitment in March, the Minister of Justice commented on operational matters. That was potentially the first time that I have heard that. I welcome that

precedent and look forward to more of the same from the Minister.

## Brain Drain

**Ms Hunter:** I welcome the opportunity to talk a little bit more about my concern about the North losing its best and brightest young people to other shores. In December, a new report revealed that ongoing orange and green issues are as much to blame for Northern Ireland's brain drain as the economy.

It is very worrying that, in 2019, over 17,000 young people left Northern Ireland to go elsewhere. Among the reasons cited for our young people leaving Northern Ireland were segregation, poor community regulations and stuck-in-the-past political debates. Students in the study described themselves as:

*"being 'sick' of ongoing community tension"*

We have already lost generations of people due to our conflict. Now is the time to effectively address our current societal issues before we lose any more. Every participant raised concerns about political instability, and not one of them expressed confidence in governmental decision-making. How sad is that? Students also voiced the fact that they feel that they are not represented by politicians or in our political debates here. I welcome the representation by and engagement of our student unions across the North, which continue to turn their anger into action and to demand better from our Executive.

Looking at my own time under the age of 21, I, too, left Northern Ireland for elsewhere. I have lived in Liverpool, Dublin, Boston and California, looking outward for opportunity and beyond home for new starts and new chances. That should not have to be the case. We can provide those opportunities right here at home. We must act today to provide for our young people's future tomorrow.

The report also recommended that the Northern Ireland Executive develop a specific strategy to address the loss of our talented young people. It is time to retain and regain the lost talent here. Let us diversify our university course offerings, open a veterinary school, create an appropriate and effective strategy to develop our universities and invest in young people and allow for the energy and talent that they bring. Let young people create that, and let them stay here and live here. Young people also said that elsewhere has a broader range of higher education courses, greater availability of places

and higher-quality student experience, which encourages them to leave Northern Ireland.

I believe that one thing that we can all agree on is that the fact that two thirds of our young people leaving this island and never returning home is absolutely unacceptable. Our own Matthew O'Toole MLA has crafted a proposal, called the make change programme, to transform our Civil Service so that it specifically tackles more deep-rooted challenges such as the climate emergency, economic underperformance and, of course, poverty. Our party is keen to see new opportunities and new starts for young people, and I know that other parties across the House do too. It is time that we create strong pull factors to encourage all those who have left to return home. I believe that we should act now.

## Red Diesel Restrictions

**Mr Allister:** I am tempted to comment on the exposure that the previous Member to speak gave to the Belfast Agreement institutions' failure to deliver for younger people and others, but I will address an issue that is afflicting our construction industry and wider industry, causing great fear and potential loss. That is the removal of the red diesel concession. That will hit our industry in a phenomenal manner, and it will hit us all through the passed-on increases in prices.

It is riddled with practical difficulties, particularly in the farming context. Red diesel will be permitted strictly for the farming context, but, if a farmer, for example, wanted to oblige a neighbour by taking his digger to dig out something, he would be regarded as a contractor and would have to wash out the tank and fill it with white diesel. That is so impractical that it is just not going to happen. Even charity tractor runs, ploughing matches and matters such as that will be blighted because they are not strictly farming issues. The removal of the concession on red diesel has a serious knock-on effect. I call on the Government to urgently review it.

**12.30 pm**

In another niche sector, there will, from June, be an insistence that those who have pleasure crafts use white diesel to propel them. That imposition is being inflicted on us particularly because of the fact that we are still bound by a European court judgement and because of the protocol. The protocol, of course, has much to answer for as well in impeding our economy. We all know about the problem with our energy

costs. There could be a 5% cut immediately from the removal of 5% VAT from energy costs, but, in Northern Ireland, it would not be allowed to apply because we are subject to a VAT regime that insists on 5% minimum VAT across its areas of control. The protocol is hitting ordinary consumers and ordinary people across the board because of its severe impact on such things. Therefore, the sooner we escape and the EU gives up its sovereignty over Northern Ireland on that issue and others, the better.

## Suicide

**Ms Dolan:** This is not the happiest of topics to discuss of a late January afternoon, but there is a suicide epidemic in our society, and it really worries me. The number of young people whom it is affecting only adds to my concerns. Figures in a 2020 report by the Royal College of Paediatrics and Child Health show that the rate of suicides in 15- to 24-year-olds has risen in recent years, and that was before the stress and strains of the pandemic had kicked in. My party colleague Órlaithí Flynn has done outstanding work on getting suicide prevention and resilience built into the curriculum. I feel really sorry for our teachers because, across the Chamber, we are looking for all sorts to be added to the curriculum and taught in schools. However, by educating students about the best way to respond to and deal with their feelings and emotions, we can save lives.

Unfortunately, my constituency has not been immune. I have been working closely with one young woman in particular whose partner took his own life in July 2020. Louise Boyle reckons that her partner, Michael Doherty, showed no signs of depression or mental illness. In Louise's words, Michael was laid back and always smiling. Since Michael's tragic death, Louise has set up a charity called Michael's Hope Haven. The charity will be for those who are struggling or who have lost a loved one to suicide and may just need some respite. The aim is to raise enough money to buy a static caravan that would be solely for charity use. Louise shares our belief that, if resilience and suicide prevention were built into the curriculum, it would go some way to tackling the increasing tragedies. We as a party will continue to work on that. I ask other parties and the relevant Ministers to support us.

**Mr Speaker:** That concludes Members' statements. Members should take their ease for a moment or two.

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

## Ministerial Statement

### January Monitoring

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

I remind Members to be concise in asking their question. This is not an opportunity for debate, and long introductions will not be allowed. I also remind Members that, in accordance with long-established procedures, points of order are not normally taken during the statement or the question period thereafter.

**Mr C Murphy (The Minister of Finance):** Go raibh maith agat, a LeasCheann Comhairle. Thank you for the opportunity to make a statement on the outcome of the Executive's 2021-22 January monitoring exercise. While I advised Members of it on Thursday by way of written statement, today's oral statement will allow them to engage more fully on these important issues. I am aware that Members received two versions of the written statement. One version contained a minimal change to one figure. I can confirm that the original version that Members received is the correct one.

As was set out in my written statement on 13 January, the Executive agreed to allocate £55 million to the Department for Communities for an energy payment support scheme and £3.8 million to the Department for Infrastructure for energy cost impacts on Roads' street lighting and on Northern Ireland Water (NIW). Given their urgency, those matters were progressed in advance of January monitoring. Members will also be aware that the Executive agreed the allocation of £40 million to the Department of Finance for the omicron hospitality payment.

I turn first to resource departmental expenditure limit (DEL). We concluded the October monitoring round with all available funding having been allocated. Since then, Treasury has advised of £163.8 million of Barnett consequential arising from spending by the

British Government on COVID and support for households over winter. That is an extremely large amount of money to receive so late in the year. Departments have also identified £140.5 million in reduced requirements. The Department for the Economy returned the highest amount, £50.3 million, followed by the Department of Education, which returned £41.1 million. That is also a significant level of funding to be made available late in the year. I have taken all that into account, together with adjustments to a number of additional central items, and it means that a total of £245.9 million of resource DEL was available to allocate. Against that amount, the resource DEL bids submitted by Departments amounted to £146.7 million. Full details of bids and allocations are set out in the tables that accompany the statement. I will, however, highlight a few specific areas.

The Infrastructure Minister is receiving £68.1 million. In addition to £19.8 million to help mitigate the impact of COVID on Translink, £24 million is being provided to subsidise bus routes. A figure of £15.5 million is being provided to help with energy cost increases for Northern Ireland Water and Roads. A further £4 million is being made available to support the bus and coach industry. There have been allocations of £2.7 million for penalty charge notice (PCN) debt write-off and £2 million for the Driver and Vehicle Agency (DVA). The Department of Education has been given £43.3 million. Of that, £22.5 million is to deal with COVID pressures in schools, including support for PPE and staff substitute cover. I have previously stated my desire to prioritise helping children with special educational needs. I am pleased that £18.4 million has been allocated for that. The Department of Justice has been allocated £12.3 million, with £8.7 million going to the PSNI for a range of pressures and the remaining £3.5 million helping fund the provision of legal aid. In addition to the funding being provided for the energy payment support scheme, £18.2 million is allocated to the Department for Communities to support local councils. The Department of Agriculture, Environment and Rural Affairs has been allocated £4 million to compensate people those affected by the avian influenza outbreak. A further £31.9 million has been provided across Departments to cover pressures arising from accounting charges for depreciation or impairment of assets. Following those allocations, there remains £70.5 million of unallocated resource DEL.

I turn now to capital DEL. Some £100.5 million was available for allocation as a result of £44.5 million of Barnett consequential and £57

million of reduced requirements from Departments, along with some central adjustments.

The Department for the Economy returned £16.7 million, which was the single largest amount.

Departments submitted capital bids totalling £4.6 million, all of which have been met. That includes £3.7 million for the Department for Infrastructure for costs associated with the A6. There is also £500,000 for the Department of Education for the supply of digital devices under the 'A Fair Start' report. With all the capital bids having been met, £35.9 million capital DEL is still available for allocation.

Financial transactions capital (FTC) of £72.7 million was available for allocation. With no bids submitted by Departments, £71.1 million of that will be put towards repayment of future liabilities. This leaves £1.6 million available to carry over into next year.

As a result of those allocations, we end the January monitoring round with £70.5 million resource DEL, £35.9 million capital DEL and £1.6 million of financial transactions capital unallocated.

We are currently within our Budget exchange scheme limit of £105.6 million carry forward of resource DEL by £35.1 million, and we are level with the £1.6 million carry-forward limit for financial transactions capital. Carrying over money will allow us to meet more of the pressures facing us next year. However, it is important that we do not breach our limit and surrender money to Treasury. I have therefore asked ministerial colleagues to minimise year-end underspends to ensure that we remain under our carry-over limit. I will keep the position under close review.

As things stand, the amount of unallocated capital DEL already exceeds our carry-forward limit of £27.5 million. I am extremely disappointed that we received such significant levels of departmental reduced requirements at this late stage from Executive colleagues that, if notified earlier, could have been utilised in other areas. I have already written to Executive colleagues seeking further proposals to utilise the remaining resources in the remaining months of this financial year. I have also pressed the Chief Secretary to the Treasury to allow more Budget flexibility. It is hugely concerning that Treasury may not permit funding to be carried into next year, even if additional funding is confirmed at such a late

stage that it prevents it being used most effectively.

I commend the January monitoring statement to the Assembly.

**Dr Aiken (The Chairperson of the Committee for Finance):** I thank the Minister for his statement and for meeting me and the Deputy Chairperson earlier today to discuss the key points of it. The Committee will greatly welcome the allocations of resource DEL to the hospitality sector for omicron, to householders to meet energy costs, to Education for special educational needs and to Infrastructure for what appears to be unavoidable spend around energy costs and bus services.

It is surprising, given the year that we have had, that the Executive have underspent in resource, FTC and even conventional capital. The Committee will want to think carefully about the FTC and reinvestment and reform initiative (RRI) payback measures that, as well as non-ring-fenced DEL, have been employed to meet ring-fenced pressures.

The Committee has repeatedly raised concern about the capital programme and the difficulty that Departments appear to have getting the money spent. That is the cause of much frustration, especially in the construction sector. I again ask the Minister, given the significant underspend in capital, whether there is a systemic problem across the Executive in respect of capital project management and delivery? If not, why is the capital so significantly underspent again?

The Fiscal Council report on the Budget indicates that the Executive have in excess of £150 million of omicron Barnett consequential funding in 2021-22. However, if they spend beyond their Barnett share, the Executive will have to repay the difference to Treasury. Minister, how much omicron money will the Executive have to pay back? Have you withheld funding from other Departments in January monitoring to cover that COVID payback pressure? Thank you, Minister.

**Mr C Murphy:** I thank the Chair of the Committee for his remarks. Capital underspend is concerning because, particularly at this late stage of the year, it is more difficult to allocate capital and get it spent within the financial year than resource. I do not think that there is an endemic problem across the Executive, but Departments need to be aware earlier of what they may or may not spend.

The bids at October monitoring were twice what we had to allocate. Earlier surrenders could have been allocated then, and now we have much more than the bids that have come in. It is not a good way of doing business.

**12.45 pm**

I constantly remind my Executive colleagues to make sure that they manage funding well and to give us an early alert if funding will not be required. While it is concerning, I am hopeful that there will be further bids for that capital, because, as I said, we have already exceeded the carry-over amount. We will continue to press Treasury for more flexibility in that regard.

In relation to payback of the COVID Barnett consequentials that we received, we have had conversations with the Chief Secretary to the Treasury, and I am confident that we will not have to pay back any of that money. That is the clear sense that we have got from Treasury, and I expect that to be confirmed in the near future.

**Mr Sheehan:** Gabhaim buíochas leis an Aire as ucht a ráitis ar maidin inniu. I thank the Minister for the statement today.

The education of children with special educational needs has been particularly affected by the pandemic, so I am delighted that the Finance Minister has prioritised special educational needs by providing an additional £18.4 million. Will the Minister outline briefly how that will be used to support our children with special educational needs? Will he continue to prioritise special educational needs in future monitoring rounds?

**Mr C Murphy:** I thank the Member for his question. Yes, over the past two years, we have tried to find ways to support special educational needs. The case for it is strong at any time, but the experience of the pandemic and the interruptions to school will have had a particularly profound effect on children with special educational needs, so I was happy that we were able to find that funding. The Education Minister had been flagging it up for some time that she wanted further support for it, so I was pleased that we were able to provide it. She will be able to give detail on how and where that will be spent. I will continue, as long as I have an opportunity to do this job, to try to provide as much support for special educational needs as I can.

**Mr K Buchanan:** Some £55 million has been allocated for the energy payment support

scheme. Has the Minister for Communities put in a bid to support working families who also are suffering a great deal of hardship, considering the price of fuel, oil and gas etc? Subsequent to that, how are your conversations going with the Treasury regarding the VAT reduction in energy bills?

**Mr C Murphy:** Having spoken to the Minister for Communities, I know that she is exercised about the people who need support. We all recognise that there is a cost of living crisis. The scheme will help a significant number of families, but there are others who will continue to struggle, and the Minister is seeking ways in which the scheme that we have put in place can be expanded to allow other deserving people to be included. Obviously, it will be for the Department for Communities to do that, but I am more than willing to assist and recommend further allocations, if that can be done, in the time ahead, because there is a recognition that energy prices continue to rise and that puts a huge stress on families.

In relation to the issues that we have raised with Treasury. I have written to the Chancellor of the Exchequer, and I raised it with the Chief Secretary to the Treasury in our meeting, as did the Ministers from Scotland and Wales. We expect announcements around the cost of living in the spring statement, which will be at the latter end of March. I hope that they move to address some of those issues.

**Mr O'Toole:** Three months ago, Minister, at October monitoring, you told me that it was simple maths why £50 million was not allocated to offset the universal credit cut. Speaking of simple maths, now, in the final monitoring round before the end of this mandate, there is £100 million out of £250 million that is either reduced requirements or unallocated. That is as our public services struggle to deal with the end of the pandemic and families struggle to deal with the cost of living crisis. That is £100 million that could be handed back. If that is not an indictment of your stint as Finance Minister, what is it?

**Mr C Murphy:** If the £100 million came from the Department of Finance, it would be, but of course it comes from a range of Departments, including that of your colleague, surrendering money. It is late in the financial year for such a significant surrender, and I anticipate that there will be further surrendering of money between now and the end of the financial year. I have asked all Executive colleagues to give us the earliest possible warning in relation to that. We can carry over more than £100 million resource

and, I think, £27.5 million capital. It would be beneficial if we could carry over that amount, but we do not want to be in a position where other funding is surrendered back to Treasury. There will be a need for further allocations between now and the end of the financial year. I have asked Departments to bid for that.

While I have responsibility for making propositions around the allocations and trying to manage the money, I do not manage the money internally in each of the Departments. That is where the surrenders have come back from. The issue that the Member raises is best raised with the Ministers who have made such significant and late returns.

**Mr Muir:** At the outset, I declare that my stepfather is a quality manager for the A6 project. Will the Minister agree that there is a systemic problem in being able to spend capital funding? We got only one bid from the Department for Infrastructure for capital funding, yet so many projects — bus, rail, active travel, road maintenance — are crying out for funding. Will the Minister provide an update on where we are in getting an independent infrastructure commission to address that problem? It looks likely that we will hand money back to Treasury, and, frankly, that is criminal.

**Mr C Murphy:** It is not my intention to hand any money back to Treasury. That is why I have asked for additional bids. There is one thing about capital spend being planned in normal circumstances, and, in this case, where capital has not been spent at the end of the year, generally speaking, it is returned. That is a normal cycle in our public finances. In my time as Minister in the Department for Regional Development, as it was then, Roads Service stepped forward and used up a lot of unspent resource and capital at the latter end of the financial year. It is a cycle that has happened.

We are above our capital limits, so we need to see further bids coming in. I have asked Executive colleagues to see where they can spend that between now and the end of the financial year.

The discussions on the infrastructure commission are ongoing with the First Minister and deputy First Minister and the Minister for Infrastructure.

**Ms Ferguson:** First, I thank the Minister for his ongoing commitment to local services and the support provided to our councils. In the time ahead, will his Department continue to engage with the Department for Communities, our

councils and the Northern Ireland Local Government Association (NILGA) to ensure that councils enjoy increased financial stability?

**Mr C Murphy:** We recognise that the experience of the pandemic has been a challenge for local government as well as central government here. Local government provides vital services that continue to need to be supported. Over the course of the pandemic, we have been able to make substantial allocations to local government, and I am glad that the Department for Communities has come in for more support, which, I am sure, will be welcomed across our 11 councils.

I regularly meet councils on the local government partnership panel, which a number of Ministers sit on. We hear first-hand from council representatives, and I meet individual councils as often as I can. I am very aware of the pressures that they face, and I am sure that they welcome the allocations that have been made as part of the monitoring round.

**Mr Storey:** Although the bids for the PSNI have been fully met in the in-year pressures for the PSNI, obviously they have arisen as a result of the associated costs in regard to the protocol and EU exit. The Committee has been advised that the Chief Secretary to the Treasury wants to make a decision on all NI protocol costs together. Given how many times the Finance Minister's statements are replete with phrases such as, "I continue to press" and "I have engaged", will the Minister provide an update on the written correspondence and discussions with the Treasury on its considerations of those costs and when a decision can be expected to inform future planning?

**Mr C Murphy:** I write to Treasury and engage with it individually and with other Finance Ministers. The protocol costs are unique to us here, so we continue to engage. Officials are in very regular contact to make sure that we get a clear understanding of the costs that have been incurred and the agreement that Treasury has to meet those costs to make sure that they do not land on our Budget. We will continue to do that. We then have to gather in from each of the Departments that have a responsibility the actual costs that they are making and to make sure that those are itemised, verified and represented to Treasury in order to get the return from it. That is an ongoing exercise. I hope that, for managing our own budgets, we will know sooner rather than later, and we will continue to engage with them to make sure that that is the case.

**Mr Boylan:** I welcome the Minister's statement. I also welcome the additional funding for NIW, Translink and the much-needed funding for the bus and coach industry. No bid was made for additional roadworks, given the poor state of our roads. Is the Minister in a position to support a bid for additional roadworks, if that were forthcoming?

**Mr C Murphy:** Making such a bid is a matter for the Department for Infrastructure. I have encouraged the Infrastructure Minister and all other Ministers to look again at what capital bids may be made between now and the end of the financial year. I hope to hear from them soon. If a bid is made to the Department, I am happy to recommend that to the Executive for support.

**Mr Buckley:** I welcome the additional allocations to the Department for Infrastructure. Again, I echo the calls saying that it is scandalous that we see no additional resource for road repairs, given the state of some of our roads.

Can the Minister tell us about NI Water funding? Obviously, the funding released by the January monitoring round is welcome, but, given the huge energy costs associated with NI Water and the current fluctuations in energy prices, is there a means for the Minister to revisit that if Northern Ireland Water finds itself in a distressing scene in the months ahead?

**Mr C Murphy:** The additional support for NI Water's energy costs was part of an earlier allocation because we recognised that there was a particular pressure there. The support is included in the monitoring round, but we brought that to the Executive's attention a number of weeks ago alongside the home heating scheme that the Minister for Communities was trying to develop. The bid was made, and that is the amount of support that NI Water identified it needed to assist with energy costs; we met that bid. If there is a particular problem in the time ahead, I am sure that we will hear from the Department for Infrastructure. We rely on organisations to identify what they need between now and the end of the financial year and to bid accordingly. As the Member said, the bid was met in full.

**Mr Durkan:** I thank the Minister for his statement. Given the amount of money that now appears to be sloshing around, how does he view the bid in the last monitoring round for £55 million to reinstate the universal credit uplift? How seriously did Departments look for money when the Minister made that request?

**Mr C Murphy:** It is disappointing that, just a number of months after we asked people for returns in October, we had significant returns from across a range of Departments. The tables show the exact amounts that were returned. As the Member is aware, there was real pressure around universal credit, and we can manage and meet pressures if the resources are returned early.

When the Department for Communities wanted to bring forward a scheme to help people with heating bills, we asked Departments to indicate in advance of the monitoring round to let us know what was available. We put together a bid and a package for that with the Department for Communities. It is disappointing when people do not alert us early enough, because there are worthy schemes. If the returns had been delivered in October, we would have had more time to manage that expenditure between then and the end of the financial year. However, that is a question for MLAs to raise in the Committees to find out why Departments did not surrender in October and came with such significant late returns. Through the Committees, MLAs will want to ask the Departments about that.

**Mr Nesbitt:** The Minister will be aware that the Department for the Economy gets two mentions in the statement. The first is for handing back more resource DEL than any other Department, and the second is for handing back more capital DEL than any other Department. Given that travel agents, the night-time economy and hospitality — to name but three sectors — are on their knees, what is happening?

**Mr C Murphy:** I am afraid that I cannot answer for individual Departments; I can only give the figures that come back. I can assure the Member that I kept telling Ministers that COVID money is available. We had a significant injection of COVID funding late in the year. If Ministers have policy responsibility for sectors that need assistance, they need to bring forward a case to me so that I can make a recommendation to the Executive.

I am still content to do that if people bring those cases forward. We have been and are running the hospitality scheme, which my Department stepped up to deliver once again. Other sectors out there are struggling, however, and we have all heard from them. Their struggles are not necessarily a consequence of the restrictions. Given, however, the omicron variant of the virus out there, society tended to stay in and not go out as much, which meant a bad Christmas for hospitality and the sectors that support it.

We have heard from people who need support. The Ministers with policy responsibility need to bring forward propositions. I would be happy to support those.

**1.00 pm**

**Mr McAleer:** I thank the Minister for his statement. Minister, I share the concern about the significant reduced capital requirements across Departments. I am disappointed that DAERA has declared £10.1 million.

There are potential opportunities to support rural communities through, for example, boosts to rural development programmes, particularly in the context of lost EU funding because of Brexit, farm business improvement schemes and Project Stratum, to name but a few. Would the Minister support such initiatives if the AERA Minister were to bring them to him?

**Mr C Murphy:** Project Stratum is the responsibility of the Department for the Economy. Certainly, however, as a rural dweller and someone who represents a largely rural constituency, I am acutely aware of many of the issues that the Member has raised and the need for support in rural communities. Broadband and connectivity are particular difficulties in rural areas, and I assure the Member that they are even more acute for those who live in border areas. I would be happy to support such propositions. Again, however, it will be for the Departments concerned to bring those forward.

**Mr Clarke:** Minister, as described today, there is lots of money floating around. The Department of Justice may have fared well with its propositions, but how does that fit with last week's statement from the Chief Constable that the PSNI will suspend recruitment? What considerations did your Department and, indeed, the DOJ give to financing the PSNI appropriately so that it can continue recruitment and fulfil the requirement in 'New Decade, New Approach' (NDNA) for additional officers?

**Mr C Murphy:** How the Department of Justice spends its budget and the prioritisation of that budget are matters for the Justice Minister. I have heard various statements about the level of support. There is ring-fenced money for policing that was not included in some of the recent commentary, and including that would paint a slightly different picture.

In one of the last Budgets set by the Executive in 2015-16, the Department of Justice received an allocation that was 4% lower than its

baseline, and the overall departmental spend was 0.6% lower than its baseline. If the draft Budget that is out for consultation is agreed, it will certainly have a better outcome than that over the next three years. We have to decide whether we prioritise Health and support that prioritisation through allocations to enable the Department of Health to conduct the transformation that is required.

There are challenges across all Departments. There will, however, be an increase in spend year-on-year, and it will be up to whichever Minister happens to be in the Department of Justice in the new mandate to prioritise according to the budget that he or she has.

**Ms Bradshaw:** I thank the Minister for his statement. My question follows on from the previous one. Given that the Minister set up the Northern Ireland Fiscal Council, will he outline his response to that council's independent and expert view that the Department of Justice continues to be the major loser when it comes to allocations from monitoring rounds?

**Mr C Murphy:** I do not think that the council said that it was a loser when it comes to allocations from monitoring rounds. The council was referring to the three-year draft Budget that is out for consultation. As I said, there are ring-fenced resources for the Department of Justice in that that were not identified, which skewed the figures somewhat. When those figures are put in, you get a much clearer picture.

All Departments are being challenged. If, as has been stated many times, the Executive and the Assembly's priority is health and if we want to engage in its transformation, other Departments will be challenged more. The Department of Justice is no worse or better off than any other Department.

**Mr McHugh:** Ar dtús, gabhaim buíochas leis an Aire as a ráiteas. At the outset, I thank the Minister for his statement. Minister, the £40 million that has been allocated to those who have been affected by the omicron variant is to be greatly welcomed by all, and those living in border areas in towns like Strabane, Castlederg, Newtownstewart will especially appreciate that support. Is it likely that businesses that are newly established or those that have previously not made an application for support will also be able to access that funding?

**Mr C Murphy:** Yes, the businesses that have been identified are being contacted directly by Land and Property Services (LPS), but for those that have been established since the



previous payments, there is an application process through which they can make themselves known to the Department and make an application. I am sure that that will include people who have not previously had localised restrictions support (LRS) but think that they qualify for that allocation. As well as the Department directly contacting businesses that have previously been supported, there is an application process for those who have come on board since that last payment.

**Ms Hunter:** I thank the Minister for his statement this afternoon. He will recall my proposal at the Infrastructure Committee about pressing for vital funding for NI Water and our public transport. I welcome the fact that he has listened and has now provided those much-needed funds. Will he give a guarantee that he will meet the bids for those critical services in the multi-year Budget?

**Mr C Murphy:** The consultation on the multi-year Budget is out, and people can respond to it and make their case. One thing that should liberate all of us is that it is for an incoming Executive. None of us know whether we will be here in May, whether the same people will manage the same Departments or which political party will have responsibility for particular Departments. We can approach the consultation by taking the departmental interest out of it. That is why the central question in the consultation is this: are we going to prioritise Health, as we have said repeatedly, and will we provide the funding to prioritise it and begin that transformation? If that is the case, that presents a challenge for all other Departments. The Executive and Assembly will have to take that decision in the time ahead, and it will dictate what the Budget will be in future years.

**Mr Irwin:** I thank the Minister for his statement. I welcome the £4 million for avian flu compensation. It is certainly a lifeline for the farmers who have been affected. In the Minister's view, does the Budget adequately meet the needs and targets set out in the Executive's Climate Change (No. 2) Bill, particularly the challenges for Northern Ireland citizens and for agriculture and agri-food businesses?

**Mr C Murphy:** We are straying from the January monitoring round to the next three years' Budget, but, whatever the outcome of the climate change Bills that are proceeding through the Assembly, it will be a matter for the Department to prioritise according to the budget that it gets. The next Agriculture Minister will have the authority in his budget to prioritise

according to the needs that he establishes for the Department.

**Mr Weir:** I thank the Minister for his statement. Will he expand on the part of his statement where he indicated that he is in discussions with Treasury to seek greater end-year flexibility, particularly in light of the problems that have been raised about the restrictions on capital? Are any of the approaches that are being made being coordinated with other devolved institutions?

**Mr C Murphy:** Yes, they are. The last meeting was held the week before last, perhaps. It was a quadrilateral engagement with the Scottish and Welsh and the Chief Secretary to the Treasury. We have consistently raised that issue across each of the devolved areas because there are often late allocations from Treasury and it is a challenge to spend them. While many deserving schemes will welcome some support, even if it is late, trying to spend at the end of the year in a rush is not the best way to manage money. The Member will know that from his experience in the Executive. Yes, we consistently raise the issue. It is a small amount: we can carry over only £27.5 million of capital and about £105 million of resource. We continue to press for that. Treasury has never given any indication that it is willing to move that, but we will continue to press for it.

**Mr Catney:** Minister, many small businesses are suffering the consequences of omicron, even if they were not subject to restrictions. I think of travel agents, many suppliers to the hospitality trade and others involved in the night-time economy. Given that £100 million is still unallocated, surely you and the Economy Minister should get together and find ways to support the businesses that are on their knees.

**Mr C Murphy:** I am happy to get together with any Minister who wants to bring forward a proposition. I have said to them time and time again and continue to say to them that, if they have a proposition for a sector that is struggling — I have heard, as he has heard, from many sectors that continue to struggle — I am happy to make a recommendation to the Executive on that basis. They have to bring it forward to me; I cannot reach into a Department and do that.

**Mr Catney:** The Economy Minister.

**Mr C Murphy:** I am happy to work with all Ministers, including the Economy Minister, to do so.

**Mrs Cameron:** I thank the Finance Minister for his statement. The Health Committee recently heard that the Department of Health has had to examine additional ways of outsourcing fertility treatment to independent providers. Meanwhile, the delivery of the IVF NDNA commitment seemingly lies dormant. Has the Minister had any discussions with the Health Minister about bids for the funding needed to deliver that time-sensitive NDNA commitment?

**Mr C Murphy:** The short answer is no. I have not heard from the Health Minister about that. I do not, as a matter of course, go to Departments and suggest issues that they should fund. What I do say to them is that, if they have something that requires funding in-year, particularly now when we have resources available, I would be happy to hear from them. I would be happy to hear from the Health Minister or, indeed, any Minister, if there is a particular issue that they want funding for in the next number of months.

**Mr Dickson:** Minister, thank you for your statement. The height of criticism in the Chamber today has been about the £50 million-odd returned by the Department for the Economy. Minister, what responsibility do you bear for that as the Minister of Finance with overall responsibility to ensure that our moneys are spent effectively and efficiently? I share the concerns of others about that money being returned by Economy when businesses, particularly small businesses, have been crying out for support and resource.

**Mr C Murphy:** Each Department has a responsibility for its own budget and a significant degree of autonomy. As part of the Good Friday Agreement and the infrastructure of this institution, Ministers are given a significant degree of autonomy within their own Departments. I am not making any proposal to change that.

What I want, as the Finance Minister, is to get early indications from Departments if they are not going to spend out their allocations. It is much better if we have an early sense of that, so that we can put together other schemes or make sure that the spending is done in a way that is effective and can reach areas where it is badly needed, including some of the areas that the Member mentioned. When Departments surrender late in the year, the difficulty for me is in finding a way to manage that. Essentially, I have responsibility for managing what comes back. However, I cannot dictate to Departments how they spend money or whether they return it early; all I can do is exhort them to do so. I will

certainly put my mind to it, and I hope to get cooperation from across Departments to ensure that we spend what we need to spend, do not return any money unnecessarily and carry over the maximum amount that we can so that we can assist next year's budgets.

**Mr Wells:** The Minister's decision to distribute money to the Department for Communities for an increment to social welfare payments in March is welcome. If he has a resource surplus, as it were, a quick way to get rid of that would be to add a further enhancement to those March payments, which could be paid in this financial year.

Secondly, the Bryson charitable money has been a lottery. I think that every MLA has had a lot of complaints from people about the system, about not being able to access the portal and about arbitrary decisions being made. Surely he could take the money that has been allocated to Bryson and add it to the increment to the £200 grant in March.

**1.15 pm**

**Mr C Murphy:** I will try to explain some of the schemes, but it is not my area. My understanding is that the Bryson House scheme was for people who were in immediate danger of having their services cut off because of their inability to pay. It was a limited scheme. When it came out in advance of the £55 million scheme, a lot of people tried to access support from it but were more suited to the much larger scheme. It is my understanding that that put severe pressure on the system in trying to respond to people, and I hope that it is now clearer that the larger scheme will provide support by reaching a significant number of people.

The Department for Communities is looking at other issues, and, if resource is available towards the end of the financial year, it may be able to step in and see whether it can make good use of that money in other areas. I am happy to work with the Communities Minister in the time ahead to make sure that we do not end up with unnecessary returns to Treasury at the end of the financial year.

**Mr Allister:** There was £246 million of resource funding available to spend, and, despite all the needs that, as MLAs, we meet daily in our constituencies, all that the Northern Ireland Departments could come up with were plans to spend £146 million, leaving £100 million unspent. Does that not speak to severe financial mismanagement across the

Executive? Given that there is also £200 million of further Barnett consequentials, are we not now in the territory where the Minister's constant refrain of "Tory austerity" is wearing very thin?

**Mr C Murphy:** Tory austerity is a fact, and it has impacted on our public services and continues to do so. The reason that we are having such a debate about the next three-year Budget is that, in order to prioritise the Department of Health, we have to squeeze other Departments, and we have to do that because the outcome of the spending review was not what we wanted.

Of course it is disappointing when Departments surrender money later in the year than they perhaps should have done, but we had £100 million for COVID and the outbreak of the omicron variant, and that money came very late in the year, as the Member will understand. With some of that money, we had no certainty around whether we could spend it, and we got that certainty only very close to the January monitoring round. There were extraneous factors, as well as late returns from Departments, but, as I have said repeatedly here, if Ministers identify a need to support people or businesses in other policy areas for which they have responsibility, I very much welcome bids for additional funding and am happy to recommend those bids to the Executive.

**Mr Carroll:** Minister, the cost of living is through the roof. Officially, inflation is at 5%, but the cost of living far exceeds that. There has been a 29% increase in the price of bread. The price of apples is up by 51%, while the price of pasta is up by 141%. Families and individuals struggle to get by as it is. Given that there is nothing in the January monitoring round to alleviate that hit for people and given that he still stands over what are effectively below-inflation pay cuts for workers, what work is the Minister and his Department doing to provide some financial protection for people in these very difficult times?

**Mr C Murphy:** The Member obviously missed the £55 million scheme to assist people with heating bills. There is money in this to assist people in the time ahead. We will have discussions with trade unions and others about pay awards into the future and will try, within the constraints of the budgetary outcome, to see whether we can give the maximum pay awards possible. As I said earlier in the year, we have made the Executive a living wage employer to assist people who are struggling.

The Department for Communities in particular and others across the Executive, including mine, have taken measures to support ordinary working families who continue to struggle, and I know that the Communities Minister would like to expand the scheme to assist people with their heating bills over the winter, if that is possible in the time ahead. I am happy to support her if she does that.

**Mr Beggs:** The Minister has spoken of the importance of indicating early that money cannot be spent and returning it to the centre so that it can be reallocated, yet, in this monitoring round, over £400 million has been returned. Equally, the significant difficulties facing Northern Ireland Water have been well known for some time. In order for it to get to this monitoring round, the Minister had to give Northern Ireland Water an advance, and it and the Department had to forgo other expenditure. Why was such essential expenditure, which was known about, not funded earlier? Also, what discussions has he had with the Minister for the Economy about bringing forward something to help travel agencies and hotels, which were not included in earlier schemes?

**Mr C Murphy:** A bid was made in the October monitoring round to assist Northern Ireland Water with its energy costs. That was partially met because, in that monitoring round, we had twice as many bids as we had money available to allocate. We tried to juggle that to give people a certain amount to keep them going until January, with the intention of revisiting it. Of course, as the Member knows, energy costs, which are outside the control of the Assembly, continue to rise, and that created a pressure before January monitoring. That is why, as well as bidding for £55 million for the home heating support scheme, we included the money that was required by Northern Ireland Water for the increase in its energy costs. Of course, the bids for it have now been met in full.

As for the other schemes, it is the responsibility of whichever Minister has policy responsibility for those matters to bring forward a case, be it for travel agents, who have been supported in the past — I am happy to look at a case for them now and into the future — or, indeed, hotels. I only received, over the weekend, material on support for hotels. I intend to bring a paper to the Executive this Thursday to try to include hotels in the hospitality scheme that the Department of Finance has put together. We do not have the information. The Department of Finance has the addresses of all those business premises, but it does not have the information on what support they need. It is up to the Department that has policy responsibility

for that to bring forward a case. I now have the one for hotels. I am happy to try to include them in the hospitality scheme that we have rolled out. That will be a decision for the Executive on Thursday. If there are other sectors, whether the supply chain sector, travel agents or others, who have sought support in recent times, it is up to the Department that has responsibility for them to make the case for that. If that is done, I am happy to recommend to the Executive that support be provided.

**Mr Deputy Speaker (Mr McGlone):** That concludes questions on the statement.

## **Executive Committee Business**

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

*Resolved (with cross-community support):*

*That Standing Orders 10(2) to 10(4) be suspended for 24 January 2022. — [Mr C Murphy (The Minister of Finance).]*

### **Non-domestic Rates Valuations (Coronavirus) Bill: Consideration Stage**

**Mr Deputy Speaker (Mr McGlone):** I call the Minister of Finance, Mr Conor Murphy, to move the Bill.

*Moved. — [Mr C Murphy (The Minister of Finance).]*

**Mr Deputy Speaker (Mr McGlone):** No amendments have been tabled to the Bill. I propose therefore, by leave of the Assembly, to group the two clauses of the Bill for the Question on stand part, followed by the Question to agree the long title.

*Clauses 1 and 2 ordered to stand part of the Bill.*

*Long title agreed to.*

**Mr Deputy Speaker (Mr McGlone):** That concludes the Consideration Stage of the Non-domestic Rates Valuations (Coronavirus) Bill. The Bill stands referred to the Speaker.

I ask Members to take their ease for a moment or two before we move to the next item.

### **Grants to Water and Sewerage Undertakers Order (Northern Ireland) 2022**

**Mr Deputy Speaker (Mr McGlone):** Just by way of information, the Minister for Infrastructure will join us by StarLeaf. She is trying to get on to StarLeaf, but there seem to be some technical difficulties. We will iron those out and then move to the item of business.

**1.30 pm**

Members, I think that we have overcome the technical difficulties. Glaoim ar an Aire an rún a mholadh. I call the Minister for Infrastructure to move the motion.

**Ms Mallon (The Minister for Infrastructure):** I beg to move

*That the draft Grants to Water and Sewerage Undertakers Order (Northern Ireland) 2022 be approved.*

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

**Ms Mallon:** The order that I am bringing forward today extends the power for my Department to pay a grant to Northern Ireland Water in lieu of domestic water charges. Members will be aware that it is the Executive's policy and, indeed, that of previous Executives that domestic consumers should not pay a separate charge for water and sewerage services. Such services are instead funded through a subsidy paid by my Department to the water and sewerage undertaker, which is Northern Ireland Water.

The subsidy is paid to Northern Ireland Water under article 213 of the Water and Sewerage Services (Northern Ireland) Order 2006, as amended by the Water and Sewerage Services Act (Northern Ireland) 2016, which has an end date of 31 March 2022. On 7 October 2021, the Executive agreed to the continuation of the policy of not implementing water charging for domestic use. To give effect to the Executive's decision to continue to bear the cost of water charges on behalf of domestic customers for the next five years, a new statutory rule is required.

I am therefore bringing forward the draft Grants to Water and Sewerage Undertakers Order (Northern Ireland) 2022, which proposes to extend the period during which a subsidy may be paid to Northern Ireland Water to 31 March 2027. The order is subject to the draft affirmative resolution procedure — the purpose of the debate today. The five-year extension to 31 March 2027 gives the next Executive time to consider how the future of our water and sewerage services should be funded.

Northern Ireland Water is regulated by the Utility Regulator and operates according to its licence. The regulator sets prices through its price control processes, which ensure that Northern Ireland Water has the funding to maintain high-quality drinking water supplies

and to deliver environmental and customer services at the lowest reasonable overall cost.

The Utility Regulator has determined that Northern Ireland Water will require investment of about £2 billion in water and waste water services over the six-year price control (PC) period from 2021 to 2027. Sustained and secure levels of investment by the Executive over multiple price control periods will be required.

This financial year is the first in many years in which Northern Ireland Water has been fully funded in line with the price control. I stress the importance of the need for Northern Ireland Water to continue to be fully funded in future years in order to improve the water and waste water infrastructure here. Clearly, a lack of funding would see those critical services become suboptimal, risking public health, curtailing economic growth and putting our environment at risk of pollution

I commend the motion to the Assembly and ask that it approve the order.

**Mr Buckley (The Chairperson of the Committee for Infrastructure):** On behalf of the Committee, I wish the Minister a speedy recovery.

As Chairperson of the Committee for Infrastructure, I wish to take the opportunity to speak on the draft Grants to Water and Sewerage Undertakers Order (Northern Ireland) 2022. The purpose of the rule is to extend the period during which the Department will pay a subsidy to NI Water in lieu of domestic water charging. The Minister has adequately provided a detailed explanation of the content of the statutory rule, and I do not propose to repeat that.

The Department made the Committee aware of the proposal for the statutory rule on 18 October 2021, and it was considered by the Committee at its meeting on 24 November 2021, with a briefing from departmental officials. As Members are aware, the subsidy in lieu of water charges is an Executive policy, and the Committee supports the statutory rule. In line with their scrutiny role, however, and with due diligence, Committee members were rigorous in their engagement with officials on the detail of the rule.

I will now briefly outline the Committee's considerations. The Committee sought assurances from departmental officials about the rationale for the five-year subsidy period. The officials explained, to the satisfaction of the

Committee, that the five-year time period is so that it ties in with the Assembly's election cycle and gives the Department and, ultimately, the Executive time in the next mandate to instigate the necessary work to consider alternatives to the subsidy and to bring forward legislation, should that be considered appropriate.

The Committee sought clarification regarding how the amount of the subsidy is calculated. The officials advised the Committee that the subsidy is calculated in agreement with Northern Ireland Water and the Utility Regulator through the price control process. The Committee was content that the subsidy, which was drafted between the Department and Northern Ireland Water with the agreement of the Utility Regulator, is based on a clear methodology and in regulation. Furthermore, the Committee was satisfied to hear that the subsidy methodology is based on what is affordable for customers and what is necessary in order to deliver water and sewerage services in an efficient way. The officials advised the Committee that no consultation had been carried out on the legislation as there is no change to policy.

One of the Committee's major concerns was the impact of current increases in energy prices. Members may be aware that Northern Ireland Water is Northern Ireland's largest consumer of electricity. The Committee asked the officials about the impact of recent energy price increases and were advised that the subsidy was calculated before prices started to spike. The Committee explored with the officials and in writing what actions Northern Ireland Water can undertake to reduce its energy consumption.

The Committee has been advised that NI Water has delivered a number of energy-efficient and cost-reduction projects over the PC15 period and continues to develop and implement opportunities for improvement within the current regulatory time period and price period. Those projects include measures such as time-of-day optimisation in order to avail itself of electricity at off-peak times in order to support the reduction or curtailment of wind energy and to avail itself of cheaper electricity prices. We were advised that NI Water has invested in renewable generation capacity, with 57 solar sites now installed across Northern Ireland, alongside existing hydro capacity and generation of electricity from sludge.

The Committee was pleased to hear that NI Water generates approximately 13 GW of electricity per annum from outside sources and that its energy-related projects have delivered

an additional £4.5 million to £5 million of annual recurring benefit from the PC15 period for the business. Northern Ireland Water has advised that energy is identified as a key business improvement focus area, with a range of efficiency measures and revenue-generating opportunities delivered and explored.

The Committee will continue to explore this issue in some detail, given the huge costs involved in the production of clean water. The Committee also sought assurances that greater efforts will be put into raising public awareness of the need to save water, not just during periods of water shortage but all year round.

The funding of NI Water is a live issue. It is one that my Committee is very cognisant of and continues to explore at every opportunity. Next week, the Committee will hear from Northern Ireland Water on its financial situation and will continue to drill down into that budget.

The Committee for Infrastructure supports the statutory rule.

**Mr Boylan:** Ba mhaith liom labhairt ar son an rúin. I speak in favour of the motion on the order.

The purpose of the order is to extend to March 2027 the period during which the Department for Infrastructure may pay a subsidy in place of charges for domestic water and sewerage services.

I reaffirm Sinn Féin's commitment to oppose the imposing of water charges so that homeowners in the North will not be charged for water. This order will ensure the continuation of the policy against water charges. Access to water is a basic right, and we will ensure that water charges continue to be blocked. Sinn Féin will continue to stand up for families and homeowners on this issue, particularly now, when energy costs are rising and many people continue to feel the impact of COVID.

I support the motion and the order.

**Ms Hunter:** I thank the Minister for introducing the motion, and I, too, wish her well with her recovery over the coming days.

I agree with the Minister that water charges must never be allowed here. People already face a number of increased costs, and the Minister shares with me our party position of strong opposition to charging for water. I welcome the fact that the motion puts in place a subsidy to allow a water service to be provided to all our citizens for years to come.

Whilst this is a technical motion, it points to the type of society that we want to be: one that cares for and protects its communities. We recognise the value of and the right to clean, free water for families across the North.

Rightly and responsibly, the Minister has pointed to the need for NI Water to have the correct funding. We know that she has made a case on the basis of the pressures that NI Water has suffered. At the Committee, members from across the political spectrum shared her concerns and supported her efforts to access that vital funding.

As we look forward to the multi-year Budget, we must keep in mind the need to ensure that basic services, including water, that underpin everyday services, such as hospitals and schools, get the correct investment.

I support the motion.

**Mr Muir:** At the outset, I wish the Infrastructure Minister a speedy recovery from COVID-19. I also want to put on record my absolute abhorrence at the abuse that I saw yesterday on social media towards Nichola following her diagnosis. Words cannot describe my view on some of the abuse that was directed at her. It is just not acceptable — it really is not.

At present, our water and sewerage system in Northern Ireland is in an incredibly worrying state. Although the current subsidy paid to Northern Ireland Water is over £300 million every year, our waste water infrastructure is outdated and at maximum capacity in many areas. Half a billion pounds is needed to address strategic drainage problems in Belfast alone. There are currently more than 100 areas across Northern Ireland, including 25 cities and main towns, where sewerage and waste water infrastructure has little or no capacity left. It is expected that another 30 towns will reach capacity by 2027.

Towards the end of last year, we were given a clear image of how volatile our water and sewerage systems are. The Minister for Infrastructure warned that the provision of clean drinking water and the processing of waste water could, due to financial uncertainty, be compromised. The allocations in the January monitoring round are welcome, but the concerns remain.

**1.45 pm**

Whilst the Alliance Party is firmly opposed to the privatisation of Northern Ireland Water, the

company's funding model is, in our view, unsustainable and needs to change. We need a waste water public service that is fit for purpose and that can borrow to invest in the future. We believe in a shift in resource that is raised through the regional rate on an entirely revenue-neutral basis and coupled with a change in the governance model for Northern Ireland Water, which would provide a stronger footing on which to borrow commercially and, in turn, provide Northern Ireland Water with the vital funds that it so desperately needs.

Northern Ireland is the only UK region where the water utility is not funded to the levels that are required by its independent regulator. By continuing to throttle funding to Northern Ireland Water through its current financial operating model, we are continuing only to drag out an issue that is increasingly becoming a risk to our everyday lives and is inhibiting economic growth. Allowing Northern Ireland Water to borrow by establishing it as a mutual company, as has successfully been done in Wales, would mean that we could transform the state of our water and sewerage systems, bringing them up to date and making them adequate to deliver the resource that we require. What we propose can be done without having to incur any additional net revenue from households. It can be done by shifting the money that we raise through the regional rate. In essence, we will get more for our money if we explore alternative and creative solutions.

Without the willingness to pursue that option, we are presented with the draft Grants to Water and Sewerage Undertakers Order. Failure to approve it will bring serious and severe consequences. We support it, but, again, we call for consideration to be given to the options that I have outlined. We cannot forever kick the can down the road. At some time, we will be forced to face up to mutualisation, hopefully within the lifetime of the order, which will enable us to plan for a more sustainable future.

I note that the last time that the order was passed was in January 2017, days away from when the Assembly collapsed and we were left with no devolved government for three years. It is my strong hope that that does not occur once again. Before and after the election, the people of Northern Ireland deserve to have a government delivering for everyone, not the politics of crisis, stand-off and stalemate.

**Mr Deputy Speaker (Mr McGlone):** Before I call the next Member to speak, I thank Mr Muir for drawing to our attention the anonymous trolling of the Minister. I was not aware of it yesterday. Mrs Dodds has come through

something similar. All of us join in outright condemnation of those despicable anonymous trolls, who people are subject to, irrespective of their party, as are members of the media or other public figures. It is awful and despicable behaviour by cowardly people who keep themselves anonymous and troll people, coming off with some of the most awful comments. Our solidarity is with you, Nichola, as a friend, and I know that we have expressed that to you too, Diane.

**Mr Allister:** I join in wishing the Minister a full and speedy recovery and in the condemnation of the trolling. Some of the trolls really are more suited to the sewers that Northern Ireland Water has responsibility for. They are beyond description.

The measure today is another stopgap. It just keeps Northern Ireland Water somewhat in limbo through a lack of strategy. When you go to the 25-year strategic plan for Northern Ireland Water, which is supposed to take us up to 2046, you see that it states, amongst other things:

*"Our status as both a Government Owned Company and a Non-Departmental Public Body is recognised as less than ideal for a provider of infrastructure investment. We require a sustainable funding model to support delivery of our strategy. There is a growing risk that the levels of service to our customers in Northern Ireland will fall behind the water companies in the rest of the UK, against which we are benchmarked by the Utility Regulator. The current Executive policy is that the funding arrangements will remain in place until 2022."*

The date that was given when the strategy was written was 2022. Now, however, the current Executive policy seems to be that it will remain in place until 2027.

This is not just a theoretical problem about what sort of Northern Ireland Water we should have; it is a problem with real, lasting and damaging practical consequences. As I have raised previously with the Minister, there is a series of villages in my constituency of North Antrim where capacity has been reached and where, as a consequence, no new building has been possible for years. In previous replies, the Minister has indicated that the earliest that it might be possible to do something about that for the villages of Armoy, Dervock, Mosside and Stranocum, as well as, I might add, a good part of Ballycastle, is post 2027. That is just not acceptable. It is a consequence of the funding

inadequacies and arrangements that affect Northern Ireland Water.

It manifests itself in other day-to-day issues. Last Tuesday and Friday, raw sewage was flowing across the green area behind Maine Park in Galgorm. It is appalling that things are in that state. I say to the House, therefore, that simply replicating this limbo-land for Northern Ireland Water is not forward-looking and is not sufficient to take us to the realistic funding position that we need to get to in order to deal with our substandard infrastructure. In Northern Ireland, there are 100 villages and towns that experience difficulties with waste water capacity. That is an astounding indictment.

Yes, there is no doubt that this statutory instrument will have to be approved as yet another stopgap. Will we, however, simply be back here in five years — if we are here — with another proposition of this nature?

The Minister may be able to cast some light on this point, which is more satiric than anything else. When I looked up [www.legislation.gov.uk](http://www.legislation.gov.uk) to look at the 2017 order, I read these words:

*"This is a draft item of legislation and has not yet been made as a Northern Ireland Statutory Rule."*

Can it be correct that, five years on, it has never been made, or has the very diligent website, [www.legislation.gov.uk](http://www.legislation.gov.uk), got it wrong? Perhaps the Minister can tell us.

**Mr Deputy Speaker (Mr McGlone):** We are running close to the wire. The next Member to speak is Roy Beggs.

**Mr Beggs:** I, too, send my best wishes to the Minister. I hope that she has a speedy recovery.

On trolling, it is important that we, as an Assembly, condemn trolling, and, ultimately, take what action we can, and encourage action at a higher level if necessary, to unroot and stop that ongoing difficulty.

It is regrettable that we are coming near to the end of this Assembly term without having given any significant consideration to alternatives for Northern Ireland Water's funding. There are more efficient methods of funding. There are too many sewage treatment works. Investment is not occurring, and it is vital for our economy that it happens. It is vital that this draft order passes, otherwise we may face the difficulty of Northern Ireland Water not being able to



operate. We have no choice, so I will support the draft order. As I said, it is regrettable that alternative arrangements were not considered by the Executive to ensure that better long-term funding arrangements were in place. I support the order but urge that long-term planning occur in future.

**Mr Deputy Speaker (Mr McGlone):** Question Time begins at 2.00 pm, so I suggest that the House take its ease until then. The debate will continue after Question Time, when the next Member called to speak will be Gerry Carroll.

*The debate stood suspended.*

**2.00 pm**

*(Mr Speaker in the Chair)*

## Oral Answers to Questions

### The Executive Office

**Mr Speaker:** Question 3 has been withdrawn.

### Protocol Operation: NSMC

1. **Mr O'Toole** asked the First Minister and deputy First Minister whether any proposals on the operation of the protocol on Ireland/Northern Ireland have been raised via the North/South Ministerial Council (NSMC), as per article 14(b) of the protocol. (AQO 2977/17-22)

**Mrs O'Neill (The deputy First Minister):** To date, no proposals on the implementation and application of the protocol have been raised to the Specialised Committee via the NSMC. The NSMC will, however, keep that matter under review and will consider utilising article 14(b) to refer proposals to the Specialised Committee, should it be appropriate to do so.

**Mr O'Toole:** I thank the deputy First Minister for that answer. We have heard repeatedly from the First Minister and his party that people and his party, in particular, are not being listened to when it comes to the operation of the protocol, a protocol, I should say, that most people in this place support. Certainly, the majority of parties in the Assembly support it. Is it not ridiculous that, given that the text of the protocol provides for the North/South Ministerial Council to make representations on behalf of the Northern Ireland Executive, that has not happened yet? Why has it not happened?

**Mrs O'Neill:** From a party political point of view, I concur with the Member's comments. It is ridiculous that a crucial component part of the apparatus of the Good Friday Agreement is not being operated; indeed, the courts have had their say on that matter with regard to the lack of attendance by DUP Ministers. It is not acceptable, and the courts have said that it is unlawful. Obviously, we urge that position to be reversed. When people talk about listening, it is important that they understand listening and that it is not just about hearing their own view but about hearing what is right for people here. When it comes to making the protocol work, the rest of us have turned our faces towards finding a remedy, making the protocol work and

ensuring its smooth operation, whilst the DUP finds itself on the wrong side of that debate and of the best interests of the people who live here.

**Mr Delargy:** Can the joint First Minister confirm that any legal requirements of the protocol, including checks and associated infrastructure at local ports, are determined by Westminster and EU legislation and that any deviation from that would be a contravention of existing Executive policy and legal obligations?

**Mrs O'Neill:** I thank the Member for that question. As he knows, it was the Executive collectively who agreed that the Department of Agriculture was the designated competent authority to perform the checks and controls on the Executive's behalf. It is Executive policy that we are legally obliged to fulfil our responsibilities under law in areas of the withdrawal agreement and the protocol that are within the Assembly's devolved competence. That includes performing checks and providing the associated infrastructure at local ports. For that reason, the Agriculture Minister knows that any interference with checks or controls would be a breach of Executive policy, the rule of law and the statutory duty on Ministers.

At a time of economic uncertainty and rising energy costs and cost of living, cynical stunts by the DUP do nothing to positively influence negotiations on the protocol. We want to see an agreed way forward. I am committed to maximising the opportunities of the protocol as regards access to the EU single market as well as to the British market. I encourage others to join those of us who have people's best interests at the forefront of our minds.

**Mr Stalford:** Having called for the rigorous implementation of the protocol, the deputy First Minister now assures us that she is seeking ways to change it and make it better. The deputy First Minister will be aware that the operation of these institutions arises out of New Decade, New Approach (NDNA), which contains a commitment that she signed up to, along with all other parties, to frictionless trade within the United Kingdom. Does the deputy First Minister accept that there will be no return to "As you were" until that commitment is fulfilled?

**Mrs O'Neill:** No, I do not accept it, and I do not accept the mantra from the DUP repeatedly on the issue. You helped to deliver the hardest possible Brexit, which our people are having to live through. The implications of Brexit are being felt across our community as we speak — the implications of the protocol. We would not

have a protocol if we did not have Brexit. The protocol provides a solution. I maintain the position of rigorous implementation within the framework of the protocol.

Despite the utterances of the DUP, the protocol is not up for negotiation. As we speak today, talks are ongoing between the EU and the British Government. I really hope that the momentum is built on, as we saw before Christmas on the issue of medicines. There was some forward movement on that. Let us be pragmatic. Let us be reasonable. Why do you and your party not turn, with the rest of the parties, to work for the best economic interests of the people who live here? We want to find a way forward within the framework of the protocol that allows all the issues to be ironed out. I believe in east-west trade and want that to continue. I have said that I want to see access to both markets. There is huge potential here, but the DUP is so blindsided that it cannot see it.

**Dr Aiken:** The deputy First Minister will be aware from some of the discussions she has on the North/South and east-west dimensions of the issue of VAT on fuel. The Minister will be aware that, in the rest of our nation, it looks as if we will be able to remove VAT on fuel but, because we are saddled with the protocol, we would be in breach of EU regulations if we went for zero-rating on VAT on fuel. Will the Minister comment on whether that is an equitable situation? Should we, in fact, for the good of everybody in Northern Ireland, push to get to the lowest rate of VAT possible on fuel?

**Mrs O'Neill:** The Member knows that his party has had a bit of an in/out approach to Brexit. It was against it, for it, against it. It can make up its own mind on any given day. I want to see the protocol work. I want to see the full implementation of it. I want to iron out all the issues that have arisen as a direct result of Brexit, the outworking of that and what it means for the new trading realities that we face. I also want us to avail ourselves of all the opportunities that we now have, which is access to two markets: the EU market and the British government market. The Member is right to be concerned about the cost of living crisis. The Member is right that we, as an Assembly, should look towards finding ways to lift the burden. Conor Murphy has been clear in calling on the British Government to ensure that they remove the VAT. He has been proactive on that issue and continues to — *[Interruption.]*

**Mr Speaker:** Order.

**Mrs O'Neill:** — engage with the Treasury. As I said, the rest of us are very focused on the ongoing discussions and what is happening today in the latest round of discussions between Liz Truss and the European Union. I hope that that bears fruit for the good of people here and for stability, certainty, building our economy, creating jobs and grabbing on to the protection and the job creation that the protocol has given us. I hope that there is a positive outcome.

**Mr Speaker:** I remind Members that, when asking a question, they should ask the question and not make a long speech before introducing the question. I will stop Members in future.

## **Violence Against Women and Girls Strategy: Update**

2. **Ms Dolan** asked the First Minister and deputy First Minister for an update on the development of a strategy to address violence against women and girls. (AQO 2978/17-22)

9. **Mrs Dodds** asked the First Minister and deputy First Minister how their Department intends to address online abuse against women on social media platforms. (AQO 2985/17-22)

**Mrs O'Neill:** Cheann Comhairle, with your permission, I will answer questions 2 and 9 together.

We are committed to tackling all forms of violence, abuse and unwanted behaviours against women and girls, whether at home, in the community or online. While much good work has already been done, we recognise that a new strategic approach is required to deliver the cultural and societal change necessary to ensure that there are healthy behaviours and attitudes towards women and girls. A whole-of-government and whole-of-society approach is needed. Therefore, a team has been established in TEO to lead the development of the new Equally Safe strategy to tackle violence against women and girls. Engagement is ongoing with stakeholders and Departments across these islands.

Our approach is ambitious and is focused on working collaboratively. We want to look at the root causes, tackle the progression from damaging attitudes towards abusive behaviours and understand how to intervene at the earliest possible stages. It is vital that the strategy is evidence-based, and therefore we are seeking a wide range of evidence, including from those with lived experience. As a first formal step, we launched a call for views on the new Equally

Safe strategy on Monday 10 January. It will run until 7 March. We encourage as many people as possible to participate in that call for views, as responses will help us to inform the scope of and the approach to the new strategy.

**Ms Dolan:** I thank the joint First Minister for that response and positive update. While there is an onus on government to protect women and girls from violence, does the Minister agree that there is also an onus on government to uphold women's rights and that it is entirely unacceptable that women here are still being denied access to the compassionate and modern healthcare that they are legally entitled to?

**Mrs O'Neill:** Yes, I absolutely agree that that is unacceptable. It is a statement of hypocrisy to talk, on one hand, about protecting women and girls from violence and, on the other hand, to seek to deny women their rights to modern and compassionate healthcare. The issue is very much about trusting and respecting women, which, as the Member knows, are two sides of the same coin. Women's rights are human rights. It is appalling: women of this island have had to wait far too long for equality and access to modern and compassionate abortion health services. It is over a year since the law was changed, but the Health Minister has still not moved to implement those services: that is totally unacceptable. The provision of that modern and compassionate healthcare is core to delivering a rights-based society — a society in which the rights and entitlements of everyone are upheld, protected and delivered. That is what I am committed to delivering without further delays. I encourage the Health Minister to bring forward and commission those services immediately.

**Mrs Dodds:** I thank the deputy First Minister. She says that we must tackle violence against women in all its forms and wherever it comes from. I presume that that includes late-night misogynistic tweets or, as in my case, a shameful tweet that, many believed, was in response to the posting of a video on the anniversary of an attempt by the IRA to kill my family and police officers. For the avoidance of doubt and for the record of the House, will the deputy First Minister take the opportunity to show leadership and condemn that attack by the IRA and other IRA killings of women such as Jean McConville, Joanne Mathers and Yvonne Dunlop? If she fails to do that, all the talk about tackling abuse and violence against women and girls is nothing but talk.

**Mrs O'Neill:** Thank you for tabling the question. I sent you a message about the tweet that referred to your beautiful son at the time, and I hope that you received it. That tweet was disgusting and deplorable by anybody's standards. I unreservedly condemn it and offer my thoughts to you, because I have no doubt that it will have had a retraumatising impact on you, your partner and your family. I want to be clear on that. On the issue of late-night tweets or commentary on social media, there is no place online or in society for such behaviour. Everybody, particularly those in political leadership, needs to think twice before they offer up types of commentary. To be clear, I saw no fun or joke in any part of that tweet.

You mentioned the past. We share the same ground in that we need to work together to deal with the past. The politics of condemnation is not the right space for us to be focused on. I encourage you to work with me, because I want to ensure that we heal the wounds of the past and work together to properly deal with it. Otherwise, we burden today's generation with carrying the same thing. We know that it is intergenerational. Join me, and I will join you in trying to deal with the past sufficiently. We had a way in which to do that; we had agreed a way in which to deal with the past. It was the Stormont House Agreement, but the British Government have reneged, as have the DUP by pulling back on its development. For the first time, we had cross-party support to deal with the past. I want to deal with the past, but I also want to be about the future and building a better future.

**Ms McLaughlin:** In advance of the completion of the violence against women and girls strategy, will the First Ministers commit to having a fully resourced media campaign targeted at men and boys, in particular, to stress the need to respect women and girls?

That is really important. We need action now. We cannot keep waiting for strategies to come forward. We need a firm commitment from the Executive Office for that campaign.

**2.15 pm**

**Mrs O'Neill:** I thank the Member for her question. I very much welcome the fact that we have commenced the work, and I look forward to working with the Chair of the Committee on the development of the proper strategy that we need. It has to tackle the root causes of why such violence occurs. We have to get right down in depth, so I will work with the Member on that.

Suffice it to say that the strategy is one of a number of strategies. Sister strategies are also being brought forward at this time. We need to keep considering all options and all the potential things that we can do, including the area that the Member talked about around educating men and young boys and looking at whether there are opportunities for us to do that in the media. I am absolutely open to that. We have asked officials to continue to look at what we can do even in advance of getting to the final point of having a strategy and an action plan.

I am very clear that we cannot stand still. We cannot have the outpouring of grief that many people expressed in the Chamber last week on the death of Ashling Murphy. We have to turn that energy into action. I am glad that we are progressing a range of strategies. I am open to the idea of a media campaign, but I am more open to the idea that, if we go down that route, we get it right and target it properly.

**Mr Speaker:** Will Members please get to the questions?

**Ms Bradshaw:** In the deputy First Minister's response to Mrs Dodds, she mentioned dealing with the past. Although I welcome the strategy, we still have to support those women who were affected by mother-and-baby homes. Will she confirm or provide details as to how the redress scheme for those affected is being brought forward? Is legislation being drafted?

**Mrs O'Neill:** Given the sensitivity of the issue, I do not want to say a word wrong about the development of the strategy, so I will write to the Member and confirm that for her.

**Ms Dillon:** Minister, do you agree that the abuse of women and girls is as old as time, and now is the time for change? The previous Member to speak referred to mother-and-baby homes. We need to end all abuses against women, girls and their children, and we need to ensure that it is exposed for all the world to see in any upcoming inquiry.

**Mrs O'Neill:** I thank the Member for her question. I know that she is very passionate about the issue. I am always conscious that, when we speak about the issue, we always acknowledge in the first instance that our thoughts are very much with the mothers and their children who were treated in what can only be described as the most barbaric, inhumane and disrespectful way in all the institutions across this island and other islands.

We always have to remember that this is about women who have had their babies stolen from them. This is about child trafficking. This is about a cover-up by the Church and state. The recent publication of the report very much speaks to that and to the real lived experience of so many women. It remains an open wound on this island, and it is vital that the voices of women, girls and their now adult children are heard. That will be really important in the development of the inquiry.

## EU Legislation: NI Representation

4. **Mr McGrath** asked the First Minister and deputy First Minister what work their Department is undertaking to secure representation from Northern Ireland during the development and approval of new EU legislation. (AQO 2980/17-22)

**Mrs O'Neill:** We welcome the EU's proposal of 13 October 2021 for enhanced engagement with authorities and stakeholders here on the protocol and its corresponding recognition that we need to be more engaged in shaping and bringing into force EU legislation applicable here. However, further clarity is needed as to how proposed arrangements would fit into existing governance structures and the role of the Executive.

We raised those concerns with David Frost on four occasions when the First Minister and I met him to receive updates on the negotiations towards the end of last year. Following Lord Frost's resignation, Liz Truss took over the role of chief negotiator, and we will also raise our concerns with her.

Our officials continue to engage with their colleagues in relevant Whitehall Departments to gain the clarity required on the proposals and the other issues being discussed in the ongoing negotiations.

Arrangements to manage the relationship with the EU are currently in place through the withdrawal agreement governance structures. Information on the legislation in the protocol is exchanged via the joint consultative working group, which our officials attend. In addition, Departments here are afforded the opportunity to see and provide input into the British Government's explanatory memoranda process on EU legislative proposals.

**Mr McGrath:** I thank the deputy First Minister for her response. Will the joint First Minister give consideration to the model that has been developed in Norway, in that Norway will be

consulted as part of the future arrangements? Might that be a blueprint for here?

**Mrs O'Neill:** That is a good suggestion. Why not? We need to look at how we can best input and have a say in the things that affect our lives every day. I am up for looking at ways to manage our input and ensure that it is meaningful. Also, our input needs to be at the right time, not at the end of a process. Our input needs to be up front so that we make a meaningful impact. I am happy to take that on board.

**Mr Allister:** Will the Minister clarify what she meant when she started her answer by saying, "We welcome the EU's proposal" on this dimension? Was she speaking for the First Minister? Let me make it very clear: any token, meaningless input into a foreign jurisdiction while the EU continues to exercise its ill-gotten sovereignty in Northern Ireland is not an answer. The only answer lies in the restoration of sovereignty to the United Kingdom, whereby we are governed by the laws that we make and change ourselves, not by foreign laws that we cannot change.

**Mrs O'Neill:** There is no question there.

**Ms Sheerin:** Minister, last Friday, I met Workspace, a group that you will be familiar with from your Mid Ulster constituency. Workspace does brilliant work on the ground and depends on the European social fund (ESF) for the delivery of a lot of its programmes. At the minute, Workspace is incredibly worried about the short term, because of a lack of match funding from the Department for the Economy, presumably because of its loss of core funding as a result of Brexit, and the longer term, because of the lack of detail from the British Government about —

**Mr Speaker:** Have you a question?

**Ms Sheerin:** — the replacement for the ESF. Is the Minister concerned about the impact on the Executive of the funds lost as a result of Brexit?

**Mrs O'Neill:** I thank the Member. I know of her passion for our constituency, and there is no doubt that she will always fight Workspace's corner well. It is an excellent project, and I am glad to have been able to visit it on many occasions. There is no doubt, whatever way you cut it, that the prospect of a net loss of £100 million of European funding will have a huge impact on to a lot of groups, including Workspace and not just on the groups and the work that they do on the ground but on the

Executive's finances. Normally, the Executive had a say in what that money funded, and it was complementary to the work in the Departments. Now, as a direct result of the delivery of Brexit, a huge challenge faces so many groups out there.

The figure of £100 million is stark, and it graphically highlights and exposes the scale of the loss of EU financial support. We have relied on that support, and it has underpinned many areas of work. Whether programmes are economic, agricultural, community or educational, they are all equally impacted. It is for those on the Benches opposite who championed Brexit against the democratic wishes of the people to take responsibility for the scale of the financial loss on the ground from its outworking. I always found it quite ironic that the Ministers and party who championed the hard Brexit are out shouting about the loss of funds to the Department that it leads at this time. The irony is not lost on the groups that are massively impacted by the loss of funding.

**Mrs Dodds:** I thank the deputy First Minister. Ironically, we are in a democratically elected House discussing the implementation of laws that we do not make and will have no say in. Does the deputy First Minister recognise that as the rest of the United Kingdom moves away from the very difficult and tight laws of the EU on issues such as subsidy control, Northern Ireland's firms will be less competitive and their burdens more onerous because we are stuck with EU legislation in that particular area?

**Mrs O'Neill:** Of course, we are stuck with Brexit because you and your party helped to deliver it, but we have been trying to mitigate the worst —

**Mrs Dodds:** It was a democratic vote.

**Mr Speaker:** Order.

**Mrs O'Neill:** Of course, the majority in this democracy and this House are opposed to Brexit and are for making the protocol work, for certainty and stability, for job creation, for a more prosperous economy and for the best interests of the people who live here.

There is no doubt that divergence is going to increase over time. We have been dragged out of the EU against our wishes. That is going to become hugely problematic for us to manage. Our officials continue to work to develop a whole list of actions and key tools to mitigate and limit the potential impact of policy and regulatory divergence, but it is going to increase over time. That is a direct outworking of Brexit.

Anyway, we will get on with the work of trying to manage that as best as we can. We have been working our way through it, and we will continue to.

**Mr Stalford:** The previous answer was a fine example of the esprit de corps that undercuts this coalition.

**Mr Speaker:** Will the Member come to his question?

## International Relations Strategy

5. **Mr Stalford** asked the First Minister and deputy First Minister for an update on the review of the international relations strategy. (AQO 2981/17-22)

**Mrs O'Neill:** With your permission, a Cheann Comhairle, junior Minister Kearney will answer that question.

**Mr Kearney (Junior Minister, The Executive Office):** Our international relationships are hugely important for the Executive and our people. As we seek to rebuild our economy and revitalise our society, it will be crucial for us to maximise opportunities from overseas investment and partnerships. We have had discussions on the development of the next international relations strategy with officials and a number of stakeholders. We are now considering proposals in parallel with our COVID recovery plans and the emerging Programme for Government.

The international relations strategy will build on what has achieved success for us in the past, including the work of our overseas bureaux and our global relationships with governments and organisations. It will also strengthen collaboration with Invest NI and key partner organisations, including councils, businesses, education institutions, NI Co-operation Overseas (NI-CO) and others, in order to strengthen our economic position, increase trade, investment, tourism, education and research connections and to support best practice in public services.

**Mr Stalford:** The conduct of foreign policy is clearly not a devolved matter, but we can decide who we do business with. Does the junior Minister agree that it is important to have an ethical policy, one in which we are very careful about engaging with countries with appalling human rights records?

**Mr Kearney:** I thank the Member for his supplementary question. He is quite right: foreign policy is an excepted matter. We have no influence over it. However, we are at one on the importance of ensuring that we have an ethical and rights-based approach towards who we do business with. In the relationships that we develop and the importance of ensuring that, insofar as our international work brings economic, cultural and educational dividends in in-person relationship terms back to this place, we are sending a very clear message internationally to all our partners and prospective partners, that, particularly on the basis of the experience of our peace process, we have an institutional memory. We are a friendly and inclusive people when you consider the work that we have done in assisting those who have come here to flee wars in other places — our Syrian refugees and those who have come here to seek asylum. As a people, I believe that we have an important role by demonstrating how this place can act as a model of best practice. That must be a key component of how we take forward our approach to all the decisions that we make in all our international relations.

**Mr O'Toole:** First, I will say to the junior First Minister that we have Northern Ireland bureaux in Washington and Beijing. In both instances, those organisations work very closely with the Irish and, of course, the British embassies in those countries. They seek to maximise the benefit from the duality of this place, a duality that, too often, has been a hang-up for us. Is that not the model for how we should approach our representation in Brussels? We have dual access to the EU single market and the British market. Should that not be a cornerstone of our international strategy in our relations with the EU? Will the Executive Office take that forward?

**Mr Kearney:** Go raibh maith agat as an cheist sin a chur. The fact that we have such a substantive and well-resourced bureau in Brussels is indicative of the importance of our relationship with the European Union. Notwithstanding Brexit and the protocol impasse, our officials have been very helpful in ensuring that communication channels remain open between the Executive and the Executive Office and the European Union.

We have a unique competitive advantage available to us through the proper implementation of the protocol.

For that reason, it is essential that we have the focused relationship that you speak of with the

European Union and the European Commission. An earlier question alluded to how we should continue to be given a special status, not only given our economic realities and the new trading realities that we have to navigate but to ensure that there is no democratic deficit impacting on our political arrangements. We have to be imaginative and strategic about how we create a greater policy convergence and strategic relationship and partnership with the European Union and the European Commission.

**2.30 pm**

**Mr Speaker:** That ends the period for listed questions. We now move to 15 minutes of topical questions. Topical question 3 has been withdrawn.

## **Coronavirus Restrictions: Easement**

**T1. Mr Stalford** asked the First Minister and deputy First Minister, with the Executive due to meet this week, whether the deputy First Minister can give Members a sense of where she thinks that we are heading with the easing of coronavirus restrictions. (AQT 1951/17-22)

**Mrs O'Neill:** The Member is right: we will meet on Thursday afternoon. Any further lifting of restrictions is not intended at this point. We have identified 10 February as our next point for review. It is fair to say that there is fair degree of cautious optimism about where we are. We were able to make some strides forward last week, and I hope that we continue in that vein. As I keep repeating, a lot of uncertainty surrounds a pandemic, but it looks like we are following a more hopeful path. Hopefully, we can all see the light at the end of the tunnel that people talk about. Our next review of the restrictions that are left will be on 10 February. Of course, we had baseline restrictions in place until 23 January. We brought in additional measures, and they have now been drawn back. Our next staging post is 10 February.

**Mr Stalford:** I thank the deputy First Minister for that positive-sounding answer. In the context of heading in the right direction, does she agree that the renewal of further restrictive powers that reside presently with the Department of Health should not be undertaken?

**Mrs O'Neill:** We have to learn to walk before we can run. The Department of Health has guided us the whole way through on the need for and effectiveness of the restrictions. We do

not want to have to use restrictive powers. We do not want to be in that space, and, if we can avoid it, we will. We have always said that we will keep things in place only for as long as they are necessary. Let us get to the meeting on 10 February and review all those things. The pandemic has thrown us many curveballs. I hope that we do not get any more, but we have to have the ability to respond if that were to happen. Let us hope that we do not have to resort to any additional measures in the future and that we keep going like one-way traffic.

### **Subregional Stadia Programme for Soccer: Correspondence**

**T2. Mr Chambers** asked the First Minister and deputy First Minister to confirm that the Executive Office received correspondence dated 1 December 2021 from Mr Gerard Lawlor, chief executive of the Northern Ireland Football League, in relation to the release of the subregional stadia funding. (AQT 1952/17-22)

**Mrs O'Neill:** I do not have a list of my correspondence in front of me, so I will have to confirm to the Member in writing whether we have that correspondence. I am more than happy to do so.

**Mr Chambers:** Thank you, deputy First Minister. Will you commit to meeting representatives from the Northern Ireland Football League to discuss ways to guarantee that that important funding is signed off in the current mandate?

**Mrs O'Neill:** Again, I am more than happy to look at the correspondence. I have a very open-door policy. I meet many people, both those with whom I agree and those with whom I do not agree. I am more than happy to talk about how we can invest in our sports and to take a look at the correspondence.

### **Parenting Programmes: Carers**

**T4. Ms Armstrong** asked the First Minister and deputy First Minister whether any thought has been given to increasing the parenting programmes, which were one of the Executive Office's six Delivering Social Change initiatives, to help carers who have been abandoned by the system, given that, at this stage in a mandate, it is inevitable that Members start to look at what should have been delivered. (AQT 1954/17-22)

**Mrs O'Neill:** I will write to the Member to give her more accurate information about where we

are with those programmes. I am all for expanding such programmes. They are crucial interventions that help people, particularly in the early years, as we know how formative those early years are. I am more than happy to look at that.

I concur with you. Given that we are in a more positive and hopeful position with the pandemic, the situation surrounding carers needs to be urgently reviewed. I know many families that still do not have access to day care for the person for whom they care or even access to their day opportunities. That is not acceptable and now needs to be reviewed. I urge the Health Department to look at the policy urgently and to support the families who found themselves in trying times for the whole two-year period. They never had an on-off time. They never had a time that the person for whom they care was back in, in the normal way of things prior to the pandemic, and that needs to be fixed quickly.

**Ms Armstrong:** Thank you, deputy First Minister. I agree, but it has gone beyond Health and is now a cross-departmental issue. Do you agree that having a register of carers is now a necessity so that we can know exactly who our carers are and how support can be provided for them?

**Mrs O'Neill:** I thank the Member. That is so important, because, as the Member will agree, carers are unsung heroes on many occasions. The benefit that they bring to their loved one, family member or friend — the person whom they care for — could not be quantified if we as a Government were to provide that care. They need to be supported, but, in order to get the policies, strategies and supports right, we have to understand how many carers we have and the nature of that care — young or old, still at school or working, full-time or part-time — so I concur with the need to have a register. I will probably have to correspond with the Health Department on its current plans. I am not sure, but I am happy to take that on as an action.

### **Online Safety Bill**

**T5. Mrs Erskine** asked the First Minister and deputy First Minister, in light of the publication of the Digital, Culture, Media and Sport Committee report on Westminster's Online Safety Bill, when such legislation will come into force in Northern Ireland, particularly because, as the deputy First Minister will agree, the language and discourse online is toxic, with us only having to look at what happened over the weekend with misogynistic tweets based on



family members and appearance. (AQT 1955/17-22)

**Mrs O'Neill:** The Member is right that that legislation has been published. Our officials are working on it. Department of Justice officials are keeping all Departments up to date on what it looks like and will mean for us here. Justice is engaged, and it has that cross-party work in order to look at the roll-out of the strategy. Let me get an update for the Member, and I will write to her to tell her where that sits. As we learn more, however, Departments will be kept abreast of all developments.

**Mrs Erskine:** We know that legislation can take some time. In the meantime, what are you doing, deputy First Minister, to address online abuse, particularly against women and, indeed, against women in the Chamber?

**Mrs O'Neill:** You are absolutely right about the need to stamp out online violence. We call on and will continue to call on social media companies in particular to do the right thing. They have a moral and corporate responsibility to ensure that those who are engaged in misogyny, sexism, online abuse and threats are blocked from their services. We should not be subjected to that sitting in our home whilst online, providing a public service and doing our job as an elected representative. None of us deserves to be abused in any way whatever.

For those in political leadership to engage in that everyday sexism and think that it is a joke is disgusting in itself. That is not political leadership. Political leadership is calling out things whenever they are wrong. In this case, misogyny online is a huge problem. In the period that we have just come through, in the aftermath of the death of Ashling Murphy and the outpouring of grief from that but, even more than that, the anger at the fact that misogyny still exists in such a systemic way, that a political leader should be engaged online in what he deems to be jokes — I do not deem them to be jokes — leaves me incredulous.

## Heating Costs: VAT Reduction

T6. **Mr Beggs** asked the First Minister and deputy First Minister, in light of the fact that, in GB, under mounting pressure, it is likely that there will be a reduction in VAT on heating fuel, and given the record prices and the associated fuel poverty, whether the deputy First Minister believes that the EU, through the Northern Ireland protocol, should not continue its role, potentially blocking the reduction of our heating costs. (AQT 1956/17-22)

**Mrs O'Neill:** Your colleague raised that issue earlier. As I said, the Finance Minister, Conor Murphy, has been calling for a reduction in VAT. That is doable. There is no reason for it not to be done, so I urge the British Treasury to do it.

**Mr Beggs:** I hope that that will be permitted and will not be blocked by the protocol. Does the Minister accept that there are significant cost pressures on the construction industry from the banning of red diesel? In addition, there will be increased isolation in the agriculture sector, and people will not be able to go on tractor runs or to ploughing matches using red diesel in their tanks. Have the First Minister and deputy First Minister made representation on that issue?

**Mrs O'Neill:** I concur, and I acknowledge the challenge that is being faced, particularly in the agriculture sector. More needs to be done, and, as a political party, we have written. I do not think that we have written jointly on that, but we could perhaps do that together.

## Hart Report: Recommendations

T7. **Mr McAleer** asked the First Minister and deputy First Minister for an update on the implementation of the recommendations in the Hart report, albeit he very much welcomes the recent announcement of an apology to the victims of historical institutional abuse (HIA). (AQT 1957/17-22)

**Mrs O'Neill:** As the Member knows, the date for the public apology has been set for 11 March, and I am glad that we were able to announce that last week. I am committed to ensuring that the apology is delivered in a manner that is meaningful to victims and survivors. People have asked me over the last number of days, "Why did you announce a date to make an apology?". It is, first, to allow time to make sure that it is meaningful, and, secondly, it is important that we allow the victims and survivors that short number of weeks to be ready and to be well informed about what we intend to say.

On the other recommendations, I am pleased to say that the review of the redress process has now started, and the commissioner is taking forward discussions on the memorial. I am also pleased to say that, as of 31 December, 2,081 applications had been received, with £30 million paid out in redress. We know that the Victims and Survivors Service (VSS) continues to support victims and survivors who have registered for support, so I hope that the

Member can see that we are making progress across all the Hart recommendations. I am committed to ensuring that that continues and that the needs of victims and survivors, in the first instance, are continually met.

**Mr McAleer:** I thank the Minister for her response. In relation to the HIA redress process, has there been any progress regarding the contribution from the religious institutions?

**Mrs O'Neill:** The First Minister and I hosted a round table on 14 October that included representatives of six institutions identified in the Hart report. That was specifically about contributions towards the cost of redress. Since that meeting, the independent facilitator, Paul Sweeney, has undertaken a series of bilateral discussions with the respective institutions. We have received a preliminary report from Paul Sweeney and have agreed that further work should now be undertaken on a proposed framework to seek contributions towards the cost of redress. It is ongoing and necessary work.

## Misogyny and Sexism

T8. **Ms Ennis** asked the First Minister and deputy First Minister whether the deputy First Minister agrees that it is time for fundamental change in how women are viewed in this society, with the horrific murder of Ashling Murphy leading to a renewed focus on the issue of violence against women, as well as a focus on the wider culture of misogyny and sexism, which unfortunately still exist, allowing such attacks to happen. (AQT 1958/17-22)

**Mrs O'Neill:** Put simply, yes; I absolutely do. There are simply no words to convey the cruelty and the injustice of what happened to Ashling Murphy and to far too many other women like her. My heart still goes out to her family and all who loved her.

We can all acknowledge that the treatment of women and girls has been nothing but shameful across this island, and you and I know that we need to call that out whenever we see it. I feel that we are at a tipping point — that is maybe the way to put it — and that we need to break the silence that facilitates violence in the home and threatening behaviours. We need to expose and call out the behaviour of men towards women and girls — our mothers, our daughters, our sisters and our aunts — that causes the fear, the feeling of discomfort and the anxiety that are a continual barrage. We have to stand together because we have to say

together that enough is enough. This is a necessary first step in changing how women are viewed and treated in this society.

**Ms Ennis:** I thank the joint First Minister for that response. I know that progress is being made on the strategies to tackle violence against women and girls. Does the Minister agree that, for far too long, the focus has been on women and what women need to do to protect themselves and that we need to shift that focus to the perpetrators and how we can prevent the violence in the first place?

**Mrs O'Neill:** I totally agree with the Member. Ashling's murder speaks to the vulnerability of all women when they are alone in the public space. There is no doubt that Ashling's tragic death has prompted many women, me included — I said this last week — to think about our everyday routines, what routes we take, where we go, how we do it, how we exercise and how we do the basic things.

2.45 pm

Together, we have a job of work to do. We need a step change in order to challenge the scourge of everyday sexism and misogyny that exists and expose the behaviours of perpetrators, whether it is at home, in the workplace or online, because, unfortunately, this reaches into every sphere of life. What we are about is delivering an enforceable approach that exposes, at all times, all forms of male violence against all women. That has to be our key objective in what we do next. We need to build, as I said, on the momentum that has been created as a direct result of the attention that has been brought to the issue because of Ashling Murphy's horrific death.

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

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

## Economy

### Protocol: Cost to NI Economy

1. **Mr Allister** asked the Minister for the Economy what is the ongoing cost of the protocol on Ireland/Northern Ireland to the Northern Ireland economy. (AQO 2992/17-22)

15. **Mr Stalford** asked the Minister for the Economy for his assessment of the overall cost to local businesses arising from the provisions

of the protocol on Ireland/Northern Ireland.  
(AQO 3006/17-22)

**Mr Lyons (The Minister for the Economy):** It is, of course, difficult to provide a complete analysis given that the protocol has not been fully implemented. Therefore, when grace periods and mitigations come to an end, things are likely to get much worse. It is clear that, during 2021, many local businesses and, indeed, consumers experienced a range of issues as a result of new requirements for sourcing goods in Great Britain. I have spoken personally to many of those businesses, and I have received correspondence from Members across the Chamber, including those who publicly called for the full implementation of the protocol yet privately acknowledge the damage that it is doing to our economy, who have alerted me to problems that businesses in their constituencies face.

In respect of costs, Dr Esmond Birnie, an economist appointed to the Northern Ireland Fiscal Council by Finance Minister, Conor Murphy, on the agreement of the Executive, reports that frictions in our trade with GB could cost the Northern Ireland economy in the region of £900 million. Other published studies consistently point to the profound economic consequences of disrupting trade with GB. It is clear that tinkering around the edges will not cut it. We need action from the Government now and permanent and complete solutions that remove those frictions in GB-NI trade.

**Mr Allister:** The crippling costs to our economy of approaching £1 billion a year are unsustainable, I suspect. On 13 September 2021, the Minister said:

*"If there is a choice between remaining in office or implementing the protocol in its present form, then the only option for any unionist Minister would be to cease to hold such office."*

When will he make that choice?

**Mr Lyons:** I am certainly not implementing the protocol, and I agree with the Member's point. The cost to our economy is £900 million. We have to remember, however, that this is all taking place when we have extensive grace periods and mitigations in place. It is up to the Government and the EU to take action. I hope that they will do so. I hope that they follow through on the concerns that they have expressed in their Command Paper. We have not seen progress being made, but it needs to be made, and action needs to be taken.

**Mr Deputy Speaker (Mr Beggs):** Will the Minister confirm that he is grouping question 1 with another question?

**Mr Lyons:** Apologies, Mr Deputy Speaker. With your permission, I will group questions 1 and 15, if it is not too late.

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

**Mr Stalford:** I am grateful to the Minister for the grouping as it brings me from the bottom of the list to the top.

The Minister has detailed the economic cost of £900 million, and we all know what our health service could do with £900 million. There is also a political dimension to this. Can the Minister confirm that there is not a single unionist elected representative in the Assembly who supports the provisions of the protocol? We never, ever will.

**Mr Lyons:** I can absolutely confirm that that is the case. These are extraordinary arrangements that are in place in Northern Ireland, without the support of unionists. I think that that is in direct contravention to the Belfast Agreement. In fact, the Belfast Agreement had to be changed to allow the consent mechanism to be put in place. I think that that is absolutely scandalous. If that took place on any other issue, other Members around the House would find it absolutely scandalous as well, but, because it fits in with the political position of the Alliance Party, the SDLP and Sinn Féin, they are quite happy to change the Belfast Agreement in this regard to suit their own particular political circumstances.

This is not just an issue that affects unionists. It is affecting everybody in Northern Ireland, and I have the evidence and the data from different businesses and organisations that are saying that it is increasing costs, which are passed on to all of our constituents, wherever we sit in the House. In fact, recently, the Road Haulage Association wrote to me and said that a 10% to 20% increase in costs is directly attributable to the protocol. That is having a real impact on people in Northern Ireland. We are already in a cost-of-living crisis, inflation is already making things different and the protocol is making it worse. I wish that there was a recognition of that and that this is not the way to sort out this issue. Instead, we should look at some of the other arrangements that have been highlighted and which could work, rather than putting a border in the Irish Sea, which is having an impact on everybody, whatever your constitutional position.

**Dr Archibald:** The Minister and his colleagues are fond of cherry-picking figures. I see that he is not quoting the bit in the same study about substituting imports in the EU and the rest of the world, because we can. Under the protocol, that could reduce the impact on GDP by half.

Anyway, a recent Manufacturing NI survey showed that the biggest issue facing businesses is the shortage of labour, with the protocol being down their list of priorities. Two thirds of businesses do want the protocol —

**Mr Deputy Speaker (Mr Beggs):** Will the Member come to her question, please?

**Dr Archibald:** — to be made to work, and 40% want the Executive to maximise opportunities. Does the Minister accept that, just like with Brexit, he and his party are out of step with the majority of businesses here on the protocol?

**Mr Lyons:** Absolutely not. In fact, I say to the Member that it is her party and the parties on that other side of the House that are out of step with the public. Public polls are showing that people recognise the issues that the protocol is causing and the impact that it is having. That is clear, and it is clear to me. It is also clear to Members on the other side of the House because I have the letters here. I have letters from Members on the other side of the House. Here is one complaining about the checks that face a business in his constituency:

*"I have been in business for over 24 years. Every single item which needs to be brought in has to be declared. A supplementary declaration with a consignment number."*

*"She must declare the item weight before and after packaging. This is resulting in countless hours of phone calls, all of which feel unnecessary to her. Is there any help or guidance which your Department could provide?"*

We have here correspondence from Members on the other side of the House. I would be very careful if I were the Member because it is someone from her party who wrote to me. She may complain about Brexit, but, ultimately, it is the protocol that is the problem. That is absolutely right. It is the protocol, which they did not reluctantly accept but called for the rigorous implementation of.

**Mr O'Toole:** Minister, I have a letter too. You named Esmond Birnie and his claims around the cost of the protocol. I have a letter from the Fiscal Council, which makes it clear that that

claim is not from that organisation. I note that Dr Birnie has failed to publish his claims in any reputable peer-reviewed journal, so you should be aware of that before you start bandying it about on the Floor of the Assembly.

May I draw your attention, Mr Deputy Speaker *[Interruption.]* May I draw your attention, Minister —

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

**Mr O'Toole:** — to specific statistics? There was a 60% increase in exports from Northern Ireland to the EU single market and the Republic.

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

**Mr O'Toole:** Two thirds of Northern Ireland Chamber of Commerce and Industry members see the protocol as an opportunity. Some 80% of Manufacturing NI respondents believe —

**Mr Deputy Speaker (Mr Beggs):** Order. Will the Member take his seat? I have asked for a question. If he asks a question, I will let him; if he does not, I will move on.

**Mr O'Toole:** Mr Deputy Speaker, I was getting to my question. I was listing the real, actual opinion of businesses in Northern Ireland on the protocol, and —

**Mr Deputy Speaker (Mr Beggs):** Order. Please resume your seat. I call Steve Aiken. *[Interruption.]*

**Mr O'Toole:** On a point of order, Mr Deputy Speaker —

**Mr Deputy Speaker (Mr Beggs):** Points of order are not taken during Question Time.

**Dr Aiken:** I put on record the fact that Esmond Birnie is an absolutely exceptional economist. He should not be denigrated in the House, and I hope that Mr O'Toole will withdraw his remarks.

Earlier, I asked the deputy First Minister a question about VAT on fuel. It is clear that we will not be able to reduce VAT across the rest of our nation to 5% or lower because of the provisions of the EU protocol. What direct engagement has the Minister had with the Finance Minister and other Ministers across the United Kingdom to make sure that Northern

Ireland is not disadvantaged by the ridiculous protocol methodology?

**Mr Lyons:** I agree with what the Member said about Dr Birnie. It is not appropriate to denigrate somebody or their work simply because we disagree with it or it does not line up with our own political view. It is unfortunate that that happened. We should not listen only to those who agree with us and share our views. Other Members would do well to listen to the real concerns.

Unfortunately, the issue that the Member raises is another consequence of the protocol. Perhaps it was unintended, and some people did not see it coming, but, here we are, yet again, with another consequence of the protocol and another way in which it limits our control over the issues. Although it is an issue for the Minister of Finance — all issues of taxation and rating are matters between the Department of Finance and the Treasury — I recognise it as a concern, and I believe that it needs to be dealt with.

**Mr Dickson:** Minister, did I hear you correctly when you said that you were not implementing the protocol? Will you tell the House how you are doing that and why you are avoiding meetings on North/South inter-parliamentary business between you and your counterpart in the Republic, when it is clear to everyone in Northern Ireland that the shelves in our supermarkets are well stocked in comparison with the rest of the UK and that Brexit is the problem? Brexit is the problem, not the Northern Ireland protocol. In reality, Minister, you need to encourage —

**Mr Deputy Speaker (Mr Beggs):** Where is the question?

**Mr Dickson:** There is a very clear question [*Interruption.*] The question has already been asked, Mr Deputy Speaker. The question to the Minister is: what action is he taking to avoid the protocol?

**Mr Lyons:** Here we have yet another Member who refuses to acknowledge the impact that the protocol is having. I can read out lists of businesses and people who have contacted me to tell us about the problems that the protocol is causing. It is here in black and white. Unfortunately, it is not only what we are experiencing now that worries me. It is about what is coming down the track, when we think of all the grace periods that will end and the mitigations that are due to end. Remember, too, that all this is being held together by a £500

million Trader Support Service that will go at the end of this year. What has eased some of the issues that we are facing will be gone. I understand that the truth is difficult for some Members. I understand that they are feeling sore, perhaps because they called for the rigorous implementation of the protocol. The truth is that it is having an impact, and we need to get it sorted out.

**Mr Deputy Speaker (Mr Beggs):** I advise Members that question 4 has been withdrawn.

## **Skills Strategy for Northern Ireland: Update**

2. **Mrs D Kelly** asked the Minister for the Economy for an update on the skills strategy for Northern Ireland. (AQO 2993/17-22)

**Mr Lyons:** Following the skills strategy consultation exercise, my officials have revised the strategy to reflect stakeholder views, in conjunction with the recently established Skills Council and other Departments across the Executive.

### **3.00 pm**

Whilst the draft strategy was broadly endorsed through the consultation exercise, some amendments have been made to reflect key points of feedback. In particular, those focused on enhancing interventions related to economic and social inclusion in order to ensure relative parity in the strategy's focus on delivering against our economic ambitions. I am considering the final draft with a view to presenting it to Executive colleagues for final approval. I am concerned, however, that the draft Budget settlement will impact on our ability to deliver the recommendations in the new strategy. That is not simply a fallout from EU exit, so I encourage Members on the opposite Benches to stop falsely blaming the Budget situation on that. Instead, I ask them to back me in securing the finances needed to help young people from every background and in every community to get the right skills to allow them to secure a good job and to help those from the most disadvantaged backgrounds to take their first steps towards a more prosperous future.

**Mrs D Kelly:** I thank the Minister for his response. I particularly welcome the economic and social inclusion measures. Does that mean that he will not stand by his Department's proposal to withdraw education maintenance allowance (EMA) support? As he knows, many young people from working-class backgrounds

rely on that funding to enable them to attend studies and to enhance their skills.

**Mr Lyons:** First, I remind the House that those are certainly not my Department's proposals or recommendations. The truth is that we are facing a very difficult budgetary situation as a result of the draft Budget allocation to my Department. I am not very happy with how that has worked out, and I think that the Executive need to look at that again and recognise what their priorities are. I do not want to have to take any of those actions. I hope that we can get a Budget settlement that means that we do not have to do so.

**Mr Deputy Speaker (Mr Beggs):** I call Peter Weir.

**Mrs D Kelly:** I am sorry — my supplementary?

**Mr Deputy Speaker (Mr Beggs):** I believe that you have asked your supplementary.

**Mrs D Kelly:** No, I want to ask a supplementary. I have not asked it yet.

**Mr Lyons:** You just did.

**Mr Deputy Speaker (Mr Beggs):** I thought that you already asked your supplementary. I call Peter Weir.

**Mr Weir:** Thank you, Mr Deputy Speaker. I have only one question.

The Minister highlighted the potential impact of the draft Budget on the skills strategy. He will be aware that the Fiscal Council, which was established by the Finance Minister, was highly critical of the draft Budget. Does he agree with the Fiscal Council's conclusion that the draft Budget lacks strategic direction?

**Mr Lyons:** That is a fair assessment by the Fiscal Council. I note that the Executive parties wanted to prioritise Health, and that was, absolutely, a priority for us. It is wrong, however, to say that we can deal with the health issues that we all face only by dealing with the Health budget. In my Department, for example, it is certainly the case that when we are increasing the skills of our young people and increasing opportunities for them, when we have jobs for our population and when we have that investment, that is when we are in a place to ensure that we have better health outcomes overall. That is where the draft Budget is, I feel, lacking. It will have a particularly detrimental impact on my Department because, as the

Fiscal Council rightly pointed out, it does not have that strategic focus.

**Ms Brogan:** A major problem with the skills system is the fact that we rely heavily on English awarding bodies that provide qualifications that are not always relevant to the needs of local employers. Will the skills strategy address that by delivering more vocational qualifications through local providers?

**Mr Lyons:** The Member will, of course, understand that those issues were looked at in the draft strategy, particularly the need for qualifications that we offer in Northern Ireland to reflect where the job market is and where those opportunities are. Absolutely, we need to make sure that we have those qualifications for our young people.

## Apprenticeships

3. **Mr Blair** asked the Minister for the Economy to outline the number of jobs with apprenticeships that could be affected as a result of the loss of £100 million in core funding from the EU. (AQO 2994/17-22)

6. **Mr Harvey** asked the Minister for the Economy what steps his Department is taking to increase the number of apprenticeships in Northern Ireland. (AQO 2997/17-22)

**Mr Lyons:** With your permission, Mr Deputy Speaker, I wish to group questions 3 and 6. I may wish to avail myself of some extra time to answer.

I thank the Member for his question and for giving me the opportunity to respond to some of the misleading and simplistic narratives from some of his party colleagues. Even a basic understanding of mathematics would demonstrate that, even with EU funds, many areas of work in the Department will need to stop because of the Finance Minister's Budget settlement. The UK Government have made a commitment that they will replace, at a minimum, the level of EU funding that flowed into Northern Ireland. The real challenge that we face is that the additional funding for Northern Ireland is being managed by Westminster. *[Interruption.]* If Mr O'Toole has a question, he can rise for a supplementary instead of chuntering from his seat.

Although the additional funding for Northern Ireland is being managed by Westminster, it may not necessarily align to the Executive's priorities. Therefore, funding for core DFE services, such as apprenticeships and grants

for innovation, was the subject of a significant bid that has to date been declined by the Minister of Finance.

It is also worth noting that the Department of Finance has been leading on EU replacement funding on behalf of the Executive. The reality is that the Finance Minister's draft Budget 2022-25 proposes real-term cuts to the Department's baseline of 8%, 11% and 13% over the next three years, totalling £259 million across those years. I am sure that the Member wishes to join me to encourage a rethink about disinvesting in young people, skills and widening participation.

**Mr Blair:** I thank the Minister for his answer and the details that were in it. Separate to core funding for apprenticeships, what steps is he taking or has he taken in order to ensure that essential community organisations that are recipients of the European social fund do not miss out due to the uncertainty about funding that is distributed by the Shared Prosperity Fund?

**Mr Lyons:** That is where the Shared Prosperity Fund plays a critical role. Just before I came to the Chamber, I met the Secretary of State for Northern Ireland, and I made him aware of the importance of making sure that we do not duplicate provision. The money from the Shared Prosperity Fund should not duplicate what we do already but should go to those services, which are so necessary.

Apprenticeships is absolutely one of those. I met many apprentices as I have been out and about over the last number of months. Developing the local skills base is an absolutely key priority for me and is a cornerstone of our recovery. Those apprenticeships have a vital role to play in helping to equip people with the skills that they need for the constantly evolving jobs market.

**Mr Harvey:** What supports does the Minister have for over 25s who want to retrain and learn new skills in the new growing sectors?

**Mr Lyons:** That has been raised with us again and again. We understand how more people who are over the age of 25 want to avail themselves of that provision. That is why our existing higher-level apprenticeship is open to participants of all ages. I recognise that extending level 2 and 3 apprenticeships to more people across more sectors can help address skills gaps and allow older workers to reskill or upskill. I cannot be any more precise on the timescales for that change because changing the age and eligibility criteria and introducing

public-sector apprenticeships will require additional budget. My Department will need to consider how we take the measure forward in view of the exceptionally constrained position that is anticipated for 2022-23 onwards.

**Ms Ferguson:** Minister, last year your predecessor promised all-age apprenticeships. I know from working in this sector in the city that it is critical that our young people get access to apprenticeships at level 2 and 3, see a future and create a career. Has the loss of EU funding scuppered the delivery of such an important programme as this?

**Mr Lyons:** As I have just outlined to Mr Harvey, the change to the eligibility criteria and introducing public-sector apprenticeships are going to take more time and money. I have outlined how we need to ensure that the money from the Shared Prosperity Fund goes towards areas such as those. I will certainly lobby the Government on that point. Ultimately, we need greater investment in skills in Northern Ireland. We have fallen behind in recent years, and I fear that our current Budget settlement will make that even worse.

I, therefore, encourage the Member to use her skills and abilities to lobby the Finance Minister to ensure that we can get a better funding settlement for the Department for the Economy.

**Ms McLaughlin:** Will the Minister commit, today, to meeting the chief executive of E+I Engineering? For the past four years, he has been in negotiation with Invest NI about significant investment in its Campsie site, but the investment is in jeopardy because of a lack of commitment to the Assured Skills programme. I would like the Minister to meet him face to face. The company is a major investor and a major employer in Derry, and we need to get that investment over the line.

**Mr Lyons:** Of course, if the Member wants me to meet anybody in her constituency, I am more than willing to do so. I do that for other Members. If she writes to me with the details, I will be more than happy to look at them and see what can be done. Obviously, it is not always appropriate for me to get involved directly in issues, but, certainly, if I can be of any assistance and bring further clarity to the Member, I will be happy to do so.

**Mr Nesbitt:** On the theme of disinvesting in people, is the Minister taking any steps to ensure that the apprenticeship levy is hypothecated here, as it is in England?

**Mr Lyons:** That issue has caused considerable concern right across Northern Ireland. I understand the concerns that businesses and those who pay the levy have expressed about the return that, they feel, they do not get on it. I do not have any further detail on that for the Member at this time, but, if he wants to raise particular queries with me, I will be happy to discuss those with him.

## **Economy Budget: Loss of EU Funding**

5. **Mr Sheehan** asked the Minister for the Economy what impact the loss of EU funding has had on his Department's budget. (AQO 2996/17-22)

7. **Mr Dunne** asked the Minister for the Economy how the 2022-25 draft Budget will impact his Department. (AQO 2998/17-22)

9. **Mr O'Toole** asked the Minister for the Economy to outline the impact that a loss of EU funding will have on his Department's 2022-25 budget. (AQO 3000/17-22)

**Mr Lyons:** With your permission, Mr Deputy Speaker, I will group questions 5, 7 and 9. I may wish to avail myself of an extra minute to answer this group of questions.

The draft Budget presented by the Finance Minister would result in a cut, in real terms, to my Department of 8% in year 1, rising to 13% in year 3 and totalling £259 million across the three years. There has been much focus on EU replacement funding. Clearly, regardless of that, many areas of work in my Department would be impacted by the Finance Minister's draft Budget. The Budget would not allow my Department to stand still let alone to support economic recovery from the pandemic by investing in skills, innovation, tourism and green growth, all of which are crucial to delivering the 10X Economy vision.

Less than one third of my Department's pressures relate to key DFE services previously funded from the UK Government's contribution to Europe. That funding has not gone, but will flow directly to Northern Ireland from the UK Government rather than through the European Union. The UK Government made a commitment that they would replace, at a minimum, the level of EU funding that flowed into Northern Ireland.

The Finance Department has been responsible for leading Northern Ireland's negotiations with the UK Government on replacement funding.

Those negotiations have, to date, resulted in additional funding for Northern Ireland being managed by Westminster, with no alignment to the Executive's priorities. The Finance Minister needs to ensure that funding to Northern Ireland from the UK Government meets the Executive's priorities. Until he does, some core DFE services, namely apprenticeships and grants for innovation, will remain unfunded. The only remaining option for the delivery of those key services is an increased prioritisation in the draft Budget. With inescapable resource pressures of over £300 million over the three-year period, my Department is left to find solutions to fund them. With a budget of which three quarters is spent on education and skills, there are no easy options.

By year 3, the DFE capital allocation would be reduced by 55%. That would impact my Department's ability to deliver capital projects in key strategic areas such as energy and innovation and to enhance our further education and higher education estates.

**Mr Sheehan:** The Minister's Department has confirmed that it will lose £65 million of funding owing to Brexit, and the Minister proposes to plug that gap by increasing student fees and cutting support grants and apprenticeships. Why should students and apprentices have to pay for that loss, given that it was the British Government, supported by the DUP, that delivered Brexit and is failing to provide alternative funding?

**3.15 pm**

**Mr Lyons:** I do not think that the Member understands the difference between the funding that came from EU structural funds and other funds — the UK Government have said that they will replace those funds, so we just need to get further clarity and detail about how the UK Shared Prosperity Fund will work — and the difficulties that we face as a result of the Finance Minister's Budget. If the Member is concerned about tuition fee issues and about the number of student places, I encourage him, as I encouraged his party colleague beforehand, to speak to the Finance Minister.

**Mr Dunne:** I thank the Minister for his answer. Which will have the greater impact on the Minister's budget: the loss of EU funds or the huge cuts that are a direct result of Conor Murphy's draft Budget?

**Mr Lyons:** The Member is right to ask that question and to highlight the issues that we face as a result of the draft Budget from the



Finance Minister. Although the EU funds will be replaced through the UK Shared Prosperity Fund, there is no remedy for over two thirds of the budget that will be lost as a result of the draft Budget settlement. That is the difficulty that we face. I have seen an awful lot of anger around the House and outside the Chamber over the past number of weeks, since the true impact of the Finance Minister's Budget settlement became apparent. I hope that Members will channel that anger and frustration into ensuring that the Department of Finance recognises the impact that the Budget settlement will have.

**Mr Deputy Speaker (Mr Beggs):** That —

**Mr O'Toole:** I will be brief, Mr Deputy —.

**Mr Deputy Speaker (Mr Beggs):** — ends the period for listed questions. We now —  
[*Interruption.*] Order.

I am endeavouring to carry out my duty as a Deputy Speaker, guided by the Clerks. I am trying to be fair to everyone. Unfortunately, not everyone can get to speak.

We now move on to topical questions.

## Debt Relief Orders

T1. **Ms Flynn** asked the Minister for the Economy what proposals his Department will bring forward to support those people who are struggling financially, given that she understands that it plans to consult on debt relief orders. (AQT 1961/17-22)

**Mr Lyons:** There will be a consultation in due course. I am not exactly sure what the Member wants to know; maybe she can ask for specifics in her follow-up question. If there is a way in which we can make sure that the measures that we take better address the problems that our people face, we will, of course, listen. The Member may already have a supplementary question in mind.

**Ms Flynn:** My supplementary question is on the scope of the consultation. The Consumer Council recently did research that found that people in the North have relatively low levels of savings and disposable income, so they may be more at risk from the cost-of-living crisis. Can the Department look at extending the remit of the consultation beyond debt relief orders and consider other measures that might help support people and prevent them falling into debt in the first place?

**Mr Lyons:** I am more than happy to look at that, but I encourage people to respond to the consultation when it goes out. We do them not just because we have to but because we are genuinely interested in hearing what people think. People should respond through the consultation process if they think that there are ways in which the measures can be made better.

If there is one message that I would send to people who are struggling at this time, which we know can be a difficult time of the year, it is this: help is available. I encourage them not to put their head in the sand, because there are organisations out there that want to help. That is a really important message that we can send out today. There are fantastic organisations that can help in both the public and private sector. Christians Against Poverty (CAP) has a fantastic track record of helping people who are in debt or financial difficulty. We encourage people to realise that help is available and to get that help.

## Creative Industries: Economic Importance

T2. **Mr Dunne** asked the Minister for the Economy how important the creative industries are to the local economy, especially in light of the general UK release last week of Sir Kenneth Branagh's 'Belfast'. (AQT 1962/17-22)

**Mr Lyons:** They are hugely important. I am absolutely delighted at the growth that we have seen in the creative industries in Northern Ireland over the past decade. It is fantastic to see the progress that has been made and the new opportunities that open up for people in Northern Ireland.

I was delighted to be invited to the premiere of 'Belfast' in Belfast a few months ago. It is, first of all, a reminder of how far we as a society have come. I think that it has had such an impact on people here because many recognise that time and what went on. We are now in a very different place. It is fantastic to see a film such as 'Belfast' being made. Northern Ireland Screen was involved in the early shaping and support of it. We can also see the huge impact that television shows such as 'Game of Thrones' and 'Line of Duty' have had here and much more widely on the creative industries.

**Mr Dunne:** I thank the Minister for his answer. The creative industries have made a valuable contribution across our country. What further

opportunities exist for supply chain jobs in that important industry?

**Mr Lyons:** They absolutely have. During, I think, the first few weeks of being in this role, I visited Titanic Studios and the set of 'Dungeons & Dragons', and I spoke to some of the employees and people who were working or had just worked on the film. It was incredible to hear stories of how people who were involved in fashion and other skills had moved away to London and elsewhere in the UK and had then moved back because of the opportunities that were opening up in Northern Ireland. That is a direct result of how well the creative industries in Northern Ireland are doing. That is why it is so critical that we continue to provide support. The Executive, very importantly, created support to allow the industry to flourish and grow to what it is now. We want to make sure that that continues. Ultimately, whether you are in fashion or set and stage design, whether you are a painter or an electrician or whether you make props, as I saw one individual doing, there are huge opportunities, and we need to make sure that we grasp them.

### High Street Scheme: Further Extension

**T3. Mr Robinson** asked the Minister for the Economy whether there will be another extension of the highly successful high street scheme for the people who, through no fault of their own, missed out on receiving that much-needed and welcome source of funding, particularly at Christmas. (AQT 1963/17-22)

**Mr Lyons:** I thank the Member for raising the issue. It is important that we highlight that some people were unable to get their card and avail themselves of the scheme through no fault of their own. There were a number of people whose card was, perhaps, lost in the post, and some were not able to activate their card. I understand how frustrating that will have been. We as a Department are looking for remedies. I hope, in the next few days, to be able to bring those to the House and share with Members how we intend to fix that issue.

It is worth pointing out that, although there were a few problems, a relatively small number of people were affected. The overwhelming number of those who applied for their card received it and, importantly, spent it: £136 million was spent. It was a fantastic benefit to business. I know that Members are aware of the impact that that scheme had. Retail and others that benefited had a really difficult couple of years. I hear time and again about the boost

that the scheme created. Mr Stalford told me at the weekend about the incredible impact that it had on one business in his constituency, and Mrs Dodds invited me to Portadown, where we saw the impact that it was having. Stephen Dunne took me around half of Hollywood and Bangor as well. It is a great scheme. I recognise that some people had issues, and I am determined to make sure that those are rectified.

**Mr Robinson:** I thank the Minister for his answer. Could that highly successful voucher scheme be rolled out again next year around the Christmas period, provided that funding is found? I appreciate that there are many constraints on his budget for next year.

**Mr Lyons:** The Member is absolutely right to highlight the success of the scheme. I have no doubt that people would like us to run it again, but he latched on to the key issue: the budget. We received COVID support from Treasury. I made a bid as part of the economic recovery — I am sorry: Diane Dodds made a bid as part of the economic recovery action plan that I was able to put into the successful high street scheme. Unfortunately, that funding will not be available again this year. However, I hope that we will still see the benefit of the high street scheme in the coming months and at the end of this year, because the scheme was not just about an immediate boost but about bringing people back to high streets and showing them what is on offer and the customer service that they can get there. I hope that the impact is long-lasting.

### Petroleum Licensing: Ban

**T4. Mr McGuigan** asked the Minister for the Economy why in the action plan generated by his energy strategy, in which he acknowledges that we must move away from fossil fuels as a matter of urgency, he has not called for a ban on petroleum licensing. (AQT 1964/17-22)

**Mr Lyons:** I hope to take that issue to the Executive in the coming weeks. It is one that I want to put out to public consultation with a recommendation from the Executive about what we will do. That will be an Executive decision, and I hope that that will happen in the short term.

**Mr McGuigan:** I appreciate the Minister's answer. In his energy strategy, he avoids the issue of a ban on petroleum licensing. To a certain degree, he is still avoiding that issue. Will the Minister do the right thing and let us

know when he intends to bring forward the ban on petroleum licensing?

**Mr Lyons:** First of all, I was keen to get the energy strategy out and ensure that we were able to show people that we have a plan for more affordable energy from a more secure supply. The issue of licensing of oil and petroleum is one that, I have said, I will bring to the Executive. It is important that we consult on that. There was a long consultation period for the energy strategy; it was only right that that took place. I think that the Member would agree that it is right that we also consult on this issue, listen to people's views and understand what they think. I will bring a paper to the Executive with a recommendation, and it will be up to the Executive to decide what they want to do.

### Student Accommodation

T5. **Mr McHugh** asked the Minister for the Economy what steps his Department is taking to address the crisis in student accommodation, given that he will be well aware, as everyone is, of the shortage in student accommodation, to the extent that, last week, it was reported that Queen's had booked out a hotel to meet demand, with factors such as high rents making accommodation inaccessible to many students. (AQT 1965/17-22)

**Mr Lyons:** I understand the concerns that many people have expressed about student housing. In August and September, I engaged with the universities on the issue. I have to say that, ultimately, the universities are autonomous institutions, and it is right that they develop their own policies. It is not something that I can or should dictate about to those universities. I know that they took all the action that they could. They saw that the issue was coming. They looked at the options that were available, including encouraging the use of other forms of accommodation. They looked into other private accommodation providers and, indeed, hotels. Clearly, it remains an issue. I hope that it will not be an issue next year, but ultimately, however, it is an issue for the universities.

**Mr McHugh:** I thank the Minister for his answer. The cost of living has increased as well. The severe financial pressures that now bear on students in relation to increased rents and so on are forcing them towards the hardship fund. What steps has the Department taken, given that it handed back unspent money from student maintenance grants and bursaries, rather than relocating it to support students?

**Mr Lyons:** I would need to check the figures on that. Having asked where those funds could be used, my Department did not receive any responses or acknowledgement that there was a high demand elsewhere. If there is an issue or a problem with the hardship grant, I am more than happy to look into that.

3.30 pm

### Workers' Rights: NDNA Proposals

T6. **Mr Sheehan** asked the Minister for the Economy when he will deliver on the New Decade, New Approach (NDNA) agreement proposals to strengthen workers' rights, including the end of zero-hour contracts. (AQT 1966/17-22)

**Mr Lyons:** The Member will be aware that the Department, rightly, was dealing with COVID-related issues for most of this mandate. I understand that there was a desire to make sure that those issues were progressed and an opportunity taken to discuss them on the Floor. There were a number of competing priorities for the Department over the last number of months. My focus has been on getting the Parental Bereavement (Leave and Pay) Bill to a conclusion. There are a lot of issues in and around employment law that we need to deal with. Unfortunately, they will now have to be for the next mandate. We will have a lot of employee/employer issues to deal with through that Bill. Quite simply, the answer to the Member's question is that there was not time in this mandate to get those completed.

#### Mr Deputy Speaker (Mr Beggs):

Unfortunately, we have run out of time. That ends the period for topical questions.

**Mr O'Toole:** On a point of order, Mr Deputy Speaker. If I may, I want to clarify remarks that I made earlier in Question Time. It was suggested that I was denigrating an individual economist. I was not. I was simply attempting to correct the implication from the Economy Minister that the Fiscal Council had somehow endorsed a view of economic analysis from Dr Birnie. The Economy Minister said that the Fiscal Council had endorsed a position: it had not.

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

**Mr O'Toole:** That is clear. I did not denigrate the economist —

**Mr Deputy Speaker (Mr Beggs):** Order, please. We are in danger of having a speech once again. We had Question Time, when I try to enable as many people as possible to ask a question. The detailed explanation that the Member is giving is way beyond a point of order. He has made some comments that are on the record. I ask Members to take their ease for a few moments.

*(Mr Speaker in the Chair)*

## **Executive Committee Business**

### **Grants to Water and Sewerage Undertakers Order (Northern Ireland) 2022**

*Debate resumed on motion:*

*That the draft Grants to Water and Sewerage Undertakers Order (Northern Ireland) 2022 be approved. — [Ms Mallon (The Minister for Infrastructure).]*

**Mr Carroll:** I join others in wishing the Minister a speedy recovery. I will speak briefly. I support the regulation. There was some attempt to rewrite history about what made water charges unpalatable and unpopular. Fundamentally, it was a mass movement of non-payment. Nationalist and unionist parties in the House were initially out of touch with that.

Whatever the arithmetic in a new Assembly — if there is to be one at all — any attempt at imposing water charges will again be met with mass resistance, community protest, demonstrations and civil disobedience on the streets like there was several years ago in the South of Ireland.

With the cost of living reaching huge levels of crisis, it would be financially cruel to punish people further with water charges. For a just transition to mean anything, secondary water charges cannot be imposed on people.

I support the regulation but sound a warning to any incoming Executive: do not dare touch water charges and do not dare try to charge people again because there will be huge protests on our streets over it.

**Mr Speaker:** I call the Minister for Infrastructure, Nichola Mallon, to conclude and make a winding-up speech on the debate. I wish her well in her recovery from COVID.

**Ms Mallon (The Minister for Infrastructure):** Thank you for your very kind letter, Mr Speaker. I thank all Members for their very kind wishes and for their comments on the motion. I will deal with a number of issues that Members raised during their contributions.

Mr Jim Allister queried whether the statutory rule had been made. I can confirm that the

Grants to Water and Sewerage Undertakers Order 2017 was made on 24 January 2017 and came into operation on 1 April 2017. It is known as SR 2017/33. It is confirmed on the [legislation.gov.uk](http://legislation.gov.uk) website.

I will briefly mention capacity constraints. Mr Allister rightly identified the fact that there are around 100 areas across the North where we are operating near to or above intended design capacity either at the waste water treatment works or in the sewer network. If Northern Ireland Water is fully funded for PC21, it plans to remove 49 of those areas from constraints. There are several key projects in Northern Ireland Water's PC21 waste water treatment upgrade programme, including works to waste water treatment plants in Belfast, Kinnegar, Greenisland and Newry. Given the increasing pressure on the waste water and sewer network, however, Northern Ireland Water has identified a further 30 economically constrained areas that may emerge during the PC21 period. Therefore, if we are to recover from the historical underinvestment in water and sewerage services that has created the current capacity constraint in so many locations across Northern Ireland, the sustained and secured ongoing provision of investment over multiple price control periods will be required.

Members will know that the delivery of water and sewerage services is a collective responsibility of the Executive. It is a key commitment in New Decade, New Approach and a key Programme for Government (PFG) outcome, and it is central to the ambitions in the many areas that we seek to deliver on for citizens, including the services on which they rely to thrive. For the 2021-22 financial year, my Department allocated Northern Ireland Water £136.6 million in resource DEL and £221 million in capital DEL. This is the first time in a long time that Northern Ireland Water has started the year with a full funding settlement. The lack of in-year budget flexibility has, however, exposed the continuing constraints on funding water and sewerage services through public expenditure.

Members also identified the fact that Northern Ireland Water, as the largest consumer of electricity, has faced huge financial pressures, to the tune of £18 million of inescapable rising energy costs. As a result of internal reallocations, funding from within my Department, savings made by Northern Ireland Water and an allocation from the Executive prior to and subsequent to January monitoring, I am relieved that that funding pressure has been met. It remains, however, an issue of serious concern, and we continue to keep the matter under review. Again, all of that identifies the

need to have sustained levels of funding over multiple years going forward. In that way, we can ensure that we have a fit-for-purpose, modern water and waste water network.

Very briefly, I will address the issue around funding models. It is important to point out that my Department has worked closely with Northern Ireland Water, the Department of Finance and the Strategic Investment Board (SIB) to explore alternative funding models and options that may be permissible under the current governance and water charging policy. It is very important to point out that all reclassification, whether public, corporation, mutual or private, will require the introduction of water charges in some shape or form. Certainly, the SDLP's position, which is also the current position of the Executive, is that we are against the imposition of water charges on domestic customers. Given the rising cost of living that is being faced by so many families across Northern Ireland, that position is particularly right.

I want to address Mr Muir's point about the hypothecation of a water charge in the domestic rates. It is not the case that Northern Ireland Water's borrowing ability could be increased and mutual status achieved by the simple means of hypothecating a line in the domestic rates Bill. Rates are a tax on the occupation of a property; not a charge for the delivery of a service. In many cases, landlords take responsibility for the payment of rates, and it is the property owner, not the water user, who pays them. In addition, the amount of rates to be paid is based on the value of the property; it is not linked in any way to the use made of any public service by the ratepayer. That being the case, the hypothecation of an element of the domestic rate would not represent charging for water and sewerage services. Therefore, it would not result in any change to its current classification.

As I have said, the Executive's position is that we should not introduce water charges for domestic customers. The order reflects that and reinforces that commitment. I ask the House to support the order.

*Question put and agreed to.*

*Resolved:*

*That the draft Grants to Water and Sewerage Undertakers Order (Northern Ireland) 2022 be approved.*

**Mr Speaker:** I thank everybody for their contributions. Will Members please take their ease for a moment or two?

3.45 pm

### **Organ and Tissue Donation (Deemed Consent) Bill: Consideration Stage**

**Mr Speaker:** I call the Minister of Health, Mr Robin Swann, to move the Bill.

*Moved. — [Mr Swann (The Minister of Health).]*

**Mr Speaker:** No amendments have been tabled to the Bill. I propose, therefore, by leave of the Assembly, to group the two clauses of the Bill for the Question on stand part, followed by the Question to agree the long title.

*Clauses 1 and 2 ordered to stand part of the Bill.*

*Long title agreed to.*

**Mr Speaker:** That concludes the Consideration Stage of the Organ and Tissue Donation (Deemed Consent) Bill. The Bill stands referred to the Speaker. Thank you very much, everybody.

Will Members take their ease for a moment?

### **Parental Bereavement (Leave and Pay) Bill: Further Consideration Stage**

**Mr Speaker:** I call the Minister for the Economy, Gordon Lyons, to move the Bill.

*Moved. — [Mr Lyons (The Minister for the Economy).]*

**Mr Speaker:** Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There is a single group of amendments, amendment Nos 1 to 25, which are consequential amendments on parental bereavement and miscarriage leave and pay. Once the debate on the group is completed, any further amendments in the group will be moved formally as we go through the Bill and the Question on each will be put without further debate. If that is clear, we shall proceed.

Members will note that the Marshalled List was reissued. It is marked in red print on the front page that it is reissued. Members will have received printed and electronic copies of the document. Please note the correct order of amendment Nos 16 and 17, as per the revised Marshalled List.

#### **Clause 1 (Parental bereavement leave)**

**Mr Speaker:** We now come to the single group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 25. In the group, amendment No 3 is mutually exclusive to amendment No 2; amendment No 4 is mutually exclusive to amendment No 3; amendment No 7 is mutually exclusive to amendment No 6; amendment No 8 is consequential to amendment No 5; amendment No 9 is consequential to amendment Nos 2 and 4; amendment Nos 11 and 12 are mutually exclusive to amendment No 10; amendment No 13 is consequential to amendment No 3 and mutually exclusive to amendment No 4; amendment No 14 is mutually exclusive to amendment No 13 and consequential to amendment No 2; amendment No 19 is mutually exclusive to amendment No 18; amendment No 21 is an amendment to amendment No 20; and amendment No 22 is mutually exclusive to amendment No 20. Members may also wish to note that amendment No 15 is a paving amendment to amendment No 16.

I call the Minister for the Economy to move amendment No 1 and address the other amendments in the group.

**Mr Lyons (The Minister for the Economy):** I beg to move amendment No 1: In page 4, line, at end insert—

*"(2) Regulations under this Article may—*

*(a) specify conditions to be satisfied for the purpose of determining whether a person has experienced a miscarriage for the purposes of the regulations;*

*(b) provide that regulations under this Chapter also apply in relation to a person who satisfies specified conditions as to relationship with the person who experienced the miscarriage."*

*The following amendments stood on the Marshalled List:*

No 2: In clause 2, page 4, line 16, after "parent," insert—"and"

*(aa) that the person is in employed earner's employment with an employer on the day on which the child dies.*— [Dr Archibald.]

No 3: In clause 2, page 4, leave out lines 17 to 24 and insert—"(b) that the person is in employed earner's employment with an employer on the day on which the child dies, and

*(c) that the weekly earnings threshold is met (see subsection (4A)).*— [Mr Lyons (The Minister for the Economy).]

No 4: In clause 2, page 4, line 17, leave out paragraphs (b) and (c).— [Dr Archibald.]

No 5: In clause 2, page 4, line 30, at end insert—

*"(4A) The weekly earnings threshold is met if the person's normal weekly earnings for any continuous period of 8 weeks falling within the relevant window is not less than the lower earnings limit in force under section 5(1)(a) at the end of the relevant week.*

*(4B) In subsection (4A), the 'relevant window' is the period consisting of—*

*(a) the 8 weeks ending with the relevant week, and*

*(b) the 8 weeks immediately following that week.*

*(4C) The reference in subsection (4A) to a person's normal weekly earnings is, in relation to any period after the date on which the child dies, a reference to the person's expected normal weekly earnings for that period.*

*(4D) Section 167ZZ17(8A) provides for the calculation of a person's expected normal weekly earnings.*— [Mr Lyons (The Minister for the Economy).]

No 6: In clause 2, page 4, line 31, leave out "subsection (2)" and insert "this section".— [Mr Lyons (The Minister for the Economy).]

No 7: In clause 2, page 4, line 31, leave out subsection (5).— [Dr Archibald.]

No 8: In clause 2, page 5, line 6, after "has" insert "or (4A) to (4C) have".— [Mr Lyons (The Minister for the Economy).]

No 9: In clause 2, page 5, line 6, leave out "(b) or (c)" and insert "(aa)".— [Dr Archibald.]

No 10: In clause 2, page 5, line 12, leave out paragraphs (d) to (f).— [Dr Archibald.]

No 11: In clause 2, Page 5, Line 15, leave out "26" and insert "8".— [Mr Lyons (The Minister for the Economy).]

No 12: In clause 2, page 5, line 18, leave out "26" and insert "8".— [Mr Lyons (The Minister for the Economy).]

No 13: In clause 2, page 5, line 37, leave out "(2)(c)" and insert "(2)(b)".— [Mr Lyons (The Minister for the Economy).]

No 14: In clause 2, page 5, line 37, leave out "(c)" and insert "(aa)".— [Dr Archibald.]

No 15: In clause 2, page 9, line 26, at end insert—

*"; but this does not apply to a person's expected normal weekly earnings (as to which, see subsection (8A)).*— [Mr Lyons (The Minister for the Economy).]

No 16: In clause 2, page 9, line 30, at end insert—

*"(8A) For the purposes of section 167ZZ9, a person's expected normal weekly earnings are to be calculated in accordance with regulations; and such regulations may provide for assumptions to be made about the continuation of the person's employment and the person's earnings from that employment.*— [Mr Lyons (The Minister for the Economy).]

No 17: In clause 2, page 10, line 27, at end insert—

*"(2) Regulations under this section may—*

*(a) specify conditions to be satisfied for the purpose of determining whether a person has experienced a miscarriage for the purposes of the regulations;*

*(b) provide that this Part and regulations under it also apply in relation to a person who satisfies specified conditions as to relationship with the*

person who experienced the miscarriage.”—  
[Mr Lyons (The Minister for the Economy).]

No 18: After clause 2 insert—

**"Temporary provision for qualifying  
employment period for parental  
bereavement pay**

**2A.—**(1) This section applies in relation to a person's entitlement to payments of statutory parental bereavement pay in respect of a child who dies before the date mentioned in subsection (2).

(2) The date is the date that falls 30 months after Royal Assent and thereafter this temporary provision will cease to have effect.

(3) The provisions inserted by section 2 have effect with the modifications set out in subsections (4) to (7).

(4) In section 167ZZ9, for subsection (2) substitute—

‘(2) The conditions are—

(a) that the person is a bereaved parent,

(b) that the person has been in employed earner's employment with an employer for a continuous period of 26 weeks ending with the relevant week,

(c) that the person's normal weekly earnings for the period of 8 weeks ending with the relevant week are not less than the lower earnings limit in force under section 5(1)(a) at the end of the relevant week, and

(d) that the person has been in employed earner's employment with the employer by reference to whom the condition in paragraph (b) is satisfied for a continuous period beginning with the end of the relevant week and ending with the day on which the child dies.’

(5) In section 167ZZ9, after subsection (4) insert—

‘(4A) In subsection (2) ‘relevant week’ means the week immediately before the one in which the child dies.’

(6) In section 167ZZ10, for subsection (4) substitute—

‘(4) The Department may by regulations—

(a) provide that section 167ZZ9 (2)(b) (c) or (d) has effect subject to prescribed modifications in such cases as may be prescribed;

(b) provide that subsection (1) of this section does not have effect, or has effect subject to prescribed modifications, in such cases as may be prescribed;

(c) impose requirements about evidence of entitlement;

(d) specify in what circumstances employment is to be treated as continuous for the purposes of section 167ZZ9;

(e) provide that a person is to be treated for the purposes of section 167ZZ9 as being employed for a continuous period of at least 26 weeks where—

(i) the person has been employed by the same employer for at least 26 weeks under two or more separate contracts of service, and

(ii) those contracts were not continuous;

(f) provide for amounts earned by a person under separate contracts of service with the same employer to be aggregated for the purposes of section 167ZZ9;

(g) provide that—

(i) the amount of a person's earnings for any period, or

(ii) the amount of the person's earnings to be treated as comprised in any payment made to the person or for the person's benefit,

is to be calculated or estimated for the purposes of section 167ZZ9 in such manner and on such basis as may be prescribed and that for that purpose payments of a particular class or description made or falling to be made to or by a person shall, to such extent as may be prescribed, be disregarded or, as the case may be, be deducted from the amount of the person's earnings.’

(7) In section 167ZZ11(1), leave out ‘(aa)’ and insert ‘(b) and (d)’.”— [Dr Archibald.]

No 19: After clause 2 insert—

**"Temporary provision: qualifying  
employment period for parental pay**



**2A.—**(1) *This section applies in relation to a person's entitlement to payments of statutory parental bereavement pay in respect of a child who dies before 6 April in the year that is specified under subsection (2).*

(2) *The Department for the Economy must by regulations specify a year for the purposes of subsection (1); and the year so specified must be—*

(a) *no later than 2026, and*

(b) *the same as the year specified in accordance with section 4(3) (application of miscarriage regulations).*

(3) *The provisions inserted by section 2 have effect with the modifications set out in subsections (4) to (8).*

(4) *In section 167ZZ9, for subsection (2) substitute—*

*'(2) The conditions are—*

(a) *that the person is a bereaved parent,*

(b) *that the person has been in employed earner's employment with an employer for a continuous period of at least 26 weeks ending with the relevant week,*

(c) *that the person's normal weekly earnings for the period of 8 weeks ending with the relevant week are not less than the lower earnings limit in force under section 5(1)(a) at the end of the relevant week, and*

(d) *that the person has been in employed earner's employment with the employer by reference to whom the condition in paragraph (b) is satisfied for a continuous period beginning with the end of the relevant week and ending with the day on which the child dies.'*

(5) *In section 167ZZ9, omit subsections (4A) to (4D).*

(6) *In section 167ZZ10(4)—*

(a) *in paragraph (a), for 'section 167ZZ9(2)(b) or (c) has or (4A) to (4C) have' substitute 'section 167ZZ9(2)(b), (c) or (d) has';*

(b) *in paragraph (e), for '8 weeks' (in both places) substitute '26 weeks'.*

(7) *In section 167ZZ11(1), after 'subsection (2)(b)' insert 'and (d)'.*

(8) *In section 167ZZ17, omit—*

(a) *the reference in subsection (6) to a person's expected normal weekly earnings, and*

(b) *subsection (8A).*

(9) *Regulations under subsection (2) may make such transitory or transitional provision, or savings, as the Department considers necessary or expedient.*

(10) *Regulations under subsection (2) are subject to negative resolution."— [Dr Archibald.]*

No 20: Leave out clause 4 and insert—

### **"Commencement**

**4.—**(1) *Sections 1 to 2A come into operation on the day after the day on which this Act receives Royal Assent.*

(2) *The first regulations under—*

(a) *Article 112EA of the Employment Rights (Northern Ireland) Order 1996, and*

(b) *Part 12ZD of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, except section 167ZZ19 (application to miscarriage),*

*must provide that they are to apply in respect of children who die on or after 6 April 2022 or such later date, not being later than 6 April 2023, as may be specified in the regulations.*

(3) *The first regulations under Article 112EF of the Employment Rights (Northern Ireland) Order 1996 and section 167ZZ19 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (miscarriage) must provide that they are to apply in respect of miscarriages that occur on or after 6 April in such year as is specified in the regulations.*

(4) *Part 1 of the Schedule (and section 3 so far as it relates to that Part) come into operation on such day or days as the Department for the Economy may by order appoint.*

(5) *Part 2 of the Schedule (and section 3 so far as it relates to that Part) comes into operation on such day or days as the Department for Communities may by order appoint.*

*(6) An order under subsection (4) or (5) may make such transitory or transitional provision, or savings, as the Department making it considers necessary or expedient.”— [Mr Lyons (The Minister for the Economy).]*

No 21: As an amendment to amendment 20, in subsection (3), at end insert—

*“(3A) The year specified in accordance with subsection (3) must be no later than 2026.”— [Dr Archibald.]*

No 22: In clause 4, page 10, line 42, leave out “12” and insert “30”.— [Dr Archibald.]

No 23: In the schedule, page 14, line 14, leave out paragraphs 8 and 9 and insert—

*“8.—(1) Section 172 (Assembly, etc. control of regulations and orders) is amended as follows.*

*(2) In subsection (2)(a), after ‘sections 167ZU to 167ZZ2’ insert ‘or sections 167ZZ9 to 167ZZ12’.*

*(3) In subsection (4), for ‘and (7A)’ substitute ‘, (7A) and (7B)’.*

*(4) After subsection (7A) insert—*

*‘(7B) The first regulations under section 167ZZ19 must not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.’— [Mr Lyons (The Minister for the Economy).]*

No 24: In the schedule, page 16, line 1, leave out paragraphs 25 and 26 and insert—

*“25.—(1) Article 251 (orders and regulations) is amended as follows.*

*(2) In paragraph (1A), after ‘112BAA,’ insert ‘112EA,’.*

*(3) In paragraph (1B), after ‘or 67FA’ insert ‘, and the first regulations under Article 112EF,’— [Mr Lyons (The Minister for the Economy).]*

No 25: In the long title, at end insert—

*“or who have experienced a miscarriage.”— [Mr Lyons (The Minister for the Economy).]*

**Mr Lyons:** Now that the Parental Bereavement (Leave and Pay) Bill has reached Further Consideration Stage, we are so very close to securing this essential entitlement for bereaved

parents. With the support of the House today and the continued support of the Committee in the weeks ahead, it is my intention to see parental bereavement leave and pay introduced no later than this coming April. That early introduction will be welcomed across the Chamber and by all sections of our community, including employers and trade unions, but especially working parents.

The Bill has not had an easy passage. There are lessons to be learned for all of us about we as an Assembly, with our Committees and ministerial offices, can best work together in order to advance legislation that benefits everyone. The will of the House was settled at Consideration Stage, and I am focused today on securing your support for my fixing amendments. In the interests of securing the April 2022 introduction date, I will also support two amendments from the Chair of the Economy Committee, although I realise that she has not tabled the amendments in her role as Chair. I am solely focused on ensuring that we secure parental bereavement leave and pay for our people here and now. The amendments to which I speak are complex, owing to the technical nature of the fixes that they seek to achieve, but they share a common purpose, which is to give effect to the will of the Assembly as expressed at Consideration Stage. Whilst each amendment is discrete and fixes a particular component part of the Bill, they should be considered as a collective, interdependent whole in order to ensure that we have cohesive Bill that progresses to Final Stage.

I shall now speak to each amendment. My amendment No 1 will extend parental bereavement leave entitlement in the event of a miscarriage beyond only the expectant mother so that it can include, for example, fathers, husbands and partners.

My amendment No 3 removes the reference to eight weeks' employment in relation to the lower earnings limit, which will help make entitlement to parental bereavement pay a day-1 right instead of having an eight-week qualification period.

My amendment No 5 ensures that parental bereavement pay can be conferred on those who may not have fixed hours, who may have only short-term contracts ending around the same time as a child dies or who may have a zero-hours contract. In removing the eight-week qualifying period in which the lower earnings limit would have been calculated, a mechanism had to be established so that employers could determine weekly earnings. For the entitlement

to be a day-1 right, it must be available to people who may lose a child on the first day of their employment. They may not have fixed contractual hours and therefore may not have fixed earnings. They may not yet have a written contract stating their hours of work or weekly pay. They may initially have earned a lower amount of wages in the first couple of weeks but their hours and earnings were due to increase over subsequent weeks. The existing requirement to establish the lower earnings limit by looking at earnings over an eight-week period prior to the death of a child necessitates people to have worked for their employer for eight weeks before being able to avail themselves of the payment. That contradicts the expressed will of the House, which, in agreeing to remove the 26-week qualifying period, believed that it was achieving at least a week-1 entitlement, if not a day-1 entitlement. There are myriad circumstances in which some employees who may meet the lower earnings threshold could still lose out on entitlement to parental bereavement pay. Amendment No 5 fixes that issue, I believe, in all circumstances.

My amendment Nos 6, 8 and 11 through to 13 ensure that the new entitlement criteria and the calculations for the lower earnings limit are referred to in the correct places in the Bill. They are technical amendments that will also ensure that correct numbering and references appear.

My amendment Nos 15 and 16 deal with assumed earnings. The amendments facilitate the day-1 right and overcome the difficulties for employees with no fixed hours. They enable employers to rely on assumed earnings in order to confer the day-1 entitlement on employees with no existing pay from which to determine the lower earnings limit.

My amendment No 17 will extend parental bereavement pay entitlement in the event of miscarriage beyond only the expectant mother so that it can include, for example, fathers, husbands and partners.

My amendment No 20 will enable and facilitate the introduction of parental bereavement leave and pay on 6 April 2022. While it will also allow the Department to determine when miscarriage provisions apply to parental bereavement leave and pay, I acknowledge that that will be subject to Dr Archibald's amendment No 21, which will require miscarriage provisions to be applied by no later than April 2026.

My amendment Nos 23 and 24 deal with Assembly control procedures. They will allow for the first set of miscarriage regulations to remain subject to the draft affirmative procedure

but, in the interests of pragmatism and in keeping with custom, will remove the draft affirmative procedure from any subsequent regulations.

My final amendment, amendment No 25, simply reflects the inclusion of miscarriage in the long title of the Bill.

Following Consideration Stage and the expressed will of the Assembly to remove the 26-week qualifying period and to extend provisions to encompass miscarriage, I instructed my officials to bring forward fixing amendments to give effect to that expressed will. In working towards bringing forward the amendments and giving effect to the will of the Assembly, my officials discovered fundamental operational flaws in some of the amendments that were passed at Consideration Stage. The complexity of my fixing amendments stands testament to the problems that those amendments created. Working intensively over the Christmas and New Year period, my Bill team was able to arrive at solutions that fixed the flaws in the amendments from Consideration Stage. Had those amendments not been fixed, such was the wording of provisions in them that entitlement to parental bereavement pay would have extended only to a woman who suffered a miscarriage and not to the father, husband or partner.

My amendments fix that oversight by creating the power to extend entitlement to include fathers, husbands and partners.

#### 4.00 pm

The intention behind the Committee amendment in removing the 26-week qualifying period was to create a day-1 right, but, due to the complexities that it encountered, the Committee had to settle for the rather unsatisfactory week-1 right. Further illustrating the inherent risks of legislating without due consideration of the wider implications, the amendments also overlooked the eight-week period in which the lower earnings limit is determined. Members will be aware that the lower earnings limit is inextricably linked with benefits and statutory entitlement payments. By failing to remove the eight-week reference period, the amendments had the effect of removing the 26-week qualifying period whilst effectively replacing it with an eight-week qualifying period. Replacing a 26-week qualifying period with an eight-week qualifying period is not, I believe, what Members voted for at Consideration Stage, but it is what we were given by that amendment.

My amendments remove that eight-week qualifying period but also go further. They improve the Bill by making the entitlement a day-1 right. I was able to achieve the day-1 right through a careful dissection of the Bill and all of its intrinsically linked component parts. It has not been easy, but a legislative mechanism has been devised through which any employee or worker who meets the lower earnings threshold will now be eligible from day 1 of their employment to parental bereavement pay. Therefore, my fixing amendments extend miscarriage entitlement to fathers and partners, remove the eight-week qualifying period left behind and remove the week-1 qualifying period by securing a day-1 entitlement. The fact that those complex issues remain to be resolved is indicative of how tightly woven the Bill is and how the amendment of even one small and seemingly obvious part may not achieve the desired effect because of the many underlying, unseen and interconnected constituent parts.

The safety net provided by Further Consideration Stage is exactly that — a safety net. Beyond that, any more changes and unforeseen effects cannot be rectified or corrected. That is why I ask you to consider the positive impact of my amendments on the Bill and how my amendments improve on and fix the flaws in the Consideration Stage amendments. We have Further Consideration Stage to correct such mistakes. If we repeat those mistakes, we will not have the same safety net. My amendments have been carefully considered and crafted. They deliver and, more importantly, improve on the amendments that the House voted for at Consideration Stage. They do exactly what they say they do, and I ask the House not to risk accepting further amendments at this late stage that will again risk unravelling the Bill, because, this time, it will carry an even greater degree of risk because those mistakes cannot be fixed.

I appreciate that amendments will be moved by Dr Archibald, and, in the interests of securing passage of a complete, coherent Bill and to ensure that parental bereavement leave and pay is in place for April 2022, I will support Dr Archibald's amendment Nos 19 and 21 and urge all Members to support those two amendments alongside my supporting amendments. My amendments to clause 2 are intrinsically linked. For the Bill to remain legislatively sound, all my amendments to clause 2 must be voted in today. Dr Archibald's amendment Nos 19 and 21 will help to facilitate the introduction of parental bereavement leave and pay by April 2022 and will help to secure its

extension to miscarriage by no later than April 2026.

For the reasons that I have outlined, I ask the House to support my amendments and amendment Nos 19 and 21. I understand that other amendments may not be moved, and that would significantly change the outcome of the Bill. I thank Members for their time and for the work that was done to ensure that the Bill can proceed. I recommend my amendments to the House.

**Mr Speaker:** I thank the Minister for his contribution.

**Mr O'Toole (The Deputy Chairperson of the Committee for the Economy):** On behalf of the Economy Committee, I will speak briefly on the further amendments tabled by the Minister.

The Committee had relatively late notice of the amendments, having only received them late on the evening of Tuesday 18 January, prior to the Committee meeting on the morning of Wednesday 19 January. The Committee Stage was already completed, and the Committee published its report on the Bill on 15 November. However, the Committee asked officials to brief members on the amendments, and they attended the Committee's meeting on 19 January.

As officials outlined to the Committee, these complex amendments required detailed work from officials and liaison with HMRC and other bodies. Members raised the issue of the 26-week qualifying period for paid leave being temporarily reinserted into the Bill without an end date. Members expressed some concern that the change of the qualifying period from 26 weeks to one week was linked to the introduction of the extension of the Bill's provisions to those who have suffered a miscarriage; neither of those with a year for commencement. One of those amendments — the amendment to reinsert the 26-week qualifying period — has not been selected for debate. It remains the case, however, that the Committee simply did not have adequate time to consider the amendments and therefore could not arrive at a position. Additionally, the Committee did not see the amendments tabled by Dr Archibald, and therefore there is no Committee position on those either. I will only add that the Committee is extremely keen to see the Bill complete its final stages before dissolution in order that these important entitlements can be put in place as soon as possible.

I will now make some brief remarks on behalf of the SDLP. As you will understand from my remarks as Deputy Chair, because the amendments came in relatively late, there is relatively little that the Committee will say on an official basis. I joined the Economy Committee relatively late in its scrutiny of this really important Bill. Members will agree that it is an extremely important Bill, but it is complex. I felt at times as though I had walked in three quarters of the way through a very complex movie and had to try to pick up the plot.

At Consideration Stage, as the Minister said, there were amendments that the Committee had wanted to get in around ensuring that this was a day-1 right, if possible, and extending provision to people who had suffered miscarriage. We had an extensive and, at times, lively — to put it euphemistically — debate at Consideration Stage. I am pleased to say that, as a result of that, those provisions went into the Bill. I recognise that that caused significant work for the officials, some of whom are here today, and, indeed, the Office of the Legislative Counsel (OLC) and others to make those work, as it were. That proves that the legislative process, when done right, works. The argument was made at Consideration Stage that we have a Further Consideration Stage in order to tidy up some of the loose ends and drafting issues, and we have done that.

Briefly, there are lots of amendments to be debated today. I am sure that, after I speak, Dr Archibald will give an account of her amendments. I welcome the meeting that I had with her and the Bill Office earlier and the fact that departmental officials came to the Committee last week to brief us on the intent of their amendments. It appears to me as of now that, by the end of today's debate, we can have a Bill to take to Final Stage that provides new day-1 rights and extends provision to those who have suffered miscarriage.

Dr Archibald's amendment Nos 19 and 21, which it sounds as though the Minister supports, address the question of, as it were, holding the Department to a deadline for ensuring that the provisions that we asked to be inserted at Consideration Stage are not simply open-ended. They give what I think is a generous date of 2026. We have had specific engagements multiple times at the Committee and at a meeting in the Department — the Chair and I — at which it was made clear that the Department needed time and that there is a customer relationship with HMRC, which has particular processes that need to be gone through. It is clear to me, on behalf of my party, that amendment Nos 19 and 21 should be more

than generous in giving the Department the time to implement those logistically.

I recognise that many of the amendments that the Minister is moving today are a necessary and sensible tidying-up, in drafting terms, of the Bill, so I will support them. In broad terms, I look forward to hearing Dr Archibald's account of what her amendments do. The Minister has given us a clear indication of what his amendments do. I hope that we are on the same page by the end of the day. Given where we were at Consideration Stage, I will say gently, in parentheses, that it looks as though we might get there eventually. The officials might not agree with that. Some of the predictions of chaos at Consideration Stage have perhaps been avoided and we have got to a stage where those rights are now in the Bill and will be implemented in a timescale that is deliverable and reasonable for officials.

With that, I close my remarks. We are broadly supportive of the amendments that the Minister has outlined today and the necessary ones that Dr Archibald has tabled on ensuring that the provisions around miscarriage are not delayed for long and, indeed, no later than 2026.

**Dr Archibald:** I welcome the opportunity to contribute again to this really important debate on the legislation to introduce the statutory right to leave and pay following the death of a child or a stillbirth. At Consideration Stage, the Assembly supported amendments tabled by the Economy Committee to extend the right to leave and pay to include those who suffer miscarriage and to make it a day-1 right.

I welcome the amendments that the Minister has tabled to achieve what the Committee intended, which was to allow the provision for parental bereavement leave and pay for parents whose child dies or who suffer a stillbirth to proceed while further work is done in relation to the introduction of miscarriage leave and pay and to allow for the development of systems by HMRC. I welcome the commitment from the Minister that that will go ahead for April 2022. The Department has indicated that the work in relation to miscarriage leave and pay and to remove the 26-week qualification period will take until 2024, which is longer than what was allowed for in the Committee's amendments. Therefore, I support allowing for that longer period.

I have a number of amendments listed on the Marshalled List, and I want to set out my intention in relation to those for Members. The Deputy Chair of the Economy Committee and I met the Minister and officials following

Consideration Stage to discuss how the process was moving forward and, through that discussion, ascertained that the Department was working to table amendments at Further Consideration Stage. The officials, however, set out, as part of that discussion, a challenge in relation to the time frame, as HMRC imposes a deadline for any changes being requested of about a year and a half in advance. That deadline has passed for the implementation of changes for 2023, which is what we had envisaged in the amendment proposed by the Committee at Consideration Stage. The earliest date that changes could come into effect was April 2024. They also informed us that it would be the same with the removal of the 26-week qualification period, which we had intended to come into effect immediately, potentially through a manual process. However, there were also complexities with HMRC in relation to that. We reported that back to the Committee and corresponded with the Minister that, subject to seeing the amendments, we were content with the approach of having both the provision of miscarriage leave and pay and the removal of the 26-week qualification period come into effect in April 2024.

The Further Consideration Stage of the Parental Bereavement (Leave and Pay) Bill was scheduled for today, and, since the end of Christmas recess, the Committee, via the Clerk, has been pressing the Department to see and to be able to consider the amendments in advance of the deadline for submission. I appreciate that the amendments were complex, but, when we had not received them by the Friday before the deadline, I engaged with the Bill Office and instructed it to draft amendments to achieve the outcome agreed by the Assembly as a contingency. As I have alluded to, that was a complex process, but the Bill Office did it anyway, and I record my thanks for the quick turnaround by it late in the day.

The Committee then got sight of the Minister's proposed amendments late on the evening before the deadline for amendment submission. I considered the amendments. I still had some questions about them, so I submitted my own in advance of the deadline. The Committee was then briefed by officials later that morning, and, following that, I requested that the Bill Office draft late amendments, which were accepted by the Speaker and are listed on the Marshallled List.

To be clear about my intentions, I intend only to move the late amendments, and I will set out why. I am content with amendment Nos 1 and 17 in the name of the Minister, which provide for miscarriage leave and pay and specify the

conditions to determine that a person has had a miscarriage. They also provide for a person in a relationship with a person suffering a miscarriage to access statutory paid leave. I support the Minister's amendment Nos 3, 5, 6, 8, 11, 12 and 13 on the calculation of the entitlement to pay and amendment Nos 15 and 16. The amendments tabled by the Minister will insert into the Social Security Contributions and Benefits Act 1992 the method of calculation of the minimum earning threshold that applies to other statutory family benefits that can be recouped by employers. That puts qualification by earnings for the statutory paid entitlement on the same footing and will allow for it to become a day-1 right, which is what the Assembly set out to achieve. The amendments that cover those changes are more appropriate than the alternative amendments drafted in my name, so I will not move amendment Nos 2, 4, 7, 9, 10 and 14, and I urge Members to support the amendments in the name of the Minister. To be clear, the amendments, as described to the Committee by an official, are not designed to disqualify but to allow a worker the best chance of being entitled to statutory pay, and they will benefit not only new workers but those on zero-hours contracts who may be paid differently in different weeks.

#### 4.15 pm

I will not move amendment No 18, as, having been briefed by departmental officials, I appreciate and accept that they are working to implement the provision for miscarriage leave and to remove the 26-week qualification period by April 2024. There is a deadline of November 2022, however, for informing HMRC of the intention to make those changes by 2024. If there were additional complexity or unexpected circumstances and the November deadline were missed, it would be April 2025 before the changes could be initiated.

Amendment No 19 reinserts the 26-week qualification period but sets a deadline of April 2026 for ceasing the temporary provision and ensuring that the entitlement becomes a day-1 right. The deadline for the provision to cease, as set out in amendment No 19, is generous but appropriate to allow for any unexpected occurrences. I reinforce my view that the provisions should be made as quickly as possible and reiterate that officials have told us that they are working towards April 2024. It will obviously be for a future Economy Committee to hold a future Minister to that. I urge Members to support amendment No 19.

I propose to insert the same time frame into the Minister's amendment No 20 on

commencement via amendment No 21. That amendment links the removal of the temporary provision in amendment No 19 with the commencement of the provision for miscarriage leave and pay. It is therefore appropriate that the same time frame apply. At Consideration Stage, the Assembly expressed its support for a time frame to be applied to the provision of paid leave for those suffering miscarriage. That is achieved through amendment Nos 19, 20 and 21.

Amendment No 22 will not be called if amendment Nos 19, 20 and 21 are made, but, for the record, I will not move it.

I support amendment Nos 23, 24 and 25 in the name of the Minister.

I put on record my appreciation for the work of the Committee team that guided us through the Bill and for the constructive and cooperative approach of my fellow Economy Committee members throughout the consideration of the Bill. I thank the departmental officials for their work and for setting out the challenges and for the approach that they took to get to where we are today. I thank in particular the Bill Clerks for their support in achieving what, I hope, will be a positive outcome today.

As I have said, this is important legislation in its own right. The Bill will provide support for workers who find themselves in the awful circumstances of the death of a child or of a stillbirth. The amendments made by the Assembly at Consideration Stage and today's amendments, if they are supported, will provide for rights to statutory leave and pay for workers suffering a miscarriage from day 1 of employment. Those are important steps forward. The intent is to ensure that workers in those terrible circumstances have the right to compassionate support from their employer from the time that they enter employment.

The amendments show the benefits of devolution. Employment is fully devolved to the Assembly; we have the ability to set our own policy, and, in the Bill, we have utilised that. We are standing up for workers, and the amendments would make us a leader across these islands in ensuring that workers suffering miscarriage will have access to paid leave — that they, along with workers who suffer the death of a child, will have the right to paid time off to seek support, to deal with the practicalities or simply to grieve. Moving forward with the Bill and the progressive amendments to it is something of which the Assembly, which does not always get the best

of press, and we as MLAs collectively can be proud.

**Mr Weir:** Listening to the debate, I think that there is a strong possibility of consensus breaking out in the Assembly. As I do not want to risk the erosion of that consensus in any way, I will try to keep my remarks fairly brief in case I accidentally disrupt it.

Like the Deputy Chair, I came to the Committee when the process had already started, and I tried to pick up the threads of the movie plot. Extending that analogy, we can look at the difference between Consideration Stage and this stage. At Consideration Stage, there was a bit of a divergence of opinion. To be fair, it was not on what we were looking to achieve but on how we achieved that, and there was some cut-and-thrust debate and disagreement. Today, perhaps, represents the slightly duller sequel but one that is based on a more harmonious outcome, and, hopefully, today's legislative process will have a happy ending, which is, I believe, particularly important. Across the board, it is vital that we get the legislation right and ensure that it is broadly welcomed.

We should always remember that there is no greater tragedy in life than families who lose a young loved one and parents who suffer that bereavement. All of us who have buried a relative know of the pain that occurs, but, when a parent faces that bereavement — the loss of a child — there is not only the great pain of losing a close relation but a sense that it runs against the natural order of things. Therefore, the work of the previous and current Ministers to bring the Bill on to the statute book has been vital. The approach that has been taken to the Bill will ensure that the rights that were initially set out — we will come to the amendments that relate to making additional adjustments — will be brought in as soon as is conceivably possible and will take effect from April 2022.

As we reach this point, I thank the Minister for the constructive and flexible approach that he has taken since Consideration Stage to make sure that the will of the House — what it wanted to be in the Bill — was able to gain currency in terms of what was fit for purpose in the final legislation. As indicated, the legislation is complicated. In piecing together that legislative jigsaw, the Minister needed to ensure that what was there was legislatively and operationally fit for purpose. Furthermore — this was a hurdle for the Minister and his officials to overcome — so that we were not providing a particular right but then creating major problems for those who will benefit from it, it needed to be compatible with HMRC.

I commend Dr Archibald's similar approach to her two amendments. She has reciprocated the Minister's constructive approach and will not move other amendments. That enables a broad consensus to be reached.

The amendments deal with three principal issues. First, it is right to make an adjustment so that the bereaved mother is not the only one to benefit. Both bereaved parents will benefit directly, whether the father is a husband or partner. It is important for all members of the family to benefit. It is right that there is not an inadvertent focus on one parent — the mother. It is right to acknowledge that the depth of loss is felt by the father and the mother. Therefore, the corrections that have been proposed in the amendments are right and proper.

Secondly, there was a difficult squaring of the circle in trying to make sure that the will of the Assembly, as expressed at Consideration Stage, that there be a day-1 right was carried out. In the appalling circumstances where someone starts work on a Monday and, later that day, finds out that their child has died, that eventuality is covered. The Minister's amendments in relation to that qualification period showed a creative approach. There were practical difficulties with HMRC in reaching that qualification point. The approach that has been taken is not simply to project the level of wages, because that figure cannot simply be plucked out of the air. It is retrospective, as it covers the previous eight weeks, but it also projects ahead to the following eight weeks to determine the level of wages. That is the best possible solution. Further work will need to be done on bereavement, miscarriage and day-1 bereavement in order to make secondary legislation through regulations.

Whatever our differences at Consideration Stage, we shared across the House a determination that, in order to meet them, those complex requirements should not become an obstacle to those for whom the original Bill sought to provide. Therefore, we were able, with those exceptions, to put in place in 2022 what could immediately kick in. That was the right approach.

I have a slight reservation about the time limit, which I indicated in Committee. We need to ensure that, as we project ahead to the cut-off point, which is the date by which this must happen, it should not become a point of which it is said, "We do not need to move until that point". To be fair, assurances were given by officials that it is the Department's feeling that the measures have to coincide with the tax year and that the earliest possible date would be

April 2024. That is the aim, and no barrier to it should be put in place. I understand that, where something is left open-ended, it leads to concerns that it is simply being pushed into the future. Dr Archibald's approach in amendment Nos 19 and 21 to having a date in 2026 when the payments will be brought in is not unreasonable. I am happy to support those amendments too, and I look forward to the Bill becoming groundbreaking legislation.

It is an odd situation. I wish that no one in Northern Ireland had to benefit from the Bill, because I am sure that it is the fervent wish of us all that no mother or father should lose a child, but, sadly in life, we are faced with circumstances where there is family bereavement. It is important that we give help to those who are in that place. Through this process, we have reached a situation where the Bill legislatively, practically, operationally and for a host of other reasons, is fit for purpose. All who have contributed to it in whatever way can look back on it with a sense of pride and see families benefit from it.

I am happy to support the amendments.

**Mr Dickson:** I speak on behalf of the Alliance Party and as a member of the Economy Committee.

It is vital that we support the passage of the Bill through Further Consideration Stage. I thank the Chair of the Committee. I also thank the Minister for the amendments, as the Minister has indicated, to help, clarify, tidy and amend as appropriate, given the will of the House at Consideration Stage. I also thank the Chair of the Committee for her amendments, which she tabled not as Chair of the Committee but in her capacity as a Member of the Assembly. I acknowledge, as she said, that there are amendments that she will not move because the work that the Minister has done through his officials meets the needs and concerns that have been expressed by Committee members and, as Mr Weir and others said, were discussed broadly in the Committee. I thank the Minister for the way in which that has been done and Dr Archibald for her two amendments, which are crucial to the passing of the Bill.

It is important to see that both compromise and collaboration have been the hallmarks of where we have been in the last few days on the Bill, and I welcome that in the amendments that have been tabled by the Minister and by Dr Archibald.



It is incredibly important and welcome that parental bereavement leave and miscarriage leave will become a week-1 right, and that that is a central focus for the Minister. I thank the Minister for that.

#### 4.30 pm

Many of the amendments are built on the work and discussions that took place in the Committee. I appreciate that some members joined the Committee part way through the discussion, while, for other members, the conversation has been going on since the Bill's introduction and the consultation on it. The consultation was important because it highlighted the missing piece, which was miscarriage. It was vital to highlight that and take it forward through our Committee considerations. The Bill has come a long way since its inception. The amendments deal with many of the issues that came to us as we worked our way through it.

I will pose a question to the Minister on the pay threshold. I have a concern that those who fall under the threshold will not be covered by the legislation. Although that might be very few people, the circumstance may, nevertheless, be the same for them as for others in the event of a miscarriage or a bereavement. I am concerned for those who fall under the weekly limits, but I hope that the Minister will be able to clarify the situation.

Another concern, which Dr Archibald deals with in her amendment, was that the Department did not table an amendment to include a commencement date. Compromise, good consideration of the situation that we are in and the Minister's acknowledgement that it would be practical to have a date are, however, very welcome.

I thank the officials for their incredibly hard work through all of this. In our discussions, they indicated that they could deliver by 2024. Allowing an amendment that takes us to 2026, however, will give sufficient room for the Department and, after the hiatus that an election will cause, a new Minister and a new Committee to take all of that forward. My colleague Kellie Armstrong will want to talk about the consultation on those proposals, so I will leave that space for her.

Again, I thank those who contributed to the amendments at Committee stage. I also thank the Minister for making his changes, which are technical and complex; I do not believe that we could have done that work on our own. The collaborative approach that has been

demonstrated in, I hope, bringing the stages of the draft legislation to a close should serve as a template for the Assembly's work. It is not a competition; it is about delivering for people and, with this Bill, for those who may be or are in highly distressing circumstances. It is vital that, today, we are demonstrating that, when we work together for the common good, we achieve much in this place.

**Mr Nesbitt:** I will not delay the House very long, but it is worth putting on record that this is a good day — or, if not a good day, a good moment — for devolution, because we are giving effect to our principle of consociational working. It is a good day because the Department, clearly, has listened to the Committee and to the will of the House, expressed during the Bill's Consideration Stage, and reacted accordingly and appropriately. It is also a good day because the Chair of the Committee has reciprocated by reacting in kind to the amendments that have been tabled at Further Consideration Stage. I am very happy to support a Bill that states that those leave and pay rights are not just for mothers but for fathers or partners, who will potentially be equally devastated by what has happened.

As MLAs, we all employ people at constituency level. It is unconscionable to me that we could allow the possibility — although I know that this is a million-to-one shot and a horrible thought — that you could have two employees who lose a child, one of whom would be entitled to leave and pay because they had worked for more than 26 weeks, and the other who would not be entitled, simply because they had not clocked up those few hours. That does nothing to recognise equality of grief. I am therefore very happy to support the amendments, including the Chair's amendments.

That is all that I have to say as our engagement with the Bill comes to the end, except to say that that does not end our engagement with employment rights and bereavement. I recognise the Coalition for Bereaved Workers, which wishes to see leave and pay rights extended beyond the provisions that we are making in this Bill to make sure that there is leave and pay entitlement for anybody in employment who loses a close relative or a partner. That is work, however, for another mandate, for another Committee for the Economy and potentially for another Minister.

**Ms Dolan:** I welcome the opportunity to speak about and express my support for the Parental Bereavement (Leave and Pay) Bill. Parents who experience the loss of a child deserve to be supported, and they need compassionate

leave from work so that they can mourn. No worker should feel compelled to return to work following the loss of a child. Workers should not face financial penalty for taking necessary time off during what is possibly the most difficult time of their life.

Employment law is devolved, so we can shape legislation to fit the needs of workers and families. Throughout the COVID pandemic, we constantly heard the phrase, "Things cannot go back to what they were like before". If that is a truly heartfelt belief, we cannot continue with the policies that have failed so many in our society in the past. I therefore fully support the amendment to make bereavement leave available to workers who have started a new job or have gaps in employment. There has been much debate about whether that leave should be a week-1 or a day-1 right, but the most important aspect is to ensure that people are not excluded from paid leave if they have started a new job or have gaps in employment. Bereavement can occur at any stage and is not time-bound. If the focus is on empathy and support for workers in the most difficult of circumstances, there is no room for exclusions on the basis of employment status or qualification periods.

The reality is that many workers in the North are on precarious contracts, particularly those who are on zero-hours contracts. Those workers experience breaks in employment and irregular periods of service. We also know that agency workers often have to serve a 12-week qualification period before they can avail themselves of the most basic pay, pension and annual leave entitlements. Those who are not defined as employees are left with fewer rights and entitlements, regardless of whether they fulfil the same roles and responsibilities as employees. We have the ability to tackle those inequalities through the Parental Bereavement (Leave and Pay) Bill. It is therefore important that that amendment be supported and that no qualification period be applied to that type of leave. The implementation of a qualification period not only would exclude some workers but might deter workers from seeking new employment if they felt that they would not have sufficient support.

I am also happy to see that the amendment to include leave for parents bereaved by miscarriage has been included. We as a party have stated from the outset that those who suffer miscarriage should be paid the same rate and given the same length of leave as those who experience stillbirth or the death of a child. There is a real gap in support for parents who suffer a miscarriage, despite the fact that

miscarriage affects around one in four pregnancies. Maternity leave entitlements do not apply to mothers who have a miscarriage during their pregnancy but do apply to mothers who have a stillbirth.

This legislation provides an opportunity to support those who have had little to no support in the workplace in the past. The Miscarriage Association found that there is a lack of specialist support and recognition for parents who experience a miscarriage. Parents surveyed by the association have expressed how they felt under pressure to return to work before they were ready. The Assembly should support the amendments and give women the leave that they need to grieve following a miscarriage. Through this legislation, we have a real chance to change the experience of workers who suffer the death of a child. I suggest that we use the powers at our disposal to shape the legislation to make it inclusive. All workers need to be given the help and support that they deserve. Women who experience a miscarriage need to be shown compassion. I hope that those points will be considered and implemented as the Bill progresses.

**Mr K Buchanan:** I support the Bill, which was introduced by Mrs Dodds, the then Minister for the Economy, on 1 June 2021; the amendments that have been tabled by the Minister; and amendment Nos 19 and 21, which have been tabled by Dr Archibald. The Bill's emphasis is on ensuring that working parents who experience stillbirth or child death are afforded the same employment rights as parents in GB. The Department for the Economy hopes that the Bill can be completed by April 2022, during this mandate.

In June 2020, the Department for the Economy opened a consultation, which ran from 15 June to 10 August and received 36 responses from a variety of stakeholders. Significant work and scrutiny was also carried out in Committee.

I welcome the amendments from the Minister for the Economy to extend parental bereavement leave entitlement in the event of miscarriage beyond only the expectant mother, so that it can include fathers, husbands and partners, and so that it is a day-1 right. Sadly, many parents carry the burden of miscarriage alone. It is felt not only by the mother; it also affects the father of the child. Each miscarriage causes pain and grief and can have a devastating effect on both parents. I urge employers to always consider what is best for their employees, depending on their specific circumstances. Some employers have their own

policy on parental leave, for which I commend them.

We had discussions in Committee, and, I think, in the House prior to that, about breaking parity. We must always remember that there is a risk to the Northern Ireland Executive Budget, although the indication from the Department of Finance is that there is a low risk. I accept that it is a low risk, but it is still a risk and is worth mentioning.

I welcome the work that the Minister has done to address the House's concerns, and the amendments that have been provided by him and Dr Archibald. I thank you both for that. I also thank the Minister's officials for coming to the Committee and trying to explain some very technical points. I think that there were some bewildered faces at times — not only mine — but we got there eventually. In addition, I thank the Bill Clerks for the work that they did.

I support the Bill and the amendments, as discussed.

**Mr O'Dowd:** I support the amendments that have been tabled by the Minister and Dr Archibald. As has been said by a number of Members, this legislation, if it passes Further Consideration Stage — I suspect that it will, given Members' comments — will make a real difference to people's lives. Those people will be in some of the darkest moments of their life. As I was listening to the debate, I recalled the Second Stage and some harrowing stories from Members who had lost children or loved ones as a result of stillbirth, miscarriage or childhood death. It brought home the reality of what we were trying to achieve: we are trying to help people who are in a very difficult place.

When Minister Dodds introduced the Bill, I think that she was acting in an honourable way and was bringing forward a positive change and support for people, but the role of Committees and the Assembly is to scrutinise legislation and expand on it, within our remit, if we believe that we need to do so. The amendments that have been brought forward are correct and were needed to ensure that the Bill fulfils its purpose. I commend the Chair of the Committee for her role in steering the Committee through what has been a very complex discussion. I commend her as a member of the Committee and a Member of the Assembly, in bringing forward the amendments to the Bill to fulfil its purpose, which is to assist and support people.

It is the role of devolution to work for and assist the needs of the citizens whom we represent. Although, for the reasons that Caoimhe

outlined, we have to be conscious of parity because of the possible financial consequences to the Executive Budget — we cannot simply ignore those — it is right that devolution, under the guise of the Good Friday Agreement, works for the citizens whom we represent. It is absolutely correct that we strive to achieve day-1 or first-week rights.

#### 4.45 pm

Interestingly, as we saw in the Committee's scrutiny of the Bill, moving from policy or proposal to legislation is not done in a straight line. It can be very difficult. I commend the work of departmental officials, who achieved that goal and worked over the Christmas and new year period to achieve it. It proves that we, as legislators, can legislate where there is the will to do it and the pathway is clear.

On the issue of workers being employed for 26 weeks before they are entitled to rights, there is a wide raft of legislation that needs to be changed in that regard, because workers deserve to have rights when they become employed. There are particular concerns about zero-hours contracts etc, but that is a debate for another day. As Mr Nesbitt said, other legislation is required on support for bereaved workers in times of need. I commend the amendments to the House. Hopefully, the Bill will pass Further Consideration Stage this evening.

**Mr Dunne:** I welcome the opportunity to speak at the Further Consideration Stage of this important Bill. Indeed, a considerable amount of work has been undertaken throughout its legislative journey, including since the Consideration Stage at the end of November last year. The tabling of the Bill in the first place follows the introduction of parental bereavement leave and pay legislation by the UK Parliament in April 2020, through the Parental Bereavement (Leave and Pay) Act 2018, which, as has already been said, creates a statutory entitlement to leave and pay for working parents who suffer the traumatic experience of the death or stillbirth of a child. What a traumatic experience that must be for any individual or family to have to go through.

I join others in acknowledging the significant amount of work that has been undertaken by the Minister and his departmental officials to get us to this advanced stage and to deal with the technical complexities of the various amendments to the legislation. It is important that we get it right. It is, as others have said, a welcome step forward. It is important that we

keep the focus on what was the original intention of the Bill when it was first introduced: that parental bereavement leave and pay are in place for April 2022, which, of course, is now only a matter of weeks away. We do not want to see any further delays in working parents getting the support that they rightly deserve. For bereaved parents, who have already suffered so much trauma, to have to wait any longer would be regrettable and totally unacceptable.

That is why I will support the amendments that have been tabled by the Minister, as well as Nos 19 and 20, tabled by Dr Archibald. I believe that they will ensure, importantly, that the Bill can proceed. They will also ensure that fathers, husbands and partners can also, rightly, be entitled to parental bereavement pay. I welcome the amendments, including Nos 15 and 16, that will ensure that employees who are on zero-hours contracts or do not have fixed contracts are not disadvantaged by the legislation and will be eligible for parental bereavement leave and pay. I look forward to further progress being made in the days ahead.

**Ms Armstrong:** I start by thanking the Minister and his officials. I stood in the Chamber when the then Minister for the Economy, Minister Frew, said that, no, miscarriage could not be included. As others have said, it has been shown that, through Committee work and working together, this place has turned that around and included it.

As many of you know, I, unfortunately, belong to that club of people who have been through miscarriage — unfortunately, multiple miscarriages. The whole way through my adult life, I have continued to work to protect those parents who have been through such a bereavement. The loss of a child in pregnancy before 24 weeks is often hidden; it is often ignored. I just want to say a huge thank-you to all in the House, because you have, at long last, recognised that those of us who have lost children in early pregnancy do count, we do grieve and we do need time. I would love to give the Minister, in his summing up, the opportunity to confirm to all those people that, when he is developing the regulations that are referenced in amendment Nos 1 and 17, and could well be referenced elsewhere, with respect to miscarriage, they will be developed with medical professionals, miscarriage support organisations, such as the Miscarriage Association, and bereaved parents, and will be brought to the House for final agreement.

**Mr Lyons:** I thank the Member for giving way. I was never against miscarriage amendments. Sometimes, it was unfairly thrown at me and

previous Ministers that that was the case. It was to do with timings and making sure that it was done properly, and I will come to that later. One thing that I wanted to do and to leave time for was consultation. It is important that, for the very issues that the Member raises, we actually speak to people about it. Now that we have a little more time to do this means that we can consult and make sure that those issues are addressed appropriately.

**Ms Armstrong:** I thank the Minister for that. I ask him just to confirm, so that we have it on the record for all those parents, that they will not be treated as those who are hidden behind the door — the ones behind hospital curtains who are hidden away from everyone else. One thing that the Bill brings forward is that, for the first time in Northern Ireland, parents who have suffered a bereavement through miscarriage will be considered on an equal footing to those who have lost a child through stillbirth or whose child has passed away after birth, maybe much after birth. Absolutely no one wants to qualify for this leave and pay. If you qualify for this leave and pay, my heart goes out to you, because you have suffered one of the worst things that you will ever go through in your life.

In the past, harm has been caused to parents who have miscarried. They have been left out and left behind, and, because they do not get a death certificate when it happens before 24 weeks, they are excluded from many considerations. I give a huge thanks for the inclusion of those parents in this legislation. This is more than just legislation coming from the Department for the Economy. It will go a long way to allowing those parents to know that their child is recognised and their grief is understood. One in four pregnancies ends in miscarriage. That is many, many people in Northern Ireland going through that — mothers, fathers and partners — as is mentioned in the Bill. The Bill helps to look at the taboo of miscarriage and moves it slightly out of the shadows. It starts to allow parents who have miscarried to actually have time to grieve. That will have a massive impact, not just on the person but on our workforce, for them to be able to get their head straight and be allowed to grieve, and for people to recognise that grief.

I know, from when I was a bereavement counsellor for miscarriage, that one of the things that harmed people the most — mothers and fathers — was that their loss was not recognised. It was hidden away. Minister, this goes a long way to progressing the grieving process. I appreciate that it is about day-1 rights and labour and workforce things, but, to be honest, it is a huge step forward, and I really

thank you for that. It is not very often in the House that we sit down and think, "My goodness. We have done something very good". Once this Bill goes through, Minister, you will certainly have helped an enormous number of people who I have spent time with, in my life, maybe having a bit of a wet shoulder, as they cope with a very severe loss. This is compassion in legislation. Thank you.

**Mr Speaker:** I call the Minister for the Economy to make a winding-up speech.

**Mr Lyons:** I thank everyone for their comments today. Mr O'Toole said that, in the previous debate, we had quite a lively debate. Certainly, there was a frank exchange of views, although I thought that the tone of the debate was right. As a Chamber, we conducted ourselves in the right way, recognising the gravity of the situation. Members will be aware that I had significant concerns about what took place at the Consideration Stage. During that stage, we put at risk what we had originally intended to do when the Bill was introduced. When the Bill was introduced, it was Diane Dodds's intention to make sure that we brought Northern Ireland into line with the rest of the UK and that parental bereavement leave and pay be in place by 2022. I do not think that it was the intention of the amendments at that stage. However, the amendments would have meant that that would not have been possible. The parental bereavement leave and pay that we had worked for for so long would have been put back. Thankfully, as a result of the amendments that we can make today, that has now been fixed, and I believe that we will get that in on time.

An awful lot of reference has been made today to officials in my Department. Members of that small team had an lot of work to do on the Bill over many months, and I place on record my thanks to them.

I am glad that we have reached the stage of fixing so many of the issues that arose the last time that we were in the Chamber debating the Bill and that we are moving to a position to which we all want to get. That required a move on the part of some people and a change in their positions, but I welcome the fact that that took place.

It is not just my team that was involved in extensive work. Extensive work was carried out with HMRC, the Office of the Legislative Counsel (OLC), the Departmental Solicitor's Office (DSO), the Department for Communities, the Bill team and your office, Mr Speaker. I place on record my thanks to all those who

made sure that we got to this place today. It was very tricky at times, but I am pleased that we have been able to get to this position.

A couple of references were made to the late notice of amendments from my Department. In fact, that was simply because of the complex nature of the amendments that we needed to draft. It took us right up to the deadline to provide those so that we can put into effect what we have in front of us today.

I do not intend to go through each individual contribution because, broadly speaking, we are all on the same page. I will just make a few comments.

Stewart Dickson specifically asked me to address those who do not meet the lower earnings threshold. For low earners who are also in receipt of universal credit and whose earnings are reduced in any given period, their universal credit will be reassessed and raised. I hope that that addresses his point.

Kellie Armstrong asked specifically for a commitment to be given that we will consult and speak to those who often feel left behind. I cannot force anybody to talk to us as a Department, but one of the commitments that I made at Consideration Stage, and what I wanted time for, was consultation. There was quite a bit of pushback on that. Some people were offended by the thought that we wanted to have a consultation, but I think that it is absolutely essential that we do so in order to have the opportunity to listen to what others are saying.

I will touch on one thing that Jemma Dolan said. She mentioned the impacts on women. She was absolutely right to raise that issue. However, we have to recognise that husbands, partners and others are affected as well. I am sure that it was not her intention, but it is important that we recognise that miscarriage does not affect only women, which is why I tabled that amendment.

Again, I do not think that it was the intention of the Committee to extend parental bereavement leave and pay to mothers and fathers but to allow miscarriage provisions to extend only to expectant mothers. It is important that that is addressed and that we recognise that the loss of a child in the womb or afterwards is still a horrendous experience, and we want to provide support where possible.

I welcome the comments from other Members. Although the work was considerable, I am glad that we have reached this position today.

However, I do not think that such an exercise should be repeated in the future. We were under pressure because of the mandate coming to an end. However, it is important that, when we table amendments in the future, we need to ensure that we recognise the potential repercussive consequences of all those amendments.

Thankfully, because of the hard work of my team, we have been able to correct some of the issues that arose at Consideration Stage. Importantly, we now have a Bill that can proceed to the next stage, and we can say to parents who have lost a child that we have listened to those concerns. As an Assembly, we recognise the horrendous experience that it must be, and we have put in place a support to provide for them during that difficult time. We have made good progress: the Bill is a good next step. I encourage Members to support the amendments that will be moved by Dr Archibald and, of course, the amendments that I have tabled.

## 5.00 pm

**Mr Speaker:** I thank the Minister and all Members for their contributions.

*Amendment agreed to.*

### **Clause 2 (Parental bereavement pay)**

*Amendment No 2 not moved.*

*Amendment No 3 made:*

In page 4, leave out lines 17 to 24 and insert—  
“(b) that the person is in employed earner’s employment with an employer on the day on which the child dies, and

(c) that the weekly earnings threshold is met (see subsection (4A)).”— [Mr Lyons (The Minister for the Economy).]

**Mr Speaker:** I will not call amendment No 4 as it is mutually exclusive with amendment No 3, which has been made.

*Amendment No 5 made:*

In page 4, line 30, at end insert—

“(4A) The weekly earnings threshold is met if the person’s normal weekly earnings for any continuous period of 8 weeks falling within the relevant window is not less than the lower

earnings limit in force under section 5(1)(a) at the end of the relevant week.

(4B) In subsection (4A), the ‘relevant window’ is the period consisting of—

(a) the 8 weeks ending with the relevant week, and

(b) the 8 weeks immediately following that week.

(4C) The reference in subsection (4A) to a person’s normal weekly earnings is, in relation to any period after the date on which the child dies, a reference to the person’s expected normal weekly earnings for that period.

(4D) Section 167ZZ17(8A) provides for the calculation of a person’s expected normal weekly earnings.”— [Mr Lyons (The Minister for the Economy).]

*Amendment No 6 made:*

In page 4, line 31, leave out “subsection (2)” and insert “this section”.— [Mr Lyons (The Minister for the Economy).]

**Mr Speaker:** I will not call amendment No 7 as it is mutually exclusive with amendment No 6, which has been made.

*Amendment No 8 made:*

In page 5, line 6, after “has” insert “or (4A) to (4C) have”.— [Mr Lyons (The Minister for the Economy).]

**Mr Speaker:** I will not call amendment No 9 as it is consequential to amendment Nos 2 and 4, both of which have not been made.

*Amendment No 10 not moved.*

*Amendment No 11 made:*

In page 5, Line 15, leave out “26” and insert “8”.— [Mr Lyons (The Minister for the Economy).]

*Amendment No 12 made:*

In page 5, line 18, leave out “26” and insert “8”.— [Mr Lyons (The Minister for the Economy).]

*Amendment No 13 made:*

In page 5, line 37, leave out "(2)(c)" and insert "(2)(b)".— [Mr Lyons (The Minister for the Economy).]

**Mr Speaker:** I will not call amendment No 14 as it is consequential to amendment No 2, which has not been made.

Amendment No 15 has already been debated and is a paving amendment to amendment No 16.

*Amendment No 15 made:*

In page 9, line 26, at end insert—

*"; but this does not apply to a person's expected normal weekly earnings (as to which, see subsection (8A))."— [Mr Lyons (The Minister for the Economy).]*

*Amendment No 16 made:*

In page 9, line 30, at end insert—

*"(8A) For the purposes of section 167ZZ9, a person's expected normal weekly earnings are to be calculated in accordance with regulations; and such regulations may provide for assumptions to be made about the continuation of the person's employment and the person's earnings from that employment."— [Mr Lyons (The Minister for the Economy).]*

*Amendment No 17 made:*

In page 10, line 27, at end insert—

*"(2) Regulations under this section may—*

*(a) specify conditions to be satisfied for the purpose of determining whether a person has experienced a miscarriage for the purposes of the regulations;*

*(b) provide that this Part and regulations under it also apply in relation to a person who satisfies specified conditions as to relationship with the person who experienced the miscarriage."— [Mr Lyons (The Minister for the Economy).]*

### **New Clause**

*Amendment No 18 not moved.*

### **New Clause**

*Amendment No 19 made:*

After clause 2 insert—

### **"Temporary provision: qualifying employment period for parental pay**

**2A.—***(1) This section applies in relation to a person's entitlement to payments of statutory parental bereavement pay in respect of a child who dies before 6 April in the year that is specified under subsection (2).*

*(2) The Department for the Economy must by regulations specify a year for the purposes of subsection (1); and the year so specified must be—*

*(a) no later than 2026, and*

*(b) the same as the year specified in accordance with section 4(3) (application of miscarriage regulations).*

*(3) The provisions inserted by section 2 have effect with the modifications set out in subsections (4) to (8).*

*(4) In section 167ZZ9, for subsection (2) substitute—*

*'(2) The conditions are—*

*(a) that the person is a bereaved parent,*

*(b) that the person has been in employed earner's employment with an employer for a continuous period of at least 26 weeks ending with the relevant week,*

*(c) that the person's normal weekly earnings for the period of 8 weeks ending with the relevant week are not less than the lower earnings limit in force under section 5(1)(a) at the end of the relevant week, and*

*(d) that the person has been in employed earner's employment with the employer by reference to whom the condition in paragraph (b) is satisfied for a continuous period beginning with the end of the relevant week and ending with the day on which the child dies.'*

*(5) In section 167ZZ9, omit subsections (4A) to (4D).*

*(6) In section 167ZZ10(4)—*

*(a) in paragraph (a), for 'section 167ZZ9(2)(b) or (c) has or (4A) to (4C) have' substitute 'section 167ZZ9(2)(b), (c) or (d) has';*

(b) in paragraph (e), for '8 weeks' (in both places) substitute '26 weeks'.

(7) In section 167ZZ11(1), after 'subsection (2)(b)' insert 'and (d)'.

(8) In section 167ZZ17, omit—

(a) the reference in subsection (6) to a person's expected normal weekly earnings, and

(b) subsection (8A).

(9) Regulations under subsection (2) may make such transitory or transitional provision, or savings, as the Department considers necessary or expedient.

(10) Regulations under subsection (2) are subject to negative resolution."— [Dr Archibald.]

*New clause ordered to stand part of the Bill.*

#### **Clause 4 (Commencement)**

*Amendment No 20 proposed: Leave out clause 4 and insert—*

#### **"Commencement**

**4.—**(1) Sections 1 to 2A come into operation on the day after the day on which this Act receives Royal Assent.

(2) The first regulations under—

(a) Article 112EA of the Employment Rights (Northern Ireland) Order 1996, and

(b) Part 12ZD of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, except section 167ZZ19 (application to miscarriage),

*must provide that they are to apply in respect of children who die on or after 6 April 2022 or such later date, not being later than 6 April 2023, as may be specified in the regulations.*

(3) The first regulations under Article 112EF of the Employment Rights (Northern Ireland) Order 1996 and section 167ZZ19 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (miscarriage) must provide that they are to apply in respect of miscarriages that occur on or after 6 April in such year as is specified in the regulations.

(4) Part 1 of the Schedule (and section 3 so far as it relates to that Part) come into operation on such day or days as the Department for the Economy may by order appoint.

(5) Part 2 of the Schedule (and section 3 so far as it relates to that Part) comes into operation on such day or days as the Department for Communities may by order appoint.

(6) An order under subsection (4) or (5) may make such transitory or transitional provision, or savings, as the Department making it considers necessary or expedient."— [Mr Lyons (The Minister for the Economy).]

**Mr Speaker:** As amendment No 21 is an amendment to amendment No 20, we need to dispose of amendment No 21 before returning to amendment No 20.

*Amendment No 21, as an amendment to amendment No 20, made:*

In subsection (3), at end insert—

"(3A) The year specified in accordance with subsection (3) must be no later than 2026."— [Dr Archibald.]

*Amendment No 20, as amended, made: Leave out clause 4 and insert—*

#### **'Commencement**

**4.—**(1) Sections 1 to 2A come into operation on the day after the day on which this Act receives Royal Assent.

(2) The first regulations under—

(a) Article 112EA of the Employment Rights (Northern Ireland) Order 1996, and

(b) Part 12ZD of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, except section 167ZZ19 (application to miscarriage),

*must provide that they are to apply in respect of children who die on or after 6 April 2022 or such later date, not being later than 6 April 2023, as may be specified in the regulations.*

(3) The first regulations under Article 112EF of the Employment Rights (Northern Ireland) Order 1996 and section 167ZZ19 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (miscarriage) must provide



that they are to apply in respect of miscarriages that occur on or after 6 April in such year as is specified in the regulations.

(3A) The year specified in accordance with subsection (3) must be no later than 2026.

(4) Part 1 of the Schedule (and section 3 so far as it relates to that Part) come into operation on such day or days as the Department for the Economy may by order appoint.

(5) Part 2 of the Schedule (and section 3 so far as it relates to that Part) comes into operation on such day or days as the Department for Communities may by order appoint.

(6) An order under subsection (4) or (5) may make such transitory or transitional provision, or savings, as the Department making it considers necessary or expedient.'— [Mr Lyons (The Minister for the Economy).]

**Mr Speaker:** I will not call amendment No 22 as it is mutually exclusive with amendment No 20, which has been made.

#### ***Schedule (Further amendments to do with parental bereavement leave and pay)***

*Amendment No 23 made:*

In page 14, line 14, leave out paragraphs 8 and 9 and insert—

*"8.—(1) Section 172 (Assembly, etc. control of regulations and orders) is amended as follows.*

*(2) In subsection (2)(a), after 'sections 167ZU to 167ZZ2' insert 'or sections 167ZZ9 to 167ZZ12'.*

*(3) In subsection (4), for 'and (7A)' substitute ' (7A) and (7B) '.*

*(4) After subsection (7A) insert—*

*'(7B) The first regulations under section 167ZZ19 must not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.'— [Mr Lyons (The Minister for the Economy).]*

*Amendment No 24 made:*

In page 16, line 1, leave out paragraphs 25 and 26 and insert—

*"25.—(1) Article 251 (orders and regulations) is amended as follows.*

*(2) In paragraph (1A), after '112BAA,' insert '112EA,'.*

*(3) In paragraph (1B), after 'or 67FA' insert ' and the first regulations under Article 112EF,'— [Mr Lyons (The Minister for the Economy).]*

#### ***Long Title***

*Amendment No 25 made:*

At end insert—

*"or who have experienced a miscarriage."— [Mr Lyons (The Minister for the Economy).]*

**Mr Speaker:** That concludes the Further Consideration Stage of the Parental Bereavement (Leave and Pay) Bill. The Bill stands referred to the Speaker.

I thank all Members for their very well delivered contributions. Will Members please take their ease for a moment or two?

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

#### **Social Security (Terminal Illness) Bill: Final Stage**

**Mr Principal Deputy Speaker:** I call the Minister for Communities to move the Bill.

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

*That the Social Security (Terminal Illness) Bill [NIA 47/17-22] do now pass. — [Ms Hargey (The Minister for Communities).]*

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

**Ms Hargey:** I am pleased to move the Social Security (Terminal Illness) Bill at Final Stage. I thank the Committee and the Assembly Members from across the political spectrum who gave their support to this important Bill and allowed its speedy progression through the Assembly in such a short time.

When I first came into post in January 2020, I met representatives from organisations who were lobbying to scrap the six-month rule. Off

the back of that campaign and from their working with me and others, we are now doing just that. I give special thanks to Marie Curie, the Motor Neurone Disease Association, Macmillan Cancer Support and the many others who worked to support those organisations in getting the Bill to this point. I also welcome the positive response to the Bill from the organisations that campaigned.

I will summarise the main purpose of the legislation. It will extend the life expectancy criterion in the terminal illness provision from six months to 12 months. That wider 12-month definition will align more with the definition already used by Health and Social Care (HSC) for end-of-life care. Most importantly, the change will bring more terminally ill people within the scope of the fast-track process. Crucially, those people will not have to go through the normal application and assessment route to meet the conditions of entitlement. They will get automatic access to benefits and much-needed financial support.

I acknowledge and reiterate that this is not the end of the road on where we can move to on the issue. I assure Members of my commitment to continue to keep the provision under review and to explore further how we can best support people who face a diagnosis of a terminal illness. I want to continue to work with the sector and organisations that support families and individuals, which will include looking at the feasibility of a clinical-led model in the time ahead. For me, the Bill is very much a staging post in a wider process that we will look at.

The Bill represents a critical step that we can take now to deliver meaningful change in this Assembly mandate, before it ends in March. Subject to the Assembly passing the Bill today and its receiving Royal Assent in the coming months, I anticipate that the reform will be brought into operation in early April. My Department has established a steering group to oversee the operational implementation of the reform. The changes will also be communicated to the wider public, the advice sector and the clinical community prior to its introduction. Once introduced, the reformed system will better meet the needs of those with a terminal illness here, something that we all want to see. I commend the Bill to the Assembly.

**5.15 pm**

**Ms P Bradley:** On behalf of my party, I very much welcome the Final Stage of the Social Security (Terminal Illness) Bill. My colleague Joanne Bunting, who chairs the all-party group on terminal illness, has taken a very keen

interest in the Bill and has lobbied for this change. I join the Minister in thanking all the groups and charities that have lobbied hard over the past few years to bring it about.

As someone who once worked in a hospital social work team, I know at first hand the difficulties that the three-month rule posed. It posed difficulties for clinicians, social workers and, more importantly, for the families that were impacted on by a diagnosis. I remember explaining to many patients and their families on their receiving a new diagnosis of cancer that I would be completing a DS1500 because they had less than three months to live. Those were some of the most difficult conversations that I ever had in my social work role. It is also difficult in many cases for clinicians to be definitive about a prognosis for many diseases and illnesses.

Everybody will be very glad to see the Bill complete its progress through the House today. It is very welcome, and it is welcomed by our party. Again, I thank the Minister for bringing forward the Bill. Thank you.

**Ms Ferguson:** Like other Members, I very much welcome the fact that the Social Security (Terminal Illness) Bill is at Final Stage. The welfare system must safeguard and protect the most vulnerable. Across all our constituencies, those people who are affected by terminal illness, and their families, quite rightly deserve a welfare system that treats them with dignity and respect and that can deliver financial support in a compassionate and kindly way.

The six-month life expectancy criteria, made under special rules set some 30 years ago by Britain's Department for Work and Pensions, being extended to 12 months in the North is significant progress. The Bill will most certainly enable many more people who face such devastating news to be supported here. As we all agree, people facing a terminal illness, and their families, should not have to be worried about undergoing assessments or experiencing delays to receiving their benefits. At this time, receiving an automatic entitlement to financial support is just and right.

I thank the Minister for bringing the Bill to the House. I acknowledge and commend the work of Marie Curie and the Motor Neurone Disease Association for their ongoing commitment to supporting people who have a terminal illness and their families, as well as for their campaign to reform the rules governing fast-track access to social security benefits for people with a terminal illness.

That we continue to look at ways in which the welfare benefits process can be improved to support our most vulnerable people and their families is important. I am pleased that the Minister has committed to keeping the provisions under review. It is critical that we continue to do all that we can to support the most vulnerable, and the Bill is certainly a step forward. I support the Bill.

**Mr Durkan:** The Bill is a welcome and necessary forward step. First, however, I lament the fact that such vital legislation has taken so long to progress and, secondly, that the failures of the current welfare system necessitated that this work be done in the first place.

Bound up in its excessive bureaucracy, with complexities and lengthy delays, the system fails in its intended purpose of supporting some of the most vulnerable people in our society. That red tape has been most visible in the callous six-month rule for terminally ill welfare claimants. It is despicable that people with a terminal illness were ever put in a position in which they had to spend the precious time they had left battling for support. For those individuals, that precious time should be focused on being with their loved ones, yet the unscrupulous nature of welfare reform, which the SDLP voted against, warning of such grim actualities, forced an added burden on people at an already extremely difficult time.

The delay in accessing payments has a unique impact on individuals with a terminal illness, given that time is a luxury that they have not been afforded. The extension of the life expectancy criteria in the legislation to 12 months is welcome, but, sadly, that change will have come too late for some. Subjecting people who have a terminal prognosis to a six-month rule for access to benefits is, and has always been, cruel. Time is of the essence, and I am very grateful that the Minister has accepted that we cannot wait for or rely on Westminster to implement this essential reform. Her action is welcome, but it is important to acknowledge, as she has, that this move is a stepping stone. We must do more.

I pay tribute to all the individuals, families and organisations who have campaigned tirelessly for this crucial change, and, as I have already said, I regret that many people involved in that campaigning will not see the benefit of it. The change has come too late for them. However, the Bill's passage demonstrates that, together, we can achieve a more compassionate welfare system. This, as I said, is a good example of how. We support the Bill.

**Miss Reilly:** I will keep my remarks extremely brief, as Members have already touched on some of the points.

I welcome the opportunity to speak at the Final Stage of the Bill, which was brought forward by Minister Deirdre Hargey. I commend her for doing that quickly through accelerated passage. This is important legislation that will help many people and give those with a terminal diagnosis access to financial support quickly and compassionately, and it will ensure that they do not have to undergo assessments or experience any unnecessary delays, stress or anxiety in the process.

This has been said throughout each stage of the Bill, but I want to reiterate the remarks commending Marie Curie and the Motor Neurone Disease Association for their input into the legislation and for their ongoing campaigning. They deal with tough situations and know at first-hand the importance of this legislation. It is important that, where possible, improvements continue to be made to ensure that people get the help they need as quickly as possible, and I commend the Minister on her commitment to keep these provisions under review. I support the Bill.

**Ms Á Murphy:** I will keep my contribution concise, as the Bill has overwhelming and unanimous support in the Chamber.

I welcome the Final Stage of this important Bill. The Social Security (Terminal Illness) Bill will improve the support that is provided to those who are terminally ill by extending the current six-month criteria to 12 months. I would like to take this opportunity to recognise the monumental efforts that Marie Curie and the Motor Neurone Disease Association have made in their tireless campaign to reform these outdated and archaic rules.

The legislation will have a significant impact on those who most need it. It will take away a lot of bureaucratic red tape for anyone who is terminally ill. It is vital that people can access financial support promptly and compassionately and without experiencing any delays. The legislation is more compassionate and has people at its core, and it gives recipients dignity in their time of need. Going forward, it is important that we all continue to look at examples of best practice, as well as what works best for the North, in order to ensure that those who are most in need get the help that they require. The legislation is really positive. However, we have some way to go. I fully support the Bill.

**Ms Armstrong:** We have just finished the Further Consideration Stage of the Parental Bereavement (Leave and Pay) Bill, during which we added miscarriage to parental leave arrangements through the Department for the Economy, and we now have the Final Stage of this Bill. I am flabbergasted today because it feels as though the House is delivering so much help and support for people out there. There is legislation that comes along and you just say, "This makes sense. Why have we not done it before?", and this is one of those pieces of legislation.

Today, the wish of Marie Curie, the Motor Neurone Disease Association and many others has come true, and I thank the Minister for removing the cruel six-month rule. That is good and positive. It will not just help the people who are facing a terminal illness or a life-limiting condition, but, as the Chair mentioned, it will take a bit of pressure off our health staff and ensure that, when they are trying to treat someone and keep them as well as possible for as long as possible at the end of their days, they do not have to whip out a pad and fill out a form that basically tells a person when they are going to die. That just makes sense to me. I respect our health staff too much to put them under that type of pressure. I believe that this legislation is not only welcome but needed to end a cruelty that we do not need to have in Northern Ireland. I am therefore delighted that we have moved forward with it.

I have one more thing to say. I would like people to get a bit more help with funeral costs, because the benefits do not pay enough towards funeral costs. We have just debated the Parental Bereavement (Leave and Pay) Bill, and now we have the Social Security (Terminal Illness) Bill. Today is a sad day, given what we are dealing with, but it is also a good day because people are being helped. Thank you very much to the Minister and her team for bringing this forward.

**Mr Principal Deputy Speaker:** No other Member has indicated that they wish to speak in the debate. I therefore call the Minister for Communities to make her winding-up speech.

**Ms Hargey:** Thank you to everybody who has spoken. I have listened carefully to the comments throughout the Bill's passage. There has been huge support for the Bill to be passed within this mandate. Again, I thank Members, the Chair, the Deputy Chair and, indeed, the whole Communities Committee for their role in allowing it to be fast-tracked outside the normal process.

Members touched on the huge engagement on this issue through organisations that I mentioned before and other organisations such as Age NI, but also clinicians, who have worked with the Department on crafting the legislation and looking at what more needs to be done beyond this Assembly mandate and beyond the Bill. I, my officials and the team in the Department are committed to looking at this further. Indeed, I thank Mark and Anne from the Department, who are here, as well as Mickey Kelly and the rest of the team who have worked with me and the stakeholders over the past couple of years to get to this point. As we said, this is a staging post, and more work will be done. It is important to note that, in a shortened mandate, and during a global health pandemic, we were still able to move this legislation, which will come into effect in order to assist people from April this year. It will be part of many measures. I am actively looking at a children's funeral fund — I know that the Member raised other queries — and obviously I made a bid for that in the Budget. I am hopeful that there will be a positive announcement on additional support very soon. Again, I thank Members, and I commend the Bill to the Assembly.

*Question put and agreed to.*

*Resolved:*

*That the Social Security (Terminal Illness) Bill [NIA 47/17-22] do now pass.*

**Mr Principal Deputy Speaker:** I ask the Minister to remain in her place for a moment, because there is a possibility that her next item of business may be called quickly. We will take a few moments before moving on.

**5.30 pm**

### **Animal Welfare (Service Animals) Bill: Final Stage**

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

*That the Animal Welfare (Service Animals) Bill [NIA 45/17-22] do now pass.*

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

**Mr Poots:** I am pleased that the Bill has reached its Final Stage. I am grateful for the overwhelming support that it has received

during its passage through the Assembly. The Bill amends the Welfare of Animals Act (Northern Ireland) 2011. As Members will be aware, that Act provides animals with substantial legal protection and makes it an offence to cause them unnecessary suffering.

A feature of the Act is the provision that enables someone who is charged with harming an animal to argue that the suffering they inflicted was in self-defence and, therefore, necessary. By invoking that provision, it is possible for a person to claim that no lawbreaking has been committed when they injure a service animal that is acting in the course of its duties. That position came under public scrutiny in 2016 when Finn, a police dog in England, was stabbed while on active duty. Finn's attackers could have been prosecuted for causing unnecessary suffering to an animal. However, taking into account that the attacker might argue that he had harmed Finn because he was protecting himself, the Crown Prosecution Service considered that it would be better to pursue charges for criminal damage. That meant that Finn was treated as a piece of police property. There was considerable public and political discontent about how Finn had been treated. A high-profile public campaign was launched, which culminated in the enactment of the new legislation, known as Finn's law, in 2019. That law provides service animals in England and Wales with enhanced welfare protections while on active duty. Similar legislation has been in place in Scotland since 2020.

The legislation that applies in the rest of the United Kingdom provides that whether someone who caused harm to a service animal did so because they were protecting a person, property or another animal is to be disregarded when considering whether the harm was unnecessary. We have the opportunity with this Bill to ensure parity with the rest of the United Kingdom and to bestow the same protection on service animals in Northern Ireland.

The Bill proposes that the added protection should also be given to service animals that are under the control of persons exercising the power of a police constable and providing a service under the direction of the police. That means that dogs brought in by the PSNI from external organisations would be afforded the added protection during the time that they are to carry out duties to assist the police. That would cover situations in which the PSNI uses external search and rescue dogs, for example. The Bill is also drafted in a way that will enable my Department to have power to add to the list of service animals that can be given enhanced

legal protection. That provides flexibility for the future.

The Bill will amend the 2011 Act to provide enhanced welfare protection to service animals while they are in active duty in Northern Ireland. It will give our service animals the recognition that they deserve for the vital role that they fulfil in society and will ensure that the protection that they receive is on a par with that afforded elsewhere. I am, therefore, delighted that the Bill has reached its Final Stage.

**Mr McAleer (The Chairperson of the Committee for Agriculture, Environment and Rural Affairs):** I welcome the opportunity to share the views of the Committee for Agriculture, Environment and Rural Affairs at the Final Stage of the Animal Welfare (Service Animals) Bill. The Committee welcomes the passage of the Bill and the positive debates that have taken place throughout the Bill's stages. Members also acknowledge the overwhelming public support for the legislation and the strong opinion from all sectors of society to put in place appropriate safeguards to enhance animal welfare in all guises.

While we did not engage directly in the scrutiny of the legislation, because we supported the principle for accelerated passage, the Committee is wholly supportive of the merits and principles of the Bill, which will prevent perpetrators who harm service animals from relying on an argument of self-defence and make them subject to appropriate legal penalty. The extension of protection to animals that are working across a range of services is welcome and will ensure that those highly trained animals, which serve the public good, are recognised and protected for their actions. While the Committee hopes that the legislation will never have to be invoked, we know, unfortunately, that animals acting in service can often be the victims of brutal injuries. The Bill will strengthen the legal protection of those animals and bring into effect appropriate punishments for individuals who harm them in carrying out their duties.

**Mr Irwin:** Once again, as in previous contributions on the issue, I welcome the swift passage of the Bill through the House. When concluded, it will represent a great step forward in the protection of service animals in Northern Ireland. The benefits of the Bill are obvious, ensuring that laws in Northern Ireland are brought up to speed with the rest of United Kingdom with regard to service animal protection in law. Service animals can often operate in very dangerous situations and are a

vital part of the response, for instance, in law enforcement.

Up to this point, anyone who deliberately injured a service animal could be charged only with criminal damage. This change in the law will make an attack on a service animal a much more serious crime — rightly so, given the important job that they undertake. I thank the Minister and his officials for introducing the Bill, and I thank Members for their broad agreement in the Chamber to progress it. The matter has been the subject of consultation and has been well informed by a number of formats, which show a broad support base in wider society for the changes. I note that opportunities will be presented for a review, which will be important to ascertain how effective the legislation has been in deterring such attacks and how effective the response of the courts has been to any attack incidents. I support the Bill.

**Mr McGlone:** I thank the Minister for moving the motion today. The SDLP welcomes the Final Stage of the Animal Welfare (Service Animals) Bill. We fully support the Bill and have done so throughout its accelerated passage. I take this opportunity to register our acknowledgement of the massive contribution that service animals make, and I thank the members of the emergency services responsible for them for their care and for all their hard work.

We believe that the Bill strikes the right balance between protecting service animals being used in a reasonable way and the right of an individual to a lawful defence of their actions if a service dog attacks them unduly. As a result of the Finn's law campaign, legislation has already been enacted in England, Wales and Scotland to protect service animals on active duty. This Bill will allow the Assembly to address the situation that has left service animals in the North without the specific welfare protection that is in place elsewhere. Obviously, we are three years behind in the legislation. The Bill is a timely reminder to all parties that there are consequences with any delays, and those are very real ones for these animals. Preventing the Assembly from doing the business that we are elected to do leaves a legacy that we have to address in the future. In some cases, such as this legislation, that process can be relatively straightforward, and I am glad to see it being rectified here today. In other cases, the impacts of delays in legislation will be longer and more damaging to our society and our economy.

The SDLP supports the Animal Welfare (Service Animals) Bill, and we hope that it is followed by the establishment of an all-island

animal cruelty register. That is very important indeed. There needs to be a central register of those who commit crimes against animals across these islands to ensure that they cannot access rehoming services. I am aware of several animal charities that would welcome further progress on that issue.

**Mrs Barton:** I am grateful for the opportunity to speak on the Bill today. I thank the Minister for introducing the Bill, which is most worthy in protecting our animals from their being deliberately harmed when they are on duty. The Bill came about as a result of a police dog named Finn being seriously injured in pursuit of a suspect. Eventually, the case came to court, and it was argued that the suspect who harmed the dog did so in a form of self-defence and had not committed an offence. That brought about a campaign, which was extended to Northern Ireland, and, after an eight-week consultation, legislation was introduced in Northern Ireland similar to Finn's law in England: the Animal Welfare (Service Animals) Act 2019. Throughout its accelerated passage, the two-clause Bill has received cross-party support, and it is fully supported by the Ulster Unionist Party.

**Mr Blair:** Our brave service animals in Northern Ireland carry out invaluable work that can often place them in unpredictable and dangerous situations. It is therefore only appropriate that they are adequately protected by law, as they are in neighbouring jurisdictions. I recognise the invaluable work carried out by service animals in Northern Ireland, so I am encouraged by the fact that the Minister and his officials have progressed the legislation at pace to ensure extra protection for them. I am pleased, on behalf of the Alliance Party, to support the passage of the Bill, which will ensure that those who harm service animals are held to account and accordingly punished for their crimes.

**Mr Principal Deputy Speaker:** No other Member has indicated that they wish to speak in the debate. I therefore call the Minister to make a winding-up speech.

**Mr Poots:** I thank every Member who has spoken and, indeed, the Committee for its support in carrying the legislation through by permitting its accelerated passage and enabling this important legislation to pass and be put in place. About 98% of the people who responded on the Bill raised issues in support of it. An issue with the animal register was raised, and that work has to be carried on. Work on it has been done between my Department and the Department of Justice, but, in a new mandate,

whoever happens to be in DAERA and in Justice needs to carry that work through to its conclusion.

It is very important that the Assembly send out the message that we are against animal cruelty and that we want to take key steps that will ensure that we can provide reasonable protections. Some things will be straightforward for us to do, and we need to apply ourselves to ensure that we deliver on those fronts. As I indicated, I am truly grateful to everyone who has given us the support and assistance to reach this point. I commend the Bill to the House.

*Question put and agreed to.*

*Resolved:*

*That the Animal Welfare (Service Animals) Bill [NIA 45/17-22] do now pass.*

## **Pension Schemes (Conversion of Guaranteed Minimum Pensions) Bill: Legislative Consent Motion**

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

*That this Assembly agrees, in line with section 87 of the Northern Ireland Act 1998, the principle of the extension to Northern Ireland of the provisions of the Pension Schemes (Conversion of Guaranteed Minimum Pensions) Bill relating to the conversion of guaranteed minimum pensions as contained in clause 2 of the Bill, which was introduced in the House of Commons on 16 June 2021.*

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

**Ms Hargey:** The Pension Schemes (Conversion of Guaranteed Minimum Pensions) Bill was introduced in the House of Commons on 16 June 2021. The provisions in the Bill address concerns that the operation of certain provisions of the conversion legislation relating to guaranteed minimum pensions (GMPs) is unclear and should be amended to make them easier to use. The amendments will simplify and clarify how those highly technical provisions operate. The aim is to make it easier for to equalise pensions for the effect of differences between men and women resulting from GMPs.

Clause 2, which relates to the conversion of GMPs, makes provision for devolved matters and requires a legislative consent motion. The clause amends provisions in the Pensions Schemes (NI) Act 1993 and the Pensions Act (NI) 2008 that allow occupational pension schemes to convert GMP benefits into other scheme benefits. The amendments provide for NI pension provision to correspond with the provision for England, Scotland and Wales contained in clause 1.

Although pensions are a devolved matter, pension policy and legislation here generally operate in line with corresponding pension provision in England, Scotland and Wales, in line with section 87 of the NI Act 1998.

Private pensions are subject to a complex web of tax law, which is an excepted matter; financial services law, which is a reserved matter; and general pensions law, which is a devolved matter.

**5.45 pm**

Many pension schemes operate across the jurisdictions. Following the European Court of Justice decision in Barber 1990, the position has been that schemes are required to equalise overall pensions for the effect of inequalities caused by GMPs. The GMP is the minimum pension that a pension scheme that was contracted out of the additional state pension between 6 April 1978 and 5 April 1997 has to provide to its members. GMPs that accrue to individuals who were contracted between those dates create inequalities between men and women in the overall pensions that they receive. That is largely due to the fact that, during that period, state pension ages for men and women were different, leading to different accrual rates and different ages from which GMPs were payable. Although the GMP rules were abolished for the contracted-out service after 5 April 1997, past accruals remained subject to them.

The Pensions Act (NI) 2008 amended the Pension Schemes (NI) Act 1993 to introduce provisions enabling schemes to convert members' GMP rights to the rights of other scheme benefits. The intention was to enable the scheme to adopt a unified and streamlined benefit structure, subject to a certain safeguard to protect the members' interests.

The 1993 Act requires occupational pension schemes to calculate the pay of GMPs differently, depending on the person's gender. A woman's GMP accrues at a greater rate than

that of a man in recognition that, at the time, for state pension purposes, a woman's working life was five years shorter than that of a man. As a result, where a woman and a man have an identical work history, the woman's overall GMP will be greater than that of the man. A woman is entitled to receive her GMP at the earlier age of 60, while a man is entitled to receive his at 65, creating further differences between the GMP that is payable to men and to women.

This is the result of indexation and revaluation requirements. There is a requirement that GMPs are increased annually to protect the value of a member's pension from being eroded by the effects of inflation when in payment or if the member has not yet retired but is no longer an active member of the scheme. Indexation and revaluation rates are different because their GMP ages differ. A woman will be entitled to the indexation of a GMP in payment in periods during which a man of the same age is entitled to revaluation of a GMP that has not yet been put into payment. As a result of different rates of indexation and revaluation applying at different times, a woman's GMP will, typically, start out at a higher rate than that of men. However, the value of the man's GMP may overtake that of the woman's over time. Those differences create inequalities in the pension income received by men and women who have GMPs, depending on individual ages and circumstances.

In summary, the Bill seeks to clarify that the legislation applies to survivors as well as to earners. It provides for the power to set out in regulations the conditions that must be met in relation to survivors' benefits. It provides for a power to set out in regulations the detail about who must consent to the conversion, and it removes the requirement to notify HMRC. The proposed changes aim to help reassure pension schemes that they can use the conversion legislation to equalise overall pensions for the effective differences between men and women resulting from GMPs.

If it is agreed that clause 2 should extend to here, that will allow those important provisions to be enacted across each of the jurisdictions at the same time. That provides legal certainty for schemes seeking to remove inequalities from their scheme members. If it is not agreed that the provisions of the Bill will extend to here, the current lack of clarity on the GMP conversion legislation would remain a barrier to pension schemes seeking to remove inequalities from their scheme members. It would be necessary to bring forward a separate Assembly Bill to provide clarity on GMP conversion legislation.

However, it is unlikely that such a Bill could complete its passage before 2023.

Importantly, under the Bill, the power to make subordinate legislation and to commence devolved provisions will rest in my Department. Likewise, the powers of control over the subordinate legislation will rest in the Assembly. The intention is that the Bill should be enacted as soon as possible. It would, therefore, be beneficial and time-wise to agree that the relevant provisions of the Bill extend here. That would provide the legal clarity and certainty for schemes seeking to remove inequalities for their scheme members. Whilst I seek to avoid LCM processes where possible, in all circumstances and particularly on this, it is sensible to secure the benefits of the Bill for scheme members here by agreeing to the legislative consent motion on the Bill.

**Ms P Bradley (The Chairperson of the Committee for Communities):** On behalf of the Committee, I thank the Minister for moving the motion. I am sure that Members have read the Committee's report on the LCM, so I do not intend to go into too much detail.

As the House knows, pensions are a devolved matter, but, in general, pension legislation here operates in line with corresponding provision in England, Scotland and Wales. The Pension Schemes (Conversion of Guaranteed Minimum Pensions) Bill is a private Member's Bill that is before Parliament. The Bill includes provisions on devolved matters. It was introduced on 16 June 2021 and is expected to progress quickly through Parliament early this year.

On 2 December 2021, the Committee was briefed by officials on the need for the LCM, which stems from that Bill. The Committee heard that the Bill makes provision for the amendment of pension schemes to provide for the conversion of rights to a guaranteed minimum pension. GMPs that accrued to individuals contracted out between 6 April 1978 and 5 April 1997 created inequalities between men and women in the overall pension that they receive, largely due to state pension ages for men and women being different at that time. From 17 May 1990, pension schemes have been required to pay equal pensions to men and women for accruals. Therefore, schemes have to equalise overall pensions for the effect of inequalities caused by GMPs from that date.

The Committee heard that the pensions industry has expressed concern that the operation of certain provisions of the conversion legislation are unclear and should be amended. Members were advised by the Department that,



if the Bill extends to Northern Ireland, it will allow the provisions to be enacted by pension schemes across the jurisdictions at the same time, thus providing legal clarity and certainty for schemes. Members were also assured that the LCM provides clarity that the legislation applies to survivors as well as earners; provides for a power to set out in regulations the conditions that must be met in relation to survivors' benefits; provides for a power to set out in regulations detail about who must consent to conversion; and removes the requirement to notify Her Majesty's Revenue and Customs.

Members asked officials what the impact on Northern Ireland would be if the LCM was not agreed and were advised that it would be necessary to take forward a separate Assembly Bill. The Committee noted that there was not time for that to happen in the current mandate and that the lack of clarity around GMP conversion would otherwise remain a barrier to equalising benefits between men and women. The Committee agreed to recommend that the provisions in the Westminster Bill, as outlined in the LCM, are extended to here. Therefore, on behalf of the Committee, I support the motion.

**Ms Ferguson:** As we have heard, the overall purpose of the Pension Schemes Bill is to amend the existing guaranteed minimum pension conversion provisions to simplify and, ultimately, bring clarity to the legislation. I thank the Minister and Committee Chair for the detailed overview that they have provided. The provisions are technical in nature and, as we have seen in previous Bills associated with private pensions, are on a complex mix of devolved, excepted and reserved matters.

I understand the importance of providing the required legal certainty to pension schemes in this area and that taking forward a separate Assembly Bill would result in significant delay. Therefore, while it is always preferable to legislate via the Assembly, I accept the rationale for using a legislative consent motion in this case. I support the motion and the Bill.

**Mr Principal Deputy Speaker:** No other Members have indicated to me that they wish to speak in the debate, so I call the Minister for Communities to wind on the motion.

**Ms Hargey:** Thank you very much, Mr Principal Deputy Speaker. I thank the Chair of the Communities Committee and Committee members for looking at the LCM and supporting it. I also thank others who contributed. I commend the motion to the Assembly.

*Question put and agreed to.*

*Resolved:*

*That this Assembly agrees, in line with section 87 of the Northern Ireland Act 1998, the principle of the extension to Northern Ireland of the provisions of the Pension Schemes (Conversion of Guaranteed Minimum Pensions) Bill relating to the conversion of guaranteed minimum pensions as contained in clause 2 of the Bill, which was introduced in the House of Commons on 16 June 2021.*

*Adjourned at 5.55 pm.*

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