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Northern Ireland Assembly

Tuesday 30 November 2021

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

Members observed two minutes' silence.

Ministerial Statements

British-Irish Council: Summit

Mr Speaker: I have received notice from the Minister of Agriculture, Environment and Rural Affairs that he wishes to make a statement. Before I call the Minister, I remind Members in the Chamber that, in light of social distancing being observed by the 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 participating remotely must make sure that their name is on the speaking list if they wish to be called. Members present in the Chamber must also do that by rising in their place, as well as notifying the Business Office or the Speaker's Table directly. I remind Members to be concise in asking their questions. I also remind Members that, in accordance with long-established procedure, no points of order will be taken during the statement or the question period immediately afterwards. I call the Minister of Agriculture, Environment and Rural Affairs.

Mr Poots (The Minister of Agriculture, Environment and Rural Affairs): Thank you, Mr Speaker. I wish to make the following statement on the thirty-sixth summit of the British-Irish Council (BIC), which took place on Friday 19 November 2021. The summit was hosted by the Welsh Government. The heads of the delegation were welcomed by the First Minister of Wales, the Rt Hon Mark Drakeford MS, who provided the opportunity to use indigenous, minority and lesser-used (IML) languages in the summit meeting. I attended the meeting to represent the First Minister. Minister Hargey represented the deputy First Minister, and junior Minister Middleton also attended. They have agreed that I make the statement on their behalf. The Scottish Government delegation was led by the Rt Hon Nicola Sturgeon MSP. The UK Government were led by the Chancellor of the Duchy of Lancaster, the Rt Hon Michael Gove MP. The Government of Guernsey were represented by the Chief Minister, Deputy Peter Ferbrache.

The Government of Jersey were led by the Chief Minister, Senator John Le Fondré. The Irish Government were led by an Taoiseach, Micheál Martin. The Isle of Man Government delegation was led by the Deputy Chief Minister, Jane Poole-Wilson MHK.

A full list of the delegates who attended the summit is attached to the copy of the statement provided to Members.

The Council reflected on the latest political developments across the jurisdictions and took the opportunity to engage on a number of topics of mutual interest, including the economy, trade, ongoing relations with the EU and the twenty-sixth UN Climate Change Conference of the Parties (COP26). Ministers discussed the continued impact of the COVID-19 pandemic and the progress of post-pandemic recovery programmes.

In advance of the summit meeting, Ministers with particular responsibility for IML languages met to discuss IML language acquisition in the early years. Following a verbal report on that meeting, the Council held a further discussion on IML languages and early years policy during the summit meeting in order to reflect on challenges and opportunities for policy approaches in that area. The Council also took the opportunity to discuss the recent work of the Council across all its sectors and to take note of the ongoing collaborative work being carried out by officials.

The Ministers took note of the progress made in the implementation of proposals agreed at the thirty-fifth BIC summit in Northern Ireland in June 2021, including the formation of a senior officials group and adoption of a protocol for holding extraordinary summit meetings where they are needed. Finally, the Council noted that the next BIC summit will be hosted by the Government of Guernsey. I commend the statement to the Assembly.

Mr McGuigan (The Deputy Chairperson of the Committee for Agriculture, Environment and Rural Affairs): Minister, I note in your

comments that there were discussions on climate change that stemmed from COP26. Did they include discussions on the delivery of robust climate change legislation across these islands?

Mr Poots: Yes, there was extensive discussion on that, and I recommend that the next British-Irish Council meeting focus on it, be it at the meeting or on the periphery of the meeting. It was a very significant topic of conversation, and a lot of the conversation was on renewable energy, the opportunities that exist for renewable energy on these islands and the ability of these islands to capture that energy from offshore and, indeed, onshore sources, but particularly the offshore opportunities. We discussed issues around hydrogen and the opportunity to utilise it better, and we discussed issues around biofuel and biomethane. All those things will be significant contributors to thriving economies across all these jurisdictions and will ensure that the economies can continue to deliver for people and to deliver investment in the whole climate change agenda. They will be enabled to do that by making good utilisation of the rich resources that we have on our doorsteps and, indeed, in our seas.

Mr Irwin: I thank the Minister for his statement. What discussions were held about the Northern Ireland protocol, particularly the unacceptable impact that it is having on trade between Great Britain and Northern Ireland?

Mr Poots: I raised the protocol during the meeting, and I also raised it extensively outside the meeting with Minister Gove and other Ministers. It is important that the message continues to be put that the protocol as it currently exists is damaging to Northern Ireland and that we need to find a way through that not only safeguards the European Union's single market but protects the integrity of the internal UK market. Many of us believe that both can be achieved, and we are working towards that goal. I encourage others to work towards that goal because that will deliver the best economic outcomes for everyone in Northern Ireland.

Mr McGlone: I thank the Minister for his statement. Can he give any further details on the indigenous, minority and lesser-used languages and the early years policy?

Mr Poots: Minister Hargay led on IML, and she engaged in the meeting as the Minister who deals with that issue. Extensive discussions took place on indigenous, minority and lesser-used languages.

Minority languages were used extensively throughout the meeting. Of course, a minority language is used extensively in Wales. Therefore, that got a fair bit of attention during the meeting. There was a lot of interest from all the regions in how they can maintain and keep those languages alive, including from the UK Government in relation to the Cornish language.

Mrs Barton: Minister, you referred to your discussions about climate change. Can you update the House on the position of climate change policy in the United Kingdom compared with the Republic of Ireland?

Mr Poots: Both have set a net zero target in accordance with the Paris agreement. The United Kingdom is considerably further down the road towards achieving net zero than the Republic of Ireland, which has a much greater challenge. As part of the United Kingdom, Northern Ireland is cooperating with achieving that target. We have therefore taken advice from the Climate Change Committee (CCC). It is a specialist committee that is renowned worldwide and is made up of scientists who are held in high regard in that field and bring a lot of quality to the argument. We should take major cognisance of what they have to say about climate change.

Mr Blair: I thank the Minister for his statement. What preliminary steps were discussed among the respective Governments and Departments of these islands to plan to work together on the delivery of COP26 commitments? Was funding discussed as a vital component of that?

Mr Poots: That was not the key focus of this summit. There is certainly significant potential for it to be the key focus of the next summit. The issue took over a lot of the conversation and discussion at the summit, however. The Governments who were at the summit are totally committed to reforestation and to moving away from the use of coal, particularly in power stations. They are committed to reaching net zero and taking the actions that will help us to achieve that.

Unfortunately, the biggest emitters in the world were not at the summit. In fact, the biggest emitters in the world were not at COP26 either. Therein lies part of the problem. If you want to deal with a problem, those who make the biggest contribution to that problem need to come to the table and step up to the plate. Northern Ireland's contributions account for 0.04% of greenhouse gases, whereas China has 53% of the coal-fired power stations in the

world. Therein lies the problem. If the big players do not step up to the plate, that undermines the work of everybody else. I am not saying that we should not do that work, but that considerably undermines it.

Miss Reilly: You touched on this issue already. It concerns the importance of early years provision in relation to the acquisition of indigenous, minority and lesser-used languages. Can you confirm whether the summit included any consideration of the success of the legislative protections that already exist on these islands for indigenous languages?

Mr Poots: Languages thrive when people want to use them. We have found that in other places. Indeed, the legislation that was brought in in the Republic of Ireland did not assist the language. Many people would argue that it was to the detriment of the language. I know that a lot of Members in the House have a strong desire for legislation, and that desire is reflected in a section of our community. I suggest that the focus should be on how they encourage people to participate.

Encouragement does not involve trying to impose something on people who do not want it to be imposed on them. Irish dancing, for example, is enjoyed across the community. If there were a bit less politics around the Irish language, perhaps it would be utilised more broadly across the community as well. There is too much politics in it. Perhaps some Members should reflect on that.

10.45 am

Mr Harvey: Minister, was learning shared by individual Administrations on their specific approaches to tackling the COVID pandemic?

Mr Poots: Yes, it was. Obviously, COVID is a topic of conversation that is always present, and it was present in the discussions as well. It has been interesting to see how some regions and countries have done better at various times but then seem to fall back again. Wales, for example, did very well in the early part of the year, but, in the later part of the year, things have not gone so well. At one point, we were behind Scotland in the number of cases; we are now ahead of Scotland again. It seems to ebb and flow because of how the different regions have conducted themselves. Interestingly, Scotland, which has had pretty tough legislation on COVID throughout, chose not to go down the route of having COVID vaccine passports

for cafes and cinemas. Perhaps the passport parties should reflect on that.

Mr Boylan: I thank the Minister for his answers. Will he expand on the protocol for holding extraordinary summit meetings and the criteria that are now in place for calling such a meeting?

Mr Poots: Yes. We are supportive of that. Big ticket issues, such as COVID and how we address the issues arising out of COP26, could and should be dealt with more expeditiously. Having six-monthly standing meetings, where the agenda can be agreed quite a long time beforehand, is not necessarily the best way forward. That is why the proposals were put forward and accepted by the members present.

Mr T Buchanan: Thank you for your statement this morning, Minister. A topic that is on a lot of people's minds nowadays is climate change. Issues to do with COP26 were discussed at the meeting. Was there any discussion around how members plan to work together to deliver the reduction of carbon emissions?

Mr Poots: There was considerable discussion on that subject. A lot of people look at climate change and see the actions that need to be taken as a threat. Many of us look at it as an opportunity. Our nation is not rich in coal, oil and gas — fossil fuels — so I am not too excited about not being able to utilise those fuels. We are rich in wind energy, and in tidal and wave energy, if that can be harnessed. We are also rich in animal nutrients, which can be converted into renewable energy. We have a whole series of opportunities that we need to grasp as we move away from fossil fuels. Any policy that is reliant on oil coming from the Middle East and gas coming from Russia for sustainable energy is flawed. Those places tend to be somewhat unstable at various times. Instability leads to instability in prices, which leads to significant hikes in prices, such as those that we are experiencing. Were we producing our own renewable energy, we would have price stability.

To have all our energy and most of our food produced here is something that many parts of the world would envy, if the other parties allowed us to produce our own food, that is, instead of having it and the associated carbon produced somewhere else, perhaps in the southern hemisphere.

Mr O'Toole: Minister, you said that the protocol formed part of the discussion on EU relations. While negotiations on mitigations for east-west

trade continue, and we hope that they are resolved quickly, evidence is mounting that our unique position under the protocol, with its dual market access, is doing our economy good. Yesterday, the Office for National Statistics (ONS) said that Northern Ireland has performed better than any other UK region over the past two years, which includes the time in which the protocol has been operational. National Institute of Economic and Social Research (NIESR) inflation estimates suggest that we have the lowest inflation in the UK. Almac, Ardagh Metal Packaging, Clondeboye Estate Yoghurt and Deli Lites: the list of companies that are either generating investment or creating jobs because of the protocol's dual market access is increasing. Minister, you were at the British-Irish Council meeting. We can get real economic benefit, not just from our crossroads at the British and Irish markets —

Mr Speaker: Question, please.

Mr O'Toole: — but from our crossroads at the British and single European markets. Will you use the British-Irish Council structures next time to maximise the benefits of that dual market access?

Mr Poots: I thank the Member for the eloquent speech, although I am not sure where the question was. Nonetheless, on the protocol issues, a very significant element of why Northern Ireland is doing well is our very prosperous food industry. Over the pandemic, people have voted with their feet on from where they acquire their food, saying, "We want local food". That is why beef prices have risen from around £3.30 a kilo to £4 a kilo over the period. People recognise the quality and the provenance of locally produced goods, so the same applies to milk and many other products. Having a strong and very sophisticated agri-food economy therefore put us in a better place when it came to recovering from COVID.

I have always indicated that there was an advantage from the protocol but that that advantage was outweighed by the disadvantages. I said that it was like scoring a super goal in a football match but then letting in six goals. We need to ensure that we can remove the six goals against us so that we can import our trees, our plants, our seed potatoes and the beef that goes on for further processing: I could go on. We need to address so many aspects of the protocol that are damaging to the economy.

Dr Aiken: Minister, did you have the opportunity to talk to the Chief Ministers of

Jersey and Guernsey respectively on concerns about fishing, particularly the disgraceful act of the French in preventing fishing vessels from across our nation, including those from Kilkeel and Scotland, from using their waters? Did you have an opportunity to talk about the threat from the French to cut off the power supply to Jersey? Has there been any attempt by the British-Irish Council to send a very strong message to France and the EU to stop that, frankly, predatory activity in our waters?

Mr Poots: Interestingly enough, the Chief Minister of Jersey indicated that cutting the power supply would not be a big issue for the people of Jersey, because they could just reactivate their coal-fired power station, which they were preparing to do. Of course, that would not be very good for the climate, because Jersey uses nuclear power that comes from France, but that would have been a decision imposed on Jersey by the futility and stupidity of the French Government, their aggressive attitude to Jersey and to fishermen, and their demand to have their fishers come into waters that they had not previously used. The Chief Minister of Jersey had documentation that went back years that showed specifically the boats that had used Jersey's waters. He was therefore able to expose the falsehoods that certain people were expressing on behalf of French fishers. Jersey is very keen to engage in jaw-jaw as opposed to war-war, and France would be better engaging in jaw-jaw as well.

Mr Beggs: I thank the Minister for his statement. He mentioned that there were discussions on the COVID pandemic. The different regions use a variety of methods to limit the spread of the disease, yet, a few days before the meeting, there was a mass outbreak of COVID in Northern Ireland, in which almost 200 young people contracted it. At the meeting, was there any discussion on what methods can be used to protect our young people so that they can continue to go out, meet and socialise safely?

Mr Poots: Thus far, young people have had limited effects from COVID-19. They have clearly been transmitters of it, however, and they can transmit it to people who are much more vulnerable. Therein lies a substantial part of the problem. The significance of the booster vaccination — the fact that our immunity can go from somewhere around 40% to well over 90% — was mentioned. I am glad that Northern Ireland is now beginning to pick up on getting the booster programme rolled out. It seemed to be a bit slow: 10 days ago, 300,000 people who were eligible for it still had not received it. Of

course, many people are coming under the eligibility criteria now. We need to push ahead and get the booster vaccination to as many people as possible before Christmas and particularly to people with vulnerabilities. I encourage people to do that.

Ms Bailey: I thank the Minister for the statement. I noticed that, when he was asked about robust legislation, he discussed opportunities in the energy sector, of which there are, of course, many. The UK Government have set robust legislation, and we are, of course, part of the UK political union, but we are also a separate land mass, and that is key when we are tackling emissions and climate change. The Irish Government have also set ambitious legislation. Has the Minister had specific discussions with them on the potential impact if Northern Ireland were to be less ambitious?

Mr Poots: Northern Ireland is not less ambitious. We have taken scientific advice. If the Member wishes to reject that advice, that is a matter for the Member and whoever she can persuade. I tend to take the scientific advice. I also tend to take the advice of the Office of Legislative Counsel (OLC), which advises Members on legislation and legislative processes, and it has described the Member's Bill as "unworkable" and "unaffordable". If the Member wants to ignore the scientific and, indeed, legislative expertise and charge ahead with something that she believes to be a crowd-pleaser, it is a matter for individuals to choose. What we can do is highlight the issues that have been raised with us and with the Executive by members of the CCC and the OLC: they are people with real expertise and knowledge on the issue.

Mr Allister: I note the passing reference to strengthening the secretariat of the British-Irish Council. After more than 20 years of its existence, we will now have a senior officials group. What is the full-time complement of the secretariat of the British-Irish Council, and how does it compare with the full-time complement of the North/South Ministerial Council?

Mr Poots: I do not know the exact details of the full-time complement of the secretariat, but I will be happy to get that information and provide it to the Member. I am sure that the Member will do his own work to identify the complement of the North/South secretariat.

Mr Speaker: That concludes questions on the statement. Members should take their ease for a moment.

North/South Ministerial Council: Inland Waterways

Mr Speaker: I have received notice from the Minister for Infrastructure that she wishes to make a statement.

Ms Mallon (The Minister for Infrastructure): With your permission, Mr Speaker, in compliance with section 52 of the Northern Ireland Act 1998, I wish to make a statement regarding the North/South Ministerial Council (NSMC) inland waterways meeting that was held in the North/South Ministerial Council joint secretariat headquarters in Armagh, and by videoconference, on 3 November 2021.

The Executive were represented by me as Minister for Infrastructure and by the Health Minister, Robin Swann. The Irish Government were represented by Darragh O'Brien TD, Minister for Housing, Local Government and Heritage, and Malcolm Noonan TD, Minister of State for Heritage and Electoral Reform. This statement has been agreed with Minister Swann, and I am making it on behalf of us both. Minister O'Brien chaired the meeting, and the following is a note of what was discussed.

We noted the progress achieved by Waterways Ireland (WI) since the last meeting of the Council in the inland waterways sector, including major projects in Northern Ireland such as the redevelopment of Bellanaleck quay and slipway; the refurbishment of Carnroe weir and Carnroe lock; the Lower Bann lock gate replacement programme; tender preparation work for dredging at Portna on the Lower Bann; refurbishment works at Enniskillen headquarters; and an accelerated asset inspection programme.

Major projects in the South include Barrow blueway construction; the Grand canal greenway construction; Shannon tourism master plan projects at Rooskey, Red Bridge and Athlone; work with our European partners on the GreenWIN project; embankment repairs and strengthening on the Royal and Grand canals; lock gate replacement programme across the Royal and Grand canals; fixed jetty refurbishment projects across the body's navigations; the completion of the Ballyconnell to Bellaheady blueway trail on the Shannon-erne; continuing restoration works on Fort Eliza at Banagher in County Offaly; the official reopening by Minister O'Brien and Minister of State Noonan of the Meelick weir and walkway on 24 September; ratification of the body's first ever climate action plan, which stretches over 10 years and is ambitious in its scale and set of

objectives; the launch of the WI digital archive by Minister of State Noonan in June 2021; and approval of the business case for the Lough Erne pilgrimage trail by the National Lottery Heritage Fund.

We also noted the progress achieved in the restoration of the Ulster canal, including the ongoing work on phase 2 of the restoration from Clones to Clonfad, the plans for phase 3 of the restoration from Castle Saunderson to Clonfad, and the plans for the development of the Ulster canal greenway.

We noted the Waterways Ireland annual report and accounts 2019, which have been signed off by both Comptrollers and Auditors General and laid before the Houses of the Oireachtas and the Assembly. We also noted that the Waterways Ireland annual report and accounts 2020 have been submitted to both Comptrollers and Auditors General. The Council noted that the Waterways Ireland business plan 2022 is being prepared.

We approved the making of the Lough Erne (Navigation) Order 2021 in accordance with paragraph 4(5) of schedule 4 to the North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999, and we noted the planned implementation of the said order in advance of the 2022 season. We also consented to a number of property disposals.

The North/South Ministerial Council agreed to hold its next inland waterways meeting in early 2022.

Mr Boylan: I welcome the statement. The Minister knows that I have mentioned the Ulster canal greenway on a number of occasions, particularly the Monaghan to Middletown section. It is always good to see it on the clár at any meeting. Was the issue raised at the meeting? Can the Minister give assurances that the funding will be obtained to complete that section of the greenway?

Ms Mallon: I thank the Member for his question. The Ulster canal greenway was discussed. Waterways Ireland, in collaboration with Monaghan County Council, Armagh City, Banbridge and Craigavon Borough Council and East Border Region Ltd, took the lead, as the Member will know, in submitting an application for INTERREG funding for the project. The application was successful, and €4.95 million was allocated towards the cost of the greenway from Smithborough in County Monaghan to Middletown in County Armagh. My understanding is that increased construction costs have led to a shortfall in the funding for

the project, but the Special EU Programmes Body is reviewing the project in light of that. We await the outcome of that review to see how the project will proceed.

Ms Hunter: I thank the Minister for her statement. I hear clearly her commitment to New Decade, New Approach (NDNA). What impact is Brexit having on Waterways Ireland?

Ms Mallon: There was no outcome that impacted solely on Waterways Ireland. However, there are some that will impact on the organisation going forward. EU directives no longer apply to the UK. That may lead to an incremental divergence in legislation with the passage of time. The UK no longer has to comply with EU procurement directives. In the short term following the exit, UK rules are likely to remain the same. However, they may change in the medium term. The additional procurement regime will bring additional administration. Waterways Ireland has considered the implication of the need to migrate to a new tender advertising portal and platform.

EU funding will no longer be available in the North, with the exception of PEACE PLUS, which the EU has committed to continue allocating. Waterways Ireland has, historically, been the beneficiary of EU funding and anticipates that future EU funding opportunities to develop infrastructure and to promote recreational use in the North may either become limited or cease. Whilst any loss of funding could, potentially, be replaced, at least in part, by the UK Government or other EU funding streams, such as PEACE PLUS, challenges will still remain with regard to funding for the future development of infrastructural projects.

Mrs Barton: Minister, in your statement, you mentioned the Lough Erne (Navigation) Order 2021. As you know, it involves reducing water levels in Lough Erne. Over a number of years, farmland and even access roads that are adjacent to Lough Erne have suffered with winter flooding. Can you advise how much the level of Lower Lough Erne has been lowered, how the new reduced level was determined, and whether you are confident that local farms will now be protected from the risk of flooding?

Ms Mallon: I do not have that detailed information at hand on the water levels. However, I am happy to respond to the Member in writing.

Mr Blair: I thank the Minister for her statement. Our waterways are a valuable and crucial part of our green recovery. However, it could be said that, historically, they have been undervalued, underutilised and very much under-promoted. I know that because I worked in that area before I came to this place. Was there any discussion at the meeting on how the tourism bodies could properly reflect and promote our excellent waterways as part of our tourism product?

Ms Mallon: There was no specific discussion on that. However, from my ongoing engagement with Waterways Ireland, I know that it is aware of the need to have partnership working and is engaged in that.

As the Member rightly identified, our blueways are one of our sets of outstanding natural assets. We should maximise their promotion for the benefit of not only our visitors but locals. Members will know from previous statements that I have made in the House after NSMC meetings that we have seen a dramatic increase in the number of people staying at home to holiday and going out to enjoy the recreational activities around our blueways. We have seen that increase sustained, and it is expected to be sustained right into next year, so it is only right that we work with partners right across the board to maximise the opportunities from our blueways for the tourism industry and local communities alike.

Ms Dolan: I thank the Minister for her statement. I welcome the draft climate action plan that Waterways Ireland has launched. We need to see an increase in the environmental protections for our waterways. However, Minister, I am sure you are aware that sewage is being pumped into our rivers and waterways. What work is under way to address the pollution of our waterways with sewage?

Ms Mallon: That was not discussed at the NSMC, but I will talk briefly about the climate action plan, and then I will address the second part of the Member's question.

The climate action plan is really ambitious. I pay tribute to Waterways Ireland for showing such leadership in it. The plan has seven key objectives, and it is out for public consultation. I take the opportunity to encourage Members and their parties to respond to that consultation.

The Department works with the Northern Ireland Environment Agency (NIEA) on matters to do with the sewage situation, but I am happy to provide specific responses for any particular concerns that the Member might have.

Mr Delargy: Minister, thank you for your answers so far. You have partly answered my question, which is about Lough Neagh. Obviously, we are all aware that Lough Neagh is the largest lough in Ireland. The Lough Neagh Partnership is keen to be brought under the integrated strategic management of the Assembly. Have you considered that? Secondly, was that raised at the meeting?

Ms Mallon: It was not raised at the meeting. Waterways Ireland has a specific remit for a set number of our navigations, and Lough Neagh is not one of those. Separate from that, I have been engaging with the Minister responsible for the environment because I have received correspondence from elected members about the Lough Neagh Partnership. That correspondence is ongoing.

Dr Aiken: I thank the Minister for her remarks so far. Minister, you talked about refurbishing Enniskillen's HQ and how some property was being sold off. What property has been sold off? What investment is happening in the Enniskillen headquarters? Why is the asset inspection being accelerated? Is that a precursor to further sell-offs?

Ms Mallon: In short, no. Under the legislation governing Waterways Ireland and the NSMC, any disposal has to come to the Council for approval. I am happy to provide the Member with an extensive list of what was agreed at that particular meeting.

The work at the headquarters was to address health and safety concerns. Work has been accelerated. In order to be compliant with COVID regulations and public health advice, staff are working from home where possible, so that has vacated the building to allow the required works to be taken forward. That is the explanation for the accelerated works. I reassure people that the work that is ongoing at the HQ is to address health and safety issues.

Ms A Murphy: I thank the Minister for her answers thus far. The Ulster canal project can provide vital regeneration for rural border towns in south Fermanagh by boosting tourism and the local economy. Can I get an update on the plans to restore the section of the Ulster canal from Clones to Lough Neagh via Lough Erne, as well as an approximate time frame for the completion of phase 3, which the Minister mentioned?

Ms Mallon: Phase 1 of the Ulster canal is complete and now open for navigation. The phase 2 restoration of the stretch from Clones

to Clonfad is under way. The creative design is complete, and there are plans to develop a vision for the canal in Clones, including an architectural feature that links the canal to the cultural history of the town. For phase 3, preliminary work on the restoration of the stretch from Castle Saunderson to Clonfad will commence before phase 2 is complete. Of course, all three phases of the project have been funded by the Irish Government.

Waterways Ireland has NSMC approval to explore the potential restoration of the stretch of the Ulster canal from Clones to Lough Neagh.

It remains a clear commitment in the Stormont House Agreement, the Fresh Start Agreement and in New Decade, New Approach. I am very keen, funding permitting, to see that progressed.

11.15 am

Mr Muir: I apologise to the House for being late for the statement; the Minister is moving too fast. The statement outlined information on approval for the business case for the Lough Erne pilgrimage trail, which, I understand, will link up to a wider heritage trail that will run all the way to the great town of Bangor. Will the Minister provide an update on the Lough Erne aspect of that?

Ms Mallon: There are 36 sites of spiritual and ecclesiastical significance on and along Lough Erne. Those sites were nominated for UNESCO world heritage site designation in 1987. Waterways Ireland is working with Fermanagh and Omagh District Council and the Lough Erne Landscape Partnership to develop a pilgrimage trail, which will initially involve 10 sites. As the Member points out, funding from the National Lottery Heritage Fund has been secured for that, and the aim of the project is to increase accessibility to the sites; increase awareness and understanding of the history and heritage of the great island monasteries; create visitor experiences and journeys along the trail; increase community engagement and volunteering activities associated with the sites of the trail; and promote awareness and use of the trail as a recreational and cultural tourism destination. The project will deliver multiple benefits, and I am delighted to see it progress.

Mr Beggs: Minister, your statement indicates that you have ratified Waterways Ireland's:

"first ever Climate Action Plan, which stretches over 10 years".

Both Ministers — you and your opposite number in the Republic — have signed off on and given their commitment to reaching a net zero carbon target by 2050. It is described as:

"ambitious in its scale and set of objectives".

What are the resource and capital implications of the 10-year plan when it comes to your budget, and, more importantly, what would be the additional cost, if the plan, which is described as "ambitious", were accelerated even further to be achieved by 2045?

Ms Mallon: The action plan is a demonstration of the recognition of the importance of the issue and how seriously it is taken by Waterways Ireland. It needs credit for that. It is also critical when it comes to managing water levels where there is no natural water resource. That has proved to be challenging at times. As a result of climate action, particular challenges are being experienced on our blueways, and we absolutely need to rise to the challenge of that.

The climate action plan has not been set. It has not been completed; it is out for consultation. That consultation process will inform the plan, and, when it comes back and is brought forward to the NSMC, we will expect to see details of the funding requirements that need to be assigned accordingly. Of course it will be challenging. On a weekly basis in the House, we debate with unanimity the importance of tackling the climate emergency. That will require resources and difficult decisions. This is where the rubber hits the road. If we are serious about doing that, we will need to provide the necessary funding to organisations to drive that agenda forward.

Mr Allister: The Minister will be aware that the meeting was one of the North/South meetings that hitherto the DUP said would not be happening because of its protest against the trashing of east-west links, yet it took place. Will the Minister confirm that that was possible only because the DUP First Minister sanctioned it through approving the agenda and that that protest now seems to be diminished to acting through the surrogacy of Mr Swann and the pretty pitiful absence this morning in order to try to pretend that there still is a protest?

Ms Mallon: I confirm that the meeting proceeded because the papers and agenda were signed off by both the First Minister and the deputy First Minister.

Mr Speaker: That concludes questions on the statement. I ask Members to take their ease for

a moment or two while we move to the next item of business.

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

Executive Committee Business

Animal Welfare (Service Animals) Bill: Accelerated Passage

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

That the Animal Welfare (Service Animals) Bill proceed under the accelerated passage procedure.

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

Mr Poots: I welcome the opportunity to address the Assembly on this motion. I appreciate that the use of accelerated passage is not something to be sought routinely, and I do not usually do so. When taking forward draft primary legislation, my preference is to subject it to the full Committee procedure to ensure detailed clause-by-clause scrutiny. My decision to seek accelerated passage in this case is not one that I have taken lightly. I am, however, convinced that there are compelling grounds to depart from the normal procedure in this instance. Therefore, I will explain, as required under Standing Order 32(4), why I seek accelerated passage and the consequences if it is not granted.

I have appeared before the Committee for Agriculture, Environment and Rural Affairs to outline my rationale, as required under Standing Order 32(3). I thank the Chair and members of the Committee for their recognition of the need to expedite the Bill and for their support in seeking the Assembly's approval for accelerated passage. I also appreciate the support of Executive colleagues, who have agreed that the Bill can be progressed in this way.

My reasons for seeking accelerated passage are as follows. The Bill addresses a legislative anomaly that arose when the Assembly was not sitting. That has resulted in Northern Ireland being the only part of the United Kingdom where service animals do not have specific welfare protections. The anomaly was one of the first matters brought to my attention as Minister when the Assembly reconvened. Since

then, I have received repeated requests from stakeholders to remedy the situation.

The Bill is short and uncontroversial. Its two clauses propose simple amendments to the Welfare of Animals Act (Northern Ireland) 2011. The amendments mirror the changes that are in place in other parts of the United Kingdom. I am content, therefore, that nothing in the Bill could be regarded as contentious, novel or repercussive.

In February 2020, when a motion advocating enhanced protections for service animals was debated at length in the Assembly, it received unanimous support from all five parties. Moreover, 98% of respondents to the public consultation on the Bill's proposals wished to see the legislation enacted, and it is clear that the Bill has overwhelming public and political support. As Members will be aware, there is limited time left in this Assembly mandate. In the light of the groundswell of support for the Bill, it is only right that I seek to use all the tools at my disposal to see that it be passed in the current mandate.

Expedited passage not being granted would pose significant risk to the passage of the Bill. Without accelerated passage, I am concerned that the Bill, owing to time constraints, will not complete its legislative stages in this mandate. That would mean that service animals here would continue to be denied the protection that they deserve, in contravention of the wishes of the public and in marked contrast to the treatment that those animals receive in other parts of the United Kingdom. That position is untenable, given the invaluable work that they carry out on our behalf.

Regarding minimising the use of the accelerated passage procedure, I have already stated my commitment to detailed Committee scrutiny of legislation that my Department takes forward, and I will continue to take any necessary steps to make sure that the accelerated passage procedure is not unnecessarily sought by it. Members will have the opportunity to raise issues on the detail of the Bill at Second Stage, which is to follow immediately after the debate on this motion.

At this juncture, I seek the support of the Assembly for the use of the accelerated passage procedure. I look forward to hearing Members' comments.

Mr McGuigan (The Deputy Chairperson of the Committee for Agriculture, Environment and Rural Affairs): I welcome the opportunity to articulate the views of the Committee for

Agriculture, Environment and Rural Affairs on the motion to facilitate accelerated passage for the Animal Welfare (Service Animals) Bill.

The Minister wrote to the Committee on 29 September 2021 seeking its support in principle to introduce the Bill and for a motion for accelerated passage. The Committee invited the Minister to brief it on 14 October about his request. He explained the rationale for seeking accelerated passage, given the legislation's aims and the context of the workload anticipated to be brought through the Assembly before the end of the mandate.

Although the Committee understands the need for effective scrutiny and believes that accelerated passage should be used only in exceptional circumstances, it is minded not to oppose the motion, in view of the fact that it welcomes the overarching principles of the Bill to increase legal safeguards for service animals. It will establish safeguards similar to those in other jurisdictions. There is clear, strong support for the legislation right across the board: from stakeholders, members of the public and, indeed, Members across the House.

The Bill is not controversial, and it proposes simple amendments to existing legislation. The Department carried out an extensive consultation exercise on the legislative process. The Committee will therefore not oppose the motion for accelerated passage.

Mr Irwin: This is welcome legislation that will, no doubt, unite the House in its favour. With that in mind, I do not intend to dwell on the matter before the House under the accelerated passage process. It is a welcome development. Hopefully, the Bill will be concluded in a timely fashion.

The role played by service animals is well known and acknowledged. The fact that they have been injured with little or no consequences for the perpetrator is the reason for the proposed change in the law. I welcome the fact that the Minister took the issue forward through a consultation, which returned a fairly unanimous response in favour of the change. He now brings a necessary motion before the Assembly.

Service dogs, by reason of their duty, often find themselves in dangerous circumstances, along with their handler, and they can often be at severe risk. The legislation seeks to address that and to ensure that anyone who carries out any form of attack on a service animal is dealt with appropriately through the justice system. Until legislation is put in place, those types of

incidents can be argued from a self-defence perspective and treated as criminal damage. That is highly unsatisfactory. The recent accumulation of concern on the matter gave rise to what is known as Finn's law.

I support the need for the law to be changed, and I would welcome accelerated passage for the Bill. In the absence of such a change, Northern Ireland will remain the only part of the UK without such protection in place. That would not be a welcome development. The House is in favour of addressing the anomaly, however. I support the proposed legislative change and trust that it can be implemented without further delay.

11.30 am

Mr Blair: First of all, we are debating whether to grant accelerated passage to the Animal Welfare (Service Animals) Bill, and, once we have concluded this debate, we will move to the Second Stage. My immediate comments will focus on whether we should grant accelerated passage.

The Animal Welfare (Service Animals) Bill, also known as Finn's law, which made it an offence to cause unnecessary suffering to a service animal in England and Wales, was introduced to the House of Commons on 13 June 2018. The Bill received Royal Assent on 8 April 2019, having completed all its parliamentary stages, and the Act came into force in June 2019, during the three-year hiatus of the Northern Ireland Assembly. Scotland also adopted Finn's law, with the new rules there being part of the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020, which passed on 30 November 2020. That means that service animals in Northern Ireland are deprived of the protection that is available to their counterparts in the rest of the UK.

I commend the Minister and his officials for progressing the legislation at pace to bring similar protection to service animals in Northern Ireland, and I hope that that can be done during the current mandate. Therefore, I am content with accelerated passage.

Mr Allister: I take no issue whatsoever with the Bill. It is meritorious and desirous in all its forms, but I do fundamentally take issue with the second attempt in a week to abuse the process of accelerated passage in the House.

Accelerated passage is, in protection of the interrogative, scrutiny and full legislative function of the House, prescribed to be used

only in exceptional circumstances. Last week, we had an attempt by the Finance Minister to railroad rates legislation through the House. The House rightfully called him out on that and refused. Today, we have another attempt to have recourse to accelerated passage without one word of explanation to the House on why the delay has been so overwhelming in this case.

The Minister said that the need for this legislation was one of the first things drawn to his attention when he took office in January 2020. Here we are, almost two years later, and the legislation has now been produced. It took 18 months — until June 2021 — to even issue a consultation, and we are asked to come here today to reward the tardiness of the Department and to bypass the processes of the House. That is not good enough, and the presumption that they do not even need to explain the delay to the House is a commentary in itself on the willingness of the House to be taken for granted on this issue. In February 2020, the House, by motion, agreed the need for such legislation. Here we are, on the last day of November 2021, and we are getting round to it. Why? Because of that tardiness, there is a shrug of the shoulders and people say, "Ah well, we will just do it by accelerated passage".

It is not that there are not issues with the Bill that might benefit from a Committee Stage. There are issues. There are issues such as whether guide dogs should be included in the legislation and whether search and rescue dogs belonging to private companies that participate should be included. Those are matters that I would have thought should have been ventilated and explored during a Committee Stage, and they could have been explored if the Department had got on with the job of bringing the legislation in a timely manner.

Therefore, I say to the House that I see nothing in the antecedents of this that justify this attempt to use accelerated passage. Where do we stop with this matter of accelerated passage? Next week, we have a justifiable case to improve benefit access for people who are terminally ill; of course there is an exceptional time issue with that. However, there was no exceptional time issue that saw the feet-dragging from January 2020 to November 2021 on this issue. Therefore, on that basis, I will not support accelerated passage, though I support the Bill.

Mr Deputy Speaker (Mr Beggs): I call the Minister of Agriculture, Environment and Rural Affairs to conclude and wind up the debate on the motion.

Mr Poots: I appreciate the commentary from around the Chamber on this issue, and the widespread support for moving the Bill to its next stage. It allows us to engage in the process that will see it to its conclusion.

I heard what the one Member who spoke negatively had to say, and I indicate to him that we had a crisis last year, in case he was not aware. That crisis led to staff not being in the office or being utilised for other services. Consequently, the ability to deliver things as speedily as would otherwise have been the case was constricted. Most people acknowledge that, even if that particular Member does not.

I thank Members once again for their contributions, and I trust that we can move forward by passing this motion.

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

Question put.

Some Members: Aye.

Some Members: No.

Mr Deputy Speaker (Mr Beggs): Clear the Lobbies. The Question will be put again in three minutes. I remind Members that we should continue to uphold social distancing and that Members who have proxy voting arrangements in place should not come into the Chamber.

Before I put the Question, I remind Members present that it would be preferable if we could avoid a Division.

Question put a second time.

Some Members: Aye.

Some Members: No.

Mr Deputy Speaker (Mr Beggs): Before the Assembly divides, I remind Members that, as per Standing Order 112, the Assembly has proxy voting arrangements in place. Members who have authorised another Member to vote on their behalf are not entitled to vote in person and should not enter the Lobbies. I remind all Members of the requirements for social distancing while the Division takes place. I ask you to ensure that you maintain at least a 2-metre gap between yourselves and others when moving around the Chamber, the

Rotunda and especially the Lobbies. Please be patient at all times, observe the signage and follow the instructions of the Lobby Clerks.

The Assembly divided:

Ayes 78; Noes 4.

AYES

NATIONALIST:

Dr Archibald, Mr Boylan, Ms Brogan, Mr Catney, Mr Delargy, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildermew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mr McAleer, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Ms A Murphy, Mr C Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin.

UNIONIST:

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

OTHER:

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

Tellers for the Ayes: Mr Irwin and Mr Weir.

NOES

UNIONIST:

Mr Allister.

OTHER:

Ms Bailey, Mr Carroll, Miss Woods.

Tellers for the Noes: Mr Allister and Ms Bailey.

<i>Total Votes</i>	<i>82</i>	<i>Total Ayes</i>	<i>78</i>	<i>[95.1%]</i>
<i>Nationalist Votes</i>	<i>35</i>	<i>Nationalist Ayes</i>	<i>35</i>	<i>[100.0%]</i>
<i>Unionist Votes</i>	<i>37</i>	<i>Unionist Ayes</i>	<i>36</i>	<i>[97.3%]</i>

Other Votes 10 Other Ayes 7 [70.0%]

Question accordingly agreed to.

Resolved (with cross-community support):

That the Animal Welfare (Service Animals) Bill proceed under the accelerated passage procedure.

Animal Welfare (Service Animals) Bill: Second Stage

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

That the Second Stage of the Animal Welfare (Service Animals) Bill [NIA 45/17-22] be agreed.

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

Mr Poots: This short Bill aims to provide enhanced welfare protection for Northern Ireland's service animals. Before I speak to its content, I will provide some background.

Animals in Northern Ireland are provided with a range of substantial protections under the Welfare of Animals Act (Northern Ireland) 2011. The Act provides that it is an offence to cause an animal unnecessary suffering. Legislation containing the same offence exists in other parts of the United Kingdom. A common feature of the offence is that a range of factors may be taken into account by a court when deciding whether the suffering caused to an animal was unnecessary. One such factor is where the person who caused harm to an animal did so because they were protecting themselves, another person or animal or property. In Northern Ireland, that factor is contained in subsection (3)(c)(ii) of section 4 of the 2011 Act. Someone charged with harming an animal can rely on that factor to argue that the suffering that they inflicted was necessary and that no offence was therefore committed.

That position came under scrutiny in 2016 when Finn, a police dog in England, was stabbed while on active duty. Finn's attacker could have been prosecuted for causing unnecessary suffering to an animal. Taking into account, however, that the attacker might argue that he had harmed Finn because he was protecting himself, the Crown Prosecution Service (CPS)

considered it better to pursue charges for criminal damage. That decision meant that Finn was treated like a piece of police property. There was considerable public and political disquiet around how Finn had been treated. A high-profile public campaign was launched, and it culminated in 2019 in new legislation known as "Finn's law", which provides service animals in England and Wales with enhanced welfare protection 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 now provides that, where 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 now have the opportunity to ensure that service animals in Northern Ireland receive the same protection. A public campaign initiated in 2018 called for that protection to be introduced here. At the time, there was no sitting Assembly, and my Department made it clear that it was a matter that needed to be addressed by a Minister and a functioning Assembly. Following the resumption of devolved government in January 2020, Members tabled a motion that called for legislation similar to Finn's law to be introduced here. The motion was debated at length and agreed by the Assembly on 10 February 2020. I am pleased to say that it received unanimous cross-party support.

In Northern Ireland, our service animals are dogs, and they are used by the Police Service of Northern Ireland and the Northern Ireland Prison Service. Some of our service dogs operate in a passive way, while others are used in a more confrontational manner and carry out work that takes them into unpredictable and dangerous situations. For instance, they are used to track suspects and conduct searches for illegal substances, stolen property, money, firearms and explosive substances. The suspects involved in those illegal activities could do anything to avoid arrest, including harming the service dog on duty. Thankfully, no service dogs have died because of injuries that they have sustained during service. Some dogs have, however, sustained injury in the line of duty, and I want to ensure that they are given enhanced legislative protection. Indeed, one such dog was injured just six weeks ago.

To that end, my Department launched a consultation on 17 June 2021 that proposed that added protection should be given to service animals used by the PSNI, the Northern Ireland Prison Service, the Belfast Harbour Police, the

Belfast International Airport Constabulary and the Ministry of Defence Police. It is proposed that the added protection should also be given to service animals under the control of persons exercising the power of a police constable or providing a service under the direction of the police. In practice, that would mean that dogs brought in by the PSNI from external organisations would be afforded the same protection during the time that they are carrying out duties to assist the police. For example, that would cover situations in which the PSNI use external search and rescue dogs. The consultation also proposed that my Department should have the power to add to list of the animals that are to be provided with enhanced protection.

I thank all who responded to the consultation. I appreciate the input, which was given much consideration before the finalisation of the proposals in the Bill. A total of 47 responses were received from a range of organisations, including the PSNI, the Northern Ireland Prison Service, the Search and Rescue Dog Association North, animal welfare organisations and councils. I am pleased to say that 98% of respondents were in favour of the proposal to give additional protection to service animals. Most respondents agreed that, where a service dog is injured on duty, there should be no requirement to consider whether the conduct that caused the suffering was carried out in order to protect a person, property or another animal. The vast majority of respondents also supported the proposal for the Department to have power to add to the list of service animals that are to be given enhanced protections. The Bill gives effect to those proposals.

The one area in which the Bill does not address the views of most respondents is penalties. Since 2016, the penalty for causing unnecessary suffering has been an unlimited fine and/or up to five years' imprisonment. Those penalties were the toughest in the United Kingdom until 2020, when the rest of the United Kingdom took steps to increase their penalties to bring them in line with what was available here. My Department's consultation made no recommendation to increase the penalties for causing unnecessary suffering to a service animal but sought views on the matter. Most of the organisations that responded supported the current penalties, and that included the Ulster Society for the Prevention of Cruelty to Animals (USPCA), the Northern Ireland Companion Animal Welfare Group (NICAWG), Dogs Trust, the Kennel Club and Focus on Animal Law. While I, too, am satisfied that the penalties for causing unnecessary suffering to an animal are appropriate, I am mindful that members of the

public who responded to the consultation were in favour of much tougher penalties.

Members will appreciate that offences and penalties are not matters on which my Department can act alone to make recommendations or set directions; Department of Justice consideration is also required. Initial discussions with that Department indicate that it has reservations about introducing offences and penalties in Northern Ireland that go significantly beyond those in other parts of the United Kingdom. In any event, changes to the animal welfare penalties would require further detailed consideration and a separate public consultation. They could not, therefore, be accommodated in the Bill in the current mandate, given its advanced stage. The focus at this juncture must be on ensuring that service animals are provided with the added protection that they deserve now. If Members wish to see tougher penalties introduced, that can be considered separately at a future date.

On the basis of the responses to the public consultation, I am aware that there is a perception among respondents that the courts rarely apply the maximum penalties in animal welfare cases. It is for the courts to determine the penalty to be applied, on the basis of the circumstances that prevail. Following the outcome of the consultation exercise, I asked the Minister of Justice to highlight to the Lady Chief Justice the breadth of penalties currently available to the courts. I am pleased to note that the Minister of Justice shared a copy of my correspondence to her with the Lady Chief Justice and that her ladyship has also noted the position on penalties.

I turn to the details of the key clauses. Clause 1 inserts new section 51A into the 2011 Act that provides that section 4(3)(c)(ii) of that Act cannot be relied on in certain circumstances. The circumstances are where the animal to which suffering was caused was:

"under the control of a relevant officer at the time of the conduct"

that caused the suffering to the animal; that the animal was:

"being used by the officer at the time of the conduct, in the course of the officer's duties, in a way that was reasonable in all the circumstances";

and that the defendant accused of causing the animal's suffering is someone apart from the officer.

I stress at this point that the Bill does not remove the right to argue self-defence in relation to attacks on service animals. The protection proposed in the Bill applies to an animal only where it is on duty and under the control of a relevant officer and where the animal is being used in a way that is reasonable in all the circumstances. That ensures that defendants are not deprived of critical legal safeguards.

I return to the detail of the Bill. The new section sets out who a "relevant officer" is. This, in turn, determines what a service animal is, as that is an animal used by a relevant officer. A relevant officer is specified as:

- "(a) a constable ...*
- (b) a person ...*
 - (i) employed for the purposes of the police, or*
 - (ii) engaged to provide services for the purposes of the police, or*
- (c) a prisoner custody officer as defined in Chapter 3 of Part 8 of the Criminal Justice and Public Order Act 1994."*

The term "constable" is defined in section 43A of the Interpretation Act (Northern Ireland) 1954. It includes:

- "(a) any police officer;*
- (b) any member of any Harbour or Airport Police;*
- (c) any member of the ... Ministry of Defence Police;*
- (d) any other person having for the time being the powers of a constable".*

In common with the rest of the UK, the term "constable" does not include members of the naval, military or Royal Air Force police. Prison officers are considered to have the powers of a constable and to be "relevant officers" within the meaning of the new section.

Clause 1 provides my Department with the power to make regulations to amend the definition of a "relevant officer". It expressly provides, however, that:

"Only a person in the public service of the Crown may be included"

in the definition.

Clause 2 provides that the Bill will come into force the day after it receives Royal Assent.

In summary, if enacted, the Bill will amend the 2011 Act to provide enhanced welfare

protection to service animals while they are on active duty in Northern Ireland. It will give our service animals the recognition that they deserve for the vital role that they fulfil in our society and ensure that the protection that they receive is on a par with that afforded elsewhere in the UK. I commend the Bill to the Assembly.

Mr McGuigan (The Deputy Chairperson of the Committee for Agriculture, Environment and Rural Affairs):

I welcome the opportunity to outline the Committee's views on the Bill that the Minister has introduced. The Committee supports the proposed legislation, which will ensure that perpetrators who harm animals when they are carrying out their duties cannot rely on the argument of self-defence.

I am sure that all Members will empathise with the story of Finn, a police German shepherd dog that was stabbed in 2016 while apprehending an armed assailant. The attack left Finn with life-threatening wounds to his head and chest. While, thankfully, Finn survived, the incident sparked a campaign to enhance the legal safeguards for service animals, culminating in the passage of Finn's law in 2019 at Westminster. That law largely reflects the Bill before us today. The Committee recognises the strength of feeling across the House in favour of the adoption of the legislation. There was cross-party support during a debate in February 2020 calling for a Bill that would put in place in the North similar provisions to Finn's law. In May 2021, the Department informed the Committee of its intention to consult on legislative proposals in the area and provided a briefing on the outcomes on 7 October 2021. The Committee notes the overwhelmingly positive support for the Bill from stakeholder organisations and members of the public and considers that it likely reflects the opinion of society at large.

12.15 pm

The Bill has two clauses and proposes to amend the Welfare of Animals Act 2011 to enhance the protection of service animals if they experience suffering while under the control of a relevant officer. In practical terms, the Committee was advised, the definition of "relevant officer" will extend protection to service animals employed for use by the police, Prison Service and checking authorities at Belfast Harbour and Belfast International Airport. It will also provide a legal safeguard for animals that are not directly owned by any of those organisations but are engaged temporarily under their control for specific purposes. For example, should the PSNI bring

in specialist search and rescue dogs for a particular operation, those animals would be afforded protection under the Bill for the course of any activities carried out under the control of a police officer. The Committee agrees with the scope of protection afforded by the Bill in that regard but noted that some stakeholders felt that the protections could be extended further. The Department advised the Committee that it will be able to add to the list of animals that will receive automatic protection in the future via regulations, should evidence emerge of a need to expand protections.

The Committee sought assurances that a defendant would be safeguarded in the scenario of an officer irresponsibly directing a service animal to attack or harass an individual or if the animal did so independently. The Department advised that two tests in the Bill would have to be met in order for the protections to apply. First, the service animal must be under the control of a relevant officer. Therefore, if there is evidence that an animal acted without an officer's direction or the handler neglected to control the animal appropriately, the protection would not be enforced. Secondly, the relevant officer must direct the service animal reasonably when carrying out his or her duty. Should an officer maliciously instruct an animal to attack a person, the test would therefore fail. If one or both those tests were to fail, a defendant would be able to claim self-defence. The Committee was advised that the Public Prosecution Service (PPS) would be responsible for assessing whether the tests would apply in any case brought under the legislation.

Notwithstanding that issue, the Committee supports the Bill, which will strengthen the protections in place locally for service animals carrying out vital work to support the public good. The Committee for Agriculture, Environment and Rural Affairs is therefore content to support the passage of the Bill to Consideration Stage.

Mr McGlone: The SDLP supports the Bill and its accelerated passage. We again acknowledge the huge contribution that service animals make, and we thank the members of the emergency services responsible for them for the selfless work that they do every day.

Members will be aware of the background to the Finn's law proposal and the circumstances of the severe attack on a police dog in the line of duty. I believe that the vast majority of people who hear those details will be shocked that the person responsible could be charged only with criminal damage. Treating those animals as

simple property, as if they are a car or mobile phone, demeans their contribution to keeping us all safe and the special bond that exists between them and their handlers.

It is currently an offence to cause unnecessary suffering to an animal, but a lawful defence exists if the actions were for the purpose of protecting a person, property or another animal. As a result of the Finn's law campaign, the legislation has been changed in England, Wales and Scotland so that, in cases involving service animals, those factors no longer apply. It is right that the Assembly addresses the situation that arose because the Assembly was not sitting at the time, which left service animals in the North without the specific welfare protection that is now in place elsewhere.

Where a service animal is on active duty under the control of a trained officer and is being used by that officer in the course of their duties and in a way that is reasonable, they should not be subject to attack or assault any more than the officer should. It is also appropriate that the Bill allows someone the opportunity of a lawful defence of their actions if a service dog attacks them unduly. Fortunately, it appears to be relatively rare for either circumstance to occur. However, it is important that our legislation is kept updated and is able to address situations that, we know, could occur and would otherwise cause legal difficulties.

It is our hope that the Bill is followed by the establishment of an all-island animal cruelty register to which anyone found guilty of such crimes would be added. There is an urgent need for a central register of those who commit crimes against animals across these islands to ensure that they are not able to access rehoming services in the future. A number of animal charities would welcome further progress on that issue.

I thank the Minister for moving the Bill's Second Stage.

Mrs Barton: Mr Deputy Speaker, thank you for the opportunity to speak on the Animal Welfare (Service Animals) Bill. Many of our services in Northern Ireland, such as the PSNI, the Northern Ireland Prison Service and the Belfast harbour and airport police, are dependent on support and help from specially trained dogs for a variety of tasks, including responding to calls to help to track burglars or prevent prohibited items entering our country or prisons.

As in the rest of the United Kingdom, it is an offence here to cause unnecessary harm and suffering to animals. Unfortunately, service

animals have increasingly become the object of deliberate harm or abuse, occasionally being maimed for life in their line of duty. It has therefore become a necessity for those service animals to be afforded the same protection as animals in other parts of the UK. That enhanced protection will apply only when the animals are in active duty under the control of an officer and being used by an officer in the course of their duties.

The Bill is welcome. It has gone through a consultation process, with the overwhelming majority of consultees supporting it. Other dogs, such as those used for search and rescue purposes, are not included in the Bill because they are considered to be working in a passive way and therefore do not need the added protection unless they are working with police. The Bill also provides the power to add to the types of animals that are to be protected, if needed, in the future.

The Ulster Unionist Party will support this uncontroversial Bill, which will give our service animals the necessary protection when carrying out their duties to help people.

Mr Blair: As I stated, our brave service animals in Northern Ireland carry out invaluable work. That work can often place them in unpredictable and dangerous situations. It is only appropriate that they are adequately protected by law, as they are in neighbouring jurisdictions.

Given my roles on the Agriculture Committee and the Northern Ireland Policing Board and as chair of the Assembly all-party group on animal welfare, I recently took an opportunity to visit police dogs in my constituency and talk to their handlers. I am grateful to the Antrim and Newtownabbey policing team for setting that up for me. At that visit to the Steeple Road police site in Antrim, I was troubled to discover that a police dog called Daphne had been injured in civil unrest, apparently over the protocol, earlier this year. I am pleased that she is now fully recovered, is back in service as part of the policing team and has even featured in an edition of the BBC Northern Ireland 'Crime NI' television programme.

I recognise the invaluable work carried out by our brave service animals in Northern Ireland such as Daphne. I am encouraged that the Minister and his officials are progressing the legislation at pace to ensure that there is extra protection for those service animals. I am pleased to have supported the accelerated passage of the Bill and to support it at Second Stage in order to ensure that those who harm

service animals are held to account and punished for their crimes accordingly.

Mr Harvey: I support the Bill and its accelerated passage through the House. As has already been indicated, the Bill addresses a legislative anomaly that arose as a result of the absence of a sitting Assembly. The Bill is short, uncontroversial and straightforward in its intent. I am delighted that it commands overwhelming public and political support.

Currently, as in the rest of the UK, it is an offence in NI to cause unnecessary suffering to an animal, under the Welfare of Animals Act (Northern Ireland) 2011. When determining whether the suffering is unnecessary, regard can be given to whether the conduct that caused the suffering was to protect a person, property or another animal. However, the law in other parts of the UK now differs in its application to situations involving service animals. In other regions, legislation has been changed to provide that, in cases involving service animals, those defences can be disregarded.

By now, Members will know the story behind the Animal Welfare (Service Animals) Act 2019 — Finn's law — and the work undertaken by Finn's handler, Constable Wardell, and various charitable organisations to highlight the lack of protection for service animals. They have had success across the UK in achieving greater legislative protection. Finn sustained terrible injuries to his chest and head while engaged by his handler, but, at that stage, only criminal damage charges could be brought against the dog's attacker. The Bill is, therefore, about protecting Finn and all our service animals as they dedicate their lives to keeping us safe. It is about ensuring that our service animals and their handlers have the legal recognition and protection that they deserve. As they serve our community, those animals do invaluable work in unpredictable and often dangerous environments. As legislators, it is our job to ensure that they are adequately protected in law.

Over the summer, the Department carried out a consultation on the Bill. The responses showed that 98% of respondents were in favour of the policy proposals set out in the consultation. The AERA Committee has been happy to add its backing to the Bill. I am pleased to see the support that it has received, particularly among service organisations such as the PSNI and others that train and use service dogs daily. The support that has been shown underlines how keen everyone is to see the new law in place. The Bill, should it be passed — I have

every faith that it will — will principally amend sections 4(1) and 4(3) of the 2011 Act, thereby mirroring the changes that are now in place and working effectively in other parts of the UK.

For our part, the DUP is dedicated to ensuring that animals in our society are cared for, that those who abuse animals are punished and that those with legal responsibility for animal care have the support and resources that they need. As a result of this and other recent legislation, the UK as a whole will have one of the toughest sentencing regimes against animal cruelty in the world. I am pleased that the House has played an active role on that journey.

Our ambitions, of course, should not end with the passage of this legislation. There is much more that we can do to prevent, deter, detect and prosecute crime against animals. There is a strong case to increase funding for local animal welfare services, and a further review of sentencing provisions would also be beneficial. We must exhaust all avenues and efforts to make progress on the wider issue of animal cruelty, inclusive of the creation of an offenders' register, complex though that may be. I am pleased that Finn's law is before the House, and I very much hope that we shall soon see it on the statute book. I thank the Minister for his commitment to the legislation. I support the Bill.

Mr Easton: I am extremely delighted to speak on the Bill today. It is not long since I tabled a motion that asked for this very legislation to be introduced. Therefore, I will begin my speech by briefly recapping on how we got here.

Finn, a police Alsatian dog, was stabbed in October 2016 during an arrest. In the incident, he protected his handler and ensured that the individual who harmed him did not get away. Finn was lucky to be alive afterwards, and he required four and a half hours of life-saving surgery and 11 weeks of recovery. Finn is clearly an incredibly brave service dog. He has since retired and has rightly been recognised in a variety of ways. He received a People's Dispensary for Sick Animals (PDSA) gold medal and was named as the International Fund for Animal Welfare's (IFAW) animal of the year in 2017 in the House of Lords, and he got an award at the annual Crufts dog show.

12.30 pm

Due to the lack of a specific offence of causing harm to service dogs, the individual who attacked Finn was charged with the offence of criminal damage. Everyone here will know that the life of their beloved pet means far more than

a broken window. Finn and other service animals like him are brave animals, not merely property. That is why I am extremely pleased to stand here today to discuss Finn's law and the Bill.

The legislation will bring us in line with the rest of the United Kingdom. In 2019, Finn's law received Royal Assent in England and Wales. Scotland has also introduced its own laws on the issue. As a nation of animal lovers, it is only right that we join countries such as Austria, Germany, Australia, the Netherlands and Switzerland in protecting our brave service animals. It is fair to say that the law is somewhat overdue. It is also the right thing to do. At times, these animals put their life on the line to keep us safe. They are loyal, dedicated and brave. So much time, effort and love is put into their training. It is only right that we repay them with the Bill.

My main hope for the Bill is that it will lead to an increased number of convictions for this offence in our courts. I believe that that will happen, as the Bill creates a specific offence that can be used to charge people. Crucially, it removes the fear and self-defence argument that is so often used to get away with cruelty to animals. That defence was used in Finn's case to argue that the person had not caused unnecessary suffering to an animal and that it was for the purpose of protecting themselves. The Bill removes the ability to use that argument. It amends the Welfare of Animals Act (Northern Ireland) 2011 to remove that defence if the animal that suffered was under the control of an officer at the time that the cruelty occurred, the animal was performing reasonable duties in line with its role as a service dog, and the defendant accused of the harm is not the officer in charge of the animal. I am also pleased that the Bill does not apply only to dogs but to any service animal. While I believe that dogs are the only animal to be used for that purpose in Northern Ireland at present, it is good that that is left open to other types of animals, if there were ever to be a change in the future.

I had concerns about what types of service animals would be protected in the Bill. Search and rescue dogs perform a vital function and deserve to be protected. That is especially true in Northern Ireland. I believe that they are at a greater risk here than in other parts of the United Kingdom, given the people whom they may be searching for. I therefore had initial concerns regarding the omission of search and rescue dogs that are used by private companies and volunteer organisations. However, I am reassured that search and rescue dogs that are engaged for police

purposes will benefit from the added protections in the Bill and that that is in line with the laws in the rest of the UK.

One issue that I take with the Bill is that it does not make provision for increased penalties for those found guilty of the offence. I want that to be pursued. Sentences given to offenders for cruelty to animals are, in my view, generally too lenient. For example, the individual who attacked Finn and his handler was given only an eight-month sentence. That is just wrong. I thank the Minister, who explained the sentencing, and we might be able to pursue that down the line, hopefully. I would like more detailed consideration by the Department of Justice of toughening the sentences. I believe that a public consultation would demonstrate the strength of feeling about this issue. Ideally, I would like a sentence of up to five years in prison for those who are cruel to our animals. This is now called Finn's law part two, and I will personally continue to campaign for that. An animal cruelty register is another idea that has been raised in the course of the debates, and I believe that that should be explored in more detail.

Before I conclude my remarks, I will thank some people who got us to where we are today and who have had real influence in bringing Finn's law to Northern Ireland. We would not be here today without Bernadette Kelly from Northern Ireland Finn's law, who has worked tirelessly and often on her own to make this happen. I also thank those who responded to the public consultation and gave their views on the issues, notably the PSNI, the Prison Service and the National Search and Rescue Dog Association. Further to that, many other organisations gave their backing to Finn's law. They include the USPCA, Assisi Animal Sanctuary, the Dogs Trust, the Kennel Club, K9 Search and Rescue NI, IFAW, Battersea Dogs and Cats Home, the Mid Antrim Animal Sanctuary and many other small charities, organisations and rescue centres throughout Northern Ireland and the rest of the UK. I also thank the over 44,000 members of the public who signed the petition calling for the law to be enacted in Northern Ireland.

Finally, I thank the Minister, who has kept his word to me that he would bring the Bill to the Assembly. The use of accelerated passage is welcome. I am eternally grateful to him on the issue, and I really mean that. I am so pleased that the campaign has been successful. Although I will continue to campaign for stronger sentences for those who are cruel to animals, the Bill is a step in the right direction,

and I am delighted to be able to support it today.

Mr Deputy Speaker (Mr Beggs): I call the Minister of Agriculture, Environment and Rural Affairs, Edwin Poots, to conclude and make a winding-up speech on the debate.

Mr Poots: I thank all the Members who participated in the debate. It was heart-warming to hear all the contributions and their strong support for the law. We are a nation of animal lovers, which is to our credit. The desire to have protections for animals is therefore a reasonable position for us to adopt. Sometimes, those things can be a bit conflicted, because, by protecting one animal, you may cause harm to another. In this case, however, it is very clear and easy to identify that the Bill gives added protection to animals that are put in circumstances to protect society, such as in riot situations, drug searches, illegal money-laundering searches and all sorts of other activities. It will also protect animals that look for missing persons. It is therefore important that we do this and that we recognise that those animals are being put on the front line for our benefit. The actions that we take today will enhance and support the work that those animals do.

A couple of Members raised the issue of the animal offenders' register. I have previously engaged with the Minister of Justice on the topic, and my officials have been liaising with their counterparts in the Department of Justice. Significant progress has been made on identifying the key issues that need to be addressed in order to implement and maintain a register in a way that reduces the risk of reoffending but that also secures and protects access to sensitive information. Significant progress has also been made on a review of the effectiveness and impact of similar types of registers that are already operating elsewhere. My officials are developing proposals on potential next steps.

On the question of sentencing, we pointed out that there will be other opportunities. The Assembly took the lead in the United Kingdom by increasing sentences for those who cause harm to animals. We have sought to encourage the courts on that matter through my letter to the Department of Justice, which was passed to the Lady Chief Justice. It is something that we take extremely seriously, and I am sure that, if it believes that we are falling short on that front and on providing further protections, a new Assembly will revisit the legislation.

I commend the Bill to the House.

Question put and agreed to.

Resolved:

That the Second Stage of the Animal Welfare (Service Animals) Bill [NIA 45/17-22] be agreed.

Mr Deputy Speaker (Mr Beggs): That concludes the Second Stage of the Animal Welfare (Service Animals) Bill. The Bill is proceeding via accelerated passage, so there will be no Committee Stage. The Bill stands referred to the Speaker.

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

Parental Bereavement (Leave and Pay) Bill: Consideration Stage

Mr Deputy Speaker (Mr Beggs): I call the Minister for the Economy, Mr Gordon Lyons, to move the Consideration Stage of the Parental Bereavement (Leave and Pay) Bill.

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

Mr Deputy Speaker (Mr Beggs): Members may wish to note that a section 63 recommendation was affixed to the front cover of the Bill in error, and should be disregarded.

Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for the debate in the provisional grouping of amendments selected list. There are two groups of amendments, and we will debate the amendments in each group in turn.

The first debate will be on amendment No 1 and amendment Nos 3 to 10, which deal with the provision for miscarriage leave and pay. The second debate will be on amendment No 2, which deals with week-1 rights.

I remind Members who intend to speak during the debates on the two groups of amendments that they should address all the amendments in each group on which they wish to comment. Once the debate on each 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. The Question on stand part will be taken at appropriate points in the Bill. If that is clear, we will proceed.

Clause 1 (Parental bereavement leave)

Mr Deputy Speaker (Mr Beggs): We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 3 to 10. Within this group, amendment No 3 is consequential to amendment No 1. Amendment No 6 is consequential to amendment Nos 1 and 3. Amendment No 7 is consequential to amendment No 4, amendment No 8 is consequential to amendment No 3, amendment No 9 is consequential to amendment No 1 and amendment No 10 is consequential to amendment No 4. Members may also wish to note that amendment No 5 is a paving amendment to amendment No 6.

I call the Chairperson of the Committee for the Economy, Dr Caoimhe Archibald, to move amendment No 1 and address the other amendments in the group.

Dr Archibald (The Chairperson of the Committee for the Economy): I beg to move amendment No 1:

In page 3, line 42, at end insert -

"Application in relation to miscarriage

112EF. The Department must by regulations provide that regulations under this Chapter apply in relation to a person who has experienced a miscarriage as they apply in relation to a bereaved parent, with such modifications, if any, as specified in regulations."

The following amendments stood on the Marshalled List:

No 3: In clause 2, page 10, line 17, at end insert -

"Application in relation to miscarriage

167ZZ19. The Department must by regulations provide that this Part and regulations under it apply in relation to a person who has experienced a miscarriage as they apply in relation to a bereaved parent as set out in section 167ZZ9 (Entitlement) with such modifications, if any, as specified in regulations."— [Dr Archibald.]

No 4: After clause 3 insert -

"Consultation on leave and pay in cases of miscarriage

3A.—(1) *The Department for the Economy must consult such persons as it considers appropriate as to whether the entitlements created by this Act to—*

(a) *leave; and*

(b) *pay; which are conferred where a child has died should also be conferred where a person has had a miscarriage.*

(2) *The consultation may include, in particular, consultation as to—*

(a) *whether the entitlements should be conferred in all cases where a person has had a miscarriage, or only in some cases;*

(b) *whether the entitlements to be conferred in such cases should be the same as, or different from, the entitlements that are conferred where a child has died;*

(c) *whether anyone other than the person who has had the miscarriage should also to be entitled to leave or pay;*

(d) *whether different entitlements should be conferred in different cases of miscarriage.*

(3) *The Department must prepare a report on the consultation and—*

(a) *lay the report before the Assembly, and*

(b) *publish it in such manner as the Department considers appropriate.*

(4) *The Department must lay and publish the report under subsection (3) before the end of the period of 2 years beginning with the date on which the first regulations made under the provisions inserted by sections 1 and 2 come into operation.*— [Mr Lyons (The Minister for the Economy).]

No 5: In clause 4, page 10, line 24, after "appoint" insert -

", but this is subject to subsection (2A)".— [Dr Archibald (The Chairperson of the Committee for the Economy).]

No 6: In clause 4, page 10, line 27, at end insert -

"(2A) Regulations under Chapter 4 of the Employment Rights (Northern Ireland) Order 1996 and regulations under Part 12ZD of the

Social Security Contributions and Benefits (Northern Ireland) Act 1992 (including regulations under Article 112EF and regulations under section 167ZZ19) must come into operation within 12 months of Royal Assent."— [Dr Archibald (The Chairperson of the Committee for the Economy).]

No 7: In clause 4, page 10, line 27, at end insert -

"(2A) Section 3A comes into operation on the day after the day on which this Act receives Royal Assent."— [Mr Lyons (The Minister for the Economy).]

No 8: In schedule 1, page 13, line 16, at end insert -

"8A. Regulations made under section 167ZZ19 must not be made unless a draft has been laid before, and approved by a resolution of, the Assembly."— [Dr Archibald (The Chairperson of the Committee for the Economy).]

No 9: In schedule 1, page 15, line 2, at end insert -

"24A. In Article 251(5A) (regulations that are subject to approval by the Assembly), after '107AB(4),' insert '112EF'."— [Dr Archibald (The Chairperson of the Committee for the Economy).]

No 10: In the long title, at end insert -

"; and to make provision for consultation about leave and pay for persons who have had a miscarriage."— [Mr Lyons (The Minister for the Economy).]

Dr Archibald: Today's Consideration Stage follows engaged and in-depth scrutiny of the Bill by the Committee, and I will touch briefly on the Committee's analysis of the Bill in providing background to the Committee's amendments in this group. I thank the Bill Clerks for their help and support to the Committee. Their assistance, and that of our Committee team, was invaluable to members.

12.45 pm

The Committee heard evidence from a range of stakeholders and carried out a very detailed online survey, to which it received 382 responses from organisations and representative bodies, as well as a significant number from individuals with personal experience of bereavement. I put on record the

Committee's appreciation of the evidence that it received from individuals who have been impacted by the loss of a child. That evidence has been vital in informing the Committee and enabling us to develop the important amendments that are before the House today. The Committee's primary aim has been to ensure that the legislation is fit for purpose and that the opportunity is not missed, through the Bill, to extend these protections to as many people as possible who find themselves in these most difficult circumstances.

The Committee explored a wide range of issues raised in the written and oral evidence with Department for the Economy officials through oral briefings and written responses. The Committee deliberated on the provisions of the Bill and the proposed amendments and concluded with its formal clause-by-clause consideration on 8 November 2021. There was overwhelming support for the provisions in the Bill, and responses were positive in relation to the introduction of a legal entitlement to employee parental leave and pay, with the expectation that this would be a minimum provision in ensuring that parents and carers are supported in the event of parental bereavement. There was a general recognition that, whilst many employers are compassionate in such circumstances, these protections could not be left to individual discretion and should be guaranteed statutory rights.

The Committee focused specifically on two main areas where it felt the support and protections offered by the Bill could be widened and improved. These were in relation to including miscarriage and allowing for a day-1 right to pay, rather than applying a 26-week qualifying period as intended in the Bill. A number of individuals and stakeholders called for the Bill to be extended to provide bereavement leave and pay rights in the event of miscarriage. The issue of the removal of the 26-week qualifying period for pay and the insertion of day-1 rights to parental bereavement pay was also raised consistently by representative bodies across key sectors, including trade unions, human rights organisations, bereavement charities and business representatives.

Based on the evidence that it received, the Committee wrote to the Department requesting that amendments be brought forward in both those areas. The Department engaged on a number of occasions with the Committee, and, at the conclusion of that process, it was determined by the Committee that the Minister was not of a mind to take those issues forward in a way that was satisfactory to the Committee.

The Committee therefore decided to pursue its own amendments. I thank the officials from the Department's Bill team for their engagement and for making themselves available to the Committee at short notice.

I turn now to the group 1 amendments. The Committee is proposing amendment Nos 1, 3, 5, 6, 8 and 9, which collectively require the Department to bring forward a scheme to provide for leave and pay for miscarriage to be introduced within 12 months of the commencement of the Bill. There was consensus in the Committee for the amendments to be proposed. As I have outlined, a significant number of individuals raised the issue of miscarriage in responding to the Committee's survey on the Bill, as did a number of stakeholders, including the Human Rights Commission, UNISON and the women's representative groups. The Committee therefore engaged in a series of detailed written and oral communications with the Department in relation to amending the Bill to include miscarriage. It is fair to say that the Minister and the Department had a strong view that miscarriage was outside the scope of the Bill and that the Department's focus from the outset was to mirror the parental bereavement provisions enacted by the British Government.

At its meeting on 3 November, the Committee considered the proposed amendment from the Department — amendment No 4 on the Marshalled List — which places a statutory obligation on the Department to consult on policy options for miscarriage as it relates to the Bill and to bring forward a report within two years of the associated regulations coming into effect. The Committee did not consider that amendment to be sufficient, as there is no commitment to act on miscarriage beyond reporting on a consultation. The Committee was also informed by the Department of what it described as a potentially significant increase in the cost of the Bill in making this change, and officials said that they did not believe that the Bill was the appropriate vehicle without having consulted on the practicalities.

The Committee believes that the costs will be manageable, and members believe that it is important to put support for those suffering a miscarriage into law. The Committee was clear that it wished to place an explicit obligation on the Department to bring forward a scheme to provide for leave and pay for miscarriage and for it to be introduced within 12 months of the Bill receiving Royal Assent. The Committee has been careful to allow for that 12-month period, which would allow for consultation whilst

avoiding any delay in the enactment of the main provisions of the Bill.

The Department suggested that, if the British Government are required to restore parity as a result of the amendments to the Bill —

Mr Lyons (The Minister for the Economy): I appreciate the Chair of the Committee giving way. It is important that we look at a number of the issues that the Member raises. I will address some of those in my contribution later. She touches on the issue of the 12-month period. She said that that is sufficient time and, indeed, in the Committee, said that the Committee has been very flexible in using that period to get the Bill through. However, we should take into consideration the fact that we are coming towards the end of the mandate and will have purdah and summer recess, and the process that it will take to get all this through — the consultation and the liaison with the Committee and with the Executive. She and the Committee have been informed that my officials think that that is not merely a tight time frame but one that is impossible for them. Why, then, does she proceed to do that which she knows is impossible for my Department?

Dr Archibald: I thank the Minister for his intervention. Obviously, he can lay out his arguments shortly. I do not believe that it is impossible. I take on board the views of the Department, and, obviously, there is the Bill's Further Consideration Stage. If our amendments pass today, and the Minister can convince the Committee that further time is required, I am sure that Members will be open to looking at that.

Mr Lyons: Will the Chair give way?

Dr Archibald: I will continue with my comments, and the Minister can make his contribution in the time ahead.

We have been careful to allow for that 12-month period, which will allow for consultation whilst avoiding the delay in enacting the main provisions of the Bill.

The Department suggested that, if the British Government are required to restore parity as a result of the amendments to the Bill, the Treasury could seek to recoup the cost of doing so from the Executive's departmental expenditure limit (DEL) budget. The Committee sought to probe that further with the Department, seeking further detail on the Treasury rules and how they would apply.

Yesterday, the Department offered paragraph 2.6.10 of the Treasury's 'Statement of funding policy: Funding the Scottish Government, Welsh Government and Northern Ireland Executive'. That paragraph states that:

"where decisions taken by any of the devolved administrations or bodies under their jurisdiction have financial implications for departments or agencies of the UK Government or, alternatively, decisions of UK Government departments or agencies lead to additional costs for any of the devolved administrations, where other arrangements do not exist automatically to adjust for such extra costs (e.g. if the Barnett formula doesn't apply), the body whose decision leads to the additional cost will meet that cost".

The Department has not brought forward any precedents where a devolved Administration were liable for the cost of the British Government restoring parity. It is also important to state that the Committee has been careful in constructing its amendments to ensure that unforeseen difficulties would return to the Floor of the Assembly for Members to make a judgement. It is also for Members to interpret the Treasury guidance for themselves in the absence of any clear evidence on how it could be applied. Additionally, the Committee has been clear that it does not want to delay the Bill: hence the provision of a year for the Department to consult and bring forward regulations with respect to the Committee's amendments.

All regulations brought forward from the Bill will be subject to the scrutiny of the House, as will any issues that arise to disrupt the bringing forward of those regulations. Members, we must also keep in mind that employment law is a devolved matter on which the Committee and the House have not only a right but a responsibility to take progressive action to the benefit of people here. The Committee has ensured that any scheme to make provision for miscarriage will need to be approved by the House, thereby allowing Members to consider any issues that might arise.

Mr Lyons: I thank the Member for giving way. Does she not understand that, by bringing in the Committee amendments that she proposes, she will delay the Bill in its entirety, because, if the two amendments go through, it will be impossible for us to bring in parental leave and pay in April 2022. The only way that the House can ensure that that measure is in by April 2022 is by supporting my amendments. Not only will

we get that, but work can be started in relation to miscarriage as well.

This will be a big problem. We will not be able to get this in by April 2022 and possibly not even by April 2023, because of the work that will need to be done with HMRC. Does the Member accept that that is what she is doing?

Dr Archibald: I do not accept that. I do not accept the Minister's assertions. I believe that the work has been done on the Parental Bereavement (Leave and Pay) Bill. You can bring that forward and, at the same time, have further work conducted on the inclusion of miscarriage and the removal of the 26-week —

Mr Lyons: On that point, will the Member give way?

Dr Archibald: No. I will not give way again. I will let you make your comments, and, when you do so, perhaps you will give way to me.

Mr Lyons: Yes, I will.

Dr Archibald: It is worth noting that Lidl Ireland has recently announced its bespoke policy on bereavement for employees North and South. It is reported to have introduced compassionate leave with pay for employees who have experienced or been directly impacted by early pregnancy loss or miscarriage. Additionally, the Government of New Zealand have legislated to support those who have suffered a miscarriage. The Committee believes that it is acting in the best interests of people in the North by taking the opportunity through the Bill to afford those protections to as many parents as possible whilst ensuring that the Bill's original provisions are enacted in the current mandate.

I would like to make some very brief comments as Sinn Féin economy spokesperson. First, I acknowledge that the previous Economy Minister, Diane Dodds, introduced the Parental Bereavement (Leave and Pay) Bill, which is important legislation in its own right and, as introduced, would provide support for workers who find themselves in the awful circumstances of experiencing a child dying or a stillbirth.

From the time that the Bill went out for consultation, I have raised the issues upon which the Committee has tabled amendments. Those are statutory leave and pay for workers suffering miscarriage and the provision of those rights from day 1 of employment, with the intent of ensuring that workers in those most terrible of circumstances have the right to compassionate support from the time they enter

employment. There has been a unity of purpose in much of the debate and discussion on the Bill, which is positive. In particular, I record my thanks to my fellow Committee members for the constructive and positive approach to the deliberations on the Bill.

Employment rights are fully devolved to the Assembly. We have the ability to set our own policy and to be a leader when it comes to standing up for workers. The amendments to the Bill would make us a leader, certainly across these islands, in ensuring that workers who suffer miscarriage have access to paid leave and that, they along with workers who suffer the death of a child, would have the right to paid time off to seek support, to deal with practicalities or simply to privately grieve and deal with their loss.

I urge Members across the Chamber to support the Committee's amendments, which have been well-considered and thought out. I reiterate my thanks to the Bill Office for its support in crafting those very pragmatic amendments, which provide flexibility to the Minister and the Department and allow for some modification, if that is deemed necessary, by a consultation, and which would, as I stated, be brought back to the House for a debate on the regulations to enact them. I look forward to hearing the rest of the contributions to the debate.

Mr Deputy Speaker (Mr Beggs): The Business Committee has arranged to meet at 1.00 pm. I therefore propose, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be Question Time to the Minister for Communities.

The debate stood suspended.

The sitting was suspended at 12.58 pm.

On resuming (Mr Speaker in the Chair) —

2.00 pm

Oral Answers to Questions

Communities

Mr Speaker: Question 13 has been withdrawn.

Winter Support

1. **Mrs Barton** asked the Minister for Communities what measures will be put in place to ensure that people who are entitled to the winter fuel payment will receive it by the end of 2021. (AQO 2822/17-22)

8. **Mr McGlone** asked the Minister for Communities what plans she has to implement an emergency winter support package to assist struggling households. (AQO 2829/17-22)

9. **Mr Allen** asked the Minister for Communities for an update on proposals to provide support to people facing fuel poverty as a result of rises in the cost of living. (AQO 2830/17-22)

Ms Hargey (The Minister for Communities): With your permission, Mr Speaker, I intend to answer questions 1, 8 and 9, which are on similar issues, together.

The global fuel crisis is undoubtedly having a major impact on people, particularly those who are already struggling financially. My Department continues to offer a range of support to assist families who are struggling to keep up with soaring energy costs. That includes schemes to help to improve the energy efficiency of homes, as well as cold weather and winter fuel payments and discretionary support. The winter fuel payment is a payment of between £100 and £300 to help with heating costs. This year's payments have already started and will continue through to January. To date, 289,762 payments, with a total value of £51.6 million, have been issued to people here.

My officials have also been engaging with the Utility Regulator, the Consumer Council and other stakeholders to scope out the options that are available to provide support to people who may struggle to heat their home or pay their energy bills over the coming months. Those include an energy payment support scheme, which will provide a one-off payment to help individuals in receipt of specified benefits with energy costs this winter. Such a scheme will

require the support of my Executive colleagues to ensure that there is sufficient funding for it to deliver an appropriate level of support. New legislation and the support of other key stakeholders will also be required for the scheme to be delivered. I have written to the Minister of Finance to request that the £13.8 million of Barnett consequential funding for supporting households over the winter is allocated to my Department to progress an energy payment support scheme. To provide the necessary support to families who will need it over the winter period, an even greater amount will be required. I welcome the Finance Minister's request to other Executive colleagues for additional funding to support that scheme.

Mrs Barton: Minister, thank you for your answer. I understand that you have the power to increase the amount paid through the winter fuel payment. Can you advise whether you have considered that alongside the other measures to support those who are adversely impacted by the rising costs of living?

Ms Hargey: The winter fuel payment rates were last reviewed by the Department for Work and Pensions in 2010-11. Any increase to the winter fuel payment rates would require a change in legislation, and the Executive would have to approve such a move. My Department continues to offer a range of supports to households given the increased energy prices, including the affordable warmth scheme, the boiler replacement scheme, the cold weather payment and discretionary support. I am looking at introducing a scheme this year to deal with the fuel crisis, similar to a scheme that was introduced last year in response to the COVID pandemic. We continue to keep all the supports under review. The money for any increase to the current winter fuel payment would need to come from the Executive, and that would need a legislative change.

Mr McGlone: Gabhaim buíochas leis an Aire as ucht a freagraí go dtí seo. Last night, I was contacted about a small town in the constituency of Mid Ulster where St Vincent de Paul has identified 40 families who cannot heat their homes and cannot feed their kids. I welcome the principle of the energy payment support scheme. Minister, can you give us more details of that, please: the amounts payable and when it is projected to take effect?

Ms Hargey: I cannot give the details of the scheme yet because it has to go to the Executive for approval, and the amounts paid will be dependent on the budget that we can secure. The COVID payment scheme that was

rolled out last year needed £45 million to go out to over 220,000 households. We are looking at payments of up to £200 on average. The Barnett consequential is not even £14 million. That is why the Finance Minister has asked other Departments to come forward with funding. I am hopeful that we will have an agreement about the money over the next week or two, and I will then be able to give more detail about the scheme.

I want to target individuals and those who are on the lowest incomes, but I am also looking at a scheme to target families. We are working up the details of that, and I want to launch it before Christmas, announcing what those schemes will be. Once we have the details and the finance is in place, I will come back and give more information.

Mr Allen: I welcome the Minister's confirmation that she has written to her colleague the Finance Minister in relation to the Barnett consequential derived from the UK vulnerable household scheme.

Minister, the rising cost of living will be with us for a very long time. With that in mind, can you advise whether you have engaged with sectoral colleagues and those in the sector with expertise and knowledge in this area to develop a fuel poverty task force to support your Department to bring forward solutions in the long term?

Ms Hargey: I met stakeholders over the past couple of weeks. My officials continue to liaise with the Utility Regulator and the Consumer Council to look at the issues. We have ongoing engagement with the community and voluntary sector, charities and NGOs. We also engage with councils, into which we recently put an additional £3 million as part of the community support programme. We are looking at all avenues. All those stakeholders say that a fuel payment needs to be looked at as a response to this crisis. We are also trying to deal with the utility companies. The Department for the Economy, which has responsibility for that area, is also keen to engage. We are keen to keep that engagement going. As we go forward, I want to meet stakeholders again about the longer-term issues, but the immediate priority is to respond to this crisis. I am hopeful that I can come forward with this fuel support scheme as a matter of urgency.

Ms Armstrong: The Welsh Government have announced that they are making £51 million available to provide support for families who are

facing the cost of living crisis that Mr Allen brought up.

Advice NI and National Energy Action (NEA) have put in a bid for fuel payments for very vulnerable people. Can you give us an update as to whether that bid will be considered as part of your plans?

Ms Hargey: I am not aware of a bid. I met NEA and Advice NI. I think that all would concur that an emergency payment needs to be made. I am working on that scheme to target those who are most financially vulnerable. I have responsibility for those who are on means-tested benefits. I have bid for money for that in the Barnett consequentials.

As I said, if we want to do this at scale, £13.8 million will not cut it. In the region of £45 million, and potentially up to £55 million, will be needed. Part of the Finance Minister's exercise is talking to other Departments about what underspends there may be. I am hopeful that this can be agreed and signed off at an Executive meeting as soon as possible.

Ms Ferguson: Minister, many families are facing a difficult time this winter with the cost of living spiralling due to issues such as Brexit, the pandemic and the cumulative effects of years of brutal Tory austerity cuts. Thousands of households are looking anxiously towards the future. Although we appreciate that these institutions can only do so much in the face of events that are largely outside our control, the Minister has consistently demonstrated her determination to protect the most vulnerable.

Can I ask for an overall update on your proposals for supporting, along with other Departments, people who are facing fuel poverty this winter as a result of the rising cost of living?

Ms Hargey: This issue, obviously, does not sit with just my Department, albeit I am trying to bring forward a scheme that will get money into people's pockets over the next period. As I said, over £51 million is currently paid out to households across the North through the winter fuel payment.

There have been ongoing discussions. The Department for the Economy is involved as part of our meetings with the Consumer Council. It is looking at that by way of its remit on the crisis in relation to utility companies. I raised that with the Executive, as I know other Ministers did. There was an agreement that we should raise it with the British Government, because it is an

international crisis, and a response on the same level as that of the Treasury to COVID needs to be looked at for the fuel crisis, for as long as it continues. We therefore need to increase the support that comes forward.

I know that the Executive are keen. They will hold a discussion dedicated to looking at the cost of living more generally and at what needs to be done on by the Executive and across all Departments. We are waiting for that meeting to be arranged.

Empty Homes Strategy and Action Plan 2013-2018

2. **Mr McNulty** asked the Minister for Communities for her assessment of the effectiveness of the empty homes strategy and action plan 2013-2018. (AQO 2823/17-22)

Ms Hargey: As the Member will be aware, the Department's empty homes strategy was in place from 2013 to 2018. A review of that strategy was completed and published on the Department's website earlier this year. The house condition survey indicated that, overall, the number of empty homes fell from about 55,000 in 2006 to 29,000 in 2016.

As a result of that work, we are much better informed about the complexities of the issue and the reasons why so many properties appear to be vacant. We have learned, for example, that the data provided by Land and Property Services (LPS) does not contain any information on whether the vacant domestic properties that are held in private ownership have basic services or are even in a habitable state.

A significant portion of such properties are located in rural areas, where housing need is lower, and very few are in areas where housing need is greatest. Approximately one in five of the LPS-registered properties is brought back into use relatively quickly, and a similar number are held in the registered ownership of solicitors, indicating ongoing title or other legal issues. We also learned how much effort is required to bring individual empty homes back into use.

Given those findings, it is clear that there is limited opportunity for the Department to take effective action that would have a meaningful impact on reducing housing stress or provide a social home to those who need it most. It is important, therefore, that we look beyond the headline figures to clearly understand the full

picture, rather than oversimplifying the matter on the basis of figures alone.

I appreciate that there are benefits in bringing vacant properties back into use, and I will continue to explore the most appropriate options to do so.

Mr McNulty: I thank the Minister for her answer. Some 1,520 homes are lying empty across Newry and Armagh while 1,676 social housing applicants are in dire need of a roof over their head. Bringing those empty homes back into use would nearly eradicate housing stress in my constituency. I also highlight housing issues in my neighbouring constituency of Fermanagh and South Tyrone, the place where the great housing champion Austin Currie grew up and that he represented, where 2,084 homes —

Mr Speaker: I ask the Member to move on to a question.

Mr McNulty: — are empty. That is the worst number in the North. People are trapped in a cycle of homelessness. Bear with me for one second, Mr Speaker.

Mr Speaker: No. I am sorry, but you need to need to move on to a question, Mr McNulty.

Mr McNulty: People are trapped in a cycle of homelessness while homes lie empty. It is not good enough. What specific actions does the Minister intend to take to tackle that crucial issue?

Mr Speaker: Before the Minister answers that question, I remind Members that there is a queue of Members waiting to ask questions. Their names are on the list of questioners. Already this afternoon, two or three Members have overstepped the mark, and that is a growing trend. I advise Members that we will cut down on it. When you are called, out of respect for other Members who are waiting in a queue to be called, get to a question.

Fair is fair, and I try to give latitude to as many Members as I possibly can, but people are making long speeches, and it is getting a wee bit out of control. I do not want to cut into the flow of Members' statements or questions, but there is a balance to be struck. Members need to move quickly to a question, and Ministers should keep their response to two minutes.

Ms Hargey: As I said, the strategy that was rolled out had limited success in dealing with those who were in housing stress. We know

that the areas where the number of empty homes was high were not the areas of highest need. We also know that it is not as straightforward as saying, "There is an empty home". There are legal issues. It is not simply a case of taking a house and turning it into a social home. We found that empty properties did not turn into homes in the numbers that we would have liked to see.

That is not the only way, however, and we should not put all our eggs in one basket.

We are developing a housing supply strategy.

Earlier this year, recognising the housing crisis that we are in, the Department issued a call for evidence to look at the supply of homes and what we need to do in order to build more. The Housing Executive's revitalisation agenda is a crucial part of that. It will ensure that we maintain the stock that we have and also allow the Housing Executive to start building again. The housing supply strategy will go out to consultation just before Christmas. It will clearly set out our ambitions for the number of homes that we can build over the next period. It will particularly target the areas of highest need, such as Newry and Armagh, Foyle, North Belfast and West Belfast. It is part of a wider strategy, and we will continue to keep it under review. There is much more beyond the strategy that we need to be doing.

2.15 pm

Ms Bradshaw: Minister, do you have any plans to provide funding to support buy-to-rent in order to address some of the housing shortfall?

Ms Hargey: We are looking at intermediate rent and stuff at the moment. We have put more money into co-ownership as well. We are in the midst of Budget discussions at the moment and are looking at our budget over the next three years. Housing needs to be a critical part of those discussions in order to address the shortage in our social stock. Trying to improve the terms and conditions and the standards in our private rented sector will be crucial as well. We continue to keep all the options under review. I cannot give a commitment about the budget until those discussions have concluded.

Ms A Murphy: My question has already been touched on. I think that most Members will agree that it is very difficult for many young people and families who are struggling to secure a decent, fit-for-purpose home to see premises lying dormant. Will the Minister detail what action she is taking to increase the

provision of social housing and deal with empty homes?

Ms Hargey: The Housing Executive maintains an empty homes information page on its website. It is about encouraging owners to sell the properties or to bring them back into use. I have asked the Housing Executive to bring forward proposals to look at what we can do to increase significantly the supply of social housing. We have received some initial proposals, which we are working through. I will inform the House once we have come to a conclusion.

One critical issue is land availability. I am working to identify surplus land that can be used for social housing development. Indeed, I have encouraged local housing associations to identify and secure sites. Part of that is about working with the Department for Infrastructure, Land and Property Services and other Departments to identify public land that is available. As I have said previously, it is also about working with local government to look at strategic site assessments to identify, as part of councils' local development plans, sites for social and affordable housing. Some councils have started doing strategic site assessments. We are keen to see all 11 councils do the same thing.

Mr Allen: Minister, in the October monitoring round, your colleague the Finance Minister highlighted £66.7 million of unallocated financial transactions capital funding. Are any proposals under consideration by your Department to further leverage that funding?

Ms Hargey: We have drawn down additional moneys over the past period for co-ownership. We made sure that we secured that within this financial year. We continue to keep all the options under review. We have drawn down financial transactions capital for those schemes. There will be another monitoring round just after Christmas. I have not yet had an update from officials on proposals, but, if we can deliver a scheme within the time period, we will do so. We proactively set out to do that, so we will keep it under review, and I will update the Member in due course.

Caravans Act (Northern Ireland) 2011: Review

3. **Mr Irwin** asked the Minister for Communities for an update on the preparatory work for the review of the Caravans Act (Northern Ireland) 2011. (AQO 2824/17-22)

Ms Hargey: It may be useful to remind Members of the origins of the Caravans Act and my Department's involvement in it. It was introduced in the Assembly as a private Member's Bill. Initially, the Bill was to replicate other jurisdictions' protections for residential occupiers on protected sites.

It was subsequently agreed that those with static caravans that are permanently pitched on caravan sites that are licensed for holiday use should be afforded protection in the form of a seasonal agreement. Although my Department has responsibility for residential caravans and a mandatory duty to review the provisions relating to that sector, the Act also contains provisions relating to holiday caravans. That is why I took the decision to look at the Act in its entirety and widen the remit of my Department's review.

I acknowledge the concerns that have been brought to my attention by MLAs across many constituencies in recognition of the forthcoming review, particularly because of the issues that have impacted on the sector over the last 20 months throughout the pandemic. The preparatory work for the review of the Caravans Act 2011 is progressing well, and I assure you that it will allow all interested stakeholders to engage and provide their views, which will ultimately help inform the overall review. The time frame is to have a 12-week stakeholder engagement launched before the end of this year, with analysis and recommendations completed thereafter.

Mr Irwin: I thank the Minister for her response. One caravan owner had been on a certain caravan site for almost 50 years, but, because he would not replace it with a new caravan that he could not afford, the crane was brought in and his caravan was taken out. Does the Minister agree that there needs to be more protection for caravan owners?

Ms Hargey: Yes, definitely. I am sure that you have heard similar stories in the past 20 months; I have heard those stories myself. I have no remit over caravans that are used for tourism or as second homes. My departmental remit under the Act covers caravans that are residential property. That said, I have widened the scope of the review to look at all of those issues. Obviously, tourism falls within the remit of the Department for the Economy, but that is not picked up in the Act. The Department for the Economy is involved in the review, and we want to hear the stories that stakeholders have. If, as part of the review, we can build in greater protections for those who lease caravans on those sites, that is what we will want to do. That

consultation and engagement will be important. Once we go public with the consultation before the end of this year, if you have constituents out there with concerns, encourage them to get involved in those sessions.

Mr McHugh: Gabhaim buíochas leis an Aire fosta as ucht a freagraí go dtí seo. Minister, the problem of caravan owners feeling exploited by site owners and being forced into choosing between buying expensive upgrades or being expelled from the site is a growing problem in many areas. It is not confined to the North of Ireland; it happens in the Republic as well to residents from the North of Ireland. Following the review of the Caravans Act, will you commit to raising the issue with the Economy Minister to reduce the exploitation of caravan owners by a small number of unscrupulous site owners?

Ms Hargey: The review will focus on all areas of concern, including the upgrading of caravans and other issues that may not be specifically mentioned in the legislation. We will review the Act in its entirety, and we have given a commitment to conduct a meaningful engagement with all of the key stakeholders who would be impacted. As I said, we want to go out to consultation before the end of this year. That will last for 12 weeks, and, once we get the responses in, they will be analysed, and the three Departments will evaluate them in making recommendations. We will work with the Department for the Economy and others, as we have been doing until now, as part of the review. We will sit collectively to see how we can take that forward once the consultation exercise has been completed.

Mr Allister: Does the Minister agree that, among the many issues that need to be reviewed, there are two in particular that cry out for attention, namely the need to bring regulation to exorbitant increases in pitch fees, which, in some cases, have been as high as 35% in any one year, and the need to bring security of tenure for caravan owners on their existing sites?

Ms Hargey: In the review, we want to go wider than when the Act was first brought in to look at all of the issues of concern that Members have raised today and that have been raised repeatedly with me before. Obviously, this comes from constituents who have been affected by issues that have also been brought to light as a result of the pandemic, with the closure of many sites. That will be part of the review. The consultation exercise with stakeholders will be critical, and we will put it out shortly. I encourage all Members, if they

have stakeholders in their community, to encourage them to come forward and tell us their experience. If they have proposals or recommendations for enhancing protections, we will be more than happy to listen to them.

Childcare Costs: Upfront Assistance

4. **Mr McGuigan** asked the Minister for Communities to outline how providing assistance with childcare costs upfront will assist parents on low incomes. (AQO 2825/17-22)

Ms Hargey: Many people do not have the resources to pay the upfront childcare costs that most childcare providers require. For women, lone parents and those from disadvantaged backgrounds especially, that can act as a barrier to employment. Since 25 October, I have made help available through a non-repayable grant from the adviser discretion fund of up to £1,500 for those for whom upfront childcare costs act as a barrier to employment. The grant will be paid by my Department directly to the registered childcare provider.

With the agreement of Executive colleagues, earlier this year the Universal Credit Regulations 2016 were amended to ensure that my Department's payment of upfront childcare costs through a non-repayable adviser discretion fund grant can be treated as having been made by the person whom it is intended to support. That will ensure that the recipient can receive a childcare element in their universal credit, enabling them to pay ongoing upfront childcare costs. The payment of the universal credit childcare element following the payment of any grant will ensure that recipients have sufficient resources to pay for the second and subsequent months of childcare in advance and then claim it in arrears from universal credit.

I am delighted that, within a few weeks of the scheme being announced, we have helped 50 parents with average upfront childcare costs of £600 a month. Support for upfront childcare costs will help parents to enter employment, which will reduce benefit dependency, support progression out of poverty and, ultimately, support economic recovery.

Mr McGuigan: Childcare costs are obviously a significant barrier to employment for many families, particularly those on low incomes, so the Minister's initiative is positive and welcome. Does she agree, however, that a dedicated and cross-cutting childcare strategy is required if we

are to address the systemic issues that make childcare a difficulty for so many families?

Ms Hargey: We all saw in the media last week the issues that are having an impact on the sector and on families. When that comes on top of a fuel crisis and a cost-of-living crisis, the problem becomes critical. On social security, I have done what I can with upfront childcare costs, and we already see the benefits of that. Since it was introduced a number of weeks ago, 50 people have come forward and received money to cover those upfront costs. Of course we need to bring forward a childcare strategy, and that needs to be done without delay.

Mr O'Toole: I agree on the need for a more overarching childcare strategy. For working people and people in low-income areas, however, the women's centre childcare fund (WCCF) has provided critical funding to organisations such as the Windsor Women's Centre in the Village in my constituency, which provides critical childcare to working people in that area. By the way, it has also provided critical childcare to healthcare professionals working in Belfast City Hospital during the pandemic.

Minister, earlier this year, I wrote to you asking that, when you received a multi-year budget, as you are now planning, you would mainstream the WCCF for organisations like the Windsor Women's Centre —.

Mr Speaker: A question, Member.

Mr O'Toole: Will the Minister confirm that that fund will be mainstreamed so that it will have regularity and consistency of funding?

Ms Hargey: Moving to three-year Budget cycles is obviously a good thing across the Departments for all the funding that we provide. The women's sector plays a key role, as do our neighbourhood renewal partnerships, which also have an element of childcare support. I am aware of the work that the Windsor Women's Centre does, as well as that of all the other women's centres and childcare providers.

The Budget discussions are ongoing, so I cannot give any certainty around any part of the Budget until those discussions are finalised. However, ultimately, it will go out for public consultation and then come back to all the Ministers to make decisions going forward.

In all those areas, my priority will be protecting the most vulnerable in our community and ensuring that we look at access for

disadvantaged communities, women, young people and those with disabilities.

2.30 pm

Mr Speaker: That ends the period for listed questions. We now move to 15 minutes of topical questions. Questions 4 and 6 have been withdrawn.

Finlock Guttering

T1. **Mr Humphrey** asked the Minister for Communities whether she will commit to working with the Housing Executive to achieve a lasting solution for its tenants at Silverstream and Tyndale who are facing another winter with Finlock guttering, given that, although he and his colleagues have met the Minister, written to her, raised the issue in the House, met her permanent secretary and have met the former and current chief executive of the Housing Executive, no resolution has been reached, even after a pilot scheme, and the residents have been dealing with these conditions for many decades. (AQT 1851/17-22)

Ms Hargey: A while ago, I met your counterpart the Chair of the Committee and Councillor Dale Pankhurst, and I also communicated recently. There are issues and barriers around value for money, by way of public spending, that we need to get around. Discussions are ongoing with my departmental officials and the Housing Executive to see whether a resolution can be found. I ask for updates on that because I know that the issue has to be resolved and that residents are regularly being impacted. I will continue to keep that under review, and, once we get a resolution, which, I hope, can be done as soon as possible, we will update Members.

Mr Humphrey: I thank the Minister for that answer. Minister, we met you, and we recently met the chief executive of the Housing Executive, and we will meet her again in the near future. Many of those families are working class and are on low incomes and do not have the money to do the work themselves. They need the support of government to get a resolution. I implore you, along with the Housing Executive, to deal with the issue and get a solution as quickly as possible.

Ms Hargey: We are proactively trying to do that. Those residents live in a working-class community like mine, so I completely understand the issues that are impacting them. Members from your party met me on the issue,

and I know that they regularly work with residents there.

Some of the issues relate to the make-up of the homes, which are in private and public ownership, and value for money and the limitations that we have around government spend within that criteria. My officials proactively engage with the Housing Executive regularly to see whether we can find a solution to the issue. We will continue to work with you and engage with you until we get a resolution. I would like to see that done as soon as possible.

Arts and Heritage Sector: COVID Recovery

T2. **Mr Delargy** asked the Minister for Communities, following the publication of the culture, arts and heritage recovery task force's report, for an update on her plans to support the arts and heritage sector. (AQT 1852/17-22)

Ms Hargey: I set up the culture, arts and heritage recovery task force this year in response to the pandemic and to look at the opening of the sector. I was pleased to approve the creative individuals' recovery programme on 15 September. The key recommendation that came out of the task force report was to ensure that there were immediate payments for individuals who were impacted and continue to be impacted as a result of the pandemic and the restrictions. That grant will be an award of up to £2,000 per individual.

There has been a good uptake in applications for that scheme. It closed on 6 October. Some 1,830 applications have been received. That will see around £3.6 million being invested over the next short while for those individual artists who have been impacted. The current assessment is that 1,485 eligible applicants are seeking just under £3 million. That will provide much-needed support to individuals, freelancers and those who are self-employed.

I hope to make an announcement shortly on how I intend to provide support to sectoral organisations. That was another critical area that came out of the task force. I hope to make an announcement on that soon. On 23 November, I published the report that the task force compiled. It is an important piece of work. I am grateful to the chair, Rotha Johnston, and all those busy people who took the time to be part of that work. I have accepted the report's recommendations. That is clear. I met the task force on outlining its proposals and to say that I accepted its recommendations. The response plan —

Mr Speaker: Time.

Ms Hargey: — sets out and outlines how we will progress it.

Mr Delargy: Thank you for your answer so far. Clearly, the arts and heritage sector has an important role in the economic and social recovery, so thank you, Minister, for your commitment and for implementing the task force's recommendations. Will you also provide an update on the level of resource that is earmarked to support that work?

Ms Hargey: As I said, there is £3.6 million for individual artists and freelancers. Work is ongoing at the moment to assess those applications and make payments. We are also working on organisations and looking at a sum of money that will help to promote and support them as they continue to meet the impact of the pandemic.

Where overall funding is concerned, earlier in the year, I secured an additional £13 million from the Executive for those support programmes. In the next short period, I will roll out the proposals on how that money will be spent.

Social Security: Terminal Illness Provision

T3. **Mr Boylan** asked the Minister for Communities for an update on her plans to extend terminal illness provision in social security benefits. (AQT 1853/17-22)

Ms Hargey: Yesterday, I introduced the Social Security (Terminal Illness) Bill at First Stage, and I want to remove the six-month rule through that. I got the Executive's approval to move ahead on that. Funding for that will be made up from the Budget. If a similar decision is made at Westminster, that will fall in under our normal social security spend. The legislation is ready. It was introduced yesterday. I will request accelerated passage for the Bill to ensure that we can get it passed in this mandate. Indeed, I know that the Committee for Communities supports me in that endeavour. We are hopeful that it will be done by the end of March and ready before the end of the mandate so that payments can start with the new rule of 12 months from April.

Mr Boylan: I thank the Minister for her compassion and leadership on the issue. On the legislative process, does she foresee any issues with getting the Bill through the system?

Ms Hargey: In fairness, no. I think that everybody is on board. That means all parties in the Executive and, indeed, the Committee, which has been supportive in looking at accelerated passage, even though I know that it is normally not the accepted way in which to do business and legislation. I think that everybody understands the critical nature of the matter, and, with the Assembly ending with purdah in the third week of March, they will try to do all that they can to ensure that that critical legislation is passed before the end of the mandate. I believe that it will happen.

Charities/Social Enterprises: Funding

T5. **Mrs Barton** asked the Minister for Communities for an update on the £5 million that was allocated in the Budget for charities and social enterprises. (AQT 1855/17-22)

Ms Hargey: We are working on a scheme at the moment, so we have been engaging with the charities sector to look at the additional support that it needs. As the Member has recognised, the Executive gave money a few months ago to look at culture, arts and heritage and charities. I hope to go live with the scheme as soon as possible. Once officials have come back on how to take it forward, I will alert the House and the Committee.

Mrs Barton: We are some eight months into this and heading towards the end of the financial year. Is there a possibility that time may run out to get that funding out to organisations that desperately need it? Surely that is paramount.

Ms Hargey: We have been working on that. A lot of those organisations have received funding throughout the year from the moneys that were already there. We have engaged with the charity sector to look at what the clear need is now so that we can take it forward before the end of this financial year. The programme has been designed with the charity sector in order to meet the needs. I am confident that we can get something out and get the money spent by the end of this year.

Racism: NI Sporting Organisations

T7. **Mr K Buchanan** asked the Minister for Communities, in the light of the racism problems in Yorkshire County Cricket Club, of which she is no doubt aware, whether she is concerned that similar issues are present in

sporting organisations in Northern Ireland.
(AQT 1857/17-22)

Ms Hargey: Anyone can see on the news the lived experiences of the players who have been impacted by that racism. The organisation's response has been disgraceful. I am not aware of any similar incidents here. A lot of the sporting codes here have robust plans in place to deal with racism or sectarianism and the impact on sport. I am not aware of anything having come up. Obviously, if we were alerted to that, we would treat it seriously, because there is no place for racism, sectarianism or any form of discrimination in our society — and particularly not in sport, which often unifies and brings people together. We do not want to see it.

Mr K Buchanan: I thank the Minister for her response. Minister, some weeks ago, I commented in the House about a parade by Saoradh, an organisation linked to the death of Lyra McKee, from the grounds of Bellaghy GAA club, as stated in the 11/1 notice; that is a factual comment. Is it right that the facilities of an organisation funded by your Department should be used for such events? Is there a difference between racism, which you have just rightly condemned, and organisations supporting those types of events?

Ms Hargey: I have no details of that individual event. If they applied to the Parades Commission for a parade or a related protest, they have taken the legal route. I do not have any details. I have not received anything in the Department about the event. I would not want to make a public comment unless I had the details or had at least seen them. I have not before now.

Welfare Mitigations

T8. **Mr McNulty** asked the Minister for Communities when we can expect to see legislation to implement the Executive's welcome agreement to extend welfare mitigations and close loopholes. (AQT 1858/17-22)

Ms Hargey: The draft legislation is ready, and I hope that it will make it to the Executive meeting on Thursday.

Mr McNulty: Minister, there was an unedifying stand-off over this important issue, which resulted in a delay. What exactly caused that delay? How much did it cost the people and families who most need the help and support?

Ms Hargey: I have been very clear in the House about the delay. We have moved the situation forward, which is a good thing. The focus now is on progressing the legislation and getting it through the Assembly before the end of this mandate. When I met the advice sector, the Cliff Edge Coalition and others, they were supportive of the legislation and want it brought through as soon as possible. That is where my focus is.

Mr Speaker: Pat Catney is not in his place.

Charities: Funding

T10. **Mr Allen** asked the Minister for Communities, after declaring an interest as a trustee of a charity, whether, eight months after money for charities was allocated to her Department, she can give more detail on the eligible schemes, given that the matter has been with her Department for some time. (AQT 1860/17-22)

Ms Hargey: We are working on a series of COVID funding schemes for charities, culture, arts and heritage and other areas. We are engaging with the bodies that would previously have administered that funding. We are also engaging with the sectors on what their needs are now. The previous COVID moneys came when there was a lockdown, and the value for money case stood up and could be attested to. We are working through some of those issues.

In the next short period, once I have a scheme that is ready to go, I will make that public. I cannot say any more now because I have not yet signed off on the final scheme, but we are working at pace.

I met officials last week to look at those schemes, and they are working to finalise the business cases in order to progress to the next stage.

2.45 pm

Mr Speaker: We have time for a brief supplementary question and response.

Mr Allen: Will the Minister elaborate on some of the needs highlighted by the charities, and will she give a commitment today that the full £5 million will go out the door to those charities that desperately need that money?

Ms Hargey: We will do that if we can ensure value for money when it comes to where we are now in the pandemic. Those moneys were

COVID-related, and they obviously have to be used for those purposes. If that stacks up in the business case, then yes. I want all the money to be utilised for the intention that it is there for. We know that there is a need in the charity sector in relation to dealing with lost income, its inability to fundraise in the way in which it may have done previously, staff overheads and other pressures going forward, and stabilising the organisations. We are looking at those kinds of areas. Once all the checks and business cases have been approved, I want to move at pace to get that support out there as soon as possible. Once I am in a position to announce that, I will, of course, alert Members and the Committee.

Mr Speaker: Time is up.

Mr McNulty: On a point of order, Mr Speaker. I take major umbrage with Members of the House trying to associate the GAA with the institutional racism in English cricket. I take major umbrage with Members of the House trying to portray the GAA as a sectarian organisation. The GAA is a wonderful community-based organisation —

Mr Speaker: Will the Member —

Mr McNulty: — which has done so much good for this country. The Member keeps attacking the organisation, and that should not be accepted.

Mr Speaker: The Member has made his point. It is not a point of order. I have to draw your attention to that. I ask Members to take their ease for a moment or two.

Executive Committee Business

Parental Bereavement (Leave and Pay) Bill: Consideration Stage

Clause 1 (Parental bereavement leave)

Debate resumed on amendment No 1, which amendment was:

In page 3, line 42, at end insert -

"Application in relation to miscarriage

112EF. The Department must by regulations provide that regulations under this Chapter apply in relation to a person who has experienced a miscarriage as they apply in relation to a bereaved parent, with such modifications, if any, as specified in regulations."— [Dr Archibald (The Chairperson of the Committee for the Economy).]

The following amendments stood on the Marshalled List:

No 3: In clause 2, page 10, line 17, at end insert —

"Application in relation to miscarriage

167ZZ19. The Department must by regulations provide that this Part and regulations under it apply in relation to a person who has experienced a miscarriage as they apply in relation to a bereaved parent as set out in section 167ZZ9 (Entitlement) with such modifications, if any, as specified in regulations."— [Dr Archibald (The Chairperson of the Committee for the Economy).]

No 4: After clause 3 insert —

"Consultation on leave and pay in cases of miscarriage

3A.—(1) *The Department for the Economy must consult such persons as it considers appropriate as to whether the entitlements created by this Act to—*

(a) leave; and

(b) pay; which are conferred where a child has died should also be conferred where a person has had a miscarriage.

(2) *The consultation may include, in particular, consultation as to—*

(a) *whether the entitlements should be conferred in all cases where a person has had a miscarriage, or only in some cases;*

(b) *whether the entitlements to be conferred in such cases should be the same as, or different from, the entitlements that are conferred where a child has died;*

(c) *whether anyone other than the person who has had the miscarriage should also to be entitled to leave or pay;*

(d) *whether different entitlements should be conferred in different cases of miscarriage.*

(3) *The Department must prepare a report on the consultation and—*

(a) *lay the report before the Assembly, and*

(b) *publish it in such manner as the Department considers appropriate.*

(4) *The Department must lay and publish the report under subsection (3) before the end of the period of 2 years beginning with the date on which the first regulations made under the provisions inserted by sections 1 and 2 come into operation.*— [Mr Lyons (The Minister for the Economy).]

No 5: In clause 4, page 10, line 24, after "appoint" insert-

", but this is subject to subsection (2A)".— [Dr Archibald (The Chairperson of the Committee for the Economy).]

No 6: In clause 4, page 10, line 27, at end insert –

"(2A) Regulations under Chapter 4 of the Employment Rights (Northern Ireland) Order 1996 and regulations under Part 12ZD of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (including regulations under Article 112EF and regulations under section 167ZZ19) must come into operation within 12 months of Royal Assent."— [Dr Archibald (The Chairperson of the Committee for the Economy).]

No 7: In clause 4, page 10, line 27, at end insert –

"(2A) Section 3A comes into operation on the day after the day on which this Act receives Royal Assent."— [Mr Lyons (The Minister for the Economy).]

No 8: In schedule 1, page 13, line 16, at end insert –

"8A. Regulations made under section 167ZZ19 must not be made unless a draft has been laid before, and approved by a resolution of, the Assembly."— [Dr Archibald (The Chairperson of the Committee for the Economy).]

No 9: In schedule 1, page 15, line 2, at end insert –

"24A. In Article 251(5A) (regulations that are subject to approval by the Assembly), after '107AB(4),' insert '112EF'."— [Dr Archibald (The Chairperson of the Committee for the Economy).]

No 10: At end insert-

"; and to make provision for consultation about leave and pay for persons who have had a miscarriage."— [Mr Lyons (The Minister for the Economy).]

Mr Weir: I welcome the opportunity to contribute to the debate. As a member of the Committee for the Economy, I welcome the evidence sessions that we had. Exploring some of the detail not only with departmental officials but with a range of stakeholders has been invaluable in considerations of the matter.

As mentioned by the Chair and the Minister, there is a divergence of opinion on the route that we should take at Consideration Stage today. Perhaps, on a broader note of consensus, it may be worthwhile highlighting a couple of points on which, at least, there is some level of unity. Everyone accepts the significance, importance and sensitivity of the legislation, particularly as we consider today bereavement after miscarriage. It is important that we make provision in that area.

I praise the Minister and his predecessor for bringing the legislation forward. The Committee and the House are as one in recognising the significance of parental bereavement. At least three Committee members have, in recent months, lost a parent, and we know the grief and the impact of that. Whatever the grief for us as sons and daughters, however, the grief of parents when they lose a child is horrendous. It seems to go, in some ways, against the natural

order of things. The provision in the legislation for bereavement leave is important.

While the divergence in this group of amendments is on how we treat miscarriage, there is no doubt that it is accepted across the board that we need to make provision for parents who have suffered miscarriage. The divergence, as we will see today, is on precisely how we do that. The Minister's amendment indicates a clear acceptance of the need to make such provision.

There are three areas where there is divergence or caveats. First, it is undoubtedly the case that when the legislation, which mirrors legislation elsewhere, was brought forward, miscarriage had not been included in the initial consultation. As the Chair mentioned, while a number of stakeholders came forward with thoughts on that issue, the main groups involved with miscarriage were not particularly lobbying for that initially, and it was not consulted on.

It is important in all legislation, but particularly in something as sensitive as this, that we get the provision right. To some extent, there is always pressure on legislation, particularly as we move towards the latter days of any Assembly term. The understandable desire to get things through becomes overwhelming. In doing so, however, there is also a need to take time to make sure that we get the provisions right. To that extent, we clearly need a level of consultation to make sure that the detail matches the proper level of provision.

Secondly, there is a strong desire for the legislation to be in place as early as possible. We know that the issue is not provided for at present. In many cases, individual employers will be understanding, but there is no equality. Therefore, we need to be wary of anything that delays legislation of this nature, because any delay will impact directly on families. I know that the Minister has talked about that, and I look forward to his remarks later in the debate. The question is whether, given other existing pressures, the time frame, the divergence between the Committee's amendments and the ministerial amendments, and taking into account purdah, the election, recess and, indeed, the pressure of putting forward other legislation, there is a genuine chance that this could be put in place within a 12-month period.

We need the whole package; there is no point in doing something that is piecemeal in nature. We need something that will cover all families. Whether that can be done within 12 months is questionable. As someone who has served as a

Minister, I know about the pressures in Departments. It is right that the issues are consulted on. I have concern about and question the time frame in the relevant amendment.

Thirdly, there is another level of potential divergence. The Committee received correspondence yesterday, and we need to explore in much greater detail its repercussive impacts.

While it is important that we do not necessarily put a price tag on things, we have a duty to ensure that, whatever legislation we pass, we know precisely its consequences, and those can be financial. It is concerning that the spectre of £100 million has been raised. We know that there are other aspects that will cost additional money. Understandably, people have been highly critical in the past of commitments given about legislation and schemes that were put in place and that ended up costing the public purse a much greater amount than was initially anticipated. It is therefore right that we exercise some caution.

Consequently, the precautionary approach taken by the Minister and the Department to ensure that the legislation is got right and that any scheme brought forward is affordable is the correct one. While everyone is coming at this with good intentions, as do the Committee amendments, it is critical that we have good legislation. I do not want to see legislation that cannot be implemented for a lengthy period because of practical difficulties or that has such major economic repercussions that it stops other good work being done.

We can point to a large number of examples of where aiding people is of benefit to them. When there are major financial commitments, however, those come out of other budgets, preventing other good things from happening. It may well be that, when the legislation is scrutinised, not all fears will be realised. Given its scale, however, we need to take a cautious approach. That is why I commend the ministerial amendments. The Committee amendments, while well-intentioned, do not have the same potential benefit as the ministerial amendments.

Mr O'Toole: I am pleased to have the opportunity to speak at the Consideration Stage of the Parental Bereavement (Leave and Pay) Bill. I arrived late to the process. I joined the Economy Committee just a couple of weeks ago, so I have not been involved in the detailed scrutiny of the Bill up until now. I thank my predecessor as our party representative on the

Committee and its Deputy Chair, Sinead McLaughlin; the Chair of the Committee; colleagues from other parties on the Committee; and the Committee Clerk and other Committee staff, who have worked hard on the Bill, including to prepare the amendments. Although I have come late to the process, a significant amount of detailed and cross-party work has gone into developing the amendments, so I support the Committee amendments. The Committee Chair covered some of the detail of the amendments, so I will not go through them in exhaustive detail. Amendment Nos 1, 3, 5, 6, 8 and 9 are the Committee amendments. In a sense, amendment Nos 1 and 3 are the most substantive, in that they collectively provide for the benefits outlined in the Bill to be extended to those who have a miscarriage.

It is worth saying, before I get to the detail of the amendments and given that I am relatively new to debating the Bill, that this is a major step forward. I was not involved in the Second Stage debate, but, as the Member who spoke previously, who takes a different view on the amendments, said, the question of parental bereavement is extremely sensitive, life-changing and shattering for anybody who experiences it.

The Bill is an extremely welcome step forward. It is something profoundly positive that we can do and, hopefully, will do for people in this society, even if we have little time left as a result of not sitting for three years. Partially in response to some of what was just said about potentially rushing through legislation, I will point out that we were not doing any legislating here for three years. I will not get into the whys and wherefores of our not sitting, but the fact is that we were not. Therefore, there is probably an added burden on us to illustrate to the people who send us here, whom we represent and who, in a sense, pay our wages that we are doing something for them. The Bill is something substantive, as are the Committee amendments that are being discussed.

3.00 pm

The Committee Chair went into detail about what the amendments do to extend the provisions of the Bill to people who suffer miscarriage. I will not go through the amendments in detail, but significant work went into developing them. I will touch on some of the questions that have been raised, including by the Minister today. The Minister has raised concerns, and, though I may not agree with him, he is entitled to use his offices to do that. His concern and that of the Department, which

was outlined to us, including in correspondence that the Committee received yesterday, was that the Treasury could seek to restore parity because of the new rights that are being granted to people in Northern Ireland. First, it is worth saying that it is disappointing that we received that detailed information relatively late. We received a written update from the Department. Obviously, it is incumbent on all of us to take our fiscal management responsibilities seriously, but we do not yet have a detailed estimate of the costs; rather, we have an estimate — it is perhaps not even an estimate but a guesstimate — of what it could cost. The Minister said — I am sure that he will say it again in his closing remarks — that he has a responsibility to be serious about such things. I reiterate what the Committee Chair said: nothing in passing the amendments would commit the Assembly to a course of action that would necessarily lead to any repercussive financial effects. As has been said, we will have the opportunity to debate and vote on the regulations, and, of course, the Bill will have a Further Consideration Stage and a Final Stage. Therefore, from my and my party's perspective, I am afraid that the case that passing those new rights today would somehow commit us to potential repercussive costs has simply not been made yet; indeed, there are not —.

Mr Weir: Will the Member give way?

Mr O'Toole: I will give way in a second. There have not been any serious or robust examples given of where that has happened.

Mr Weir: This is probably more of a procedural point. The Member mentioned that, effectively, whatever we decide today would not necessarily be set in stone because of the further opportunities that we will have. However, the Member should be aware that we are dealing with the Bill's Consideration Stage, which is the main point at which amendments are made. Further Consideration Stage is, largely speaking, about a certain level of tweaking. The scope to make widespread amendments is much reduced at that stage. We should not blind ourselves by thinking that whatever decision we take today can simply be reversed at Further Consideration Stage if further information comes to light.

Mr O'Toole: First, I know what Further Consideration Stage is. I welcome the clarification from the Member, but I have been here for nearly two years and have been through a few substantive bits of legislation. It is also worth saying that I have had experience with previous legislation. I tabled amendments

that involved an obligation on a Department, and it came back with clarifications at Further Consideration Stage.

Frankly, with respect, nothing said thus far by the Department has convinced me either that those repercussive costs are —.

Mr Lyons: Will the Member give way?

Mr O'Toole: I will give way to the Minister in a moment.

Nothing has been said that has convinced me that those repercussive costs are likely — they are certainly not definite — or even that we would be committed to a precise course of action, bearing in mind what the amendment would do. It would give the Department a full year to come back after Royal Assent.

I give way to the Minister.

Mr Lyons: I appreciate the Member's giving way. I have a number of points. First, it was only after the Committee had finalised its report that it asked for more information on repercussive costs. We then went to the Department of Finance, which engaged with Treasury, and that forms the basis of the response that the Committee received yesterday, which sets out clearly the risks. It is important that those are taken on board, and the Committee cannot say that it has not had sight of that.

We only have to look back to the welfare debate in 2012-13 to see a previous example of when this happened. Although it was done in a different way, Treasury calculated what the saving would have been if the Northern Ireland Executive had implemented the welfare reforms. They did not, and that reduction was then applied to the block grant. It absolutely is the case that the Treasury has imposed financial penalties on the Northern Ireland Executive before when it has deemed fit to do so. The risk is there, albeit it is a small one, but we need to take that into consideration.

The final point is that, yes, we have the Further Consideration Stage and, yes, there is a period of 12 months to bring in the regulations, but the commitment is there to do it. We have to do it. We cannot make change during that period, because the Assembly will have already mandated what we have to do.

Mr O'Toole: I appreciate all the points that the Minister has just made, but he closed by saying that the amendment today is committing to

doing it. That is important, frankly, and, from my perspective, having borne in mind all the evidence that has been put before us, this is an opportunity to create a legal commitment. Sometimes in this place we get a little caught up with doing reviews, strategies and consultations on things that never deliver anything. We can all list countless examples of strategies, reviews and reports that we can consult on. Actually, this is an opportunity to put something meaningful into law. Yes, there will be the opportunity for the Department to design the detail of that, and, as the Committee Chair said, it will, in regulatory terms, come back to the Floor of the Assembly.

I will make a little more progress as we talk about the other amendments in the group. Amendment No 6 gives the Department a year, as has been said, after the Bill's passage to provide the regulations that will extend the benefits to those who have had a miscarriage. It is worth noting one of the arguments that was made previously. I reiterate that I came to the process relatively late, so I was not involved in scrutiny or discussion all the way through. I think that it was implied — someone can correct me if I am wrong — that this was not raised or was not a subject of concern for people during the consultation. I am not sure that that is true. This is a live subject for people who have experienced baby loss and miscarriage, and there is clearly a significant amount of stakeholder and third-sector attention on the issue. Amendment No 5 amends the commencement section of the Bill to reflect what is in amendment No 6, as I understand it.

One of the other issues that have been raised is the timing and the question of departmental capacity and whether, given purdah and everything else, 12 months is reasonable to do the consultation. The argument has been made that that is not a reasonable period. Well, I am not entirely convinced that a two-year period to do a consultation, with no legislative certainty about what comes afterwards, will seem entirely reasonable to those who have lobbied on this. As I said, there would be a two-year period to carry out the consultation and produce recommendations, and, after that, there would be a further period of legislative scrutiny before we actually passed anything around leave for miscarriage into law. Of course, during that time, many people would be affected.

Mr Lyons: I appreciate the Member's generosity in giving way. I have set out to Members across the House the difficulties that we will have with the timeline, and I am more than happy to do that again more substantively during the debate. Just because you may think

that two years is too long to do the work does not mean that we should accept an amendment that clearly does not give us enough time to do what we want to do. On that point, I am flexible. I would say that, at the maximum point, that would be two years. I would be happy for that to be done much more quickly, but the point is that 12 months simply does not give us enough time to do what we need to do, as requested by the Committee amendment.

Mr O'Toole: OK. Thank you, Minister. Members will judge whether that is a reasonable period. I appreciate that you have made your intervention and acknowledge that that is the Department's position.

I am sure that the Minister will talk about amendment No 4 in more detail when he moves it. There are concerns about the two-year period and some of the questions that that raises about the Minister's consultation. It is my view that simply moving ahead with the Committee amendments would be preferable.

Amendment No 8 ensures that the regulations have to be approved by resolution of the Assembly. That, obviously, comes back to the point that we discussed about there being a degree of insurance there for the Assembly in further movement on these questions.

I will not go through amendment No 9 in any detail. It is relatively technical.

Those are my thoughts on the first group of amendments. We support the Committee amendments, and I appreciate the work that my predecessor and others on the Committee have done to move them forward. It is an extremely important Bill, and the amendments are not just a reasonable but an ethical response to a difficult challenge and an opportunity for us to make law here that will, hopefully, improve the lives of people in extraordinarily difficult situations.

Mr Dickson: Thank you for giving away. The Member referred to the Minister's amendment and the amendment tabled by the Committee. Will you compare and contrast what those two amendments seek to achieve? The Committee amendment provides substantially more assurance for the House and those listening to us today that the outcome of the Bill will be delivered.

Mr O'Toole: My Committee colleague makes the point more effectively than I could. He has been on the Committee for longer and for more of the deliberation. He is right that the intention

of amendment No 4 is for a consultation to be carried out and a report to be laid before the Assembly within two years. It does not even mandate further legislation after that. It does not mandate a review followed by a legislative response. It is simply a review that is laid in front of the Assembly.

The Committee amendments create a legislative obligation, but with a year for the Department to deliver on it. My party and I think that that is a better way to proceed, and so we endorse the Committee amendments.

Mrs Barton: Thank you for the opportunity to speak in support of the principle of the Parental Bereavement (Leave and Pay) Bill and in support of the Committee amendments.

There is nothing worse than the loss of a child and the grief surrounding that. We so look forward to a young life brought into this world, growing into adulthood, and we expect children to outlive their parents. At any time in the UK, around one in 10 workers is believed to be affected by bereavement. While there are organisations and employers who offer compassion and support at the time of a bereavement, in a survey of employees completed in Northern Ireland, one in seven bereaved parents said that they had not been offered a single day of paid bereavement leave. The impact of bereavement, particularly that due to the loss of a child, can have an adverse impact on the health and well-being of a parent.

Three days of paid bereavement allowance is quite frequent with many employers in Northern Ireland. That gives so little time for grief. There is a funeral to organise, as well as supporting a family and dealing with the necessary requirements and practical tasks following a funeral. Such a limited bereavement time means that loved ones return to work physically and emotionally exhausted and without the time, space or financial support to grieve properly or to come to terms with their loss.

3.15 pm

Existing legislation in Northern Ireland does not define the duration of bereavement leave for a parent who needs time off work following a death, and the Bill that we are debating this afternoon will provide the necessary legislation for parental bereavement, including leave and pay considerations. Those considerations should include bereavement pay and leave from day 1 for the parent of a child under 18 years of age, including in cases of miscarriage and stillbirth. That leave will, hopefully, help and

support parents as they come to terms with their grief.

The Parental Bereavement (Leave and Pay) Bill will be an important step in counterbalancing the legislation that is already in place elsewhere. The Ulster Unionist Party supports the Bill and the amendments.

Mr Dickson: Thank you to everybody who has worked so incredibly hard to get us to where we are with the debate today. In particular, I thank my colleagues on the Economy Committee, who worked on the issue with incredible diligence; the staff on the Committee, who assisted us; and, indeed, all those people who came to speak to us about their desire to see the legislation being delivered in Northern Ireland.

The debate is not an easy one for the people affected to listen to, and we need to acknowledge that. That is why I wish to open by saying that, on the one hand, I understand, from my previous career, the Minister's arguments and reasons, as well as the pressures on civil servants and others to bring forward legislation that works and delivers. However, there are people out there who either have been through or may ultimately face the circumstances that the Bill is trying to provide for. It is those people I am thinking of today, and they are the reason why the Alliance Party will support the Committee's amendments. Indeed, Kellie Armstrong, who is one of my colleagues and from whom you will hear later in the debate, indicated very strongly when the legislation was mooted that she wished to bring forward the very amendments that have been brought to the House today. The issue affects individuals. I have no doubt that, later in the debate, you will hear what she has to say and her personal story.

It goes without saying that the loss of a child is, of course, profoundly sad and life-changing for the parents. Therefore, it is important that we welcome the introduction of legislation to support parents and caregivers at a deeply challenging point in their life. It is imperative that we, as legislators, do everything within our power to help to alleviate the financial struggles of a family at that point in time and to assist and provide the space to start a sometimes very lengthy grieving process.

As the law on parental bereavement leave currently stands, there is no automatic right to paid leave in Northern Ireland after the death of a child. That starkly contrasts with the position in the rest of the United Kingdom, where, since April 2018, there has been access to maternity

and paternity leave after the birth of a stillborn. We in Northern Ireland are therefore running remarkably behind.

Mr Lyons: I appreciate the Member giving way. He makes an important point in that we are already far behind the rest of the UK on the issue. My concern is that, if we take the Bill through with those amendments, the implementation date of that provision will be pushed back from April 2022 to, potentially, April 2024. There is a small chance that we could get it through in 2023, but that is unlikely. Surely the more responsible thing to do would be to make sure that the provisions on parental bereavement leave and pay are implemented in April 2022 and to address the other issues subsequently. Surely people have waited for too long already.

Mr Dickson: I do not pretend to understand all the technical nuances of what the Minister is telling us, but it seems to me that it should not be beyond the ability of the House or of those who have drafted and tabled the legislation to, in the space that remains between today and Further Consideration Stage, address that very issue to allow us to have the speediest implementation of the legislation. As I will develop in the discussion, that would also allow the Department the opportunity to come forward with further regulation. As my colleague Mr O'Toole indicated, the House would have absolute power over the delivery of that.

Mr Lyons: I appreciate the Member's giving way. This is a key point on which I had a very lengthy discussion with my officials last evening and this morning. It is not simply something that we should be able to get done. If we are now putting these two things together, preparatory work and consultation would need to be done. There would be the process of going back to the Committee and the regulations being put in place. It would need to go to HMRC, and we would then be dependent on its timetable. Of course, it cannot come in in the middle of the year; it would have to come in in either April 2023 or April 2024. There is nothing that we can do to push it on. If we want to see parental bereavement leave and pay in April 2022, we need to separate the issues and allow this to go forward. Can I, please, urge the House to do that? People have been waiting too long.

Mr Dickson: I thank the Minister for what he has said but, for me, this goes beyond parental bereavement leave and covers, as I will develop, miscarriage as well. It is vital that we embrace that holistically in the legislation. This is, perhaps, a one-off opportunity to introduce

the legislation. My fear is that supporting the Minister's amendment would allow a Minister in the future to be blown off course in the delivery of what we are trying to achieve. It is important that we work as hard as we can, in this debate and in the time remaining, to ensure that we deliver the Committee's intention.

Mr Lyons: I appreciate the Member's giving way. I understand the important point that he is making, which is that my amendment does not commit us, hard and fast, to bringing in regulation. From listening to the contributions of Members right across the House, I know that that is what we all want. However, it will not be possible to bring that in in the same period as parental leave. Therefore, given that all the preparatory work for parental bereavement leave and pay has been done, why can we, as a House, not take the decision today to go ahead with that and, then, address that other issue? I am prepared to table an amendment at Further Consideration Stage to make sure that that consultation report is done within one year. It will be tight, but we can do it. That would allow us to make sure that we have parental leave and parental pay in place in April 2022. Can we, please, take that route so that we ensure that this gets through? I do not think that you will see anybody in the House lacking in doing the necessary work on miscarriage.

Mr Dickson: I understand what the Minister is saying, but, at this point in the debate and given today's subsequent vote, I am not prepared to leave this legislation to chance — to the chance that we will have a consultation and that that consultation will guide a future Assembly, a future Committee and a future Minister in what to do. I want to grasp the opportunity today. I understand what the Minister is saying about how that has the potential to push the time frame back and perhaps make things more difficult, but we have time to continue those discussions. For today, it is important that the Assembly sends out a very clear message and sets down a very clear marker on delivery.

No parent or caregiver should be tasked with dealing with the additional pressures of loss of income at what is already a stressful time. In Northern Ireland, some 450 employed parents struggle with the death of a child. There are, of course, many employers that are compassionate in such circumstances. I hope that today's debate will encourage more employers to think about how they can effectively implement what we are trying to achieve by way of legislation. There is absolutely nothing to stop them doing that today.

We need to ensure that, as a society, we have consistent and standardised statutory rights for workers. The Minister has brought forward a Bill that establishes an essential framework for the Department to build on. As you know, however, my fellow Committee members and I are concerned that the Bill does not go far enough. That is the goal that I seek to achieve today; that is where we need to move to. That is why the Committee did not consider the tabling of amendments lightly. Our first priority, and the first imperative on us, is to provide the comfort and financial support that is necessary not only for parental bereavement leave but for miscarriage leave. That is important, because miscarriage is a deeply traumatic and personal loss that requires protection identical to that which is in place for the loss of a child through stillbirth. It affects many women and their families and yet often continues to be discussed with hushed voices, if it is even discussed at all. I hope that extending the Bill to cover miscarriage can go some way towards ending the silence and the stigma.

We in the Economy Committee carefully considered the Bill. We listened to the words of individuals and stakeholders. We listened to trade unions, human rights organisations, bereavement charities and business representatives, all of whom encouraged us to table these amendments. They constantly raised one area of concern, which was that of when the payment should be provided. That goes beyond these amendments and into group 2, but I am happy to continue to speak to that at this stage. There is no justification for the protection coming only after 26 weeks of employment. No one should be any less entitled to compassion following the loss of a child. It is vital that we get legislation on such sensitive issues right. I understand what the Minister is saying, and I get the difficulties around this, but we are here to solve difficult problems; pushing them down the road will not solve this problem.

This Bill needs to cover miscarriage and ensure that that is a week-1 right. It is regrettable that the Department has not been able to work fully with us on these amendments. I accept that a lot of work has been done and a lot of discussion has taken place, but there is a gap that we need to narrow. We need to support these amendments. It is unfortunate, as others said, that the scope of the legislation has been affected by what has happened in the life of the Assembly, but we are where we are, and we have an opportunity to legislate. The Alliance Party believes that this is an important step towards fixing our outdated bereavement protections, and I am concerned that the

playing field will continue to be uneven for everyone who falls outside the legislation. We have therefore pledged to bring forward legislation in the next mandate to deliver more comprehensive and compassionate leave, as we have heard requested by many of the people who came to the Committee.

In closing, I say that these provisions are long overdue. I thank the Minister and his predecessor for bringing the legislation forward; they are in the right place for having done so. They have considered this as part of their programme, and that is to be welcomed. In general, however, it is important that we do not just support the basic Bill but that we provide the enhancement that the Committee's amendments propose. The loss of a child is one of the worst things that anyone could imagine. Ensuring that workers are treated with compassion and given protection in those circumstances is simply the right thing to do. This is the day for the Assembly to make the bold decision to push the envelope as far as it can and to encourage the Department so that, hopefully, following today's debate, it will align with what the Committee is attempting to achieve by tabling its amendments. I hope that we will continue to work in the same direction to deliver for everybody who is affected by the Bill.

3.30 pm

Ms Flynn: I will repeat some of the comments that my colleague the Chair of the Economy Committee made earlier. Sinn Féin fully supports the implementation of the provisions of the Parental Bereavement (Leave and Pay) Bill, and I will also speak in support of the amendment to extend parental leave to parents who have lost a child to miscarriage before 24 weeks of pregnancy. They deserve to be supported, and they need compassionate leave from work in order to process and come to terms with what, for many, can be an extremely difficult and sad experience.

Mr Weir mentioned the wish to get the legislation in place as early as possible, and the Minister also referred to that. Yes, we absolutely do want that, but, as Mr Weir also said, it is about getting it right. The Minister mentioned aiming to get the legislation through by 2022, so that, come 2022, there will be leave and pay for all parents who have been bereaved. My concern, however, is —

Mr Lyons: I appreciate the Member's giving way. The point that I have been making in interventions — I appreciate Members' generosity — is that, if the amendments are

passed, we cannot have parental bereavement leave in April 2022. The issues become tied together, and that pushes it down the line to 2024. My approach is to have parental bereavement leave and pay now. We can then work on the miscarriage issue, and that provision can be in place for 2024. Alternatively, we can have both in place for 2024. My approach is surely better.

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

Ms Flynn: I thank the Minister for his intervention, and I appreciate his viewpoint and the work of the Department in considering the issue. The point that I was going on to make was that, even if, in 2022, the legislation as it stands is in place for parental leave, it still excludes parents who have lost a baby through miscarriage. They will not be included in the legislation.

We know that there is a huge gap in support for parents who suffer miscarriage. I make this point to the Minister: when we talk about the gaps in support, we do not say that they are gaps in provision from the Department for the Economy exclusively. I am a member of the Health Committee, and we know that there are gaps in healthcare provision too. In debating this legislation, however, there is an opportunity for the Department for the Economy to fill some of the gaps in provision for miscarriages.

We know that maternity leave entitlements do not apply to mothers who have a miscarriage, but they apply to mothers who have a stillbirth. The legislation provides an opportunity, alongside the amendment, to support those who, in the past, have had little or no support in the workplace. In April, when the Miscarriage Association gave a presentation to MLAs at a meeting of the all-party group on women's health, we heard from it about the lack of specialist support and recognition for parents who experience or have experienced miscarriages.

Parents who have gone through that tragic, emotional experience and who gave feedback through surveys have been clear about what they want, and it cuts across all Departments: they want empathy, sensitivity and support. Financially, parental bereavement pay would be a great gesture of support from the Assembly and the Minister's Department to those parents.

The amendment, if passed, would lift a huge burden from parents who have experienced the feeling of being under pressure to return to work before they are ready. The Alliance Party

Member who spoke before me touched on the stigma and shame that still surround miscarriage for a lot of parents. If the legislation is passed and the payment can be made, that will deal with some of the stigma and shame in the workplace by enabling people to have that conversation with their employer about not being ready to return to work because of the experience of their miscarriage. It is not acceptable that the current system does not allow for paid time off work following the loss of an unborn baby. That contributes to the shame that some people out there feel. For some people, pregnancy loss can form part of what causes a mental health problem, and, for some people who already have a mental health problem or illness, going through the experience of a miscarriage can make that illness worse. We know that some people may be given a diagnosis such as post-traumatic stress disorder. That is how serious a miscarriage can be to someone's life. People can go on to experience symptoms that make their life difficult for a very long time. Sometimes, the trauma of the loss of an unborn baby through miscarriage can cause intrusive thoughts, flashbacks and nightmares. Sometimes, what happens afterwards contributes to someone's going on to have mental health problems. Lots of people experience a combination of those things. If we do not invest in this now, some people will form mental health problems and illnesses down the line because they do not deal with their miscarriage or take the time off that they genuinely need. That has a knock-on effect on their ability to carry out the role that they need to perform in their working environment.

To give a sense of how large the problem is: it is estimated that as many as one in four pregnancies ends in miscarriage. It is a really horrible common experience that many people in the workplace go through, and they will require time off because of it. Hopefully, they will be able to avail themselves of the legal entitlement and frameworks that will be put in place, which will allow them to receive payment.

I thank the Committee Chair and all the Members who have spoken so far in this really important debate. I hope that the Department will work alongside the Committee, and that the Assembly will pass the amendments proposed to the legislation.

Mr K Buchanan: I support the Bill. I fully support miscarriage being included in the Parental Bereavement (Leave and Pay) Bill, but its inclusion by means of amendment without full consultation would have implications for other employment law. The Minister for the

Economy introduced the Bill on 1 June 2021. Although many of the amendments seem reasonable and compassionate, they require full consultation. We must ensure that they do not breach any parity principle with our counterparts in the rest of the United Kingdom.

The Bill's aim is to ensure that Northern Ireland parental bereavement leave and pay will replicate the provisions in Great Britain and that employees in Northern Ireland are afforded the same employment rights as their counterparts in GB. The Department for the Economy hopes that the Bill can be introduced by April 2022. With that uppermost in our mind, the Bill's emphasis is on ensuring that working parents who experience stillbirth or child death are afforded the same employment rights as their counterparts in GB. In June 2020, the Department for the Economy opened a consultation to notify the Northern Ireland public of its intention to introduce for working parents in Northern Ireland similar parental bereavement leave and pay provisions to those that are provided under the GB Act. The consultation ran from 15 June 2020 until 10 August 2020 and received 36 responses from a variety of stakeholders. If further consultation were required, it would delay the Bill further, and it might not then be completed during this mandate. There would need to be an appropriate level of Assembly scrutiny of the regulations to ensure that they are fit for purpose.

Sadly, miscarriage is a loss that many couples experience. It is not a loss that is felt only by the mother, as it also impacts on and affects the father of the child. Many couples suffer that loss on a number of occasions. Each miscarriage causes pain and grief for both parents. The 2019 Northern Ireland Statistics and Research Agency (NISRA) figures for births — the Member who spoke previously referred to this — and the fact that the NHS estimates that one in eight pregnancies ends through miscarriage mean that there were approximately 3,200 miscarriages in Northern Ireland in 2019. Miscarriage support groups estimate that one in four pregnancies ends through miscarriage. That would increase the number of miscarriages to 7,500, so the figure is anywhere between 3,200 and 7,500. I looked at the figure this morning, and the number of babies born each year is approximately 24,000 or 25,000, so that puts in context the number of miscarriages compared with the number of children who are born.

Many parents carry the burden of miscarriage alone. If it was an early miscarriage, they may not have told their family about the pregnancy

and, therefore, have no support network. That is the sad reality of many miscarriages. That loss can have a devastating effect on parents, and employers should always consider what is best for their employees, depending on their specific circumstances.

Mental health conditions such as anxiety and depression are common for anyone who experiences a death in the family, regardless of the age of the loved one who has passed on. There is no doubt or question that employers should support their employees in the same way that they would support them after any other death. We must also note that the GB Parental Bereavement (Leave and Pay) Act did not include provision for paid leave after miscarriage, and, therefore, there was no specific consideration of that referenced during the consultation exercise.

It should also be noted that in the Republic of Ireland, despite previous attempts to legislate in that regard, there is still no statutory entitlement to parental bereavement leave and pay; it remains largely at the discretion of the employer. Some employers have their own policy on parental leave. This year, as mentioned by the Committee Chair, Lidl Northern Ireland introduced a new policy to give employees three days of paid compassionate leave following an early pregnancy loss or miscarriage, along with access to a support system that includes 24-hour access to its dedicated employee-assistance programme for mental health.

If we are to change our employment law framework, either through this Bill or by way of a separate miscarriage Bill, without GB doing likewise, funding for the running costs would fall to the Northern Ireland Executive. In addition, there would be significant system set-up costs payable to HMRC. Although we remember that we are talking about the loss of a child — a precious life — and the very real grief of parents, we must also ask whether the proposed amendments to the Bill have been fully considered and consulted on. Have all aspects of the Bill and proposed amendments been considered, along with their wider implications for employment law?

It is estimated that the cost of the change would be £1.5 million. That does not include further consideration, should we deviate from the Parental Bereavement (Leave and Pay) Act 2018. There are potential repercussions for the Northern Ireland block grant and, in turn, the Executive's Budget, should NI make a legislative change that GB is then required to make when it is not GB policy to do so. I will not

read out the quote from Her Majesty's Treasury on funding — the Committee Chair did that — but we cannot ignore it. Those costs have been estimated to be £100 million a year in the event of the United Kingdom Government insisting on receiving those costs. I therefore urge that full consideration be given, along with the necessary and required consultation, prior to any decision being taken to include miscarriage in the Bill.

Again, I stress that, although miscarriage is an emotive issue that affects the mother and father, we must ensure that the inclusion of miscarriage in any parental bereavement Bill has been fully consulted on and will not have further implications for other employment rights and laws. It is important to make good law properly; not swiftly or without due consideration and consultation.

I thank the Chair of the Committee, the officials from the Department and any organisation that gave evidence to the Committee.

Ms Brogan: I welcome the opportunity to participate in today's debate, because this is really important legislation and the rights that it contains are long overdue. The Bill recognises parental bereavement as being a significant issue that, unfortunately, affects the lives of so many people. Parents who experience the unimaginable pain of losing a child deserve to be supported and offered compassionate leave from work to give them some time to deal with the grief.

In an ideal world, for someone who has suffered a devastating loss, such as the loss of a child, work and finances should be the last things that they have to worry about. However, in reality, bills still need to be paid. They still need to pay their rent or mortgage, food needs to be put on the table and heating needs to be paid for. So, parental bereavement leave and pay, as discussed in the Bill, will offer some support to those who need it in the most difficult of times.

I am not a member of the Economy Committee, but I spoke in the Second Stage debate and supported the Bill's passage to Committee Stage. During Second Stage, I highlighted a number of concerns that I had with the Bill and areas that I hoped could be developed by the Committee. I am glad that the Minister and the Department for the Economy have agreed to include parental bereavement leave for those who suffer stillbirths. At Second Stage, I, along with a number of other Members, suggested that it should be extended to parents who suffer miscarriage.

I am pleased that the Committee has tabled amendments to include parents who have lost a child before 24 weeks of pregnancy due to miscarriage. We know the suffering that miscarriage can cause and the devastating impact that it can have on parents and families, so it is important that we extend the support to them.

3.45 pm

As my colleague Órlaithí Flynn said, there is a gap in support for parents who suffer a miscarriage. Representative organisations such as the Miscarriage Association have found that there is a lack of specialist support and recognition for parents who experience miscarriages. Again, as Órlaithí said, maternity leave entitlements do not apply to mothers who have a miscarriage. Parents who were surveyed by the association said that they felt under pressure to return to work before they were ready.

This Bill is an opportunity for us in the North to set a trend, to be at the fore and to show compassion to parents who miscarry a baby by including them in the Bill and by providing support to those who, in the past, have had little or no support. It is my understanding that we would be the first jurisdiction in the northern hemisphere to extend the rights to parents who suffer miscarriage. It would be a positive step, so I will support the Committee amendments and hope that the Assembly will do so as well.

Mr Dunne: I, too, welcome the opportunity to speak on this important issue at the Consideration Stage of the Parental Bereavement (Leave and Pay) Bill. I was not a Member when the Bill went through its Second Stage, but the Committee and the Department have done a considerable amount of work, and, in that time, I have certainly recognised the Bill's importance. This Bill follows the introduction of parental bereavement leave and pay legislation by our UK Parliament in April 2020 through the Parental Bereavement (Leave and Pay) Act 2018. It would create a statutory entitlement to leave and pay for working parents who suffer the death or stillbirth of a child.

At the outset, I join others in thanking all the organisations and bodies that engaged with the Economy Committee on this important matter through the Department's public consultation on the Bill, which ran between June and August 2020, including those who shared personal, moving and traumatic stories of their loss. Throughout the consultation and engagement

process, there was strong support across Northern Ireland for the Bill. That highlights the importance of getting it right and ensuring that we see no further delays in delivering this most important legislation and support where it is needed.

I commend the many charities that support bereaved parents daily across our country, as well as the support workers in our health trusts. I acknowledge the input and work of the Minister and his officials in ensuring that bereaved parents get the support that they deserve, the engagement that the Department has had with the Committee and the work of our Committee staff, whom I thank.

The loss of a child is truly devastating for any family. It not only impacts on the parents; family members, carers and relatives can also be significantly affected by such a tragedy. It is completely understandable that working parents who experience such a bereavement will need the compassion and support of a caring employer. We are fortunate that many employers act responsibly and make provision for paid compassionate leave. Such leave has no statutory protection, however, and may cover only a few days. Moreover, not all employees will be in that fortunate position.

The purpose of the Bill was always to ensure that employees who suffered the loss of a child under the age of 18 or a stillbirth would have a statutory entitlement to two weeks' leave and that, in most cases, working parents would also be entitled to a statutory payment, bringing much-needed clarity, certainty and support to employers and employees and a statutory safety net for working parents who suffered such a profound loss. It would also Northern Ireland into line with Great Britain in providing parental leave, pay and employment protections and affording the same employment rights for workers.

In 2020, according to Northern Ireland Statistics and Research Agency (NISRA) statistics, 69 stillbirths and 93 infant deaths were registered here. Each of those represents a wide network of family, friends and carers who are equally affected. During Committee Stage, we learned that child deaths affect approximately 450 working parents here every year. The sad and tragic statistics confirm the need for the Bill, for our being here today and for our having introduced the Bill in the first place. I am glad and grateful that former Minister Dodds did that.

The facts and figures also reaffirm the need for any legislation to be carefully considered and fully and extensively consulted on. Some of my

colleagues have also touched on that point. We cannot ignore the real and stark financial risks that exist and the fact that there would be a cost to breaking parity on such an important issue. That was brought home to those of us on the Economy Committee when we received a written briefing in response to engagement between Department of Finance officials and HM Treasury, just yesterday, on 29 November. The Department stated:

"if the UK Government sought to restore parity as a result of the amendments made to the NI Bill, the estimated liability would be £100 million per annum".

It would be responsible for us all to take serious stock of that and to fully consider all the consequences.

We do not want to see further delays in working parents getting the support that they deserve. Bereaved parents have already suffered so much trauma, and having to wait even longer would be regrettable and totally unacceptable. If the Committee amendments were passed and the Bill was not able to deliver in the time frame, as the Minister has warned numerous times today and in correspondence with the Committee, it would be a regrettable step. The reality that the benefits of the Bill may not be delivered until April 2023 or, indeed, April 2024 —.

Mr Beggs: Will the Member give way?

Mr Dunne: No, you will have plenty of time. That is of great concern, and every effort must be made to ensure that it can be delivered on time, as the Minister has already warned.

Miscarriage is an extremely sensitive and complex matter, and there can be many stages to it. Miscarriage can bring such devastation to so many families, and, unfortunately, some families can suffer multiple miscarriages, which multiplies the long-lasting grief. I know from speaking to close friends that the pain and devastation that it can bring is real and traumatic and can last for many years. As has been mentioned in the debate, it is estimated that it can affect between one in four and one in eight pregnancies, which, again, highlights its seriousness.

Whilst the Committee's amendments raise important issues and the need for improved support around miscarriage, I do not believe that it is best to support them at this stage, and I do not believe that they can be achieved as quickly as they are needed. I am glad that the

Department recognises the need for a full and comprehensive review around a full assessment of employment law and our framework across Northern Ireland. However, the reality is that that work around employment law will not be completed in the relatively short window of time that we have left in the mandate. All will be better looked at collectively by the Department with full consultation, engagement and focused outcomes delivering the best for those who have to contend with such devastating circumstances.

Ms Armstrong: I am taking an intake of breath here because, as Members will know, this is something that is very close to my heart. I start off by declaring an interest: of my 14 pregnancies, 13 ended in miscarriage. I have been a bereavement counsellor for Remember our Child, which was the Northern Ireland miscarriage organisation. Unfortunately, it is no longer there, but we have the Miscarriage Association. As I said at Second Stage, I apologise if the debate triggers upset for any parents who have lost a child.

I thank the Minister for introducing the Parental Bereavement (Leave and Pay) Bill. You have no idea how much that will help parents across Northern Ireland. I also thank the Committee for tabling the amendments to include miscarriage. We are the forgotten grief; we are the taboo grief; and we are always left behind. Thank you, from the bottom of my heart.

As my colleague said, I was working on amendments. I decided not to take those amendments forward when it became clear that the Committee was taking forward amendments that appeared on the Marshalled List. I was going in the same direction as the Committee. We have the opportunity to move Northern Ireland forward and to be a leader in recognising that parents who lose a child during pregnancy before 24 weeks matter.

I have miscarried and, unfortunately, miscarried many times, and the only reason why I am not in tears here is that I promised lots of parents that I would stand on their behalf. I was an employee in a number of companies, and, while lots of Members have said here that there are great employers, that was not my experience. The long-term cost of not recognising miscarriage in employment happened to me. I had three months off on the sick, and a doctor put me on diazepam to cope with the grief. Eventually, after three months, when he decided that I was not going to throw myself off a cliff, he took me off the diazepam and sent me home with a note to go back to work. I left that work. I was a skilled employee in each of

those jobs, and I left them. I said, "Stuff them", because I was sitting beside other pregnant women. I was sitting in a room with people whose families had all those joyful occasions, and there I was, the pain sitting in the corner. Nobody wanted to talk about my grief or why I got sad on different dates. The long-term impact of miscarriage damages our workforce.

I want to talk about the money side of things. I will just say to every Member who is worried about the money that, when you have had a miscarriage, you could not give two hoots about the money, because you are grieving the death of that possibility and of the child who will not be there. Let us set the money aside. Minister, I will get to your amendment No 4 and say why there is a problem with it, but I will say this to every Member: do not assume that anybody who has had a miscarriage will look for miscarriage leave. Someone on the DUP Benches made a good point, which was that, when you have had an early miscarriage, you have not told anyone. Believe me: while you may say that there are good employers, there are still many employers who do not want women of childbearing age in their workforce because they will take maternity leave. So women hide it. I hid it, because I did not want to face it time and time again with HR and explain that I was off work for the third time that year because I had had another miscarriage. I could have been sacked. That is one of the realities of being a woman employed in Northern Ireland.

Some of you have complained that people who have miscarried did not respond to the consultation: of course we did not. Why would we? It was not in the Bill. I am used to not being treated as a grieving mother. I am used to being treated as that embarrassment sitting in the corner. The way that the Bill was originally drafted did not include me. It did not want me or see me as important.

Minister, I cannot support your amendment No 4. I come at the issue in a very different way. You have no hope of completing that consultation on the new clause. I say that because new clause 3A(2) states:

"The consultation may include, in particular, consultation as to—

(a) whether the entitlements should be conferred in all cases where a person has had a miscarriage, or only in some cases".

As somebody who has had a miscarriage, I could not answer that, because you are making those of us who have had miscarriages

different. You are segmenting even the group who have had miscarriages.

New clause 3A(2)(b) says:

"whether the entitlements to be conferred in such cases should be the same as, or different from, the entitlements that are conferred where a child has died".

I had 13 children who died in my womb. They are dead children. Amendment No 4 seems to insinuate that mine were not children. I just cannot cope with that.

New clause 3A(2)(c) says:

"whether anyone other than the person who has had the miscarriage should also to be entitled to leave or pay".

That refers to any father or other mother. I cannot stand by that. After the years that I have been in miscarriage bereavement counselling with people, I know that those are the very words that cause people harm and years-long anguish.

New clause 3A(2)(d) says:

"whether different entitlements should be conferred in different cases of miscarriage."

If you lose a baby before 24 weeks, you lose a baby. I also have to say, Minister, that I am really sorry, but the evidence that you are looking for is not there. Where will you find that evidence? From years of working in the miscarriage field, I know that, when you ask how many people in Northern Ireland have had miscarriages and you go to the health records, you get the records only of those who appeared at a hospital and had a miscarriage. That is as few as one in 10 of those of us who have had miscarriages. I was in hospital to have the remains removed only in the last of my 13 miscarriages.

Minister, your consultation is based on information that will cause such harm to people who have had miscarriages that they will not answer it. You will not get information about how many employees have come forward to say that they are miscarrying or have miscarried because of the fear of their employer's and HR's rules. Currently, they will not come forward with it. I am concerned about that.

Mr Lyons: I appreciate the Member's giving way. I thank her for the way in which she has

approached this sensitive topic. I just want to make it clear that we are not insinuating anything when we ask those questions.

We are trying to make it as open as possible. We are saying to people, "Tell us how and when you think this should apply". If you look at the wording, you will see that we are trying to say, "We are coming here with no preconceived ideas. We simply want you to tell us". I can understand why many people might not want to take part in that consultation, but that is not a reason for not opening it up to consultation and telling people that we want to hear from them. For everyone who might say, "I do not want to take part in that consultation", there will be others, like you, who say at the start, "I want to be included. I want to be involved". That is why this is the best way forward.

4.00 pm

Ms Armstrong: Thank you, Minister.

I come to my main point on amendment No 4. Amendment No 4, new clause 3, will bring forward a report, not legislation. I am sorry: my grief about pregnancy loss at 16 weeks, 12 weeks or 6 weeks is exactly the same as that of someone who is 24 weeks plus three days; I am not different. I am not a report; I deserve legislation, and so do all the other mums and dads out there. When I saw amendment No 3 to clause 2 and its inclusion of miscarriage from the very start, I thought, "Do you know what? That is what we need. We need parents who have suffered baby loss to be included from day 1". They should not be excluded, with the possibility of a report a couple of years down the road. I am sorry, Minister: I cannot agree with you on that.

On the money side of things, you have 12 months. If the Committee's amendments go through, there are 12 months. Why not have a real conversation with people who have miscarried during that 12 months? You will find out how many of us actually request time off from our employers and how many want to be involved. These amendments will, at long last, allow parents who have had a miscarriage to not be treated as the taboo and to be able to come forward and say, "I have had a loss, and I need a bit of time".

I want to point out to all of you something that I noticed in the Bill. I had thought of amending it, as one has not come forward on it so far. Under "Rate and period of pay", subsection (5) states:

"For the purposes of subsection (2), the qualifying period is to be determined in accordance with regulations, which must secure that it is a period of at least 56 days beginning with the date of the child's death."

If you miscarry, you do not know when your child has died inside you. Quite often, you only know the date when that was confirmed by a negative pregnancy test. It is quite callous and hard to say that. Why is it 56 days? Why is it not 56 weeks? The anniversary of a child's death is one of the hardest —

Dr Archibald: Will the Member give way?

Ms Armstrong: I will.

Dr Archibald: The Department has clarified that it will be 56 weeks in the legislation.

Ms Armstrong: Thank you for that. It was very hard for me to understand why anyone would think that the first 56 days is the only time that you grieve for a child. The anniversary of a child's death can often trigger deep, deep sorrow in a couple and a family. When siblings get the opportunity to commemorate their brother or sister's death, that is a hard time. The clarification that it is 56 weeks is fantastic.

At the start, when I saw amendment No 4, I thought, "Oh, they are going to ask people who have had a miscarriage what they actually think". Then, when I read it, Minister, I had to say, "Back to school on this one". Language is key with baby loss. The language used in your amendment No 4 would appear in the Bill, and that language is horrendous. As a bereavement counsellor, I know that that language is not good enough. That language shows that the Bill is all about money and not about people, albeit I understand that the Bill comes from the Department for the Economy.

I once helped the Department of Health write a bereavement leaflet for couples who had experienced miscarriage following IVF. At the start, the language that people were coming out with was callous. We got the language changed so that it was more user-friendly. Amendment No 4 is callous. I cannot accept it, one, because of the language and, two, because it defines people who have miscarried as something separate, something different and something unusual. Whether people are entitled or not, that amendment sets a scene that is not good enough.

I will support the Committee amendments. I can support amendment No 10, which was

proposed by the Minister, because it adds miscarriage to the long title, but, at this stage, the assumptions about the consultation and the amount of money that he thinks it will cost are wrong. That is why I tabled a motion that asks for a register of miscarriages that happen at home, which is the majority of them; of miscarriages that are notified to GPs, which is some of them; and of the very few miscarriages that happen in hospitals, so that we can get some figures.

Believe me, I would not have been going to any of my employers, even with the Bill coming forward, to ask for miscarriage leave, because, unfortunately, my miscarriages were all early, and it was not the time for me to tell my employer. There will be a lot of people like that. You have to prove that you have had a miscarriage. That negative pregnancy test is how you prove that you have lost an early pregnancy. Minister, there is a lot of work to be done. At this stage, we get that work done by putting miscarriage into the legislation.

Mr Carroll: I thank Kellie Armstrong for her powerful testimony again. The aim of the Bill ought to receive the support of every MLA in the Chamber. I add my voice to those welcoming the Bill. It has been a long time coming, and — dare I say? — it is quite a shocking indictment of our society and its employment practices that, in 2021, we are only now debating concrete legislative support to provide bereavement pay and leave to workers who are parents and have had to face the greatest of all fears: losing a child.

During the pandemic, everyone across our society has grown to value the role of our front-line workers. The COVID pandemic has brought a new onus to recognise the role that workers play in our society, but it has also put a spotlight on things like low pay and the lack of support and legal protections for those workers. One area that has been highlighted is the lack of legal support and protection for workers who face bereavement amidst the health crisis, during which far too many people had to bury loved ones. My heart goes out to every single parent in the world who has had to cope with losing a child.

I support the Bill. I also support amendment No 1 and all the consequential amendments that follow the move to include those who have experienced miscarriages. I support the inclusion of stillbirths, although that is not in the amendments today. It is entirely appropriate to include miscarriages in the legislation, and I welcome the fact that debate at Committee level has brought that about. I will support

amendment No 1. I hope that that amendment passes instead of amendment No 4, which I do not support, because I do not feel that it is necessary to consult on the issue over a two-year period, and nor do I want to see a situation in which the Chamber picks and chooses which people experiencing miscarriages are or are not worthy of support.

Obviously, it is a very difficult subject and one that must be approached with the utmost sensitivity and respect. No parent should ever have to grieve for a child, but it is an awful reality for some parents, and there is a duty on decision makers and leaders to provide as much support as possible for those who have to face that traumatic, life-changing experience. For that reason alone, the legislative move to provide for parental bereavement pay is welcome. The Bill will bring things here into line with legislation across the water, where such provision already exists.

As I said, it is an indictment on our society that the Assembly is only doing this now and that we are playing catch-up with Britain. Up until now, employed parents who have found themselves dealing with bereavement have been left to deal with it alone with their employers, without any legislative support in place for paid time off work. No doubt, there are many employers who treat the issue with compassion and humanity and have their own provision in place when the situation arises, but, as we heard, there are also employers who do not have decent provisions in place and do not meet the situations with the humanity and compassion that is needed. It is frightening to think that, in the context of a parent's worst hour of need, some parents are not supported properly and have financial and employment concerns heaped on top of their grieving process. The legislation can help to correct that wrong and, therefore, is clearly welcome.

As welcome as the legislation is, I also wish to raise the contact that I have had with the Coalition for Bereaved Workers, a campaign that has support from the trade union movement as well as a number of charities. The coalition has stated how the Parental Bereavement (Leave and Pay) Bill is a crucial first step, but, once it becomes law, we need to go further still and grant the same protections to everyone who is bereaved of a close relative or partner. That would ensure that so many more people are given the time, space and financial security that they need to begin grieving away from work.

I am glad to say that my party and its councillors in Belfast City Council and Derry

and Strabane District Council have proposed motions to those respective councils based on the coalition's call to action in the hope of securing two weeks' bereavement pay for all workers affected by the bereavement of a close relative. I hope that those councils lead the way on that issue and that others follow, because, crucially, we must listen to the voices of those impacted by bereavement — parents, workers and their trade union representatives — in the hope that those voices are heard and are allowed to strengthen the legislation, if it needs to be strengthened. I look forward to doing that, and, if I can play a role in helping one person who has faced losing a child or another relative, it will have been a worthwhile endeavour indeed.

In conclusion, I am very concerned that in yesterday's discussion on domestic abuse leave and today's debate on parental bereavement leave, there has been a focus on cost. Frankly, that is obscene. We should not be counting pennies and pounds when we are talking about dealing with extremely difficult and traumatic experiences for people. The focus should be on supporting those who need help, support and time off; not on prioritising financial concerns. I hope that the Minister takes that into account in his response to the debate today.

Mr Lyons: Before I begin, I thank the Committee Chair and the Committee for their work at Committee Stage. We all share a desire to ensure that we provide the best level of support for working parents in Northern Ireland who find themselves in the heartbreaking circumstances of losing a child. Few experiences could be worse for any parent or carer, and it is right that anyone who finds themselves in that terrible situation has all the support and help that they require.

I also thank the Members who spoke today and all who contributed during the passage of the Bill. I especially wish to take a moment to acknowledge the experiences of personal loss and suffering that have been bravely shared in the Chamber. That is not an easy thing to do, but it demonstrates that those of us who are tasked with the role of legislators often face those dreadful events in our own lives and in our own families.

When the Bill was first brought to the Executive by my colleague Diane Dodds, it was in recognition of the fact that bereaved working parents here were not provided with the same level of support as is given to bereaved working parents across the rest of the UK. At that time, it was also recognised that we had an

extremely short window of opportunity remaining in this mandate but that this was a priority for her and the Department. I share that desire to ensure that we close the gap.

Given the limited time that we have and the challenges of responding to COVID-19, many employment law issues must wait until the next mandate to be addressed. Parental bereavement leave and pay could easily have been one of those issues, but, in recognition of the singular importance of parental bereavement and an opportunity to secure the passage of a very specific Bill in the remainder of this mandate, Diane decided not to wait. That was the right thing to do then, and it is still the right thing to do now.

The tight focus on the time remaining was also one of the key reasons why the Bill was solely focused on the issue of parental bereavement, trusting that it would secure the support needed and ensuring that the required secondary legislation would be straightforward and in place at the earliest opportunity in April 2022. Officials in the Assembly and in my Department, my predecessors as Minister and, indeed, Committee members have worked tirelessly to ensure that we achieve that date. Unfortunately, however, the passage of the Bill now faces a real threat.

I acknowledge that the amendments moved by the Chair of the Committee are undoubtedly well-intentioned. Worded as they are, however, they are likely to scupper the legislation. Were the Bill to progress with the Committee amendments incorporated into it, it would be likely to push the introduction of parental bereavement leave far beyond April 2022, most likely to April 2024. That is because of the extensive system changes that would be required in HMRC, the extensive changes that payroll software developers would have to make and the requisite notice periods before development work can begin.

The amendments also run the risk of disrupting the content of the Bill so comprehensively that it may not be possible to implement it at all —

Mr Weir: Will the Minister give way?

Mr Lyons: — due to potential unintended consequences and possible ruinous repercussive costs. I will give way to the Member.

Mr Weir: I appreciate that this is a point that we have covered to some extent. I do not know whether there is any more detail that the

Minister can give on the time frame. One of the major differences between the Department's amendment and the Committee's amendment is the time frame and whether this is achievable within one year. I do not know whether he can give the House any more detail on the timeline. From experience, I know the length of time that these things take, and the House needs to know what is realistic and what is not.

4.15 pm

Mr Lyons: I appreciate the Member's intervention, and I refer him to comments from other Members. The Chair of the Committee said it was up to me to lay this out. Mr Dickson said:

"I do not pretend to understand all the technical nuances of what the Minister is indicating to us".

I therefore want to take a little bit of time to do just that and explain why 12 months is not a realistic prospect in which the legislation can be brought in.

Once Royal Assent had been granted, for the statutory rules (SRs) to be drafted and in place would take four months. We would also have the miscarriage policy development process commencing, including research, benchmarking, impact assessments, cost assessments, drafting of the consultation paper and engagement with the Committee, if required. That would be likely to take four months.

The document would then have to go to the Minister for approval and consultation. There would follow further engagement with the Committee and then Executive approval: another six weeks. That would be 10 weeks for the consultation process, including two weeks that would be lost over Christmas. Departmental analysis and assessment of the consultation responses would take four weeks. Ministerial approval of the departmental response, and engagement with the Committee to seek Executive approval, would take another six weeks. It would therefore take four to six months to commence the drafting of the regulations. Of course, that might take longer than usual, as there is no GB template to follow. It would also require extensive engagement with the Departmental Solicitor's Office (DSO) and across the Northern Ireland Civil Service (NICS).

It would take four weeks for the draft rules to be made, and if the SRs were then approved by

the Assembly, commencement could be October 2023. The introduction date for the new employment right would be April 2024, however, as all new employment rights commence at the start of the tax year. That is why it would be pushed back until that time. I have said that to Members time and time again in the Chamber.

I have taken the time over the past 24 hours to meet the larger parties, in some cases twice. I have offered further meetings to explain why the House needs to accept my amendments. Otherwise, it will not be the case that the regulations will get through in April 2022. That is why there is a very clear choice for the House to make.

Ms Armstrong: Thank you very much for giving way, Minister, and I thank you for setting out that timescale. We have just come out of COVID, however, when things could be turned around quite quickly. I ask the Minister this: can he please be careful with his words? What this sounds like to me is, on one side, parents who miscarried holding back everyone else who lost a child. That is how it comes across. Can we please just accept the fact that there are ways in which we can do things quicker in this place? We have done them quickly, although perhaps not exactly right, especially during COVID with some of the grants, but where there is a will, there may well be a way.

Mr Lyons: There is potential for us to do that, if we go down the proper consultation route and the process that I outlined that would follow my amendments. Of course, if we could hurry that up, I would want to see that happen.

There are lots of competing priorities, however. You have to realise the small size of my employment law team. You have to understand that a number of regulations have to be brought in. You have to understand that there are competing Bills that will be taking up my team's attention. We were here only yesterday debating another employment Bill. There are other private Members' Bills coming through. In addition, as other Members said, there are a number of outstanding employment issues before the House, including the need to have a full employment Bill, because of all the other issues that still need to be addressed.

This is not a case of us taking our time or not progressing the legislation. The timeline is fairly accurate as to the way in which the process goes. It is very hard to shorten them, and it is only right, because of the seriousness of this issue, that we give the legislation the attention that it deserves.

Mr O'Toole: I appreciate the Minister's giving way. In a previous piece of legislation that I did work on, and on which Ms Armstrong worked, too — the Licensing and Registration of Clubs (Amendment) Bill — I tabled an amendment creating an obligation on the Department to do a review. My amendments were successful at Consideration Stage. The Department did not want them to pass in the first place, saying that the legislation was not going to be achievable in the time frame. At Further Consideration Stage, it then took a regulatory-making power to give the Department, if required, more time. The Department could come back to the Assembly and ask for more time via, I think, the negative resolution procedure. Is that not possible in this case? Would it not be possible for the Department to come back at Further Consideration Stage with an amendment that included, for example, a regulatory-making power, giving it more time, specifically on the miscarriage component, should that be necessary?

Mr Lyons: If it was a small technical change to extend the amount of time for the regulations to come in, it would help. However, because of the way in which the amendments are drafted, they all stick together. Yes, you could give us more time to do that; however, it would still push back the parental bereavement leave and pay element.

I take the point that Ms Armstrong made that it is not about pitting people against each other. However, it has been a number of years since legislation was introduced elsewhere in GB. Why can we not take those two issues and pull them apart? An extensive amount of work was done to get it ready for April 2022. Let us do that and find that other way to progress the miscarriage legislation as much as possible.

Ms Flynn was, at least, honest about it. She said that she would rather have nothing in place in 2022 and everything in 2024 because she wanted the two to be brought in together. If that is the will of the House, so be it. However, it has to understand that that will be the consequence. If we keep those things tied together, it will be 2024 before they are implemented.

Ms Armstrong: I thank the Minister for giving way. The reason why I do not want stillbirths or children who die after birth to be divided from miscarriages is the mental health harm that miscarriage causes to parents. They are hidden away behind curtains in hospitals because nobody wants to catch that miscarriage bug. It has harmed women, in particular, for years. Let us not do that. Let us not go down that pathway.

Minister, I hope that you can recognise that it is wider than your remit and portfolio in Economy. It is about the mental health and well-being of parents, in particular women, who lose children during miscarriage. If we tell them that they are too difficult or that their loss is not the same, it will cause harm. That is an unintended consequence that needs to be considered.

Mr Lyons: I do not think that anybody could have listened to the debate that took place in the House today and say that we want to treat people and families who have gone through miscarriages any less than they are treated anywhere else. However, it is simply the reality that the work has been done and progressed on a single issue. I want to see progress and movement on both issues, but I do not want them to be delayed to that point. That is why my amendment has been tabled and why I tried to work with the Committee to get to a point where we could agree.

Those are, clearly, the options that we have in front of us. We can go for parental bereavement leave and pay in April 2022. I commit to bringing forward the consultation report on miscarriage, and I will expedite that as much as I can. However, we will not be able to bring that in before 2024 anyway. What do we want? Do we want both in 2024 or one in 2022 and, then, to work on the other and give it the time, the consultation and the serious consideration that it requires?

I want to move on and talk a little bit about the financial implications. Before the Bill was introduced, it received the unanimous support and backing of my Executive colleagues. That Executive support was for a Bill with an estimated cost of £100,000 per year. I know that we would all share the belief that you cannot put a value on the death of a child. To attempt to do so misses the underlying aims that the Bill seeks to achieve. The Bill not only seeks to guarantee a modest level of financial support to bereaved working parents but it sets a benchmark and, very much, a baseline against which all employers must compare.

Many good employers already provide comprehensive support to bereaved working parents that goes well beyond the levels that are outlined in the Bill. Like all family-related employment legislation, the Bill seeks to set the minimum level of support that employers must provide — a safety net below which no employee should fall. Good employers lead and all employers should be expected to follow in supporting their staff much more than that minimum level at a time when they most need it.

When we discuss the financial implications of the amendments, we are, therefore, not examining the value of a child, for that is unmeasurable. As elected representatives, we are entrusted by those who elected us. The trust placed in us ensures that we do not reach difficult decisions lightly, including those involving public finances. It ensures that we carefully weigh up and consider the implications of our spending decisions. That is why we have an Assembly and an Executive, why we have Committees and departmental officials engaged in policy development, and why we have public consultation. It is all to ensure that we are responsible in our approach and that spending decisions are made following due and careful consideration of detailed policy development and following public consultation. We should not allow ourselves to fall into the trap of judging the success or failure of a mandate based on the volume of new law that we create. As the former president of the UK Supreme Court, Lord Neuberger, said in his Tom Sargant lecture in 2013:

"there is a welter of ill-conceived legislation – poor in quality and voluminous in quantity. The result is little more than the illusion of action without much in the way of the reality of achievement, coupled with uncertainty and confusion about the law."

Let me be clear: I am fully supportive of the desire to support working parents who suffer the heartbreak of miscarriage — I said as much consistently throughout the Committee Stage of the Bill — but I also fully support following the proper processes of policy formulation, consulting on and assessing the unintended consequences of legislation, and ensuring that new law, well-intentioned as it may be, is both necessary and easily implemented.

Mr O'Toole: Thank you, Minister. I want to go back, if I may, to one of the comments that the Minister made earlier about the binding together of the miscarriage provisions with the broader provisions of parental leave, just out of interest, given that amendment Nos 1 and 3 both involve an insertion "at end". In both cases, it is adding "Application in relation to miscarriage" after "Application in relation to stillbirths". The upshot of what he seems to be saying is that passing these amendments today means that, for ever more, unalterably, you could not — for example, at Further Consideration Stage — make the miscarriage amendments subject to what we talked about before: a negative resolution in the Assembly, where the power to come back and review is extended should the Department need more time. Would it not be possible to simply add a further amendment at

the end of either the revised clause 2 or the revised clause 1 to say that the timing of these provisions is subject to approval via negative resolution in the Assembly, subject to the other review clause that we talked about, if I am making sense?

Mr Lyons: I think that I know what the Member is saying, but that would not take away from the commitment to make sure that these are brought in together. It would still mean that the 2022 date would not be possible for parental bereavement leave and pay. That is the issue. Because of the way in which it is drafted, the two are together. I am more than happy to give way to the Member if he is looking for further clarification on that point.

Mr O'Toole: Thank you. I appreciate the Minister's giving way. What I am asking is this: is it his view that it would not be possible to amend the Bill at Further Consideration Stage, if necessary? I am not conceding, either on my own behalf or on behalf of the Committee, that it is necessarily necessary, but is it the position that they cannot be, as it were, decoupled at all in a way that allows the provision of everything but miscarriage to come in in April 2022 and the miscarriage provisions to come in later? It seems strange to me that that is completely out of scope for Further Consideration Stage. I am just asking the question.

Mr Lyons: I suppose that the short answer to that is that I am not be able to say with any degree of certainty that that would be the case. As we know, Further Consideration Stage is mostly for technical adjustments. What you are proposing would perhaps be considered a more significant amendment. Again, that is why it is important that this is well thought-out, that we discuss this and that we look at all the potential implications of it. If I get further clarity on that, I will give it to the Member, but the important thing to realise is that it is normally very unusual to undo, at a later stage, what is done at Consideration Stage.

However, if I can provide further information on that to the Member, I will.

4.30 pm

This is why I tabled my amendment on the issue of miscarriage, and I believe that it is a reasonable and appropriate compromise. It places a statutory obligation on the Department to consult on policy options for miscarriage. In listening to the House today, although we cannot of course bind a future Assembly or Executive, it is the clear will of the House that

those recommendations would be given careful consideration. I have already set out the difficulties for us to do that right now.

I remind Members that the Bill is the result of painstaking work carried out over a number of years, involving wide-ranging consultation with members of the public, employer and employee representative groups and other stakeholders. Substantial, in-depth legal advice has been taken, and that is how legislation should be developed, with due care and the close involvement of a number of significant stakeholders. Were we to proceed without the proper consultation and policy in this way, it would show disregard for the process.

Mr Dickson: I appreciate the Minister giving way. You said that your amendment effectively says that your intention is that it is reasonable to consult. The interface between that position and that of the Committee is that we believe that "reasonable to consult" is not sufficient to deliver the imperative to provide for miscarriage. It allows too much latitude. That is why the amendment is present. The Department cannot be bound by "reasonable to consult". That is why there is a sincere intention to include a requirement in the legislation.

Mr Lyons: OK. We have two issues. There is the consultation process and the way in which we properly develop it and make sure that we find out the views of stakeholders. That will take a little bit longer than the impossible timeline that has been presented through the Chair of the Committee's amendment. Regardless of the way in which it is brought about, it will take time. It will still be two years before this can be brought in. My amendment says this: why not use some of that time to consult, to see what people think and what the potential unintended consequences could be? That is a fair way of doing it. The 2024 miscarriage pay cannot be brought in until then anyway, so why would we not use that time to consult beforehand? Again, I point you back to the comments that have been made around the House. We see the clear direction, and that gives some comfort to Members.

I advised the Committee of two sets of costs. The first set, resulting from the removal of the 26-week qualifying period and the addition of miscarriage, amounted to £3 million per year, with set-up costs raising the figure to £4.5 million in the first year. The Executive supported the Bill on the understanding that the cost would be £100,000, not £3 million, not £4.5 million and certainly not £104.5 million in its first year alone and potentially £103 million each

year after that. Members heard me correctly: costs of over £100 million per year is the risk.

The first set of costs, £3 million per year, is 30 times the original amount, and the second set of costs, about which the Committee was also advised, are the potential repercussive costs of making the provision throughout the UK in line with the parity principle, which risks losing over £100 million per year from the Executive Budget .

Mr Dunne: I thank the Minister for giving way. He is right to raise the real potential financial risk to the Executive. Has he engaged with the Finance Minister or the Treasury on those issues?

Mr Lyons: I have. I raised this issue following a request from the Economy Committee. The Department of Finance spoke to the Treasury and sent us a response in which it set out the potential repercussive cost. The Department of Finance has told us that, in addition to the extra cost of £2.3 million, there remains a risk that, if the UK Government are required to restore parity as a result of the amendments made to the Northern Ireland Parental Bereavement (Leave and Pay) Bill, Treasury could seek to recoup the cost of doing so from the Executive's DEL budget. The Committee Chair referred to that. The estimated liability for Northern Ireland is £100 million per annum. As I said, it is important that I put on the record that that risk is there.

I refer Members to the concordant between the Department for Work and Pensions and the Department for Communities; the memorandum of understanding between the UK and devolved Administrations; sections 28 and 87 of the Northern Ireland Act 1998; the Social Security (Northern Ireland Reciprocal Arrangements) Regulations 2016; and paragraph 26(e) of the Belfast Agreement, which sets out the risk that we have with repercussive costs. I mentioned how the Treasury, through the welfare reform debacle, had also applied that reduction to the block grant. Not everybody will be familiar with that, but it is important that, when we consider those amendments, we have our eyes wide open. Experienced legislators in the House and on the Committee will be familiar with that very real legal and financial risk. The amendments could increase the cost of the Bill by over 1,000 times. It is important that we take that into consideration in the debate. The amendments fundamentally change the very fabric of financial accountability and responsible, transparent public policymaking and government.

I do not want us, as an Assembly, to be placed in a position where we are being accused of not supporting those who have experienced loss through miscarriage, when nothing could be further from the truth. That is why I believe that my amendment will allow all Members to vote for the Bill, safe in the knowledge that they will have secured parental bereavement leave and pay for bereaved working parents by next spring, April 2022, which is only four months away, and that they will have also secured a firm commitment in legislation to a public consultation on how we can support those who experience miscarriage.

I am proud to be here today to support bereaved parents and to bring the Bill to the Assembly. I am also proud that my Executive colleagues have supported the introduction of the Bill. However, I cannot support what, I am afraid, looks like a reckless disregard for the Executive's finances, given the hundreds of millions of pounds in repercussive costs that would arise as a result of the tabled amendments.

Mr O'Toole: Will the Minister give way?

Mr Lyons: Yes.

Mr O'Toole: Apologies to the Minister, but I want to clarify something, if I may, on the question of repercussive effects. On the specific advice that his Department sought, he said, if I understood him correctly, that the Department for the Economy spoke to Finance, which then spoke to the Treasury. The note that we got quoted the statement of funding policy, which relates to devolved Administrations. That was not, I presume, a bespoke piece of advice that came from HM Treasury about that policy. Was a specific piece of advice sought from either Finance or the Treasury on the potential repercussive effects of that policy or a reference to the general statement of funding policy?

Mr Lyons: I refer the Member to the letter that I sent to the Economy Committee. That details how the Department of Finance engaged with HM Treasury. That was the response that it came back with. The Member is now aware, as are other Members, of the implications of the proposals, which we were told about as a result of direct communication with the Department of Finance and the Treasury.

I want to touch a little bit on the Committee scrutiny of and deliberations on the Bill. Departmental officials met the Committee on four occasions, sometimes at very short notice.

I myself wrote to the Committee on a number of occasions. I sought to reach agreement with the Committee. I also met parties in the House. I therefore take exception to Stewart Dickson's comments that my Department did not work with the Committee. I do not think that that is fair. I will stand up for my officials and recognise the amount of work, time and effort that they put in. They were very keen to work with the Department. I committed the Department to undertaking a full consultation on miscarriage leave and pay, and I strengthened that with an undertaking, through the amendment, to copper-fasten the commitment to a consultation by including it in the Bill — in other words, giving it legal effect. That is now subject to the law. No stronger commitment or statement of intent could have been given.

The Committee was also provided with clarification on approximately 100 separate queries. That clarity was comprehensive, detailed and, although time-consuming to provide, provided without delay. The responses were detailed. No query went unanswered. Officials, under my express instruction, were at the Committee's disposal throughout its deliberations. Therefore, you can imagine my dismay at hearing that the Committee, after it had completed its examination of the Bill, after it had issued its report and after it had written its miscarriage amendment, chose to seek further detail and clarity from my Department on repercussive costs. Yes, the Committee sought this information after the report had been published and after its amendments had been tabled.

Dr Archibald: Will the Minister give way?

Mr Lyons: Yes.

Dr Archibald: In actual fact, we sought it prior to our clause-by-clause consideration. We then sought some further clarity because we had not got the exact detail that we were looking for. I put that on the record.

Mr Lyons: I have the emails in front of me that state that that is not the case and that the information was requested afterwards. I am more than happy to share those with the Member afterwards.

Mr O'Toole: Will the Minister give way?

Mr Lyons: Yes.

Mr O'Toole: It is important to get the reading of this on the record. The response that we got from the Economy Department is clear that

DOF engaged with Treasury on the direct annual cost to the Executive of the amendments; in a sense, you would not expect the Treasury to say anything else about the cost. That is separate from the knock-on, repercussive effects of the UK-wide policy of maintaining parity. My reading of the response that we have is that there was specific advice on the cost of the amendments in NI and, then, a more general statement relating to the statement of funding policy. I do not think that there was specific guidance, unless I am wrong, from HM Treasury about a potential repercussive effect of this policy. It was a general reference to the statement of funding policy.

Mr Lyons: What I have in front of me says that DOF engaged with HM Treasury on the financial impact of the Committee's amendments. My reading of that is that not only was it about the additional cost that we have as a result of breaking parity and having to fund the Northern Ireland contribution, but that that engagement led to HM Treasury supplying that statement from its funding policy. I hope that that is useful to the Member.

We should seriously consider the opportunity that my amendment gives for proper and due consideration of miscarriage through a detailed consultation on the matter: a blank canvas with nothing ruled out. Is there a mistaken belief that the Committee's amendment can be voted on and then tidied up at Further Consideration Stage? Thinking that it can be tidied up at Further Consideration Stage brings the risk of the Executive losing over £100 million a year. If that were to come to pass, we all know the impacts that it could have. As a Minister who is going through budget discussions, I know the impact that it could have.

I go back to the point that I made: the Committee amendments could push parental bereavement leave and pay and miscarriage leave and pay back to 2024. Even if the Bill could progress now without amendments, Royal Assent could barely be obtained in time. Whilst it would be tight, my officials would work flat out to get the parental bereavement secondary legislation in place for April 2022. There will, of course, be preparations for an Assembly election in the midst of this. There will be a new Executive with their own set of priorities. As I have said before, it would be impossible to consult on and introduce miscarriage legislation within 12 months of Royal Assent. How could I burden my Department with an impossible deadline, when failure to achieve that deadline would put the Department at the mercy of being in breach of

the law? Who could do such a thing? What Minister could accept a deadline in the full knowledge that it will place their Department and officials in breach of the law? That is just not appropriate.

I think that I have explained to Members why this simply will not work, the impossible situation that I would be placed in and the decisions that I would have to make on pulling the Bill if we have unworkable amendments that put us at risk in that way.

That would mean that, as an Assembly and as a Committee, we would fail to support bereaved working parents and those who have suffered a miscarriage by failing to get the legislation in place and to secure a public consultation on miscarriage.

4.45 pm

I know that Committees are working flat out to ensure that they play their part and every outstanding Bill is progressed with the minimum of delay, but there is a real risk in that. I hope that that is not the case. I hope that the Bill will not be rendered unworkable because of a well-intentioned but ill-considered amendment. Every Minister who has held office will be able to recall an example of when they have been forced to resist such an amendment; indeed, I can cite many examples from Ministers from the parties that the Committee members represent. Those Ministers challenged Committees that tabled unattainable amendments, highlighting the fact that they should not be doing the same thing as is happening now. Here is one quote:

"I am concerned that they were never subjected to the full rigours of public consultation, Executive consideration or ... Committee scrutiny. I do not, therefore, believe that the threshold for proper consultation and participation on those amendments has been met." — [Official Report (Hansard), Bound Volume 88, p320, col 1].

That was Mark H Durkan of the SDLP. Here is another quote:

"The role of consultation on significant issues was fundamental to the establishment of devolution here ... Last-minute amendments on substantial issues with direct effects on people, even on small numbers of people, are not the way to do good government and not the way that we should operate in this place." — [Official

Report (Hansard), Bound Volume 83, p98, col 2].

That was David Ford of the Alliance Party, who went on to add that it is entirely inappropriate that that should be tacked on to a Bill without consultation — the kind of consultation that I had to do on every other aspect of this Bill, which is completely ignored by the last-minute amendment.

What does it matter if a consultation has not been held on miscarriage leave and pay? What matters is that it holds us to account. That is what prevents Ministers and their Departments from simply ruling by diktat or legislating on a whim. It robs the public, our constituents and stakeholders from across society of the opportunity to have their say on matters that govern their day-to-day lives.

No matter how well-deserving an issue is — make no mistake that miscarriage is a well-deserving issue — we owe it to everyone to make sure that we are custodians of public finances, guardians of law and servants of the people. We cannot just say that consultation is not important. Everybody should have an opportunity to influence, inform, debate and otherwise play a part or secure a stake. Following that path and normalising the creation of significant and groundbreaking new laws without recourse to public consultation further disconnects us from the people who elect us.

The issue of miscarriage deserves our support. I do not deny that; in fact, I champion it. It is the very worthiness of the issue, however, that perfectly illustrates the risk of supporting the Committee's amendments without proper consideration and consultation and without regard to the financial calamity that repercussive costs could reap for the Assembly. The amendments would undermine the fundamental building blocks of good legislation and governance that we are invested in upholding. Supporting Committee amendments without due consideration and consultation could eventually expose us all to a legislative Wild West, to special interest-driven policymaking on the hoof, to unaccountable and unfinanced laws in which society does not get its say —

Ms Armstrong: Will the Minister give way?

Mr Lyons: — and to a situation in which we say, "Costs? Let someone else deal with them". I will briefly give way to the Member.

Ms Armstrong: Thank you very much, Minister. I hear what you say. Of course we want to make appropriate legislation, but I clearly laid out to you why what you have put forward in amendment No 4 cannot work. There is no legislation — there is nothing — that measures how many people have miscarriages. The wording in amendment No 4 is difficult for someone who has had a miscarriage to read. It is not a consultation; it is a report. Minister, unless you are valid about this, that does not respond to what you have put forward.

Mr Lyons: I have referred to the Member's intervention on this before, and we are on a different page. The consultation gives people a voice. It gives people the opportunity to have their say. It is a very open consultation, and that is an appropriate move for me to make.

When we say, "Costs? What costs? Let somebody else deal with them", please remember that we potentially put that burden on all the public services that we are trying to support at this time, be that the health service, the education service or other public bodies. The Bill was intended to be small and focused on one thing. Not moving it further is not something that I would do lightly. It would be a decision reached with a heavy heart, but we are where we find ourselves, and that is unfortunate. Again, I say to the House that my amendment allows us to achieve what is right for bereaved parents and to work out what is right for those who suffer miscarriage.

An opportunity remains for us to show that we can work together to achieve what is best for our citizens and that we can be responsible, facing the difficult choices and making the right decisions. I ask the Chamber not to give its backing to the Committee amendments but to support my amendment.

Mr Weir: I thank the Member for giving way. I appreciate the points made by Ms Armstrong, who probably has more expertise than others in the language around this, and that the communication has been disjointed. In amendment No 4, the wording is that consultation "may include", so it is permissive. That means that none of the points in the amendment are essential elements of the consultation. They could change, and other stuff could be added. I would like to think that, before any views were sought through consultation, there would be appropriate work with those who have great expertise to make sure that the language was right and did not breach any sensitivities. The wording is not "shall" but "may".

Mr Lyons: I agree with the Member. That is an important intervention, and I thank him for it. I urge Members to reflect on that.

An opportunity remains for us all to show that we can work together and make responsible choices, so I ask the Chamber not to give its backing to the Committee amendments but to support my amendment. I ask the Chamber to pause and allow my amendment to deliver parental bereavement leave and pay now, to allow for miscarriage to be properly consulted on and to ensure that we do not burden the next Executive with hundreds of millions in repercussive costs that could rob us of nurses, teachers and valuable public services.

I ask the Committee this: what engagement did you have with DOF on the matter? Where is the policy that underpins the Committee amendments and any resulting legislation? Where is the work that needs to be done to make sure that that is the right policy? I do not think that the policy preparation exists. I do not think that it has happened. Only the vaguest assumptions can be made about the impact of the amendments.

So many unanswered questions surround the inclusion of a miscarriage provision alongside parental bereavement. I do not need to go into the details of the scenarios that people can find themselves in, but it is a complex issue, and we need to make sure that it is properly considered, including how the outworkings of it would be felt. What scenarios have been considered? Those questions cannot be answered, but they are the difficult, complex, thoughtful deliberations that would normally be worked through as part of a policy development and public consultation process.

I do not want to overlook all who might need support or to run the risk of creating an unjustifiable equivalence between some sets of parents and others. That is unfair on them, and it is unfair on the Assembly. The amendments constrain proper Assembly scrutiny. Where are the accompanying evidence packs, policy proposals and impact assessments that will allow Members to scrutinise and that will inform our debate on the amendments? Where are the hundreds of points of clarification provided to the Committee? Where are the financial impact assessments, the equality impact assessments and the explanatory and financial memorandum? They do not exist. Members are being asked to reach a decision without having been given so much as a page of policy detail to underpin the argument for the amendments. That is why in the debate we had Mr O'Toole asking me about potential amendments that we

can take through at the next stage because we have not properly considered what we may put through at this stage.

I fully accept that there are instances in which the fast-tracking of legislation is required. The pandemic over the past couple of years has taught us that. It allowed the furlough scheme to be set up, and it allowed us to amend the way in which maternity and other family-related statutory payments were calculated. Miscarriage support has undoubtedly become a hot topic for family-related employment law, but that does not mean that we should not afford ourselves the time for a full consultation. The Assembly needs the time and the opportunity to properly consider and debate the matter. The public, working parents, miscarriage charities, employers and trade unions need the time and opportunity to have their say through a public consultation. I have to say —

Ms Armstrong: Will the Minister give way?

Mr Lyons: I am coming to an end, but I will give way.

Ms Armstrong: Minister, I thank you for saying and recognising that people need time. I have been involved with miscarriage for 27 years. How much longer do we have to wait?

Mr Lyons: That is one of the reasons that I tabled my amendments. Parents who have lost a child have had to wait far too long as well. That provision is ready to progress, and I want it to progress so that they can have leave and pay. I want to deal with the issue in the appropriate way.

I have been extremely disappointed by how the debate has progressed. I have been sincere and genuine in reaching out to colleagues across the House. I have sought to work with them to highlight the concerns that I have, and I believe that I have made the arguments for why my amendments, if accepted, would be a better route for us to go down. When I have challenged other Members, they have not been able to give reasons why they continue to try to push through the other amendments. Not only has there been a reluctance from Members in the first instance to give the issue the proper consideration and scrutiny that it deserves, but, even when the real risk of the Bill falling apart has been presented to them, there has not been the further interrogation or desire to see the issue sorted out. I find that really disappointing, and I urge Members to support my amendments.

Dr Archibald: I thank all Members for their contributions to this afternoon's debate on what is a really important issue. A number of Members have rightly pointed out the horrendous nature of the grief that parents suffer on the death of a child. At Second Stage, Members spoke of their experiences, including me when I spoke of my family's experience of losing a child. As Mr Dickson said, those experiences are at the forefront of our mind in our discussion this afternoon.

At the outset of the debate, I said that the Committee had taken a strong interest in the Bill from the get-go. We support its aims and very much want to see parental bereavement leave and pay put into law. We welcomed the Bill's introduction, and we have considered it fully and listened to the evidence. Contrary to how the Minister has characterised them, we have tabled what we consider to be well-thought-out amendments.

I listened to the contributions of Members from across the Chamber this afternoon. I thank Kellie Armstrong for again speaking of her experiences in generous terms. Both she and Órlaithí outlined the real impact of bereavement and pregnancy loss on someone's mental health as well as on their physical well-being and their workplace experience. That is something that we have been very much mindful of in our consideration of the Bill.

I want to pick up on a couple of points that Members made beyond that, including Gerry Carroll's point about the Coalition for Bereaved Workers, from which we received evidence.

It is not within the scope of the Bill, but we included its asks, which were to extend provisions to all bereaved people, in our Committee report. Hopefully, the Department will take that on board in the time ahead.

5.00 pm

Regarding the substantive issues that we have covered this afternoon, I listened carefully to the Minister's contribution and his comment that the amendments would be likely to delay things. Frankly, I agree with Mr Dickson and Mr O'Toole that we need to approach this in a problem-solving way. I understand that the Committee's amendments have been written in such a way that they stand alone and allow for the Parental Bereavement (Leave and Pay) Bill, as introduced, and the regulations in respect of it to be brought forward while the work continues. *[Interruption.]*

Mr Dickson: Apologies, Mr Principal Deputy Speaker. I was just agreeing with the Member.

Mr Lyons: Will the Member give way?

Dr Archibald: The Minister has had significant time to give his views. I would like to respond.

The work can now be done on miscarriage leave and pay and to allow time to ensure that the consultation to which he referred can be done. I take on board what the Minister says about the time frame for that. I also listened to Ms Armstrong about being able to do things a bit more quickly. Perhaps that can be looked at, or, again, as I said in my opening remarks, we could look at the 12-month period that we have put in our amendment at Further Consideration Stage. The Committee would be willing to look at that on receiving evidence from the Minister.

I do not accept what the Minister said on the risk of repercussive costs being substantial. No precedents have come forward. I take on board what he says about welfare reform, but that was a very specific set of circumstances. We have not seen any legal advice to confirm what the Minister said about repercussive costs.

Mr Allister: Will the Member give way?

Dr Archibald: I will give way.

Mr Allister: I am staggered by what the Member has said. Anyone who knows anything about repercussive costs knows that, if the Assembly were to proceed down this unique route in the United Kingdom, inevitably, there could and would be repercussive costs. Frankly, to swipe that away and say, "I do not accept it" is not good enough, particularly from the Chair of a Committee.

Mr Carroll: I thank the Member for giving way. Is she as concerned as I was yesterday and today that, despite these serious and traumatic experiences, there is an overwhelming focus on finance and cost and not enough focus, except from herself and some other Members, on people who are still in work, lacking support, and the impact on them and their families of not progressing legislation such as this? Are she and the Committee concerned about that direction of travel being pursued by the Minister?

Dr Archibald: What was considered by the Committee was the fact that we are considering people's lives. Obviously, we have to live within budgets, but we want to provide compassionate support to workers at really difficult times.

Regarding Mr Allister's comments, we asked for examples and precedents, but we were not given any. We were not offered any legal advice on what was being suggested either. I can only deal with what is presented to me.

We have an opportunity, before the end of this mandate, to enshrine in legislation progressive and meaningful provision for workers and their families: the right to statutory paid leave on the death of a child or a pregnancy loss; to ensure that there is compassionate support for workers; and for workers to know that they are valued, that they do not have to worry about taking unpaid leave, sick leave or annual leave in those terribly difficult circumstances and that they have statutory protection. It is an opportunity that the Assembly should grasp, and I urge all Members across the Chamber to support the Committee's amendments in group 1.

Question put, That amendment No 1 be made.

Some Members: Aye.

Some Members: No.

Mr Principal Deputy Speaker: Clear the Lobbies. Before I put the Question again, I remind Members that, if it is possible, it would be preferable if we could avoid a Division.

Question, That amendment No 1 be made, put a second time.

Mr Principal Deputy Speaker: Before the Assembly divides, I remind Members that, as per Standing Order 112, the Assembly has proxy voting arrangements in place. Members who have authorised another Member to vote on their behalf are not entitled to vote in person and should not enter the Lobbies.

I remind all Members of the requirement for social distancing while the Division takes place. I ask Members to ensure that they retain a 2-metre gap between themselves and other people when moving around the Chamber or the Rotunda and, particularly, in the Lobbies. Please be patient at all times, observe the signage and follow the instructions of the Lobby Clerks.

The Assembly divided:

Ayes 51; Noes 27.

AYES

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

Tellers for the Ayes: Ms Brogan and Ms Kimmins

NOES

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

Tellers for the Noes: Mr K Buchanan and Mr Weir

Question accordingly agreed to.

Mr Principal Deputy Speaker: I ask Members to take their ease for a few moments for a change at the top Table.

Members, if you will indulge me, rather than delaying further, I will try to keep business moving.

Clause 1, as amended, ordered to stand part of the Bill.

5.30 pm

Clause 2 (Parental bereavement pay)

Mr Principal Deputy Speaker: We now come to the second group of amendments for debate. There is only one amendment, amendment No 2, which deals with week-1 rights. I call the Chairperson of the Committee for the Economy, Dr Caoimhe Archibald, to move and speak to amendment No 2.

Dr Archibald: I beg to move amendment No 2:

In page 4, line 12, leave out paragraph (b).

Amendment No 2 is the single Committee amendment in group 2. This was the only amendment on which the Committee divided, with a majority supporting the amendment. Again, I put on record my thanks to the Bill Clerks and Committee team for their help and support.

Amendment No 2 seeks to remove the 26-week qualifying period for pay and to introduce a day-1 right for all employees and workers. The issue of a day-1 right was raised consistently by representative bodies across key sectors, including trade unions, human rights groups and bereavement charities. This is a view held not only by those representing employees but by business representatives. One Committee member expressed quite poignantly that it could not be right for two employees who work side by side and are both affected by parental bereavement to have differing rights based on their length of service. The Committee was particularly mindful of the impact of any qualifying period on zero-hours contract workers, agency workers and those on temporary contracts.

The Committee engaged extensively with the Department on the issue. The Department estimated that a maximum of 40 parents would be affected by the 26-week qualifying period and that the cost of day-1 rights would be above what was commensurate with the number of additional persons whom the change would benefit. Those figures are, of course, predicated on the Bill as introduced: that is, not including workers who experience miscarriage. The Committee was clear that it would not be deterred from pursuing additional rights for employees and workers by any barriers, pressure of time or the prospect of increased costs. It therefore tabled this amendment for consideration by the House.

I have addressed the issues that the Department raised regarding the cost of breaking parity with Britain. I restate that the Department has not cited a precedent for devolved Administrations becoming liable to fund breaks with parity in Britain.

The Committee recommended that the Department undertake work to scope and bring forward proposals to allow leave to be taken in single days, rather than, as specified in the Bill, two weeks having to be taken together or in separate blocks of one week. Some stakeholders were of the view that leave should be flexible, including options to take single days, to acknowledge that grief does not follow a specific pattern. The Committee trusts that

the Department will give that issue due consideration and, in due course, evaluate it.

I want to make a few brief comments as Sinn Féin economy spokesperson. I do not have a great deal to add to what has been said, other than that I am strongly of the view that the statutory protection and right to paid leave should not be subject to an arbitrary qualification period. That serves no purpose. Anyone who suffers a bereavement or pregnancy loss should, regardless of how long they have been in a job, be entitled to the same level of support.

Neither the Department nor the Minister has offered any demonstrable evidence for their assertions on the risk of breaking parity. This amendment is simply the decent thing to do. I urge Members across the Chamber to take a stand for workers and ensure that the right to paid leave in really awful circumstances is enshrined in law from the point at which someone starts their job.

Mr Weir: I will keep my remarks brief. There is considerable crossover, particularly on the financial aspects, with what was previously said. I am very concerned about the amendment.

I do not question the motivation behind the Committee's amendment. Again, there are good intentions in it, but, as the saying goes, the road to hell is paved with good intentions. The issue is not simply that the amendment would break parity but that the proposed change would have repercussive implications.

As the Chair said, the indications are that the direct cost for the number of employees who would be directly impacted on in any given year is relatively small. It is less about that, however, and more about the implications that the amendment would have for wider employment law.

There is a logical deduction that the Chair has already mentioned. It is this: why should two employees who are sitting side by side, one who had been there for a matter of days and one who has been there for a number of years, be treated in any way differently? If that is true of, for example, parental bereavement, why is it not true of every other aspect of employment law? Where is the logic in drawing any distinction? If we were to change that, what would the cost implications be across the board? Where would that leave us with any legal vulnerability, if somebody in a different set of circumstances were to challenge the law on that basis? Even if the miscarriage provisions

are not put in place, the direct implications of the changes will lead to some additional set-up costs of £1.5 million. It will also probably lead to a small ongoing cost each year. If the repercussions were to happen with employment law across the board, however, it could run into millions upon millions of pounds. Let us be clear about what we are potentially doing by breaking parity today.

Again, the argument will be whether that will mean a level of benefit for a group of workers. Yes, it will. In my experience, if government and legislation were a choice between doing good things and bad things, or between funding good projects and defunding bad projects, it would be very easy. What is stamped through government, however, like a mantra on a stick of rock, is that, generally speaking, we choose between different things that benefit different sets of people and different things that are virtuous to different groups of people. We often choose between good things and good things.

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

The repercussive costs of this particular change in employment law would undoubtedly lead to a considerable financial cost to the Executive down the line. Given whatever resources the Executive have, and they are not infinite, it would not simply be a matter of adding costs on to things and that being the end of it. If we are to spend an additional £5 million, £10 million, £20 million or £25 million — whatever the figure happens to be — it will be money that has come from other sources. There will be an economic opportunity cost, meaning that you cannot do other virtuous things.

I would be a lot more comfortable with the amendment if the argument that was being made were that, for that opportunity cost, changing employment law and having the implications felt across other aspects of employment law — for example, with industrial tribunals — would lead to an additional cost of £10 million, which would be, if you like, sacrificed elsewhere. There is a certain level of collective dishonesty in simply saying that we will have no cost and that there will be no implications elsewhere. We are not even at that point, however, because we do not have a clue what the level of the cost would be.

It comes back to the point that was made earlier about our simply accepting legislation and changes that will have economic consequences, meaning that we are effectively writing a blank cheque without knowing what the costs will be. On previous occasions, Members have been very critical about

particular government schemes that have totalled much greater costs than were initially anticipated, but that is precisely what we are doing today. At least today, we are writing that blank cheque with our eyes open. That is the fundamental problem that lies at the heart of the amendment. There is no other way in which this can be massaged: breaking parity on the issue will lead to direct costs for Northern Ireland.

During the debate on the previous group of amendments, the Chair said, correctly, that we have freedom of opportunity in what we do with employment law, but that also means that we have to pay for any choices that we make from our Budget, leaving aside whether it creates any implications down the line in terms of a broad parity issue of money being drawn back in. Again, that leads to a scenario in which we are racking up additional costs, not simply on this one aspect, and are setting the legal opportunity for others to challenge matters relating to day-1 rights on a range of other issues across the board. If that is being justified on the grounds that this measure will cost a certain amount and that we are willing to sacrifice other areas to afford it, I can understand that argument. However, if we pass this today, we are simply signing a blank cheque. I and my party will oppose the amendment.

Mr O'Toole: As we have heard, there is just one amendment in group 2, so I will endeavour to be brief. As I said at the beginning of my remarks on the previous group, I was not on the Economy Committee when it began scrutinising the Bill and considering potential amendments to it, but I commend my predecessor, Sinead McLaughlin, the Bill staff and colleagues from other parties for the work that they have done. I and my party support the removal of the qualifying period for bereavement pay and the introduction of it as a day-1 right.

It is worth going back to some of the points that were made by the Member who spoke previously, because his comments echoed a lot of the arguments that were made on the group 1 amendments around creating provision in the Bill for miscarriage. The argument is a general one that we are, perhaps, setting an unhelpful precedent and also that there are repercussive effects for which we are writing a blank cheque. I am afraid that it is important to say that, although we have had, as I said during the debate on the previous group of amendments, a written communication from the Treasury, via the Finance Department, to say that the direct costs of these provisions would be borne by the Northern Ireland Executive, there was no clarity from either the Treasury or the Department of

Finance on repercussive costs. It is important to make that point. I am not dismissing the idea of repercussive costs.

Mr Weir: I thank the Member for giving way. Will he accept the logic of accepting this amendment? For example, in the area of employment rights at an industrial tribunal, there will be a qualifying period before somebody can take a case, as, indeed, will be the case with a range of other employment laws. Are we saying that it is justified that, on day 1, anyone has to be treated on exactly the same basis as those who reach a qualifying period? There is no logical distinction between, for example, in this case, leave for parental bereavement and any other case. Once that has been accepted, it is very difficult to make an argument that there should be any division. It is a perfectly reasonable argument to say that there should not be any division, but it becomes intellectually dishonest when one says that this applies in this case when, actually, a distinction has to be drawn in other cases.

Mr O'Toole: The Member is making a point about the intellectual and logical inconsistency of having this as a day-1 right in this legislation but not having certain other employment rights as day-1 rights. Before I come on to whether there is an intellectual or logical inconsistency, that is not the same thing as there being a legal inconsistency. He is a trained lawyer; I am not. Is he suggesting that our passing this amendment now would have a legally repercussive effect on employment tribunals? I am not sure that it would. It does not seem to me to be a credible argument to say that, at employment tribunals, people could say, "I was dismissed during my probation period, but the Assembly has just passed a law in which certain rights around parental bereavement exist from day 1". If that is what he is arguing, it does not seem to me to be plausible, with respect.

5.45 pm

He made other points about intellectual and logical inconsistency. With respect, I see the point he makes, but I do not completely accept it, the reason being that, as we have established today, issues of parental bereavement, baby loss, and miscarriage are a very particular area that is extremely sensitive; it is not just sensitive but devastating for those affected. I do not think, intellectually or ethically, it is that strange to make the point that, as the Committee Chair said, there is an ethical argument for saying that, in the case of someone who loses a child on week 1 or day 1

of a new job, the Assembly should say that they are entitled to treatment equal to that of a colleague who has been there for longer. To me, it is possible to make that argument while also saying, should the matter ever come up, that there are certain other employment rights which are subject to a probation period or which do not necessarily have to be applied on day 1 or week 1. Therefore, I do not accept that point, because there is a clear, obvious and ethical distinction, as we have unpacked and discovered today. However, I thank the Member for his intervention.

I will not delay the House too long, other than to say that there was a division in Committee on this. The argument is made that there is a particular ethical burden on making these rights instantaneous or not having a qualifying period. One of the arguments made by the Department on the qualifying period was that a relatively small number of parents would be impacted by it: 40. To use a logical argument, the corollary of that is that not many parents will create that additional cost. Therefore, the argument around exorbitant or runaway cost applies in this case, or I do not think it is fully made.

Mr Lyons: Will the Member give way?

Mr O'Toole: I will give way in a second, once I have finished this point. I go back to the point that was made about repercussive costs, and to the point I made that, if there were particular, other technical clarifications or additions that the Department seeks to make, there is of course Further Consideration Stage, and that is open to the Department.

Mr Lyons: I appreciate the Member's giving way. The point that my officials will have been making before the Committee is that this is a very small number of people, so the costs themselves are small. However, it is not just those costs that we have to worry about. It is the costs of setting up the new system, which would be in or around the region of £1.5 million. We estimate that, for those individuals who would be affected by this, you are talking in and around £10,000 per year. However, the cost of bringing that in would be £1.5 million. That does not mean that we should not provide support to those people, which is why I wrote to the Minister for Communities to confirm that the discretionary support fund would be a vehicle through which those who were in need of financial support could get it. She confirmed to me that that is the case.

Hopefully, the Member can see what the Department was trying to do. Instead of

bringing in a new system at a cost of £1.5 million, breaking parity and having to set up our own system at a cost that would pay out something relatively small, we already have another support mechanism in place. That is the point that my departmental officials will have been making.

Mr O'Toole: OK. I acknowledge the point that the Minister makes.

Dr Archibald: Will the Member give way?

Mr O'Toole: I give way to the Chair.

Dr Archibald: The cost of £1.5 million for setting up the system for the day-1 right is the same as the £1.5 million cost for setting it up for miscarriage. It is either/or or both. It is the same cost. In relation to the discretionary support, obviously, other eligibility criteria apply to discretionary support, so it would be available only, for example, to people on lower incomes, and they would have to demonstrate that they were in financial stress to be able to access that support. I am not sure that discretionary support is the most appropriate vehicle.

Mr O'Toole: I welcome that intervention and thank the Committee Chair for it. She has made her points.

This group of amendments — it is one amendment — adds to the important, progressive, ethical step forward that this legislation will hopefully represent. It may involve more work at Further Consideration Stage, if people feel that they want to bring further amendments. Today is an important moment to address, as we did in the previous debate, the question of applying that to people who have suffered miscarriage or baby loss and to set down the principle that the rights on broader parental bereavement should apply on day 1 or week 1 of employment. I and my party support the amendment.

Mr Dickson: I, too, will be brief. I support the amendment and emphasise the Chair's comments. I see from the minutes of our Committee meeting that members commented on the importance of that being a week-1 right and that no one should face into the difficulties of bereavement, be it through miscarriage, stillbirth or early parental bereavement, knowing that, when it comes to financial considerations, a differentiation will be made between them and other employees with longer service. Earlier in the debate, my colleague Kellie Armstrong indicated that finance is not the key or driving issue for someone in those circumstances.

I want to address briefly Mr Weir's point on the different rates, if you like, of qualifying for various rights under employment law. In Northern Ireland, many years ago, the qualifying period for the right to claim unfair dismissal was 26 weeks. It then moved to two years, before moving back to one year. In Northern Ireland, we are out of step with the UK. In fact, we in Northern Ireland provide better rights than the rest of the United Kingdom does when it comes to redundancy. Redundancy is based on age and length of service. There is, therefore, a whole raft of reasons why people qualify under employment law. I would like to see a great deal more harmonisation in all that, and the House should rise to that ambition. In this case, we have the opportunity today to bring forward new legislation that delivers for people a week-1 right, and that is the right and proper thing for us to do.

Ms Kimmins: I thank the Committee for tabling the amendment. The strength of feeling on the issue is evident around the Chamber. As others said, the loss of a child is a hugely traumatic experience for any parent. The massive impact that it has on someone who has suffered such a sad loss does not bear thinking about. Regardless of at what stage it happened, it has the same impact. I thank Kellie Armstrong for being so frank in her personal account of the loss that she has suffered on many occasions.

As my colleagues stated, we are fully supportive of the implementation of the Parental Bereavement (Leave and Pay) Bill. We believe that all parents should be supported and get compassionate leave from their employment to give them the necessary time to grieve, regardless of for how long they have been in that employment. We fully support the Committee's amendment to make bereavement leave a day-1 right. We believe that it is wrong to try to make that leave available to workers only after they have served 26 weeks. It is essential that it is acknowledged that many workers in the North, particularly those on zero-hour contracts, may experience breaks in employment and irregular periods of service, through no fault of their own, and that implementing a qualification period would further marginalise and exclude so many of those types of workers. It is also important to acknowledge that women make up the highest proportion of workers in that type of work for a range of reasons, including having to take employment breaks for the care of other children. That would mean that many women would be excluded from an entitlement to bereavement leave.

None of us can plan or prepare for bereavement and grief. The purpose of the Bill is to provide a compassionate legal framework. We must therefore do that comprehensively to ensure that no one is excluded during what is likely to be one of the most difficult times of their life. The added worry of financial insecurity following the loss of a child is something that no parent should have to contend with. I know that Ms Armstrong said that that does not even enter your mind, but we, as a devolved institution, should do all that we can to shape the legislation to ensure that no one has to worry about that and that further stress is not created at a later stage.

In closing, a lot of the points that I wanted to make have been covered, but I think we have a real opportunity here to ensure that we are supporting all bereaved parents, regardless of their length of service and regardless of when they lost their child, because the gravity of that loss remains the same. Therefore, I think that it is imperative that we do this properly so that no one is excluded.

Mr Lyons: Again, I put on record my sense of disappointment that we have not been able to get to an agreed position in the Assembly on the issues. I agree with other Members that they are issues that affect people we know, and they deserve to be treated with the utmost dignity and respect. We need to be aware that we are dealing with issues that are very raw and that hurt people not just for a period of time; the pain and the loss that people feel can still be very acute even after many years. I am aware of the sensitivities around the issue. It is my responsibility, as Minister, to take all those issues into consideration.

I do not intend to detain the House for much longer because I think that we have rehearsed many of the arguments already. However, it is incumbent on me to place on record the concerns that I have about the legal and financial risks and liabilities that we are potentially leaving ourselves open to as we depart from a long-standing and accepted practice for employment-related statutory payments. We also need to recognise that there is a relationship between employees and employers and that the needs of both need to be taken into consideration. Where there are changes to employment law, it is important that they are signposted well ahead of time, because people will have to amend payroll systems and put in other changes.

I also place on record again the potential repercussive cost arising from this and the other Committee amendment. That was

articulated at great length in the previous debate, and I am not going to go into it again. The amendment that will contribute substantially towards the £100 million loss that we risk bequeathing to the next Executive. Again, it is important that the issues are open to public consultation and full debate, and we have to recognise the way in which the proposals open us up, I suppose, to further unintended consequences in relation to the impact on other statutory payments such as maternity pay, paternity pay, shared parental pay and adoption pay. The amendment has a wider impact than the Bill alone. The payments have all been carefully calibrated over a number of years to sit within an agreed and readily understood employment law framework. I think that, when we change qualifying periods, it should be done in a coordinated and strategic manner and looked at across the full range of employment rights and not just a singular, small part.

It is also important to be aware that, in addition to all the issues and concerns that I just discussed, there is also the Committee's public consultation into the matter, which showed that a majority of respondents — 54% — broadly agreed with maintaining the 26-week qualifying period. Furthermore, if we add the 9% of respondents who had no view on the removal or not of the qualifying period, 63% were either in agreement or not opposed. Public consultation is important, but, in this case, it has been demonstrated that the issue does not have overwhelming support or an overwhelming call from consultees.

It is for all those reasons and the reasons that I articulated in the previous debate that I will be opposing the Committee amendment. I urge the House to do the same, but I understand that that is unlikely at this stage.

Mr Deputy Speaker (Mr McGlone): Glaoim ar Chathaoirleach an Choiste Eacnamaíochta le críoch a chur leis an díospóireacht. I call on Dr Caoimhe Archibald, the Chairperson of the Committee for the Committee, to wind on the amendment.

Dr Archibald: Once again, I welcome Members' contributions to this group of amendments, and I thank them for those contributions. The contributions reflect the previous debate.

I appreciate the Minister's remarks. I will pick up on, in particular, the last point about the consultation responses and the call for the 26-week qualification period to be removed, which

was contained in our more detailed written responses. There were also quite strong views on that in the oral evidence received by the Committee.

6.00 pm

I will pick up on some of the broad themes and on the nature of the debate. Any Bill that comes into the House can come out of it in a very different form. It is for Departments to respond to the will of the House in the legislation that is brought forward. In the previous debate, the Minister made comments about the Committee having engaged with the Department of Finance or about it consulting on particular elements of the policy. Once the Bill is passed, if it gets to that stage, it will be for the Department to conduct that work.

When Committees scrutinise Bills, Departments provide responses to queries. I have already put on record my thanks to departmental officials for their very constructive engagement with the Committee and for coming to talk to us on a number of occasions. Indeed, I am sure that we will see more of the officials, because we will be dealing with another three private Members' Bills on employment law in the short time ahead. Through this Bill and those other private Members' Bills on employment law, we are making really good, progressive moves to support workers, which is to be welcomed.

As I said in my earlier remarks today, when considering the Bill, the Committee looked into it in great detail. Committee members gave the Bill thoughtful consideration. We believe that the amendments that we brought forward are very considered and pragmatic and that they provide for some flexibility and modification, if necessary and following consultation, at a later date. We need to take that into account.

I ask Members to support amendment No 2.

Question put, That amendment No 2 be made.

Some Members: Aye.

Some Members: No.

Mr Deputy Speaker (Mr McGlone): Clear the Lobbies. The Question will be put again in three minutes. I remind Members that we should continue to uphold social distancing and that Members who have proxy voting arrangements in place should not come to the Chamber. Thank you.

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

Question, That amendment No 2 be made, put a second time.

Some Members: Aye.

Some Members: No.

Mr Deputy Speaker (Mr McGlone): Before the Assembly divides, I remind Members that, as per Standing Order 112, the Assembly has proxy voting arrangements in place. Members who have authorised another Member to vote on their behalf are not entitled to vote in person and should not enter the Lobbies.

At this time of increased transmission in the community, I also remind Members of the requirement for social distancing while the Division takes place. I ask Members to ensure that they retain at least a 2-metre gap between them and other people when moving around the Chamber or the Rotunda and, especially, in the Lobbies. Please be patient at all times, observe the signage and follow the instructions of the Lobby Clerks.

The Assembly divided:

Ayes 52; Noes 27.

AYES

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

Tellers for the Ayes: Ms Brogan and Mr Dickson

NOES

Mr Allister, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr

Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr K Buchanan and Mr Weir

Question accordingly agreed to.

Amendment No 3 proposed:

In clause 2, page 10, line 17, at end insert –

"Application in relation to miscarriage

167ZZ19. The Department must by regulations provide that this Part and regulations under it apply in relation to a person who has experienced a miscarriage as they apply in relation to a bereaved parent as set out in section 167ZZ9 (Entitlement) with such modifications, if any, as specified in regulations."— [Dr Archibald (The Chairperson of the Committee for the Economy).]

Question put, That amendment No 3 be made.

Some Members: Aye.

Some Members: No.

Mr Deputy Speaker (Mr McGlone): I have been advised by the party Whips that, in accordance with Standing Order 113(5)(b), we can dispense with the three minutes and move straight to the Division.

I remind all Members of the requirement for social distancing while Divisions take place. Please ensure that you maintain at least a 2-metre gap between yourself and other people when moving around the Chamber or the Rotunda. Clear the Lobbies.

Question, That amendment No 3 be made, put a second time.

The Assembly divided:

Ayes 52; Noes 27.

AYES

Dr Aiken, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Blair, Mr Boylan, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Carroll, Mr Catney, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney,

Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Mr Muir, Ms A Murphy, Mr C Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Swann, Miss Woods.

Tellers for the Ayes: Dr Archibald and Ms Brogan

NOES

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

Tellers for the Noes: Mr K Buchanan and Mr Weir

Question accordingly agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3 ordered to stand part of the Bill.

New Clause

Amendment No 4 proposed:

After clause 3 insert

"Consultation on leave and pay in cases of miscarriage

3A.—(1) The Department for the Economy must consult such persons as it considers appropriate as to whether the entitlements created by this Act to—

(a) leave; and

(b) pay; which are conferred where a child has died should also be conferred where a person has had a miscarriage.

(2) The consultation may include, in particular, consultation as to—

(a) whether the entitlements should be conferred in all cases where a person has had a miscarriage, or only in some cases;

(b) whether the entitlements to be conferred in such cases should be the same as, or different from, the entitlements that are conferred where a child has died;

(c) whether anyone other than the person who has had the miscarriage should also to be entitled to leave or pay;

(d) whether different entitlements should be conferred in different cases of miscarriage.

(3) The Department must prepare a report on the consultation and—

(a) lay the report before the Assembly, and

(b) publish it in such manner as the Department considers appropriate.

(4) The Department must lay and publish the report under subsection (3) before the end of the period of 2 years beginning with the date on which the first regulations made under the provisions inserted by sections 1 and 2 come into operation."— [Mr Lyons (The Minister for the Economy).]

Question put, That amendment No 4 be made.

Some Members: Aye.

Some Members: No.

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

I remind Members of the requirement for social distancing while the Division takes place. Please ensure that you maintain at least a 2-metre gap — people should know that by now — between yourself and other people while moving around the Chamber and especially in the Lobbies. Clear the Lobbies.

Question, That amendment No 4 be made, put a second time.

The Assembly divided:

Ayes 27; Noes 49.

AYES

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

Tellers for the Ayes: Mr K Buchanan and Mr Weir

NOES

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

Tellers for the Noes: Dr Archibald and Ms Brogan

Question accordingly negatived.

Clause 4 (Commencement)

Mr Deputy Speaker (Mr McGlone): Amendment No 5 is a paving amendment to amendment No 6.

Amendment No 5 made:

In page 10, line 24, after "appoint" insert –

", but this is subject to subsection (2A)".— [Dr Archibald (The Chairperson of the Committee for the Economy).]

Amendment No 6 made:

In page 10, line 27, at end insert –

"(2A) Regulations under Chapter 4 of the Employment Rights (Northern Ireland) Order 1996 and regulations under Part 12ZD of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (including regulations under Article 112EF and regulations under section 167ZZ19) must come into operation within 12 months of Royal Assent."—

[Dr Archibald (The Chairperson of the Committee for the Economy).]

Mr Deputy Speaker (Mr McGlone): I will not call amendment No 7 as it is consequential to amendment No 4, which was not made.

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5 ordered to stand part of the Bill.

Schedule (Further amendments to do with parental bereavement leave and pay)

Amendment No 8 made:

In page 13, line 16, at end insert –

"8A. Regulations made under section 167ZZ19 must not be made unless a draft has been laid before, and approved by a resolution of, the Assembly."— [Dr Archibald (The Chairperson of the Committee for the Economy).]

Amendment No 9 made:

In page 15, line 2, at end insert –

"24A. In Article 251(5A) (regulations that are subject to approval by the Assembly), after '107AB(4),' insert '112EF'."— [Dr Archibald (The Chairperson of the Committee for the Economy).]

Schedule, as amended, agreed to.

Mr Deputy Speaker (Mr McGlone): I will not call amendment No 10 as it is consequential to amendment No 4, which has not been made.

Long title agreed to.

Mr Deputy Speaker (Mr McGlone): That concludes the Consideration Stage of the Parental Bereavement (Leave and Pay) Bill. The Bill stands referred to the Speaker. Thank you for your perseverance and patience.

(Mr Speaker in the Chair)

7.00 pm

Private Members' Business

Trade Union and Labour Relations (Amendment) Bill: First Stage

Mr Carroll: I beg to introduce the Trade Union and Labour Relations (Amendment) Bill [NIA 49/17-22], which is a Bill to amend the law relating to trade union and labour relations; and for connected purposes.

Bill passed First Stage and ordered to be printed.

Motion made:

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

Adjournment

Moira Bypass

Mr Speaker: In conjunction with the Business Committee, I have given leave to Mr Robbie Butler to raise the matter of a bypass for Moira. He will have up to 15 minutes.

Mr Butler: Thank you, Mr Speaker, for the allocation this time. We have a very busy schedule. At the outset, I thank the Minister for attending the Adjournment debate, especially as she has a young family. There are great pressures on her and other Ministers with families. I will not take up the full 15 minutes because the case in hand is well made. I know that the SDLP Member for Lagan Valley will also state the case clearly to the Minister.

The people of Moira and its environs — people in Magheralin and Dollingstown and those who live in the rural communities — have faced this problem for quite a number of years. The Minister will be aware that I have been in communication with her office and the Department for a number of years on this issue.

I do not know whether the Minister has visited the town of Moira. I suspect that she may have. It is an absolutely beautiful, vibrant wee village. Many villages and towns throughout the country are struggling. They are not as vibrant. They struggle to fill their shops and to get enterprise and footfall in their town centres. That is not the case with Moira. It is absolutely vibrant. There is not an unused retail unit. It has a vibrant night-time economy. I am sure that Mr Catney will touch on that. Moira is attractive to businesses, and it is also a fantastic place to live. It is a very sought after area. We can see that in the growth of the local population over this past number of years.

If, perchance, you try to travel to Moira, you will be caught in the traffic jam that we are here to talk about. Sometimes, I think about the reasons for that. It could be that some people are going on a pilgrimage to see the birthplace of Pat Catney, possibly. I suspect that that is not the reason. It is because people who live in and around the area simply have to calculate every day, and add 15 to 20 minutes onto their journey time. That is a loss of time spent with family, spent productively in the workplace or

spent doing the leisure activities that people might want to do.

The downside to this is that the volume of traffic in the town is at an all-time high. It is not just Monday-to-Friday, rush-hour traffic. Recent stats from the traffic survey show that Moira has a constant, seven-day, high level of traffic. The reasons for that are obvious. Moira is a bottleneck for all the traffic to and from the M1, Magheralin, Dollingstown, Waringstown and parts of Lurgan. That is in addition to all the traffic to and from Moira itself.

I put it to you, Minister, that a solution needs to be found. We cannot continue with a situation where people are waiting in slow-moving gridlock for 15 to 20 minutes to get from one side of Moira to the other. It is just a short, straight piece of road. The impact is hugely detrimental, not just for commuters but for local residents.

My view, Minister, is that Moira needs to have a bypass. Not only would that solve the traffic issues, but it would have a measurable environmental benefit by eliminating constant stop-start driving through the town. The Minister has ambitious plans for tackling environmental pressures. I appreciate that the costs would not be insignificant, and perhaps she will outline some other possible solutions that might be preferable. Having looked at it myself, I cannot see what the other answers might be.

I humbly ask the Minister to start the conversation on what is a regionally significant arterial route and dedicate some resource to finding a practical solution to solve the issue once and for all. I look forward to hearing the other contributions to the debate.

Mr Speaker: Before I call the next Member to speak, I wish to say that constituency MLAs will have up to seven minutes to contribute and non-constituency MLAs will have five minutes. The Minister will have 10 minutes.

Mr Givan: I thank my good friend and constituency colleague Robbie Butler for securing the Adjournment debate. It is always good to get an opportunity to speak from the Back Benches again. He and I, as well as those from across the constituency, agree on the congestion in Moira. Those familiar with that part of the world will know that, at peak periods, it is difficult to get through Moira, although that peak level, at times, extends almost throughout the entire day.

We have information on the impact of vehicle movements. There are on average over 10,000 vehicles per day moving through Moira. On some occasions, on a Friday in particular, it will go over 11,000 per day. That is taken from the Department for Infrastructure's traffic count data as of a year ago. Those 10,000 car journeys through Moira are being made by people who want to get to their property in the village, as well as by those commuting onward to the neighbouring towns of Magheralin, Dollingstown, Waringstown and, indeed, Lurgan. From speaking to the Member for Parliament for Upper Bann, Carla Lockhart, I know that she has campaigned on the issues as well. I know that my Upper Bann colleagues, Mr Buckley and Mrs Dodds, very much want me to echo on their behalf that they, too, would like to see the issue resolved.

How you do that is challenging. There have been calls for a bypass for Moira for many years, as there have been for other parts of Northern Ireland and, indeed, in our constituency. The north feeder road, which was tied into property-led developments, is one example of where conditions associated with the planning for housing led to the private sector funding that road. I am not sure that there is an opportunity to do that in Moira. Significant housing developments have undoubtedly taken place in the village and in neighbouring villages in the constituency.

Mr Butler: Will the Member give way?

Mr Givan: I will.

Mr Butler: One of the things that constituents and people who are considering a move to Moira say is that they want to move there for the schools and the infrastructure but have to factor in the traffic issue and the fact there is sometimes a waiting time of 15 or 20 minutes to get in and out of the village. Does the Member agree that that can affect their decision-making?

Mr Speaker: The Member has an extra minute.

Mr Givan: Moira is a popular place to live and understandably so, given the beauty of the locality, the demesne and the fact that the train station is not that far away. Of course, the Department wants to expand that, but that will generate further traffic, with people wanting to avail themselves of the development of Moira train station. We need to look at what infrastructure improvements can be provided in Moira village.

I know that the Belfast metropolitan transport plan (BMTP) says that account should be taken of the growth in those areas and that must include improvements to the infrastructure. My question to the Infrastructure Minister is this: what plans does her Department have to deal with the traffic congestion that we see in Moira? The lengthy queues impact on residents' amenity and ability to enjoy the community; on businesses; and on those trying to commute on to neighbouring towns in the Lurgan direction. We need to see progress being made. A bypass is the obvious solution. However, I recognise the financial implications of such a proposal. In the absence of that, are there other steps that can be taken to approve the A3? I say that in the wider context that Moira has a strategic location, with Moira roundabout towards Nutts Corner. I think of the Knockmore/Sprucefield link road that is going to be developed and the Sprucefield bypass that is planned. If there is going to be that development with Sprucefield and the Knockmore link, Moira is the missing part of the jigsaw in what we are doing to improve general connectivity in that area.

I am very keen to hear from the Minister about what plans the Department has to help to alleviate the traffic congestion problems that Moira faces.

Mr Catney: I will start by thanking the Member opposite for bringing this important debate to the Floor of the House, and I sincerely thank the Minister for coming to the House for the debate. I know that, as always, she will listen with care and great thought as each of us seeks to assist our constituents. She is probably sick of listening to me raising the issues in Lagan Valley of public infrastructure that has been starved of investment for decades, despite a growing population and an increasing younger and more active demographic. I know from all this engagement that Minister Mallon will work with us to help the people of Moira as much as she can, even though the financial allocation made to her Department remains constrained.

I was born in Moira, County Down, and, from an early age, I was involved in the hospitality industry. I left school at 15 and went straight into an apprenticeship in the Four Trees in Moira, there on the main street, under the tutorship of Paddy Swale, one of the best bar persons I have ever come across. A place in my heart belongs in Moira, and I was very lucky to grow up with the demesne as my playground. It was a very safe, caring neighbourhood. Many a time with my fellow MLA, I went down to the Wilson's, along with Edwin's cousins. It was just a beautiful place for us to grow up, and I can

see why people want to live there. It is a privilege to stand here with the trust and the confidence of my neighbours to speak on their behalf.

Moira, like many parts of Northern Ireland, suffers from unacceptable traffic congestion, which has an impact on local residents, businesses, schools, air quality and the lifespan of existing infrastructure. Like me, colleagues from across Lagan Valley will want to find the best solution to alleviate that congestion. A bypass could be the solution, and I would like to hear from the Minister on whether the merits of that have been considered by her Department. I look forward to hearing her views. If possible, could she consider an appropriate scheme to alleviate the congestion?

The Minister will know from my frequent and many representations to her that I am keen to say that facilitating the motor vehicle is not the only way to find solutions. I may be on the older side in the House, but I like to think that I am young at heart, so I am open to new ideas and ways that the Minister might think of doing this. Earlier this year, I was delighted to welcome our SDLP Minister to Moira's train station as she announced the plan for hundreds of new park-and-ride spaces, allowing more and more people in Moira to commute and use a cleaner and more sustainable form of transport.

Mr Butler: Will the Member give way?

Mr Catney: Absolutely.

Mr Butler: Thank you. The Member will know that this is meant in the best of intentions. We also welcome the future development of Moira train station, but that, in effect, could bring more traffic into Moira. Whilst it will take cars off the road, Minister, it could also bring hundreds of cars through the village for drivers to avail themselves of the car park. That speaks to this debate as well.

Mr Speaker: The Member will have an additional minute.

Mr Catney: I thank the Member for his intervention. I am trying to portray that this cannot be done as a single issue. It has to be done collectively, and it has to be done with great planning and care. Some 400 to 500 and possibly up to 700 cars will be able to be removed off that road and will be able to park. If people are not going through the village and are not then turning left and right on their way through, I think that all of that together will be the solution, Robbie.

Yesterday, the Minister announced her public consultation on a historic and ambitious all-island strategic rail review. That programme is aimed at connecting our communities across the island through the cleaner and more sustainable travel mode of rail.

The Minister knows that I welcome her vision for rail travel and that I will take full advantage of her ambitious programme to make strong representations to enhance our connectivity across Lagan Valley, beginning by looking at existing infrastructure, like the Knockmore line, which I have campaigned for a long time to reopen. I know it inside out now.

7.15 pm

I have a duty to my children and my grandchildren to drive forward ways in which we can tackle issues like congestion and air quality and to ensure that our places — our towns and villages — are cleaner, greener and more accessible. We can create a Moira for all. I look forward to the Minister's response and to working with her and with colleagues in the time ahead.

Thank you, Minister. I know that the earlier debate went on longer than it should and that you have a young family, but that is what is at the heart of Moira: the number of young people who want to live there and call the place where I was lucky enough to grow up "home".

Mr Muir: I speak not only as a member of the Alliance Party and its representative but as someone with an interest and perhaps something of an understanding about the matter. That understanding goes back to when I started with Translink in 2006. We were encouraged to do a sponsored walk — I agreed to this — from Portadown to Belfast. By the time I got to Belfast, I could barely walk. We went through Moira, and I could see that the congestion issues in the town were significant. A number of years subsequent to that, in 2018, I took myself for a marathon run from Portadown to Belfast. I did that in 3 hours and 30 minutes. Going through the town, I saw that the traffic situation was just the same, if not worse. A few weeks ago, I was in the town and ran on to the towpath at Broad Water to Aghalee. I came back to the town for a cup of coffee and could see the issues.

As other Members have outlined, this is not purely about a bypass, which is one of the things being advocated, but about safe crossings for pedestrians on the main thoroughfare through the town. That is the key

issue that needs to be considered. Throughout all my visits to Moira, there has been an issue with being able to safely cross the road with a significant volume of traffic, including HGVs, trying to make its way through the town. That needs to be considered.

The improvement of public transport, which must be the first response to any issues with traffic congestion, must also be considered. The other issue relates to a park-and-ride. It is important that that is provided, but we should also consider the knock-on impact and ensure safe access and ingress to that park-and-ride, particularly at peak times when people are accessing or going through it. This is an important issue. For me, the first concern is always safety, including safe crossings on the road. It is important that that issue is considered.

I do not want to delay the House or the Minister for too long. I thank the Member for bringing the debate to the Chamber.

Mr Speaker: Mr Poots, I apologise for not calling you, as a constituency MLA, before Andrew Muir. At least he got only five minutes to speak.

Mr Poots: No worries, Mr Speaker. Everybody forgets about me, you know. *[Laughter.]*

Mr Speaker: I hardly think that is a problem.

Mr Poots: Thank you for calling me, in any event. I thank Robbie for bringing the debate to the House.

It is a long time since my grandfather took his family to church in Moira on a pony and trap. My mother walked nearly 3 miles to the train station to get down to Belfast to work in the Civil Service. Moira has grown rapidly as a village since then, particularly over recent years. Unfortunately, planning has not gone into it in the way that it should. Road development has not taken place to match the housing development that took place in the area and in the other villages further up towards Lurgan, including Magheralin, Dollingstown and Waringstown, which all access the motorway through the village of Moira.

Mr Catney is absolutely right when he says that, historically, Lagan Valley has not done particularly well out of Roads Service or the Department for Infrastructure. The north Lisburn feeder road was provided by the private sector. A further £7 million of investment happened at Sprucefield when the new links were made to

the motorway there: again, that was provided by the private sector.

Some £1 million was spent on putting lights at the Saintfield roundabout. Mr Salmon was heavily involved in that. Work was done to the Largymore link road. Again, that was provided by the private sector. The new Knockmore/Sprucefield link road, which will make a transformational difference to the city of Lisburn, is also being provided by the private sector. Given that the Department for Infrastructure has got away so lightly in the Lagan Valley constituency, it would be entirely reasonable for it to provide investment there, for Moira and the communities that access the motorway through the village of Moira.

Moira is gridlocked, particularly in the morning and evening peak traffic. If you are trying to get out of Meeting Street to get on to the main road, it is an absolute disaster. Many older people live in Moira. They have to cross the main road — a road that 10,000 cars travel — to go to the doctor and the chemist and to get essential items. We need to relieve the pressure on Moira village.

We have talked about the train station and recognised the desire to create more car parking. I support that. I would also like to see better walking access to the train station so that people can safely walk there through a well-lit area. It is critical that the Department for Infrastructure take that issue on board. We all recognise, and everybody knows, that, for traffic, Moira is a disaster zone, particularly in the evenings when the traffic backs up on to the motorway. It is dangerous for traffic to be queued back on to the motorway.

We hope for good news tonight, given the lobbying of the Minister that Mr Catney has already done. He has her well softened up. I hope that we will get positive news from the Minister, so I will not detain the House further.

Ms Mallon (The Minister for Infrastructure): I thank the Member for Lagan Valley Mr Butler for instigating the debate on a bypass for Moira. I have listened with interest to the comments and issues raised by Members. I have had the privilege of being in the village, and it is absolutely beautiful. There are, undoubtedly, traffic congestion problems at peak times, owing to the high volume of vehicles passing along the A3. I fully acknowledge the frustration of commuters and those in the Moira community who are impacted by that.

It is important to recognise, however, that, as well as exploring engineering solutions to the

congestion in many towns across Northern Ireland, we need to work to reduce dependency on the private car for the vast majority of trips. I recognise that that presents additional challenges to those who live in our rural communities. While bypasses can improve the urban environment of our town centres and journey-time reliability on the road network, we need to focus on greater use of public transport and investment in public transport and active travel to enable more of us to make our journeys by sustainable means.

That is why, in February of this year, as Members have mentioned, I was delighted to announce a plan for over 400 new park-and-ride spaces close to Moira train station that will provide cleaner, greener, sustainable transport for locals. I am aware of requests for better street lighting along Station Road. While the requests do not meet current policy, we are, within the blue-green fund, doing what we can on the issue. I am conscious that there is a case to be made. I recognise, however, the point that Mr Butler made. The park-and-ride facility is a positive move forward, but, in truth, it is only a part of the solution, because there will still be a requirement for traffic to travel through the village to get to the train station.

Mr Givan asked what my Department is doing to address the issues. In recent years, the Department has taken steps to mitigate the effects of through traffic on the village and improve road safety. We will continue to monitor the situation and make changes, should that be shown to help ease congestion, for example through the signal timings of the Main Street/Meeting Street junction. The road layout, particularly in the centre of the village, limits what can be done to reduce congestion levels.

Eastern division has also received requests to signalise the M1 westbound off slip at its junction with the Moira roundabout. However, due to the existing queuing from the village, providing traffic signals could result in traffic with a green signal having limited scope to progress due to congestion downstream. That could lead to further frustration among drivers. However, I assure the representatives of Lagan Valley that that location will continue to be monitored.

If that is the case in looking to see what measures we can introduce and we recognise that that is not the solution, we need to look for other solutions. Members may be aware that, in June this year, I published 'Planning for the Future of Transport', which sets out the central role that transport plans will play in supporting the improved planning, management and

development of the transport network here over the next 10 to 15 years. The Department has initiated work on a new suite of transport plans, setting out new transport infrastructure proposals for delivery until 2035. That includes the Belfast metropolitan transport plan, which will address future plans for roads, public transport and active travel in the five councils of the Belfast metropolitan area, including Lisburn and Castlereagh City Council. The plan will include detailed scheme testing, and a Moira bypass and other potential public transport solutions will be tested as part of that process. The BMTP will be developed alongside the council's local development plans, reflecting its growth, ambitions and policy objectives, and it is expected that it will be published towards the end of 2023. My officials will work closely alongside the council as that work progresses. That will provide for a holistic consideration of which transport solutions can best deliver our desired outcomes, including reduced carbon emissions and the creation of high-quality urban spaces that benefit communities.

I assure the representatives of Lagan Valley and those of Upper Bann, who have also made several representations on the matter, that I will look closely at all options to improve our transport networks in order to increase their resilience, sustainability and benefit to communities. As Members will be aware, my Department has suffered budgetary constraints, and I have inherited significant financial challenges. However, working with all parties across the Assembly and the Executive, I am committed to exploring what is possible to improve community connectivity and enhance lives. I will give careful consideration to a Moira bypass as we complete the work on our transport plans in conjunction with the councils.

I thank Members for raising this important issue and for the nature of the debate. I recognise that this has been a long-standing problem, and I recognise the frustration among the local community, commuters and elected representatives. I look forward to working with them and their colleagues on the council as we develop the strategic transport plans.

Mr Speaker: I thank the Member who secured the Adjournment debate, the Minister for her attendance and all colleagues who contributed in the debate.

Adjourned at 7.28 pm.

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