

---

# NORTHERN IRELAND ASSEMBLY

Tuesday 15 January 2008

*The Assembly met at 10.30 am (Mr Deputy Speaker [Mr Dallat] in the Chair).*

*Members observed two minutes' silence.*

## ASSEMBLY BUSINESS

**Mr S Wilson:** On a point of order, Mr Deputy Speaker. The material that I have before me is not an alternative to the newspaper that the Member for West Tyrone Mr McElduff accused me of reading in the Chamber yesterday. Rather, it represents the amount of written material that I received from the Assembly in the two weeks before the Christmas recess. The material stands 1 ft 8 in high — I have a ruler with me should I need to prove that. It follows that, if a full month's material, multiplied by 108 MLAs, were stood end to end, we would need a bookshelf that stretched from one side of this Building to the other — 365 ft — to facilitate it all.

I want you, Mr Deputy Speaker, to raise with the Assembly Commission what we can —

**Mr Deputy Speaker:** Mr Wilson.

**Mr S Wilson:** — do to avoid that waste of paper, because I understand that all this material is available online.

**Mr Deputy Speaker:** We have now gone metric, Mr Wilson. [*Laughter.*] I shall make two points: first, Members are not permitted to use visual aids in the Chamber; and, secondly, you are probably embarrassing the Minister of the Environment. I shall continue.

**Mr Wells:** On a point of order, Mr Deputy Speaker. I raised a point of order yesterday, but, unfortunately, the Speaker had just left the Chair. It related to an important issue, however, not only for me but for the entire Assembly.

During questions to the Minister of Agriculture and Rural Development after her statement on the December Fisheries Council meeting, I asked a question that contained not one, not two, not three but four separate questions. I have the Hansard report in front of me, and it is very clear that I asked four questions. The Minister's response was that she did not hear a question, and, therefore, she refused to respond to any

of the points that I had made. She did not fail to hear; rather, she did not want to hear, because she was embarrassed by the questions that I had asked.

However, what was even more worrying was the Speaker's response that he did not hear any questions either. If Ministers are able to hide behind awkward, difficult questions simply by saying that they do not hear them, that is a very dangerous precedent for the Assembly to set. Ministers must be held to account; they must answer questions, even those that they do not want to answer.

It is unfortunate, Mr Deputy Speaker, that the Speaker does not appear to have ruled on that issue, so I ask that you convey my sentiments to him and ask him to rule on this important matter as quickly as possible.

**Mr Deputy Speaker:** I will certainly do that. The good news is that the Speaker is aware of your point of order and will be in touch with you, so it is happy days.

**Mr Wells:** I am delighted.

**Miss McIlveen:** I wish to raise a point of order in relation to yesterday's Question Time. I asked a valid question of the Minister of Education regarding how she prioritises her budget. Is it in order for her to label my comments as sectarian, when they clearly related to the budget?

**Mr Deputy Speaker:** I will certainly pass your comments to the Speaker, who will, no doubt, be in touch with you, as with Mr Wells.

## MINISTERIAL STATEMENT

### North/South Ministerial Council — Institutional Format

**Mr Deputy Speaker:** I have received notice from the Office of the First Minister and deputy First Minister that the deputy First Minister wishes to make a statement regarding the North/South Ministerial Council meeting in institutional format.

**The deputy First Minister (Mr M McGuinness):** Go raibh maith agat, a LeasCheann Comhairle. In compliance with section 52C(2) of the Northern Ireland Act 1998, I wish to make a statement on the meeting of the North/South Ministerial Council (NSMC) in institutional format that was held in Stormont Castle, Belfast on 17 December 2007.

Junior Minister Paisley and junior Minister Kelly, who attended the meeting, have approved this report and I make it on their behalf.

The Executive were represented by junior Minister Paisley, junior Minister Kelly and myself. The Irish Government were represented by Dermot Ahern TD, Minister for Foreign Affairs.

At the meeting, the Council approved the appointment of members to the management boards of the Trade and Business Development Body, the North/South Language Body, the Foyle, Carlingford and Irish Lights Commission, and to the advisory board to the Food Safety Promotion Board, including chairpersons and vice-chairpersons, with effect from 13 December 2007, and the appointment of a board member of Foras na Gaelige to serve as vice-chairperson of that body.

The Council also approved the appointment of the board members, including the chairperson and vice-chairperson of Tourism Ireland Ltd, with effect from 19 December 2007.

The joint communiqué from the NSMC institutional format meeting, with a list of new boards, including chairpersons and vice-chairpersons, was placed in the Assembly Library on 17 December 2007.

The remuneration of chairpersons, vice-chairpersons and members was also agreed.

The Council thanked outgoing board members and recognised the key role that they played in developing the North/South bodies and Tourism Ireland Ltd. They also congratulated the new board members on their appointments and wished them well in their work. Go raibh maith agat.

**The Chairperson of the Committee for the Office of the First Minister and deputy First Minister (Mr Kennedy):** I thank the deputy First Minister for his statement. Although brief, its content is important, and

I request on behalf of my Committee that full details of the list of appointees to the various boards and bodies be provided.

Moreover, I ask the deputy First Minister and the Office of the First Minister and deputy First Minister to provide detail on the background to the appointment process, perhaps indicating how appointments were arrived at and made. Was any interview process undertaken for any of the appointments? Were any of them subject to what might be termed “political patronage”? I also ask the deputy First Minister to indicate how long each individual is expected to serve on each body.

**The deputy First Minister:** The full membership lists of the boards are available. If any Member does not have a copy to hand, we can furnish him or her with the information.

The term of service is four years, and it is important to say that the work to establish those bodies has continued over almost eight years. Under the Implementation Bodies Agreement of March 1999, the North/South Ministerial Council appoints management boards to the Trade and Business Development Body, which operates as InterTradeIreland, the North/South Language Body, which consists of Foras na Gaelige and the Ulster-Scots Agency, the Foyle, Carlingford and Irish Lights Commission, and to the advisory board to the Food Safety Promotion Board.

Overall, the boards of those bodies comprise some 60 members. The Special EU Programmes Body and Waterways Ireland, which is the inland waterways body, do not have boards. Tourism Ireland Ltd, which was established as a company that is limited by guarantee, has a board that comprises 12 directors, who were appointed by the NSMC.

Effectively, the terms of office of the current members of all the boards, including the chairpersons and vice-chairpersons, ended in December 2007. Given that most of them had served two terms, they could not be reappointed. Many of the outgoing chairpersons, vice-chairpersons and members served on the boards for almost seven years, and I should add that the members of the outgoing boards made a sustained commitment to the work of the bodies.

The Executive and the Irish Government made the appointments to the new boards on a 50:50 basis, and the full list of membership of all the boards has been placed in the Assembly Library for Members to access at their own convenience. Those who were appointed to the boards come from a range of backgrounds and bring with them extensive experience and knowledge of the business and voluntary sectors.

Essentially, the appointments were made in accordance with the rules, and we used exactly the same process that David Trimble and Séamus Mallon

used when they occupied the roles of First Minister and deputy First Minister.

**Mr Moutray:** Members will have noted Tourism Ireland Ltd's recent announcement that it will change the way in which it markets Northern Ireland so that it reflects aspects of Ulster-Scots heritage and culture, including the Loyal Orders. Does the deputy First Minister agree that that change will benefit Northern Ireland in that more visitors will be attracted here? Was that matter discussed at the meeting on 17 December 2007?

**The deputy First Minister:** That specific issue was not discussed at the meeting. I appreciate that Tourism Ireland Ltd's responsibilities include a clear duty to reflect culture and tourism opportunities for the benefit of those in the international community who are considering whether to holiday in this part of the world.

For example, during the Smithsonian event in Washington, DC, which Ministers from different parties and I attended, individual members of the Ancient Order of Hibernians (AOH) objected to the presence of Orange Order representatives who were explaining the background to their organisation to the Irish-American community. I came out very strongly against the attitude of those members of the AOH who were trying to prevent the Orange Order representatives from describing the Order. I think that I won the argument, given that I received all sorts of letters of support from other members of the AOH in the United States of America who believed that I was absolutely correct. Therefore, it is a good thing, and it is something that is well worth promoting.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. Cuirim fáilte roimh ráiteas an Aire agus roimh an tuairisc. Rinneadh obair thábhachtach i rith an chruinnithe seo i mí na Nollag.

I welcome the Minister's statement. Mr Kennedy, in his capacity as Chairperson of the Committee for the Office of the First Minister and deputy First Minister, has already asked several of the questions that I intended to ask. However, will the deputy First Minister tell me whether the meeting in December concerned itself in any way with developing further the roles of the North/South implementation bodies and expanding areas of co-operation?

**The deputy First Minister:** All Members know that a review is ongoing to examine objectively the efficiency and value for money of the existing implementation bodies. That review will also consider the case for creating additional bodies and areas of co-operation within the NSMC framework in matters where mutual benefit would be derived.

The first meeting of the review group took place on 31 October 2007. In addition to senior officials from the Executive and the Irish Government, the group

comprises an advisory panel of four expert advisers, two of whom were nominated by the Executive and two by the Irish Government.

The group undertook intensive work in November and December, and a progress report will be made at the NSMC plenary meeting in February.

10.45 am

**Mr Attwood:** I join the deputy First Minister in welcoming the appointment of the new board members and thanking the outgoing members for their years of service. The deputy First Minister rightly said that these people have been appointed for four years. Of course, the elephant in the Chamber is the review to which the deputy First Minister has just referred. We have learnt from one unionist party this week that its intention is that North/South developments should not expand and deepen in the next phase of politics on this island.

Can the deputy First Minister, arising from what Mr McElduff said, confirm that the review will complete its work by the spring, as originally intended? When will the Assembly have the opportunity to discuss fully the review's report and, I hope, endorse recommendations for a broad extension of areas of co-operation and implementation on the island of Ireland?

**The deputy First Minister:** It is not my place, with the review ongoing, to pre-empt its outcome, except to say that it is the very firm intention of the North/South Ministerial Council that this work should be completed in time for its next plenary meeting. At this stage, the sensible thing is for all of us to bide our time. There will be a plenary meeting on 7 February, at which the report will be considered. Until then, we should allow the review body to get on with its work.

**Mr Ford:** The reconstitution of the five boards is a step forward in the normalisation of politics. However, even by the standards that we have come to expect from NSMC statements, this one was remarkably thin. While there was a lot about membership, there was nothing about achievements or future challenges, even in the context of the review that is under way. Does the Minister agree that if we are to have these statements on a regular basis — and we are obliged to do so under the agreement — it would be a more productive use of his time and that of the House to have a bit more substance in them, rather than a mere list of facts that have already been placed in the Library?

**The deputy First Minister:** The Member has made his point, and no doubt the powers that be in the NSMC will consider what he has said. I agree with him: there are many achievements that we could boast about regarding the effectiveness of the bodies, which have clearly been beneficial to both the Irish Government and to us. The Member's point will be taken on board.

**Mr P Maskey:** Go raibh maith agat, a LeasCheann Comhairle. An estimated 9·1 million visitors came to the island of Ireland in 2007, generating a forecasted £3·1 billion — equivalent to €4·6 billion. That represents a 7·5% increase in tourism revenue. Does the deputy First Minister believe, as I do, that Tourism Ireland Ltd is delivering sufficiently sustained revenue and visitor growth in the tourism industry on the island of Ireland? I hope that the new chairperson and vice-chairperson will be able to enhance those figures.

**The deputy First Minister:** Tourism Ireland Ltd has been a huge success. The figures from the tourist boards suggest that last year — sorry, the year before last; I keep thinking that this is 2007 — there was a huge increase in the number of visitors from North America. That is very encouraging, and is primarily because of the changed political circumstances here and the promotional work done by Tourism Ireland Ltd in North America. Tourism Ireland Ltd also has a responsibility to ensure that that progress continues. All the indicators from the powers that be in tourism suggest that we are on an upward trend.

**Mr Wells:** Following on from what Mr Ford said, and given the standard of previous reports to the Assembly about such meetings, today's report is extremely brief. I must ask a question — and it is a question, Mr Deputy Speaker: is today's report a full report of what happened at the meeting? If it is, the meeting lasted around five minutes. I notice that it was held just before the Christmas recess: was it a case of having a five-minute meeting followed by a two-hour Christmas lunch at the taxpayers' expense, or did more business take place that has not been reported? If today's report represents all the business that was carried out at that particular event, then it was not really worth having the meeting.

**The deputy First Minister:** Well, LeasCheann Comhairle, it will not be surprising that I do not agree with the Member. The meeting was very important as the purpose was to appoint important boards under the auspices of the North/South Ministerial Council. The purpose was not to deal with the work of the boards. The meeting did take a very short time.

**Mr Wells:** How long did it take?

**The deputy First Minister:** It lasted an hour at the most. The cost to the Executive was approximately £250, and there was no Christmas lunch.

**Mr Deputy Speaker:** That is very sad indeed.

**Mrs D Kelly:** I am sure that I will be forgiven for being naive but when the deputy First Minister refers to the “powers that be”, I would have thought that he would be included in that phrase when it comes to directing work programmes for the Executive and the Assembly.

Were there any discussions about the Executive's failure to establish the Civic Forum, and were any concerns raised by the Irish Government about the future of the all-Ireland consultative forum?

**The deputy First Minister:** The Republic of Ireland's Minister for Foreign Affairs, Dermot Ahern, did not raise any issue regarding the consultative forum. I stress again that the sole purpose of the meeting was to appoint the boards of the NSMC; it was not held for any other purpose.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas.

Will the deputy First Minister outline whether there will be proper resources for the boards — and perhaps enough money for the odd Christmas lunch?

**Mr Deputy Speaker:** We are in danger again.

**The deputy First Minister:** The NSMC is satisfied that there are enough resources for the boards. We can be well satisfied that huge progress has been made given the new political circumstances. We can expect the boards to go from strength to strength; and as they do, the Irish Government and the Executive will have to consider whether to put further funding into them. That decision will be taken jointly by the Irish Government and us.

**Mr Shannon:** In his statement, the deputy First Minister referred to the North/South Language Body. In Northern Ireland, promotion of Irish and Ulster Scots has been completed: what is being done in the South to promote the Ulster-Scots language? As an Ulster-Scots language enthusiast, I am quite keen to know that something is being done by the South to promote it.

In addition, there has been great disquiet in the unionist community concerning Tourism Ireland Ltd's ability to deliver for tourism in Northern Ireland. With the introduction of the new board, my party and the people whom I represent wish to be assured that Tourism Ireland Ltd can deliver on tourism for the entire Province. Confidence needs to be restored to the unionist community on that matter.

**The deputy First Minister:** During the course of my contribution today, I stated that we, as an Executive and as members of the NSMC, are satisfied that the work of Tourism Ireland Ltd is benefiting every section of the community, and that those appointed to the board will endeavour to continue to ensure that the upward trend in tourism continues, which is to the benefit of everyone.

During Executive visits to the United States, we talk constantly about what the North has to offer and the spectacular scenery in places such as north Antrim, the Sperrins, County Down, the lakes of Fermanagh, the

streets of the Bogside and the Shankill Road. Tourists from all over the world visit the North to see those sights.

I listen attentively to radio programmes about Ulster-Scots issues, and often people from County Donegal and County Monaghan contribute to those debates. The Ulster-Scots Agency has an office in County Donegal. Everyone takes Ulster-Scots issues seriously, not least members of the Executive.

**Mr Molloy:** Will the deputy First Minister inform the House how many North/South Ministerial Council sectoral meetings have been held during this mandate? When is the next sectoral meeting due to be held?

**The deputy First Minister:** The following meetings were held in sectoral format in 2007: transport on 14 September; inland waterways on 17 October; language on 26 October; environment on 26 October; Special EU Programmes Body on 7 November; tourism on 8 November; agriculture on 9 November; education on 14 November; Foyle, Carlingford and Irish Lights Commission on 21 November; and health and food safety on 28 November. It is anticipated that the meeting in the trade and business development sectoral format will take place as soon as possible. The next NSMC plenary meeting is scheduled for 7 February 2008 in Dundalk.

**Mr Durkan:** I thank the deputy First Minister for his statement and his ministerial colleagues for their work on the NSMC meeting in its institutional format.

The deputy First Minister stated that the meeting focused on appointments to boards. Was the creation of boards for, for example, the Special EU Programmes Body or Waterways Ireland discussed, or is that issue being left to the review? If the opportunity did not arise in this instance to discuss cross-sectoral meetings, for which there is provision, will the deputy First Minister and his colleagues use February's plenary meeting to set up such meetings? We have an agenda for innovation and competitiveness, and the South has established its ambitions in the national development plan, and cross-sectoral meetings would be useful in progressing that work.

**The deputy First Minister:** The appointment of boards for the Special EU Programmes Body or Waterways Ireland was not discussed at the meeting. In my opinion, that issue is best left to the review. We should consider the establishment of future cross-sectoral meetings.

## North/South Ministerial Council — Health and Food Safety Sectoral Format

**Mr Deputy Speaker:** I have received notice from the Minister of Health, Social Services and Public Safety that he wishes to make a statement on the North/South Ministerial Council meeting in its health and food safety sectoral format.

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** I wish to make the following statement on the North/South Ministerial Council meeting in its health and food safety sectoral format. It took place in Dublin Castle on Wednesday 28 November 2007. This was the first such meeting since the restoration of the Northern Ireland Executive and Assembly.

*11.00 am*

The Executive were represented by myself, as Minister of Health, Social Services and Public Safety, and by Michelle Gildernew MP MLA, the Minister of Agriculture and Rural Development. This statement has been endorsed by Minister Gildernew.

The Irish Government were represented by Mary Harney TD, Minister for Health and Children. Minister Harney chaired the meeting, which opened with a progress report on the five formal areas of co-operation in health, highlighting some of the key developments since the previous meeting in 2002. Those matters included co-operation on cancer research; planning for major emergencies; pandemic flu planning; health promotion; and co-operation on a number of localised cross-border projects.

We also referred to a joint feasibility study, established by my Department and the Department of Health and Children, which has been tasked with identifying the potential for a more strategic approach to co-operation in health and social well-being. That is particularly relevant in view of the recent and ongoing reorganisation and reform programmes in both jurisdictions.

I turn to the current and planned activities in the aforementioned five areas of co-operation. The Council received a report on the continuing co-operation on accident and emergency services. We noted and welcomed two pilot projects, commissioned by Cooperation and Working Together (CAWT) for a cross-border GP out-of-hours service.

Ministers also welcomed ongoing work involving co-operation on paediatric and congenital cardiac services between the Royal Victoria Hospital in Belfast, and Our Lady's Hospital for Sick Children in Dublin. We requested that officials report on the further development of those services at the next sectoral meeting.

The Council welcomed co-operation on training and planning for major emergencies. We were briefed on a

major cross-border emergency-planning exercise, which took place in April 2007, and a further emergency-incident exercise, which is planned for 2008. The close co-operation among the two Departments and the Health Service Executive on infectious-disease emergency planning was also welcomed. We noted plans for a possible cross-border exercise on pandemic flu planning, as part of an EU-wide exercise.

The Council noted the high level of co-operation between the respective fire and rescue services in dealing with emergencies and road accidents in the border areas. We also agreed that first-responder schemes, which have been piloted, should be managed by the ambulance services in both jurisdictions.

The Council considered a report on high-technology equipment, which focused on the provision of improved access to radiotherapy services. We were pleased to note the implementation of an agreement among Belfast City Hospital, Altnagelvin Hospital and the Health Service Executive in the Republic to provide cancer patients from County Donegal with radiotherapy treatment at Belfast City Hospital. It was also agreed that the development of additional radiotherapy capacity should be progressed in parallel with work on the aforementioned joint feasibility study, taking into account the scope for further co-operation.

In the area of cancer research, we received a presentation from the two Chief Medical Officers — Dr Jim Kiely of the Department of Health and Children, and Dr Michael McBride of the Department of Health, Social Services and Public Safety (DHSSPS) — on the work of the Ireland-Northern Ireland-National Cancer Institute Cancer Consortium. The Council recognised the successful implementation of programmes on cancer research, as well as the continuing expanding activity under the auspices of the consortium. Such activity includes the development of common protocols, definitions and datasets by cancer registries; the running of a cancer prevention programme and training workshops for cancer researchers, doctors, nurses and scientists throughout the island of Ireland and in the USA; the use of Telesynergy teleconferencing and diagnostic links with the US to aid the diagnosis of rare conditions and for research collaborations; and the operation of a cancer clinical trials co-operation group.

The Council welcomed the broad range of co-operation on health promotion in key areas, such as tackling obesity, research, health-promoting hospitals, training, smoking, workplace health promotion, men's health, mental health and breast feeding. We also noted the work of the All-Ireland Institute of Public Health, particularly in relation to tackling health inequalities. We also noted joint working in regard to the promotion of mental health and, in particular that an all-island suicide prevention action plan has been developed and agreed.

In discussions, we also agreed that aspects of the Internet played a significant negative role in relation to suicide, and we confirmed that we would work together to influence change in that area.

In the second part of the meeting, we addressed the work of the Food Safety Promotion Board, which trades under the name Safefood. The Council received and noted a progress report from Martin Higgins, the CEO of Safefood. We welcomed the wide range of promotional activities that it had undertaken and the support given to the food laboratory sector over the past five years.

The Council noted the plans for Safefood for 2008-10. The plans included the rolling out of five major consumer information campaigns; the delivery of a joined-up approach to food safety and healthy eating in partnership with sponsor Departments, other food safety bodies and other responsible agencies; the establishment of a collaborative forum to tackle obesity; and the development and maintenance of in-house knowledge and expertise to reliably interpret the scientific evidence to inform its activities.

We approved the Safefood corporate plan for 2008-10 and business plan for 2008, subject to the agreement of the respective finance Departments, as well as the budgetary considerations by the Executive and the Irish Government. The Council noted Safefood's annual report and accounts for 2006, which will be laid before the Assembly soon.

We also considered a proposal from Safefood on enteric reference services — expert analysis, interpretation, advice and samples related to diseases affecting the gastrointestinal tract — for the island of Ireland. The proposal summarises possible options regarding the provision of enteric reference laboratory services to meet the needs of service users in both jurisdictions and to further enhance public health. Following consideration of the paper by experts and the two sponsor Departments, a report will be brought to a future sectoral meeting. The Council agreed to meet in the health and food safety sectoral format in spring 2008.

**The Chairperson of the Committee for Health, Social Services and Public Safety (Mrs I Robinson):** I thank the Minister for his statement. As he knows, the Committee for Health, Social Services and Public Safety is undertaking an inquiry into the prevention of suicide and self-harm in Northern Ireland, and I note that the Minister referred to the development of an all-island suicide prevention action plan. Can the Minister provide any further update on the action plan, and inform us of whether it includes any specific targets?

**Mr McGimpsey:** Members are aware that there is a strategy to counter suicide in Northern Ireland. The Republic of Ireland also has a strategy to deal with suicide in the Twenty-six Counties. The all-island

action plan looks at ways that the two plans can work together; for example, by keeping each jurisdiction informed of the other's strategy, as well as sharing information and good practice.

No specific action has been devised that can prevent suicide, and, therefore, each jurisdiction is developing menus and sharing good practice. As part of this joint strategy, a representative from the Irish Republic attends the meetings of the strategic implementation body in Northern Ireland and shares this information with our counterparts in the South.

We also have an all-island public information campaign known as "It's Me" and "the Box". This involves adverts running in the North and the South as part of a campaign to promote good mental health and to counter suicide. As part of this, we also have the five nations working group, which involves the sharing of good practice as well as discussing the harm being done by the Internet in this area.

Therefore, although there are action plans in both Northern Ireland and the Irish Republic, the all-island action plan is about seeing how the two can complement each other.

**Mr McElduff:** Gabhaim buíochas leis an Aire as ucht a ráitis.

The Minister may know that I take a particular interest in the two pilot projects, commissioned by Cooperation and Working Together, for cross-border GP out-of-hours services. I understand that those projects are in the Derry/Inishowen and Keady/Crossmaglen/Castleblayney areas. Will the Minister tell the House whether any consideration is being given to further expanding that necessary cross-border service? There is a perfectly good out-of-hours health centre in Strabane, for example, that can benefit people living one mile away in Lifford and who instead are being encouraged to go to Letterkenny, 15 miles away. That would be a practical outworking of a necessary project, and I would like to see it expanded into the Lifford/Strabane area and, indeed, to other areas along the border. It makes sense to have a seamless provision of health services.

Will the Minister also comment on the implementation of the agreement between Belfast City Hospital, Altnagelvin Hospital and the Health Service Executive to provide cancer patients from Donegal with radiotherapy treatment at Belfast City Hospital? Is there a move to provide services either at Altnagelvin or Letterkenny for the benefit of people in the north-west?

**Mr McGimpsey:** Cooperation and Working Together — an organisation that, through funding from the EU, examines marginalisation in border areas — is looking at GP out-of-hours services. A pilot project has just been completed in the Londonderry/Letterkenny area and is being evaluated. Another pilot has been launched

in the Keady/Castleblayney area. Once those pilots have been completed and the evaluations carried out, we will be in a position to determine how we should respond. If there is good practice and the need is there, that will inform our response.

With regard to the arrangements for radiotherapy treatment, cancer patients from Donegal can access the service at the cancer centre in Belfast City Hospital. That has been agreed between my Department and the Department of Health and Children in the Republic. Approximately 50 patients a year from Donegal use that service. As Members will be aware, the cancer centre in Belfast will have reached capacity by 2015. There are eight radiotherapy machines at present, and the facility can take two more before it reaches capacity. The question then is how do we expand after that — and that is looking purely at Northern Ireland.

One of the suggested options is to develop a subregional centre at Altnagelvin, which would work closely with, and be integrated with, Belfast City Hospital. That raises the question, which the Dublin Government have asked, of whether the capacity could be built in to allow patients from Donegal to access the service. The Republic would pay for the capacity and for its patients to access it. It is an ongoing programme, and I am discussing the matter with Mary Harney. The planning has to start now because it will take from now to 2015 to get everything in place.

**Rev Dr Robert Coulter:** I welcome the Minister's statement, particularly the reference to the activities of the Food Safety Promotion Board. Will the Minister give Members some enlightenment on the work of the board in connection with the use of pesticides in food that is grown in both sections of our country? Will he also tell us whether any tribute was paid to Mr Bertie Kerr, who for eight years was chairman of the Food Safety Promotion Board? There should be some recognition of the excellent work that he did in leading the board from its inception to the present time.

*11.15 am*

**Mr McGimpsey:** We paid tribute to Bertie Kerr at the meeting. He has been in post for nine years, and he did not expect to be doing the job for that long when he took up office. He has worked very hard and diligently and has been a strong promoter of the work of the Food Safety Promotion Board.

Pesticides and food form part of the remit of the Food Safety Promotion Board, which aims to ensure that food safety is promoted and that food is not polluted by pesticides, for example. The board is keeping a very close watch on that issue, and it keeps up to date on best practice in other areas of the UK and Europe. That is why the Food Safety Promotion Board is an important body that does important work, and why it has been one of the most non-contentious areas of cross-border

co-operation from its inception. I believe that it will go from strength to strength.

**Mrs Hanna:** I thank the Minister for his statement. I welcome the number of areas on which work is being undertaken. Although I have my own contact with our opposite numbers on the Committee on Health and Children in the Republic, I would welcome more detail and feedback on those matters.

The Minister's statement addressed the challenge of lifestyles. Will the Minister inform the House whether alcohol abuse, binge drinking and the associated problems, such as family breakdown and attacks on health staff, were mentioned during discussions?

**Mr McGimpsey:** I take Mrs Hanna's point about information, and, of course, I am happy to undertake to provide whatever information that I can.

This was our first meeting since restoration, but health promotion and alcohol abuse will certainly form part of our discussions — as will suicide prevention, which was raised by Mrs Robinson, and the other lifestyle issues with which we are familiar, such as obesity and family breakdown, which were discussed, although only in general terms, at the meeting. I have no doubt that we will rise to the task ahead.

**Dr Deeny:** I thank the Minister for his statement. I am pleased to hear that the first health and food safety sectoral meeting has taken place. That is important for all of us, particularly those of us who live in the border counties.

I concur with my West Tyrone colleague Barry McElduff, and I encourage the Minister and his counterpart in the South to continue with the GP out-of-hours centres on either side of the border so that it will not matter where one falls sick, because a patient will be seen in the most convenient GP centre.

One of the five areas that the Minister mentioned is emergency care, which I have been talking about for some time. Do the Minister and his counterpart recognise that when planning for major emergencies, the roads that offer access to accident and emergency departments play a major role? On the north-west road from Dublin, there is not one accident and emergency department. Since the closure of the Omagh and Monaghan hospitals, there is also no accident and emergency department on the N2 from Dublin, which becomes the A5 at Aughnacloy. There is no provision until one reaches Derry, where there is an accident and emergency department at Altnagelvin. There is another at Letterkenny.

That is a major road of about 175 miles that is increasingly used by many people on the island of Ireland to travel between Dublin and the north-west —

**Mr Deputy Speaker:** Order. Dr Deeny, please ask your question.

**Dr Deeny:** Is the Minister, or his counterpart in the South, Mary Harney, not aware of the glaring absence of an accident and emergency department on a major route from Dublin to the north west of the island of Ireland? What happens if a major incident occurs on that road? That is a glaring deficiency in emergency medical care. Has no one, North or South, been made aware of that?

**Mr McGimpsey:** Dr Deeny will be aware that the one-hour rule operates in Northern Ireland. Therefore, everyone living in Northern Ireland is within one hour of an accident and emergency department, and it is my responsibility to deliver on that rule.

Discussions have taken place and operations are under way on cross-border planning for major emergencies. For example, last year "Exercise Medical Bridge" required ambulance services, military personnel and police from both jurisdictions to work together in response to a supposed major medical incident. We are also examining co-operation on a possible pandemic flu outbreak in the UK, on the island of Ireland and in Europe, as such outbreaks are not only regional: they can be on a national and international scale.

We are reviewing fire and ambulance services in border areas, in particular the first responder scheme. We are also looking at road traffic accident hot spots and how emergency services can respond and deliver support and medical assistance as and when it is necessary.

**Mr Deputy Speaker:** Twelve Members are still on the list to ask questions. I ask Members to be brief when asking their questions.

**Mr Buchanan:** Although the matter has already been referred to, will the Minister tell me who will be responsible for funding radiotherapy treatment for patients from County Donegal? Will he confirm that cancer patients in Northern Ireland will neither lose out nor be placed on longer waiting lists as a result of the agreement? Will he inform the House of the current waiting times for patients in Northern Ireland requiring that treatment?

**Mr McGimpsey:** There are no waiting times for radiotherapy treatment: patients are seen immediately. As Minister of Health, Social Services and Public Safety, my responsibility is to deliver services for the people of Northern Ireland. As capacity in the radiotherapy centre in Belfast City Hospital will be outgrown by 2015, I, as Minister, through the Department and with support from the House and the Executive, will plan for the delivery of an increase in services. My preference is for services at Altnagelvin Hospital, which will also benefit cross-border patients in County Donegal. The Dublin Government are also making that point and will pay for any extra capacity required and



any usage by people in the Irish Republic. However, my first responsibility is to patients in Northern Ireland, and my planning for 2015 will take that on board.

**Mr McCartney:** Gabhaim buíochas leis an Aire as a ráiteas.

With regard to the Minister's response to the previous question, is there any possibility that a new centre could be up and running before full capacity is reached in 2015, and that it would be at Altnagelvin Hospital, as the Minister has already indicated?

**Mr McGimpsey:** That is clearly a possibility. We are looking at that as well as expanding services in Belfast. There are problems with people having to travel from areas such as Londonderry and Coleraine to Belfast for radiotherapy treatment. The question is whether capacity should be placed outside Belfast City Hospital while continuing to work closely with the hospital? Altnagelvin Hospital, as a sub-regional hospital, is one of the preferred options. The decision must be made and the capacity must be in place by 2015, and Altnagelvin Hospital is a possibility.

**Mr Easton:** Will the Minister outline the possible cost for Northern Ireland of the safefood corporate plan?

**Mr McGimpsey:** There will be a 2:5 split in the cost. The cost of running the body was around £7 million per annum, which will translate to £2 million for Northern Ireland and £5 million for the Irish Republic, approximately.

The new budget for that body has not been agreed. Our share must first be agreed by the Executive, followed by the Minister of Finance and Personnel and the Department of Finance and Personnel; however, it will be of that order of magnitude.

**Mr McCallister:** I welcome the Minister's statement, and I also wish to be associated with the remarks about Bertie Kerr and his excellent work over the eight or nine years that he has been involved with the Food Safety Promotion Board.

I particularly welcome cross-border co-operation in emergency planning, and the Minister's earlier response about new developments at Altnagelvin will be welcomed by residents in that area. What developments in such co-operation does the Minister envisage, particularly for the new Erne Hospital and — closer to home for me — Daisy Hill Hospital? Does the Minister consider the North/South co-operation between Daisy Hill and County Louth in the treatment of patients to be a way forward in the delivery of good quality services in rural areas in Northern Ireland?

**Mr McGimpsey:** The decision to provide acute services in the new Erne Hospital was based purely on the needs of people in Northern Ireland — specifically, in the south-west. That was the limit of my responsibility; however, there are possibilities for cross-border

co-operation in instances of mutual benefit to the people of Northern Ireland and those in the Irish Republic, which are the responsibility of the Republic's Minister for Health and Children, Mary Harney. The same principle also applies to Daisy Hill Hospital.

**Mr Durkan:** I thank the Minister for his statement and his ministerial colleagues for their work in the sectoral meeting. In the short time available, it is difficult to do justice to such an extensive agenda. Therefore, I hope that the Minister will be sufficiently encouraged by Members' interest in these matters to hold the next sectoral meeting in early, rather than late, spring in order that we might hear more about progress.

I want the Minister to address two areas. He has covered the first in his answers to other questions, and he will not be surprised to hear that that concerns the provision of cancer services. The development of radiotherapy services at Altnagelvin should not be considered merely as an issue for the north-west, any more than other investment in the cancer strategy should be considered as a geographical issue — including the previous Executive's investment in the cancer centre at Belfast City Hospital. I hope that the Minister will work with Mary Harney to secure funding to make that a reality sooner rather than later, possibly utilising some of the unallocated reserves in the South's national development plan.

Secondly, the Minister spoke of possible cross-border plans to tackle pandemic flu as part of an EU-wide exercise. Will he tell us more about that, and do such plans depend on close-to-home or EU issues?

**Mr McGimpsey:** I have nothing further to add to what I have said about cancer services and the need to plan for increased capacity.

We are discussing the possibility of holding regular meetings about pandemic flu to address issues relating to communication, vaccination, and so on. As Northern Ireland is the only area of the UK with a land border with a country outside the UK, those meetings will be relevant to the UK and the island of Ireland. In addition, such plans must also be integrated with EU policies. Questions will arise about the various governmental responses during such an outbreak, the importance of a common message to our respective populations and common planning for air travel, and so on. Those are the areas that we are discussing, and we are part of the UK-wide response strategy, into which the Government in the Irish Republic will feed — all of which will feed into the EU as a whole.

11.30 am

**Mr Boylan:** Go raibh maith agat, a LeasCheann Comhairle. Tá ceist agam don Aire. I have a question for the Minister. I welcome his statement, and thank him especially for information on the GP out-of-hours service in the Keady, Castleblayney and Crossmaglen

areas. Sadly, the Minister made no mention of the proposed North/South interconnector and the 400-kilovolt overhead cable that will pass through County Armagh. What consultation has he had with other Ministers here and with his counterpart in the South about allaying people's fears and public perceptions about the health implications of the interconnector? Go raibh maith agat.

**Mr McGimpsey:** The provision of the interconnector is out of my hands. It is not the responsibility of Health Departments, North or South; the responsibility is wider. When a decision is made, and when I know what that decision is, I will examine the health implications. However, evidence of such implications is varied.

**Mr Shannon:** In his statement, the Minister referred to:

“continuing co-operation on accident and emergency services.”

A helicopter service is one method of response to accident and emergency situations. Has consideration been given to providing a helicopter service on a North/South basis? I ask that question, because I am aware of a group called Alpha 5, which is very keen that the emergency services in Northern Ireland should have a helicopter. Bearing in mind that a helicopter can respond more quickly than an ambulance to emergencies on land or at sea, and that road congestion was mentioned earlier, it is vitally important for responding to emergencies, and I ask the Minister to consider it.

**Mr McGimpsey:** There have been preliminary discussions about an accident-and-emergency helicopter service. The provision of a helicopter is one issue; the provision of its crew is another. Providing a skilled, trained crew would have revenue consequences. I do not have resources for that in my budget, nor have I bid for them. The idea has been raised, and I have had preliminary discussions about it. I agree that an emergency helicopter would add greatly to response times and would be a major help to the Ambulance Service in dealing with accident and emergency situations.

**Mr D Bradley:** Go raibh míle maith agat, a LeasCheann Comhairle. Fáiltím roimh ráiteas an Aire faoi chúrsaí sláinte agus chúrsaí comhoibríthe Thuaidh/Theas.

I welcome the Minister's statement on co-operation in various North/South health matters. I am sure that he is aware of the recent report from the Centre for Cross Border Studies entitled 'Removing the Barriers: An Initial Report on the Potential for Greater Cross-Border Co-operation in Hospital Services in Ireland'. One of the proposals in the report refers to a previous report — the Teamwork Report — and the possibility of a major hospital being sited north of Dublin that would also serve south Down and south Armagh. The Centre for Cross Border Studies report also refers to the potential of such a project and its implications for Daisy Hill Hospital in Newry.

Will the Minister assure the House that, in any future discussion that he might have on the issue, he will ensure that the status of Daisy Hill Hospital in Newry and its range of services will be defended and maintained in the context of future North/South co-operation?

**Mr McGimpsey:** I have not discussed the Dublin Government's provision of a new hospital in Louth; that is Mary Harney's responsibility. As Minister for Health and Children, she must provide for the people who live within her jurisdiction. My responsibility lies north of the border, and Daisy Hill Hospital plays a key role in the provision of services in Newry and south Down.

Therefore, it is not a matter for me; it is a matter for the Dublin Government, which will make their decisions known in due course. It is no secret that Dundalk and Drogheda are being discussed as possible venues for the new hospital.

**Mr W Clarke:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. I welcome the work that is being carried out by the Food Safety Promotion Board. Does the Minister agree that the procurement of local produce is essential to the health and well-being of patients in our hospitals, particularly seasonal foods, local meat, chicken and organic produce? Go raibh maith agat.

**Mr McGimpsey:** I wholeheartedly agree with the remarks on the procurement of local produce; that is important. Too often, people buy what appears to be the cheapest option, but, in the long run, as we are now aware, it ends up being more expensive. That is particularly the case when taking into account the carbon footprint that results from buying some foods from supermarkets. Local produce is available, and it is every bit as good and nutritious as supermarket products. Moreover, in the long term, local produce is not as harmful as far as the planet is concerned.

**Mr Adams:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister and commend him on many of the practical steps that he has outlined. My question is about the promotion of good mental health and suicide prevention. I noted the answer that was given to the Chairperson of the Health Committee when she asked about targets. The answer did not make it clear what those targets are. The Minister stated that:

“an all-island suicide prevention action plan has been developed and agreed.”

Is it possible for Members to see the details of that plan?

**Mr McGimpsey:** There is a close working relationship between Northern Ireland and the Irish Republic on the issue of suicide prevention. The Member is aware that we have a suicide prevention action plan in Northern Ireland. The action plan is managed by an implemen-

tation body, which is chaired by Colm Donaghy. That body includes interested parties, including bereaved families.

We share best practice and are holding ongoing discussions with the Irish Republic, which is facing similar challenges. Discussions are also ongoing with our counterparts in England, Scotland and Wales. I am happy to share any detail that I have because it is important that we get the message out as best we can. Therefore, I am happy to write to the Member.

## December Monitoring Outcome

**Mr Deputy Speaker:** I have received notice from the Minister of Finance and Personnel that he wishes to make a statement on the December monitoring outcome.

**The Minister of Finance and Personnel (Mr P Robinson):** The following statement regarding spending in 2007-08 after the conclusion of the December monitoring round is made on behalf of the Executive. The December round is the third of the 2007-08 financial year. Members will by now be well aware of the role and purpose of the in-year process. It is, in simple terms, intended to help the Executive to make the most of the resources at their disposal. The first stage in that process is the identification by Departments of resources allocated in previous Budget processes, which, for a variety of reasons, will not be spent in the financial year.

In overview, reduced requirements declared by Departments in the monitoring round amount to £107.4 million in respect of current expenditure, and £132.3 million in respect of capital investment. The level of reduced requirements declared in the round is much greater than the levels that were identified at the corresponding time in previous years, and the amount declared to date for this financial year is some 12% greater than the totality of all reduced requirements that were declared last year.

That position firmly indicates that Departments have robustly reviewed their in-year financial position and have sought to declare reduced requirements at a time when the Executive can make best use of those resources, rather than simply allowing the amounts to fall as year-end underspend, as has often been the case in the past.

That robust assessment of in-year requirements also indicates that my Executive colleagues are working to improve the level and quality of financial management in Departments. I commend them and encourage them to build on that.

I cannot overstate the importance of embedding the highest standards of financial management in the public sector. In that context, I am grateful to the Committee for Finance and Personnel for the valuable and positive contribution it made to the issue last week, as part of its response to the draft Budget. I look forward to working closely with the Committee on that issue.

However, although acknowledging the improving position on reduced requirements, I must also register a note of caution regarding another aspect of financial management — particularly in the context of the parallel Budget process. It must be recognised that the amounts identified as reduced requirements in this monitoring round represent allocations that were made to Departments in previous Budget processes in

response to bids from those Departments. Although I recognise that some of that reduced need may have arisen as a consequence of greater-than-planned efficiency in Departments, the more significant factors are that Departments overstated their original resource needs or have not delivered the planned level of public services underpinning those Budget bids.

Members, and my colleagues in the Executive, will agree that neither of the above situations is acceptable, and I must bear that in mind as we consider the final Budget proposals for the next three years. It will take the form of a robust challenge to, and scrutiny of, departmental spending proposals while seeking to develop further a culture of delivery, with appropriate mechanisms to monitor and drive performance. Details of all of the reduced requirements declared by Departments are set out in Table 1 of my statement. Against that level of reduced requirements, Departments have submitted current expenditure bids of £82 million and capital investment bids amounting to £134.5 million.

I now turn to the position regarding current expenditure. The Executive are in a position, uniquely, to address all of the bids that have been submitted by Departments. I do not propose to explain each bid in detail; however, this monitoring round has allowed significant resources to be allocated to priority services such as education, health and regional development, while addressing other important issues raised by Departments.

For the Department of Education, the main component of its £15.3 million allocation will allow it to meet the additional costs, some £12 million, arising from the classroom assistants' dispute. The allocation of £17 million to the Department of Health, Social Services and Public Safety will allow it to allocate £14 million towards addressing costs associated with the review of public administration, which would otherwise fall to be met during the Budget period. That allocation will remove the need for the Department, over the Budget period, to divert resources away from other areas to address the RPA pressure.

For the Department for Regional Development, additional resources of £28.5 million will allow it to address a number of issues, most notably, the ongoing costs of the water Go-co and investment in roads structural maintenance.

With respect to capital investment, the Executive have agreed to allocate £74.1 million to Departments. That sum includes £22.7 million to the Department for Regional Development to meet the increased land costs associated with the A1 Beech Hill to Cloghogue road scheme and to enable completion of the Newry to Dundalk road scheme.

Almost £50 million has been allocated to the Department for Social Development for a range of social housing initiatives, including the co-ownership scheme, the warm homes scheme and the social housing development programme. That money will enable the Department to achieve its target of starting 1,500 new social houses this year, and, under the co-ownership scheme, assist 525 applicants into home ownership.

The consequence of the level of reduced requirements and bids met is that, for current expenditure, the level of planned over-commitment is now £63.5 million.

That is in line with the Department's target of £50 million at the conclusion of the February 2008 monitoring round and represents satisfactory progress in the management of that key issue.

*11.45 am*

With regard to capital investment, there are now unallocated resources of some £57 million. That reflects the fact that many Departments have identified slippage in planned projects and the simple reality that it is difficult to accelerate other capitals projects in order to consume those resources at a relatively late stage in the financial year. That position emphasises the point that I have made about the need for continued improvements in financial and, indeed, project management. All unspent resources will continue to be available for carry forward for the Executive's use in the future. The final opportunity to review the in-year position will be February 2008. However, the February monitoring round offers limited opportunity to address issues due to the timing of the round and the constraints imposed by the spring Supplementary Estimates position.

In conclusion, therefore, I reiterate the good work that Departments have done to robustly assess their in-year requirements. I am confident that through that — aligned with my Department's ongoing work to improve the level and quality of financial management across all Departments — we will see better financial performance at all levels in those Departments. I commend the December monitoring position to the Assembly.

**The Chairperson of the Committee for Finance and Personnel (Mr McLaughlin):** Go raibh maith agat, a LeasCheann Comhairle. I welcome the Minister's statement. It is a positive outcome. I extend my congratulations to all concerned.

The fact that the Minister is in a position to meet all bids shows that Ministers have responded to the general encouragement, supported by their respective scrutiny Committees, to ensure that capital and resource bids are realistically maxed to capacity and the ability to deploy and use those financial resources. Locally elected Ministers have clearly demonstrated that they have taken a sustainable and robust approach

to the matter. I support the Minister's comments on that improvement and the need for it to continue.

On Monday 25 June 2007, during his statement on the June monitoring round, the Minister stated that:

"The optimum would be to reduce the underspend to close to 1%." — [*Official Report, Bound Volume 23, p 4, col 1*].

The Committee for Finance and Personnel has made recommendations on that as part of its recent report on the draft Budget. How confident is the Minister that that can be achieved for 2007-08? What actions are his officials taking towards that?

**Mr P Robinson:** I welcome the Committee Chairperson's remarks. Although one swallow does not make a summer, the evidence shows that the devolved Ministers have been more focused and have kept their eye on the ball. They have recognised that for the money to be of value to the whole of Northern Ireland, it is necessary to identify any reduced requirements as early as possible. The fact that that is the highest level that there has been at this point in the year, and that all the bids have been met, indicates that Ministers have done the job that the Assembly, during previous debates, quite rightly directed their attention towards.

With regard to the goal of an underspend that is close to 1%, all that my departmental officials can do is examine the evidence that they receive from officials in other Departments, which they monitor regularly. If the information that my Department has received from other Departments is accurate, that target should be realised. Of course, that will require Ministers and their officials to continue to monitor closely any prospective reduced requirement so that it can be used in February 2008, so that we do not end up with a massive underspend at the end of the year and will not have to go through the ordeal of having to bid it back from Treasury.

**The Deputy Chairperson of the Committee for Finance and Personnel (Mr Storey):** I welcome the Minister's statement. In particular, I welcome his comments about the Committee's work, which he said was helpful, valuable and positive. The Committee's report on the draft Budget emphasised the importance of regular Statutory Committee scrutiny of the monitoring process and, in particular, the need for Departments to provide Committees with the necessary information in a timely and accessible manner.

Will the Minister confirm that there is a standard format for departmental monitoring submissions to the Department of Finance and Personnel? Moreover, will the Minister comment on the possibility of his officials working with all Departments to agree a standard format for providing Committees with financial information to meet their needs?

**Mr P Robinson:** I thank the Deputy Chairman of the Committee for Finance and Personnel for his

comments. There has consistently been, in the early stage of each financial year, a process whereby my officials have issued guidance to each Department on setting out the timetable for the in-year monitoring process and required inputs from each of those Departments. I, of course, would be happy for my officials to work with Departments — and, indeed, the Committee for Finance and Personnel — to develop a standard approach to facilitate Committee considerations and scrutiny of those inputs into that important process. Therefore, I support the comments of the Deputy Chairman of the Committee for Finance and Personnel.

**Mr Beggs:** I welcome the Minister's assessment that his colleagues are working to improve the level and quality of financial management in their Departments. It is important that the block grant is not returned to the Treasury at the end of the year and that it is put to good use in Northern Ireland. Is the Minister confident that no moneys will be returned to the Treasury at the end of the year and that moneys will have been usefully allocated and accounted for?

I notice that, in respect of the review of non-cash requirements, the largest single item — that of £17.9 million — was returned by the Department of Enterprise, Trade and Investment. As the term "non-cash requirements" does not provide much information, will the Minister provide some additional information about that matter? Is the Minister confident that the areas of increased expenditure that were included in the draft Budget can be effectively managed to indicate confidence in its future management?

**Mr P Robinson:** If I heard the Member correctly, he asked — in the early part of his question — whether I could offer some type of guarantee that no money would be handed back to the Treasury. There will never be a year when no money will be held back, unless a disaster occurs and we overspend. The sanctions for overspending are much greater than those for underspending. If we underspend, we can bid to have those moneys returned to us. We must ensure that as little money as possible is returned to the Treasury as a result of underspending and make certain that we get that money back by ensuring that we have EYF from the Treasury on a planned basis. We have managed to do that for the next three years as part of the Budget process.

The Member for East Antrim made particular reference to the £17.9 million that was returned by the Department of Enterprise, Trade and Investment. My Department has carried out a review of non-cash requirements that resulted in reduced requirements with regard to provisions, impairments and cost of capital in a number of business areas. There is a sum of £5.5 million of non-cash easement from Invest Northern Ireland; £5.9 million from central administration; £6.4 million from Harland and Wolff's asbestosis provision; and £300,000 from depreciation reduction.

**Mr A Maginness:** I too welcome the Minister's statement. I particularly note the £49.7 million that has been allocated to the Department for Social Development, which will permit the completion of 1,500 homes. I particularly welcome that allocation because extra money was given to that Department in the October monitoring round. That should enable the Department to reach its target, and that is to be welcomed.

As the Minister will probably be aware, the warm homes scheme is oversubscribed, and the allocation will help to ease the pressure. Furthermore, it will also be of great assistance to the co-ownership scheme. In effect, the co-ownership scheme pays for itself in that receipts go back to the Department of Finance and Personnel. The statement is good news.

**Mr Deputy Speaker:** Mr Maginness, will you come to the question, please?

**Mr A Maginness:** I hope that the Minister will be equally generous to the Department in the forthcoming Budget by increasing the funding to areas where it is most needed — in particular, social housing, so that the target of starting to build at least 1,500 social houses can be met.

**Mr P Robinson:** I do not mind the Member going on at length if he is making supportive comments.

I hope that the allocations that have been made, in the October monitoring round and in this monitoring round, confirm the priority that the Executive have, as a whole, given to social housing. We are all aware of the growing waiting lists and the need for social housing. The Executive have made this issue a priority in the draft Programme for Government, the Investment Strategy for Northern Ireland and the draft Budget. The targets are there, and they are there to be met. I am glad that this allocation will allow the Minister for Social Development to achieve the kind of figures that Mr Maginness has outlined. In addition to the figure allocated for social housing, there is also the benefit from co-ownership for affordable housing.

I hope that Mr Maginness will recognise that the priorities that have been set in the monitoring rounds indicate the kind of priorities that the Executive will set in the Budget. He will have to wait for only a very short period for that, and I hope that he will find that this monitoring round is a harbinger of the Budget.

**Mr Deputy Speaker:** I remind Members to be brief. I know that all Ministers love to hear flattering comments, but 11 Members still have to speak, and I have no guarantee that all their remarks will be flattering. I call Mr Ford from the long list of Members in front of me.

**Mr S Wilson:** He is never flattering.

**Mr Ford:** Thank you, Mr Deputy Speaker. I take that endorsement from the Chair with enthusiasm.

I thank the Minister for the statement, and, in purely financial terms, it recognises significant achievement this year. However, the Minister has outlined three possible reasons for the release of funding: greater than planned efficiency in Departments — which he appears to think is the least important factor; the overstating of resource needs by Departments; and the fact that Departments have not delivered the planned level of public services. Given that every other debate in the Chamber concerns the need for an increased level of public services, will the Minister give Members an assessment of what he thinks the balance is between the two key factors? Is it more a case of the overstatement of requirements or of failure to meet planned needs? In particular, does he recognise that it is clear from Committee reports that a significant increase in the level of public services is required across a range of services?

**Mr P Robinson:** The Member should firstly recognise that the role of an opposition politician — and he very much tries to mould himself as the Leader of the Opposition — is not always to oppose; at times, it is to support. He should perhaps take a lesson out of the playbook of David Cameron, who recognises that, at times, he has to support the Government in their plans. He does not always have to introduce “however” into his remarks.

My statement is a good-news statement. We must recognise that Ministers have been operating under a direct rule Budget. The expenditure that Ministers have been given is not what they determined to be the appropriate expenditure. They are working off the figures produced under direct rule, which obviously will change when we have our own Budget.

*12.00 noon*

We do look for greater efficiency, and it is obvious that we want the highest level of public services that our resources allow — I made that point in my statement. Indeed, there are indications that there was too much fat in certain areas of that Budget. However, the Member will note that with regard to the allocations that I have made, in virtually every case in which Ministers gave money back to the centre, I gave it back to them for another purpose, so that they could use it for their own departmental priorities.

**Mr Weir:** I wonder whether the leader of the Alliance Party models himself more on Ming Campbell than David Cameron.

**Mr McCallister:** Look what happened to him.

**Mr Weir:** I will not waste time by lavishing praise on the Minister's excellent statement. He has made a significant announcement on capital allocation of more than £49 million to the Department for Social Development. Will he tell the House what the total allocation for social housing has been in this year's

monitoring rounds and what signal that sends out about the priority he attaches to that area of expenditure?

**Mr P Robinson:** My best recollection is that approximately £23 million was allocated in the October monitoring round. The Member can quickly do the mathematics for himself by adding on the amount allocated in the December monitoring round. As a rule of thumb, £100,000 is usually equivalent to one new housing start — and the Member can do the maths again.

In considering social housing, or many other areas of need, it is clear that what cannot be achieved through the Budget process can often be augmented by the in-year monitoring process — and while that cannot be factored in at the initial stage, it is always of assistance to us in meeting the targets that we have set. However, as far as social housing is concerned, I repeat the commitment that I made to the House when I told the leader of the SDLP that I was a signed-up member of Margaret Ritchie's club as regards obtaining the funds for the Department for Social Development. I also said that we would examine the work of the capital realisation task force in order to augment the draft Budget statement by the time the Budget is presented.

**Mr F McCann:** A LeasCheann Comhairle, I welcome the Minister's allocation of an additional £73 million to the Department for Social Development for social housing, the warm homes scheme and co-ownership in the October and December monitoring rounds. Considerable additional investment will be required over many years if we are to deal effectively with the shortage of affordable social housing and the mess that was left by direct rule Ministers.

The Department for Social Development and the Housing Executive have said that no new houses will be built next year. Given that dire prediction, will the Minister comment on the impact that the Department for Social Development's £18.6 million underspend will have on the social housing newbuild programme?

**Mr P Robinson:** Let me be clear. I would be very disappointed if having allocated tens of millions to a Department it could not build new houses with that money. I had a discussion with the Minister for Social Development yesterday on whether to calculate the number of houses built on the basis of starts or completions. That is an issue that the Executive must consider also.

The man or woman in the street would prefer that houses are built and that people move in, rather than being told that allocations have been made or that tender agreements have been signed. To me, completions are much more important overall. The targets that were set in the draft Programme for Government, the investment strategy and the draft Budget were based on completions: perhaps we can move in that direction.

The target of 2,000 affordable social houses each year has been set. I believe that it is a minimum target, which, if possible, I would like to exceed. Although some "cranking-up" may need to be done to get to that level, the target has been set by the Executive, and that is what the Executive will be judged by.

Therefore, it will be up to the Executive as a whole to ensure that the resources are there. It will be up to the Minister to deliver on the ground. We will all be judged on the basis of whether we meet those targets.

**Mr Hamilton:** There has been much concentration on, and concern expressed about, the legacy of the level of overcommitment that has been inherited from direct rule. Will the Minister explain what consequence the improving financial management that he spoke of in his statement has for the setting of the level of overcommitment in the Budget?

**Mr P Robinson:** In response to the Chairperson of the Committee for Finance and Personnel, I said that one swallow does not necessarily mean that we are entering summer, and the current situation does not indicate that we are. If that trend were to continue, there would be a lower level of underspend at the end of the year. Therefore, in the draft Budget, we have been prudent in reducing the degree of overcommitment. We have taken the right steps, and we must be cautious. We will know more clearly at the February monitoring round and at the end of the financial year whether that trend has continued. I predict that the reason that the Executive have managed to achieve a larger level of underspend in the early part of the financial year is because the devolved Ministers have focused on the issue.

**Mr McCallister:** I welcome the Minister's statement, and I welcome the money for the investment in roads structural maintenance. Maintenance of our roads has been underfunded, so the investment is welcome. I also welcome the money for the Beech Hill to Cloghogue part of the A1 scheme. The Minister will, of course, be aware that the rising costs of that scheme are the consequence of increased land values. In the need to improve the project management, what measures has he taken to ensure that that does not happen again?

**Mr P Robinson:** It will be a matter for the Minister for Regional Development to make the appropriate judgement on the likely costs, and his officials will do that. No Minister could be blamed for the variable land costs, which have increased significantly over the past few years. Particularly over the past year, land and property prices have increased significantly and neither the Minister nor his officials could have predicted that level of increase. However, it is not the current Minister who is responsible because the figures were set much earlier, during the period of direct rule. The trends in the land and property markets must be taken into account and the best possible judgement must be

made, but no one can predict whether the market will rise or fall at a particular level. One must make one's best judgement at the time. At least we have been able to address that issue in the in-year monitoring round, so, happily, it will not hold back the scheme, and we can proceed as planned.

**Mr Durkan:** First, I ask the Minister to take the flattery as read. Has the Minister identified any pattern and form in capital slippage, not only in particular Departments, but in areas that have been tested for PFI consideration? Has there been greater delivery and less slippage in projects that are being assisted by the Strategic Investment Board (SIB) than in those that are being taken forward by the Departments without SIB involvement?

On a number of points, the tables indicate that there have been allocations as contributions to pension funds. Has the Minister carried out an overall health check on the state of public-sector pension funds to ensure that they are not faced with serial difficulties?

Will the Minister also explain for what purpose the subsidy of Northern Ireland Water is being used? The Executive have said that they will not privatise the water service, but Northern Ireland Water is increasingly using private contractors. Does that money go to Northern Ireland Water, or through Northern Ireland Water to the contractors?

**Mr P Robinson:** It would be more appropriate to put some of those questions to the Ministers who have direct ministerial responsibility for the subjects concerned.

The Member asked me whether there are any patterns to capital slippage. To some extent, when a Finance Minister receives money from Departments, few questions are asked. However, perhaps my Department should examine the patterns more closely. When capital schemes have not proceeded, it has always been the standard practice of Government to recoup the money.

It is not simply a matter of whether the Strategic Investment Board or PFI schemes have been at fault, although I will try to judge to what extent any slippage is tied up with those. However, the Member knows that legal and planning issues and regulations — particularly for roads — can cause schemes to slip. Indeed, priorities often change when one Minister replaces another. Therefore, there is a variety of reasons behind that level of slippage.

The 2007-08 Budget allocations were set prior to the agreement of Northern Ireland Water's strategic business plan in March 2007, when it was agreed that the residual subsidy requirement of £29.9 million would be considered at the in-year monitoring stage. My Department's action is consistent with that agreement. The bid of £9.4 million is to meet the remaining subsidy

required by Northern Ireland Water for the full delivery of its strategic business plan.

**The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff):** Go raibh maith agat, a LeasCheann Comhairle. My question relates specifically to the Department of Culture, Arts and Leisure, and I refer the Minister to the table on page 4 of his statement. Members of the Committee — not least Mr Shannon, who is in the Chamber today — have expressed their disappointment at the amount of money intended for the establishment of an Ulster-Scots academy that has been returned. Can the Minister offer any guarantee or assurance to Members that the money can be recovered when the project is at a greater state of readiness?

**Mr P Robinson:** The Chairperson of the Committee may be in a better position than me to deal with several of those issues. I share his disappointment that the scheme has not proceeded. However, the Minister has done the right thing by identifying as early as possible that the project is not ready so that the money can be used elsewhere.

The scheme will not become any less beneficial simply because it cannot begin now. Undoubtedly, the Minister will make a new bid for the scheme when he considers that it is ready to go ahead. However, it is up to the Minister and his Committee to examine why the scheme has not been able to proceed at this time.

**Mr McQuillan:** Will the Minister indicate how his allocation to DSD will allow it to provide more social housing this year? He has touched on that subject, but I am interested in his response.

**Mr P Robinson:** The figures in my statement indicate that the additional amount will enable 1,500 social houses to be built this year. That money will also allow the number of houses in the co-ownership scheme to increase to 525. Together, that achieves the target of providing over 2,000 social and affordable houses in the year. Even at this stage, that exceeds the target that the Executive set in the draft Budget, draft investment strategy and draft Programme for Government. It will be up to the Executive, when they examine the final versions of those documents, to assess whether that trend can be sustained.

12.15 pm

**Mrs I Robinson:** For fear of being accused of flattery, I will simply welcome the statement as a whole. The Minister will be aware that the Enler project in Ballybeen was the subject of yesterday's Adjournment debate. Will he indicate whether in-year bids were made for the project, and, if so, what are his views on it?

**Mr P Robinson:** I confirm that neither of the Departments involved made a bid in respect of the



Enler project during the December monitoring round. Given the position that I have outlined, the likelihood is that resources would have been allocated to the relevant Department if such a bid had been made.

On 12 December 2007, my Department received a business case from the Department for Social Development — the lead Department on the project — which was also on behalf of the Department of Health, Social Services and Public Safety. On 20 December 2007, my officials raised some queries about the business case, and both Departments have now responded to those queries. The Department of Health, Social Services and Public Safety responded on 9 January 2008, and the Department for Social Development responded on 14 January 2008. My officials will continue to examine the business case, and it will be up to those Departments to make any bids.

Perhaps it is worth pointing out that we are in a unique position in that some capital is still available — Ministers can still make bids with the hope of having them met, provided that the business cases for their projects meet the necessary criteria. Therefore, both Ministers may wish to consider their position in the light of where we now stand as regards capital allocations.

**Mr Ross:** I note from the Minister's statement that there are reduced requirements of £132.3 million in respect of capital investment, and that total bids allocated for capital investment amount to £74.1 million. That may cause confusion, particularly among the public. Will the Minister elaborate on why bids were not met if the money was available?

**Mr P Robinson:** The bids that were not met fell into three categories. There was a bid from the Department for Regional Development relating to funding for Northern Ireland Water. The issue was simply whether the organisation needed that funding during this financial year. Our view was that it did not need the funding, although we nodded quietly in the direction of the Minister for Regional Development to indicate that if the funding were required during this financial year, we could address it in the February monitoring round. We do not think that the funding will be needed during this financial year, therefore, the allocation was not met.

Bids from the Department for Social Development related to redevelopment land. Those issues are being dealt with in the wider sense by the capital realisation task force. Our view was that the issues should be resolved by the task force before we get involved.

The final bid was from the Department of Agriculture and Rural Development in relation to Forkhill army barracks. The issue was that we had not agreed a business case for the project, and there are still some policy issues arising from it. Until those issues are resolved, we will not agree to the bid. If the matters are

agreed, funding could be addressed in the February monitoring round.

**Mr S Wilson:** It is always important to flatter one's deputy leader, so I will begin by saying that I welcome the fact that he has provided enough money for 700 new social houses, taking into account the previous monitoring round and this one. I hope that the Minister for Social Development and the housing associations will follow through with quick delivery of those projects.

I am surprised that, despite his regular pleas of poverty in the Chamber, the Minister of Health is returning £17 million of his budget at this stage of the year. Perhaps the Minister will comment on that. Furthermore, despite the Department of Education's failing to deliver the schools that were promised across Northern Ireland — including one in Island Magee in my constituency — the Minister of Education has returned nearly 10% of her capital budget, which amounts to £30 million. That is a regular occurrence with the Department of Education.

How rigorously is the Minister of Finance and Personnel testing capital bids from Departments that regularly hand back substantial amounts of money — not just once but nearly every year — to ensure that they are not overbidding, which deprives other Departments of the money, as a safeguard in case they get round to spending the money?

**Mr P Robinson:** I take the unusual position of defending some of my ministerial colleagues. The Member must not forget that the allocations were made on the basis of budgets which were settled by direct rule Ministers. Although money was handed back, the Member will see that, in return, I agreed to provide money for other schemes put forward by the Ministers concerned. However, there has traditionally been underspend in all those Departments during the course of financial years. Ministers are responsible for ensuring that, if money is allocated for public programmes — which are very important — they are delivered on time.

As far as education is concerned, during the process of bilaterals — I should not be turning my back on you, Mr Deputy Speaker.

**Mr Deputy Speaker:** I was reluctant to mention it.

**Mr P Robinson:** During the period of bilaterals that Ministers engaged in, we robustly questioned — I am hesitant to say “cross-examined” — all the Ministers on their ability to spend the money being allocated to their Departments. That was done particularly in light of the type of evidence that the Chairperson of the Committee of Education has produced, which shows that there has been a history of underspend in some Departments — particularly in capital schemes. That is an important factor, and in time we will learn whether devolved Ministers are different from their direct rule counterparts, which I hope they are, and are able to

deliver projects as planned. It is important to emphasise that if resources are allocated to one Department but not used, another Department that could use those resources is being denied them.

**Mr Deputy Speaker:** The Business Committee has arranged to meet immediately upon the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm.

*The sitting was suspended at 12.23 pm.*

*On resuming (Mr Speaker in the Chair) —  
2.00 pm*

## EXECUTIVE COMMITTEE BUSINESS

### Charities Bill

#### Second Stage

**The Minister for Social Development (Ms Ritchie):**  
I beg to move

That the Second Stage of the Charities Bill [NIA 9/07] be agreed.

The provisions of the Bill include a series of measures that will create a new regulatory framework for the charity sector in Northern Ireland. I acknowledge the valuable and significant work carried out by charitable organisations — large and small, regional and local — operating in Northern Ireland. Their contribution to a diverse range of social, cultural, sporting and religious activities is important. It is vital that we seek to provide a structure and framework that protects and supports the charitable sector, encourages good governance and, most importantly, provides public confidence in charitable giving.

As Members will be aware, the charity sector in Northern Ireland has not, to date, been overly regulated, and it could be said that our approach has been characterised by a light touch. We have not had a register of charities or a charity commission — as exists in England and Wales. However, the environment in Great Britain, the Republic of Ireland and internationally has changed. The Department for Social Development (DSD) has carried out extensive public consultation on a range of proposals, which fed into the Charities Bill. We received numerous responses to the proposals — most of which were favourable. The Department has sought to take on board issues about which people expressed concerns.

The Bill provides for a new, more detailed definition of charities for Northern Ireland — based on that which operates in England and Wales, but with added emphasis on the promotion of peace and good community relations. That will provide clarity and reflect a more modern view of the work in which charities are engaged. It is proposed to put in place a strong public-benefit test that states that no purpose will be presumed to be for the public benefit. It will not be enough that an organisation can be considered charitable by nature of their activities; they will be required to demonstrate that in terms of public benefit. It is felt that a strong public-interest test is important to maintaining public confidence in charities.

The Bill also establishes a new regulatory body, known as the charity commission for Northern Ireland.

That organisation will have a chief charity commissioner, a deputy and three to five commissioners. It will increase public trust and confidence in charities and promote compliance by the charity sector.

The Bill will establish a compulsory Northern Ireland register of charities, which will include all charities that operate in Northern Ireland. The register will include details of charities, and it will be available for public inspection. The new charity commission for Northern Ireland will work with other regulators on a form of information sharing for those charities working across the islands and on an all-island basis.

All charities will be required to produce annual financial statements in a specified form relative to their income levels and supply those to the charity commission for Northern Ireland. They will also be required to submit a report on their activities during the year, demonstrating their ongoing benefit. That is most important. The commission will seek to ensure that the process of producing the returns and submitting them will be as practical as possible, without diluting the regulatory requirements.

In respect of the regulation of public charitable collections, the Bill does away with the artificial distinction between street and house-to-house collections. It brings all public charitable collections under a common umbrella and deals with all collections for charitable, philanthropic or benevolent purposes. It will establish a process whereby any organisation, whether a registered charity or not, that wishes to conduct public collections will first be required to seek a licence from the charity commission, which will entitle it to carry out collections as a fit organisation.

For each actual collection, a permit will also be required. Initially, that permit will also be sought from the commission, but, in future, it may be obtained from local authorities. That will ensure accountability and give an assurance to the public, who will be able to check with the commission whether a collection has been authorised.

The Bill will also introduce changes to the cy-pres scheme, which is a legal process that winds up charities or changes their purpose. That scheme is currently dealt with through the court system, and it is proposed that that responsibility will become that of the new charity commission, thus saving considerable expense for charitable organisations.

Finally, the Bill will introduce a new legal entity for charities, to be called charitable incorporated organisations. Its purpose is to avoid the need for charities that wish to benefit from incorporation to register as companies, thus avoiding the need for them to undergo dual regulation with the charity commission and Companies House.

The Bill contains many positives, both for the charitable sector and the general public, and I trust that the legislation will have the support of all parties. It is worth noting that the legislation has the support of all my Executive colleagues.

**The Deputy Chairperson of the Committee for Social Development (Mr Hilditch):** The most overwhelming reason for progressing the Charities Bill is our need for legislation to modernise charity law. The Government need to create a modern legal framework that will support and encourage a vibrant and diverse third sector — a sector that plays such an important role in the lives of people in Northern Ireland. It provides vital services, strengthens communities and is often an advocate for the marginalised in our society.

The third sector has, for some considerable time, been calling for the reform of charity law. It wants registration, regulation, supervision and support. It is to be hoped that this Bill will provide all those things. The Bill also presents an opportunity for the Assembly to give legislative recognition to the important role that charities play in Northern Ireland. It is estimated that the Province's third sector has an annual turnover of £614 million and that it employs almost 4.5% of Northern Ireland's workforce. That should give Members some idea of the extent of the voluntary and community sector's contribution to society in Northern Ireland, and, indeed, to its economy.

I do not wish to go into too much detail on the Bill's specific provisions. As Members will be aware, the Committee for Social Development will conduct its own detailed scrutiny. It will form a view on the Bill's specifics in due course. However, the Committee believes that the Bill confirms the Government's commitment to the growing importance of charities in our society. I hope that the legislation will allow charities to keep pace with the modern social landscape, while ensuring that they are accountable to the public.

The Bill provides a framework within which charities can thrive and continue to provide an excellent service to society by: providing statutory definitions of "charity" and "charitable purpose"; establishing a charity commission for Northern Ireland and a charity tribunal for Northern Ireland; creating a register of charities for Northern Ireland; introducing the charitable incorporated organisations, which is a new form of charitable body; and setting out new rules on fund-raising and collections.

To put the definition of "charity" and "charitable purpose" on a statutory footing is of utmost importance. At present, there is no statutory definition of a charity — the legal concept has been developed through case law. The public must be confident that all charities have been able to demonstrate that they provide public benefit. The results of the Department for Social Development's consultation on the draft legislation in

2006 included suggestions for what any definition of a charity should include. That is something that the Committee will want to consider.

The establishment of a charity commission and a charity tribunal for Northern Ireland is most welcome. The commission will operate a register of charities, and it will perform regulatory and advisory functions. It will also allow charities to demonstrate their legitimacy and effectiveness and assure the public that, administratively, those organisations are sound.

The charity tribunal will hear appeals against some types of decisions that the commission will make. I imagine that the Committee will want to consider the cost and length of the appeals process when looking at clause 14, because we do not want the process to be onerous and inflexible for smaller charities.

There is currently no legislation for charities in Northern Ireland. However, the Bill provides for the establishment of a publicly accessible register of charities. The process of registration will require charities to provide specific documents and information to the commission. In considering that process, the Committee will wish to ensure an adequate balance between the need for accountability and transparency, and the need to reduce the regulatory burden about which charities sometimes complain.

It must be remembered that the legislation will apply to organisations of varying sizes. Some of the smaller organisations have no paid staff, and proportionality is essential.

The Bill provides a replacement for the current licensing system for street and house-to-house collections. The proposed new system to govern the collection of money for charity will ensure strict regulation so that the public, as well as the charity and the collectors, are protected.

At present, the activities of professional fund-raisers are not closely regulated in Northern Ireland. The Bill makes provision for the introduction of controls on fund-raising for charities that use professional fund-raisers and commercial concerns. Professional fund-raisers must be more accountable to the charities on whose behalf they collect.

The Committee is grateful to officials from the Department for Social Development for their briefing on the principles and detail of the Bill, and thanks them. The Committee looks forward to scrutinising the Bill in detail and, as I said earlier, I do not wish to talk about the specifics of each provision in advance of that scrutiny. It is a large and highly complex Bill, and scrutiny will require much time and effort, not only from the Committee but from the Department and from those organisations and individuals who wish to provide evidence, whether oral or written.

Looking ahead, the success of the proposed legislation, which provides only a broad framework, will depend on the introduction of further regulations and guidance. That, too, will be given careful consideration by the Committee.

**Mr Brady:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for outlining the principles of the Bill, which is welcome. However, it is a complex and technical piece of legislation, with approximately 184 clauses, and it will have an impact across the community. I am sure that any difficulties will be dealt with as the Bill comes before the Committee for Social Development.

I understand that the consultation process will begin in the coming week, with advertisements in the local press. Moreover, organisations such as NICVA (Northern Ireland Council for Voluntary Action) will wish to consult their members. The consultation process normally lasts approximately 30 days, and I ask the Minister whether that period could, if necessary, be extended to encompass all of the groups that may wish to respond. Go raibh maith agat.

**Mr McCallister:** I declare an interest as a member of the Young Farmers Clubs of Ulster, which is a registered charity.

I pay tribute, as did Mr Hilditch, to the work of charities, large and small; they give so much to society. Everyone, whether they are making a financial contribution to a charity or working with it, must have confidence in that charity, and confidence that money is seen to be properly and appropriately used, with every penny accounted for. That is why the Bill is important and why it has gained so much support. It is, therefore, important that all Members support the Bill. The Ulster Unionist Party is more than pleased to support the Minister and the proposed legislation.

**Mr A Maginness:** I congratulate the Minister on bringing the Bill to the House, and I welcome the opportunity to speak on its basic principles.

The measure to regulate charities in Northern Ireland is long overdue. In many respects, charities have never been properly regulated. Therefore, we welcome the introduction of the new regulatory context in which charities will operate.

2.15 pm

Genuine charities have nothing to fear from the legislation. I call on the Minister to reassure any bona fide charities that they should welcome, rather than fear, the Bill. They should see it as a support for their good work, and it should reassure members of the public who donate to genuine charities.

Many people fear change because they are used to the old way of doing things. In the new context that the Bill will create, it will be important to support those

charities that have done so much good and valuable work for people throughout Northern Ireland.

As Mr Hilditch said, charities raise some £600 million a year, which is an enormous amount of money for this part of Ireland. That represents a huge challenge for people who raise funds for individual charities.

The establishment of a charity commission is an important element of the Bill. Such commissions have, of course, been established in other parts of these islands. It is therefore crucial that we examine those models to ascertain whether we can use some aspects in our own commission.

It is important that the Bill establishes a compulsory register that will comprise all charities that operate throughout Northern Ireland. That register must be open to public scrutiny.

It is imperative to harmonise our charity laws with those of the rest of this island, given that we work on an interconnected basis. Therefore, one set of laws regulating charities must support the other and not be contradictory. We should try to harmonise the charity laws of the various jurisdictions of these islands.

The regulation of public charitable collections is another crucial — and welcome — aspect of the Bill. The distinction between street and household collections should be abolished in order that both are regarded simply as public charitable collections. Such a move will reassure the ordinary person in the street or in the home that they are contributing to a properly regulated body.

I welcome the changes that will be made to the cy-pres scheme, and it is important that we consider those carefully. Cy-pres refers to the point at which a charity has reached the end of its current registered purpose. I particularly welcome the fact that responsibility for cy-pres will move to the new charity commission and that the matter will not be dealt with in the courts. The courts have served us well, but cy-pres is an expensive process, and it is important that charities be given that facility so that they can achieve less expensively and more easily their aims as a charity after their current formation is no longer relevant to the special circumstances in which we live today.

I welcome the Bill, and I offer my support and that of my party.

**Ms Lo:** In common with the other Members who have spoken, I welcome the Bill. However, I have a major concern about the provision on the designation of religious charities. Clause 166 states that the charity commission:

“may, on receiving an application from the charity trustees of a charity, make a designation under this section in relation to the charity.”

It appears that, following the raising of some concerns, DSD officials met representatives of the main Churches

and, as a result, the Minister agreed to amend the Bill to include provision for “designated religious charity” status. The Bill stipulates that the charity commission must not make such a designation unless certain conditions are satisfied. Two of those conditions are that the charity:

— “has been established in Northern Ireland for at least 10 years

and —

“has a membership of at least 1000 persons who are...resident in Northern Ireland”.

I am afraid that that provision will have a detrimental effect on small rural churches and on faiths other than the main Christian denominations. The long period of establishment required by the Bill will bar many new faith communities from obtaining designated religious charity status in Northern Ireland for many years. For example, the Belfast Chinese Christian Church in south Belfast has been in existence for less than 10 years, so it will not be granted religious charity status. The Jewish, Muslim and Baha’i communities may have established their places of worship for longer than the required 10 years, but their membership will not be as many as 1,000; again, they will not be granted designated religious charity status by the Bill.

I understand that DSD has conducted a screening exercise on the proposals of the Bill, in accordance with section 75 of the Northern Ireland Act 1998. As the public consultation on the Bill did not identify any issues affecting any section 75 groups, DSD did not consider it necessary to prepare a full equality impact assessment. I also understand that the Department’s legal advisers did not believe that the Bill would be discriminatory against any section of the community. I cannot agree with that view.

The criteria for designated religious charity status will have a negative impact on all the newer and smaller faith communities in Northern Ireland. That must be a concern for the Assembly in being fair to those small communities, which may already be suffering from social isolation and find that their faith offers them emotional and practical support at a time when they most need it. I urge the Minister to amend the conditions of clause 166 and to reduce both the duration and membership requirements, so as not to discriminate against particular sections of society.

**Mr Craig:** As a member of the Social Development Committee, I broadly welcome the Charities Bill, which will introduce an integrated system of registration and regulation, including control of charitable fund-raising and supervision and support for registered charities. The changing nature of charities gives rise to concern about the lack of effective regulation.

There is no statutory definition of “charity” in Northern Ireland, and there is no legislation specifically governing the administrative framework of charities. That is unlike the rest of the UK, and so I can see the need to introduce the Charities Bill, which will provide definitions of “charity” and “charitable purpose”, establish a charity commission, create a register of charities, provide for a new form of charitable body and deal with regulation of charities and public charitable contributions.

However, we must ensure that the operational costs and the number of staff involved are kept to an absolute minimum, because it is vital that the Charities Bill does not give birth to another over-bureaucratic quango that will cost the public purse an absolute fortune.

I agree with Anna Lo in that I am alarmed by some of the criteria that the Bill contains on “designated religious charity” status. The issue of how long a church or religious organisation has to have been established in Northern Ireland needs to be investigated by the Committee, because the length of time proposed in the Bill is much too long.

More alarming is the membership criterion of 1,000. That will certainly suit most of the main denominations in Northern Ireland, but, unfortunately, it discriminates against what can be called independent, or congregation-based, faiths or Churches. One was referred to earlier, but there are hundreds, if not thousands, of those little churches dotted all across the Province. We need to take that concern on board.

I was pleased to receive support from both the Chairman and a lot of the members when I raised those issues in the Committee, and I was also pleased that they agreed that, where possible, the views of the independent and congregational churches will be sought during the public consultation process. It is vital that we have their views, and I hope that we will be able to change those clauses.

I am sure that the Minister will take those concerns on board, and I fully support the Bill.

**Mrs I Robinson:** I am not on the Committee, and I missed some of the Minister’s statement, but I would like the Minister to clarify whether the charity commission will have the power to look at charities that claim that the bulk of their public donations, such as those for health-related issues, go mainly to research, only for the balancing of the books to reveal that most of it goes on administration? Will the commission have the teeth either to pull those charities in and sort the issue out, or to withdraw their charitable status?

**Mr Speaker:** Mr Brady raised a point earlier about the extension of the Committee Stage of the Bill. That can easily be resolved by a motion from the Committee coming before the Assembly. That is the procedure of the House.

**Ms Ritchie:** I thank the Members who have contributed to the debate for their remarks.

The Charities Bill will introduce a framework for the regulation of charities that is, as far as possible, consistent with developments across Great Britain and the Republic of Ireland, and which meets the particular needs of Northern Ireland and will promote best practice in the governance of the charitable sector.

The Bill will bring Northern Ireland broadly in line with charity regulations in Great Britain and Ireland. No one wants our standards for charitable regulation to be weaker than those which are in place in GB; that would make Northern Ireland a soft option open to possible abuse by criminal elements. I want to assure the House that that will not happen.

2.30 pm

The public, who continue to give so generously, need to be assured that they will be giving to a genuine charity when they make a donation in cash or in kind. I ask the House to support the Bill and send it to the Committee for Social Development for scrutiny.

I now turn to some of the issues that were raised during the debate. I thank the Deputy Chairperson of the Committee, Mr Hilditch, for his comments. I welcome his positive comments and I look forward to working with the Committee as it scrutinises the Bill. I emphasise that it is at Committee Stage that Committee members will have the opportunity to go through the Bill line by line, provide their comments and deal with any amendments and issues that they may have. My officials will be present at those meetings to take Committee members through the Bill. The Committee Stage is the right democratic format for scrutinising the Bill.

Mr Hilditch made a number of valid points about the need for proportionality when applying regulations, particularly in relation to smaller charities. As regards the cost of tribunals, the first stage will involve a process review by the proposed charity commission for Northern Ireland. Individuals, or charities, may seek to appeal through the proposed charity tribunal for Northern Ireland, which will be operated through the Northern Ireland Court Service. I assure Members that there will be no cost involved to charities unless they decide to invoke legal representation.

Mr Brady asked for the Committee Stage of the Bill to be extended. As Minister with responsibility for the Bill, I am anxious to get it passed. However, the length of the Committee Stage is a matter for the Committee and the facility offered by you, Mr Speaker.

Mr Maginness rightly highlighted the need to work with other regulators in taking forward the legislation. A regulators’ forum has been established involving other UK regulators and the Irish regulator. I am anxious to ensure that there is a consistent approach across these

islands while recognising the unique circumstances in each jurisdiction. I am meeting Minister Ó Cuív, the Minister with responsibility for charities legislation in Dáil Éireann, next month, and I want to discuss with him how we will deal with cross-border charities and how we will work together as legislation is implemented across the island of Ireland.

Anna Lo and Jonathan Craig referred to major concerns about designated religious status that were raised at last week's Committee meeting. It is important to highlight that that designation will only be considered subsequent to an organisation's recognition as a charity. It will have no bearing on the recognition, in the first place, of a religious body as a charity, and I assure the House that I will consider all views on the issue.

Ms Lo and Mr Craig also asked why all faith-based organisations cannot be granted designated religious status. I advise the House that there would be a significant risk involved in opening the exemption to all religious organisations. It is important that religious organisations are established bodies with proper governance arrangements in place. For that reason, one criterion is that an organisation must be established in Northern Ireland for at least 10 years, which is a reasonable period of time in which to judge whether it has effective governance and accountability arrangements in place. Religious organisations must also have a membership of at least 1,000 at the denominational level. The threshold was set at 3,000 in Scotland, but it was felt that in the Northern Ireland context a lower figure was more appropriate, taking into account our population size and the number of smaller, independent churches in operation.

My Department sought legal advice, and I am sure that article 14 of the European Convention on Human Rights was applied in that instance, because that deals with the limiting nature of displacement in pursuit of a legitimate aim for the regulation of charities.

The Committee Stage of the Bill is the occasion on which to address and discuss such matters. At that time it is possible, if members of the Committee so choose, to suggest amendments, and my officials are able to discuss the background to particular issues.

Mrs Robinson spoke about the proposed charity commission's power and teeth. The charity commission will have the power to identify and investigate apparent misconduct or mismanagement in the administration of charities and to take remedial or protective action. It will liaise closely with the Police Service of Northern Ireland, HM Revenue and Customs and other regulators; however, the real power will be with the public. It must always be remembered that it is the public who give money to charities, and the reporting mechanism lies there because it is the public that will be in a position to tell what is actually happening on the ground.

Charities will be obliged to submit annual financial statements, which, importantly, will be available for public scrutiny. In that way, the public will have the facility and capacity to consider how and to whom to donate. Therefore, the decision to donate will always lie with individuals or collectively with members of the public.

If I have not addressed all of the issues, I will provide written replies to Member's questions. I am grateful to all the Members who have contributed to a helpful debate on this important piece of legislation, I commend the Bill to the House, and I look forward to discussions in the Committee.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Charities Bill [NIA 9/07] be agreed.

## Health (Miscellaneous Provisions) Bill

### Consideration Stage

**Mr Speaker:** Members will have a copy of the Marshalled List of Amendments detailing the order for consideration. The amendments have been grouped for debate in my provisional grouping of amendments selected list.

There is only one group of amendments, and we will debate all the amendments in the group together. The debate will be on the opposition of the Minister and the Chairperson of the Health Committee to clause 15 of the Bill, and two consequential amendments that are needed if clause 15 is removed. I will therefore only call amendment No 1 and amendment No 2 if clause 15 is removed.

I remind Members intending to speak that, during the debate on the amendments, they should address all the amendments in the group on which they wish to comment.

Once the initial debate on the group is completed, any subsequent amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Questions on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

*Clause 1 ordered to stand part of the Bill.*

**Clause 2 (Provision of dental services)**

*Question proposed,* That the clause stand part of the Bill.

**Dr Deeny:** I am seeking clarification from the Minister and his Department. I understand that clause 2 relates to the suspension of practitioners — not just GPs.

Last year, at a meeting of the Health Committee, I raised the issue of the suspension of practitioners by health boards, and I was told that the procedures would become clearer over time — or words to that effect. Although I am particularly interested in the suspension of GPs, the suspension of any practitioner before the evidence had been viewed by a tribunal would be grossly unfair and could destroy an innocent doctor's career due to a breakdown of the doctor-patient relationship or trust. Suspension would have a very serious impact on a GP.

In agreement with the BMA, I contend that suspension is not a neutral act. That was the opinion in law in the recent case of *Mezey vs South West London and St George's Mental Health NHS Trust*. The judgement of Lord Justice Sedley was that, in relation to the employment of a qualified professional in a function which was as much a vocation as a job:

“Suspension changes the status quo from work to no work, and it inevitably casts a shadow over the employee's competence. Of course this does not mean that it cannot be done, but it is not a neutral act.”

Therefore, on behalf of my fellow practitioners, I am asking the Minister for reassurance that suspension will not be taken lightly, and that the removal of practitioners, including GPs, from the performers list will not be done at the stroke of a pen. Will the Minister and his senior officials make it clear to me, and to all other practitioners, that the Bill contains strict, rigid and robust criteria and arrangements that must be complied with before a practitioner can be suspended?

I have one final question, which may or may not be relevant. The Bill mentions “boards”. As the Minister knows, and as he has announced, the boards will be abolished around April 2009. If the Bill goes through, suspension is to be undertaken by “boards”. Who will have this responsibility after April 2009? Will it be the local commissioning groups or a central authority?

**Mr Speaker:** Before I call the Minister to respond, does any Member wish to speak on that clause? If not, I call the Minister.

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** I wish to reassure Dr Deeny that suspension cannot be carried out at the stroke of a pen. It will not be done lightly; there will be robust procedures in place. The Bill provides enabling powers. The details surrounding suspension, for example the length of suspension, will be set out in regulations and in detailed guidance for the boards. Those regulations will be subject to consultation and scrutiny by the Health Committee, if necessary. The Bill merely provides an enabling power; the detail has still to be determined. That can be determined in consultation.

The power is deemed to be essential to ensure that the care of patients is not compromised. Members will be aware that the legislation was prompted by the inquiry into the Shipman affair. Shipman was a notorious doctor who is thought to have murdered more than 250 patients over his lifetime in medical practice. This legislation is the response to that event.

I can give the Member the assurances that he asked for, and I can tell him that the regulations must be put to consultation and scrutiny. The Bill merely provides an enabling power.

The boards are mentioned in the Bill because they are in place at present. I am happy to meet the Member, or write to him, to discuss the details. He is correct to say that the boards will disappear in the next year. I will write to him about what that term “the boards” means.

*Question put and agreed to.*

*Clause 2 ordered to stand part of the Bill.*

*Clauses 3 to 14 ordered to stand part of the Bill.*



**Clause 15 (Smoking: exemption for performers)**

**Mr Speaker:** We now come to the debate on opposition to clause 15 and the proposed consequential amendments.

*Question proposed,* That the clause stand part of the Bill.

**Mr McGimpsey:** This clause contains an amendment to the Smoking (Northern Ireland) Order 2006 that will enable regulations to be made allowing smoking by a performer where:

“the artistic integrity of the performance makes it appropriate for them to smoke”.

Members may recall that during the Second Stage of the Bill on 19 June 2007, I informed the Assembly that I no longer supported clause 15.

2.45 pm

Clause 15 was inserted in the original Order in Council at Westminster at the behest of the previous Administration. The Order was subsequently translated into the Health (Miscellaneous Provisions) Bill, which is now before the House.

The theatrical profession argued for an exemption on the grounds that to outlaw actual smoking would severely compromise the artistic integrity of some productions. It further argued that should no such exemption be provided, it was opposed to the definition of tobacco covering “any other lit substance”. That definition, which is contained in the Smoking (Northern Ireland) Order 2006, prohibits the use of non-tobacco products, such as herbal cigarettes, which are not covered by smoke-free legislation in the Republic of Ireland. Such cigarettes are one method by which performers may smoke during a performance in the Republic.

On the other hand, representations that were made to me by health professionals and others focused largely on the availability of alternative methods of smoking and on concerns that such an exemption would undermine the rationale behind the introduction of smoke-free legislation, namely, the protection of public health.

I considered carefully the various arguments that were made both for and against an exemption. I too believe that actual smoking is not essential to protect the integrity of a particular performance and that suitable alternatives, including unlit cigarettes, can be used. In addition, even if I accepted the argument that was made by the theatrical profession, I do not believe that it outweighs public-health considerations. Employees who work in the entertainment industry are entitled to the same level of protection from tobacco smoke as everyone else.

With regard to herbal cigarettes, I fully accept the argument that to amend the definition in the Smoking (Northern Ireland) Order 2006 would place an unreason-

able burden on enforcement officers by requiring them to establish the constituent parts of the lit substance before deciding whether an offence had been committed. That view is consistent with the approach that has been taken in England, Scotland and Wales, and it also reflects concerns about the definition of herbal cigarettes and the health risks that are associated with them.

Therefore, I seek Members’ support to oppose the Question that clause 15 stand part of the Bill. If clause 15 is removed, two minor consequential amendments will be required. The commencement of clause 15 will need to be removed from clause 19, which sets out commencement provisions for all clauses in the Bill. Reference to the smoking amendment in the long title will also need to be removed.

**The Chairperson of the Committee for Health, Social Services and Public Safety (Mrs I Robinson):**

Before I speak about clause 15, I will say a few words about the Committee Stage of the Bill. The Health (Miscellaneous Provisions) Bill was referred to the Committee for Health, Social Services and Public Safety on 20 June 2007. The Committee considered the Bill at eight separate meetings. A total of 24 organisations responded to the Committee’s request for written evidence. The Committee took oral evidence regarding the main provisions in the Bill from departmental officials and six organisations before commencing the detailed clause-by-clause scrutiny of the Bill.

I thank all those individuals and organisations that provided written evidence, those who gave oral evidence, and particularly the officials who helped the Committee go through the detailed provisions of the Bill over a number of meetings. I also commend all the members of the Committee for their work in considering the detail of the Bill, which was the first Committee Stage of a Bill that the Committee has undertaken. Furthermore, I thank staff for their assistance.

During the Committee Stage, the Committee considered the provisions of the Bill in detail. The Committee concluded that it was content to support all the provisions of the Bill, apart from clause 15, which it agreed to oppose.

Clause 15, if enacted, would provide power to exempt performers from the smoking ban.

As the Minister has indicated, the proposed exemption had been inserted into article 17 of the original draft Order in Council by the then direct rule Minister. The Order in Council had not concluded its passage through Westminster before the restoration of devolution, so the Minister of Health, Social Services and Public Safety had the option of removing that provision from the Bill before it was laid in the Assembly, but he decided that it should remain in the legislation.

However, during the debate on Second Stage, the Minister indicated that he had changed his mind and

intended to table an amendment at Consideration Stage to remove the clause. I welcomed that move. I believe that the Minister's change of heart was influenced largely by the strong opposition that was voiced in Committee during an initial departmental briefing and in view of the opinion of the Chief Medical Officer, who told the Committee that he could not support the introduction of such an exemption.

In undertaking its detailed consideration, the Committee recognised that the Bill, as laid before it, still included provision for the exemption. Therefore, it needed to listen to the arguments for and against the proposal. Eleven of the organisations that made written submissions to the Committee had commented on clause 15, and all were opposed to the exemption of performers from the smoking ban. The Committee received no written submissions in support of the exemption; however, it was aware that, during the earlier consultation that the Department had conducted, both the Theatrical Management Association and the Arts Council of Northern Ireland had argued for the exemption.

The Committee felt it appropriate to give those organisations the opportunity to put their case. They argued strongly in Committee that, because of what they considered the unique circumstances of theatre, film and television, smoking was sometimes required to establish character, period, historical accuracy or setting. They concluded that, if the exemption was not granted:

“smoking would become one of the few human behaviours that could not be simulated on stage.”

They also pointed to the fact that the exemption applies in England and suggested that, if it were not possible to grant similar exemption in Northern Ireland, consideration should be given to permitting the use of herbal cigarettes during performances, as is permitted in the Republic of Ireland.

The Committee also heard oral evidence from the Smokefree Northern Ireland Coalition, which represents the public, private, community and voluntary sectors and statutory bodies. The coalition had been set up to lobby for smoke-free legislation. It was successful in lobbying for the introduction of the smoking ban in workplaces, which came into effect in April last year. In evidence to the Committee, the coalition pointed to the conclusion that the World Health Organization reached:

“there is no safe level of exposure to second-hand tobacco smoke.”

The coalition also advised the Committee that it regarded performers, as defined in the Bill, as:

“another workforce, who must be protected from the effects of passive smoking.”

Its representatives pointed out that the proposed exemption was not limited to performances in theatres but was loosely defined and could cover a performance in any venue, including a public house, a hall or a even a school. The coalition also opposed the use of herbal

cigarettes, because of the absence of evidence as to whether such cigarettes pose a danger to health, and the difficulties that their use could cause for enforcement of the smoking ban. The coalition's representatives stated that their belief was:

“when substances such as herbal cigarettes are burned, similar cocktails of lethal chemicals are produced. There is no safe level, and we should not be exposing ourselves to them.”

The coalition pointed out that tobacco is a lethal cocktail of 4,000 chemicals, including ammonia, arsenic and cyanide, and, in its opinion, herbal cigarettes could be described as cigarettes minus the nicotine, and could therefore contain the other 3,999 chemicals.

Smoking is still the major preventable cause of death and disease. It is associated with more than 50 different diseases and disorders, many of them fatal. In his most recent annual report, the Chief Medical Officer pointed out that smoking kills 2,300 people in Northern Ireland each year.

The introduction of the smoking ban in workplaces in 2007 was a major step forward that will, ultimately, save lives and protect the health of the workforce. I am totally opposed to any dilution of the smoking ban and, therefore, to clause 15.

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. I support the removal of clause 15 of the Health (Miscellaneous Provisions) Bill. As the Chairperson said, the removal of clause 15 is supported by all members of the Committee, having carried out rigorous examination and scrutiny of the Bill. The Committee heard from several organisations that were mainly opposed to clause 15; with that information, and on the advice of the Chief Medical Officer, Sinn Féin chose to support the removal of the clause. The right of the entire workforce to work in a smoke-free environment must be protected. I am totally opposed to any move away from that. Therefore I support the removal of clause 15 and thank the Minister for his intention to oppose that it stand part of the Bill. It is a good example of how Committee scrutiny can affect ministerial decisions. I thank the Minister for taking that on board. Go raibh maith agat.

**Rev Dr Robert Coulter:** I support the Minister's proposition. I, too, am against any dilution of the Bill that would create a loophole to allow people to smoke in any context. As the Chairperson said, it became clear to the Committee when it took evidence that it would be wrong for the House to support the inclusion in the Bill of any means by which smoking could be permitted in enclosed spaces, particularly one where large numbers of people meet for entertainment. Therefore I support the removal of clause 15.

**Dr Deeny:** I support the Health Minister and commend the Health Committee for its consistent and unanimous opposition to clause 15. I do so as a member of the

Health Committee and, indeed, as a doctor. I agree with the Minister that there are other ways in which smoking can be realistically simulated on stage. The smoke-free environment that exists throughout the home countries has already shown positive health benefits. Therefore I want to put on record that I support the removal of clause 15.

**Mr McGimpsey:** I thank Members who have contributed to the debate and reiterate that, as Minister of Health, Social Services and Public Safety, I, like the rest of the House, have a responsibility to promote public health and the interests of all the people of Northern Ireland. Therefore I encourage Members to support my decision to oppose that clause 15 stand part of the Bill; in other words, to vote against the clause.

3.00 pm

**Mr Speaker:** Before I put the Question, I remind Members that a no vote on clause 15 will ensure that there is no smoking exemption for performers. I want to clarify that for the House.

*Question put and negatived.*

*Clauses 16 to 18 ordered to stand part of the Bill.*

#### **Clause 19 (Commencement)**

**Mr Speaker:** Amendment No 1 has already been debated. I call the Minister of Health, Social Services and Public Safety, Mr Michael McGimpsey, to move amendment No 1 formally.

*Amendment No 1 made:* In page 16, line 16, leave out “, 14(4) and 15;”

and insert

“and 14(4);” — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Clause 19, as amended, ordered to stand part of the Bill.*

*Clause 20, ordered to stand part of the Bill.*

*Schedules 1 and 2 agreed to.*

#### **Long title**

**Mr Speaker:** Amendment No 2 has already been debated. I call the Minister of Health, Social Services and Public Safety, Mr Michael McGimpsey to move formally amendment No 2.

*Amendment No 2 made:* In the long title, leave out from “to amend” to “performers;”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Long title, as amended, agreed to.*

**Mr Speaker:** That concludes the Consideration Stage of the Health (Miscellaneous Provisions) Bill. The Bill stands referred to the Speaker.

## **PRIVATE MEMBERS' BUSINESS**

### **Agency Workers**

**Mr Speaker:** The Business Committee has allowed up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes for the winding-up speech. All other Members who wish to speak will have five minutes.

**Mr McLaughlin:** I beg to move

That this Assembly calls on the Minister for Employment and Learning to take the necessary measures to protect agency workers, and to ensure that such workers are provided with the same statutory protections, regarding pay and conditions of employment, as the directly employed workforce.

**Mr Speaker:** I forgot to say that one amendment has been selected and published on the Marshalled List. The proposer of the amendment will have 10 minutes to propose and 10 minutes for the winding-up speech.

**Mr McLaughlin:** Go raibh maith agat, a Cheann Comhairle. I welcome the Minister's attendance at the debate, and I accept the amendment that has been tabled by Mr Basil McCrea and Mr David McClarty. The two main pieces of legislation relating to employment agencies are the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 and the Conduct of Employment Agencies and Employment Businesses Regulations (Northern Ireland) 2005. A proposal for an EU directive on working conditions for temporary workers is at an advanced stage in Brussels.

Employment agencies are sprouting up all over the country. By any definition, it is a growth industry. However, if we are to protect workers against erosion of their rights then we must be wary of the introduction of that particular approach into our recruitment and employment practices.

There are almost 600 employment agencies on the island of Ireland, where there is a workforce of approximately three million workers. When those figures are compared to those of other countries, such as Poland — from where so many migrant workers come — where there are more than 770 agencies catering for 40 million workers, it becomes clear that we have a disproportionate number of recruitment and employment agencies and workers who are employed through such agencies.

Temporary or short-term contract workers are unable to access equal terms and working conditions when compared to those of directly-recruited workers. Recent research in Britain has established that agency workers are paid, on average, only 68% of the directly-paid workforce's earnings, had fewer entitlements, are younger than their directly-employed counterparts and have less control over the work that they are tasked to do. Members may not be aware that more than 100 of

the Assembly's support staff, or more than 30% of the entire support staff complement are agency workers.

I understand that that is not unusual in many other public-sector organisations, and that the ratio in the private sector is higher and growing.

It is important to record that those workers have no pension rights entitlements, no sickness benefits, no statutory holiday entitlements, and no flexitime allowances — the list goes on. For those workers, there is no employment security or certainty and, consequently, those individuals and their families have particular difficulty in raising bank loans, and so on. They must think very carefully about long-term spending commitments, such as mortgages. For many, moving home is simply not an option because of the financial risks involved.

Agency workers are, in effect, working for two employers, and they are in the invidious position of seeing many new starts in the permanent workforce take up employment at the going rate, often earning more than agency staff, whose incomes are effectively fixed at the contract start date. In some instances, those contract workers are employed for a number of years.

Examples of abuse of the system of employing agency workers abound. Indeed, many European Governments, including those in Westminster and Dublin, have moved to counter some of the activities of those who have become known to all of us as gangmasters.

Following the recent announcement of the loss of more than 900 jobs at Seagate Technology in Limavady, it transpired that a number of the workers at that plant were contracted through employment agencies and were not entitled — nor were they offered — the same redundancy packages as the directly employed staff. It is bad enough that, while in employment, those workers do not receive the same rates of pay and conditions as permanent staff, but when they face the same trauma of redundancy as their fellow workers, they are once again disadvantaged by exclusion or by reductions in severance packages.

We should not allow that method of worker recruitment to become prevalent in our society, as it serves only to diminish workers' rights and rates of remuneration, while absolving employers, including multinational conglomerates, of their obligations to provide statutory and other benefits to their agency workers.

It is incumbent on us as legislators to ensure that we provide equal opportunity and treatment for all workers. There is a growing concern — and a well-founded one — that the growth in the employment agency sector creates the conditions for exploitation and abuse of those workers.

It is important to state that not all agencies are involved in such practices. In fact, many of them provide profess-

ional support and a professional service. However, we must ask why we need such growth in the number of agencies on this small island and who is benefiting from them. We must, in co-operation with the trade union movement, commit to implementing measures that will protect the rights of agency workers to equal pay, pensions and other benefits that are awarded to those who are directly employed by companies.

The Assembly should assert that it is a basic principle that workers be employed on the basis of equal pay for equal work. I strongly urge the Minister to introduce legislation that would provide pay parity for agency workers from an initial date of employment. The Assembly should lead by example and by endorsing efforts in Europe to reach political agreement on the draft EU directive on temporary agency workers. We should support proposals in that directive to allow temporary workers full pay and conditions on completion of a minimum of six weeks' employment.

The argument that is put forward by those who oppose efforts to address the gross inadequacy in social and employment legislation is that extending equal rights to agency workers will harm economic competitiveness. We have all heard that argument, but it does not stand up to examination. Every state in Europe that ranks ahead of Ireland and Britain in competitiveness tables already has such legislation in place. Therefore, the proof of the pudding is in the eating.

Failure to implement protective measures that would provide equality in the workplace for agency workers is an open invitation to abuse unorganised labour, such as temporary and migrant workers. That will inevitably result in conflict in the workplace.

The Assembly already recognises and promotes the need for economic sustainability. We advocate and support job-creation strategies and the upskilling and retraining of workers. We place a particular emphasis on the small and medium-sized enterprises in our economic policy, and all of that is to the good. However, none of those political, social and economic goals need be at the cost of workers' basic rights — equal terms and conditions. I am convinced that there is an urgent requirement for legislation that will recognise and enforce the rights of agency workers to equal pay and conditions after the initial six-week period following commencement of employment.

We should reject the notion that economic viability can be achieved only on the back of our most vulnerable workers, who are left in a cycle of no rights, low pay and job insecurity.

Bearing in mind the mobility of workers across the island, I encourage the Minister of Enterprise, Trade and Investment to work with his Twenty-six County counterpart, Micheál Martin, Minister of Enterprise, Trade and Employment, to explore the possibility of

further co-operation between the two Departments to develop an all-Ireland agency workers' rights framework and protocol. Go raibh maith agat.

**Mr McClarty:** I beg to move the following amendment: Leave out all after "agency workers".

I thank Mitchel McLaughlin for proposing the motion and for accepting the amendment in my name and that of Mr Basil McCrea. I do not speak out of turn when I contend that everyone in the Assembly wants the best possible protection and conditions for all workers in Northern Ireland, whether agency workers or regular employees. However, the original motion, if passed, would have sent a message from the Assembly to businesses in Northern Ireland and Europe that we are uncompetitive and closed to investment. At a time of economic challenges, that message could be considered self-defeating, and one that would undermine Northern Ireland's economic competitiveness.

Currently, agency workers in the UK have good employment rights. They are entitled to the national minimum wage, and are covered by health and safety and working-time legislation. Under the new working-time regulations approved by the Assembly yesterday, agency workers are now entitled to the same generous paid holidays as long-term employees. I welcome the motion, however, because no Member of the Assembly wants agency workers to be exploited by rogue or irresponsible employers. That is a serious matter, and, wherever possible, the working conditions offered by such employers should be improved on.

It is a fact that agency workers help business and the economy in Northern Ireland. They allow firms to meet peaks in demand and deal with seasonal fluctuations. They help firms to meet skills shortages and cover absences in the regular workforce. Northern Ireland is trying to encourage investment and economic growth, and one of our strongest selling points is a flexible and fair employment regime. To support the motion in its original form would have sent a message that threatens that position.

It should also be noted that registering with an agency is of benefit to workers too. Agency work is often a crucial first step for young people into employment, and it facilitates those who need flexibility. Figures show that 40% of first-time agency workers are labour market outsiders, and 40% of agency workers are in longer-term employment within one year of starting their first agency assignment.

The issue of equality of pay also requires further examination. The most recent data provided by the Recruitment and Employment Confederation — in 2007 — shows that 67% of employers reported that temporary agency workers in their businesses receive equal or more pay than their colleagues on permanent contracts. A much smaller percentage of agency workers

are employed in the lower-paid, lower-skilled sectors than is often imagined. For example, agency workers make up just 1% of the retail workforce. Many skilled temporary workers in IT and accountancy earn significantly more than their permanent counterparts.

Members will know that this issue is the subject of continued discussion at EU level. If the motion had been passed in its original form, it would have sent a message that the Northern Ireland Assembly is out of step with the UK Government's position on the EU directive on temporary agency workers. The UK Government broadly support securing extra rights and improved conditions for temporary workers throughout the EU, providing that the benefits to the employer and the temporary worker alike are not lost due to a complete loss of flexibility.

3.15 pm

A significant qualifying period before comparative benefits come into effect, in line with other time-related employment rights, is reasonable. It should be noted that that position is also strongly supported by the Government of the Republic of Ireland.

There is no gain for the UK economy in general, or for this part of the UK economy in particular, in creating local legislation or provisions concerning this issue. We would hand further competitive economic advantage to our neighbours and European counterparts, and we would fail all of the people of Northern Ireland and those EU citizens who benefit from our flexible working conditions and who seek a vibrant and buoyant economic future.

For all those reasons, I urge all parties on all sides of the House to support the amendment. More work must be done to improve the conditions of temporary workers in Northern Ireland. However, we should heed the statistics of the Governments of both the UK and the Republic of Ireland regarding the need to secure flexible labour markets and economic competitiveness.

**Mr Spratt:** I support the amendment and the general thrust of what the proposers of the motion and the amendment have sought to achieve. Some rights should be extended, and those that are in place should be enforced. The whole issue of agency workers' rights has been ignored for far too long, to the detriment of thousands of workers. Although they make up only a small proportion of our overall workforce, agency workers are an important part of our labour market and are currently protected by a range of employment laws. However, the current protection mechanisms fall short of what is required.

Employers across Northern Ireland benefit greatly from agency workers, who provide a measure of flexibility that enables our economy to perform competitively against competing forces across Europe. As they provide such a benefit to our economy, agency

workers deserve parity on a range of factors regarding their employment. However, while supporting the general aim of parity, caution must be exercised in determining when an agency worker should become eligible for parity. The proposed six-week period is too short and would be of detriment to our economic competitiveness. The Assembly has supported a draft Programme for Government that has economic development at its core. Therefore, we should exercise caution and give serious consideration to the implications of the proposal. At the same time as protecting the worker, we must ensure that we do not encourage practices that fly in the face of economic development.

There are examples of extreme cases of abuse of agency staff. I am sad to say that Departments have been at least as guilty as private enterprise in that. I know of a case in which an agency employee has worked from 9.00 am to 3.00 pm for 12 years in the same Department. That employee has carried out the full duties, similar to those of permanent staff, without being afforded the same pension rights, for example, as her permanent colleagues. If she is sick, she receives only statutory sick pay, and not the other benefits afforded to her colleagues. Furthermore, she receives a lower rate of pay, and she does not receive yearly increments, as do other workers. Her conditions in many other areas, including annual leave and bank holidays, are worse than those of her colleagues.

In that same Department, another member of agency staff has worked for eight years, and another for six years.

I suggest that people who have worked in that Department for 12, eight and six years are in full-time employment, and their positions should have been made permanent. Their situation is an absolute disgrace, and the Minister and the Department must seriously examine the issue.

With regard to the more short-term employment of agency staff, the matter comes to a head.

Short-term employment provides many people with an opportunity to work flexible hours to suit their circumstances. Many are mothers who are returning to the workplace as an essential first step back into the labour market. The ability to balance work and life is important to such groups, and care must be taken not to discourage employers from using them.

In the light of the warning from 58% of employers that the requirement for agency staff to work for six weeks before achieving equality would lead to a significant reduction in the use of temporary staff, I urge the Minister to consider carefully how such a directive could be rolled out.

I urge him also to examine all Departments that are attached to the Executive. I could name the Department

to which I referred earlier, but I will not do so now because there is an ongoing tribunal. The practice is not specific to one Department: it is widespread across Departments and must, along with other matters, be given serious attention. I support the amendment.

**Mr Attwood:** I want to comment on the speech by the proposer of the motion, whose arguments I fully understand. I also understand the issues that have informed the amendment, but I expected to hear more convincing arguments in its support. The following are, as I understand them, the arguments put forward by the Member who moved the amendment.

The first argument was that, if the Assembly supported the original motion, it would be out of step with the UK Government. That may be the case, but not to support it would mean that the Assembly would be out of step with 14 of the 20 member states of the European Union. All 14 countries have introduced equal pay for agency workers. I acknowledge the variations in the guarantees that are given to workers on other working conditions. Nonetheless, I suggest that the Assembly try to follow the lead of those 14 countries that are ahead of the UK Government on the single issue of equal pay.

Secondly, Members were told that, if agreed, the original motion would be a block to competitiveness. The same argument was used in 2002 — and before that — when legislation was introduced to provide guarantees to part-time workers. Many of the employers' organisations said that the guarantees should not be provided as they would be a block to competitiveness. Now, five and six years later, the number of part-time workers is increasing. Some of those who were hostile to giving part-time workers the same guarantees as permanent workers now recruit more part-timers — despite their having the same conditions of employment.

If the Assembly is serious about increasing the North's competitiveness, I am sure that the Minister will concur with me that it will come from the skills base, the number of students achieving PhDs, research and development, and innovation. That, rather than by according agency workers fewer entitlements than their permanent colleagues, is how the North should position itself in the global market.

We must acknowledge the potential scale of the problem. A TUC survey, which may not be definitive as it involved only 85 workplaces and 100,000 employees, found that 18% of staff were agency workers. The survey questioned staff on some of the problems that agency workers were experiencing. Despite the regulations that set out guarantees for temporary agency workers, the survey found that they were allowed fewer holidays, given little or no access to training, were not entitled to contractual sick pay and received no employers' contributions to their pension schemes.

Admittedly, the TUC did not gather its evidence in the North.

**Mr S Wilson:** The Member has highlighted an important point and given an accurate description of the situation in which many agency workers find themselves.

Is the answer not that those who are responsible for enforcing the regulations ought to be more diligent and that those who employ agency workers ought to ensure that the agencies that they use live up to their legal obligations?

**Mr Attwood:** I thank the Member for his intervention. The best way to deal with this is to use the approach adopted in Northern Ireland to fair employment legislation. The North began to change its legacy of disadvantage and discrimination by creating a body with sufficient powers to force all employers to comply with the law. A legislative base was created that guaranteed that people would not be discriminated against on the basis of their religious or political views. A resource base was also created to ensure that offending employers were taken before a fair employment tribunal and exposed, and employees who suffered discrimination received reparation.

Why can that approach not be used with agency workers? Why can we not have laws that guarantee agency workers their entitlements? Why can we not give powers to an enforcement agency to guarantee agency workers their entitlements? Why can we not put resources into guaranteeing agency workers their entitlements? That is what I wanted to be included in the amendment.

It seems that Members are not prepared to support the original motion, which calls for agency workers to be provided with the same pay, conditions and statutory entitlements as the directly employed workforce. However, the Assembly should go further than calling for just the necessary measures.

The history of this part of Ireland has taught us that the necessary measures include firm laws, firm enforcement, firm guarantees, and sufficient funds to make employers behave themselves. The amendment does not mention those and I find that disappointing, because that might have created some consensus in the Chamber today.

**Ms Lo:** The Alliance Party welcomes the issue being raised in the Assembly, as it provides an opportunity to discuss the balance between employees' and employers' rights.

However, the original motion goes too far; therefore we welcome Sinn Féin's decision to accept the amendment. The original motion would create legislation to tackle an issue that could be tackled by applying existing legislation properly.

Most Members will have received representations from agency staff who are being treated unfairly, as Mr Spratt highlighted. That is not because they do not have rights; it is because their rights are not properly enforced. The motion renders the use of temporary agency staff pointless; it would remove a recruitment tool that is important not just for local businesses but also for public sector bodies, particularly health and social services.

On the other hand, the amendment is a little weak, as it fails to clarify what the necessary measures are. Having listened to the debate, the Alliance Party intends to support the amendment, but we will keep the issue under review. I look forward to hearing the Minister's view on what the necessary measures are; however, we want to hear that they involve more than simply working with other organisations.

While stressing that the Alliance Party welcomes the issue being brought to the Floor of the Assembly, such motions do not look at the overall recruitment difficulties in Northern Ireland. No discussion of employment is complete without reference to the severe restrictions on labour mobility that exist in Northern Ireland due to sectarianism and segregation, as noted by all businesses.

*3.30 pm*

Too many areas of Northern Ireland — not only urban areas, but suburban and rural areas as well — are, in practice, only accessible to certain sections of the workforce. We cannot continue to tolerate a situation whereby a hidden Berlin Wall means that people who live only a few miles away from a certain locality feel that they cannot work in it. Until we tackle that issue, the potential for indigenous businesses and outside investors will be severely limited.

We cannot further restrict public- or private-sector recruiters by limiting their flexibility in appointing staff. The Confederation of British Industry estimates that as many as 2,000 positions could be at risk if this motion is passed.

Agency staff have an important role, often in more high-end jobs than people think, offering specific skills, often at short notice, not just to businesses but to public services. I have commented on the severe restrictions imposed by segregation; we cannot afford to put our businesses and public services at a further disadvantage to those in neighbouring regions.

Some parts of the health and social services sector are almost completely dependent on agency staff, and that must be reviewed. Although we support the availability of flexible expertise to the public sector, in most cases, agency staff are more costly. There is an efficiency issue to be addressed there, as it is unclear whether agency workers offer value for money in all cases. The issue from the employees' point of view is

enforcement of the existing rights of agency workers, which may include better information for those entering employment.

**Mr S Wilson:** First, I echo some of the points that have been made. The use of agency staff in our economy is essential to the flexible and smooth working of many private firms and public bodies. Secondly, agencies cater for the needs of specific groups of workers, some of whom want to return to the workplace, but require flexibility, etc. However, that should not lead to a diminution of the protection available to them.

I am pleased that the motion has been tabled, but it probably goes further than many Members would have wished. As I pointed out in my earlier intervention, there are legal safeguards for agency staff, but we must ensure that proper procedures and measures are in place to ensure that those safeguards are adhered to. For many agency staff, it is their first time in the workplace, and they may be unsure of their rights or not sure of their way around the system that guarantees those rights. Therefore, we must ensure that a body or service is established that they can contact if they have any complaints.

I wanted to take part in this debate so that I could address the fact that many of those who are employed by agencies in Northern Ireland — and I suspect that this is also true of other parts of the United Kingdom — do not even come from here in the first place. That has not been mentioned today. It is very difficult for them to find out about the safeguards and their rights and whom they can contact to seek help on such issues.

Only last week, a group of Polish workers came into my constituency office. They are employed by a company based in England called People Resource, which they find difficult to contact. I have not been able to contact the company either. It specifically targets Poland, and supplies Polish workers to companies in Northern Ireland. One such business to which it supplies workers is a distribution company based in Larne called Wincanton plc, which services many of the major companies that operate here and distributes goods on their behalf.

Those workers are paid £7 an hour, which is above the minimum wage, and they get overtime earnings. However, there is an aspect of agency work that has not been addressed: the agency, which undoubtedly makes a good profit out of the workers whom they supply, provides accommodation that the workers must sign up to before they come here. The workers who came to me are paying £1,200 a month in Larne to rent accommodation — a palace or an hotel in Larne could be rented for that amount of money. The property is an ordinary Housing Executive house, which — even if it were in the private sector — should have a rental value

of £300 a month, yet those workers are paying four times that amount.

They must also use their wages to pay for electricity, which comes to £62 a month. I do not know how many light bulbs one would have to turn on in order to spend that amount of money on electricity, but they have to pay that amount. One of the workers broke his arm in work and was told that he is not entitled to any sick pay, although deductions continue to be made from his wages for rent, lighting, heating, and so on.

Here are figures from two of the best payslips that those workers received: for a 40-hour week, one of them brought home £132, which amounts to just over £3 an hour; and for a 42-hour week, another worker received £188, which comes to just over £4 an hour. That is something that the Assembly should be concerned about. It is important —

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

**Mr S Wilson:** The gangmaster legislation that applies to production should also apply to distribution so that workers, such as the ones to whom I referred, are safeguarded.

**Mr Ross:** I, too, congratulate the proposer of the motion for bringing this important issue to the Assembly. Although I am broadly supportive of the gist of the motion, I sound a few notes of caution.

It is, of course, important that workers be treated fairly and be afforded protection in their jobs, whether they are employed by an agency or directly by an employer. As has been stated, agency staff play an incredibly important role in our economy, and they should be treated fairly. However, a key point is that agency workers are employed by an agency and not the company for which they work. Although I want legislation that covers agency workers to be strengthened, which has been the gist of the debate so far, I anticipate difficulties if every agency worker were afforded the same benefits and advantages that are enjoyed by permanent staff. The result would be a significant additional administrative burden on businesses, particularly small businesses. We must avoid creating circumstances in which so many additional burdens are put on businesses that they no longer want to hire agency workers, and, as a result, jobs are lost.

However, it is important that agency workers are not exploited by unscrupulous employers. As Mr Sammy Wilson said, exploitation is particularly prevalent in cases that involve migrant workers. I know the case to which the Member referred, having spoken to the young Polish man in Larne who gained employment through an English agency with questionable motives. That man told me about other people whom he knew who had gone to agencies that proceeded to confiscate their passports, which is against the law. When agencies break the law like that, the necessary steps



must be taken to close them down. However, I am not sure that an additional raft of legislation from Europe would stop such behaviour, because unscrupulous agencies will disregard the law, irrespective of the legislation that exists. Mr Spratt mentioned a specific case, and the employment practices of the firm in question must be looked at very carefully.

Mr Attwood talked about the position of the Government, and the UK is among several economically developed states, such as the Irish Republic, Germany and Denmark, to name a few, which resist the proposed EU legislation. It is interesting to hear what the agencies say, and the chairman of Grafton Recruitment, James Kilbane, has said that the proposed EU legislation would severely affect temporary workers in Northern Ireland. He also said that those calling for such a change lacked the necessary understanding of temporary work places, and the lifestyle choice that it represents for millions of people. His point was that temporary workers already enjoy equal rights with permanent workers in those countries where the principle of temporary working is understood and practised by workers and businesses alike.

I looked at the Department for Employment and Learning website, and I listened to Mr McClarty going over some of the rights that exist. Those include race and gender equality; fair employment; disability discrimination; health and safety laws, and rights regarding working time. Others are protected disclosure; the right for part-time workers not to be treated less favourably than full-time workers; the minimum wage; and rights concerning deductions from wages. It is important that the measures that are already in legislation are enforced, and that we ensure that agencies enforce them.

Mr Spratt spoke about the economy being a central point of our draft Programme for Government and our draft Budget. It is important that we examine what the CBI says about this proposed legislation. It, too, resists the EU legislation, saying that it is important that the Government stand firm against pressure from trade unions and the European Union, and that 250,000 placements across the UK could be jeopardised if the EU directive were implemented. We heard that 58% of employers here have warned that that law could lead to a significant reduction in the use of temporary staff — staff who are paramount in managing surges in demand.

Many people choose agency work as a way back into employment, or because it offers them more flexibility. It is the case that many of these agency workers can receive equal pay, or, indeed, better pay, than some of their colleagues on permanent contracts, particularly in IT, accounting and in some nursing jobs. In the context of today's speeches, it is important to point that out. The CBI has figures that show that 67%

of agency workers earn as much as, or more than, colleagues on permanent contracts.

In conclusion, I am happy to support the Ulster Unionist amendment. Much of the protection that Members have spoken about today exists; it is simply a matter of ensuring that it is enforced. Nonetheless, the issue must be investigated because, as has been highlighted, there are incidents of behaviour that is not acceptable, in which workers are treated unfairly.

**Mr Speaker:** Your time is almost up.

**Mr Ross:** I look forward to the Minister's response, and to hearing of measures that he may introduce to stamp out such incidents.

**Mr Dallat:** I say at the outset that I hope that, at the end of this debate, agency workers are better off, and I shall certainly listen with interest to the summings-up, and to what the Minister has to say. That does not mean that I am against job agencies per se. Historically, those organisations were used to give what were called 'temps' an opportunity to put their foot on the first step of the employment ladder, an opportunity to undergo skills training and the like. That is fine, and the majority of those workers went on to permanent jobs, where they were entitled to superannuation, pensions and all the rest.

The difficulty is that, in recent times, with the springing-up of many more agencies, and — as already mentioned — some of them with doubtful intentions, the whole emphasis has changed. That is wrong, and it is shameful. Among those involved in that exploitation are health trusts, local councils — my own included, to my shame — and others, setting a very bad example to the private sector. Saving money should never be the justification for using agencies. It is wrong to circumvent the law by employing agencies that have little legal responsibility for the people whom they put forward for what is termed "casual" or "seasonal" employment, only to find that nurses have been in temporary employment for eight, 10, and, in one case, 12 years.

Several references have been made to migrant workers, and all Members know case studies of such workers. Mitchel McLaughlin mentioned Seagate Technology. That firm recently released a press statement announcing redundancies — only a week after 150 workers arrived in Limavady.

3.45 pm

I am sure that all Members remember the young girl from Ukraine who lost her lower limbs in one of the most shameful examples of exploitation. She must live with her injuries and with the consequences of that event for the rest of her life.

There are more recent examples similar to that described by Sammy Wilson. Recently, I had a visit

from a young Polish girl — let me call her Anna — who got injured in a factory. Her rights have expired and she has no money: it could be years before a compensation claim is successful. She is surviving and is being looked after by a Polish family who are receiving only the minimum amount of money. It occurred to me that she could suffer a repeat of what happened to the Ukrainian girl. I hope that I will be able to go home this evening with the knowledge that I have contributed to a debate that will improve the lives of migrant workers and our own people.

While the opportunity exists to discriminate against people, unfortunately, there will be those who will make a living out of it. The solution is to give all workers the same rights. In such circumstances, the agencies that do a good job will survive — as they have done for many years — and the others will go to the wall. In general terms, everyone will benefit, because if employers treat their workers fairly and equally, they will get the best service from them.

I do not want to see a return to the hiring fairs of the last century. I want that to remain in the history books; it is a bad dream that must never be repeated. I want to see all workers respected as equals and benefiting under the law.

**Mr G Robinson:** As someone who has not had to seek employment through an agency, I consider myself fortunate. Almost weekly, I hear about the problems and difficulties faced by agency workers in my constituency. They are not entitled to holiday pay or paid sick leave and they are not entitled to redundancy payments if the firms for which they are working close down. Furthermore, they may even receive a lower level of pay than permanent workers who are employed by the same firm.

Not all employers and agencies are guilty of unfair treatment towards their agency workers. However, when I hear about situations in which workers are being treated unfairly, it makes me wonder how much we value our workforce. We are living in the twenty-first century, and we are supposed to be a modern and civilised society. However, if agency workers are treated differently from full-time employees, it is a sign that we do not value the contribution that they make to our economy. Instead, we penalise them because they have been proactive in their search for employment.

Employment agencies can be a useful tool for the employee and the employer as they can match skills with opportunities — an arrangement of benefit to both parties. However, that should not result in any agency worker being treated differently in any respect. The Assembly is trying to encourage and promote Northern Ireland plc globally. One way of doing that would be to demonstrate to prospective investors that

we value our greatest asset — our workforce — and it means that agency workers must have the same rights and responsibilities as other employees.

Perhaps equality is a term that is used and abused by some people in Northern Ireland, but for agency workers it will mean a substantial step towards addressing some of the areas that I mentioned: holiday pay entitlement; sick leave; redundancy payments; and equality of wages. I support the amendment.

**Mr Shannon:** A'hm shair Ah'm no the onie representative i the chammer the day at he shed a constituent oan tae him wha bes distraught accause they hae bein pit ootae thair waark wie nae pey, nae noatice an' nae raison. I hae haird yairns aboot fowk wha hae wrocht fer ap tae twa yeirs i a business onie tae fin' thaimselfs ootae waark. Hoo can this bae? Surely thair bes laa i place at protects employees efter they hae waarked thair probationary tim'? Weel, this bes true bit no gif ye waark through an agency. If thon bes the caase then nae matter the overtim' ye hae wrocht, ir hoo guid yer waark bes, ye can bae pit ootae waark wi'oot noatice ir redundancy. This cannae bae fair pley.

I am sure that I am not the only representative in the Chamber who has been approached by a constituent who is distraught because their employment has been terminated with no pay, no notice and no reason. I have heard tales of people who worked for up to two years in a business — my colleague Mr Spratt has heard of people who worked for up to nine years — only to find themselves out of work. How can that be?

Surely there is legislation that protects employees after they have worked a probationary period. Although that is the case to a certain extent, it is not so for people who are employed through an agency. No matter what overtime those people put in, the quality of their work or their time in a job, their employment can be terminated without any notice or redundancy pay. That does not seem fair to me, and I suspect that it does not seem fair to other Members.

The Department for Employment and Learning estimates that over 300 businesses in the Province use agencies that supply temporary workers. There are almost 15,500 people in that bracket, who either supply workers or undertake temporary work themselves. That is a high percentage of people who are not protected in the workplace, and the Minister for Employment and Learning and his Department must examine the issue urgently.

I have read the consultation document on temporary workers, and I agree with many of the issues on which the Department for Employment and Learning is focusing. However, a section of workers has been overlooked — the people who are working long term in a temporary position, yet have the same rights as people who have worked for a week. That is clearly unfair.

I know of girls who have worked in offices for over two years, doing a job exceptionally well and even training new starts, only to find that, at budget time, they are the first to go. It is ludicrous that someone who has been in a position for 18 months should have to go before someone who has been there only for a few weeks. That matter must be addressed, because it is wrong.

I understand that the idea behind using temporary workers, in some cases, is to allow for temporary expansion while the business is assessed on how it will cope with extra expenditure. However, to retain someone for two years with no rights is not in keeping with the principle of a temporary worker.

I suggest that the Minister for Employment and Learning and his Department consider the imposition of an upper time limit on how long a worker can remain with a company without gaining some rights. Those people who have worked for two, five or nine years have mortgages, families, children, responsibilities and financial commitments. Why should they not have the same rights and considerations? My colleagues have already addressed other issues, so I will not dwell on them. I thank all Members for their comments.

Although these workers are hired on a temporary basis, they should have a reasonable expectation that their job is secure if they work long term. That expectation must be enshrined in future legislation, and I urge the Minister to include provisions for that when the consultation period closes.

I support the amendment, and I thank the proposer of the motion for accepting it.

**The Minister for Employment and Learning (Sir Reg Empey):** I welcome the opportunity to thank the many Members who have contributed to the debate. Many Members spoke with great sincerity, which indicates that consideration is being given to agency workers and their rights, and the contribution that they make to the economy.

The debate has been useful. Over the years, employment agencies and businesses have made a significant and positive contribution to the local economy.

As has been mentioned, we estimate that about 300 employment agencies and businesses in the Province provide many permanent and temporary job opportunities. Some of those organisations specialise in certain areas, so it is not the case that we are dealing with 300 businesses and agencies that do exactly the same thing.

Let us be clear that there are benefits to agency work. It is an important factor in creating a flexible labour market, and many businesses consider it essential to better meet the demands of local and international markets. It also allows companies to

increase production on a temporary basis before making a permanent commitment to expansion.

Many workers choose agency work because of the circumstances and the flexibility that it provides. Agency workers are also important in meeting the seasonal needs of some employers — that point was mentioned by Members across the Chamber. For some people, getting a job through an agency is a gateway to permanent work. Others choose temporary work because it allows them to better balance their work with other commitments. Agency work can also appeal to some work seekers as it can offer them the opportunity to learn new skills or try new jobs before permanently changing career.

A CBI survey in 2004 showed that 52% of agency workers choose temping for positive reasons, such as increased flexibility, better pay, or the fact that it allows them to gain work experience. The GB Labour Force Survey 2006 showed that 26% of temporary agency workers do not want a permanent position. In 2005, BMG Research showed that 77% of agency workers felt at least as valued as permanent employees, and 2005 statistics from the Recruitment and Employment Confederation have shown that 56% of temporary agency workers are satisfied with their work.

We can argue about those statistics and take or leave them as we please, but my point is that it is not all a black picture. As Anna Lo said, many people are quite comfortable with what they are doing.

Statutory protection is a matter of concern for Members. I recognise that agency workers are not provided with the same statutory protections as directly recruited employees. However, to provide agency workers with similar rights would undermine the flexibility that agency work brings. The effect of introducing such rights would be that businesses would find it harder to take advantage of opportunities. Such a move is potentially damaging to the economy and to jobs.

Flexibility for both the worker and the employer is one of the features of agency work. Just as agency workers have the flexibility to take up and leave jobs at short notice, employers also have the flexibility to finish temporary work without being liable for unfair dismissal or redundancy pay.

I am aware that several Seagate Technology Ltd workers were contracted through employment agencies; indeed, the Member who moved the motion referred to that. In those circumstances, the workers are not entitled to redundancy payments, as their contractual relationships are with the employment agency and not with Seagate Technology Ltd. Most workers were on temporary contracts lasting less than one year and would not have been entitled to redundancy payments in any event, given that there is a two-year cut-off

point that would have applied equally had they been directly employed.

Agency workers currently receive many of the same statutory rights as permanent employees, including the national minimum wage, holiday entitlement and statutory sick pay. The private recruitment sector in Northern Ireland is also regulated by the Conduct of Employment Agencies and Employment Businesses Regulations (Northern Ireland) 2005. Those regulations put in place the minimum standards that work seekers and hirers can expect.

I am, however, not complacent about the regulation of the agency part of the labour market. I will shortly introduce proposals to the Assembly to amend the regulations in order to provide additional protections for vulnerable work seekers. Before listing those protections, I will deal with a couple of points that were made during the debate.

4.00 pm

Mr Spratt drew Members' attention to several examples of the abuse of agency working in the Civil Service. I intend to write to the Minister of Finance and Personnel in order to draw those matters to his attention. Clearly, we do not want to upset those individuals; however, I was somewhat surprised by the length of time taken. From my experience in local councils, I know that the same principles were beginning to feed into some departments there; it was easy to fill places and not to follow up. I recollect that time limits were applied in order to ensure that that could not happen. Equally, we do not wish to put people out of work, but the matter must be examined, and I will write to the Minister of Finance in order to follow up on that point.

Mr Dallat referred to the sad case of the young Ukrainian woman. At the time, my party lobbied for her to be given extraordinary leave to stay in the United Kingdom. That case was a dark day in Northern Ireland's history on these matters, and it shocked the whole community. The Member asked whether we can be certain that that could not happen again; it would be a brave person who would stand up and say that it could not.

However, following the recent events at Reid Transport, in which several workers' classifications were rather confused or uncertain, we went out of our way to take steps concerning their welfare in order to ensure, at least, that accommodation was available and that the authorities were warned. We had the case of the Ukrainian woman in mind when that issue arose, because if some of the employment practices had not been right, there might have been — and probably were — people whose eligibility to work and rights in this country were questionable, and who might have ended up on the street with no money. I can assure Mr Dallat that, should there be any further unfortunate

developments in the field of employment, that will be one of the issues that we will always address.

I propose to bring measures to the Assembly, including giving workers the right to withdraw from additional services provided by an agency, such as transport or accommodation, without suffering any detriment; providing that workers must receive a written statement of their right to withdraw from such services; and banning entertainment and modelling agencies from taking any fees on the day of, or during, a casting session or offer to include a work-seeker's details in a publication. In those circumstances, I intend that workers will be given a seven-day cooling-off period in which to change their minds. Obviously, that example is very specialised; however, it does cover a surprisingly large number of workers.

**Mr S Wilson:** I am pleased with what the Minister has said. Will he give us a timetable for implementing those new protections?

**Sir Reg Empey:** I do not have a specific indicative timetable; however, it is fair to say that we could proceed without too much difficulty in the course of this year. I do not wish to be held to that — people are nodding in the Officials' Box — but we will probably be able to effect legislation this year.

Further to those legislative changes, which will provide additional protections for agency workers, officials will produce targeted guidance for drivers, driver agencies and companies that use such agencies, making it clear that agencies that employ drivers will breach legislation if they fail to abide by any other applicable Northern Ireland legislation governing drivers' working excessive hours. That is a concern that people have had, and it arose in the recent case of that company that went into liquidation. There were concerns that people were driving for longer than they were supposed to under national regulations.

Again, the restriction of driving time is a Europe-wide issue, so the regulations must be written down and made specific.

I will also be producing guidance on the cost of living in the UK for migrant workers to read before they leave their home countries. The example that the Member for East Antrim Mr S Wilson gave us was shocking. For the sum that he mentioned, a person could rent a house in Malone Park, let alone in Larne. That was a case of exploitation at its worst.

My Department has the power to prosecute agencies in the Magistrate's Court for breaches of the regulations. In the most severe cases, the Department can apply to an industrial tribunal to prohibit an individual from operating an agency for up to 10 years. Furthermore, the Department will shortly issue a public consultation on proposed primary legislation to allow serious cases to be tried either in the Magistrate's

Court or in the Crown Court. That would also allow for unlimited fines and the creation of attempted offences.

Members may be aware that, since 2002, there has been a draft directive on temporary agency workers. As currently drafted, it would provide agency workers with the same rights as directly recruited employees. Member states continue to disagree about the best approach. The UK Government support the underlying principles of the directive, but they are pushing for a qualifying period before agency workers would achieve the rights. I will continue to monitor developments on that directive, and I am happy to review Northern Ireland's position when member states reach agreement on the way forward.

As I have said, I am very conscious that Members feel very strongly about the issue. However, the situation is not all doom and gloom. Many people are very comfortable doing agency work. In many cases, it is better paid work. Individuals might have commitments that require them to take time off — perhaps they are carers — and specific work, such as that in IT or forensic accountancy, might suit them better.

We must be careful that, in trying to protect a particularly vulnerable group, we do not use a sledgehammer to crack a nut. In the proposals that I hope to bring forward next year, I will try to outline more precision pieces of regulation and legislation that can weed out the miscreants and the people who are genuinely exploiting workers without destroying opportunities and making it difficult for those who want to work for agencies and for those companies who benefit from them.

In conclusion, my Department is very aware of the issues, and it is taking measures. I will come back to the Assembly with proposals, and the Assembly will have an opportunity to deal with the detail of the legislation. In the meantime, the Department has powers, and it is exercising them. It inspects agencies and will take them to court if necessary. One particularly bad case has been taken to a tribunal, and that is ongoing.

The Department is not sitting back and doing nothing; it is working on the issues. As Mr Ross mentioned, there is material on the Department's website, and it is publishing material to try to inform people of their rights before they come here, so that they can avoid some of the difficulties that have been mentioned.

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

**Mr B McCrea:** The Ulster Unionist Party brought the amendment because the original motion, if it were to be carried, would put us in line with the draft proposals from the EU. However, that would put us out of step with the law in the Republic of Ireland and Great Britain.

It would also send a message to potential inward investors and local investors that Northern Ireland is not a very flexible place in which to do business.

My party is not, in any way, suggesting that there is no requirement to protect agency workers from the situations that other Members have described, but it is a question of getting the balance right.

There are, indeed, a number of positive reasons why many people enjoy working for agencies, some of which have been highlighted by the Minister and other Members. One of the most compelling reasons is that it can be a stepping stone to something better. During other debates, Members have discussed almost the opposite of that: we have argued about the need to provide work for teachers and to enable them to get one year of training which gives them experience to help them to progress. There is a corollary in that. I accept that, as has been said before, there may be dangers in that because it is no good being a new teacher for seven years; sooner or later that experience has to be transferred to real long-term employment.

Other issues that affect the whole of society have to be dealt with — for example, how companies forward-manage their workforce with planned redundancies and so on. One of the biggest issues is the suggestion of increased civilianisation of the police, which brings in different skills. I say that having registered my interest as a member of the Policing Board. How can such issues be managed sensitively and properly? Agency staff have their part to play in that process.

I note that a number of colleagues from the SDLP were worried about their consciences and about whether they would be able to leave the Chamber feeling that they had done the right thing. It is important that we, in the Assembly, get our house in order. Maybe someone can check how many agency workers have been working for seven years as Doorkeepers in this fine establishment. It is definitely more than one. That is an issue that we can consider and lead by example on.

I was struck by Mr Sammy Wilson's contribution on migrant workers. There is a danger that they could be exploited. Such issues need to be properly investigated. That is one of the reasons for the Ulster Unionist Party's amendment: the current entitlements need to be properly enforced. We think, along with the Republic of Ireland and the United Kingdom, that we should have significant qualifying periods for agency workers to ensure that the economy is not damaged. It is important to get a balance when it comes to economic competitiveness.

This is a bit like the argument that we had about the minimum wage. Do we put it up because it is the right thing to do, or would it be too high? Everything is finely balanced, like a cocktail. It is important to

ensure that no one aspect dominates the others. The danger with using a sledgehammer to crack a nut — to borrow the simile that was used by the Minister — is that it unbalances the system. We need to show that we are a caring society, but that there is flexibility that enables us to run a competitive economy.

The final issue is that skills and training make a real difference. That is why I was pleased to hear the Minister say that he plans to produce proposals on this matter, which will be part of the Programme for Government and which will tackle the real issues.

I have listened to worthy contributions from all sides of the House, and the Minister has taken a reasonable and proactive position. It would send a good and powerful signal if the House could unite behind the Ulster Unionist Party's amendment.

**Ms S Ramsey:** Go raibh maith agat, a LeasCheann Comhairle. I thank my colleague Mitchel McLaughlin for tabling the motion. This has been a useful debate, and I thank the Minister for attending and for responding to the contributions. I also thank all the Members who took part; they all had a contribution to make.

In his opening address, Mitchel said that Sinn Féin would accept the amendment put forward by the Ulster Unionist Party.

4.15 pm

At the outset of the debate, Mitchel McLaughlin highlighted that there are almost 600 employment agencies on this island; therefore it is important that we take all necessary measures to protect agency workers. With that in mind, I am sure that the Committee for Employment and Learning will support any measure that strengthens the position of agency workers. On behalf of the Committee, I will make two points; then I will speak as a private Member.

The Committee recently agreed several work streams that it will concentrate on in its programme of work. One is vulnerable persons in the learning and employment environment. That group includes migrant workers, who are more likely to be employed by agencies. The Committee wishes to see only the highest standards of employment practices upheld and looks forward to the Department's strategy on that group of workers. The Department is to bring a strategy for migrant workers to the Committee at the end of February.

The Minister mentioned several issues but highlighted that, at its meeting last week, the Committee considered legislation concerned with agency workers, namely the Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations 2007. The Committee unanimously supported those regulations, which are designed primarily to protect workers in the entertainment and modelling industries. The Minister

said that he will submit them to the Assembly for affirmative resolution soon. I thank him for that.

As several Members pointed out, agency work enables people to work across a range of areas in various European countries; it can offer flexibility and a way back into the labour market. It can also provide businesses with a flexible response to their need for staff, which is often the case for small and medium-sized businesses. We recognise and support that need, but it cannot be met at the cost of the rights and protection of workers. Temporary agency workers are often the most vulnerable and are usually found in lower-paid jobs, particularly in catering, call-centre and care sectors. Compared to those in permanent employment, agency workers lose out on pay, holidays and entitlement to family-friendly rights such as maternity and paternity leave. They can often be excluded from training.

Alex Attwood mentioned a recent TUC (Trades Union Congress) survey that found that agency workers can be in an organisation for long periods and yet be described as casual and viewed as not committed to the organisation. There has been a substantial growth in the number of agency workers, and although I recognise employers' need for flexibility, they should not be able to employ workers with lesser rights — particularly rights of redundancy and dismissal.

In his opening remarks, David McClarty said that the original motion would send out the wrong message; I disagree. However, as Sinn Féin seeks to send out a clear and positive message that the Assembly supports the rights of all workers, including agency workers, my party has agreed to accept the amendment. David went on to say that 67% of agency workers receive equal or higher pay than permanent staff: that might be correct, but what of the 33% that do not receive it? We have a duty to protect them. For the record, the trade union movement disputes that statistic.

In his contribution, the Deputy Chairperson of the Committee for Employment and Learning agreed with the original motion. I agree with him that Members will not leave today with all the answers. However, the motion calls on the Minister to take the necessary steps and I am sure that the Committee will have a positive role to play.

Anna Lo said that the original motion goes too far. In my view, however, legislation to protect the rights of workers — whether permanent or agency — cannot go far enough.

Sammy Wilson, as usual, brought clarity to the debate, and I thank him for the statistics that he provided. He is correct in asserting that agency staff are essential. Most agencies — as Mitchel McLaughlin pointed out in his opening remarks — provide

adequate protection for staff, but some do not. Mr Wilson pointed out that although agency workers have rights, some are unaware of them — we need to change that. There is no point in their having rights unless they know about them. The Minister pointed out that we need to ensure that the rights of agency staff are enforced by the relevant agencies. I look forward to the Minister introducing that proposal.

Alastair Ross made the point that agency workers are employed by an agency rather than a company. Mr Ross is absolutely correct. However, it would be remiss of me were I not to point out that companies should not be allowed to turn a blind eye to bad practice when they become aware of it. They have a duty to report such practices.

John Dallat, George Robinson and Jim Shannon made valid points about issues that have arisen in their constituencies. That highlights the fact to me that mistreatment of agency workers affects all of our constituencies; not just one or two. It happens right across the board, and Members are having to deal with those problems daily.

The Minister pointed out that there are benefits from agency work: no one would disagree. All Members who have spoken have highlighted and accepted that positive work is being done by agencies and by the individuals who wish to be involved with them.

Basil McCrea raised the issue of staff in this Building. I commend the Minister, and I will support him in his pledge to write to the Minister of Finance and Personnel on the matter. Members hear stories daily about staff who are directly, or indirectly, associated with the Building and who could be mistreated. Mr McCrea said that there could be exploitation. The fact is that exploitation has already occurred and changes must be made.

I agree with Mitchel McLaughlin that the Assembly must, in co-operation with the trade union movement, commit to the implementation of measures that will protect the rights of agency workers. The Assembly's aim is to support and encourage businesses while ensuring that workers are fully protected and have equal rights. I support the amendment.

*Question, That the amendment be made, put and agreed to.*

*Main Question, as amended, put and agreed to.*

*Resolved:*

That this Assembly calls on the Minister for Employment and Learning to take the necessary measures to protect agency workers.

*Motion made:*

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

## ADJOURNMENT

### Apprenticeships in Foyle

**Mr Deputy Speaker:** The proposer of the debate will have 10 minutes in which to speak. Depending on how many other Members wish to speak, they will each have approximately eight minutes. The Minister will speak for the last 10 minutes of the debate.

**Ms Anderson:** Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to speak on the important subject of apprenticeships. During a visit to FG Wilson in December 2007 the Minister for Employment and Learning, Sir Reg Empey, described apprentices as the lifeblood of the economy: I could not agree with him more. However, that lifeblood is being drained from my constituency, Foyle, because of the concentration of apprenticeship training that is being located away from the region.

In recent years, many of the major level 3 training programmes have been lost to Derry. For example, the contract to provide electrical training was awarded to a company in Ballymena; plumbing training was awarded to a company in Belfast; and mechanics and motor-vehicle training was awarded to a company that is now based at Mallusk.

When the contract for mechanics and motor-vehicle training was awarded, the successful company, Carter and Carter Group plc, did not even have premises in the North of Ireland. Does the Minister believe that Carter and Carter Group plc is in a better position to deliver mechanics and motor-vehicle training than the North West Regional College, which was unsuccessful in its bid? I appreciate that the decision was made during direct rule. However, the Minister has a responsibility to confront the ongoing legacy that such decisions have created.

In particular, he must deal with the deeply concerning issue of Carter and Carter Group plc. I draw his attention to an article that appeared in the 'Guardian' newspaper in December 2007, which reported that the company faces debts of more than £130 million and that an auditor is investigating the falsification of its records.

Is that really the type of company with which we should entrust the future of our young people? In order to prevent that from ever happening again, there must be a fundamental review of the procurement process that is used in the Department's Training for Success

scheme. Furthermore, I and my party colleague Raymond McCartney have already written to the Comptroller and Auditor General to ask him to investigate the procurement process which allowed that to happen.

Is the Minister in a position to publish the report that was commissioned by his Department into the impact on north-west school-leavers of the pilot scheme that is run by a Ballymena electrical training company? I am sure that if he has the report, he will publish it — Members would like to learn about it. That scheme informed much of current policy. However, we are still to see the details of that report, despite previous assurances that it would be available in April 2007. It would be welcome if the delivery of that report could be speeded up.

Action is needed now. Otherwise, ever more vital training programmes will be lost to areas such as Derry, while the future of ever more of our young people could be placed in the hands of companies such as Carter and Carter Group plc.

There is no doubt that the Department's Training for Success programme has the potential to deliver for the young people of the North. However, it must deliver for them all, and not just for the few. As part of the Stand Up for Derry campaign, I have argued for an end to the neglect that the north west has endured for so many decades. For too long, the young people of my city have been denied an equal right to employment. Are we now also to deny them the right to training?

The young people of my city desperately want to work. They want to learn and to secure apprenticeships as a means of securing a better future for themselves and their families. How can they do that if they are forced to travel to Belfast, Ballymena or anywhere else in the North on a trainee's wage? That is impossible.

The draft Programme for Government and investment strategy commits the Executive to creating 6,500 new jobs by 2011 and delivering £18 billion of investment during the next decade. Those are laudable aims. However, those jobs and that investment must be for the benefit of all of the people who reside in the North. That means that all young people should have equal access to apprenticeship training. After all, it is they who will build the better future that we want to see. We in the Chamber are merely laying down the foundations for that.

The Executive have also committed themselves to eradicating the scandal of fuel poverty and, in particular, child poverty, by 2012. Again, those are laudable aims. It is the responsibility of all Departments to play their part in achieving those aims. However, nowhere is the problem of child poverty more acute than in my constituency. In Derry, 36% of children are living in poverty, compared to the North's average of 24%. The

highest child mortality rate is also in the Western Health and Social Services Board area. Derry has the highest proportion of young people who leave school without any qualifications.

The people of my city, particularly the young, have been failed for generations. They must not be failed by the current Executive, or the Assembly, any longer. In this new dispensation, we have the opportunity to reverse the failures of the past. Unless we constructively address issues such as the provision of apprenticeships, we will continue to fail the people, particularly the young people, of Derry. We will also fail to achieve the goals that have been set out in the draft Programme for Government.

Therefore, I repeat my plea to the Minister to stand up for the young people of Derry and for all our young people. I urge him to give them a chance at the better future that each and every one of them deserves. Go raibh míle maith agat.

4.30 pm

**Mr Durkan:** I congratulate Martina Anderson on securing this debate on a very important issue. It is important to consider not just the Foyle constituency, because the platform on which the Training for Success policy has been pursued is giving rise to serious issues elsewhere. The problems are most acutely felt and demonstrated in the north-west, particularly because of the switch in the Electrical Training Trust (ETT) contract. Approaching private firms to provide training — supposedly in the name of producing employer-led apprenticeship schemes as opposed to the earlier models — will result in uneven access to apprenticeship opportunities. Uneven access means unequal opportunities.

The decline in numbers, not just in Derry but in other districts, is apparent from the figures — particularly the ETT figures. Since the introduction of the new format there has been a significant reduction in the numbers undertaking electrical training apprenticeships. A clustering effect is evident: apprenticeships doughnut around providers. There is a fireside effect: the closer people are to the fire, the more heat they feel; those further away feel the draught. That creates inequality. That is a problem, not just for the young people who are looking forward to apprenticeships, but also for training providers who have supplied effective and efficient high-performance training and apprenticeships in the past, not least, as Martina Anderson said, the North West Regional College, formerly the North West Institute.

It also creates problems for employers and firms. We must remember that electricians, electrical technicians, plumbers and mechanics have not only learnt their trade and become employees, they have often become self-employed. They in turn often form



their own companies and employ others. A significant drop in the numbers taking up apprenticeships — almost to the point of extinction — will have a knock-on effect. There will be a shortage of self-employed people and fewer companies being created in certain areas. Those areas will have fewer firms that can compete for subcontracts in public or private procurement projects, never mind the main contracts. Multiple inequality issues arise.

I accept that this policy began before devolution was restored, but if the Department's emphasis is supposed to be on employer-led schemes, what happens in areas that do not have significant numbers of employers or where firms are not large enough to meet the criteria for employer-led schemes? Firms in those areas cannot participate in apprenticeship schemes, and young people in those areas are denied the opportunity to join those schemes. In the name of employer-led schemes, the Department must take account of the scale and capacity of employers and where they are located; it must introduce schemes that meet their needs. That approach would be fairer to them, to their areas and to the young people who live in those areas.

The Department for Employment and Learning must move quickly on this matter. We have waited a long time while reviews and studies have been carried out. I do not blame the Minister; I understand that the work has not been completed. However, an appraisal of the impact of the switch in the Electrical Training Trust contract case has been a long time coming, as has an examination of the wider equality implications. The Department should not go any further down that road until it is able to say that it knows what has happened and why, and has corrective plans.

**The Chairperson of the Committee for Employment and Learning (Ms S Ramsey):** Go raibh maith agat, a LeasCheann Comhairle. I congratulate and commend Martina Anderson for securing this debate. Although the Committee for Employment and Learning has been examining the general issue of apprenticeships, it has not specifically considered the situation in the Foyle constituency or the wider north-west area. The Minister will probably refer later to a report commissioned from PricewaterhouseCoopers, 'Modern Apprenticeships in the North West: Understanding Demographics/Trends to Date and Forecasting Future Scenarios'. That is a long title, but I wanted to read it into the record. The report has been finalised in the past few weeks, but, for the record, I and other Committee members received it only yesterday, and I have not had a chance to examine it.

There is enormous interest among Members in the subject of apprenticeships, as evidenced by this debate and a motion to be proposed next week by Jim Shannon on the broader issue of apprenticeships in

manufacturing. My Committee is considering the issue through the monitoring of the Department's Training for Success programme, which has replaced Jobskills. We are examining the early roll-out of the programme, and we will report our findings to the Assembly after the Easter recess.

To date, the Committee has focused on assessing departmental views on the roll-out of the programme. We are now moving to the critical phase of establishing sectoral feedback. Tomorrow, the Committee will take evidence from the engineering and utility sectors. Next week, we are due to hear from representatives of the construction sector. Their evidence will be crucial to our inquiry, because they have already been quite vocal about the problems that have arisen with the apprenticeships.

I urge Members who have an interest in this subject to keep an eye on the Committee's agenda. As I said, the Committee will make its formal report on the issue as soon as its monitoring of the Training for Success programme has been completed. Go raibh maith agat.

**Mrs M Bradley:** My party is no stranger to the subject of this debate; our party leader has been working with the local victims since the beginning of this saga.

Employer-led schemes have had a primary role in the equation for many years. However, the current situation begs many questions. The North West Regional College has been synonymous with thousands of young men and women who took up vocational apprenticeships in order to equip themselves with a trade from which to make a living. Now, however, all that has been stripped away from the college, which is well-equipped and well-prepared to train young people, and which has a proven track record.

The college has made major investments in premises and equipment to allow it to deliver training of the highest standard. Nevertheless, a company that had not met any of the required criteria was awarded a contract by Departments headed by direct rule Ministers. That company has no staff or premises in Northern Ireland, let alone Derry. I understand that, at one stage, it had aspirations to buy Blackwater House, a training company based in Mallusk, so I can only assume that aspirations beat physical actualities when it comes to awarding the criteria points that ultimately win contracts. That situation must be reassessed; our city deserves better, and our young people deserve better opportunities.

When the shirt factories in Derry closed down, training programmes were introduced in order to help people to get on in life and learn another trade. That is not happening as it should, and the situation must be re-examined. We await the result.

**Mr P Ramsey:** Like Mark Durkan, I commend Martina Anderson for securing the debate, and I welcome the Minister for Employment and Learning.

Talking to young people in Derry who are around school-leaving age can be a tremendous boost. They have an uplifting wit, imagination and optimism. In most cases, our young people have enjoyed their schooling and have benefited from the hard work that people from the community sectors have done, such as providing local youth clubs. The city is bursting with a willingness to learn. Previous parliamentary questions show that self-funded night classes at Magee College are rapidly developing, particular in technology-related subjects. There is a thirst in the city for success and to get ahead.

However, for many school leavers, progress is very difficult, despite their optimism. Ideally, school leavers who do not want to go into academic study should have the opportunity to begin serving their time in comprehensive, internationally recognised apprenticeship schemes. Their disappointment, loss of place in society, and the barriers that prevent many of our young people from contributing can create terrible frustration, resentment and disillusionment. Every town and city in the North will witness young people who have no stake in society drifting towards drink and trouble. Many young people do not know how to become adults because they are disconnected from their role models.

Everyone should be able to excel in activities that allow them to earn a living. That is the natural way of things, and we must recreate the circumstances that allow that to happen. Traditionally, people were encouraged to learn skills; it was their duty to become the best that they could so that they could contribute to their community and earn a living. Since the industrial revolution, an apprenticeship-led scheme was the rite of passage from childhood to adulthood for many people. Not only could young people learn job skills, but they learned how to be an adult. We must get back to basics and build properly resourced Government training centres, where people can undertake one or two years of rigorous training. I am confident that, after such training, those people would be snapped up by employers who could put their skills to much more productive use.

The current apprenticeship training system has been of great concern to the SDLP. As Mary Bradley mentioned, our colleague Mark Durkan has asked questions on the subject in the House and, prior to devolution, in the House of Commons. The system is wasteful; it excludes those who are from areas of high unemployment and those who are over the age of 24.

Change should take place in three areas. First, the current practice of outsourcing training is a barrier. In some cases, training is outsourced from either first- or

third-year apprenticeships to suppliers that often are not even local companies. It is difficult to understand the point in giving business to a private company that is not from Northern Ireland, given that it will then subcontract our regional colleges to do the same work. Why are we throwing our money away? I reiterate Martina Anderson's point that the North West Regional College was overlooked in its bid to provide training schemes. Almost £1 million was invested in a mechanical engineering workshop at that college, but it is now lying dormant. It is a crying shame because that centre of excellence could be used in a much more productive way for young people. I ask the Minister to comment on what future use will be made of that workshop for our young people.

Secondly, the insistence that apprentices have an employer mitigates high levels of unemployment in regions that have a low economic activity base. However, that rule not only disadvantages individuals, but exacerbates the shortage of those skills that are necessary for new business and new product development. That is the reason that it is important to build a network of Government training centres. I declare an interest as I served my time in the 1970s as an apprentice in some of the training centres in Derry, which provided both excellent work and the opportunity for people to develop skills that they would not otherwise have had. Such centres can fast-track apprenticeship courses through intensive training schemes that are similar to the successful models of the 1970s and 1980s.

Thirdly, why is there an age limit of 24 to qualify for Training for Success? Why should an unemployed person of 25 or older not be facilitated in learning how to be a bricklayer or a plumber, or whatever he or she wants to be? There should be no artificial age limit.

Those three barriers are artificial, and, through our institutions, we should remove them. If we can get properly funded Government training schemes operating, allowing people of all ages to participate and without the prerequisite of needing to be employed — as is the case for school leavers and people who are long-term unemployed — we can make inroads into renewing economies and transforming lives and communities.

The Assembly can raise the heads of young people so that they retain their optimism after leaving school. By doing so, the Assembly can re-engage with an entire section of society that feels excluded.

*4.45 pm*

I call on the Minister for Employment and Learning to engage in a partnership approach with employers and unions to ensure that all young people, no matter where they are from, have an opportunity to take up proper apprenticeships. That will give them a chance to move from childhood to adulthood while still fully

engaged with society. I also ask the Minister to ensure that retraining through apprenticeships is available to people at any stage of their careers.

**The Minister for Employment and Learning (Sir Reg Empey):** I thank Members who arranged and participated in today's Adjournment debate. I want to deal with a couple of matters before replying to the debate.

Mr Ramsey mentioned that the North West Regional College is not currently in use. I will look into that matter and write to the Member in due course. Mr Durkan raised the issue of the "doughnut" or clustering effect of apprenticeships. My Department will look out for evidence of that as it assesses how the Training for Success programme is being rolled out. I listened carefully to what he said on the subject.

The Member who tabled the subject for debate and all Members who spoke today are clearly concerned lest the area that they represent becomes disadvantaged. The background to, and context of, the current situation is that it is an inherited arrangement. It arose largely because of the report by the Select Committee on Northern Ireland Affairs that severely criticised the Jobskills programme. Among the many criticisms was the fact that employers were exploiting the workers by using them for 12 months before dumping them.

The procurement process is run through the Department of Finance and Personnel's Central Procurement Directorate. People have asked whether it was necessary for the Carter and Carter Group plc to have premises before starting the training programmes. The answer, under the procurement rules, is no. I, and many others, asked the question. Everything was done in accordance with DFP rules, and the Carter and Carter Group plc was not the only company in that position.

As I recap on the debate, I hope to pick up most of the points that have been made. I will try to catch up later on anything that I miss.

My Department is totally committed to apprenticeships, which constitute the main vehicle that supports business, industry, employers and the economy. Every year, apprenticeships help many young people to move from education into the world of work. Pat Ramsey made a good point about adult apprenticeships. However, the financial dimension must be considered. The Department wants to provide many more apprenticeships and is currently considering what can be done, but the recent comprehensive spending review has had an impact on spending. However, the Department is aware of the issue of adult apprenticeships because many people have highlighted it.

Apprenticeships provide people with training to develop the technical skills and knowledge that they and their employers need. The type and number of apprentices who need to be trained each year will be

determined by the demand from business and industry. The responsibility is not exclusive to the Department: employers must also have a role. They must invest in apprentices, and they must understand that there is a link between helping young people to progress and enjoying long-term success as companies. Some companies tend to hope that an apprentice will turn up on a given day and that the Government will provide his or her training. I am sorry, but the employers must play their part.

In the past year, my Department spent £51 million on vocational training, £12 million of which was specifically dedicated to supporting young apprentices and their employers. The balance of the money was used to prepare young people for work and to help them progress to training as apprentices, because some required basic, essential skills before their apprenticeships could begin.

Health and safety is a major issue that must be dealt with before apprentices can work in certain sectors, particularly in construction.

Over the past few years, the Department's flagship training scheme — Jobskills — received a poor press, and I refer to that because of the Westminster Public Accounts Committee's report of 2005. The new training product responds largely to that report. We have our differences about the degree to which we might have responded, and the manner in which we would have responded, but we are where we are. Training for Success offers a new approach to skills training, ensuring that people are actually employed. Skills training is at the heart of what is on offer.

The apprenticeship programme remains virtually untouched. It was working well, and there was no need to change it. Indeed, we have built on its sound foundations and enhanced it with the introduction of level 2 apprenticeships.

The Department has set itself the challenging target of having 10,000 apprentices on the programme by 2010. Last year, more than 6,000 people joined the programme, and the indications are that this year's intake — although down a little on last year — will increase significantly, year on year, as the new provision beds in. However, the numbers that enter apprenticeships are entirely determined by employers. It is they who employ apprentices and offer them the opportunity to train. The introduction of training provision is required to renew contracts for the delivery of training by further education colleges and other training organisations. The Department is required to comply with Government accounting and procurement procedures, under strict guidance from the Department of Finance and Personnel's procurement directorate. The tendering process was completed in May 2007.

I am aware of the concerns that have been raised about the apparent decline in apprenticeships in the Foyle area. My officials have met with public representatives and council officials to discuss apprenticeships and to hear concerns about the contracts awarded to the Electrical Training Trust and, more recently, to Carter and Carter Group plc. The Electrical Training Trust is by far the most successful scheme. It has an 85% success rate, which is top of the line. Some Members are concerned that its headquarters are in Ballymena, but it is not necessary for the courses to be held there. The examinations are held there, and they take about three days. If there is sufficient demand in the city, and if at least 12 people wished to take the course, training could take place there.

There is a particular issue about the numbers of trainees at the moment, but, as the Member for Foyle Mr Durkan has said, in previous times the city was well ahead. Its figures are still above average, but in that particular discipline it is not doing so well. However, that can be remedied. The college could provide training on its premises in the city if there were enough trainees — probably more than 12 would be sufficient.

On a regional basis, the north-west has experienced some of the lowest levels of apprenticeships, but Foyle has one of the highest levels. Up to 2002-03, the four-year funded route, that is, the achievement measurement 2 (AM2) skill test, has been running at double the Northern Ireland average. Although that figure has declined since 2003, it is still above the Northern Ireland average.

Reference has been made to a study that was carried out by PricewaterhouseCoopers. A copy of that report will be placed in the Library today, so that Members can study it and make their own determinations. I am monitoring the Carter and Carter Group plc situation on almost a daily basis.

The Education and Training Inspectorate is in constant contact with providers in order to monitor the standards of the contracts as they are implemented, and that applies in this case. I can confirm that the Department has prepared contingency plans in the event of there being any specific difficulty with Carter and Carter Group plc. Although its shares have been suspended, it is still a legally trading company and is still honouring its contracts. The Department can act only if the company defaults on those contracts. The report is in the Assembly Library, and I ask Members to read it to see whether they feel that it contains sufficient information to make a judgement.

The Department is totally committed to the apprenticeship model, is looking closely at adult retraining and is fully aware of the concerns that exist in Foyle. I assure Members that my Department's task, and that of the

Education and Training Inspectorate in advising us, is to ensure that standards are high, and are maintained high, everywhere in Northern Ireland, which, of course, includes Foyle.

*Adjourned at 4.56 pm.*