



Northern Ireland  
Assembly

# Official Report (Hansard)

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Sugden, Ms Claire (East Londonderry)  
Swann, Robin (North Antrim)  
Weir, Peter (North Down)  
Wells, Jim (South Down)

# Northern Ireland Assembly

Tuesday 12 January 2016

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

*Members observed two minutes' silence.*

## Assembly Business

### Plenary Business: 11 January 2016

**Mr Speaker:** As all business on yesterday's Order Paper was considered, we will move on.

### Committee Membership

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

*Resolved:*

*That the Social Democratic and Labour Party membership of Assembly Committees be changed in accordance with the proposals laid in the Assembly Business Office by the party on 11 January 2016. — [Mrs McKeivitt.]*

## Ministerial Statements

### North/South Ministerial Council: Plenary Meeting

**Mr M McGuinness (The deputy First Minister):** Go raibh maith agat, a Cheann Comhairle. In compliance with section 52C(2) of the Northern Ireland Act 1998, we wish to make the following statement on the twenty-first meeting of the North/South Ministerial Council (NSMC) in plenary format, which was held in Armagh on Friday 11 December 2015.

The Executive Ministers who attended the meeting have agreed that we can make this report on their behalf. Our delegation was led by the then First Minister and me. In addition, the following Executive Ministers were in attendance: Minister Bell, Minister Farry, Minister Ford, Minister Foster, Minister Hamilton, Minister McIlveen, Minister Ní Chuilín, Minister O'Dowd, Minister O'Neill and junior Minister McCann. The Irish Government delegation was led by the Taoiseach, Enda

Kenny TD. The following Irish Government Ministers were also in attendance: Tánaiste and Minister for Social Protection, Joan Burton; Minister for Foreign Affairs and Trade, Charles Flanagan; Minister Bruton; Minister Fitzgerald; Minister Reilly; Minister Donohoe; Minister Humphreys; Minister of State Hayes; and Minister of State McHugh.

At the start of the meeting, the Council discussed the tremendous achievement of Professor William Campbell, who had been awarded the Nobel Prize in Medicine the previous day, and it extended its congratulations to him.

Ministers then went on to discuss the recent Fresh Start Agreement and the work to be undertaken by officials to review North/South infrastructure projects. In addition, the Council welcomed the commitment in Fresh Start to tackle paramilitarism, criminality and organised crime and to bring to justice those involved.

We then moved on to the main agenda, which opened with a discussion on the financial and economic challenges faced within each jurisdiction and the work being taken forward in each jurisdiction to promote economic growth and employment. The importance of tourism, trade and investment and of supporting companies accessing overseas markets was recognised. We are all pleased to see that economic recovery is under way, but we must not be complacent and we must ensure that the conditions are right to support growth.

We then moved on to talk about EU matters, in particular how we can work together to maximise the drawdown of EU funds. Discussions are continuing at the North/South Ministerial Council sectoral meetings on identifying opportunities for collaboration to draw down EU funding. Those discussions will continue throughout the next round of meetings.

The Council noted that, under the EU's Horizon 2020 programme, €19.36 million was secured in the first year for specific joint projects involving both jurisdictions. Horizon 2020

provides a huge opportunity for both jurisdictions to work together to draw down funding, and it is good to see the work being done by InterTradelreland and others paying dividends.

The INTERREG and Peace programmes have been very important to us over the years, and the new programmes will be no exception. The Council welcomed that INTERREG VA has now opened for funding calls, and it noted that the Peace IV programme was recently adopted by the European Commission. The Council agreed that it will consider a further update on EU matters and funding opportunities at a future meeting.

The Council then approved the appointment of chairpersons, vice-chairpersons and members of the boards of the North/South implementation bodies and directors of Tourism Ireland Limited. Ministers expressed their appreciation for the work of outgoing board members.

The Council then received an update on the work that is ongoing across the various NSMC sectors. Ministers noted that meetings had taken place in the language, inland waterways, aquaculture and marine, tourism, trade and business development and the Special EU Programmes Body sectors since they last met. The Council was advised that the process of finalising 2016 business plans and budgets for the North/South bodies is under way and that they would be presented to the North/South Ministerial Council at the earliest opportunity.

The next item on the agenda was sectoral priorities, and the Council noted the position on those and the ongoing review of work programmes at sectoral meetings. An update was then provided on the north-west gateway initiative. The Council noted the continued engagement between officials from the Department of Foreign Affairs and Trade and the Office of the First Minister and deputy First Minister with regional stakeholders regarding the direction and priorities for the north-west. Ministers also noted the work done by Donegal County Council and Derry City and Strabane District Council to produce a collaborative framework aimed at placing cross-border cooperation on a more formal basis within local government structures. The Council was advised that that framework allows for the development of priorities for the north-west in cooperation with central government, consistent with the aims of the north-west gateway initiative.

The Council then welcomed the commitment of the Irish Government to provide €2.5million to the north-west development fund to support the north-west gateway initiative. That will be complemented by matching funding from our Executive. The Council was advised that, despite the recent postponement, both Governments are committed to a meeting of Ministers from both jurisdictions to take place in the north-west. Ministers then noted the current position on a North/South consultative forum.

The meeting ended with the Council approving a schedule of NSMC meetings proposed by the joint secretariat, including the next plenary meeting in June 2016.

**Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister):** Thank you very much, Mr Speaker, and good morning to you.

I thank the Minister for his statement. Paragraph 14 refers to:

*"appreciation for the work of outgoing Board members."*

The Minister will be aware that there was something of a cull of Ulster Unionist nominees. That is an observation, not a complaint, from me. Is he aware that one outgoing board member became aware of their fate only when an erstwhile colleague telephoned to sympathise? Is that how we do business as a devolved institution?

**Mr M McGuinness:** I am totally unaware of telephone conversations that took place between colleagues. The position is that the Executive provide nominations for half the board members of the North/South bodies. The Ulster Unionist Party is no longer a part of the Executive and was not involved in the nomination process. The Executive, at their meeting on 10 December, agreed the process for allocation of appointments to maintain the nationalist/unionist balance on the boards of the North/South bodies.

**Mr Frew:** Paragraph 7 states:

*"the Council welcomed the commitment in 'Fresh Start' to tackle paramilitarism, criminality and organised crime and to bring to justice those involved in it."*

Will the deputy First Minister make a fresh start today and welcome the trial and conviction of Mr Murphy, or does he believe, like his leader, that Mr Murphy is a good republican?

**Mr M McGuinness:** As the Member knows, we were involved in extensive discussions prior to Christmas to conclude the Fresh Start Agreement. We did that, and I noted that, yesterday in the Assembly, the leader of the Ulster Unionist Party seemed to take great pride in the fact that not only had it and the SDLP not signed up for the Fresh Start approach but that they had rejected the Budget. Fortunately for us as a society, the DUP and Sinn Féin engaged in a very serious negotiation that was about tackling criminality and armed groups and those involved in them. We absolutely support the institutions that are charged with taking forward the work of tackling organised crime: the gardaí and the PSNI.

How that is done in individual matters is the responsibility of the courts and the police services, North and South. The issue that the Member mentioned was not discussed at the North/South Ministerial Council. Our responsibility was to deal with a combined approach. Fortunately for us, in tackling the issue of criminality, whilst we do not have the support of the Ulster Unionist Party and the SDLP, the DUP and Sinn Féin, with the support of the Irish and the British Governments — it appears that we also have the support of the United States Administration and the European Union — still have a very strong hand to play in how we bear down on those who would try to use the current situation to feather their own nests.

My party, the DUP and, I presume, parties that did not sign up to the agreement are opposed to organised crime, and I think that the best way for all of us to proceed in how we deal with that is to take a united approach. I hope that, at some stage in the future, the Ulster Unionist Party and the SDLP will see the wisdom of working with the rest of us to ensure that we are successful in what we are trying to do.

**Mr Flanagan:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. Is the Council aware of the stark financial difficulties facing Waterways Ireland as a result of not only sustained budget cuts but the currency fluctuation because of the weakened euro? Let me point out some of the figures: compared with 2013, the 2014 budget was down by €290,000; and, in 2015, it was down by €875,000, solely because of the weak euro. Was that matter discussed? What potential solutions may ensure that Waterways Ireland is returned to a sustainable financial footing?

**Mr M McGuinness:** The fluctuation of the euro was not discussed at the meeting.

Obviously, it does represent a serious challenge, given the fact that the euro has been very weak over recent times. I note that it has strengthened over recent days. Certainly, on foot of the Member highlighting this, we can give it further consideration.

#### 10.45 am

It is important to point out that the work of Waterways Ireland is nearing completion, including the dredging of the River Finn between Upper Lough Erne — that will be of interest to the Member — and Castle Saunderson as part of phase 1 of the restoration of the Ulster canal. Design plans for the new bridge at Derrykerrib are also at an advanced stage. I understand that there are some contractual issues with the site that, combined with high water levels, have led to delays. However, Waterways Ireland is working with local councils and other interested parties to secure EU funding under the INTERREG sustainable transport programme. The proposed greenway would run from Smithborough village to the Monaghan town greenway and on to Armagh. The point that the Member raised is important and will be considered by the Council.

**Mr A Maginness:** I thank the deputy First Minister for his detailed statement to the Assembly on the meeting.

First, the institution is very important: it is vital to the development of relationships between North and South. We must all work very hard. There is good work here, and everybody involved, and who was at the meeting, is to be congratulated for the work that they did.

The SDLP is fully committed to tackling North/South crime. It is a little bit disingenuous of the deputy First Minister to single out the SDLP and suggest that we may not approve of that. In relation to North/South crime, what practical steps does the deputy First Minister see arising out of the cooperation that is clearly envisaged between North and South, and was there any discussion in the Council meeting of what practical steps could be taken by the gardaí and the PSNI?

**Mr M McGuinness:** In my earlier remarks, I made it clear that I recognised that all parties in the Assembly were opposed to organised crime; but the reality is that the Ulster Unionist Party and the SDLP came out against the Fresh Start process. I see the leader of the Ulster Unionist Party shaking his head, but he made the point yesterday in his contribution to the

Assembly. I am quoting him, I hope, accurately. If I am wrong, no doubt it will be pointed out to me at a later stage. That was my interpretation of what was said yesterday.

I agree with the Member for North Belfast that the North/South Ministerial Council is a very important element of the Good Friday Agreement and, indeed, the St Andrew's Agreement. I want to pay tribute to him as an outgoing Member of the Assembly. When questions are being asked and reports are being given about the North/South Ministerial Council meetings, he has consistently been here, consistently recognised the importance of the institution and asked important questions.

His question today relates to the practical issue of what we are doing to tackle criminality. The Fresh Start Agreement and implementation plan announced the establishment of a joint agency cross-border task force to be led by senior law enforcement officers from North and South. The task force will target cross-border organised crime, including by armed groups. It consists of a strategic oversight group and an operations coordination group and will be jointly chaired by the PSNI and An Garda Síochána. High-level targets have already been set in the terms of reference, and more detailed targets will set by the law enforcement groups.

A trilateral meeting at which the setting up of the task force was agreed took place on 21 December at Farmleigh in Dublin. The First Minister and I, along with the Justice Minister, attended that meeting. That clearly shows that there is high-level interest in tackling a serious problem for our society on an all-Ireland basis. We intend to continue to focus on ensuring that the PSNI and the gardaí have all the support that they need, including financial support. We are committed to tackling organised crime and have set aside £50 million to do so over the next five years.

**Mr Dickson:** I thank the deputy First Minister for his statement to the House. Deputy First Minister, I refer you to paragraphs 9 to 12, which deal with EU funding opportunities. The Prime Minister announced that there will be a referendum on whether this part of the United Kingdom, as well as the rest of it, should withdraw from the European Union. I am an avowed supporter of the EU and think that the United Kingdom is best in the EU. What action will the North/South Ministerial Council take to ensure that that message gets across and that the benefits of EU membership continue, North and South?

**Mr M McGuinness:** I wholeheartedly agree with the Member. My party is very strongly in favour of the continuation of the European Union and of our involvement in it. The consequences of withdrawal for the island of Ireland, North and South, would be very dramatic and damaging.

How this is taken forward is very much in the hands of the Conservative Government and David Cameron. David Cameron's latest remarks last Sunday on 'The Andrew Marr Show' indicated that he was seeking changes and that, if he got them, he would argue very forcibly to stay in Europe. The issue is fraught with all sorts of dangers and difficulties. I have said before that the danger is that the Conservative Administration are sleepwalking into a referendum that could lead to an exit from the European Union. That would be unacceptable to the Scottish and Welsh Administrations, and the vast majority of people in the North of Ireland would be opposed to it. The new leader of the Democratic Unionist Party said yesterday that the party will consider all this in the time ahead and state its position as things become clear. We await the outcome of that. All parties are entitled to have their own positions on these matters, but we have benefited tremendously from the connection with Europe and do not want to miss out on future funding opportunities.

**Mr Lyons:** Most people understand the importance of North/South cooperation and the opportunities that can come from collaboration in areas of mutual interest. However, in light of the reform that has taken place here, does the deputy First Minister believe that it is time to review how we conduct North/South business? Is this the most effective way to have cross-border cooperation? Is it best for our citizens? Is he prepared to consider that there might be a way to improve how we do business, or does he think that that is unreasonable?

**Mr M McGuinness:** It is not unreasonable at all. We continually need to look at how we can improve our performance because, as the Member correctly said, it makes sense for all of us, North and South, to work for our mutual benefit. Our ability to do so without infringing on anybody's political allegiances is very important. Given that we are such a small island and that our fortunes are so inextricably linked, it is important that we continue to develop all-island approaches to get economic prosperity for all our people.

The Member is absolutely right: we need to look at performance consistently to see how we can improve it and empower different Ministers.

Our economic Ministers, Health Ministers, infrastructure Ministers and Agriculture Ministers are working closely to ensure that we get the best advantage from our connection with Europe and do so by continually improving relationships between Departments and people, North and South.

**Mr Allister:** I return to paragraph 7 and its reference to paramilitarism. Can the deputy First Minister, without his usual recourse to obfuscation, tell us if he now accepts that the IRA still exists, still has access to arms and is still involved in criminality, as the government panel found? Does he now accept that, or is he still in denial?

**Mr M McGuinness:** I know that there is always a temptation for the Member who has spoken to continually try to drag up the IRA as some sort of threat to the work that we are doing in the peace process: of course, the reality is that the IRA has left the stage. I think that the role that I have played and that my party leader Gerry Adams has played have been very important in ensuring not alone that we empower politicians to take decisions about the way forward but that we make it absolutely clear that we are totally opposed to the existence of any armed groups whatsoever and the activities that those armed groups may be involved in.

The work that we have committed ourselves to through the Fresh Start Agreement commits us to tackling armed groups, tackling those who would attempt to plunge us back to the past and tackling those who are trying to feather their own nest. It also commits us to working in very strong cooperation with other parties in the Assembly, with the political parties in the South and with the Ministers charged with responsibility for security, as well as the PSNI and the gardaí. My determination to be part of that cannot be challenged by anyone and certainly not by the Member for North Antrim.

**Mr Allister:** Same old, same old obfuscation.

**Mr Speaker:** Order. That concludes questions on the statement.

**Mr Nesbitt:** On a point of order, Mr Speaker. The deputy First Minister appears confused in his understanding of my remarks yesterday. For the record, what I said was that two of the four parties of the Executive had rejected the Fresh Start Agreement. The deputy First Minister will be aware that the Ulster Unionists are no longer in the Executive, so, when he mentioned the SDLP and the Ulster Unionists,

he should have referred to the SDLP and the Alliance Party.

**Mr M McGuinness:** Will the Speaker allow me to continue?

**Mr Speaker:** Yes.

**Mr M McGuinness:** What is the position of the Ulster Unionist Party on the Fresh Start Agreement? Are you for it or against it?

**Mr Speaker:** I will halt that discussion at this point, as we are dealing with questions. I think the Member's point of order is entirely valid, and I am sure that he and the deputy First Minister will be able to come to a complete understanding of what the actual situation is.

## Further Education Strategy

**Dr Farry (The Minister for Employment and Learning):** Today I launch the new further education strategy for Northern Ireland: Further Education Means Success. The policy commitments I am outlining today and the steps we will take to implement the new strategy will enable colleges to build on the groundbreaking achievements of the sector over the past decade. In particular, the strategy will ensure that colleges continue to fulfil the important dual role of helping to develop a strong and vibrant economy and supporting social inclusion. The strategy will also enable further education to be recognised as an equal and valued pillar of the education system, alongside higher education and the statutory school system.

My Department's skills strategy has, as one of its key aims, the aspiration to enable people to access and progress up the skills ladder, in order to raise the skills level of the whole workforce, raise productivity and secure Northern Ireland's future in the global marketplace. Consequently, my top priority as Minister for Employment and Learning has been to transform our professional and technical education and training system, in order to provide the most effective support for the growth of our economy and to provide learning pathways that enable local people to reach their full potential. Further education sits at the centre of the professional and technical education and training system, delivering provision from entry level to level six to a very wide range of learners with different needs and aspirations. That provision is delivered through mainstream further education programmes, and through apprenticeships and training programmes.

## 11.00 am

In 2014, I launched a review of further education in Northern Ireland, and, on 2 July 2015, my Department published a consultation document on the development of a further education strategy for Northern Ireland. The review was wide-ranging in its approach and considered regional, national and international policies and best practice to inform a number of policy commitments. It also included an underlying evidence base setting out the economic and social context that is specific to the further education sector; desk research of the key literature and research papers; an analysis of the best practice that is present in our further education colleges and in colleges in other parts of the world; a detailed statistical analysis of further education activity; and consultation with key stakeholders.

There were 45 responses to the consultation, which closed on 2 October. They were received from a variety of sources, including employer representative bodies, voluntary and community groups, training organisations, district councils and colleges themselves. Overall, the responses received were very positive and supportive of the policy commitments in the consultation document. Of those who completed the consultation questionnaire template, almost 80% either strongly agreed or agreed with the questions posed, with just under 6% disagreeing or strongly disagreeing. In particular, there was consensus that colleges should have a strong focus on provision that contributes most to rebalancing and rebuilding our economy. However, there was also extremely strong support for the dual role for colleges that I mentioned and, consequently, the need for colleges to support social inclusion, for example, by continuing to offer provision at all levels of study and in all sectors of the economy.

Before I talk about the way forward for the sector, I would like to highlight some of its most notable achievements. In recent years, colleges have undergone a remarkable transformation in the support they provide to employers and the quality and economic relevance of the provision they deliver to individual learners. The most visible change has been the creation of six large regional colleges, which has been accompanied by capital investment of almost £250 million over the past ten years to ensure that a modern, state-of-the-art learning environment is available to students.

As well as delivering a curriculum that is more focused on the needs of the economy, colleges

have supported over 10,000 employers to upskill their workforce and to be more innovative through the Skills Focus and Innovateus programmes that are funded by my Department. Colleges have also played an increasingly important role, along with Invest NI, in attracting inward investment to Northern Ireland, particularly through the Assured Skills programme and the highly innovative academies that have been developed to enable colleges to respond very quickly to the needs of specific employers and sectors. Colleges have also improved quality in all aspects of their provision, and this is demonstrated by the fact that learner achievement rates have increased dramatically from 80% in 2010-11 to almost 90% in 2014-15.

Our economy has changed considerably in recent years, with current and future jobs requiring increasingly high levels of skills and a breadth of knowledge. Over the next ten years, the pace of change will accelerate, driven by globalisation, advances in technology, new business models and rapidly changing consumer needs. In particular, the planned introduction of a reduced rate of corporation tax has the potential to invigorate our economy. These developments will lead to substantial changes in the world of work. The further education sector has a clear and unrivalled role in responding to the changes in work through the development of innovative, flexible and economically beneficial programmes that will meet the requirements for new ways of learning. Colleges will also lead the development of a learning-to-learn and lifelong learning culture in Northern Ireland. Further education college staff will have a critical role to play in working with employers and other key stakeholders to develop qualifications and programmes of learning. They will be represented on the strategic advisory forum and will have a particularly prominent role in working with employers and other stakeholders in the sectoral partnerships — structures that I announced as part of the outcome of the reviews of apprenticeships and youth training

One of the key features and strengths of the further education sector is that it is accessible to a wide variety of learners, for example, in different age groups and in the level and type of learning required, ranging from those with no, or very few qualifications to those who are following higher education provision. Further education students come from a variety of backgrounds and have a range of learning, work and life experiences. That diversity strengthens and enhances the learning experience, enables colleges to contribute strongly to integrated education and

demonstrates that colleges can stimulate active participation in learning among the hardest to reach communities.

Colleges will continue to deliver provision of a broad nature to meet the needs of this wide variety of learners and will be open and available to all.

My vision for the further education (FE) sector is that colleges will be recognised locally, regionally, nationally and internationally for high quality and economically relevant education and training provision. They will be focused on achieving excellence in delivering the skills needed for current and future jobs and will be ambitious for their learners and their region and in the contribution that they make to improving the competitiveness of the Northern Ireland economy. Finally, colleges will also have an important responsibility to help to fight poverty and support social inclusion by providing those with low or no qualifications, or who have barriers to learning, with the skills and qualifications that they need to find employment.

To achieve this vision and to fulfil the important but challenging dual role that colleges have to adopt, the future direction for further education will be built around four key objectives. These are ensuring the highest quality provision of learner education and training; developing the talents of those already in work and those seeking to enter employment in order to provide a pipeline of suitably qualified individuals at all levels to meet employers' needs, including indigenous companies and inward investment projects; supporting employers to become more innovative and competitive and to source new markets; and encouraging and supporting the economic participation of those who are furthest from the labour market to the benefit of individuals, the economy and wider society.

The strategy is built around nine themes containing 21 separate policy commitments. Theme 1 — economic development — is the first part of the dual role: the key part that colleges will play in identifying and meeting the skills and qualification needs of employers through a more economically focused curriculum by upskilling employees and supporting employers to become more competitive, to innovate and to source new markets. Colleges will continue to have a key role to play in identifying the skills and qualification needs of individual employers, with a particular focus on the sectors that are important to rebalancing and rebuilding the economy. Working alongside Invest NI, colleges will also have a crucial role to play in

ensuring a pipeline of highly skilled individuals to support inward investment and our indigenous companies.

Theme 2 — social inclusion — focuses on the second part of the dual role: the distinctive contribution that colleges make to providing learners with the knowledge, skills and qualifications required to avail themselves of the benefits of economic participation. Colleges will also support diversity and social inclusion by widening and encouraging participation from the most deprived areas and ensuring access for those with low or no skills or other barriers to learning. In these ways, colleges will provide individuals with the skills and qualifications that they need to gain employment and to become economically active, with all the benefits that this brings to individuals, the economy and society.

Theme 3 — curriculum delivery — emphasises the importance of colleges delivering provision in imaginative, innovative and flexible ways to enthuse and inspire learners. In particular, colleges will make increasing use of technology to engage learners and to enhance the teaching and learning experience. This theme also addresses the importance of individuals developing the important employability skills that are valued by employers — for example, through work-based learning and developing enterprising students.

Theme 4 — excellence — describes how colleges will embed high-quality teaching and enhance how performance is monitored. Excellence will be at the heart of everything that colleges do, particularly in improving the quality of provision that is delivered and monitoring and evaluating the outcomes that have been achieved. College lecturers in Northern Ireland are already well qualified, and this will be enhanced to ensure that they have strong pedagogical skills and up-to-date industrial knowledge in their areas of expertise. The Department and the colleges have a vision to establish Northern Ireland as an internationally renowned centre for excellence in teacher education in professional and technical subjects. The Department and the colleges will also take steps to ensure that meaningful feedback is obtained from learners and employers on the quality and relevance of the services provided to them and that this is used to inform the ongoing quality improvement processes in the colleges.

Theme 5 — college partnerships — details the two aspects of partnership through which colleges will deliver their services to learners, employers and communities more effectively

and efficiently. These are partnerships between colleges themselves and colleges working in partnership with others. Colleges will make use of shared services to enable them to operate with maximum efficiency and will share the excellent practice that is present throughout the sector to enable them to deliver services to learners and employers to the highest standards of quality. Colleges will also work in partnership with other educational institutions, Departments, the new councils and the community and voluntary sector to deliver effectively for the employers, individuals and communities that they serve.

Theme 6 — governance — demonstrates how good governance adds real value and supports effective decision-making in individual colleges. The theme will focus on issues relating to colleges' status as non-departmental public bodies of my Department. In particular, my Department will work with the Department of Finance and Personnel to ensure that colleges can retain income that they are able to generate outside of the funding provided by government.

Theme 7 — the funding model and college sustainability — reinforces the point that how colleges are funded will be an important consideration. Under the funding theme, the current model will be reviewed to ensure that it supports the strategic direction set out in the new further education strategy. Given that the new apprenticeship and youth training systems will form a considerable proportion of colleges' provision in future, it will also be important to take account of the funding models that are being developed for those new systems.

Theme 8 — the international dimension — relates to how colleges have become increasingly focused on the need to operate in an international arena and how they have already built excellent partnerships with employers and educational institutions across the world. They will learn from best practice outside of Northern Ireland by maximising student and staff exchange opportunities and by continuing to develop partnerships internationally.

Theme 9 — promoting the further education sector — considers how the excellent services provided by colleges can be promoted more effectively to learners, employers and other key stakeholders. The theme will be an important part of ensuring that further education is recognised as an equal and valued pillar of the education system in Northern Ireland alongside higher education and the statutory school system. Therefore, colleges will work together

and with the Department to identify ways in which to promote the further education sector.

The new further education strategy complements the pioneering work that my Department is conducting on a new system of apprenticeships at level 3 and above, as well as a new system of youth training at level 2 in Northern Ireland. Colleges, with key partners, will be the primary deliverers of that innovative system of professional and technical education and training, which will provide opportunities for learners to progress to higher levels of learning. In addition, colleges will continue to be the sole deliverers of higher education at levels 4 and 5, including apprenticeships at those levels.

The strategy and its 21 policy commitments will be used to build on our current strengths in a way that will further consolidate a world-class system of further education in Northern Ireland. The policy commitments will be implemented jointly by the Department and the further education sector through a programme of individual projects, with formal programme and project management governance arrangements. The Department and the further education sector will develop and publish an implementation plan within three months of the publication of the strategy. It has to be recognised, however, that the pace at which some of the policy commitments can be implemented will be dependent on the level of resource available to the further education sector.

I commend the statement to the Assembly.

**Mr Swann (The Chairperson of the Committee for Employment and Learning):** I thank the Minister for his statement. The statement contains one new FE strategy, two roles, four key objectives, nine themes and 21 policy commitments. Will he provide the more detailed figures? What budget will there be for FE in the next mandate? How many students will be supported through FE? Regarding one of his achievements, the Minister talked about a £250 million capital investment. When will his Department get confirmation from DFP on the Northern Regional College (NRC) build? What investments will NRC make in the workforce in North Antrim and East Londonderry to make up for the jobs that will be lost in JTI and Michelin?

**Dr Farry:** I thank the Chair for his comments. I put on record our thanks to the Committee for its engagement on the strategy, particularly over the past number of months.

It is important to recognise that this is a strategy that consolidates what has emerged in the

sector over the past number of years. It also sets out a very clear way forward for what the sector can do to support learners and the wider economy in Northern Ireland. It is important that we recognise how far the FE sector has come and how central it now is to the Northern Ireland economy.

We are very ambitious in what we are setting out in the strategy through the various policy commitments, but, as was reflected towards the end of the statement — indeed, the Chair has now referred to it — that will be dependent on funding. The FE sector has had some difficult times over the past number of years as a result of the efficiency savings that have been asked of it and, in turn, cuts that have been passed on to it from the Executive via my Department.

In all of my approach to trying to find savings in my Department to address the cuts that have been imposed upon us, I have always sought to protect the front line, as far as possible. Sadly, that is not something that was possible last year, given the magnitude of the cuts that we were facing. Regrettably, we have seen a loss of provision of places — the first time, in many years, that we have seen a retreat in Northern Ireland.

#### 11.15 am

We are still working through the implications of the Budget that was agreed by the Executive before Christmas. Again, the incoming Department for the Economy is facing a cut. That is going to create a challenging context for all the skills interventions and that includes further education. Bearing in mind that we have the ability to draw upon end-of-year flexibility and that there has been a bank built up in that regard, it is, first, my intention to draw down from that. Obviously, that has to be agreed by the Executive, and that is something that would happen in the June monitoring round. Those are surpluses that have been built up by the FE sector, and the sector is entitled to draw upon them under the existing Executive policy. As my Department goes into the new Department for the Economy, the sector may also be in a position to absorb, manage and mitigate the cuts through the benefits of what was a fairly radical voluntary exit scheme delivered by the FE sector during this financial year. However, we still have to bottom out the entire implications of those figures. I am meeting the college principals, later this week, to try to talk through those issues.

In the long term, however, it is important that we have fresh investments in further education.

We cannot survive simply by cutting back and trying to make do on a patch-and-mend process. We have to have a proper funding stream coming in, particularly bearing in mind the potential for growth in our economy. It is important that we are investing in the skills base.

The Member also makes reference to capital investments. We have seen a lot of capital investment in recent years. At present, we have very ambitious capital plans, including for Enniskillen in the south-west; Armagh, Banbridge and Craigavon, in terms of the Southern Regional College; and, obviously, from the Member's perspective, the Northern Regional College. The business case in that regard is still with the Department of Finance and Personnel. Hopefully, that will be cleared in the very near future so that we can give certainty on the way forward. Obviously, bids will have to be made for additional resource to deliver what is currently awaiting development in the further education estate. However, I recognise that the NRC area is one that has not benefited over the past 10 years, as much as some other parts of Northern Ireland, and it should be recognised as a priority in future decisions.

Finally, the Member made reference to the work that can be done in addressing the loss of jobs at JTI and, more recently, Michelin. Clearly, NRC is well-positioned to be a point of call for retraining and reskilling and for the accreditation of existing skills of the workforce of both those companies and, indeed, any other. They are central to ongoing discussions between my Department, DETI and the company around how we can address and mitigate the effects of the announcements that have been made.

**Mr Buchanan:** Minister, in your opening remarks, you talked about the further education sector's dual role. You said:

*"To achieve this vision and to fulfil the important but challenging dual role that colleges have to adopt, the future direction for further education will be built around four key objectives."*

You went on to outline those four key objectives. Who is going to oversee that change and make sure that that vision becomes a reality?

**Dr Farry:** I thank the Deputy Chair for his question. Obviously, implementation is going to be critical in that regard. There is a

commitment that we will publish an implementation plan within the next three months. From that, you can take it that it will be published before the rising of the Assembly prior to the Assembly election. I think that it is important that we have clarity in that regard.

It will be for my Department, henceforth the new Department for the Economy, to ensure that we deliver the strategy. Obviously, the successive Committee that will scrutinise the Department for the Economy will also have an important role in ensuring that the strategy is implemented. As is the case with any government strategy, proper governance and management structures will be set up around it. There will be a proper plan; there will be proper targets; there will be a senior responsible officer from the Civil Service; and there will be full accountability around the status of the implementation areas within the Civil Service structures and in respect of the responsible Committee. The colleges themselves will be key delivery partners in that regard. The implementation plan will assign lead responsibility for the particular actions, whether those are departmental leads or leads for the colleges themselves. With Colleges NI, there is a powerful network in place that links the six colleges together; it is very well positioned to coordinate a lot of the activities.

**Ms McGahan:** I welcome the Minister's statement and commend him for his efforts. In his statement, he identifies the promotion of the FE sector as one of his themes. The skills barometer report published in November 2015 identified that one of the issues that impacts on the image of the FE sector could be linked to its breadth of provision. How will the Minister help to address that problem within the context of this theme?

**Dr Farry:** I thank the Member for her comments and question. First of all, it is worth noting that the skills barometer indicated that in either scenario of no corporation tax reduction or a reduction in corporation tax, we would see the biggest pressure point on skills at levels 4 and 5. That is where the FE sector has by far the biggest comparative advantage with regard to response. If we look at the evidence of where Northern Ireland will see the greatest pressures on skills and the greatest growth in skills provision, we see that it will be in the area where the FE colleges are operating at present in an unrivalled way. Clearly, there is a huge opportunity for them to develop their role further. It is in that context that having a strategy for the sector is particularly important.

The second point that the Member raised was on the breadth of provision and how we promote the sector. It is clear from the responses to the consultation that people want to see FE colleges having that breadth of provision. It is important that we facilitate progression, particularly up the skills ladder, but when we talk about the social aspect with regard to the dual role, we need to be conscious of where colleges are engaging with the vast majority of their learners and where people are starting their journey. Without that role, people will not be able to get on the first couple of rungs of the skills ladder.

At the same time, colleges have the ability to engage and indeed are players in higher education (HE) themselves. It is not often recognised that almost one fifth of all higher education qualifications in Northern Ireland are provided through the FE colleges: it is not just the universities that are players in higher education. How we combat that perception is through strong promotion of the further education sector. We have seen what has happened in other parts of these islands where FE has been relegated in the narrative that has come from the Government. I am pleased that we have not gone down that route in Northern Ireland: if anything, we are promoting FE strongly, but clearly there is a lot more to be done in that regard. It is incumbent on whoever takes over as Minister of the Economy and indeed the future Committee, the Assembly and other stakeholders to look to FE for solutions. The business community has an important role to play as well. The more that business sees FE delivering on its needs, the more the role of FE will be even better understood in the community.

**Mr Speaker:** I welcome and call Mr Gerard Diver.

**Mr Diver:** I thank the Minister for his statement. The SDLP welcomes the bringing forward of the further education strategy. Reflecting on my constituency of Foyle, we know the vital role played there by the North West Regional College in trying to tackle the huge disadvantage that we have in that area. With specific reference to theme 5 and college partnerships, how does resource-sharing work between further education institutions? How will the Department's strategy aim to improve on that?

**Dr Farry:** First, I thank the Member for his question and formally welcome him to the Chamber. I am sure that he is aware that he has some very big boots to fill. His

predecessor, Mr Ramsey, played an active role on the Committee and indeed championed a lot of the skills interventions in the north-west, including on the North West Regional College. I have no doubt that the Member will seek to do the same.

With pressures on the FE sector being very acute at present, there is an added onus on ensuring that services are delivered as efficiently and effectively as possible.

Although we talk about partnerships in a whole range of different ways, one of the key partnerships will be that between colleges themselves. The development of shared services is an important opportunity.

It is fair to say that a lot of our structures and networks were slightly wary of the shared service agenda at the outset, but, in the current context, the FE sector is quite comfortable with it and understands the underlying rationale for doing it. For example, there are areas around procurement in which steps in that direction can be taken relatively easily. Indeed, the colleges are already on that journey. The strategy very much consolidates what has happened already, and we are keen to see more developments in the different areas.

The colleges are not rivals but part of a network in which they support each other. We may well see greater specialisation in the colleges. The Member may be aware of the specialist provision for industry using college expertise (SPICE) initiative, through which colleges are developing their own particular expertise in certain fields. It is important that we encourage that more and more so that they become centres for not just for their own catchment areas but Northern Ireland as a whole.

**Mr Hilditch:** During the Committee's engagement with stakeholders, concerns were raised about work experience. The respondents to the consultation expressed differing views on the use of simulated work placements as an alternative to actual work placements. How does the strategy deal with that?

**Dr Farry:** I am grateful to the Member for highlighting work experience. I have a couple of work experience students with me this week, and I encourage other Members to play a role in that regard. Work experience and work simulation are absolutely critical. It is important that, as they learn, students become very clear about the requirements of the world of work.

The Member will be aware of our new strategies for apprenticeships and youth training. Obviously, those who are apprentices are employed, so they are deeply embedded in the world of work from day one. The youth training system will have two pathways, the first of which will be a non-work system.

Nonetheless, a lot of placements with employers will be sought to give students that experience of the world of work. The other pathway will be a traineeship, where students will in effect be employed and learning at the same time, with the potential for them to progress to a formal apprenticeship in due course as they leave the level 2 provision.

It is important that employers come forward to offer placements. It is understood that taking on students through apprenticeships and youth training is a better way for employers to ensure that they meet their own particular requirements for skilled individuals so that their companies and organisations can grow and flourish. To that end, we are developing a central service that will coordinate the opportunities that exist to ensure that, with placements, we have proper equity and the fullest reach possible.

As part of the youth training strategy, we will be creating a network of industry specialists who will engage with different parts of the economy to create those placements for students to benefit from. There will be individuals whose sole job will be to act in a proactive way to open up such opportunities.

**Mr Flanagan:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement and commend him for his continued efforts to improve skills training and education for our citizens. He has done an excellent job in his tenure, and I wish him well.

I welcome the statement and the reference made to the improvements in capital expenditure in recent times. Will he give us an update on the proposed investment in the South West College in Enniskillen and the opportunities that have been presented for FE colleges across the North to offer a greater number of higher education courses so that our young people do not have to leave their home to travel to Belfast or Dublin to access higher education?

**Dr Farry:** I thank the Member for his question and comments and wish him well in his future endeavours.

There are two aspects to what he said. First, we have the potential redevelopment of the Enniskillen campus of the South West College

on the former Erne Hospital site. That is progressing well, and we are moving towards the design phase. The key thing is to ensure that the capital can be found to make that a reality, but all the necessary steps to facilitate that happening are well under way, and I am pleased with the progress that we are making. No doubt, the Member will use whatever influence he can to ensure that capital resources are made available across the board to ensure that we can continue to invest in further education.

### 11.30 am

The second aspect that he refers to is what is, essentially, project 10 of the higher education strategy, Graduating to Success, which is about the creation of higher education satellites at our FE colleges. Clearly, there is the potential for that to happen at the South West College, and I think that Ulster University is the potential partner in that. From speaking to the vice chancellor yesterday, I know that he was very much seized of that particular point last week. Meetings have happened to make that a reality in the very recent past — last week — so, hopefully, we will have positive outcomes over the next number of weeks.

**Mr Easton:** I broadly welcome the statement by the Minister. He talked about funding to implement the strategy. How much will it cost to implement fully? If the full funding is not forthcoming, what parts of the strategy will be the priority for his Department?

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

**Dr Farry:** Some aspects of the strategy will not require massive injections of resource. They are about doing things better through how you orientate the existing delivery of resources. Other aspects will require significant investment. At present, the majority of mainstream FE activity is funded through the funded learning unit (FLU) system, of which I can give the Member a more detailed breakdown in due course. Outside of that, colleges will be among the lead providers of apprenticeships and youth training, and there will be a separate funding stream for those. We are working on a detailed funding model for the apprenticeship and youth training strategies. To an extent, that model will be informed by the outgoing budgets of existing contracts and by the potential to draw on moneys from the European social fund.

That landscape will also be affected by what may or may not happen with the UK-wide policy on an apprenticeship levy, which is being proposed and is also quite controversial. I will have a meeting with my Welsh and Scottish counterparts next week to discuss how that can be formulated in such a way that it meets the needs of the three devolved regions. Obviously, we will want to develop all aspects of the strategy. The pace at which we go will depend on the resources coming in. We will not abandon any aspects of the strategy, but we have to regard corporation tax as a potential game changer in what we do on skills. If we are not prepared to invest in skills, the full potential of a reduction in corporation tax will not develop — the two are intertwined. I am hopeful that future Executives will provide additional resources for all skills interventions. As I said to Ms McGahan earlier, the greatest skills pressure point will be at level 4 and level 5, where FE is the most critical deliverer of skills. Therefore, there is a real logic to ensuring that we resource the strategy.

**Ms Lo:** I thank the Minister for his statement and welcome the new strategy. Given that we have had the FE Means Business strategy for a number of years, why is he producing a new strategy now, and how is it different from the old one? Is the coming reduction of corporation tax of any relevance to it?

**Dr Farry:** I thank the Member for her questions. She refers to FE Means Business, which is the extant FE strategy. That was produced back in 2004 and is now 12 years old. Since then, we have seen massive changes in the skills landscape in Northern Ireland and massive changes in the delivery mechanisms — most notably, the move to six regional colleges from a greater number before that.

On the more contemporary developments, we have now seen new strategies for apprenticeships and youth training, and we expect to see a considerable shift in emphasis in how we secure skills provision, across a whole range of skill levels, through those particular strategies. That will have a massive impact on the way that FE colleges do their business. In terms of timescale and, perhaps more importantly, the revolutionised role that we expect FE colleges to provide, it is important that we have a fresh FE strategy for Northern Ireland.

A reduction in corporation tax has the potential to really transform our economy in Northern Ireland, but it will only be successful if, at the same time, we invest in skills. So, investing in

skills has to be viewed as an inescapable requirement if we are to make the corporation tax reduction a success. We have seen that there are particular skills pressures already; those will become only more acute over the coming years. Obviously, the pressures that we are seeing will be in areas where FE has the greatest comparative advantage. So, it is absolutely incumbent upon future Executives to ensure that we resource all our skills interventions, particularly those in further education.

**Ms Sugden:** I welcome the statement. It seems to encourage the potential of FE colleges, which I think have long been underutilised. I also welcome the fact that the Minister seems to be prioritising the NRC, and I look forward to his announcement about the new build in Coleraine — very soon, I hope. I am quite interested in the relationship between the FE and HE sectors, particularly given that, under the new structures of government, they will sit in different directorates. How does he see that relationship being built to ensure that it is a strong partnership moving forward?

**Dr Farry:** I thank the Member for her questions and comments. Obviously, the design of the new Department for the Economy is not my direct responsibility, but I am certainly aware of how that work is proceeding. It will be important that there are good linkages between the two different directorates in the new Department for the Economy. When we talk about skills, higher education in universities does not sit in a bubble, separate from our other skills interventions in terms of what happens around apprenticeships, youth training or, indeed, further education. They have to be seen as part of a fully integrated system that is based on delivering the skills required for our economy. We are seeing the different institutions delivering in the areas where they have the greatest degree of specialist knowledge, so, clearly, there is a role for universities and a role for further education colleges.

In particular, I am keen that we further develop the role of HE within the context of further education. I previously mentioned that, at present, around one fifth of all higher education qualifications are delivered through our further education colleges. I think that there is the potential for that to grow ever further. Where we are likely to see that growth is in the outworkings of apprenticeships, where we will see people on level 4 and level 5 progressing and doing a foundation degree either on a stand-alone basis or, potentially, as a formal part of their apprenticeship training. Clearly,

foundation degrees are very closely shaped by the needs of employers. Curriculum development is a key aspect of this strategy, and it will feed through to apprenticeships and things like foundation degrees.

**Mr Principal Deputy Speaker:** That concludes questions on the Minister's statement.

## **Executive Committee Business**

### **Assembly Members (Reduction of Numbers) Bill: First Stage**

**Mrs Pengelly (Junior Minister, Office of the First Minister and deputy First Minister):** I beg to introduce the Assembly Members (Reduction of Numbers) Bill [NIA Bill 76/11-16], which is a Bill to reduce the number of Members in the Assembly returned for each constituency.

*Bill passed First Stage and ordered to be printed.*

### **Employment Bill: Second Stage**

**Dr Farry (The Minister for Employment and Learning):** I beg to move

*That the Second Stage of the Employment Bill [NIA Bill 73/11-16] be agreed.*

I am pleased to bring this important Bill before the Assembly. It contains significant measures designed to strengthen our employment relations system through improving options for resolving employment disputes. It also supports careers development and apprenticeships in Northern Ireland.

Northern Ireland is the only region of the UK to which employment law is currently devolved. That provides us with the opportunity and responsibility to develop an employment relations framework that meets the specific needs of our region. While policy lessons can be and, indeed, often are learned from developments elsewhere — often there can be strong arguments for having a common framework for employment relations across the UK in some respects — we are not bound to follow a prescribed path.

The Bill, I believe, is a fair reflection of that approach. Its development has been informed primarily by my Department's wide-ranging

review of employment law, through which I have sought to identify measures to stimulate business confidence whilst maintaining the rights of individual employees. It has also been informed by positive engagement focused on enhancing the framework for careers development and apprenticeships, recognising the importance of investing in our most important resource — our people.

The Bill embraces the principle that employers and employees have common interests. What is good for business is good for employees, and vice versa. I do not regard reforms of employment relations, especially the measures within the Bill, as a zero-sum game, with a win for one being a loss for another.

I know that some consider that the absence of specific measures in the Bill detracts from its impact. In some cases, that absence is down to the fact that there is simply not sufficient evidence for change, while in others, there has been insufficient political consensus at this stage to enable us to move forward. I assure Members that the measures that are in the Bill have a strong, rational basis for implementation.

It is important to set out the context from which the Bill has emerged. The previous Government in Great Britain consulted on and then legislated for a range of employment-related matters during their mandate. Historically, Northern Ireland has sought, in the main, to mirror Great Britain on employment law matters. That approach brings the advantage of consistency, which has previously been recognised. Given the expectation from a range of stakeholders that those proposals would be considered from a local perspective, as well as my focus on developing solutions that are fit for purpose here, I sought views on what actions my Department should take on those matters.

It came as no surprise that employer representative organisations advocated a lighter touch to employment regulation on the basis that it would build business confidence and encourage employers to increase their workforce. Again unsurprisingly, the trade union movement believed that a number of the UK Government's proposals were about weakening the existing framework of employment rights and that that would have an adverse effect on the economy. Bearing that in mind, my Department's subsequent public consultation sought views and asked for examples of evidence on a number of employment law proposals under three main themes: early resolution of workplace disputes;

efficient and effective employment tribunals; and better regulation measures. There were 40 substantive responses to the consultation.

The first theme, early resolution, focused on optimising opportunities for the early resolution of employment disputes and reducing the incidence of protracted conflict. Those matters are understandably important to employers and employees, and the early conciliation and neutral assessment clauses in the Bill reflect the outcome of consultation in that area.

Under the second theme, efficient employment tribunals, I sought views through separate public consultation between July and September last year. That built on extensive positive work with the tribunal service to develop proposed new rules and procedures that can largely be implemented through regulations and practice change. The Bill does, however, contain some short enabling powers to support those developments.

There are those who believe that an opportunity has been missed to follow the example of Great Britain by introducing fees to access and proceed through our tribunal system. I have explicitly ruled that out. As a means of dealing with unmeritorious claims, fees are a blunt instrument. While there are arguments about saving public money, the reality is that our tribunal service has substantially reduced its operating costs over recent years without the need for a fees mechanism.

The third theme of the employment law review, better regulation, encompassed questions on whether there should be changes to the following: the qualifying period associated with the right to claim unfair dismissal; consultation periods for collective redundancies; compromise agreements and protected conversations; and amendments to public interest disclosure or whistle-blowing law. Strong views for and against proposals were presented on a number of the better regulation issues, and none more so than on the unfair dismissal qualifying period. While that is an issue that particularly polarised employer and employee interests, at this stage there is no evidential case, nor is there a sufficient political consensus, for an increase to the qualifying period. The period will therefore remain at one year.

**11.45 am**

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

**Dr Farry:** Yes.

**Mr Allister:** The Minister is very active in encouraging economic growth and foreign direct investment. Does he not identify a negative in those terms in creating in Northern Ireland a shorter period of qualification for unfair dismissal claims and the absence of a cap in respect of awards? Does he not think that that creates a disincentive towards investment and puts us at a disadvantage compared with other parts of the United Kingdom where there are different approaches?

**Dr Farry:** I thank the Member for his comments. The comments that he articulated have also been made by a number of the business organisations that have advocated for a change in the law. The evidential base, however, has not been established for a change at this point. I appreciate that there are competing interests around all of this, but the reality is that there is not the consensus in the Executive or in this Chamber that would facilitate any change in the law —

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

**Dr Farry:** In a moment. The matter remains live in the context that it is something that can be changed through secondary legislation. There are measures in the Bill that will tighten up the decision-making process around that, which I will refer to in a moment. So, if the balance of argument or political opinion changes, it is something that the Assembly or, more particularly, a future Minister, can return to with minimal obstacles to bringing something forward.

**Mr Flanagan:** I thank the Minister for giving way. This is a point that I had intended to make in my substantive remarks, but, given that Mr Allister has raised it, I will throw it out now. The only evidence that exists on changing the qualifying period for unfair dismissal is the fact that, when they increased the qualifying period to two years in England, in the first year of that, we had record levels of investment secured by Invest NI. So the only evidence that exists on this matter proves that a qualifying period for unfair dismissal of one year does not have a detrimental or negative impact on our ability to attract inward investment.

**Dr Farry:** I thank the Member for his comments. I do not discourage Members from having that debate but, just to be clear, at this stage, we are not proposing any change to the qualifying period through this Bill. Those two things may have happened. There may be no link or no real detriment to investment through the current situation, but we do not have the

evidential base to confirm that one way or another. Just because the two things happen at the same time does not mean that they are linked or that things could have been different. As for our internationally competitive position, the current situation around the qualifying period for collective redundancies of over 100 is probably a bigger issue for international investment but, again, that has not been changed in the Bill because, as the Member will be aware, there is not political consensus at this stage. The Assembly might want to return to that.

Arising from the point on unfair dismissal, I want to go on to stress that such changes to the qualifying period can be made through secondary legislation. The Bill makes a change in the current way that that could happen, as it is currently framed around confirmatory procedure and the Bill will change that to the use of affirmative procedure. That provides greater powers to the Assembly and increases the safeguards. The prospect exists at present of any particular Minister taking a decision that, ultimately, will not be confirmed by the Assembly but would, nevertheless, remain in place for a short time until the matter is brought to the Assembly, thereby creating confusion or, indeed, chaos in employment law. That is why we are moving towards the affirmative procedure for any decision that will be taken under secondary legislation by any future Minister in that regard.

It was also clear from the consultation responses that the current system allowing compromise agreements to be negotiated between an employer and an employee to end an employment relationship works well. It was also evident that the proposed system of protected conversations, which would allow such discussions, even where there was not an existing employment dispute, was viewed by many as controversial and likely to create unintended adverse consequences.

As I referred to, I found persuasive the arguments of those who considered that the 90-day consultation period for collective redundancies involving over 100 employees was unnecessarily lengthy. I was impressed by the arguments of the many consultees who made the point that it is the quality rather than the length of consultation that matters. I was also struck by the arguments against having three different collective redundancy periods — one in Great Britain, one in the Republic of Ireland and another in Northern Ireland. It is with regret that I have decided not to take forward legislation on the matter in the present Bill, as there is insufficient political consensus

on the issue. There is a danger that the absence of change in that regard may ultimately undermine our competitive basis internationally, especially at a time when we are seeking to attract greater investment through the use of a lower rate of corporation tax.

The employment law consultation showed that there is widespread agreement with the view that the case law had created a legal loophole that permitted private contractual disclosures to be protected under public interest disclosure or whistle-blowing law. That was never the policy intention, and the Bill addresses that point. Also on the issue of public interest disclosure, I have been mindful of recent changes made in Great Britain by the Small Business, Enterprise and Employment Act 2015, and therefore, following a short, targeted consultation, I have agreed to include in the Bill provision to place a duty on regulators to report annually on whistle-blowing issues in order to provide greater assurance to whistle-blowers that action is being taken on their disclosures by the responsible prescribed person, and also to extend whistle-blowing protection to include student nurses and student midwives, who have been inadvertently excluded from it.

I want to acknowledge the contribution of stakeholders throughout what has been a very extensive consultation process. I am grateful, in particular, to the employment relations round-table forum, which brings together trade union and business representatives and is facilitated by the Labour Relations Agency (LRA). It helped to inform the development of key measures in the Bill. At this stage, I also want to put on record my thanks to the members of the Committee for Employment and Learning for their work on the review over the past number of years and, in particular, to express my gratitude to the Committee for the manner in which it is seeking to expedite the Committee Stage, not least given the pressing timescale that has arisen for various reasons with the end of this mandate looming. I look forward to engaging further with the Committee over the coming weeks. The input of all those stakeholders has helped shape the content of the Bill before us today, which I will now review in more detail.

Clauses 1, 2, 3, 6 and 7, together with the schedules, establish a framework for the new process of early conciliation to be delivered by the Labour Relations Agency. In effect, that will mean that, in most cases, a tribunal will not accept a claim unless the claimant can show that he or she has received an offer of conciliation from the LRA. Let me be very clear that the requirement is to show that conciliation

has been offered, not to show that there has been engagement with conciliation. People will remain free to refuse conciliation or even to ignore the offer, although it will usually be in their best interests to consider it. I must stress that the absolute entitlement to bring a matter to a tribunal with or without prior conciliation having taken place will remain. The purpose of the clauses is to allow the LRA's conciliation offer to be placed front and centre so as to encourage resolution between employees and employers, where possible, without the need to proceed to an employment tribunal. Early resolution has clear benefits. Protracted disputes tend to damage or end employment relationships. Resolution before legal action starts is more likely to preserve those relationships and, in that respect, the assistance of a conciliation officer can be invaluable. In addition, where two parties can agree a resolution between them rather than have a decision imposed, there is an increased sense of ownership and empowerment that can help repair or maintain the employment relationship. Avoiding a legal process can reduce the time spent on a dispute; associated stress, legal and opportunity costs; reputational risks; and uncertainty of outcomes. My intention here is to switch the focus from claim to resolution.

Clauses 4 and 8 are also focused on promoting earlier resolution. They facilitate an optional neutral assessment service, allowing parties to obtain an expert indication of the potential outcome of their dispute. This is to help them stop and think about whether proceeding with their case is the best option for them by helping them to see potential strengths and weaknesses. This will be a novel service that does not operate elsewhere in the UK or in the Republic of Ireland, and it is therefore vital that we get it right. I have reviewed the evidence presented to the Employment and Learning Committee in that respect, and I take on board the points made, particularly by the Labour Relations Agency and the Council of Employment Judges. I accept that more work needs to be done before finalising the delivery model. The specifics of the service will need to be developed, taking into account the findings of a forthcoming review of the LRA's statutory arbitration scheme and of the early neutral evaluation service that is already being piloted by the employment tribunals, which I understand has been very well received. I will consider whether there is a need to review the drafting of clauses 4 and 8 to provide necessary flexibility in developing the final model.

Clause 20 extends confidentiality protections to the full range of LRA dispute resolution

services; such protections currently apply to the LRA's statutory conciliation and arbitration roles. The clause, by protecting services of the agency generally, provides certainty for employers and employees that they can discuss matters in a free and frank way to find a resolution that works for both.

As I noted, my Department has consulted on revised and updated rules and procedures for industrial tribunals and the Fair Employment Tribunal, and the Bill contains short clauses giving my Department the necessary flexibility when finalising regulations in response to that consultation.

Clauses 5 and 9 give my Department broader scope to specify the circumstances in which tribunals can require parties to pay a deposit in order to proceed with a case that has little reasonable prospect of success. A requirement for a deposit is not the norm, but it is important for tribunals to have powers to ensure that parties unlikely to succeed in a case consider carefully whether it is appropriate to proceed. A party's ability to pay is considered when a deposit is set.

Concerns have been expressed about access to justice. However, it is necessary to acknowledge concerns consistently raised with my Department about the cost that can be faced by those who have to contest cases with little substance. I have ruled out the introduction of fees to access the tribunal system; however, it is important for us to address the serious concerns of those who bear the cost of contesting weak claims and responses. I am conscious of the need to preserve access to the tribunal system, and I assure Members that impacts will be fully considered before I agree the final form of regulations.

Clauses 10 and 11 contain enabling powers allowing tribunal chairmen to be referred to as "employment judges". That already happens in the tribunals, and it is reasonable to bring the regulations into line with that practice. It is a change in terminology only; it does not signal any change in the tribunal process. Unlike "chairman", the term "employment judge" is gender-neutral and better reflects the legal nature of the proceedings.

I noted the concerns raised by some Committee members on the issue. The reality is that when people go to a tribunal, they are going into a legal environment to get a legal decision. The term "employment judge" avoids potential confusion by making that clear. A majority of responses to the recent consultation on more

efficient and effective tribunals accepted the change, and trade union representatives in their evidence to the Committee were more concerned about seeking an assurance that the tripartite constitution of tribunals was not changing. I am happy to give that assurance.

Turning to better regulation measures, my Department has not so far received substantive evidence that would justify a decision to increase the qualifying period for the right to claim unfair dismissal. However, the present mechanism for agreeing such a significant change to employment law is lacking in that the change could be implemented prior to a debate in the Chamber. If a change to the qualifying period is contemplated by a future Minister, I would like to ensure that there is an opportunity for the House to debate and approve it beforehand. Clause 21 ensures that that will be the case.

Clauses 12 to 16 deal with public interest disclosure or whistle-blowing. The importance of people in organisations having the confidence to report wrongdoing is key to ensuring that negligent, improper or illegal practices in organisations are addressed. Clause 12 introduces a public interest test to close a loophole in public interest disclosure legislation that allowed an employee to make a protected disclosure about a past, current or putative breach of his or her contract of employment, even though such a disclosure may have nothing to do with the public interest. Clause 16 includes student nurses and student midwives in the scope of whistle-blowing protection. They have been inadvertently excluded until now. The same clause establishes a power to amend, by order, the definition of "worker" for the purposes of whistle-blowing.

Clause 13 changes the effect of the good faith requirement. The intention is to maintain a focus on the primacy of public interest while creating a level of protection, through reduced compensation, where a protected disclosure has not been made in good faith. Clause 15 provides for employers to be vicariously liable if an employee suffers detriment from colleagues for having made a public interest disclosure.

Clause 14 will place a duty on regulators to report annually on the number of whistle-blowing concerns raised with them and whether they were investigated. The Bill also provides an opportunity to take legislative action to strengthen our approach to careers guidance and apprenticeships.

**12.00 noon**

Clause 17 empowers the Department to make regulations concerning the continued delivery of a high-quality, impartial Careers Service by suitably qualified individuals. That was one of the key recommendations in the Employment and Learning Committee report, following its extensive inquiry into careers in 2013, and also featured in subsequent reports from employers' representatives. The purpose of the clause is to ensure that everyone, irrespective of age or ability, has access to impartial careers advice to help them maximise their potential in a fast-changing and increasingly globalised workplace.

Clause 18 permits the Department to make regulations which, in effect, set out the components of and conditions under which apprenticeships will operate in Northern Ireland. The purpose of the clause is to ensure that the vision set out in the new apprenticeship strategy, which articulates a clear economic and social imperative for providing apprenticeship opportunities to grow the local economy, is appropriately defined.

In conclusion, I look forward to listening to Members' comments in the debate and I commend the Bill to the Assembly.

**Mr Swann (The Chairperson of the Committee for Employment and Learning):** I thank the Minister for outlining the general principles of the Employment Bill and I am pleased to speak in the debate on behalf of the Committee for Employment and Learning.

The Committee has spent a considerable amount of time scrutinising the proposals that are now before the Assembly in the Bill. I know that the Minister said that the Committee is expediting the Bill, but I can assure him that in no way will we be taking any shortcuts or doing anything that invalidates our deliberations or due diligence on the Bill.

In fact, the Committee first considered the proposals on 25 April 2012, when the Department for Employment and Learning set out the policy context and its plans to consult on employment law. The concept has therefore been about for a long time. While the Committee has been discussing it, I think it has been mainly stalled within the Executive in bringing forward agreement.

The main themes of the Department's consultation were to include the following: the early reconciliation of disputes; efficient and effective employment tribunals, and measures to reduce the regulatory burden of employment legislation.

The Committee welcomed the proposals concerning the early resolution of workplace disputes and effective employment tribunals. It also sought reassurances that the Department was not making life easier for businesses at the cost of encroaching on the rights of employees. The officials explained that the Minister was keen to strike:

*"the right balance between encouraging investment in job creation, reducing the regulatory burden and protecting the rights of employees."*

On 4 June 2014, roughly two years later, representatives of the Department returned to the Committee to communicate the responses to its consultation on the review of employment law in Northern Ireland. The Department advised that stakeholders were very positive about the early resolution of disputes proposal and the creation of an early conciliation service in the LRA and that that could have the potential to avoid unnecessary tribunal cases and create speedier and less costly resolution disputes.

At that briefing, the Committee was informed that there was strong support for the closure of the legal loophole and the intention to make employers liable for detriment caused to a whistle-blower who genuinely blew the whistle on something that was in the public interest. The Committee also welcomed the proposal to extend the definition of "worker" to include student midwives and student nurses to bring them under the scope of the protection.

On the 10 September 2014, the Minister briefed the Committee on the term ahead and confirmed that the most significant reforms the Department was looking to address were as follows: the issue of early conciliation; the routing of all claims through the LRA; and the provision for neutral assessment. At that meeting, the Minister also proposed amending secondary legislation on unfair dismissal, so that any change happens through affirmative resolution.

Department for Employment and Learning officials formally briefed the Committee on the Bill at its meeting on 13 May 2015, where they confirmed that the Department was recognising the work of the Committee in legislating for careers guidance provision, on the basis of some of the recommendations in the Committee's inquiry. The Committee strongly welcomes the proposals contained in the Bill as a result of its inquiry into careers education, information, advice and guidance.

At that briefing, the Committee asked the officials to explain what increased capacity will be provided to the LRA as a result of the Bill for it to take on the additional roles and responsibilities. An official outlined that the Department would compose a business case to determine the appropriate funding for the early conciliation model and the neutral assessment service. He assured the Committee that the consultees were also very keen to ensure that the LRA's resources would continue to be supported. The Committee notes that the explanatory and financial memorandum states that the service will be cost neutral. However, concerns have been raised over this, both from the Committee and through written submissions to the Committee, and the Department has confirmed that it is already engaging on this issue.

The officials confirmed that the Department will amend the law on public interest disclosure to introduce a public interest test in order to clarify that disclosures must be in the public interest. The Committee noted its desire for further protection for whistle-blowers by making employers vicariously liable if any employee who makes a protected disclosure subsequently experiences detriment from colleagues. Moreover, the Committee again confirmed its support for the extension of protection to NHS workers.

The Department confirmed that, given that there was no great desire for change in the consultation responses, it would not be taking any action to amend the unfair dismissal qualifying period in Northern Ireland.

The Department confirmed that, following on from the recommendations of the Committee's inquiry into careers guidance, the Bill will introduce a statutory duty for the provision of impartial careers guidance. The clause as drafted will introduce a regulation-making power in relation to careers guidance. The Department also confirmed that the Bill will introduce regulations that seek to define the core components of an apprenticeship in Northern Ireland. The officials advised the Committee that this would complement the Department's strategy on apprenticeships, 'Securing our Success', which was published in June 2014.

The Department briefed the Committee on 2 December 2015 regarding revisions to the Employment Bill. At that briefing, the Committee petitioned the Department to amend clause 17 on careers guidance by changing "may" to "shall" in the language on the duty to make arrangements to provide careers

guidance to ensure that the Department has an intention to act. The Department took the Committee's concerns on board and, on 18 December, communicated its agreement that it would make that change.

The Committee raised concerns regarding the changes brought in by clause 11 whereby the chairmen of tribunals will be known as "employment judges". It was put to the Department that such a change in terminology would transform tribunals from a people's court into something more legalistic. The Department confirmed that it would feed those concerns back to the Minister.

The Committee also asked for an explanatory note on clause 22 of the Bill to clarify the technicalities of the amendment to statutory shared parental pay. The Department responded on 10 December 2015 explaining the three subsections of the clause, and the Committee was content.

The Employment Bill was formally introduced to the Northern Ireland Assembly on 7 December 2015, and the Committee immediately went out to consultation. The consultation closed on 21 December 2015, and nine substantive responses to the Bill were received. The nine submissions were from the Irish Congress of Trade Unions (ICTU), the CBI, the LRA, the Northern Ireland Commissioner for Employment and Skills, Law Centre NI, the Federation of Small Businesses (FSB), Donnelly and Kinder solicitors, the Engineering Employers Federation Northern Ireland (EEFNI) and the Council of Employment Judges. The Committee also received correspondence from the Employment Lawyers Group advising that it was broadly content and would not be making a formal response.

At our briefing, ICTU advised that it was broadly content with the substance of the Bill. However, it made the point that the claim that relaxing employment protection laws will increase employment and economic growth is not backed up by empirical evidence. ICTU also believes that the Bill was an opportunity to improve workers' rights but that, in some cases, that opportunity had not been taken.

CBI advised that it was broadly content with the substance of the Bill but noted that there would be resource implications for the LRA. The CBI also believed that more could be done by the LRA to ensure that vexatious claims are weeded out and the process speeded up. The CBI believed that the Bill is a missed opportunity to extend the qualification period for unfair dismissal to two years and to reduce

collective redundancy consultation periods from 90 to 45 days for consultations involving over 100 employees. Both of those changes would have brought Northern Ireland into line with Great Britain.

The LRA responded on the clauses of the Bill that apply directly to its work, namely clauses 1,2,3,4,6,7,8 and 20. The LRA advised that it is content that those clauses meet their policy intent. However, it cited a number of challenges and pointed out that sufficient time is required to get ready for the changes outlined in the Bill and that the commencement date for the legislation should reflect that. The LRA also raised concerns about the resourcing of the changes.

The Northern Ireland Commissioner for Employment and Skills focused his comments mainly on clauses 17 and 18. Clause 17 is enabling legislation for the Department to make regulations for the impartial provision of careers guidance by qualified people. The commissioner points out that careers guidance should be backed up by unbiased evidence and that, ideally, it should begin at primary 6. Clause 18 is enabling legislation for the Department to make regulations for the provision of apprenticeships and can specify the target groups and the conditions under which apprenticeships will be made available.

The Law Centre stated that there is a need to ensure that the system proposed for early conciliation is not unduly burdensome on claimants and on vulnerable claimants in particular. The Law Centre believes that conciliation is most effective when both parties have access to legal advice and that the provision of expert advice to workers and small employers would make a significant contribution to the resolution of employment disputes.

The Law Centre welcomes the introduction of a system of neutral assessment but questions how that will sit with the early case evaluation by an employment judge that has been developed and extended in the tribunal system. The Law Centre welcomes the provisions in the Bill on protected disclosures. It also felt that zero-hours contracts should have been dealt with in the Bill and suggested the introduction of an enabling clause in the Bill that would allow the Department to bring forward regulations to address zero-hours contracts at this stage.

There were a number of broader issues that the Law Centre recommended the Committee should raise with the Department, including adjudication for straightforward or low-value claims and the non-payment of tribunal awards.

Too many tribunal awards go unpaid, which undermines confidence in the whole tribunal process.

The FSB Northern Ireland welcomed the proposed early conciliation and neutral assessment services from the LRA and was content that settlement agreements already take place. So, there was no merit in renaming the practice as "compromise agreements". In its response, the FSB said that clear guidance and tailored advice is needed for small employers who need to have difficult conversations with some employees and that it would like to see the LRA's role in that regard being promoted and targeted towards micro and small employers. The FSB was disappointed with the suggestion that the qualifying period be extended to two years to ensure Northern Ireland's competitiveness and that the Department did not recognise the benefits of a cap that would provide employers with more certainty on the limits of the potential penalty to them.

Donnelly and Kinder welcomed the early conciliation service but suggested that non-binding conciliation includes a costs risk at the tribunal to a party that refuses to accept the recommendation of the conciliation officer. It felt that representation during the conciliation process should be limited to the parties and lay representatives, namely trade union officials, HR managers and a McKenzie friend, and that legal representation at the conciliation stage should not be permitted. However, it also believed that the extension of time limits to allow conciliation appeared to be confusing and could create an additional burden for the parties utilising the process. Donnelly and Kinder proposed that consideration be given to a mechanism by which some complex discrimination cases could be referred to the tribunal.

The EEFNI was disappointed that the opportunity has been missed to reduce the collective consultation period from 90 days to 45 days in line with Great Britain. It was also concerned that the additional burden on the LRA to deliver the early resolution model would dilute its other services if it was not sufficiently funded.

The Council of Employment Judges believed that the provisions in clauses 4 and 8 did not appear to be enabling provisions but rather those that expressly gave the LRA an expressed statutory power when there had been a failure to provide any provision for that power to be exercised. The council agreed that the absence of detail made it very difficult for it

to provide relevant and meaningful submissions to the Committee.

On 6 January 2016, the Committee received evidence from four organisations that had previously submitted written evidence. The Committee also heard from departmental officials, first to brief the Committee on the Bill, and later to give a response to the issues raised by the Committee and the various stakeholders. The departmental officials advised the Committee that they were in consultation with the Minister about enabling regulations regarding zero-hours contracts. The Committee questioned the officials on whether Executive approval would be required for such an amendment. The officials confirmed that Executive approval would be required for the introduction of a new policy or any change to an existing policy.

The ICTU highlighted its concerns to the Committee about the need for the early conciliation service to be subject to a review concerning its functioning. The Law Centre mirrored those concerns, suggesting the introduction of a 12-month interim review and a subsequent three-year full review. The officials agreed that a review was an important part of setting up a new early conciliation service and confirmed that they would bring the suggested timescales for reviews back to the Minister.

The Committee, in echoing the concerns of both organisations, asked the officials if the proposed early conciliation model would follow the ACAS model currently used in Great Britain. Officials confirmed that they would be using the ACAS model to assess what lessons they can learn from its usage in GB in order to tailor it for the new early conciliation model in Northern Ireland.

ICTU also raised concerns regarding the changes to public interest disclosure legislation. It advised the Committee that it was concerned about the potential reduction in tribunal awards as a result of a disclosure being found to have been made in bad faith.

To remedy those concerns, ICTU wished to know whether the discretion of the tribunal would be under review. The Committee raised its concerns with the officials later in the meeting, and the officials advised the Committee that the reduction in bad faith was important to ensure that employees did not withhold important information in malice.

**12.15 pm**

ICTU representatives suggested that the six categories of public interest disclosure should be extended to seven to include financial irregularity or to create instead a catch-all statement. The Committee questioned the officials as to whether there would be any challenge as a result of introducing a catch-all statement. They replied that they had not consulted on that but would take the Committee and the ICTU's concerns back to the Minister.

The Committee questioned the officials on why the negative resolution procedure was used for multiple deposits instead of the affirmative resolution procedure. The officials advised the Committee that they would bring the Committee's suggestion to use affirmative resolution to the Minister for him to respond.

The Committee again raised its concerns about the renaming of tribunal chairmen as "employment judges". Members were troubled by the legalistic impact of that change in terminology. ICTU wished to have the Department's assurance that the change was purely in name alone and did not alter the job description. The Department acknowledged that, in the responses to the consultation on the employment law review, there had been a mixture of opinions on the change, with some organisations echoing the Committee's concerns. The officials defended the name change as being a matter of consistency and to reflect the legal expertise of those employed in the role. They also confirmed that it was purely a change in terminology and that the role of employment judges would remain the same.

The Law Centre said that, although it was broadly content, it wanted clarity on several features of the Bill. They wanted the Department to clarify the time limits involved in the early conciliation service to ensure that claimants would not run out of time with their tribunal applications. The officials confirmed that they would bring those concerns back to the Minister. The Law Centre was also concerned about the lack of information on what stage in a dispute a neutral assessment would start. The Committee wanted to know when guidance about the neutral assessment service would be released. The officials advised the Committee that, given the novel nature of the neutral assessment service, the exact details were still to be confirmed but it was likely that it would not commence until 2017-18. The officials also advised the Committee that neutral assessment would be initiated only after litigants had first undergone the early conciliation process.

The Law Centre raised the issue of the need for personalised legal advice relating to employment disputes. The officials confirmed that it was important that the role remain with the specialised advice centres such as the Law Centre and Citizens Advice. It said that, although the Labour Relations Agency could not give personalised advice so as to maintain its impartiality, it could alert employees to their rights in the dispute. Further, the Department emphasised the role of early neutral evaluation run by the tribunals service.

The Labour Relations Agency highlighted its concerns about the simultaneous commencement of two new schemes; namely, early conciliation and neutral assessment. The officials reassured the Committee that the early conciliation service would be embedded first, in line with an appropriate review of the Labour Relations Agency's statutory arbitration service. The Committee queried the timescale for the review of arbitration services, and the officials confirmed that they were hopeful that the review would take place over the next year.

The Northern Ireland Commissioner for Employment and Skills communicated his disappointment to the Committee that more had not been done on providing apprenticeships in clause 18. The departmental official responsible for the apprenticeship strategy confirmed that the focus of clause 18 was to support apprenticeships and that they would take the commissioner's concerns back to the Minister. The Committee also raised the non-payment of tribunal awards, and the officials confirmed that they would provide the Committee with available statistics on the issue. Finally, the officials said that they were aware of the issue of resourcing the Labour Relations Agency for the purpose of the early conciliation service and the neutral assessment service and that they were in discussions with the Minister concerning the matter.

I look forward, as usual, to working with the Minister and his officials, who have been very obliging to the Committee, on the progress of the Bill.

**Mr Buchanan:** I welcome the opportunity to speak at the Second Stage of the Employment Bill. The Bill, which deals with the review of employment law, has been under consideration for the best part of four years, having first been considered in Committee in April 2012. Given that the Chair of the Committee has outlined in detail all the work of the Committee and the stakeholders and departmental officials we met, I intend to keep my remarks fairly brief.

It is fair to say that the Department's objectives of identifying opportunities to reduce regulation and administrative burdens on businesses while protecting the rights of individual employees under the three key themes — the early resolution of workplace disputes, efficient and effective employment tribunals and better regulation measures — have, in general, received a broad welcome from all stakeholders. Everyone wants to see less bureaucracy and a more effective and efficient streamlined system. However, while broadly content with the substance of the Bill, all the respondents raised some issues of concern, disappointment or missed opportunity. For example, the Confederation of British Industry, the Federation of Small Businesses and the Engineering Employers' Federation were among those that expressed disappointment and felt that the Bill was a missed opportunity to extend the qualifying period for unfair dismissal to two years and reduce collective redundancy consultation periods from 90 days to 45 days to bring us into line with Great Britain. That, they argue, would ensure Northern Ireland's competitiveness and encourage inward investment and indigenous growth. The Minister responded to that in his opening remarks. While he does not intend to bring it forward in the Bill, he is happy to put provision in so that it can be dealt with at a future stage.

Early conciliation was one of the other proposals that was brought forward by the Department to help to address disputes in businesses at an early stage. While that is welcomed, I think, by all, some issues and concerns have been raised around the matter. The Law Centre Northern Ireland is at pains to point out that any such system must not be burdensome to the claimants and that a balance, therefore, needs to be struck. The LRA has quite legitimately expressed its concern at the resourcing of the changes in the Bill that it is responsible for delivering. That concern has also been voiced by the Engineering Employers' Federation, which feels that the additional burden placed on the LRA has the potential to dilute the other services that it provides. I have to say to the Minister that that is a real issue that has been raised and has come before the Committee. I know that a business case is being drawn up or put in place at the minute, but the funding of the LRA and being able to deliver the changes and the new provisions in the Bill are essential if we want to see this progressing and delivering in the way that is intended.

Other issues that were raised in Committee have already been addressed by the Department, and provision has been or is being

made for them. I am not going into them; we went through them in Committee and found agreement. All in all, I support the Bill. I look forward to working with the officials and the Minister at Committee Stage as the Bill progresses through the system.

**Mr Flanagan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I welcome the progress on the Bill and commend the Minister for sticking with it. He has been at it for some time, as we have heard. He has faced considerable difficulties in progressing it, but he has succeeded in getting it through the Executive and onto the Floor of the Assembly, so I commend him for his efforts and success.

It is important to highlight that, even though this has been going on for more than four years, it is better to get it right than do it fast. It is good to see that the Employment Bill has reached this stage. Hopefully, it will progress through the rest of the stages. There are some changes that need to be made to employment law to offer a better system for employers and employees. It cannot be a one-way system where some people say, "This is a missed opportunity to eradicate workers' rights". We cannot have an agenda like that around here; that is not what we are here for. Anybody who adopts such a proposal really needs to reflect on where they are coming from.

In his contribution to the debate, the Minister has adopted a very pragmatic approach in trying to get consensus from not only all the political parties but wider society. At an early stage, he made a worthwhile effort to bring together employers and employee representatives, along with the LRA, to find pragmatic solutions that everybody could buy into.

The easiest solutions that we as political representatives could have got support for are those that were brought forward together by employers and employee representatives. So, I commend the Minister for the pragmatic and progressive approach that he took in that matter, and for the manner in which he has listened to the feedback that has been brought to him by people from both sides of the argument.

We need to take a look at our employment laws, see how they meet the needs of employers and employees and bring forward legislation that allows us to continue to oppose the efforts that are being made to circumvent the rights of working people. We see it day in, day out; working people are being treated abysmally by a very small number of

employers. There is an onus on us, and we have a duty here, to make sure that such abuses are not tolerated, and it is important that we use an opportunity such as this to tackle those abuses. All too often, we see the individual — the worker — being treated disgracefully by their employer. We see the likes of Sports Direct, which is completely out of control, with zero-hour contracts and how it treats its staff. There is a responsibility on us as an Assembly to make sure that there is proper legislation and regulation in place to protect those workers, and then to ensure that workers have the right to challenge those practices and to bring them forward in whatever setting best meets their circumstances.

In the broadest sense, one of the clearest messages that all of us got back through the consultation period was that employers and employees want to see these matters dealt with in as informal a way as possible. The majority of people want to see conciliation or agreement reached outside a formal tribunal setting, if that can be done. Nobody wants to have to go through a formal employment tribunal, because it is a complex and burdensome process. Offering opportunities for resolutions to issues of this nature outside the formal tribunal setting is something that we should continue to explore at every opportunity. However, that should not be done in a way that reduces the rights of workers or employers to defend themselves against claims for maltreatment. The formal tribunal setting has significant costs for the former employee who is taking the case and for the employer who is defending themselves, and the running of the tribunals has a significant cost for the public purse. So, it is important that we find a way that meets the needs of everybody and tries to remove what is a very stressful environment from everybody.

If we look back at the history of employment tribunals, we see that they were set up with the intention of being similar to the small claims court, where there would have been little need for legal representation. However, as a result of complexities in employment law, due to directives from Europe, and a large number of appeals to decisions of employment tribunal panels, there now seems to be a requirement for solicitors and barristers to be involved in employment tribunals. That brings me on to one of the issues that the Minister and the Committee Chairperson raised in their eloquent contributions in which they summarised the issues around the Bill. The renaming of employment tribunal chairpersons to judges has caused concern. The majority of that concern comes from the potential for an individual to be sitting alone in an employment tribunal. So, it

was good to get confirmation from the Minister, today, and from his officials, last week, that renaming employment tribunal chairpersons as judges will not change that and give them the right to sit in isolation on a panel. That was one of our major concerns, so it was good to get that clarity from the Minister.

Providing an option for adjudication for straightforward, low-value claims is something that we should do more work on before the Bill reaches the end. The Minister and his Department have said that they are open to considering its potential as part of their proposed review of the Labour Relations Agency's arbitration scheme. I would like to hear from the Minister, in his closing remarks, a concrete commitment that such a matter will play a role in that review, rather than him saying that the Department is open to considering its inclusion. Maybe the Minister will reflect on that between now and his making his closing remarks.

Employment tribunals, by their nature, are complex for all parties, and changes need to be made to make them easier for everyone to access. It should not be the case that, for a worker or employer to go to an employment tribunal, they need to hire solicitors and barristers and pay out thousands of pounds to take a case or to defend themselves, because, generally, the cases that go to employment tribunals are often of a low value. The fact that you have to hire a solicitor or barrister to have any realistic chance of winning presents a barrier to people accessing justice. We need to review that.

### 12.30 pm

Some of the proposals that were under consideration and that, thankfully, have been rejected by the Minister to date present a very worrying picture. In England, fees have been introduced on claimants seeking to access a tribunal. This has led to a significant decrease in the number of claims and a knock-on denial of rights through reduced access to justice. I am glad that the Minister, from the outset, has rejected the approach of introducing fees for people who want to access employment tribunals because, the way that it is going, it is already costly to hire legal representation to get into an employment tribunal, and adding fees to that would be a significant barrier. At present, tribunals can impose deposits of up to £500 on some claims, which would be retained in the event of a case being lost. Now, £500 might not seem like a lot of money but, for someone who has just lost their job, potentially through an illegal act by an employer, it is a significant

sum. That presents a serious problem for people who want to access justice, particularly for those who are in part-time employment or who work in a non-trade-unionised environment. We need to be very careful that we do not present too many barriers in what seems to be a drive to eradicate workers' rights and that we do not erect barriers that cannot be overcome for some people to access justice.

There was, then, the option of a claimant being made subject to multiple deposits for taking a claim. I hope to hear from the Minister that he has absolutely no intention of pursuing multiple deposits, because that would be completely outrageous. People taking a claim for unfair dismissal or other matters could be hit with a £500 deposit for each of their single claims as opposed to one for the case overall. I would like to hear the Minister give a commitment at the end of the debate that multiple deposits will not actually be included. I would also like to hear whether he would be in favour of putting on the face of the Bill that multiple deposits should not be allowed through future regulations. I am keen to explore that because I am fundamentally opposed to multiple deposits.

The way in which future regulations on tribunals and deposits would be dealt with has been outlined. They would be subject to negative resolution so the Minister or, indeed, his successor could decide at any time to change the law without the Assembly's approval. I think that we need to change that so that the Minister must get the Assembly's approval before introducing such changes to either tribunals or deposits, as he has proposed to do in changing the qualifying period for unfair dismissal claims. That is a much better way to introduce regulations of that nature. It provides clarity for all those involved in the process because what happens with the negative resolution mechanism is that the law can be changed and then quickly changed back if the Assembly votes to reverse that decision. It would be much better to use affirmative resolution on matters pertaining to tribunal changes in the future. I would like to hear from the Minister whether he would support such a change. We discussed that at length at the Committee last Wednesday. There was considerable support for it around the Committee table. I would like to hear from the Minister whether that is a change that he would consider bringing forward through a further amendment.

The Bill as a whole does strengthen workers' rights in some aspects. I think that everybody would acknowledge that, whether you are on one side of the argument or the other —

whether you approach it from protecting and enhancing workers' rights or an effort to reduce and eradicate those rights — the Bill is not as comprehensive as either side wants. What we have is consensus in the middle where we have found agreement on a Bill that does make some changes but does not go as far as either side wants. It strengthens workers' rights in some aspects. As I have said, it changes the rule on amending the qualifying period for unfair dismissal so that the affirmative resolution process is in place and the Assembly must give its consent before any changes take place. I think that that was supported by employers and employees because nobody wants a situation in which the Minister or his successor decides that they will change it to two years, three years, 20 years or 40 years — who knows what a future Minister would decide? It would become law immediately or from whenever the Minister says. There would then be the possibility that the Assembly could overturn that decision. That would introduce chaos into the system because nobody would know what the system was, what the rules were or what the current legal framework was. Moving the qualifying period for unfair dismissal cases to affirmative resolution is a very welcome step. I commend the Minister for it.

We have heard that some in the House and some employers want to see the qualifying period extended to two years.

As the Minister has said, however, there is absolutely no evidence that it delivers a positive impact for the economy, as some tried to argue. All it does is diminish workers' rights without having a knock-on impact for anybody apart from employers that want to treat their staff badly. Some employers will tell you that it makes it easier to hire staff, knowing that you have up to two years to sack them without them having any recourse to an employment tribunal for unfair dismissal. In effect, all it does is make it easier to fire staff, because you have two years when you can get rid of a member of staff for any reason you see fit, and they have absolutely no legal recourse to challenge that decision.

I think that offering a year is a good compromise. Some of us want to see it reduced and some of us want to see it increased to two years but, from an employer's point of view, if you have not figured out after a year whether the employee is fit for the job, that is not the employee's problem. Twelve months is long enough to figure out whether somebody is fit for the job, whether they need additional training or whether it is just not working out.

None of the arguments for extending it to two years washed.

As we have heard, the issue of whether the period should be one year or two years is a key factor in determining whether inward investors will locate here and create employment. As I said to the Minister earlier, in the first year after the increase from one year to two years was introduced in England, in the subsequent year here Invest NI secured record levels of investment, so there is absolutely no evidence that having a qualifying period for unfair dismissals has a negative impact on attracting inward investors to this place. Whatever evidence people have brought forward does not stack up, and it is merely a completely unfounded attack on workers' rights. You will have gathered at this stage that I am opposed to any such proposal. I am glad to see that no extension to the qualifying period stands as part of the Bill.

At an early stage, the Bill also sought to reduce the compulsory collective redundancy consultation period from 90 days to 45 days in respect of consultations involving over 100 employees. I see from some of the consultation responses that were sent to the Department on the early consultation stages that some people actually wanted less than 45 days. Some people argue that it is not the length of time of the consultation but the quality of the consultation that is important. I am happy to see that that has been removed. In recent times, we have seen far too many multinational employers laying off significant numbers of staff. In fairness to some of them, they have been very open and honest with their employees and treated them very well, but not all employers go about their business in such a good way. We have to legislate for all employers, not just for the good ones. We have to introduce legislation here that will stop bad employers abusing their staff.

Reducing the requirement for employers who are involved in collective redundancies to engage with employees and their representatives would be a deeply regressive move and is not something that we should be exploring. When a multinational company is considering downsizing one of its sites around the world, one of the key factors that it will take into consideration is the cost of laying off staff. Unfortunately, we do not impose as high a standard here on companies as happens in other parts of the European Union. Instead of simply seeking to reduce the length of time that employers need to engage in a consultation period with staff and their representatives, we should explore how those companies that are

going to carry out that consultation period — which is a deeply traumatic time for people when they are being told that they and all their work colleagues are losing their jobs and the plant might be closing down — can demonstrate more openness and transparency to set out the details of why they are engaging in such an action. That will give employees and their representatives some chance to engage properly in a consultation period.

The Minister said that an argument has been made that it is the quality of the consultation that counts. If the consultation consists of, "We are closing this factory. You 1,000 people are losing your jobs. What do you think about that?", it is not much of a consultation. You are not giving the employees much of an argument to engage in a consultation to try to change the minds of the people who make the decisions. Then, maybe, it is not a consultation at all; perhaps it is just some way of closing a factory and putting a positive spin on it. More needs to be done in looking at how other EU member states are doing in providing information when significant numbers of jobs are being lost. That could be explored further through the Bill.

One of the biggest opportunities in the Bill — I am surprised that it has not been raised more today; we have not grasped it collectively to date — lies with how we tackle the scourge of zero-hours contracts on our workers. It is one of the biggest employment issues of our time, and, collectively, we do not yet have solutions. The Minister made valiant efforts to get cross-party support, but, despite those best efforts, no legislative proposals have been brought forward. As a result, the estimated 28,000 workers who are on zero-hours contracts are left without adequate protection from the abuses of some employers. We need to deal with the issue now. Between now and Consideration Stage, we need to try to find consensus on positive interventions that can be made to deal with zero-hours contracts. It is clear that some employers are completely abusing their staff. We have a responsibility to introduce effective legislation that addresses and prevents those abuses.

Companies such as Sports Direct phone people and tell them that they can come into work, and, when they get there, they are told that there is no work and that they can go home. Those actions are completely unacceptable and should not be allowed. Staff are kept behind after work to be searched to make sure that they are not stealing stuff. Although the time that staff have to remain on site is directed by the company, they are not paid for it. If people arrive one minute late for work, they are docked

15 minutes' wages, which is completely unfair. If you are one minute late for work, you should be docked for being one minute late not 15 minutes late.

How do we deal with zero-hours contracts? Some of the measures that the Minister had proposed to bring forward were fine, and I had no problem with them. My problem was that they did not go far enough. The Minister had a legal definition on how to deal with zero-hours contracts. He wanted to ban exclusivity contracts, with some exceptions for specialists such as highly skilled people in some industries, and that is fine. He had a range of progressive measures, but we need to go further than that to make sure that low-paid, non-unionised workers, in particular, are not being abused. Those people should be the focus of the Bill. The Bill should not be about giving rogue employers the chance to abuse their staff.

There is an onus on us to protect the most vulnerable in our society. With the Employment Bill, the most vulnerable are those in low pay who are not part of a unionised workforce and are working for bad employers. There is a small number of very bad employers out there, and we need to tackle them. There is an abundance of evidence on how staff are being abused by employers, and the Minister needs our collective goodwill to try to find a solution. I am more than willing to work with him over the coming weeks to try to find such a solution.

We are behind the times in dealing with some of these issues. In England, if the Tories were allowed, they would remove every single legislative right for workers and take you back three or four centuries. Thankfully, we do not have that. We are lucky that employment law is a devolved matter, and we need to bring forward legislation that protects the people whom we represent. There is an opportunity for the Minister and for us as an Assembly to show positive leadership to people who are looking for creative solutions on how to deal with issues such as zero-hours contracts.

It seems to be a new problem, and it was not raised 30 or 40 years ago. The problem now is that somebody will tell you that we are nearly in full employment, and very few people are on the dole and claiming benefits. That may be the case, but those people cannot get a full-time job; they cannot get the living wage or enough earnings every week to take them out of poverty. They may not be on the dole and may not count as a statistic because they are not claiming jobseeker's allowance, but they are just as badly off as if they were on the dole.

They are precarious workers who have no guaranteed income every week. They have no idea what they will earn in any week or how many hours they will work. There is a massive opportunity for us to take the lead and to bring forward imaginative solutions on how we tackle zero-hours contracts and address them once and for all.

**Mr B McCrea:** I thank Mr Flanagan for giving way. When you are trying to tackle all these issues, have you thought about the implications for employment? The argument is that, if you make it more draconian to employ people, you actually employ fewer people. Surely there is a middle way whereby you can find a way not only to secure the rights of workers but to encourage people to invest in their workers for the proper reasons.

**Mr Flanagan:** I have absolutely no problem in finding a middle ground that meets the needs of employers and employees, but, at the minute, the pendulum has swung too far in the direction of rogue employers who want to abuse their staff. There is absolutely no legal protection for people who are on zero-hours contracts.

**12.45 pm**

The Minister proposed bringing forward what I think was a statutory code of conduct to govern how employers needed to act with zero-hour contracts. It was a fairly sensible proposal and something that I would support. I have no problem with Basil's suggestion that we need to find a middle ground that meets the needs of employers and employees. I accept that draconian legislation may well act as a barrier to investment, but I think that some people argued that with the minimum wage and some people tried to argue it with the living wage. Forcing people to live in poverty with badly paid jobs where they have no rights is not the kind of society that I want to live in, and I hope that it is not the type of society that some in here want to force on our people. We hear talk in here about competitiveness: "competitive" seems to be a code word from some people for reducing workers' rights, reducing pay to staff and giving employers greater ability to abuse workers.

I commend the Minister for the platform piece he has in 'The Irish News' today about the need for the Assembly and the Executive not to disinvest in skills and about the challenges he faces as the Minister with responsibility for further and higher education, but I take umbrage at one point that he raised. He said that we cannot disinvest in FE and HE: I agree with that completely, but the reason he gives for

that is that we will then have a situation where there are fewer skilled workers and their wages will go up because of that shortage. I think a situation where the wages and rights of workers are going up is a good thing. We should look for an economy where people are paid a high rate. For me, that would be a good thing.

This talk of competitiveness is a code word for getting rid of well-paid jobs and forcing people to live in poverty. I do not buy the notion that competitiveness is necessarily a good thing when it is coded in the parameters of us having to bring forward an economy and society where people are treated like numbers and not like human beings. That is not good enough, and we should not tolerate that agenda. Making it easier for employers to sack staff and to treat them badly is not increasing competitiveness; it is a smokescreen to allow the reintroduction of centuries-old employment law practices. We should not go down that road. We need to look for progressive legislation that enhances the rights of workers —

**Mr B McCrea:** Will the Member give way?

**Mr Flanagan:** I will in a minute.

That enhances the rights of workers and increases productivity. Productivity should be the key thing, not this code word of "competitiveness", which, as I have articulated and outlined, is not a good thing when it is set in that context.

**Mr B McCrea:** I am sorry for intervening a second time, but I would just like to know the Member's position on this. He talks about zero-hour contracts and about how that seems to be a way for employers to avoid responsibilities under employment legislation. I wonder what his feeling is about agency working, because that seems to be another way that employers avoid certain responsibilities. They do not actually employ the staff; rather, they contract an agency that employs the staff. I think the Member will be aware that Bombardier recently announced that, because of the economic downturn, it has had to make some adjustments to the workforce. That adjustment falls solely on the agency staff, not on the core workers. It seems to me that we have a two-tier environment working here. Perhaps the Member might consider whether we should address that issue as well.

**Mr Flanagan:** I thank the Member for his intervention. I make the point that the Committee for Employment and Learning is much the less for his absence. He is sorely

missed from it, although his shoes have been ably filled by Mr Swann for a number of years.

The anomaly of agency workers is something that the Assembly has tried to address in the past, and I think the Minister has made valiant efforts to resolve that problem. But one of the problems we faced before when we raised the issue of zero-hour contracts was that, if you bring in legislation, some employers who genuinely want to treat their workers badly will find a way to circumvent the legislation. That is the problem we face: no matter what legislation we bring in here and no matter what solution you put in place, there are some employers out there who just do not want to treat their staff right. That is the case whether they are directly employed or are agency workers. Thankfully, it is a very small number of employers; they are very much in the minority. All the evidence we see is that the vast majority of employers are responsible people who want to pay their staff well, treat them well and give them a good work-life balance. Unfortunately, some companies just do not want to do that, because they see their bottom line in a financial number, without any ethical or moral duty or obligation to their employees as their principal focus.

I completely agree with Mr McCrea's comments about agency workers. It is something that we will have to tackle, and it is getting out of hand. I have mentioned Sports Direct twice in my contribution, but, once again, Sports Direct is another organisation that completely abuses agency workers. As with zero-hour contracts, we need to find a creative and imaginative solution for dealing with the problem of agency workers. I am prepared to sit around the table with Mr McCrea, the Minister and anybody else who is interested in having those discussions to see how we can find those solutions.

**Mr Principal Deputy Speaker:** Before I call Ms Claire Hanna, I remind her that the Business Committee will meet at 1.00 pm and I may need to interrupt her if we reach that time.

**Ms Hanna:** Thank you, Mr Speaker. I am keen to get out of here for lunch and be finished up, so I intend to wrap up. I know that a lot of the issues have been explored at length. There is a lot of the Bill that we welcome and, I know, most stakeholders welcome. It is important that it all gets through. As we have talked about, there is that balance to be struck between flexibility for employers and the rights of employees. I think that is done reasonably well in the Bill, but there are omissions, primarily around zero-hour contracts. I will come back to those.

The measures on public interest disclosures and whistle-blowing are certainly good, because the discrimination and disadvantage that people have experienced has not always been top down from their boss. It is appropriate that that provision is extended to someone's colleagues. The issue around the good faith motivation is complex and may need a little more exploration. We do not want a situation where we discourage someone from making a disclosure that is in the public interest. Yes, we want to know that their motivation is right, but at the same time we do not want to lose that information.

We think it is very positive that the mandatory consultation on redundancies has not been cut to 45 days. Employers of that size — over 100 employees — often sustain a large community in employment. For that to disappear in six weeks without a lot of consultation could be absolutely devastating. It is right that that time is protected. Again, that is one of the issues where the balance between capital and labour would have swung very strongly in the wrong direction.

All of the additional guidance on issues around managing staff, conduct and discipline is also good, particularly for smaller companies that do not have a full-time human resources department and all the policies, codes and so on. The fact that people can fairly and legally manage an employee situation or extricate themselves from that if it is really not working is welcome, without necessarily tipping us into tribunal situations.

We also cautiously welcome but want more detail on the creation of the conciliation function and the neutral assessment within the Labour Relations Agency. It appears that some of those conversations and the consultation have produced valuable outcomes. I know that the Labour Relations Agency now has a round-table and stuff dealing with that. Given the stress, time and, in the case of the employer in particular, cost around those tribunals, it is right that people can get an early and fairly solid assessment that is not just an opinion on the merits or otherwise of their case and save everybody a lot of time and effort. With all of the new legislation around employment over the last years and decades, particularly from Europe, it is inevitable that that has become quite legalistic. We are broadly comfortable with the changes in the terminology around that, in the knowledge that there will be guidance and so on provided, particularly for vulnerable employees.

While we do not want to overburden employers, you always have to remember that, if something takes the burden away from the employers, it almost necessarily makes it a little bit onerous. We do not want to have a situation where a legitimate appellant cannot have a satisfactory outcome to their case. If I understand the Minister correctly, the framework for allowing for fees will not be used. That is useful, because it would price out, in particular, those who do not have union representation, which, statistically, is likely to be younger workers and those in the private sector. It is also, as, I think, Mr Flanagan outlined, the layers of complexity in a case if you cite a number of issues or, indeed, if you cite a number of people that could, in theory, accumulate thousands of pounds in deposits. That would not be good, and it was good to get clarity that that is not the case.

It is all good stuff. We and the stakeholders are pleased that it looks like it will get through, but, if you were being critical, it could be seen as a bit limited given how long it has been in the pipeline. I only picked this issue up this week — obviously, Pat Ramsey was leading on it before the break — so I do not know if it is a departmental or Executive oversight that we have not dealt with zero-hours contracts, but they have not been meaningfully addressed. While they might come in through amendments, something this big should not be dealt with in emergency amendments. Indeed, it would probably derail the Bill and all the other good stuff that we all want to get through in this mandate.

Zero-hours contracts are undermining decent work. Mr Flanagan said that they were one of the big employment issues of our time, and they are. Three years ago, I brought a motion to Belfast City Council asking that that organisation, as one of the major employers in the city, do not use them, and I am glad that that was successful. Three years on, we have not made any progress in the wider legislative framework. People will be aware that, effectively, a zero-hours contract creates an on-call arrangement between the employer and the employee but does not necessarily provide work and, in some cases, locks the employee into work for just that company. The concept has been around for a long time — men used to come back from the shipyard without having got any work — and abuse of it has been around for a long time. People have been looking for any reason or no reason at all to withdraw hours as a punishment, and it very much limits the ability to assert other employee rights.

Of course, the arrangement will suit some people, such as students or retirees who do not

have fixed outgoings and maybe can be a bit more flexible with their time. I appreciate the appeal for employers: it allows maximum flexibility to respond to demand and minimise risk, and is that not what the free market is all about? You can exploit whatever is out there, whether it is raw or human potential. However, we see the price of that being paid by the increasingly precarious layer of workers who, in the main, are probably women and earning around £500 per month. It is a way for unscrupulous employers to, in some cases, avoid paying them properly and giving them other employment rights. As others have suggested, it is a way that unscrupulous Governments, if they so choose, could mask underemployment rates and unemployment rates. It is important that we look at that aspect.

**Mr B McCrea:** Will the Member give way?

**Ms Hanna:** Yes, the Member will.

**Mr B McCrea:** I do not want to be uncharitable just before lunch, but I am not sure whether the Member is supporting the introduction of amendments for zero-hours contracts or thinks that it is too difficult. As you rightly said, you brought it to Belfast City Council. I think that it is an issue that we maybe ought to be looking at, or do you think that we just do not have time?

**Ms Hanna:** I think that we should, and I am about to suggest some specific amendments. I do not think that we want to be in the business of outlawing them. As I said, there are situations where they can work, but you can ameliorate their very worst aspects.

I am not an expert on how quickly Bills move through, and, as I said, we do not want to throw the baby out with the bathwater. We do not want to lose the good things that are in the Bill. That is why I do not really understand why no movement has been made on zero-hours contracts, through this Bill or generally through the Executive. I will propose very briefly some ways that we might take the sting out of them — and the sting has to be taken out. It always bemuses me that family values are seen as a preserve of the right. Zero-hours contracts are a very right-wing tool. You cannot have a family. They are fundamentally anti-family, with the degradation of good, decent employment that we see through things like zero-hour contracts. You cannot access formal childcare, you cannot plan for childcare or looking after an elderly parent, and you cannot really train for a better job when you do not know whether you are in or out one day or the other.

When I was doing my research for that Bill a few years ago, there were thousands of these contracts in Northern Ireland, and we know that they have grown, but, basically, there should be a few smaller provisions that do not strip them out entirely. You give anybody who has done 12 weeks' work on a zero-hours contract the right to a contract based on that average time; you end the provision that people can require an employee to work with just one employer; and you end the misuse where people are working basically regular hours on a regular contract for a long time but are being denied that contract and basically —

**Mr Principal Deputy Speaker:** I ask the Member to conclude her remarks, or I will have to interrupt her.

**Ms Hanna:** Yes, I will. I will do it by 1.00 pm. The balance of flexibility is not an excuse for exploitation. We welcome everything else in the Bill, and we think that we could get some of those minor provisions. We are not saying that it should be banned — we appreciate that it has its use — but we should take the worst aspects out for those who are bearing the brunt of it.

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

*The debate stood suspended.*

*The sitting was suspended at 12.59 pm.*

*On resuming (Mr Deputy Speaker [Mr Dallat] in the Chair) —*

**2.00 pm**

## Oral Answers to Questions

### Agriculture and Rural Development

**Mr Deputy Speaker (Mr Dallat):** Mr Fearghal McKinney is not in his place.

### Tackling Rural Poverty and Social Isolation Framework

2. **Mr Gardiner** asked the Minister of Agriculture and Rural Development for an update on proposals for a replacement for the

tackling rural poverty and social isolation framework 2011-15. (AQO 9350/11-16)

3. **Mr Maskey** asked the Minister of Agriculture and Rural Development how her tackling rural poverty and social isolation framework 2011-15 has met its objectives. (AQO 9351/11-16)

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** With your permission, Mr Deputy Speaker, I will answer questions 2 and 3 together.

On 18 November, I launched a public consultation on my proposals for a successor to the tackling rural poverty and social isolation (TRPSI) framework 2011-15 to operate in the period post 2016. I encourage stakeholders to respond to the consultation, which will run until 20 January. My Department held a stakeholder event on 10 December as part of the public consultation to provide rural stakeholders with an opportunity to discuss the proposals and to provide feedback. The successor TRPSI framework will be produced following completion of the public consultation, and it is my intention to publish a final framework document in March 2016.

I am very proud of the achievements that have been delivered under the current TRPSI framework. The recent report on the evaluation of the framework demonstrates the positive impact that TRPSI has made to the lives of rural dwellers across a range of areas, including access to transport and broadband services, promotion of positive mental health, addressing fuel poverty, and supporting community development in rural areas. The evaluation shows the framework's success in encouraging the development and implementation of a range of measures designed to target access poverty, financial poverty and social isolation among vulnerable groups in rural areas. In total, 17 measures have been delivered under the current framework, and one of its greatest strengths has been its flexibility, enabling it to bring together a broad range of organisations to work in partnership to address a wide range of rural issues.

The Committee for Agriculture and Rural Development also recognised the success of the current TRPSI framework in its position paper, which it published in March of last year. I want to ensure that the successor TRPSI framework builds on the success of the current framework and continues to deliver real benefits for the most vulnerable rural dwellers.

**Mr Gardiner:** I thank the Minister for her answer thus far. Is she aware, however, that the proposed new framework includes no mention of the previous support for Protestant and unionist communities to apply for rural development funding despite it being known that they need additional support? Will the Minister now consider that?

**Mrs O'Neill:** I thank the Member for his question. As he knows, we are out to consultation, and I will certainly listen to all views. You may remember that the Protestant/unionist/loyalist (PUL) funding came into place because there was an identified need in that there was an under-capacity in reaching out and trying to attract funding for the PUL community. It has been suggested that that need has been met, but, as part of the consultation, I am open to listening to all views on the way forward. However, I do not want to make false promises. It was an identified need; that need was met. We will certainly look at everything as a result of the responses that we receive from the consultation.

**Mr Rogers:** I thank the Minister for her answers thus far. Minister, when do you expect the rural proofing Bill to come to the Floor of the Assembly, and what financial provision will be made for the rural proofing programme that is expected to be born out of such legislation?

**Mrs O'Neill:** The Rural Needs Bill was introduced to the Assembly on 9 November, and I was delighted to see it pass its Second Stage on 17 November. It stands referred to the Committee for Agriculture and Rural Development for Committee Stage, and the Committee is to conclude its stage over the next number of weeks and publish its report on 26 January. You will be aware that the Bill proposes to introduce a statutory duty on all Departments and local councils requiring rural needs to be taken into account when they are developing and implementing government policies and strategies and delivering public services. It will also support the equitable treatment of rural dwellers by requiring their needs to be appropriately considered in the development and delivery of policy and public services.

For me, the Bill is key in trying to shape policies and strategies at the beginning in Departments. It is about making all Departments consider and seriously take on board their responsibilities to rural dwellers, because, as I have consistently said, the needs of rural dwellers are not just the responsibility of my Department but of all Departments. The Bill will make sure that that

is the case. The support that my Department will provide to other Departments will be practical support; it will be in helping Departments to understand what they need to do to rural proof their policies and strategies. I do not believe that it is a massive financial ask to expect all Departments to do something that they previously have committed to do in the Executive, namely to rural proof. The Bill will make sure that that is done on a statutory basis.

**Mr Deputy Speaker (Mr Dallat):** Members, will you please note that question 4 has been withdrawn?

## Pork Exports to China

5. **Mr McMullan** asked the Minister of Agriculture and Rural Development what impact the recent approval of local pork exports to China will have on the agrifood industry. (AQO 9353/11-16)

**Mrs O'Neill:** The pig Industry is an important sector here, and I was delighted when China's certification agency announced its intention to approve plants in the North for pork exports to China, subject to completing some remedial actions identified as part of their audit last year. Securing access to one of the primary new markets outlined in the Going for Growth initiative is a welcome development and followed my third visit to China in June last year, which focused on negotiating these vital pork approvals.

The commencement of pork exports to China will represent a major boost for the local pork industry. It is difficult to precisely quantify the potential value of this market because of uncertainty around factors such as exchange rates, potential demand and competition from other exporters. The industry has indicated that this trade could generate as much as £10 million per year for our pork sector. Given the uncertainties, it is difficult to know if that potential can be realised. However, when we work with the industry, I am looking forward to the potential that is there and for the industry to reach into what is expected to become the world's leading per capita consumer of pig meat by 2022. What we have to offer is something that the Chinese market obviously values, given that they have allowed entry.

I and my Department continue to invest much time and energy in opening new markets, and I am delighted to announce that our agrifood industry is beginning to trade with two vital new markets that we established in 2015. The first

shipment of pork to India arrived in port at the end of December, and our beef sector is preparing to trade with the newly opened Canadian market. Trading with new countries will, I hope, also help to mitigate the negative impacts of price volatility and exchange rate fluctuations that the industry has faced.

**Mr McMullan:** Go raibh maith agat. I thank the Minister for her comprehensive answer. Has there been any progress in gaining export approval for other agrifood produce to China?

**Mrs O'Neill:** The beef and poultry sectors in the North have indicated that China remains one of their priority markets. As such, access to that market remains one of my key ministerial priorities. The Chinese recently signed a memorandum of understanding with Britain and the North that lays the foundations for discussion on a range of issues, including agreeing terms to export chicken and beef. That is a positive step but, as we saw with pork, there is still a lengthy process ahead before exports can commence

There has also been a TSE (transmissible spongiform encephalopathy) working group set up, which we are hoping will facilitate negotiations of beef exports in particular. An Agri-Food and Biosciences Institute (AFBI) expert represents our interests on that specialist group. There is a lot of potential there, and, working with the industry, we can continue to drive home the message that we have a fantastic product to offer, that we have a clean, green image, and that we use that to our advantage when we are out and about selling our wares to get into other potential markets.

**Mr Swann:** I welcome the Minister's announcements that our agrifood is now getting into India and Canada. Can she give the House an estimate of the size of those two markets, and an update on what is she doing to get Northern Ireland beef into the American market?

**Mrs O'Neill:** The American market remains one of our priorities. We want to build on the successes that we have had, but we are working closely with the industry around the US market and the Philippines market for beef. Those are key markets that the industry has identified. We are also working hard in Australia in relation to pork. There are a number of key areas that the industry wants us to focus on and that, for me, is very much the way we should be targeting those new markets. We have had some success.

The monetary value of those markets depends on the uptake. If we open up a market, it is then for the industry to get itself into that market. It is very much about working with my Department and the Enterprise Department on showcasing their products wherever we can and letting everybody know that we have fully traceable food that we can stand over. We have wholesome food, and that is one of our strengths and one of the biggest marketing tools that we can use.

**Mrs D Kelly:** On what date does the Minister expect the first sale of pork to the Chinese market?

**Mrs O'Neill:** That is very much down to the industry. The market has been opened, and the industry and producers are in negotiations with potential buyers in China. I do not have a date to give you, but what the industry needed was the market to be open. I have secured that, so it is now over to the industry to hopefully achieve sales. We are talking potentially about £10 million in revenue for the pork sector alone just for getting into the Chinese market with what we did last year.

**Mr Allister:** Bearing in mind the very protracted nature of the inspection process for pork in regard to the Chinese market, in respect of the hope to get poultry meat and beef into that market, is it going to be the same tortuous inspection process or is anything done to date going to shorten it?

**Mrs O'Neill:** We would like to think that, given all the work that we have done over the last number of years to build up the confidence of the Chinese in our systems and processes, they will take some comfort from the fact that we have conformed to everything that they have asked in terms of inspection regimes. They can see that we have very high standards in our processing factories. When the inspectors came here, they were certainly impressed by what they saw. I am not saying that that is going to shorten the process by a large time, but we can say, hopefully, that it will lead to confidence being there from the start and that we can hit the ground running in terms of access for other products.

## Cross-border Cooperation

6. **Mr McAleer** asked the Minister of Agriculture and Rural Development how cross-border cooperation will be enhanced by the rural development programme 2014-2020. (AQO 9354/11-16)

**Mrs O'Neill:** My Department's rural development programme (RDP) for the 2014-2020 period was formally adopted by the European Commission on 25 August last year. The programme is a £623 million package of support that will benefit the farming and food sectors, rural communities, rural businesses and the environment.

An important element of the rural development programme is the opportunity for cooperation between us in the North and those in other member states, including the South. A distinct scheme within the programme supports cooperation between local action groups (LAGs) that will deliver the LEADER measures of the RDP. Through the all-island cooperation scheme, LAGs will be encouraged to collaborate with groups in other regions to share knowledge, innovate and acquire skills. An allocation of £4 million has been ring-fenced to meet the cost of projects funded through the all-island cooperation scheme, and my officials are in contact with their counterparts in England, Scotland and Wales and with colleagues in the South to develop common principles that will reduce the red tape associated with cross-border and transnational cooperation.

My officials and their colleagues in the South have also met to discuss a mechanism to facilitate cooperation between our LAGs. I am pleased that officials are proposing an event, to be held during the spring of this year, to which LAGs and relevant stakeholder organisations from across the island and beyond will be invited. A call for cross-border cooperation projects will also be opened later this year.

The benefits of cooperation are multidimensional, and through the rural development programme, cross-border projects could help industry to target new markets, introduce new approaches to rural tourism or provide economy of scale to enable activities that would not have been feasible within a single area.

**Mr McAleer:** Go raibh maith agat. I thank the Minister for her answer. Will she tell us what type of projects will benefit from the cooperation element of LEADER?

**Mrs O'Neill:** During programme development, a number of areas were identified where there was the potential to support cooperation activities to achieve the programme's aims and objectives. Providing support for cooperation will provide new opportunities to bring potential beneficiaries together, to overcome fragmentation, to undertake innovative activities

and projects that are new, and also to support new cooperation groups. There will be support for European operational groups and for innovative projects to address agricultural sustainability. These groups will be required to share the results of their projects within the Six Counties but also more widely, right across Europe. Other cooperation support includes an agrifood cooperation scheme for small and microbusinesses to reduce their marketing, logistics and distribution costs and have innovative methods of sharing resources. That cooperation is unlikely to have a cross-border element, but I think that the Member will see that there is quite a programme of activities, and we look forward to them being taken forward, to build on the successful projects that we saw in the programme that is now coming to an end.

**Mr McCrossan:** What percentage of RDP moneys will be going towards encouraging the growth and protection of rural communities such as those in my constituency, West Tyrone?

**Mrs O'Neill:** I do not have the breakdown to give the figure for West Tyrone, but £70 million is the entire figure for priority 6, which is the area of work that will support rural communities through a number of measures, whether they be in relation to access to basic services within communities, tourism projects or small business investment schemes. LAGs are currently devising their local strategies. They have submitted them to me; I am working my way through them and hope to be able to sign off on them over the next number of weeks. That will allow spend and the programmes to open for applications in the immediate future.

## Renewable Energy

7. **Mr McCarthy** asked the Minister of Agriculture and Rural Development how her Department will help farmers to use renewable energy to reduce their costs. (AQO 9355/11-16)

**Mrs O'Neill:** Before any farmer considers installation of renewable energy technologies, consideration needs to be given to ways to improve the energy efficiency of their farm businesses. To assist with that process, the College of Agriculture, Food and Rural Enterprise (CAFRE) development services provide guidance and training on energy efficiency through its industry training programme that involves workshops and events, such as the Practical On-farm Renewable Energy events, which have been delivered annually since 2010.

## 2.15 pm

Over the past several years, approximately 300 farms per annum have had their energy use benchmarked. In addition, the dairy unit at CAFRE encompasses a number of leading-edge energy-efficiency technologies that are demonstrated to farmers through CAFRE's knowledge and technology transfer programme. CAFRE students, the young farmers of the future, also avail themselves of information on energy efficiency and on how new energy efficiency and renewable technologies can be implemented in a practical way on the farm. These training courses, coupled with technical articles supplied to the agriculture press, ensure that the local farming community is aware of options open to them and that they are more energy efficient on their farms and more sustainable through the use of renewable energy technologies.

The rural development plan approved by the European Commission includes a proposed business investment scheme, and feasibility studies into renewable energy projects will be eligible for support. It is vital that farmers, or groups of farmers, take decisions on an informed basis. Financial assistance for the purchase and installation of renewable energy technologies is no longer eligible for support due to the generation incentives — the renewables obligation — already in place. However, successful projects under previous grant schemes for renewable energy installations on farms under the European sustainable competitiveness programme provide a demonstration facility for a range of technologies that may be suitable for those interested in microgeneration.

**Mr McCarthy:** That was a very long and convoluted answer; it is very difficult to keep in one's mind all the issues that she raised but I am sure that the Minister is aware from the 'Belfast Telegraph' the other morning that farmers in my constituency growing the famous Comber spud are receiving 14p a kilo for their product. At the same time, the supermarkets charge over £1. In those dire circumstances that farmers face, will the Minister ensure that every opportunity is given to farmers and landowners to obtain funding to ensure that energy saving is a priority on their farms and businesses?

**Mrs O'Neill:** Yes. I am very happy to send my answer to the Member in writing so that he can study it in more detail when he has the time to take it all in. His point is absolutely fair enough in relation to the price that farmers receive for

what they produce. That has always been one of my major concerns and it is why, as you will be aware, I have brought forward the work that we are doing in the supply chain forum to look at fairness in the supply chain. We have a strategy to grow the industry and will work with potato growers or any other sector, but we will be successful only if there is fairness in the supply chain and all elements in it work together. For me, it is very much about a sea change in attitudes right across the supply chain. The farmer should not be the person continually pushed for price reductions. I certainly share your concerns and will continue to do all that I can.

We have a new rural development programme about to come online that will support farmers in looking at energy efficiency and how they can be more efficient. We have CAFRE advisers on the ground to help them to become more efficient. I will do absolutely everything that I can to help farmers in that regard; I will not be found wanting.

**Mr Deputy Speaker (Mr Dallat):** I remind Members that they must continue to rise in their place if they wish to be called for a supplementary question.

**Mr Cochrane-Watson:** I thank the Minister for her extensive answer on renewables. Does the Minister agree that the Enterprise Minister has created a policy vacuum leading to a financial crisis for local farmers and landowners who had invested and planned for single wind turbines?

**Mrs O'Neill:** Yes, I understand those concerns, which have been raised with me by the farming industry, in relation to the decision not to move forward. As you rightly said, DETI is the lead Department for energy generation matters but I have flagged up my concerns as they have been relayed to me by the farming industry, which was planning to take forward some energy efficiency measures and has now been told that it will not have grant aid. It is a genuine concern and something that we need the Enterprise, Trade and Investment Minister to reflect on. I am assured that is what is happening.

**Mr Murphy:** I thank the Minister for her answers so far. She made reference to the concerns about the proposed abrupt closure of the renewables obligation scheme. I hope that she continues to talk to the Enterprise, Trade and Investment Minister to try to secure an outcome for farmers that is satisfactory to them, because there is widespread concern in the farming community about that. In light of that,

what steps will her Department take to promote uptake of renewable energy?

**Mrs O'Neill:** I thank the Member for his question. I share those concerns and have relayed them to the Enterprise, Trade and Investment Minister. I will continue to discuss them as we come to a final decision.

On the question of the steps that the Department takes to promote the uptake of renewable energy, we have held, as part of our renewable energy action plan, two practical on-farm renewable energy events: one in Greenmount and one in Enniskillen. Various Departments and outside stakeholders were invited to those events to showcase the renewable energy technologies and innovations that they had developed.

Seminars and workshops are arranged, at which government officials and industry representatives combine to deliver practical advice to farmers on the types of renewable energy technologies suitable for our local farmers. A range of other measures is also delivered through the renewable energy action plan, including renewable energy and energy efficiency training offered by CAFRE, visits to the renewable energy research centre at AFBI, and the Focus Farms programme, all of which showcase renewable energy supply chains.

## **Flood Alleviation Scheme: East Belfast**

8. **Mr Allen** asked the Minister of Agriculture and Rural Development for her assessment of the success of the work carried out as part of the east Belfast flood alleviation scheme. (AQO 9356/11-16)

**Mrs O'Neill:** I am pleased to advise that significant progress is being made with the east Belfast flood alleviation scheme, with works to replace a culvert under the Castlereagh Road now complete. Flood alleviation works at Clara Park are ongoing, with the road culvert having recently been replaced. In the early part of 2016, downstream flood alleviation works along Sandhill Parade will progress.

Phase 2 of the integrated Connswater Community Greenway and east Belfast flood alleviation scheme is working on 13 fronts across east Belfast, with good progress being made across all areas. The combined flood alleviation schemes will protect 1,700 homes and businesses. Those integrated works include environmental improvements associated with the greenway project and flood

alleviation, and it is estimated that the total cost will be in the region of £12 million.

**Mr Allen:** I thank the Minister for her answer. I pay tribute to the agencies and to the staff who have worked so hard to make the alleviation scheme a success so far. East Belfast is relieved that the worst of the recent flooding was not on its doorstep. However, is the Minister concerned by DSD's decision to delay dredging of the River Lagan in an attempt to save £3 million? That inaction could contribute to future serious flooding in the area.

**Mrs O'Neill:** I do not have the detail of the DSD decision. If there is an issue, you may want to take it up with Minister for Social Development.

With all the flooding over the past six to eight weeks, dredging has become very topical. As I said in the House yesterday when answering questions on flooding, dredging would not have solved the problems that we experienced recently with Lough Erne and Lough Neagh. It certainly was not an issue, as the flooding that we experienced recently was due to extreme weather.

**Ms McCorley:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a freagraí go dtí seo. An dtig liom iarraidh ar an Aire cad é mar a théann Roinn s'aice i dteagmháil le pobail atá i mbaol ó thuille? How does her Department engage with communities that are in danger from flooding?

**Mrs O'Neill:** The past number of weeks have shown that that engagement is absolutely critical. Everybody can point to the fact that the multi-agency approach to flooding taken recently has been key. We talk about the approach being a multi-agency one, but it involves the agencies, councils and communities working together. For example, I saw places where Rivers Agency had left sandbag stores, and that meant that local communities were able to access them when there was the potential for flooding of homes and properties.

That continued engagement with communities is absolutely vital and really helps our ability to respond to flooding instances. As part of the councils' emergency planning and flood emergency response plans, getting everybody to work together within communities is absolutely key. That has stood communities well over the past number of weeks.

**Mr Irwin:** Will the Minister give an assurance to the House that she will endeavour to get financial aid to farmers and businesses that have been affected in recent days?

**Mrs O'Neill:** My position has not changed from yesterday. We have £1.3 million being made available, and the Executive have committed to using that money for flood protection and flood prevention. A ministerial group will take a look at it and report to the Executive next Thursday. As I told you yesterday, and this remains the case, I have tasked officials with getting a proper read-out of the situation and how farmers have been impacted on. I am aware of a small number of farmers whose access to fodder has been impacted, perhaps because all of their fodder has been destroyed. I will look at all of that and gather the information. The priority for the last number of weeks has been dealing with the flooding, but, yes, we have additional money now, and we will look at how best we can use that to make a difference to people. It is important that we gather the information to see what the damage is and what has been the impact.

## Rural Micro Capital Grant Programme

9. **Mr Buchanan** asked the Minister of Agriculture and Rural Development for her assessment of phase 2 of the rural micro capital grant programme. (AQO 9357/11-16)

**Mrs O'Neill:** In the first year of operation, rural micro capital grants of up to £1,500 have been awarded to 370 community and voluntary groups to improve and develop their facilities and assets. Through phase 1 of the programme, 146 projects were funded, and my officials are in the process of paying these grant claims. The second phase closed for applications on 30 October 2015. From this, an additional 224 groups have been offered funding to deliver micro projects along the themes of modernisation, health and well-being and ICT. The local rural support networks, which are administering the programme on behalf of DARD, worked hard to get letters of offer issued during December.

Feedback from the first phase of the programme has shown that these rural micro projects have helped to strengthen communities and allowed groups to improve and expand the services that they deliver. I am confident that the second phase projects will replicate this. A diverse range of groups spanning a broad spectrum of interests has benefited from a micro grant. Despite the value of individual

grants being relatively low, the impact of these projects locally, and collectively across the North, is significant. Overall, the rural micro capital grant programme is proving to be an extremely effective component of my Department's tackling rural poverty and social isolation framework.

**Mr Buchanan:** I thank the Minister for her response. Given the success of these two programmes — I know that there has been a great uptake in my constituency of West Tyrone — does the Minister foresee the Department rolling out a third phase at some time in the future?

**Mrs O'Neill:** Yes. You will be aware that we are out to consultation on the new TRPSI programme. I am committed to announcing a new programme for future years before the end of March. When looking at what projects we will roll forward, we will look at what was effective and what worked. This programme certainly worked. We will need to make an assessment on the basis of the second round, which was also fully subscribed. We were able to spend out to help community and voluntary groups along the three themes that I identified. I am very open to looking at whether this scheme is needed again or whether, given that this programme might have met the need that there was for it, there are other schemes that we could take forward to make a difference. I am very open to making sure that, going forward, we have fully funded capital and resource schemes for TRPSI.

**Mr McElduff:** What has been the total financial value of the projects to date? What type of projects will benefit in future?

**Mrs O'Neill:** There was up to £1,500 for all the individual capital grant schemes. We had 370 community voluntary groups in the first phase, and, in the second phase, 224 groups have been offered funding. Delivery has had a very significant impact. It can be something simple, such as getting a photocopier for a small community group so that it can produce a community bulletin. It has been very effective. I look forward to being able to roll out something similar for the future. The total values were £176,000 in the first phase and £367,000 in the second phase. That is quite a significant investment in rural communities.

## CTY 10

10. **Mr G Robinson** asked the Minister of Agriculture and Rural Development to outline any meetings she has had with the Minister of

the Environment on planning policy CTY 10. (AQO 9358/11-16)

**Mrs O'Neill:** I wrote to the Minister of the Environment to highlight my concerns about the potential impact of CTY 10(a) on young farmers who have set up as heads of holding in recently established farm businesses, and he responded recently. I sought the Environment Minister's assurance that consideration of this element of planning policy would not become a deterrent to young farmers establishing new businesses. In addition, my officials have met officials from the Department of the Environment on this specific issue and will continue to do so to ensure a satisfactory outcome for young farmers. I demonstrated my commitment to young farmers by introducing the young farmer top-up payment in the recent reform of CAP direct payments to encourage the development of the next generation of farmers.

**Mr Deputy Speaker (Mr Dallat):** I am afraid that there is no time for a supplementary question, because that ends the period for listed questions. We now move on to topical questions.

2.30 pm

### **Flooding: Ministerial Action**

T1. **Lord Morrow** asked the Minister of Agriculture and Rural Development, in continuing with the theme of the vexed situation of the serious flooding in Fermanagh and South Tyrone, and given that she has said on a number of occasions, and again here today, that she is looking at the situation, when she will stop looking and start doing, whether she agrees that it is time that decisive action was taken to establish a subcommittee and to state whether we can expect a report this week. (AQT 3301/11-16)

**Mrs O'Neill:** I have very much been in doing mode over the last six or eight weeks. We have been on the ground and making sure that our agencies are on the ground, delivering for people and businesses and trying to mitigate the worst effects, making sure that grilles were cleared and that the multi-agency approach was correct. That has certainly been borne out well in terms of the impact on communities, particularly those in Fermanagh, areas of south Tyrone and around the shores of Lough Neagh that have been devastated and cut off. Properties have been flooded; people have been devastated; and some people have been cut off from everyday life, not because their home has flooded but because the land around

them has flooded. That has caused considerable challenges. Collectively, the priority had to be doing the work on the ground to help those people through what is an ongoing situation, as agencies remain on high alert.

The review, which I talked about yesterday in the House, is something that I always do after there has been a flooding incident. It needs to take a look at all the factors. We will have two reviews, one of which will be an engineering review. Are there other engineering solutions that need to be taken forward? We will look at everything; we will look at dredging, the levels of the lough and the rainfall. We also need to review how effective the multi-agency approach has been. The assessment to date has certainly been a positive one, but it is important that we take a step back and review that. A significant body of work has been ongoing to support communities over the last number of weeks.

**Lord Morrow:** The Minister says that she has been on the ground: she certainly was not on the ground when 31 retail units flooded at the Linen Green in Moygashel. I understand that she refused to go out. That was in very poor taste. The Minister owes those retailers an apology, at least, for the negligence of her and her Department. Will she give an assurance today that the problem that existed there will be remedied to such an extent that it will not happen again? It was sheer negligence.

**Mrs O'Neill:** I do not agree with your assessment that it was sheer negligence. What happened at the Linen Green site was very clearly because of a blocked grille. The grille was cleared in advance of the storm and was left clear. Unfortunately, we had extreme weather; we had three storms in fact. That particular storm led to extreme rain and high winds, which meant that debris got blocked in the grille. As soon as the grille was cleared and that was identified as the problem, the water flowed away within half an hour. The Member will be aware of all the facts about that. I never refuse to go anywhere; I am very able and happy to meet anybody at any time in relation to flooding issues and the response of my agency in dealing with it.

My priority over the last number of weeks and certainly all over the holiday period has been about making sure that my agencies are on the ground and making sure that my Department, as the lead Department, is holding everybody else to account and making sure that everything that practically could be done was being done. That has been and continues to be the priority

as we remain on high alert. Fortunately, the levels of the lough are coming down, which impacts on the Fermanagh flooding situation and the Lough Neagh situation. In terms of meeting businesses in Linen Green, I have absolutely no problem meeting anybody at any time. I can stand over the work that is being done to support businesses that have been impacted on by flooding, and I will continue to do that. The priority for me, as I said, is about doing what needs to be done on the ground. That is certainly what Rivers Agency has been about.

### **Plant Health: Departmental Responsibility**

T2. **Mrs Hale** asked the Minister of Agriculture and Rural Development who is responsible for plant health in Northern Ireland. (AQT 3302/11-16)

**Mrs O'Neill:** Plant health comes under the remit of my Department.

**Mrs Hale:** Thank you, Minister, for your short but to-the-point answer. You stated in December 2015 that the Forest Service had a vital role in protecting plant health and our ecosystem and in promoting the rural economy and tourism. Hillsborough forest park is the second most visited park in Northern Ireland, but, unfortunately, I have been contacted by constituents who also happen to be professionals in countryside management and estate keeping and are increasingly concerned about the poor management of Hillsborough park. Felled trees are left lying when they could have been used for commercial timber. They are left rotting, and they are upsetting the balance of moisture and temperature, which is vital to the biodiversity, not to mention the safety issues and the fact that they are an absolute eyesore.

**Mr Deputy Speaker (Mr Dallat):** Will the Member come to a question shortly?

**Mrs Hale:** You have just said, Minister, that you do not refuse to visit, so I would welcome you to Hillsborough forest park to discuss the issues. In the interim, what will you do to actively ensure the proper and effective management of our forests?

**Mrs O'Neill:** Perhaps the best thing for me to do for the Member is to get Forest Service to contact you to discuss your concerns, which you have just highlighted to me for the very first time.

### **Ditch Maintenance and Management**

T3. **Mr Swann** asked the Minister of Agriculture and Rural Development whether she will consider giving farmers in Northern Ireland the option of maintaining and managing their own sheughs, given that, on 6 January, the DEFRA Minister Liz Truss announced to the Oxford Farming Conference that DEFRA will introduce legislation in April that will allow farmers across England finally to maintain and manage their own ditches up to the length of one mile. (AQT 3303/11-16)

**Mrs O'Neill:** It is not something that I have considered, but we will always look towards examples of good practice, if that is the case. We will not have time in this mandate to pass any other legislation, but certainly it is worth flagging it up now. Let us take a look at whether there is something that could be done in the future. However, it is not something that I am considering doing before the end of the mandate.

**Mr Swann:** In the current climate, when the Minister is being criticised, fairly or unfairly, for having done nothing with regard to the flooding that there has been and the flooding that is, potentially, coming, will she consider asking her departmental officials to have a look at it now? I know that Rivers Agency was before the Committee for Agriculture and Rural Development, and there were not a lot of positive suggestions coming forward. This is one option that could help farmers in Northern Ireland and be an answer to the problems.

**Mrs O'Neill:** I am aware that Rivers Agency officials were before the Committee today and that there was a full discussion on all elements of flooding. I do not agree with your assertion, and I do not think that you would expect me to stand here and agree with you, in your political point-scoring, that I have been doing nothing in relation to flooding. I have been on the ground; I have been doing the work; I have been holding my agencies to account. That is the job of a Minister.

### **Basic Farm Payments: Applications**

T4. **Mr Irwin** asked the Minister of Agriculture and Rural Development how many basic farm payment applications had yet to be verified at 31 December 2015. (AQT 3304/11-16)

**Mrs O'Neill:** It is still to be verified; I do not have the figures. About 96% of people have been paid, and we have paid over 1,700

inspection cases, which is a significant improvement. As you know, I have made improvements, year on year. Given all the complexities of embedding the new CAP reform this year, the fact that we have been able to achieve that target is extremely significant and, hopefully, something that you, as Chair of the ARD Committee, will welcome. We are working our way through the applications of the people who remain to be paid, and you will know that my intention and target is to have those paid by the end of March. We are down to small numbers, although I am always careful in saying that. If you are waiting for your payment, you will be stressed while waiting for it. We aim to have those people paid by the end of March.

**Mr Irwin:** I thank the Minister for her reply. I acknowledge that Northern Ireland and her Department have done very well in getting a large percentage of payments out — indeed, I think that it is the highest anywhere in the UK — but that is cold comfort to those who are still waiting. What percentage of basic farm payments are still to be paid? Actually, not the percentage — the number; it looks as if the percentage is 4%. I surmise that it might be higher, but we will take your word for it.

**Mrs O'Neill:** I will confirm for you in writing later today the exact number, but just over 96% have been paid, so 4% of the total applications — 4% of 25,000 or 26,000 — remain. I will confirm the number for you later.

## Young Farmers: Head of Holding

T5. **Mr I McCrea** asked the Minister of Agriculture and Rural Development for an update on the help she is giving to encourage young farmers who are trying to become head of holding. (AQT 3305/11-16)

**Mrs O'Neill:** The profile of the farming community was significantly towards the older generation, but we now have the young farmers' payment scheme through which we pay out the maximum amount of money. It shows that over 2,000 people identify as young farmers, which is a significant change in the profile. The fact that so many young farmers have enrolled in our business development groups is very positive. Our CAFRE advisers are on hand to work with young farmers on looking towards planning for their future businesses. We are also doing a lot of work on succession planning and are working with families on what they plan for the future and their future needs for their family business. A significant body of work is ongoing. We are

also working with the Young Farmers' Clubs. Obviously, that is an ongoing piece of work where I fund them to work and to engage with young farmers.

**Mr I McCrea:** There has been and probably still is a concern in young farmers' organisations that obstacles are put in place by the Department.

Will the Minister give an assurance that she is certainly doing nothing to put barriers in place and that, if there are barriers within the Department, she will ensure that they are removed and that young farmers can become the head of holding?

**Mrs O'Neill:** There are certainly no barriers. We set out the criteria that we need people to abide by for the scheme. Quite a significant body of those have been processed. I am keen to make sure that young farmers, particularly the new young farmers who are coming on, are allocated their entitlements, receive their basic payments and get their young farmers' top-ups as quickly as possible. A significant number have been paid. There are certainly no barriers. It is about working our way through that process. As I said in a previous answer, we are very much getting there. We are at over 96% now. Hopefully, the remaining 4% will be processed over the next number of weeks.1

## Flooding: Financial Support for Businesses

T6. **Mrs D Kelly** asked the Minister of Agriculture and Rural Development, given that, on more than one occasion, she has admitted to being the lead Minister in the Executive's response to the recent flooding incident, to state whether she has made explicit representation to her Executive colleagues to extend the eligibility criteria for financial support to local businesses. (AQT 3306/11-16)

**Mrs O'Neill:** You are correct: I am the lead Minister and I have the lead Department with regard to flooding. I decided on the back of the performance and efficiency delivery unit (PEDU) report in 2012 that the approach should be that one Department takes the lead. I showed political leadership. I stepped up and put it to the Executive that we agree that my Department take the lead.

As regards how we will support people going forward, I believe that the priority for the £1.3 million that we have been allocated has to be around prevention and doing work before

people get flooded. Thankfully, yesterday, the Executive agreed that the £1.3 million would all go towards flooding and supporting preventative measures and preparedness to militate against future flooding. They also tasked the Environment Minister, the Finance Minister, the Regional Development Minister and me to report by next Thursday's Executive meeting on how we would actually allocate that £1.3 million and to make suggestions to the Executive.

I think that we need to take a look at assessing the damage that has been done to businesses — including farms, which are also businesses — and at what other measures need to be supported. Do we need to look at rural roads being raised, for example? Do we need to look at what other needs Rivers Agency has, and practical things it can do on the ground? For me, the priority has to be preventative measures.

**Mrs D Kelly:** I thank the Minister for her answer, but she still has not answered my specific question: has she made representation to her Executive colleagues that the businesses that have been victims of the flooding incident be compensated in some way by the Executive?

**Mrs O'Neill:** I cannot say it any clearer than what I have said, which is that the Executive agreed after some discussion yesterday that we would look at the £1.3 million and how best we spend that money. I would much rather protect businesses against flooding than give them money to clean up afterwards.

## Water Framework Directive

T7. **Mr Rogers** asked the Minister of Agriculture and Rural Development what steps DARD is taking to ensure that the water framework directive is enforced, particularly in relation to good water quality for the aquaculture industry. (AQT 3307/11-16)

**Mrs O'Neill:** Obviously, we have to work towards implementing the water framework directive. It is part of our day-and-daily business, not just in my Department but in the Department of the Environment, where it is key.

**Mr Rogers:** When the directive is not met and some aquaculture farmers have to close down, they cannot just move their stock from one place to the other. Is there any recompense for those farmers?

**Mrs O'Neill:** Perhaps we need to pick up the conversation outside Question Time. We would need to talk more specifically around the challenges. I am very happy to do that. Obviously, I very much support the aquaculture sector. We will have an international conference later this year which will look at the needs of the aquaculture sector and target supports and key areas of research, for example, for that sector. That will happen later this year under the auspices of the North/South Ministerial Council meeting.

## Culture, Arts and Leisure

### Musical Instruments for Bands: Funding

1. **Mr Weir** asked the Minister of Culture, Arts and Leisure what action she will take to reinstate funding for musical instruments for bands. (AQO 9363/11-16)

**Ms Ní Chuilín (The Minister of Culture, Arts and Leisure):** The musical instruments for bands scheme, which is administered by the Arts Council, was put on hold in 2015-16 as a direct consequence of my Department's capital budget position. I fully recognise the value of the scheme and remain committed to supporting it, going forward. I will continue to work to ensure that adequate resources are available for the sector. Subject to those resources being made available, I would expect the scheme to be reinstated in the incoming 2016-17 financial year.

I want the scheme to be more inclusive and to provide capacity-building across the marching band and other musical sectors. This will, obviously, be subject to the availability of funding.

2.45 pm

**Mr Weir:** I thank the Minister for her answer. In terms of the priority that has been given to this, what funding bids did she put in for 2015-16 in the monitoring rounds?

**Ms Ní Chuilín:** I requested support for this, but I was not successful. I have spoken to colleagues in DFP about a new scheme. I have spoken to my officials, and they have spoken to representatives in the Arts Council, not just about a continuation of the scheme in the next financial year but about a revision to include other musical sectors. I will do all that I can to have the scheme reinstated, because I believe that it is very important. However, it is not and

will not be just for the marching bands; it will include primarily marching bands but also others from different parts of the community here who are involved in traditional Irish music, jazz, blues, pop music and other genres.

**Mr McKinney:** I welcome the Minister's latter comments. I have always felt that early access to music is a hallmark of a civilised society. Indeed, just think of what early access to music and instruments did for David Bowie and his millions of fans. In that context, will the Minister outline whether any alternative funds are available, for example, through the Arts Council, to ensure that young people have access to music and musical instruments?

**Ms Ní Chuilín:** This is the only scheme that provides access to musical instruments. However, I know that marching bands have accessed dance and music tuition through the Ulster-Scots Agency. Through different schemes, the Arts Council involves young people in performing arts and in Cinemagic, for example. It has been involved in community festivals and concerts, not just in the development of music but in front-of-house and backstage training. That has proven to lead on to participants taking up a musical instrument or being involved in choirs and the like. It is important that we look at the scheme and try to get it reinstated and amended so that it is a bit more inclusive than it was previously.

**Mr McMullan:** Go raibh maith agat. I thank the Minister for her answers so far. Will she assure the House that, if the musical instruments for bands scheme is reinstated, funding will be distributed equally across all musical forms?

**Ms Ní Chuilín:** The Member will have heard the answers that I gave to Mr Peter Weir and Mr Fearghal McKinney. It is important that the scheme is open not just for marching bands and that people from other music genres and sectors can apply for funding. I have listened to many people from across the community who felt that they would have liked to apply for the funding and could have benefited tremendously from it, but because they were not constituted as a marching band, they were prevented from doing so and had great difficulty in getting their development of music supported, particularly for children and young people. If we can get the money reinstated, we will look at revisions to the scheme.

## **Art and Culture: Global Promotion**

2. **Mr McCarthy** asked the Minister of Culture, Arts and Leisure how she plans to promote local art and culture globally. (AQO 9364/11-16)

**Ms Ní Chuilín:** I thank the Member for his question. I am sure that he will agree that our local art and culture is already internationally renowned. The impact that the arts and artists from here have made on the world stage far exceeds what might be expected from a relatively small population. Artists such as Seamus Heaney, Sinéad Morrissey, C S Lewis, Van Morrison and Rita Duffy, to mention a few, have already provided a platform to promote the North on an international stage and have helped to draw the attention of the world to our talented and creative people.

In support of this, the Arts Council runs a number of schemes to facilitate international arts activity, which enables artists and organisations from around the world to work together to develop collaborative projects.

**Mr McCarthy:** I am grateful to the Minister for her response.

Given that regions like Scotland and, indeed, our neighbours across the border have successfully used increased global visibility for their arts and cultural sector, thereby raising their international profile, will you as Minister in this Assembly commit to making such a policy for us here in Northern Ireland as we move to the end of this Assembly term?

**Ms Ní Chuilín:** The answer is yes, and I would argue that we and the Arts Council are already doing that. That is no disservice to the arts and artists who are already doing that right across the world. For a place this small and even for an island this small, we have internationally recognised arts and artists, and I think that that is something that we can be equally proud of. The Member asked whether that will be continued, and it absolutely will. Will we try to build upon it? We absolutely will.

**Mr Deputy Speaker (Mr Dallat):** Before calling Mr Dunne, I ask Members please to discontinue speaking while the Minister is speaking. It shows discourtesy and bad manners, and that should not happen.

**Mr Dunne:** I ask the Minister for an assurance that funding for the promotion of local arts and culture is done on an equitable basis. Your record to date in relation to unionist culture has been at least very poor.

**Ms Ní Chuilín:** First, I do not agree with what the Member has to say, but at least I am fairly consistent, and so is the Member. He constantly says things that, quite frankly, are rubbish. Unionist culture, nationalist culture and the culture of others — the culture of us all — are so intertwined in this community that, unless the Member is clearly specific about what he feels that I am either misrepresenting or not giving due regard to or support for, I, quite frankly, do not know what he talking about.

**Mr Dunne:** *[Interruption.]*

**Ms Ní Chuilín:** I am sure that anyone who is watching or listening to this will be scratching their heads as well, but at least you are fairly consistent on that.

**Mr Deputy Speaker (Mr Dallat):** Perhaps the Member missed the point. I asked Members not to shout or speak from a sedentary position, and I intend on seeing that that does not happen.

**Mr Milne:** Go raibh maith agat, a LeasCheann Comhairle. I ask the Minister what type of funding is available to support artists internationally.

**Ms Ní Chuilín:** I thank the Member for his supplementary question. There is support for the individual artist through travel awards, which enable individual artists and established music groups of up to four members to travel from the North right across. There are also professional arts abroad awards, which are made available to arts organisations that have experience or, indeed, proven potential for exhibitions, performances and other artistic profiling on an international arena to present their work abroad. There is also the artists' international development fund for organisations and individuals. Money is made available with support from the British-Irish Council in conjunction with the Arts Council. This programme is used to enhance the North's international artistic development and reputation. I know that all three have made it easier for people who wish to use their talent and their skills to promote what is best about here and best about this island abroad.

**Mrs McKeivitt:** I thank the Minister for her answers. Very often, Minister, we see ideas coming across jointly from Departments. There is the like of the Shamrock in the way that it involved tourism globally and related to Irishness, whether it was North or South, as symbols. The Irish Milwaukee festival, which I

attended a number of years ago, gave small local artists from here an opportunity to be able to sell their brand. Has the Minister had any joint approaches with the likes of DEL to involve schools to come to sell local art or to support local artists to help promote and support them globally and internationally?

**Ms Ní Chuilín:** I thank the Member for her question. I have not met with DEL about going to Milwaukee or a promotion with children at school. The Milwaukee festival is internationally renowned now, and she quite rightly points out that many people from across this island and across these islands attend that festival not only to come together with joint performances but with joint exhibitions from this island. I know that Tourism Ireland has helped to facilitate that. I am usually the accompanying Minister for the Minister of Enterprise, Trade and Investment at the NSMC meetings, and that has been raised. Particularly in the run-up to the Turner Prize and Lumiere, I know that a lot of local groups and groups from across the island used the City of Culture year as a linchpin to try to get some support from America back to the North. Doing so has a lot of advantages, and I am certainly be keen to hear about any opportunities for promotion.

### **Irish Language Act: Consultation Cost**

3. **Mr Lyons** asked the Minister of Culture, Arts and Leisure to outline the cost of the consultation on proposals for an Irish language Bill. (AQO 9365/11-16)

**Ms Ní Chuilín:** I thank the Member for his question. The cost of the consultation was £14,300. It was a very successful consultation, attracting almost 13,000 responses. Ninety-five per cent of respondents expressed their support for an Irish language Act. The report on the consultation, which was published on 18 December, is available on the Department's website.

**Mr Lyons:** Can the Minister not see that the consultation was a poor use of resources? When you consider the political reality, you see that such a Bill would require cross-community support. My party has made it very clear that we will not be supporting any Act like that, not only because of how divisive it would be but because of the cost of implementing the use of Irish in courts and in the Assembly and the cost of having an Irish language commissioner.

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

**Mr Lyons:** Surely she needs to face up to the political reality.

**Ms Ní Chuilín:** The political reality is that, when it comes to equality, the Member and his party have a very poor record of implementing what were lodged, cited, reported, repeated and internationally bound agreements. The Irish language Act was in the Good Friday Agreement, the St Andrews Agreement and subsequent agreements.

I know that the Member is intelligent, so I cannot understand how we fails to see that 95% of the 13,000 responses were supportive. I suggest that the community out there — those responses came from right across the community — is again way ahead of where you and some of your party are at. Other members of the unionist community who responded to the consultation in a very positive way have nothing to fear from an Irish language Act and absolutely nothing to fear from the Irish language. I suggest that, if you are up for it, you should talk to some of those people, who might allay some of the fears that you have. I suspect, however, that this is something more fundamental: you are just anti the Irish language. I have to say that that is nothing short of pathetic.

**Mr Deputy Speaker (Mr Dallat):** I ask the Minister and Members to address their remarks through the Chair.

**Ms McCorley:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a freagraí go dtí seo. An dtig liom iarraidh ar an Aire: i ndiaidh an freagra ollmhór a fháil on phobal ag iarraidh reachtaíocht don Ghaeilge, an dtig léi cur síos a dhéanamh ar na buntáistí don phobal i ndiaidh Acht na Gaeilge a thabhairt isteach? Given the huge public response to the consultation on legislation on the Irish language, can she outline the benefits to the community of an Irish language Act being introduced?

**Ms Ní Chuilín:** Ar dtús, a LeasCheann Comhairle, tá brón orm. First, apologies to the Deputy Speaker. Aontaím leat go hiomlán faoin cheist. Yes, I absolutely agree with the Member that, given the overwhelming response to the consultation on the Irish language Act — Acht na Gaeilge — many benefits can be accrued from it. First, in complete opposition to the assertions of the Member who spoke previously, it would give expression to the fact

that this is an outstanding equality issue. People have absolutely nothing to fear from the Irish language. It does not belong to me. It does not belong to the Deputy Speaker. It belong to us all. That is a fundamental misunderstanding for some people.

Secondly, an Irish language Act would give recognition to many children and families who have Irish as their first language. It would end the insults, the offence and some of the nonsense that people continue to peddle, all of which are regrettable, because that fails to recognise the endeavours of those unionists — indeed, all people — who are quite comfortable and happy to learn the Irish language. More importantly, given the latest census and previous censuses, there is documented evidence that there are more people who have Irish as their first language than before.

More people are learning the language and have a working knowledge of it. Indeed, they have an entitlement to access goods and services through the medium of Irish. After all, Irish language users are ratepayers and taxpayers, and they, too, have rights. I will do everything in my power to ensure that those rights are protected and, above all else, respected.

**3.00 pm**

**Mr McGlone:** Go raibh maith agat, a Aire, as an fhreagra chineál chuimsitheach sin. Ach cá mhéad airgid atá curtha i leataobh le hAcht na Gaeilge a chur chun cinn? I thank the Minister for her answer, albeit that a bit more detail may be required. How much money has she put aside in her Department specifically for the promotion of Acht na Gaeilge?

**Ms Ní Chuilín:** The Member will be aware that, until I get all the responses, which are due back from all of the other Departments this week and next week, the final cost of implementing Acht na Gaeilge is unknown. However, I have consistently made it clear since coming to the Department in May 2012 that, as with any other equality implication and obligation, money will be found in the Department. I am completely committed to that. I know, given the responses that I have received thus far, and, I hope, the responses still to come, that it is a myth that the Irish language will cost hundreds of millions of pounds — it is completely wrong.

## **Scéim Pobal Gaeilge Funding**

**4. Mr McAleer** asked the Minister of Culture, Arts and Leisure for an update on the Scéim

Pobal Gaeilge funding for groups in West Tyrone. (AQO 9366/11-16)

**Ms Ní Chuilín:** I thank the Member for his question. Gaelpobal Ceantair ar an Srath Bán, based in West Tyrone, was allocated £307,100 under Foras na Gaeilge's Scéim Pobal Gaeilge for the period of January 2011 to June 2016: over £170,000 for 2011-13; £58,000 for 2014; £38,000 for 2015; and £19,000 for 2016. It has been offered over £20,000 for 2016. Foras na Gaeilge received 29 applications for Scéim Pobal Gaeilge for 2016-2020, including two from West Tyrone. Each application is being registered and sifted to ensure that the required material is enclosed. After that, an assessment process will take place, and successful groups will be notified before the end of June.

**Mr McAleer:** Go raibh maith agat. I thank the Minister for her answer. Will she give an update on the Scéim Pobal Gaeilge funding for all Irish language groups?

**Ms Ní Chuilín:** Certainly. There are many. There are well over 20 applications, if not more, but I will provide the details when the application process is complete. At the North/South Ministerial Council last November, we agreed to implement the revised scheme, and there have been revisions of that since. The Scéim Pobal officer will have a new focus on encouraging small groups, including language groups, from across the network to look at making an application and at how we support areas in which there has been underinvestment for years? The proposed changes are aimed at ensuring that the significant investment of the 19 communities under the scheme is not lost, at the same time as enabling groups and communities not benefiting from the scheme to receive funding and support.

**Mr Buchanan:** Is the funding available only for a specific type of group, or is it open to groups of all cultures, cross-community groups or whatever? How does a group apply for it?

**Ms Ní Chuilín:** I am encouraged that the Member asks the question. The funding is primarily for the development of the Irish language, so, if any groups in your constituency of West Tyrone want information, I would be happy to furnish them with that, but the details were in the local press. They were given to groups that were in receipt of funding and widely advertised in Irish language sectors and networks. If he has an interest in a particular

group that he wants me to try to give support to, I am happy to have that presentation.

**Mr Ó Muilleoir:** Go raibh maith agat, a LeasCheann Comhairle. Tréaslaím leis an Aire as an méid atá déanta aici ar son na Gaeilge ar fud na Sé Chondae. It is heartening to hear of so many positive community and Irish language activities right across the North. The Minister is providing funding to the real society out there; she is reflecting the bilingual nature of our society. Sometimes, you do not see that. Will she continue not only to change society but to reflect the fact that there is a vibrant Irish language community out there that needs funding for its many activities?

**Ms Ní Chuilín:** I absolutely will. As I said to our colleague Declan McAleer, the scheme originally went to 19 groups. It has now been extended to support 26, and I anticipate that, in the coming years, that demand will grow. That should be reflected in any future funding schemes.

The Irish language community is very vibrant. It is now becoming cross-community, including those who have made these shores their home and want to learn the Irish language. To be quite honest with you, many in this Chamber could learn a lot from people who are involved in the development of the Irish language when they are looking at respectfulness, inclusivity and genuinely trying to learn a language that they feel will enhance them, their families and their children.

**Mr Cree:** I recognise what the Minister has said about development of the Irish language. Will she give us an update on why there has not been a similar project for Ulster Scots to that of the Líofoa scheme, which has been so successful?

**Ms Ní Chuilín:** Líofoa is around language acquisition and language development. The Member will be well aware that there have been ongoing difficulties in relation to language acquisition and language development in Ulster Scots. So, given that situation, I did not make it difficult for people from the Ulster-Scots community to come forward for a similar Líofoa-type initiative. In fact, I asked them to base it on culture and heritage, given the sensitivities and real challenges around the development of the language. I still remain open to having those representations. If the Member has any influence in that community or any ideas about how to bring stuff forward, I am open to hearing those presentations.

## Libraries NI: Budget

5. **Mr Gardiner** asked the Minister of Culture, Arts and Leisure how the Libraries NI budget has been protected in the 2016-17 budget. (AQO 9367/11-16)

**Ms Ní Chuilín:** I thank the Member for his question. As the Member will know, I took up my position as Minister of this Department in May 2011, and every year since then, most of my Executive colleagues and I have had to face successive cuts to our resource budgets. The reason for that is that the Tory Administration have decided to impose austerity measures on a community that is still emerging from conflict and still weighed down by a lack of investment, underinvestment and underprovision in their public services. So, when the Member speaks of protection of budgets, I support him in that, but, in the face of continuing austerity measures that have been imposed by the Tories, my Department is trying to protect the most vulnerable.

I am looking at another reduction of around 5-7% in my grant available not only to arm's-length bodies (ALBs), including libraries, but in my own Department.

**Mr Gardiner:** I thank the Minister for her reply. Does she agree that, as the Library Service is vital, it must have a secure base in this time of change in government?

**Ms Ní Chuilín:** The Member will be aware that, given all the austerity measures that have been imposed on us, I have done my utmost to protect libraries as much as possible from those cuts. I cannot give those assurances for the future; I absolutely cannot. Do I recognise the value of libraries in communities? I absolutely do, particularly in rural communities. Once a library or a service goes, it is very difficult to have that service replaced. I am very mindful of that, but going into this new Budget, which has not been finalised yet, and going into these settlements, I ask the Member to join with us and some others who were previously deficit deniers in calling for greater protection of our budgets — if not an increase in our budgets — to ensure that our front-line services are protected.

**Mr McCausland:** One of the key elements in attracting people into libraries is the book stock and ensuring that the book stock is adequate and up to date. What is the Minister's target figure for spend on books per person going forward into the negotiations about budget?

**Ms Ní Chuilín:** I am reluctant to give a target figure, and the Member will know why. It is because, to be honest with you, I am trying to ensure that as much protection as possible is afforded to libraries in particular. To be frank, I do not want to give a figure that may be changed and which the Member may use against me at a future date. Let us be honest — let us start the year by being honest and not being silly. I know, and the Member will know, that I have tried to protect libraries in the past, and I will continue to do that. That includes keeping the certainty about and momentum on the stock for libraries, as well as for the staff, who provide an excellent service in our libraries, to ensure not only that that stock is delivered to the users but that all the other programmes that are delivered in the library in conjunction with the community are supported and protected.

**Mr McCrossan:** Given that libraries are the hub of all our communities, and taking into consideration the vital services and facilities that they provide, even those in my very rural constituency of West Tyrone, in the new budget, will you, Minister, allow for any libraries to strengthen their opening hours?

**Ms Ní Chuilín:** I welcome the Member to the Assembly. One of the good things about libraries in west Tyrone, east Tyrone, south Down and Belfast — wherever they may be — is that a lot of people are joining them and are supporting their services. They are not only all arguing for libraries' hours to be maintained but are asking that they be protected. That is something that I am very mindful of. I have said this to other Members, and I will repeat it: I have in the past protected libraries. Against all other ALBs, they have received a lesser reduction to their budgets as a result of the Tory Administration. I will try my very best to ensure that that is the case for the future, but I cannot stand here and give the Member or anybody else guarantees on that.

Given the situation that we are in with budgets, I ask the Member and his party, along with Samuel Gardiner's party, to join with the rest of us to ensure that not only do we get more money from our block grant, which we are entitled to, but that we use it to ensure that essential services like libraries are protected and secured going into the future.

## Subregional Stadia: Soccer Funding

6. **Mr Kennedy** asked the Minister of Culture, Arts and Leisure whether the use of the term "the North of Ireland" in the subregional stadia

programme for soccer consultation document means that certain clubs located in the Republic of Ireland will be eligible to apply for funding under the scheme. (AQO 9368/11-16)

**Ms Ní Chuilín:** The use of the term "North of Ireland" in the subregional programme for soccer consultation does not mean that clubs located in the Twenty-six Counties will be eligible to apply for funding under the scheme. To be considered for funding, venues must be located in counties Armagh, Antrim, Derry, Down, Fermanagh or Tyrone.

**Mr Kennedy:** Can I welcome the confession from the Minister that it will not mean moneys being allocated to clubs outside this jurisdiction? I plead with the Minister to stop refusing to use the term "Northern Ireland" simply for a political reason and for no good reason at all. You are a Minister in the Northern Ireland Executive, and you are expected to perform on behalf of the people of Northern Ireland. It is time that you and your party realised that.

**Ms Ní Chuilín:** First of all, coming from a former Minister, I think that that is a fairly poor question. What is even more disappointing is the subsequent question. Just to be clear: I have absolutely nothing to confess. I have no problem saying "Northern Ireland" — *[Interruption.]* It is absolutely not a term that I use. I think that, given his role in the Executive and various Departments, the Member asking a question like that really shows that this is like back-room boy stuff. Seriously, it is really sad that someone like you is asking a question like that.

**Mr Humphrey:** Can I ask the Minister to join with me in congratulating the Northern Ireland national manager, Michael O'Neill, on being awarded coach of the year at the Sports Personality of the Year awards, which were very successfully held in Belfast recently? I am pleased to hear what the Minister said about funding not being given to football grounds outside this jurisdiction, and we will watch that closely. Does the Minister agree that, if that were to happen, it would fly in the face of the policy that Sport NI has embarked on of not providing funding for boxing clubs affiliated to the Northern Ireland boxing association?

**Ms Ní Chuilín:** The Member was aware that, when the consultation on the subregional soccer funds was announced on 30 November, the criteria laid out were very clear. Any hyperbole around clubs in the Twenty-six Counties being able to access that needs to be

nipped in the bud. If people are peddling that, they are doing it for political reasons, and it is silly.

**3.15 pm**

I, too, congratulate Michael O'Neill and, indeed, the rest of the team. I think that he has been an amazing manager. He is an amazing person. I think that the team has done very well, and I wish him well for the future.

In relation to you watching closely whether any clubs access the money: fine, knock yourself out. The criteria are very clear.

In relation to boxing, it is the governing body and the affiliation. The Member will be aware that there is only one way in which clubs can affiliate, and that is through the Irish Amateur Boxing Association. Rather than not give support and put clubs that want to affiliate and to access funds under pressure, I ask the Member and other Members to give those clubs support in giving them those much-needed funds. Boxing facilities are some of the worst. It is not a good record. We should be giving clubs a hand up and a handout, rather than putting our put foot down to stop them getting across the door in the first place. It is sad and ridiculous.

**Mr Deputy Speaker (Mr Dallat):** I am afraid that that ends the period for listed questions. Before going on to topical questions, I remind Members for the third time that remarks should be made through the Chair and that there should be no cosy little conversations. Perhaps I can invoke the help of the Whips in ensuring that their respective Members really are model Members during this session.

## **Battle of the Somme Commemoration**

T1. **Mr Lyons** asked the Minister of Culture, Arts and Leisure what steps her Department is taking to ensure that the battle of the Somme is commemorated this year. (AQT 3311/11-16)

**Ms Ní Chuilín:** My Department, along with my colleagues in DETI, starting with the Minister who is now the First Minister, Arlene Foster, commenced a programme for celebrating, commemorating and reflecting upon the decade of centenaries. I have given support to exhibitions, lectures and talks in different libraries, museums and public venues, and I will continue to do that.

**Mr Lyons:** I thank the Minister for her answer. Yesterday, the deputy First Minister said in this place that it is an important year for unionism with the 100th anniversary of the battle of the Somme. Those remarks should not have been made, because the battle of the Somme is not just associated with the unionist community or those from a Protestant background. Both Roman Catholic and Protestant men, unionists and nationalists, left these shores and went to fight in France. Is it not important to remember during these commemorations that no one community owns the battle of the Somme?

**Ms Ní Chuilín:** Yes, I agree with you. I think that you are misrepresenting the sentiments of Martin McGuinness. He said that he recognised the importance of the Somme in the unionist community. He is well aware of the numbers and, indeed, the backgrounds of the people who left these shores to die elsewhere. We have been very generous, very consistent and very open in giving acknowledgement and respect to all the events that will be marked as part of the decade of centenaries. Martin McGuinness has done it; I have done it; other Members have done it. I encourage the Member, and other Members from the opposite Benches, to do likewise.

## Arts Funding

T2. **Mr McCarthy** asked the Minister of Culture, Arts and Leisure, in light of the recent draft strategy, which highlighted the benefits of the arts to health and education and to tackling poverty, how core funding for the arts will be protected in the new Department to allow the arts to continue to offer social benefits for the people of Northern Ireland. (AQT 3312/11-16)

**Ms Ní Chuilín:** I thank the Member for his question and, indeed, for his consistency in highlighting the importance of the arts. The consultation on the culture and arts strategy is very important, as the Member will know. Unlike sport, arts did not have an overarching interdepartmental approach. It is really important to value and give recognition to the arts in ensuring that not only the new Department for Communities has responsibility but that, as the Member mentioned in terms of Health and other Departments, we collectively have a responsibility. I assume that, when the consultation ends, that will give us the evidence to argue for a greater and better budget. I will be very keen to do that before I leave this Department, when the consultation is finished and the evidence is there.

**Mr McCarthy:** What discussions is the Minister having to ensure that the new Department is structured in such a way that the arts remain a central part of its work?

**Ms Ní Chuilín:** The restructuring of Departments is well under way, and the arts are up there in lights. I reassure the Member on that. Not even that — it is not good enough, from my point of view, just to leave the Department and close the door behind you. I want to leave this Department with a strong, robust strategy for culture and arts for the next 10 years, and with a budget.

There are challenges, and the Member will be aware of them, but the arts are there and will be there, and the strategy for culture and arts that will be interdepartmental will leave it in a much better position than I found it.

## Decade of Centenaries: Executive Plans

T3. **Mr Hazzard** asked the Minister of Culture, Arts and Leisure for an update on the Executive's plans for the decade of centenaries. (AQT 3313/11-16)

**Ms Ní Chuilín:** The Executive agreed to a package and to recognise the decade of centenaries from 2012. I have been involved in funding some of those events. The Executive needs to look again at getting additional money in, because it will help to promote tourism. Above all else, it will foster greater awareness and a better understanding, and that is something I am committed to doing.

**Mr Hazzard:** Go raibh maith agat. I thank the Minister for her answer. What opportunities exist to explore the sensitivities and complexities of some of these events? In 2016 alone, we are going to mark the huge waste of life at the battle of the Somme at the behest of the old empires, and, of course, the Easter rising, which was the catalyst for the spark of many anti-colonial movements that would bring those old empires crashing down some years later. So, what opportunities exist for discovering some of the complexities and sensitivities involved?

**Ms Ní Chuilín:** I agree with what the Member said. Within even DCAL, for example, we have libraries, museums and public records. Even at Christmas, we saw examples of the human impact of young people leaving here and in many cases not coming back.

Children and young people have a thirst for knowledge and want to have greater understanding. Each and every one of us in the Assembly would be really foolish to miss the opportunities that the decade of centenaries will present to us. It will present challenges for us all, but if — and it is an "if" — we are mature and open enough to have those discussions, that legacy will do more than the actual events. Some in the House are missing opportunities in their approach.

## Re-imaging Communities

T4. **Mr Newton** asked the Minister of Culture, Arts and Leisure whether she recognises that much good work has been done in and around the re-imaging of communities and to state whether she would be supportive of an extension of that work, given that there is willingness within geographical parts of the community to extend the good work and carry on the activities that have done so much to change the image of Belfast. (AQT 3314/11-16)

**Ms Ní Chuilín:** I completely agree with the Member. As part of the consultation, I have met quite a lot of groups, including mural artists. Many have a specialist skill and expertise. They are not just changing or re-imaging the gable wall of whatever part of the community it is. They are having children and young people involved in that process, many of whom have maybe been engaged in anti-community activity and graffiti and are now re-imaging their communities. For that reason alone, I am supportive of it.

That is a recurring theme in the culture and arts strategy consultation, and I am delighted to see it. I assure the Member that that is coming from right across the community. It is not a case of just replacing old political murals with new messages; it is creating murals that have not been done before and giving messages that are positive, and that is something we need to look at.

**Mr Newton:** I welcome those assurances from the Minister. Might she give examples of how she would take that activity forward, and what sort of budget is she prepared to devote to it?

**Ms Ní Chuilín:** I am sure that the Member will appreciate that I do not want to come to definitive positions or conclusions before the consultation has ended. Already, however, we have enough evidence, demand and will to have this scheme reinstated. Without being definitive, it is something that keeps coming up in the consultation, even with the number of

people who have expressed opposition, in having that scheme reinstated. If it were seen as part of a new development, and certainly as part of the new development in the consultation and, indeed, the plans for the new Department, it needs to be costed and funded.

I am not just looking at the actual event of putting a mural down, which in itself is very important; what I think has been missing in the narrative around this is a process of getting residents and communities involved, getting discussion and consultation about what is going on the walls and what inclusion there is for citizens and residents. There should be provision not just for the mural but for the upkeep of it. It should reflect and symbolise the sentiments of as many people as possible. That is something that I would like to see in the finalised strategy.

## Rugby World Cup Bid: Casement Park

T5. **Mr McCallister** asked the Minister of Culture, Arts and Leisure whether she acknowledges that the ongoing delay in circumstances surrounding Casement Park gives a fairly bad optic and poor background for those people who are putting together the all-Ireland bid for the Rugby World Cup. (AQT 3315/11-16)

**Ms Ní Chuilín:** I thank the Member for his question. I am fully aware that Casement Park is an integral part of the plans for the Rugby World Cup 2023 bid. I have met rugby authorities right across the island, Irish Rugby and Ulster Rugby, as I know the GAA has, not only to give updates on the ongoing situation at Casement Park but to give people assurances that everything that can be done has been done and will be done. Some of the accusations that were made in Committee rooms and in this Chamber have not been appreciated by people across this island. Notwithstanding the fact that there are difficulties and challenges, if we continue on a basis of being open-minded and taking a can-do attitude towards a resolution, we will see that we all collectively need to build and redevelop Casement Park.

**Mr McCallister:** I am grateful to the Minister for her reply. It is something that we all hope for and want desperately to see happen. It would be a brilliant spectacle for the entire island. Does she acknowledge that, when the rugby football union looks and takes all the factors into account, it will judge our ability to efficiently and effectively deliver on a major event and that will be a consideration?

**Ms Ní Chuilín:** They have, and I have been a part of the chorus of people who have reminded them that we have hosted international and global events. We have had the Giro d'Italia, the World Police and Fire Games, the City of Culture, the Turner Prize, Lumiere, One Big Weekend, and it goes on. That is something that we all collectively can take civic, community and political pride in. Notwithstanding that, I would continue to do that, because it is true. I also give assurance that the Executive will do everything to ensure that Casement Park is redeveloped. It is a Programme for Government commitment.

More importantly, the people in west Belfast who are waiting for the redevelopment of Casement Park will get that. I know that the Member, for all the reasons that he and I have outlined, agrees with me that it just needs to happen. It is inconceivable that the GAA and Gaelic games will not have a facility that is fit for purpose on my watch or, indeed, on anybody's watch.

### **Flooding: DCAL/Waterways Ireland Response**

T6. **Mr Lynch** asked the Minister of Culture, Arts and Leisure for an update on how Waterways Ireland and DCAL have worked with other agencies and Departments to provide assistance for those most affected by the recent flooding, not least because his constituency has seen some of the worst flooding in decades. (AQT 3316/11-16)

**Ms Ní Chuilín:** Time is pressing, but the Member was present when I, at the request of Minister Michelle O'Neill, visited Enniskillen and the surrounding areas, particularly in relation to the Waterways Ireland headquarters. I am absolutely convinced that everything that could be done was done. Other Ministers listened to Minister O'Neill yesterday at the Executive, and we are now looking at preventative measures. The Member should take some assurance from that. I have been in regular contact with Waterways Ireland and I am content that it was doing its utmost, working with other statutory bodies and partners, to ensure that, for the people affected in the Member's constituency, the worst impacts were, as far as possible, minimised.

**3.30 pm**

**Mr Lynch:** Gabhaim buíochas leis an Aire as a freagra. I thank the Minister for coming down prior to Christmas to see how the agency was dealing with what was a fairly dramatic incident.

Can she ensure that post-flooding inspections will take place when it is safe to do them and that preventative measures will be considered and brought to the Executive collectively for action?

**Ms Ní Chuilín:** I can give the Member that assurance, and I will make him aware when I am in his constituency again to look at the post-flooding impact and the clean-up so that he can see for himself, and hear from the agencies, just what has been done and what is intended to be done, where possible.

**Mr Deputy Speaker (Mr Dallat):** Time is up. Members may take their ease while we change the top Table.

*(Mr Speaker in the Chair)*

## **Executive Committee Business**

### **Employment Bill: Second Stage**

*Debate resumed on motion:*

*That the Second Stage of the Employment Bill [NIA Bill 73/11-16] be agreed. — [Dr Farry (The Minister for Employment and Learning).]*

**Ms Lo:** I am speaking on behalf of the Alliance Party. The Bill is welcome legislation and is notable for the balance that it manages to strike. It intends to increase business confidence while maintaining the rights of individual employees.

As a founding commissioner of the Equality Commission, I oversaw, during the four years of my tenure, many cases brought under our discrimination laws by individuals against their employers or colleagues. In the decade that I spent as director of a voluntary organisation, I managed at times up to 20 employees and, on a few occasions, had to deal with employment disputes. Throughout those experiences, I witnessed anxiety, stress and unpleasantness, not to mention time, effort and costs, borne by claimant and defendant. I therefore recognise how valuable the development of a new early conciliation service can be.

The first step, which is to require most employment tribunal complaints to be raised with the Labour Relations Agency (LRA) for potential resolution, is a sensible approach to encourage an attempt to resolve matters through a less formal and legalistic process.

However, the balance is that, although conciliation must be offered before proceeding to a tribunal, there is no requirement that conciliation be accepted. The right to have a tribunal, even without early conciliation having taken place, will still be in place.

There are many benefits to having early conciliation. It will help avoid stress, long-term deterioration of employer/employee relations and the negative impact that such things can have on the workplace atmosphere. In many cases, I believe that it will also prove easier to talk through issues in a less formal setting. Additionally, people reaching a resolution themselves, as opposed to having a decision made for them, is most likely to protect good working relations.

Clauses 2 and 3 bring an important aspect to the Bill. Setting time limits for bringing about a resolution ensures that cases are not prolonged unnecessarily. However, there is flexibility, and extensions may be made to ensure sufficient time for early conciliation so that the claimant is not disadvantaged. Adequate resourcing of the LRA is essential for that to work. That concern has been raised by many stakeholders.

Clause 4 provides discretion for the offer of a neutral view on the potential outcome of a dispute. That will aid those involved before they embark on a potentially costly and formal process, and, of course, it will manage expectations. Receiving a neutral view on the case will be entirely optional. The Minister has explained that it will be put in place only when the early conciliation process is working and a review has been carried out. However, it is important to note that it is an extremely innovative measure, and I look forward to seeing it develop in the future.

Whistle-blowing is an important source of intelligence in identifying wrongdoing, and society has benefited from it. However, all too often, would-be whistle-blowers are apprehensive about the potential consequences for them and the likely outcome of their efforts to disclose problems. It is positive that the Bill includes measures to protect employees — whistle-blowers — who make public interest disclosures, whilst guarding against disclosures that are not made in the public interest. Those measures will give an industrial tribunal the power to reduce a compensation award where it considers that disclosures have not been made in good faith. They will also provide for the employer to be liable if an employee who whistle-blow subsequently experiences detriment from colleagues.

Clause 15 introduces a liability provision so that, where workers suffer detriment from a co-worker because of their whistle-blowing, this is actionable against the employer and co-worker. Where a whistle-blower is bullied or harassed by a co-worker, but the employer has taken all reasonable steps to address that, as outlined in the Bill, the whistle-blower could bring a claim against the co-worker.

I welcome clause 16, which includes student nurses and student midwives, who had been excluded from the scope of whistle-blowing protection. The clause will also allow for further amendments to include other workers. The Minister's placing of a duty on regulators to report annually on whistle-blowing issues will ensure that action is being taken. I commend the Minister for providing further protection for employees in the case of public interest disclosure. No doubt, this legislation will act as further encouragement for employees to bravely speak out.

It is essential that we build our skills base to meet new job demands, particularly in view of the forthcoming reduction in corporation tax. Therefore, it is welcome that clause 18 strengthens powers to specify conditions for, and appropriately target, apprenticeships. Clause 17 provides clarification on the powers that deal with the delivery of impartial careers advice.

The new Employment Bill is balanced legislation, and I commend the Minister and his staff for their work on it.

**Mr Hilditch:** I will be fairly brief. The Chair and others have covered the relevant issues and points very well. Indeed, there was a very comprehensive overview from the Chair.

The ultimate objective of the Bill is to stimulate business confidence whilst maintaining the rights of individual employees. At a time when we are trying to build the economy of Northern Ireland, installing the very best practice in the workplace is crucial. I am hopeful that the key measures introduced in the new Bill will assist Northern Ireland in becoming a more efficient economy that attracts investment and has a reputation for looking after its staff and businesses.

Northern Ireland can stand proud as the only part of the United Kingdom where employment law is devolved. Time and again, we have been reassured that there have been, and continue to be, good reasons for developing local employment law and solutions that are in our best interests.

I will now look at a few of the points that have been raised. I welcome the Bill and thank the Minister for bringing it to its Second Stage. Early conciliation and the stipulation that all potential tribunal claims could be routed through the Labour Relations Agency first would mean that there is a chance of a resolution before going down the legal route. From speaking to HR specialists in recent days, I know that they welcome this opportunity enthusiastically, as it would mean that the employee and employer could theoretically get a heads up on the potential outcome of a dispute before they embark on any potentially costly, or most likely stressful, formal legal processes.

There is a need for a simple and straightforward registration system. It must not be complex. It should complement the existing systems in legislation that sits side-by-side with this. This should not sit in some sort of ad hoc manner. It should therefore be user-friendly and integrate with current processes. However, there will be a need for some professional and personal advice to be given to employees and clients. A concern might be awareness of the scheme among laypeople. We do not want to introduce something that nobody uses because nobody knows about it. We have to get a very clear message out there.

I welcome also the neutral assessment review process, but good guidance must be given to the layperson, the employee, so that, when a case is reviewed, they know exactly where they stand. Those couple of introductions will also impact on the services as well. The experts will need support and additional resources to give that advice. I understand that, in some agencies, there are ongoing consultations and negotiations to try to obtain those additional resources because the Bill will come in fairly quickly.

I support the potential review of the Bill. Some people mentioned one year, and some mentioned three years. It should certainly be an all-encompassing review. As I mentioned earlier, there are a number of different systems and processes out there. They should all work together, and they should all be reviewed together so that we get the best employment practice here in Northern Ireland.

Another area to welcome is public disclosure. In the Committee, I mentioned my own experience in the public sector. I have been used as a conduit between employees and the Audit Office in the public arena. I have witnessed at first-hand how people can be treated, so I certainly welcome this section,

which undoubtedly protects employees who make public-interest disclosures whilst guarding against disclosures not made in the public interest or in good faith. From researching this, there seem to be firms out there that already have systems in place that actually reward people who come forward. That shows how things can change in the working environment.

The use of the term "judges" came in for a bit of criticism. I am not sure of the relevance of the argument. That issue did not come across heavily in the consultation. It is understood from the Minister's input that the individual has entered the legal system at this stage. To be honest, if nothing else, you are giving ordinary folk an impression of a just system and a just outcome. As has been said, other tribunals in society use the same term consistently to reflect that the legal process has been engaged in.

I support the idea of not following suit with the rest of the UK by deciding not to increase the qualifying period for unfair dismissals from one to two years. Economically, Northern Ireland is not on a level playing field with the rest of the UK. Reflecting on our business needs is key, so I strongly support that. Whilst other aspects of our society remain divided, our workplaces have largely become integrated. Over the years, discrimination in employment has significantly decreased. This is a real achievement and pushes Northern Ireland into a new era, and that is vital for strengthening our reputation as a good place to work and do business.

Let us continue that good practice in the workplace and help to boost our economy to its full potential by doing all we can to embed better law practices to enhance and boost employment. This is an opportunity to promote social partnership between employee and employer.

I thank you, Mr Speaker, for the opportunity to speak on the Bill. I support it and look forward to its progression to Committee Stage for further scrutiny.

**3.45 pm**

**Ms McGahan:** Go raibh maith agat, a Cheann Comhairle. I welcome the opportunity to speak on the Second Stage of the Employment Bill. With the review of employment law having been ongoing for the past three years, with intensive consultation, engagement with stakeholders and presentations, as well as Committee discussions, I take the opportunity to thank the

Committee Clerks, the Committee staff, the Minister for Employment and Learning and all his staff for their hard work.

I support the main objective of the Bill: the promotion of the early resolution of disputes without going to tribunals, which can often be not only stressful but very expensive. As was stated during evidence sessions, it is about having a framework that is fair and balanced for employment. It is worth noting that, in a presentation from the Irish Congress of Trade Unions, it was mentioned that the review of employment law should primarily be about preventing the abuse of workers by employers. The review of employment law is not necessarily just about increasing the availability of jobs or employment opportunities: a strong and recurring theme identified during evidence-gathering sessions was the need to have a model that works rather than being a barrier to accessing justice.

I agree that a review needs to be built in and suggest that it needs to be done annually. While there are many benefits regarding early conciliation, an opportunity for settlement, time saving and reductions in cost, there are some areas of concern, such as unrepresented litigants and issues regarding the need for a certificate from LRA before proceeding to tribunal. Related to an early conciliation process is neutral assessment, which enables persons in a dispute to get an assessment by LRA of where they stand with the provision of an early evaluation of the case. While it has been identified that the tribunal system is more legislative and adversarial, I note the concerns raised by the Law Centre regarding a lack of availability of personal legal advice for claimants, which is a key access to justice issue and is important for early conciliation.

During a meeting earlier with the Bar Council, Committee members were made aware of a number of its concerns, including the issue of how early conciliation will work in practice. They query how potential claimants will become aware of the new process. That represents an additional hurdle for anyone navigating the tribunal process, particularly unrepresented litigants. The Bar Council stated that the new approach also creates the potential for time delays, given the interface between early conciliation and the tribunal system, with claimants likely to require further guidance on the amount of time that will be dedicated to satisfying the requirement for early conciliation. They also take the view that the early conciliation processes, as drafted in the Bill, are unnecessarily complex and unduly procedurally difficult and presuppose a familiarity with the

rules that a non-lawyer would not possess. The Bar also informed us earlier that it is supportive of efforts to encourage conciliation and that it does not believe that the provisions for early conciliation in the Bill are coherent or clear for all users of the tribunal system. They are of the opinion that there is significant potential for ambiguity and misunderstanding that the Department must address.

Welcoming the Bill, the Bar Council believes that there is a need for the Department to provide further scope and clarity on the operation of early consultation and neutral assessment. They state that that is a problem for the large number of unrepresented litigants in the system, as there is a need to ensure that the process is understandable and easy to navigate. They believe that the Bill does not do enough to ensure that that is the case. One of the individuals whom we met from the Bar Council suggested that seven out of 10 cases that he dealt with were unrepresented litigants. That is quite high, and we should delve into it a wee bit more.

The Committee was also informed that members of the Bar already provided advice to professionals and lay clients on a pro bono basis, including on employment-related disputes for those who cannot afford the legal help that they need. Those participants benefit significantly from obtaining legal advice from counsel, but they correctly stated that the provision of free advice — or pro bono — cannot replace or fill the gaps created by the lack of legal aid for claimants who need assistance in this area.

Finally, the review of employment law must be about resolving issues in a fair, proportionate and just manner.

**Mr Anderson:** I rise as a member of the Employment and Learning Committee to speak on the Bill. When I was a member of the Committee back in 2012, the foundations of the Bill were about to be laid. We had the Minister's review of employment law, and we had a good debate on the issues in the House in November 2012. Three years on and following a number of consultation exercises, the Bill was introduced on 7 December 2015. It is complex legislation, and, due to its late introduction, there is considerable pressure on the House and the Committee to make progress.

As a Committee, we have already given consideration to the Bill. Just last week, we took evidence from a wide range of key stakeholders: the Department, the Irish

Congress of Trade Unions, the Law Centre NI, the Labour Relations Agency and the Northern Ireland Commissioner for Employment and Skills. We will soon engage in detailed scrutiny in Committee, and I will restrict my comments today to the broader principles of the Bill.

Under devolution, Northern Ireland is able to make its own employment law to suit its own needs. That gives us the flexibility to tailor our legislative and regulatory regime in such a way as it serves the best interests of employers and employees. The overall aim of the Bill is to modernise and improve the whole area of employment law and practice. Officials have said that the three watchwords in developing the Bill were "balance", "fairness" and "effectiveness". That seems to be a reasonable approach. I feel that, as far as possible, we need to strike a balance between the needs of employers and the rights of employees. However, another watchword must be "economy". The economy is a key driver for the Programme for Government; indeed, it is the key to our future as a society. If we can create wealth, we can rely less on the public sector and ensure a better standard of living for all our people. In my view, therefore, the Bill will serve the best interests of employers and employees if it helps to contribute towards the growth of our economy. It is crucial that we do all in our power to free businesses up to take full advantage of every opportunity and to make sure that they are not hampered by excessive red tape or by legislation that puts Northern Ireland at a disadvantage to the rest of the United Kingdom.

I note that it was decided that no legislative action was required in the Bill to assist SMEs, as it was felt that that could be:

*"better achieved through greater use of existing systems",*

to quote the explanatory and financial memorandum. I want to be assured that everything possible is being done to help SMEs. The overwhelming majority of our businesses are SMEs, often family-run. As I know from personal experience, such businesses can face severe pressures in the marketplace. They need to be totally focused on growing and competing in a challenging market. The last thing that they want is to have to contend with red tape. I am keen to explore whether there are any ways that we can help via the Bill.

The Bill seeks to create a framework for early conciliation. That is something that I welcome. Formal proceedings are costly and time-

consuming and can cause great stress to all concerned. They add to the burden on businesses and employees, who might feel under pressure to settle simply to avoid prolonged hassle. Our labour relations and industrial tribunal framework is not quite the same as that in GB, but the overall approach is similar. I am glad to see that we are putting more emphasis on the conciliation.

In particular, I think that it is a good idea to introduce provisions in the Bill that would mean that most people would not be able to have a claim accepted by the industrial tribunal or fair employment tribunal unless they could show that they had gone to the Labour Relations Agency and the agency had offered conciliation. That would hopefully lead to a better outcome in some cases and prevent the need for formal procedures. I note however that the person is not under any legal obligation to actually engage in conciliation. All that they have to do is show that they have applied to the LRA. Perhaps that is an aspect for further consideration in Committee. For the early conciliation provisions to work effectively, it would be essential for them to be adequately resourced. Extra staff would need to be recruited and trained for that new process.

I turn now to the important issue of the qualifying period for unfair dismissal. The Department has said that, having taken all views and available evidence into account, it will not use the Bill to bring Northern Ireland into line with GB. In April 2012, the qualifying period was increased from one year to two. We remain at one year. If I were the owner of a business considering where to locate, I would look at that difference as a factor in making my decision. The failure to change our law to two years could have an adverse impact on employment potential in Northern Ireland. The CBI stated that the failure to extend the qualifying period places Northern Ireland at a competitive disadvantage with regard to foreign direct investment and recruitment. It also said that a two-year period would give employers more time to train and assess new employees. When an organisation as important and central to the debate as the CBI makes those sorts of assertions, I think that the Minister and his officials should take note. The Department tells us that there is no consensus or that it cannot see any link between the unfair dismissal period and employment growth. To me, there must surely be some link between the period and employment potential. I am clearly not alone in that assessment.

Still on the issue of unfair dismissal, the Bill does not follow the UK Government's decision

to place a 12-month pay cap on any compensation that the tribunal might make. Instead, we are modifying the retail price index formula. Further clarification will be needed on that as well.

The Bill also seeks to amend the law on the vexed area of disclosures. I welcome the proposal that disclosures must satisfy a public interest test.

The Bill addresses the issue of good faith when a person makes an allegation. That is a complex area. The Bill proposes that a claim can no longer fail if a tribunal finds that it was not made in good faith. Instead, the issue of good faith now shifts from liability to remedy and the tribunal will have the power to reduce compensation by up to 25% if it finds that a disclosure has not been given in good faith.

Overall, I welcome the Bill as it addresses a number of areas that need to be modernised and clarified. However, I have concerns, as I have outlined. Hopefully, these issues can be further explored and addressed as the Bill makes its way through Committee Stage.

**Mr B McCrea:** I appreciate the opportunity to speak on the Bill. As others have mentioned, this started in 2012, when I was actually on the Committee for Employment and Learning. At the time, I seem to recall the question being asked, "Why are we being told this now if we will not get to it for three years?". I think that we have missed an opportunity. Let me say quite clearly that I think that we are ducking the issue of the qualifying period. I think that we really ought to address whether it is one year or two years. We are at a disadvantage if we keep it where it is. I am not sitting on the fence: I am telling you that I think that we should be looking to align ourselves with the rest of the United Kingdom.

The second issue that I am mindful of when I look through the Hansard report of the Minister's opening statement is the issue of insufficient political consensus. This actually comes up time and time again. Yesterday, at the nomination of the First Minister and the renomination of the deputy First Minister, it was all sweetness and light. It was, "We are going to work together, go forward and work these things out"; yet we actually get a very important piece of legislation and do not get any agreement. That lack of agreement is what stymies all political process in this place.

4.00 pm

I have some sympathy with some of the points that were brought up regarding zero-hours contracts. I can understand that there are certain situations where zero-hours contracts work, but I also think that there are situations where they are exploited and abused. In an earlier intervention, I talked about the issue of agency workers. In all these employment issues, you find that employers find ways round legislation. The use of agency workers as opposed to full-time employees deprives people of their employment rights and we are not tackling that.

Employers respond in such a way when they think that there are unnecessarily draconian rules to try to restrict them from doing business. Surely, what we want to find in this place is a way that does not deny people justice but gives them speedier justice that lets them get to an early resolution of their problem, and not just in the early resolution procedures. It should not take years to go through a process to find out that something was spurious.

I wish to talk about an issue just by way of example. This is not a live issue any longer; the matter has been dealt with by the tribunal and the Court of Appeal, so I am not using this stage of the Bill to advance any particular argument on behalf of constituents. I use it by way of example. All those people who argue that we must protect the worker against big, bad businesses seem to suppose that workers are always good and businesses are always bad. Yet, there are instances when vexatious and spurious claims are made to try to extract money from employers.

I will give an example of that in a particularly damning decision by the industrial tribunal dated 24 January 2013 in the case of Paul Keogh v Banbridge and District Citizens Advice Bureau. A Citizens Advice Bureau is normally an organisation that is on the side of people who are being discriminated against or who are underpaid or not getting their appropriate rights. This was somebody who took a claim against a Citizens Advice Bureau. The claim had an impact, and that is why we have to deal with this issue. If the Committee is not aware of this case, perhaps it will look at it when it considers the Bill at further stages.

The claimant asserted that he had made in excess of 35 protected disclosures and further alleged that he was the subject of 120 alleged detriments. The tribunal heard and accepted that the claimant and his then colleague had:

*"discussed the fact that bullying could not, per se, be litigated in the Tribunal; that the*

*protected disclosure provisions could be used as a 'vehicle' to make such a claim on health and safety grounds; that this claim would be difficult to defend and that including a discrimination element would mean that compensation would be 'limitless'; and that further costs were unlikely to be awarded."*

This shows the other side of a tribunal case, where people have vexatiously and for apparently improper motives tried to make claims. The Citizens Advice Bureau was stuck spending a huge amount of time in trying to prepare its response to the case. The person making the complaint provided over 400 pages of documents, which the Citizens Advice Bureau had to respond to. The action cost the Citizens Advice Bureau £31,091, which is money that could have been provided to helping people in distress and who had genuine need, and yet they could not. This was in addition to the insurance paid out for the real cost of the matter.

You may say that that is one case, but that particular case went all the way to the Court of Appeal. It was heard before Lord Chief Justice Morgan, Lord Justice Higgins and Lord Justice Girvan. They looked at the case ad nauseam and produced a very detailed judgement. When you read through it you come to the very last page, the very last sentence:

*"This appeal is without merit and is dismissed."*

The point of all that is that nobody wants to see people who have been wronged being further wronged. Of course we want to provide protection for people in such situations, but you cannot have it all the one way. You have to have a balance in such issues.

I looked at this when the Minister was talking about looking for evidence. There was an improvement in the situation in Great Britain when it brought in fees for tribunals. There was a dramatic reduction in the number of cases being brought forward and an improvement in the speed in which cases were dealt with. It did not affect the outcome, as far as I can see, of any legitimate claims coming forward. Therefore, although I accept that the Minister has perhaps found a clever way of getting around the situation of introducing fees because it was politically expedient to do so, I think that there is a significant difference between requiring a deposit in certain circumstances and requiring a fee to go forward. All the evidence suggests that the best way in which to deal with industrial tribunal

situations is to get the matter solved quickly, to dismiss vexatious claims and to make it clear to people that, if they go down the route of causing unnecessary hurt to people, and I include companies in this, they will be penalised. Nobody is trying to stop people taking forward a legitimate concern.

I spoke merely to say that I intend to engage in the debate as it goes through Committee Stage, and I will conclude on this point. We need to look at proper employment law. We need to understand that people need jobs and that, if you make a regulatory environment so tough that people will not employ staff, you do them no favours. If you make the regulatory system so complex that people would rather use zero-hours contracts or agency staff, that is self-defeating. You are putting the finger in one hole but letting all the water come out of all the other holes.

What I would like to see is an opportunity, if time permits, to get a proper evaluation of how we strike a balance of responsibilities between employers and employees. I have to say that it is not all on the employer's side any more than it is all on the employee's side. We need to find a way of addressing the issue, and I am a little disappointed that, having raised it in 2012, we have had to wait until the end of the mandate to deal with it. We will try to rush the legislation through, and we will cut out bits that we do not think that we will get through just so that we can get a Bill through. That is a bad way to do law. We should do it properly, and we should have given the Committee the time to get involved. I know that the Committee wanted to get involved, and I heard the Chair speak about that earlier. When the Bill gets its Consideration Stage, there will be further discussions, I am quite sure, but I urge Members to seize the nettle and not get stuck in some sort of political rhetoric.

**Dr Farry (The Minister for Employment and Learning):** I thank all the Members who contributed to the debate this morning and this afternoon. In my winding-up speech, I will endeavour to respond to as many of the comments that were made as possible.

At the outset, I will comment on the process of how we have got here today, having the Second Stage in January 2016. Of course, that is far from ideal, and we wanted to have reached this stage much sooner in the mandate. There will be implications that flow from the delays that we have had that Members should be aware of. I will come to those in a few moments. I would have preferred it if the Executive had signed off on the Bill much

sooner, but we are where we are, and we have moved the Bill forward as quickly as we could. It is in that context that I want to stress my appreciation to the Committee for the manner in which it is addressing the issue. While I may have said earlier that the Committee was expediting the process, it is certainly not cutting corners. It is going through the process of giving proper scrutiny to all aspects, and my officials and I are more than happy to facilitate the Committee in that.

Significant work has gone into the process of getting to this stage today: the review conducted by the Department and engagement with stakeholders, including the Committee. The Bill stands on its own merits as good and coherent law. There are aspects on which we could have gone further by adding in other measures. I have regrets about some of those measures, of course, but the Assembly may be in a position to return to them on a different occasion. The opportunity has not been lost, though a delay in addressing the issues has the consequence that the reforms are not introduced at a particular time.

The Bill is about creating in Northern Ireland an improved employment relations framework that is simultaneously good for employers and employees. It is important to stress that, as a number of Members mentioned, this is not about an ongoing tension between employers and employees. We accept that as a given. There are areas of reform that should be viewed as a win-win for both. Having a much more efficient and effective system of employment relations, whereby we intervene at an earlier stage to prevent disputes escalating and the attendant costs, which some Members mentioned, being fully borne is, by far, the preferable approach. That is the main thrust of what the Bill is trying to achieve. Some of the measures may not be the most glamorous in the world, but they are intended to have real, practical implications on the ground and to make the process of addressing disputes much easier and much less stressful and difficult for all involved.

We want a hierarchy of interventions, and that starts with the prevention of disputes in the first place. It is important that companies, organisations and employers take on board the existing advice on best practice in their structures and human resources policies so that they can avoid a situation in which disputes arise and, flowing from that, the need for dispute resolution. Inevitably, disputes will arise, even when employers apply best practice. It is in that context that early intervention, following on from prevention, is

pursued. That is why we are very keen to see as many disputes as possible addressed through various means of alternative dispute resolution. We already have the LRA single arbitration scheme, and we are trying to build conciliation by routing all claims through the LRA.

As many Members said, this is not about denying people their right to take a case to a tribunal; it is simply about making sure that they are fully exposed to different and, potentially, more efficient and effective ways of resolving their disputes than a way that can be more challenging. We accept that there will always be cases that are best addressed through a tribunal and that people, on some occasions, will prefer, and are entitled to have, their day in court, so to speak, though I should stress that we do not want to overemphasise that a tribunal is like a court experience.

It is important to bear in mind that, when Members talk about missed opportunities in the Bill, they are not always talking about the same aspects. Some Members talked today about zero-hours contracts. Others talked about our inability to move on collective redundancies, and some mentioned unfair dismissal. While Members may agree that more could have gone into the legislation, there is no consensus on what the missed opportunities are. Indeed, there are polarised points of view on what they are. That reflects, to an extent, the political realities of where we find ourselves. Given the nature of the Government in Northern Ireland, in particular, it is important that we move on the basis of sufficient political consensus.

That is the reality that I and all my colleagues find, both in getting clearance from the Executive at a policy level to take issues forward and in ensuring that legislation carries a sufficient majority in the Assembly. It is important that we reflect and respect the processes that we have in the Assembly and in our political system.

#### **4.15 pm**

In addressing some of the particular comments that have been made, I want, first of all, to address the point about judges and the terminology around employment judges. That reflects existing practice. It is not designed to make the process around tribunals any more adversarial or like a court or make it less so; it is simply a reflection of the current practice, and it is, indeed, more gender-neutral terminology. It is also important that I give the assurance that we will see the panels; we are not talking about employment judges sitting alone. The balance

that we currently have works well. It is worth putting it on record that the system of tribunals that we have in Northern Ireland, while far from perfect — indeed, people may express the frustrations that they hear from stakeholders about outcomes that may or may not have gone their way — is perhaps one of the very best in the world.

The Member who spoke previously referred to the situation in Great Britain and his view on the effect of the introduction of fees on the management of cases, but it is worth stressing that, particularly over the past decade, we have seen great strides in our system in the speed at which cases move through the system and the ability of our employment judges and panels to effectively manage the cases that come before them.

While I am open-minded on some of the missed opportunities that exist around the Bill and things that we could have done differently had there been more consensus, from my personal point of view, I am absolutely opposed to the introduction of fees for tribunals. That would essentially create a charge for access to justice.

**Mr B McCrea:** Will the Minister give way?

**Dr Farry:** In a moment.

While the impact of fees in Great Britain may have been a significant reduction in the volume of cases, great concern has been expressed from a wide range of quarters about the impact on people's ability to have their employment rights protected in what is becoming a much more *laissez-faire* approach towards employment rights in Great Britain in comparison with the situation that we have in Northern Ireland under devolution. I give way to the Member.

**Mr B McCrea:** I am grateful to the Minister for giving way. Just for clarity, it was not my opinion that I was expressing; it was a statement taken from 'Tribunals and Gender Recognition Statistics Quarterly' for January to March 2015, published by the Ministry of Justice. There is quite a comprehensive analysis of the impact of the fees at present. If the Minister wishes, I can send him a copy.

**Dr Farry:** Indeed, I look forward to reading that. I am impressed by the Member's choice of reading matter. However, I think that the point stands: there is significant concern around the deployment of fees. While fees have certainly had an impact on the reduction in the volume of cases, the jury is still out, so to speak, on

whether that has had a positive impact on justice — not that we have juries in the context of tribunals.

There was also comment around the use of deposits and the risk around multiple deposits. In principle, one of the things that we want to do is have a cap to ensure that there is protection. The last thing that we want to do around deposits is price people out of justice. Deposits are there as an effective tool for case management to impress on people the risks and counter risks of cases that they bring forward. In any event, any decisions relating to that, which are currently part of the parallel review of tribunal rules, will be by regulation. The final outcomes have not been determined.

More broadly, on the issue of deposits, the point has been made about decisions being made through negative resolution. It is the precedent that decision-making in relation to regulations around tribunals has been through negative resolution, up until now. It is possible for us to change that, but, before any decisions are taken in that regard, it is important that Members are fully aware of the context and the precedent that they will be making in changing that. No doubt, those are issues that the Committee may wish to reflect on further when they close out their deliberations over the coming weeks.

There has also been significant discussion of zero-hours contracts; Phil Flanagan, Claire Hanna and others referred to that. Let me be very clear about where I stand on the issue. It is an area where I wish to see action being taken. There is a strong case for proportionate regulation. Zero-hours contracts may work for some, but they clearly do not work for others, and there are risks around low pay or uncertainty over hours, irregular hours, the impact on family life and people's ability to access benefits etc. It is important that we consider what can be done in that regard. We are seeing an increase in the casualisation of the labour market. Opinion is divided on the benefits of that, particularly on zero-hours contracts and other forms of minimum-hours contracts.

As Members will know, my Department initiated a consultation on zero-hours contracts in June 2014 to which we received 35 individual and 235 standardised responses. On the basis of the consultation, I presented a series of policy recommendations to the Executive in February 2015. An outright ban, in my opinion, was not appropriate. It would have been a disproportionate response, and we would have seen people losing the opportunities created by

zero-hours contracts, where that applies in certain cases, or others forced out of employment. By contrast, our proposals would have put in place a range of regulation of zero-hours contracts and other forms of minimum-hours contracts. Our proposals, in fact, were the most radical in these islands and would have taken us beyond the situation in Great Britain. It is disappointing that we have not yet had agreement in the Executive on the policy on zero-hours contracts. I cannot understand why that has been the case. It is for those who have not seen fit yet to clear the paper to explain why that has been the case.

The difficulty now is that we are very much up against time. I have made references to the process and how it is not ideal that we are only now considering the Second Stage of a Bill in January 2016. There is not yet any policy agreement to take forward proposals. The Bill is up against a very tight deadline and a fixed point, which is the end of this mandate. It is important that we get what is very progressive and coherent legislation through.

It is also important to bear in mind that proper scrutiny needs to be given to any measures that we will take forward in relation to zero-hours contracts. An important consideration that Members need to bear in mind is that a definition of zero-hours contracts has to be put in place before other measures can be built around what will be permissible or not permissible in that regard. That is a particularly thorny issue, and it is important that it is got right in any legislation.

My desire remains that this is an area where we need to see action being taken by the Assembly. Whether it will be possible now is difficult, and, unfortunately, we are running out of time. However, I hope that it is an issue that the Assembly will be in a position to address at some stage in the very near future. It is an area where, with a bit more debate, a consensus on a package of proportionate measures could be put in place. That would include measures such as a ban on exclusivity clauses, the creation of a code of practice and the terms and situation in which someone would have the right to potentially request a regular contract, for example, if a consistent pattern of work had built up over a prescribed period. Such thresholds need to be properly ironed out through proper discussion and scrutiny.

The Assembly has a duty to act on the issue. It is certainly my strong view that we should act in a proportionate way to address what has become a feature of our economy. That works

for some, but, for others, it is potentially a recipe for exploitation.

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

**Dr Farry:** Yes.

**Mr Swann:** I am listening to what the Minister is saying about zero-hours contracts. The Committee took its evidence from stakeholders under the presumption that the Bill will not include anything on zero-hours contracts. As Chair of the Committee, I am letting the Minister know now that, if he were to bring forward any amendments on zero-hours contracts, I would ask the Committee to scrutinise such proposals fully and to engage with stakeholders to the fullest extent, as it is our right and remit to investigate anything that he brings forward on that.

**Dr Farry:** I thank the Chair for those comments. That is a perfectly understandable and responsible approach for the Committee to take. It is in that context that I stressed that it is important that measures on zero-hours contracts are, like any aspect of Assembly legislation, given proper scrutiny. We are putting in place measures that will form part of the law of the land. Given the circumstances that we find ourselves in, there are now major logistical issues for us in addressing zero-hours contracts, and I certainly recognise the Committee's work in getting the Bill to a stage that means that we are in a position to pass legislation before the end of the mandate. It is important that we follow through with that. Sadly, the door is closing on action that can be taken on zero-hours contracts in this Assembly mandate. However, it is important that we seek to return to the issue at the earliest opportunity.

**Mr B McCrea:** Will the Minister give way?

**Dr Farry:** Yes, I will give way.

**Mr B McCrea:** I am grateful to you for letting me come in for a second time, and I am sympathetic to the case that you outline. I understand that you are saying that you have to get through what you can get through, because there is no Executive agreement. However, in light of what the Chair of the Committee just said, is it possible for us to see any draft amendments or proposals? I suppose that you will have given a paper to the Executive, but that will not yet have been visible to members of the Committee or, indeed, Members of the Assembly. Is there any way that we could have a framework that we could discuss? That would give us some time. Ultimately, we may

not get it passed, but at least we would not be running out of time.

**Dr Farry:** Again, I thank the Member for those comments. To clarify how the process works: anything that involves a policy commitment that relates to legislation has to be agreed by the Executive. That is reflected in the ministerial code, which binds all Ministers. Without Executive approval, it is difficult for a Department to move ahead and to draft amendments. The timescale that is available to us does not provide us with that opportunity. Even if the policy were agreed and we were able to move very quickly to draft amendments, as the Chair of the Committee indicated, there still needs to be scope for the proper scrutiny of such measures to ensure that they will do what they are designed to do, no unforeseen consequences arise from them, and there is consensus or buy-in from stakeholders. That is the work that Committees do, and they are very much part of the Assembly process, so it is important that we have proper deliberation of these issues.

That said — we have already done this with the Committee, and I am more than happy to return to it — it is useful to debate at policy level and to set out the policy options on zero-hours contracts. If the Member or anyone else wishes to refer to the public consultation, they will see that some of the options that are available to us are very clear. I referenced those in my closing remarks, and they include areas such as a ban on exclusivity. The number of people on exclusive zero-hours contracts is fairly minimal, so we can really make a difference by putting a code of practice on a statutory basis and by allowing people the potential to request a regular contract after they have worked regular hours over a specified period. Those thresholds would need to be given proper scrutiny in order to ensure that there are no adverse consequences arising from that and that there would be no unintended consequences. For example, if you say that someone has a right to request a regular contract after having worked for 26 weeks on a regular, fixed shift pattern, you could see an unscrupulous employer changing that person's working hours in week 25 to avoid the measure coming into play after week 26 and almost resetting the clock and putting the person back to square one. It is important that, when we approach this, we put measures in place and achieve what we are trying to achieve in the policy intent. That is why it is important that full consideration is given to what we want to put in place.

**4.30 pm**

In that context, the options open to us are limited. If the Member is keen that we have that debate, there is scope for greater discussion among members of the Committee or, indeed, on the Floor of the Assembly around the policy. One of the options is that, at the very beginning of the new term, the Assembly moves to legislate, on a discrete basis, around zero-hours or minimum-hours contracts. In most Assembly terms, there can be a tendency for legislation to wait until the very end, and we are probably a particularly bad example of that. I do not mean my Department individually but rather us as a whole, and there are reasons for that. It is important that legislation happens on a more uniform basis across the lifetime of an Assembly, and I am sure that the Speaker will be the first person to advocate that as the best practice. There may well be an opportunity for the Assembly in the very near future in that regard. It is an important issue, and I do not think it should sit on the shelf for whatever reason.

In closing, I thank all the Members who contributed to the debate. We will return for Consideration Stage, Further Consideration Stage and Final Stage, and I am very willing to engage further with the Chair and members of the Committee over the coming days to address some of the issues.

I had forgotten to but I wanted to mention amendments in the area of neutral assessment. Some Members raised potential concerns about what we are proposing, and those concerns have also been reflected by stakeholders. We are considering taking a slight step back from this and, rather than prescribing that it would be a duty or power in relation to the Labour Relations Agency, we are thinking that we could have an enabling power and that, after proper consideration, we could determine the best route through which it could be taken forward. That would allow the principle of neutral assessment to be agreed as part of the legislation, with the particular route by which it will be delivered — either through the LRA or tribunals — to be determined down the line, if at all. That would be put in place through affirmative regulation. In a similar light, the Committee is also keen that we have a review of the early conciliation power that is set out in the Bill. Most people would see that as a perfectly logical step. Apologies for that slight detour into points of detail, and I look forward to the further stages of the Bill.

*Question put and agreed to.*

*Resolved:*

*That the Second Stage of the Employment Bill [NIA Bill 73/11-16] be agreed.*

**Mr Speaker:** The Bill stands referred to the Committee for Employment and Learning.

### **Credit Unions and Co-operative and Community Benefit Societies Bill: Consideration Stage**

**Mr Speaker:** We will begin the Consideration Stage of the Credit Unions and Co-operative and Community Benefit Societies Bill.

**Mr McKinney:** On a point of order, Mr Speaker. I have two apologies to make: one is for interrupting you, and the second is that, although I hastened to the Chamber ahead of Question Time at 2.00 pm, I, unfortunately, missed my question. I apologise to you and to the House.

**Mr Speaker:** OK. Thank you very much for coming in person to make that apology. We will forgive you entirely for interrupting the Speaker.

I call the Minister of Enterprise, Trade and Investment, Mr Jonathan Bell, to move the Consideration Stage of the Credit Unions and Co-operative and Community Benefit Societies Bill.

*Moved. — [Mr Bell (The Minister of Enterprise, Trade and Investment).]*

**Mr Speaker:** Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There is a single group of amendments, amendment Nos 1 to 3, which deal with Assembly control of regulations and a requirement to review section 1, and we will debate the amendments in turn.

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

No amendments have been tabled to clauses 1 to 13. I propose, by leave of the Assembly, to group these clauses for the Question on stand part.

*Clauses 1 to 13 ordered to stand part of the Bill.*

### **New Clause**

**Mr Speaker:** We now come to the single group of amendments for debate. With amendment No 1 it will be convenient to debate amendment Nos 2 and 3.

**Mr Bell (The Minister of Enterprise, Trade and Investment):** I beg to move amendment No 1: Before clause 14 insert

#### **"Review of section 1**

**13A.—(1) The Department must —**

*(a) carry out a review of the operation of section 1 as it relates to unincorporated associations, and*

*(b) prepare a report of that review.*

*(2) The Department must lay the report before the Assembly.*

*(3) The Department must begin to carry out the review before the end of the period of 2 years beginning with the day of Royal Assent."— [Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*The following amendments stood on the Marshalled List:*

No 2: In clause 15, page 10, line 15, at end insert

*"(3A) Regulations under subsection (2) that amend or repeal a provision of an Act of Parliament or Northern Ireland legislation must not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly."— [Mr Bell (The Minister of Enterprise, Trade and Investment).]*

No 3: In clause 15, page 10, line 16, at beginning insert "Other".— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

**Mr Bell:** Clause 1 of this Bill will permit credit unions, for the first time, to admit as members companies and unincorporated associations, such as partnerships, clubs and societies. Credit union stakeholders have, however, expressed reservations about exactly how unincorporated associations will engage with credit unions as members. Those reservations were picked up by the Enterprise, Trade and Investment Committee, which suggested that

my Department amended the Bill to provide for a review-and-report clause.

I remain content that the provisions of the Bill concerning corporate members give credit unions the greater freedom they desire, while at the same time seeking to minimise the prudential risk. However, I am content to bring forward an amendment in line with the Committee's proposal. I therefore propose to insert a new clause 13A. This obliges my Department to carry out a review of the operation of clause 1 as it relates to unincorporated associations, and to lay a report of that review before the Assembly. Work on the review must start by the end of a period of two years beginning with the day of Royal Assent.

I will talk briefly, if I may, about amendment Nos 2 and 3. Clause 15(2) grants my Department the power to make related secondary legislation, subject to negative resolution in the Assembly. However, the Examiner of Statutory Rules recommended to the Committee that, in the event that a regulation is made under clause 15(2) that amends primary legislation, that regulation should instead be made subject to affirmative resolution. I propose to bring forward amendments to clause 15 that will give effect to the Examiner's recommendation. Amendment No 2 is new clause 15(3A), which will ensure that regulations amending primary legislation will be made subject to affirmative resolution. That is followed by consequential amendment No 3 — a minor change to clause 15(4) — which will ensure that other regulations remain subject to negative resolution.

**Mr McGlone (The Chairperson of the Committee for Enterprise, Trade and Investment):** Go raibh míle maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire agus tá súil agam go bhfaighimid beaichte inniu. I thank the Minister for giving us precision, keeping us on course and dealing with the stuff that we have in front of us. I will speak on new clause 13A and the amendment to clause 15.

The Credit Unions and Co-operative and Community Benefit Societies Bill was referred to the Committee for Enterprise, Trade and Investment on 24 June 2015. The Committee sought an extension to the Committee Stage to 29 January this year to ensure sufficient time to scrutinise the Bill effectively. As it turned out, the Committee did not need to avail itself of the extension, and published its report on 24 November last.

The Committee welcomes the Bill, which is intended to update the key Northern Ireland legislation governing credit unions and industrial and provident societies — the Credit Unions (Northern Ireland) Order 1985 and the Industrial and Provident Societies Act (Northern Ireland) 1969 respectively. This legislation has arisen as a result of an inquiry into the role and potential of credit unions, an invaluable part of our society, which was undertaken by the Committee during the previous mandate.

During the current mandate, the Committee undertook considerable pre-legislative scrutiny of the Bill and, as a result, suggested a number of changes to the proposed policy, which have been largely accepted by the Department and, where appropriate, included in the Bill, as we have heard today. I would like to thank the Minister for that. That rigorous scrutiny of the original policy proposals considerably reduced the time needed by the Committee to further consider the Bill during the Committee Stage.

I would like to thank the Minister and, particularly, his officials, who guided us through this very well, showing a lot of knowledge and experience. Having that level of experience in the room is something that a Committee can be very thankful for. It would be remiss of me not to also thank our Committee officials, who helped to structure and organise meetings for us and provided reports and documentation too. Also, I would like to place on record our thanks to the Minister's predecessor for her commitment and positive engagement with the Committee, both in pre-legislative scrutiny and in the course of the Committee Stage of the Bill.

The addition of clause 13A, which deals with the review of section 1, arose as a result of Committee concerns regarding the provisions in clause 1 relating to credit union membership by unincorporated bodies. Clause 1 amends the 1985 Order to allow a credit union to admit corporate members. The Committee welcomes this provision in the Bill. In its 'Report on the Committee's Inquiry into the Role and Potential of Credit Unions in Northern Ireland', which was published in the previous mandate, the Committee had recommended that membership of credit unions is extended to include joint accounts and group membership.

The Committee considered trade union body concerns over the manner in which unincorporated members are being dealt with under this legislation. They are concerns such as whether the Department has done enough to help maximise the potential benefits of having corporate members, and the reasons why there is a requirement for some classes of corporate

member to be registered in the name of an individual. An example was given to the Committee of a sports club, which can open a bank account in the name of the club with authorised signatories, but cannot open a credit union account in the name of that same club. It was put to the Committee that, as banks can open accounts in the name of organisations, credit unions should be able to do the same. There was concern about an unintended effect of sending a message that credit unions offer an inferior level of service when compared with banks and building societies, which definitely is not the case.

The Department informed the Committee that, in the period since the Bill has been developed, six credit unions in Northern Ireland have failed and that the last failure involved unauthorised lending, and it believes that to create further risk at this stage would be imprudent.

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

Concern was raised about the impact to the individual concerned when an account was opened in that person's name. This included tax implications for the individual and the potential for fraud in circumstances where a credit union failed. The Department stated that there are provisions in the Bill, under clause 1(3), to determine what interest an individual who is representing an unincorporated body has in the shares held in a credit union on behalf of that body. For the purpose of this determination, the shares will not be treated as being held by that individual.

Concern was also raised with the Committee that the advice that Treasury officials were receiving was based on evidence from credit unions in England and Wales, rather than in Ireland generally, where it is widely accepted that the credit union movement is considered to be much more well-developed and, indeed, mature in handling its ongoing business.

The Committee asked the Department what consideration it had given to the inclusion in the Bill of provisions similar to those included in the Republic of Ireland legislation to permit credit unions to admit unincorporated bodies as members in the name of the entity. The Department described the lack of detail in the Republic's legislation and how it would prefer to have the more comprehensive drafting approach in relation to corporate members establishing a direct connection between the credit union and the corporate member.

Treasury stated to the Committee that the reason why partnerships and, indeed, unincorporated associations must be represented by an individual is that these bodies are not separate legal entities in their own right, unlike registered companies, chartered corporations or statutory corporations, which all have separate legal personality, specifically, a legal existence outside of their members. Lack of a separate legal identity is the reason why, in terms of legislative drafting, unincorporated associations must be represented by individuals who act under delegated or implied authority on behalf of the organisation.

Treasury states that, in practice, the rules of individual associations will determine the rights and duties of the members between themselves and that the characteristics of unincorporated associations have historically been determined by case law rather than set out in legislation.

#### **4.45 pm**

The Committee was content that it had fully explored the possibility of allowing unincorporated associations the facility to open credit union accounts in the name of the entity in the current legislation but that there is insufficient time to achieve the support of all parties to enable full consideration of what is a complex matter involving a range of stakeholders here and in GB.

Following evidence from officials and on the recommendation of the Committee, the Department agreed to bring an amendment to the Bill to insert new clause 13A, which will make provision for a review of section 1 — currently clause 1 — to commence within two years, as the Minister said, of Royal Assent and for a report to the Assembly. The Committee was content with clause 1, subject to the inclusion of the new clause 13A.

Clause 15(4), as introduced, makes all regulations under clause 15(2) subject to negative resolution. The Examiner of Statutory Rules (ESR) recommended to the Committee that clause 15 be amended to make regulations under clause 15(2) subject to affirmative procedure where they amend primary legislation and subject to negative resolution in other cases, as the Minister outlined. The Committee accepted the ESR's recommendation and the Department provided the wording of the amendment as suggested by the Examiner. Commenting on the amendment, the Examiner said that the Department may wish to consider a small

amendment to clause 15(4) to reflect new clause 15(3A). The Committee is content with clause 15, subject to the proposed amendment, and is content with the wording of the proposed amendment.

That concludes my comments. Once again, I thank the Department, its officials and the Committee staff.

**Mr Dunne:** I too welcome the opportunity to speak at Consideration Stage as a member of the Enterprise, Trade and Investment Committee. I recognise the role that credit unions play in providing financial assistance to people right across Northern Ireland. I welcome the progress that the Bill has made since it was introduced to the House on 23 June 2015. The Bill was designed to promote the continuing growth and sustainability of the sector, and I believe that we are on track to deliver that needed change through this tailored Bill.

The success and significance of the service that credit unions provide here is backed up by the statistics. Some 34% of our population hold a credit union account compared with around 5% in the rest of the UK, and membership has doubled in the past decade. Many of those who work in credit unions do so on a voluntary basis and make a valuable contribution to the local community in which they live.

Credit unions are, rightly, run on the principle that if you cannot afford to save regularly, you cannot afford to borrow. Saving is a basic skill that many lack today, and, hence, they get themselves into financial trouble. Credit unions protect such people from getting into financial trouble through risky payday loan companies that often exploit the most financially vulnerable and have greater resources and use attractive advertising to lure people into unrealistic agreements.

The key factor in credit unions' success is that they are locally based, working with and for local people in local communities. Credit unions are locally focused and run for the good of their members and according to their social mission, rather than for profit. This is in strong contrast to the payday loan sharks that are out there in such companies.

I believe that the three amendments will allow for the sector to flourish. Clause 13A is important for the sector, given that credit unions, for the first time, will be able to admit companies and incorporated associations into their membership. As this is new ground, the commitment to a review in two years is

important to include that protection for credit unions.

I welcome the progress made to date. The Committee made a comprehensive input into the Bill, and I commend the work to the next stage.

**Mr Cochrane-Watson:** I am commenting on the Bill on behalf of the Ulster Unionist Party. We warmly welcome the amendments tabled and the Minister's acceptance of amendment No 1 from the Committee, which is on a very important issue.

This is the first piece of legislation on which I have had a role to play on a scrutiny Committee. I do not intend to say too much this evening, but to pay my thanks to the Chair of the Committee and its staff and to the Minister and his departmental officials for bringing the legislation forward and answering any queries that I had.

The Bill is a very strong and important piece of legislation. A strong community needs a strong credit union. The issue of credit unions has been of interest to me over the months that I have watched the Bill progress through the House and Committee, and I have taken the time to talk to credit unions in my area. As my good colleague Mr Dunne outlined, they do not just offer financial support and guidance but play an integral part in everyday life in all our communities through sponsorship of local schools and so on.

I have no hesitation in supporting the amendments this evening. I wish the Bill swift progress through the House.

**Mr Ó Muilleoir:** Maith agat, a Phríomh-LeasCheann Comhairle. I will try to beat the brevity of Mr Cochrane-Watson's comments, but I join him in thanking the staff and officers who prepared the materials for us, provided us with ample and comprehensive research on all the matters and facilitated the credit union movement in its negotiations and discussions with us.

I pay a special word of thanks to the Chair. The membership of the Committee kept changing, and, every time that he came in, we enquired about the detailed meaning of each clause. I thank him for his patience and help in that regard. One of the things that disappointed all of us was the fact that it has taken so long for the Bill to get to this stage. As they say in Irish, *más mall is mithid* — better late than never.

When the credit union representatives came in, it was quite clear that they had a long shopping list. They had some concerns over whether a company or a sole trader could register as a business with a credit union, and they did not win everything that they wanted in clause 1. Regardless, they are happy with where we are.

It also struck me that, as we might expect with great beacons of the community, they have a shopping list and would like to do more. When you think of where we have been with the banking crisis, we can, and do, trust the credit union movement. It is my hope that, in the new mandate, when there is a completely new Department and new Committee, the Committee will engage positively, as we have done, with the credit union movement, take the shopping list and build credit unions, which are, as Mr Dunne said, at the heart of the community and an alternative to the banking system. Credit unions are a very positive alternative that are growing in strength.

I commend the Bill and, on behalf of Sinn Féin, endorse its passage through the House at this stage.

**Mr McKinney:** I support the Credit Unions and Co-operative and Community Benefit Societies Bill as a member of the ETI Committee and on behalf of the SDLP.

Credit unions are an integral part of our economy and make a massive contribution by offering financial services and credit to many individuals. It is important to remind the House that credit unions were established, with Ireland's greatest — John Hume — playing a pivotal role, to address the massive inequality in our society, where many vulnerable people were being exploited for profit. Some of that exploitation is still being seen today through payday loans, which have been mentioned, and other short-term financial deals that have the potential to exploit many people.

I am glad that the Bill further protects the role of credit unions and other providers, and I hope that it goes some way to alleviating the financial pressures that many people feel that they are under. It is important to take this opportunity, as other Members have done, to commend those involved in bringing forward the Bill. I underscore the remarks of our Chairman and thank the Minister and his departmental officials for their continuous engagement with the Committee during its scrutiny of the legislation. I thank the Ulster Federation of Credit Unions and the Irish League of Credit Unions, whose representatives attended numerous oral evidence sessions with the Committee to tease

out, as you have heard, many of the issues that arose.

The Bill has been largely uncontroversial. Its clauses have the broad support of the sector, which was reflected in the Committee's investigations. I am glad that we have reached Consideration Stage. However, as we have heard, many areas required closer scrutiny. The Irish League and the Ulster Federation raised concerns, particularly on the issue of unincorporated bodies. I will give some more detail on the background to amendment No 1. It became apparent that there were a number of complex legal considerations involving HMRC, namely that, under common law, unlike registered businesses, an unincorporated organisation is not a separate entity. We have arrived at the point of looking at the issue further, which I welcome and believe is the right course of action. I note that the amendment talks of a review within two years. I hope that that does not become an action at the end of the two-year period. We need to look at this issue again. Maybe the Minister will reflect on the timing of any review in his remarks.

Co-operatives UK raised an issue with clause 8, which deals with the registration of societies. It wrote to the Committee stating that a change to the registration process stipulated under the provision adds a bureaucratic layer for mutual innovation. That, we discovered, fell outside the legislative scope of the Bill. I am glad that the Minister has addressed those concerns. I support clause 8, as drafted.

Finally, I will deal with clause 15 and amendment No 2. As the Minister outlined, this amendment is technical in nature and follows the report from the Examiner of Statutory Rules.

To conclude, I reiterate my colleague's comments that the SDLP supports the Bill. We believe that it is a step in the right direction and will go some way to bolstering credit unions to ensure that they are best able and best placed to serve our community. It is a great tribute to the ongoing work of those involved in credit unions and those who helped to found the credit union movement. It is a great leap forward, and I look forward to Further Consideration Stage.

**Mr Agnew:** At the outset, I declare an interest as a member of Bangor Credit Union. Other Members talked about the importance of credit unions, and I have spoken about it in the Assembly, too, so I will not dwell on that, other than to say that they are a very valuable part of our community and perform a valuable role. As Mr Dunne pointed out, in many cases, that

involves the hard work of volunteers, which is worth acknowledging here today.

I welcome the progress made on corporate membership. That is probably the nearest that we have had to a controversial aspect of the Bill. We are moving in the right direction. As mentioned, there is still work to be done on unincorporated bodies. As was pointed out, banks can treat an unincorporated body as a corporate member. It is my understanding that credit unions in the Republic of Ireland are also able to do this. We listened to the concerns of the Department about the possible unintended consequences of legislating for an unincorporated body to be seen as an entity rather than there having to be a named person, as is proposed. We understand the concerns and the need to provide protection for the board and membership of unincorporated bodies. The compromise, I suppose, is amendment No 1, which was proposed by the Department and accepted by the Committee. The review after two years will allow time to look at alternatives. I hope that further progress has been made on that because, if there has been any frustration with the Bill, it has been with this element of it.

I am happy to support amendment No 2. It is technical, and it adds scrutiny powers to the Assembly. That is something that I am always willing to welcome.

I echo the comments of others in thanking the Committee staff, the Chair, departmental officials and the Minister for their work on the Bill. I also acknowledge the role of the Irish League of Credit Unions and the Ulster Federation of Credit Unions. We are passing good legislation, although, obviously, it has further stages to go. All credit to those who have been involved in getting it this far.

#### 5.00 pm

**Mr Bell:** I am grateful to the Chair and the Members who have contributed to today's debate. The amendments have emerged from what, I think, all the Members rightly described as a comprehensive period of scrutiny by the Committee for Enterprise, Trade and Investment. That scrutiny was carried out in a very positive and helpful manner. It is clear to me, as Minister, that the Committee strove for the best possible positive legislative outcome for credit unions and registered societies. I thank it for its hard work in that regard.

The Bill represents the latest in a number of constructive reforms to the mutuals sector. Much has been achieved in recent years, but

the Bill does not represent the conclusion of work in the area. My Department will continue to review more generally the legislative framework underpinning the mutuals sector after the Bill is in place and whether further legislative change is appropriate.

I thank the Chair for his leadership of the Committee as it has gone through this point by point. He raised some issues to do with unincorporated associations. Unlike companies, which are corporate, unincorporated associations do not have a legal personality. That means that they cannot sue or be sued, which could result in a potential risk to credit unions if those organisations were to default on loans. It is for that reason that the Bill provides that those accounts should be held in the name of an individual or individuals. It offers a level of protection for the credit union, as there is a direct connection with the borrower.

The consultation with the main credit unions and trade bodies that we undertook raised issues about how the new groups' accounts would be managed. My Department has agreed with the advice of the ETI Committee to include in the Bill the review clause that Mr McKinney and others spoke about. That commits the Department to reviewing the operation of clause 1, which covers group membership of credit unions, within two years of the Bill receiving Royal Assent. I take on board Mr McKinney's desire that that should take place early in the two years rather than being kept to the end of that period. I give the commitment that, within two years of the Bill receiving Royal Assent, we will undertake that work. On the basis of the findings of that review, my Department will then consider whether there is a need to change the way in which group accounts will be managed by credit unions under the Bill. It is expected that any necessary change will be carried out through subordinate legislation via the Northern Ireland Assembly.

Mr Dunne referred to the vital role that credit unions undertook and the role of volunteers. Respect for credit unions was shown by Adrian Cochrane-Watson, Máirtín Ó Muilleoir and Steven Agnew throughout. I know personally the huge value that credit unions give to communities, particularly those that find themselves in difficult circumstances. In one of my first permanent jobs in the health service, they said to me, "You require a car. You'll be regarded as an essential car user to undertake your work in the health service". I looked at the £50 Sunbeam that I had and reckoned that it probably would not make the grade for what

would be needed, particularly carrying passengers. I remember going to the credit union and borrowing and being able to get the car that allowed me to do the job in the health service. It was a lifeline for me, as I know credit unions have been for many other families.

Our deepest thanks go to those who volunteer and to the people who, in many cases, as I know from personal experience in the Strangford constituency, go above and beyond the call of duty to help other people. The work of the House, the detailed scrutiny that we have given and the fact that the Bill has gone through every stage in a very cooperative and diligent way shows the respect that we, in turn, have paid to the credit unions.

*Amendment No 1 agreed to.*

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

*Clause 14 ordered to stand part of the Bill.*

**Clause 15 (Minor and consequential amendments)**

*Amendment No 2 made:*

In page 10, line 15, at end insert

*"(3A) Regulations under subsection (2) that amend or repeal a provision of an Act of Parliament or Northern Ireland legislation must not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly."— [Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 3 made:*

In page 10, line 16, at beginning insert "Other".— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

*Clause 15, as amended, ordered to stand part of the Bill.*

*Clauses 16 and 17 ordered to stand part of the Bill.*

*Schedules 1 and 2 agreed to.*

*Long title agreed to.*

**Mr Principal Deputy Speaker:** That concludes the Consideration Stage of the Credit Unions and Co-operative and Community Benefit

Societies Bill. The Bill stands referred to the Speaker.

**Water and Sewerage Services Bill: Further Consideration Stage**

**Mr Principal Deputy Speaker:** I call the Minister for Regional Development, Miss Michelle McIlveen, to move the Further Consideration Stage of the Water and Sewerage Services Bill.

*Moved.* — [Miss M McIlveen (The Minister for Regional Development).]

**Mr Principal Deputy Speaker:** As no amendments have been tabled, there is no opportunity to discuss the Water and Sewerage Services Bill today. Members will, of course, be able to have a full debate at Final Stage.

That concludes the Further Consideration Stage of the Water and Sewerage Services Bill. The Bill stands referred to the Speaker.

**Road Traffic (Amendment) Bill: Final Stage**

**Mr Durkan (The Minister of the Environment):** I beg to move

*That the Road Traffic (Amendment) Bill [NIA 35/11-16] do now pass.*

I do not intend to revisit the detail of this important Bill to any great extent this afternoon. The Assembly has already taken considerable care in scrutinising its provisions — rightly so. It has taken some time. The Bill was introduced to the Assembly in May 2014, so we certainly have not broken any speed limits getting it here today. [Laughter.] That said, I believe that it has been time well spent. The Bill has benefited from the close examination that it has received. I take this opportunity to thank the Chair and members of the Committee for the Environment for their detailed scrutiny and for the recommendations in its report. I am glad to say that I was able to take those amendments forward at Consideration Stage, and I believe that the Bill is better as a result.

I also thank Members for their helpful contributions to the debates on the Bill in its passage through the Assembly. The end product is legislation that can save lives and reduce injuries on our roads. It is legislation that can make a real difference. We need the Bill to make a difference, because 74 people lost their lives on our roads during 2015, and

two people have already died this year. Those are not just numbers; they are real people. They are lives lost and families and communities shattered. Our thoughts and prayers are with those families at this very difficult and dark time. I and others in the Chamber know how difficult it is to come to terms with such loss. Our hearts go out to all those who have lost loved ones and those who are suffering serious injuries through road tragedy.

I want to look to the future. The vision that I have is encapsulated in the Road to Zero campaign. The campaign has only one aim: zero road deaths. There is no acceptable level, and every road death is one too many. Much has already been done to drive down the scale of tragedy on our roads, but we need to do more. This important Bill represents another step in the right direction.

What will the Bill do? Its measures will help to reduce drink-driving, protect young and inexperienced drivers and make our roads a safer place. Let me focus first on the new drink-driving regime as reflected in Part 2. Since the turn of the century in 2000, drug- and drink-driving has caused over 2,000 deaths and serious injuries. As I said when I launched the new anti-drink-driving advert in Derry last month, people need to realise that they cannot take chances by having a drink and then getting behind a steering wheel. The Bill's measures back that up. Part 2 provides for two new lower drink-driving limits and a new graduated penalty regime. That means that the penalty for any offence will reflect the amount of alcohol involved. It also gives the police powers to establish roadside checkpoints to provide for breath checking. At present, the police can test only if they reasonably suspect that the driver has consumed alcohol — if they have stopped a vehicle for a moving traffic offence — or if there has been a collision.

### 5.15 pm

This new power will greatly increase the risk of being stopped and being caught. This combination of lower limits and more routine checking will, I believe, create a much more effective deterrent to those who continue to think that they can drink and drive.

I also welcome the amendment passed by the Assembly at Consideration Stage, which provided for the removal of the statutory option. Members will recall that, at present, this allows a driver whose breath alcohol reading is marginally above the legal limit to opt for a blood or urine specimen to replace the breath

specimen. I very much welcome our collective decision to remove that statutory option. That decision reflects the reliability of modern breath testing equipment, clear legal opinion and the fact that no other jurisdiction in the EU has equivalent provision. So, we are on safe ground in making this change to the legislative framework.

I will now turn to Part 3 of the Bill, which deals with learner and new drivers. Members will be aware that the Bill provides for a new graduated drive licensing scheme (GDL). This is, in effect, a package of measures designed to ensure that new drivers acquire the experience and skills that they need, over time, in low-risk environments. I have commented extensively in the past on the rationale for GDL, so Members will be relieved to hear that I do not intend to cover that ground again in any great detail. The fact is that young and inexperienced drivers are significantly overrepresented in road traffic collisions. The provisions contained in this section of the Bill are designed to help prepare drivers for the challenge of driving without supervision and to protect them, and others, as they gain experience.

Briefly, then, the Bill provides for a six-month mandatory minimum learning period and the introduction of a programme of training, which will be evidenced by a log book. It also removes the current 45 mph restriction for learner and restricted drivers, which means that lessons can be taken on motorways, provided, of course, that the learner driver is accompanied by an approved driving instructor. In addition, it introduces a passenger restriction for new young drivers during the first six months post-test. This issue, in particular, generated significant interest and discussion at Consideration Stage. Right from the start, in considering the detail of passenger restrictions, I have been very conscious of the need to improve road safety without unduly impacting on mobility. Inevitably, this has meant that some of the provisions — in particular the passenger restrictions on new young drivers — are more complex than I would have liked. However, following Mrs Overend's amendment and my subsequent review of that amendment, I believe we have struck the right balance. I am grateful to Members for their interest in and collective scrutiny of these provisions.

That said, I think that most Members were struck by the proportion of passenger fatalities and serious injuries that were due to young drivers. I noted my commitment, when we last debated the Bill, to consider how best to educate young drivers on the risks of driving with peer passengers. I also wanted to

consider how that process of education could and should be developed prior to the restriction becoming operational. I am pleased to announce some progress in this area. I have commissioned research to ascertain the most prevalent behaviours for those "at risk" groups. These findings will be used to inform a new campaign, designed to improve the safety of young drivers and their young passengers when using our roads. The campaign, which will air from mid-March, will inform the target audience of the dangers of peer passenger distraction with the view to influencing attitudes, positively changing behaviours and assisting with winning the moral argument prior to the legislation becoming operational.

I have nothing further to add at this stage, although, naturally, I am happy to respond to any remaining questions that Members may wish to ask. I therefore commend this Bill to the House.

**Ms Lo (The Chairperson of the Committee for the Environment):** I echo the sentiments on the sad loss of so many lives on our roads in recent months, which the Minister just mentioned. I want to send my sympathies to the families and loved ones of the deceased.

On behalf of the Environment Committee, I welcome the opportunity to speak on the Final Stage of the Road Traffic Amendment Bill. I am pleased that the Bill has reached this important milestone, as it brings the road safety measures contained in the Bill one step closer to becoming law. The Bill has had a substantial legislative journey. It was first introduced to the Assembly on 12 May 2014, and the Committee undertook its detailed scrutiny of the Bill, reporting to the Assembly in March 2015. The Committee recognised the potential of the Bill in reducing road deaths, and therefore it wanted to give proper consideration to the provisions in the Bill. The purpose of the Bill is threefold: to implement measures to tackle drink-driving; to improve how new drivers are trained and tested by reforming the learner and restricted driver schemes and introducing a system of graduated driver licensing; and to make mandatory the wearing of a helmet while using a quadricycle on a public road.

The Bill has been improved and strengthened because of the amendments that the Committee persuaded the Department to make. The Committee's detailed scrutiny resulted in three amendments to the Bill. The first of the amendments relates to provisions around the statutory option. The Committee sought to remove this option, which permits a driver who has provided a breath test that is marginally

over the prescribed limit to ask for a blood or urine specimen to replace the breath test. Evidence taken by the Committee from the PSNI suggested that the statutory option presents logistical challenges and that modern breath-testing technology has vastly improved since the time when the statutory option was envisaged as an essential safeguard. It now provides more reliable and consistent evidence. As a result, the Committee recommended the removal of this statutory option.

The second amendment relates to the minimum age at which a young driver can obtain a provisional driving licence. Currently, the minimum age is 17 years, and the Bill initially sought to reduce this age to 16 and a half. The Committee discussed this issue at length. After considering the evidence from stakeholders, the Committee recommended that the minimum age for obtaining a provisional driving licence should remain at 17.

The third issue considered by the Committee was in relation to the length of time that a person should hold a provisional licence before taking the practical test. The Bill initially proposed a period of one year. The Committee was concerned that this was an unnecessarily long period of time and considered the impact that this might have on particular groups, for example rural dwellers. The Committee felt that six months would be more effective, provided that it is properly structured and recorded in the student log book.

Another significant change to the Bill made during the amending stages is in relation to restrictions on drivers under the age of 24 from carrying any other passengers aged between 14 and 20 unless they have a "relevant accompanying person" with them in the front seat, who must be aged 21 or over, hold a full licence and have held that licence for not less than three years.

It was the Minister's initial intention to have restrictions apply on a 24-hour basis. However, the Assembly agreed to amend that so that it will apply only between the hours of 11.00 pm and 6.00 am. Officials advised the Committee that they undertook stakeholder engagement regarding the issue and believe that the provision strikes a balance between the road safety benefits that can be achieved and the impact on mobility for young drivers.

The Committee recognises the significant challenges now facing the Department going forward in communicating this message to all drivers — young and old, new and experienced. The Committee recognises the importance of

working with young people to explain the reasons for graduated driving licences and restrictions and of using organisations such as sports clubs and the Ulster Farmers' Union to help to get the message out. Subject to the Bill's successful passage today, the Committee looks forward to hearing from the Department in due course on its communications strategy in relation to the Bill.

I believe that the Committee's detailed scrutiny of the Bill has provided a fair and balanced approach for all drivers to help to make our roads safer.

I conclude my comments by taking this opportunity to place on record my thanks to all the organisations and individuals who took the time to provide written and oral evidence to the Committee, and I thank the members of the Committee, past and present, for their contributions during Committee Stage. I also thank the Minister and his officials for their positive engagement with the Committee during and after the Committee Stage and for taking the Committee's amendments on board. Finally, I thank the Committee staff for their hard work in assisting the Committee to the conclusion of the Bill.

I believe that this legislation can only help to reduce the number of fatalities on our roads. On behalf of the Committee, I support the Bill.

**Mrs Cameron:** As Deputy Chair of the Environment Committee, I welcome the opportunity to speak on the Final Stage of the Road Traffic (Amendment) Bill. I am pleased that, in working through the Bill, the Committee has been able to assist in reaching this point today. Whilst I appreciate that it may not have been as wide a reach as the Minister had initially intended, I am satisfied that the legislation we have arrived at is a practical and user-friendly approach to reducing death and serious injuries on our roads.

Every death on our roads is one too many. I hope that this legislation will foster attitudinal change in young drivers, through the restrictions on carrying passengers, and in existing drivers, through the reduction in alcohol limits. It is incumbent on every person using the roads to bear in mind the Road to Zero campaign before and during their journey. I believe that a collective responsibility amongst road users will ensure that we can move towards that goal, and the Road Traffic (Amendment) Bill will have a significant role to play in achieving that.

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

As young drivers are a staggering three times more likely to be killed on our roads and four times more likely to be responsible for fatal accidents than drivers over 25, the Committee has sought to address the higher proportion of under-25s killed or seriously injured on our roads and pursued ways to ensure that we do not restrict the mobility of younger drivers. That is addressed, in particular, in Part 3, at clause 19. I am content that, having taken advice from groups such as the Young Farmers' Clubs of Ulster and the road safety forum, we have achieved legislation that creates a balance that does not excessively restrict the movement of young drivers but provides a framework within which, I hope, we will see a reduction in the number of people killed or seriously injured on our roads. We seek not to demonise young drivers but to equip them properly to develop the necessary skills and experience to protect themselves and other road users.

### 5.30 pm

We also welcome the learner age remaining at 17, which we think is very appropriate. We have also looked at the evidence that points to greater incidence of collisions when inexperienced drivers are carrying teenage passengers. In order to address that, we have agreed that newly qualified drivers under 24 will not be permitted to carry more than one passenger aged 14 to 20 for the first six months after passing their test. There will be some exemptions to that rule, of course, to accommodate family life and emergency purposes. I hope that that short period of restriction will allow a young person to gain a much better understanding of the importance of making sensible decisions whilst driving and to learn about how a vehicle handles in different driving conditions without unnecessary distraction. I appreciate that it was felt that that restriction might disadvantage those living in rural communities, but, given that 69% of accidents where someone was killed or seriously injured by a newly qualified driver occurred on a rural road, it is a prudent move.

We have also addressed the current drink-driving legislation. I am pleased that the Bill will significantly reduce the blood alcohol levels from 80 mg per 100 millilitres to 50 mg per 100 millilitres, bringing Northern Ireland into line with the majority of other EU countries. That limit is further reduced to 20 mg per 100 millilitres for learners, newly qualified and professional drivers. We understand that that effectively makes it a zero limit. Alongside that, the PSNI will have new powers for roadside checkpoints. They will be able to breathalyse drivers in order to enforce the new reduced limits. I also

welcome the removal of the statutory option, which also brings us into line with much of the rest of the Europe.

The new measures will help us to influence behavioural change amongst drivers in order to reduce death and serious injuries on our roads. In the instance of young drivers, I hope that the organisations that provided representations to the Committee, such as the Young Farmers' Clubs and the GAA, will continue the work that they are doing to help us to get the message out there and support us all as the Bill passes into law.

As a footnote to the debate, I also hope that insurance companies will take note of the legislation and reduce premiums for young drivers if and when accident levels begin to fall. I also welcome the fact that the Bill makes the wearing of helmets mandatory for quad users on public roads, which is a common-sense decision.

In closing, I thank the Committee staff in particular for the hard work that they have done on this Bill and the many others that go through Committee. I do not think they get enough credit for the work that they do in supporting Members. I hope that the Bill will ultimately reduce the pain and devastation that death and serious injury on our roads cause to too many families in Northern Ireland. I wish the PSNI every success as it begins to enforce the legislation. I support the Bill.

**Mr Boylan:** Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom labhairt ar son an bhille seo. I rise to speak in favour of the Bill. Obviously, it is part of a road strategy 2020 target and plan, and I certainly welcome it. Any measure that we bring forward that will reduce fatalities and serious injuries on our roads must be welcomed. The Minister pointed out the figures for last year, and there have already been two fatalities this year. That is 76 individuals, 76 families affected, 76 extended families affected and 76 communities affected. It has an absolutely devastating effect and impact on families and communities.

I welcome the measures in the Bill. Many other Members have touched on a lot of the amendments and the introduction of new ideas in terms of restrictions on new drivers, new drink-driving limits, disqualifications and all that goes with that. I do not propose to go into all of the detail. Suffice it to say that I think we have had good deliberation and consultation on the Bill. I put on record my thanks to all those who contributed to the Bill, from the Committee staff to all the Committee members. I also commend

the work that the Minister and his departmental officials did to introduce the Bill. I hope that the measures will contribute to the target that we had set to reduce by 55% the number of young fatalities on our roads and that they protect learner and new drivers.

Sometimes when we are doing legislation, it comes across as if we are using a big stick approach to introduce something for the betterment of people. It may look that way to young people at this point, but that is not what we are trying to do. We are trying to make our roads safer for our road users. Unfortunately, every year, when we look at the stats, it is hard to get away from the fact that the majority of accidents are caused by novice or inexperienced drivers.

I welcome the education programme that the Minister talked about in his opening remarks, but I appeal to him to get a positive message out. We want to get proper communication out to the relevant bodies that will roll out the legislation. We are saying to all road users that we want them to be safe on our roads. We want to reduce the number of deaths on our roads. We are looking at zero tolerance and zero fatalities. We need a good communications strategy and education programme to get that message out. Hopefully, the Bill will lead to a reduction in fatalities and serious injuries on our roads. With that, a LeasCheann Comhairle, I am prepared to support the Bill's Final Stage, and I look forward to its roll-out and to safer roads for our road users.

**Mr A Maginness:** I start off by saying that, if I were the Minister of the Environment — it is very unlikely that I will be, given the 10 weeks or so left in the mandate — I would be very proud of the Bill. It is a very practical and, hopefully, very effective contribution to reducing the number of road deaths and accidents and all the misery, heartbreak and pain associated with road traffic accidents. The measures that have been introduced are very useful, and they will be very effective in preventing the level of road traffic accidents rising in our community. In fact, they will be effective in doing quite the opposite, which is to reduce the level of road traffic accidents in Northern Ireland. All credit to the Minister, Mark H Durkan. He has done a great job as a Minister and particularly with this Bill, which deals with the terrible scourge of deaths on our roads. If I were him, I would feel very proud of this legislation.

It is, as the Minister has said, another step in the right direction. The harmonisation of drink-driving limits between us and the Republic and

other parts of the UK is a very important step. That will deter people from drinking and driving, which is, unfortunately, one of the great contributors to death and injury on our roads. Anything that goes towards reducing death and injury on our roads is a good thing, and I think that the Bill will do that.

The removal of the statutory option, which the Chair of the Environment Committee referred to, was, I think, a natural step forward. It was an archaic aspect of the law and had to be removed, given the technological advances in, and the accuracy and reliability of modern techniques for, testing for substances in a person's body. That was the right step, and I think that the Minister, urged on by the Committee, it has to be said, responded to that positively.

When talking about environmental issues yesterday, I referred to the good work between the Committee and the Minister. I think that the relationship between the Committee and the Minister has been a good and positive one. It is not unique in the House, but it is a good example of a good and constructive relationship between a Committee, a Minister and a Department. The Minister has quite properly responded to what the Committee suggested.

Where learner and new drivers are concerned, particularly young learner drivers, the introduction of the six-month period for learning is good. It will acclimatise young people to learning and raise the level of safe driving by our young people. As was said before, young people are, unfortunately, responsible for a disproportionately high number of accidents on our roads. That is a fact that we have to face up to and a fact that young people have to face up to. I know that there will be irritation amongst young people, who are very anxious to get out there, learn to drive and get onto the roads. That is very natural. As Mr Boylan said, young people might feel put upon in a way; nonetheless, it is for their good and the good of society at large.

The Minister is right to proceed along these lines. There was discussion about reducing the age to 16 and a half, but the Committee thought that that was probably not the right level. The Minister responded to that very positively, too. The introduction of graduated driving licences is taken as granted in other jurisdictions because it improves the level of driving in whatever jurisdiction it takes place. As the Deputy Chair of the Committee said, the insurance companies in Northern Ireland should take note of the approach that this legislature, the Department and we as legislators have taken to

introduce the GDL and to raise standards on our roads, particularly amongst young people.

We do so in the hope that we will not simply reduce the levels of injury and death and the misery that I referred to but that we will encourage young people in particular and drivers at large. By doing so, one would expect, given these reasonable measures, a response from the insurance companies in which they say, "We will reduce the level of premiums here in Northern Ireland". Those premiums are, by all objective accounts, higher than those in other parts of the UK. Therefore, the insurance companies should listen to us, as legislators, because it will encourage drivers, particularly young drivers, if there is that response in terms of cash, as it were, in people's pockets.

#### 5.45 pm

I understand the issue about young drivers being prohibited from carrying other young people in cars at certain periods of the day. The Committee responded to that in a very positive way. Sandra Overend, in particular, took the lead on that. I think that we have got a proper compromise from the Minister and the Department, and credit to Mrs Overend for bringing the issue forcefully to the attention of the Committee and the Minister, who positively and quite properly responded to that.

Young people will feel a bit put upon, but it is in their interests because there is positive evidence to show that when young people get into cars, particularly at night, and when there is perhaps a number of them, unfortunately, irresponsible actions and driving take place. We all know, to our cost, that tragic accidents follow as a result of that. So, the Minister is quite right to take this action and to provide for these restrictions, which, in any event, will only last for six months. They have been properly brought into the Bill, and the Department should be commended for that.

I will end simply by saying that I thoroughly support the Bill. I raised with the Minister and in the Committee that I had some misgivings about some of the penalties to be imposed upon professional drivers whereby, effectively, you have a zero limit in terms of driving. I retain some misgivings about those penalties, and I hope that no injustice will arise from that. We will see in due course, because we can sometimes be over-prescriptive, and that can lead to unfair and unintended results. Professional drivers will have to take care in the future, and that is right and proper, but I hope that there is no disproportionate impact on

them, even when they do offend. We will have to monitor that situation.

I support the Bill. I want to thank, in particular, the Chair of our Committee for her work. As usual, she led the Committee in a quiet but determined fashion. I want to thank the Minister again for his good work and his imaginative approach to the Bill. I would also like to thank the staff of the Committee, who, as usual, worked very hard and assisted us with the legislation.

**Mrs Overend:** I very much welcome the opportunity to support the Final Stage of the Road Traffic (Amendment) Bill as the Ulster Unionist environment spokesperson. Whilst much of the debate in the Assembly is focused on one specific aspect of the Bill, we must not overlook the fact that this is the most significant Bill relating to road safety in many years. Therefore, I congratulate the Minister and the departmental officials, who spent so long on getting it here.

It is a wide-ranging Bill that touches upon many issues that cost the lives of too many people, especially young people, on our roads. I strongly support the changes that the Bill makes to drink-driving law.

There are few more selfish things that a person can do than consume alcohol to the point that it impairs them, then get behind the wheel of a motorised vehicle. The slightest lapse in judgement or concentration can have life-changing consequences, so even with reduced limits, I remind young drivers in particular that there is no safe limit on drinking alcohol before driving.

An aspect of the Bill that I strongly welcome is a graduated penalty regime that will reflect the level of alcohol involved in an offence. While some people make mistakes, and work is still necessary to inform people about the limits and how a night's sleep is not a magic bullet, I now hope that those who consciously get behind the wheel while seriously intoxicated face the full rigour of this Bill and the new penalties that it introduces.

One aspect of the Bill that I am still disappointed with is the absence of any focus on drugs and driving. There is widespread research and evidence to demonstrate the dangerous impacts of that, and the Bill should possibly have been used to strengthen the law in that respect. I am aware that the PSNI seeks out those who think it appropriate to drive while under the influence of drugs, but I urge the Department, especially as technology and

detection methods improve, to keep its options open and, if necessary, to bring forward the necessary safeguards.

I welcome the changes made to driver education and testing. It is a tragedy the number of young people who have lost their lives on Northern Ireland's roads. Every death is a heartbreak for every family, and the statistics prove that young people are over-represented in road traffic collisions. Not every collision results in death. Some may be incredibly lucky to get away unscathed or with only scratches or bruises, but many are left with serious, life-changing injuries. Therefore, I really hope that the package of changes that has been agreed has an impact.

I thank the Minister for listening to the many concerns raised about the Bill, not least by the Committee, and for agreeing to amendments. I thank the Chair of the Committee, the Clerk and officials for their work during the scrutiny period.

Finally, I come to the restriction on newly qualified young drivers from carrying passengers. Whilst no doubt well intentioned, and even with the exemptions, it was clear to my party and me from the outset that what was being proposed was excessive and potentially detrimental, especially to those in the rural community. A 24-hour restriction would have been felt very differently in Belfast than in rural County Tyrone or Londonderry in my constituency. That is why I tabled an amendment at Consideration Stage. Again, I thank the majority of the House for supporting it.

However, it was vigorously opposed by the Minister; he even alleged that it would weaken the effectiveness of the Bill. Of course, he had numbers on collisions and the rough time of day when they occurred, and behind every statistic was personal loss or tragedy. As legislators, it is important that we correlate what looks right on paper with what will work in reality. With the support of party colleagues, and especially the welcome support of the Young Farmers' Clubs of Ulster, specifically their chief executive Michael Reid, I was able to convince the Assembly that introducing a time restriction was the right thing to do.

Some months later, it came as a pleasant surprise that, instead of finding some mechanism to try to weaken it, at Further Consideration Stage the Department went further than I had, moving the time back from 10.00 pm to 11.00 pm. On behalf of rural dwellers, I was genuinely glad that the Department tabled that amendment, not only

because I was considering tabling it myself but because it showed recognition by the Department that it needed to consider things from a rural perspective also. So, with all genuineness, I thank the Minister and departmental officials for that.

Overall, this is a good Bill. Perhaps it could have gone slightly further in some regards; in others, however, Northern Ireland is well and truly taking the lead in tackling inappropriate behaviour on our roads.

**Mr Attwood:** In a previous life, I had a tiny responsibility at an early stage for this piece of legislation, so I thought that it might be appropriate to make some comments.

I have said before in the Chamber that I recall an occasion when officials brought forward a paper on this legislation. Maybe it was one or two of the officials who are sitting not too far away at the moment. The paper outlined recommendations on how to deal with road traffic safety, management and training people who are going onto our roads. I have one regret from that time. Whilst I did not accept the recommendations — as I recall, they were less than is now in the Bill — to pick up something that Mrs Overend said, I regret that we did not go further. It is in the nature of legislation that, during its various processes, conversations or discussions can too often see thresholds being degraded rather than enhanced. When it comes to the protection and safety of our citizens, particularly those who are on our roads, and as I look back on the short time that I was involved with the Bill, I regret that the thresholds were not pushed higher so that, when there was pressure to reduce those thresholds further, as is evident in this Bill, there might have been more space to protect the higher thresholds rather than the lower ones.

The reason why the Bill is so important is evidenced by the fact that, in two of the last three years, figures for road deaths in Northern Ireland have increased. It is only in the last year that those figures have begun to reduce, but not to the historically low levels of three, four or five years ago. On the rest of the island, there was a 15% reduction in road deaths last year, so why has there not been a comparable 15% reduction in Northern Ireland? The reduction last year was somewhat less than that — unless my figures are wrong — and the rest of Ireland is showing better authority when it comes to road death reductions after two or three years of increases. I ask the Minister to comment on that. In particular, I ask him to comment on whether there have been any further pressures on his budget for road safety

advertisements, which have been part of the architecture that brought about reductions in road deaths in Northern Ireland over many years to a figure of 59 deaths three years ago. My figures are subject to correction.

Remember that, 20 or 30 years ago, deaths on our roads every year were measured in the hundreds. We then got to a point at which the figure was less than 100 and even less than 60. There is an issue with the Bill. In real time, in the real lives of people on this island, there has been a more accelerated reduction in road deaths in the South last year compared with previous years. The Minister might want to reflect on that and comment on it in his response.

Mr Maginness asked what insurance companies would do in response to the legislation, which, as Mrs Overend rightly pointed out, is the most progressive — for want of a better word — on these islands, when it comes to the architecture on the training and management and penalties for those who drive cars. The answer to that question is in a letter, no doubt buried somewhere in departmental files, from the Association of British Insurers. Remember who you are dealing with. These are insurance companies that met our Taoiseach in Dublin today in relation to their response to the failure to provide insurance to those who are subject to flooding. I heard one of the representatives of the Irish insurers on RTÉ news this morning describing, in that self-serving way, how it was not their responsibility to deal with floods; it was the responsibility of the Irish Government to put anti-flooding measures in place. It was as if they could — excuse the pun — wash their hands of any responsibility to protect the citizen.

#### 6.00 pm

That attitude was my experience of the Association of British Insurers during my time in DOE; that it was everyone's responsibility but theirs to protect the citizen. In the wash-up, the Association of British Insurers — I believe in writing, but certainly in public — confirmed at a conference in London in the early months, I think, of 2013, that if the full measures proposed in the then draft Bill were introduced, that should see a reduction in insurance premiums for young drivers of up to 19%. So, it would be interesting to hear from the Minister what the Association of British Insurers is now saying in relation to what they know is going to be the content of the new Act.

What will the implications and benefits be for all our drivers, not least our young drivers who are

the particular focus of the Bill? What will be the read-across in insurance premiums? Will they do what they did in Dublin earlier today and tell a Government that it is not their responsibility, wash their hands and say, "Over to you"?

One of the purposes — not the primary one — is to see insurance companies honour their commitments that a Bill of this sort would work itself through to insurance premiums. They should not be given the easy way out, which, no doubt, they will claim, because the restrictions on new drivers driving at night are less than they might otherwise have been, and that that relieves them of the responsibility they flagged up and, in public, committed to in the early months of 2013. I therefore ask the Minister: where is the Association of British Insurers — now that we have a Bill that will shortly receive Royal Assent — on how that will bring benefit? Is it not a message to people in Northern Ireland that, as a direct consequence of the Assembly legislating, there might be a reduction in insurance premiums, especially to the very extravagant rate for our new drivers?

Unlike Mrs Overend, and maybe like the Department, I regret the fact that the restriction on new drivers is for fewer hours than it might otherwise have been. I do not think that it was ever the intention — maybe I am wrong — that it would be 24 hours. Setting that aside, as I recall, the hour when young drivers are most at risk is either 9.00 pm to 10.00 pm or 10.00 pm to 11.00 pm. Yet, there are going to be no restrictions on new drivers in that hour. If we are going to have protections for people in law then, logically, we should protect them at the hour of greatest risk. However, this legislation — for the very understandable reasons, advanced by the Ulster Farmers' Union, Mrs Overend and others, that there could be a disproportionate impact on rural drivers — could end up not protecting people on our roads, urban and rural, in the hour of maximum risk.

That is not logical or necessarily the best of laws. This is a good Bill that shapes things in a way that has not been done before anywhere on these islands. Hopefully, others will follow suit, especially in London, because they are resistant to these sorts of interventions. However — I might be wrong about this, but I do not think I am — the hour of maximum risk being the hour in which we do not provide maximum protection does not seem to be the best of approaches in what is otherwise a good Bill.

On the far side of this Bill, we will have all-Ireland recognition of disqualifications; in fact,

we have recognition of that within these islands. Also, on the far side of this Bill — again, I am subject to correction due to my failing memory — we will have the same levels across the island when it comes to drink-driving offences and the alcohol in somebody's blood. However, when are we going to have all-Ireland recognition of penalty points? Whilst this is technical and difficult, it is nonetheless a commitment that was entered into. It was a commitment that the British Government, strangely, would not enter into. When the British Government were asked to join with the Northern Ireland Government in having all-islands recognition of penalty points, they resisted and said that they would have a watching brief from afar to see how Dublin and Belfast got on. Unless I am mistaken, at the end of this mandate, we have not yet concluded the complex technical differences that exist between the two jurisdictions, including on the management and enforcement of penalty points.

So, where are we? If we are going to have strategies to protect citizens of Ireland, particularly given the free movement of people, subject to what happens in the European debate and the outcome of the referendum, and if we are going to have continued free movement of people across these islands for business, tourism, recreation, family life, education or whatever reason, one of the ways in which we can better protect people is to have, in addition to all-Ireland recognition of driving disqualifications and all-Ireland common standards on alcohol in people's blood, all-Ireland recognition of penalty points. That would not be easy work, but it is important to know where that is going. All my questions are based on what will happen in real time in the real lives of the people of this island. If you have all-Ireland recognition of penalty points, you better protect citizens from the risks on the road, be they at the hands of a young driver or any other driver.

**Mr Durkan:** I thank Members for their contributions to the debate, not just today but throughout the legislative process. I also thank Committee staff and my departmental officials, who have faced a barrage of ridiculous questions, especially on the passenger restrictions — and those were just from me. *[Laughter.]* Quite a few Members have touched on the importance of communicating the changes. That is, of course, vital. In my opening speech, I said that a communication strategy is being developed, and the Committee will of course be consulted on that. I value very much the opinion of the Committee on many things, if not everything, that I do as Minister.

That has been reflected, not just today but over the past couple of days, when we have managed to progress with legislation. It has not always been easy, but we have a very positive and constructive relationship. That relationship is something that I have very much enjoyed throughout the passage of the Bill. It has taken quite a while to get here, but I am glad that we are here.

We do not have to wait for the Department to communicate these changes or, indeed, the road safety message. As elected public representatives, we have a duty to use every opportunity that we have to get the road safety message out there, and I encourage Members to do so.

Mrs Cameron said that this Bill does not go as far as I had originally intended. You heard from my predecessor that it certainly does not go as far as originally envisaged. It does not go as far as I or Alex would have liked. However, I am still satisfied that the end product will result in lives being saved.

Cathal Boylan spoke of how young people — and it is not just young people — sometimes view legislation, and maybe us as legislators, as coming at them with the big stick approach. Alban Maginness referred to that as well, saying that young people, in particular, might feel hard done by, by some elements of this legislation. However, in thinking of the big stick approach, as Mr Boylan described it, I thought of that big stick more as a crook used by a shepherd. We are not hitting anyone with this big stick but using it to guide people, particularly our vulnerable young drivers, to safety.

Mr Maginness said that, if he were Minister, he would be very proud of this Bill, and I am. However, if I were the Member for North Belfast, I would be very proud of my contribution not just to this Bill but to the Environment Committee over the past few years, to the Assembly for many more years and to politics and public representation here for many, many more years. He should be very proud, and we are very proud of him. I am sure that the Chair will agree that his considered contributions will be greatly missed by the Committee or its successor Committee and indeed the Assembly when he goes. I wish him all the best for when he does.

Mr Maginness touched on insurance costs, and Alex Attwood expanded on this issue. My officials and I have engaged, and will continue to engage, with insurance companies to drive down costs reflecting improved safety on our roads. My predecessor quite rightly identified

the fact that insurers will say that, because it is not the comprehensive suite of measures that was originally mooted or floated, the premiums will not drop as rapidly or dramatically as a result. However, they have assured me that anything that improves road safety and, therefore, will be reflected in a reduction in the number of collisions, casualties and fatalities on our roads will result in reduced premiums for road-users and motorists.

Mrs Overend touched on the issue of drug-driving. My decision to focus on drink-driving in this piece of legislation was evidence-based. There is evidence that a lot more damage is caused by drink-driving in this part of the world. That is not to understate or underestimate the seriousness of drug-driving. Officials continue to monitor what is happening on drug-driving in other jurisdictions, particularly GB, with a view, I am certain, to introducing legislation here in the future.

Alex Attwood, the former Minister and in many ways the architect of this vital piece of legislation, quite rightly highlighted that, in the Republic of Ireland, there was a reduction of some 15% in the number of lives lost on roads in the last calendar year, whereas, here, we saw a reduction of 6% in the last calendar year. Any reduction in the number of lives lost is to be welcomed. However, given that, in previous years, there has been a very close correlation in patterns of road deaths between the two jurisdictions, there seems to be a gap developing there.

He queried whether that may have something to do with the impact of budget cuts on the Department's road safety budget. I can give him some of the detail around that. He will be aware that the DOE received a bigger cut to its budget than any other Department in last year's Budget. He will be extremely familiar with the make-up of the DOE budget and the fact that the vast majority of it is tied up in fixed costs, be they salaries or fixed grants to local government, as a result of which the cut to my Department fell disproportionately across other service areas. Regrettably, road safety and road safety education was one of those. In real terms, it had a cut of approximately £500,000 on what the Department could spend on road safety information and education.

#### **6.15 pm**

Mr Attwood also touched on the issue of the mutual recognition of penalty points. He was aware of the complex and difficult differences that existed between the jurisdictions when he

left this post some two and a half years ago. They have bedevilled me, and I fear that they have become even more complex and difficult since then. However, I continue to receive assurances from our ministerial colleagues in the South about their commitment to seeing it done. We need to go beyond that and see the action that gets it done. That is vital; it will save lives across this island.

The legislation is not perfect by any means, but I think that everyone in the Chamber and hopefully beyond will agree that it is good. The legislation will make a difference, which is what we were all elected here to do.

*Question put and agreed to.*

*Resolved:*

*That the Road Traffic (Amendment) Bill [NIA 35/11-16] do now pass.*

*Motion made:*

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

## Adjournment

### Community-based and Alternative Education in West Belfast

**Mr Deputy Speaker (Mr Beggs):** The proposer of the topic will have 15 minutes. All other Members who wish to speak will have approximately five minutes.

**Ms J McCann:** Go raibh maith agat, Mr Deputy Speaker. I very much welcome the opportunity to open today's Adjournment debate and to raise the important issue of community-based and alternative education in West Belfast. While the debate is about ensuring that the necessary resources are directed to community-based education, it is also about setting out the stall for community-based and alternative education to be recognised as the valuable asset that it is. It should be recognised as a quality service that promotes academic achievement and develops a person's skill set.

There has been debate in the House in recent months, and I do not have to labour the point, but there is a view, particularly in local communities, organisations and sectors that deliver community-based education that education is basically disappearing from being delivered in a local setting. People seem to see

higher and further education colleges as being where the services and people are being directed to, should they choose to go down that route.

It is not just about choice; it is about meeting the individual needs of the student. Those needs can be very different in each case. The individual needs of the student must be given priority. Some people prefer to go to a further or higher education college. That is their choice, but a lot of people I have spoken to and know — constituents of mine in West Belfast — have put forward the view that they want to study and train in a more localised and familiar setting that has more support networks for them. I ask Members to imagine people who have been away from education or training for a long time; for instance, adult returners. Sometimes, it is very hard to take that first step and say, "I want to go into further education" or "I want to have further training". They do not really want to go to a big college that is based in the centre of a city or a town. They want to go somewhere where they feel that they are being encouraged and supported. Sometimes, you have to look at the confidence levels of some of the people who are returning to education and training after a long time. Therefore, there has to be some sort of strategic thinking involved when we are looking at this. Local, community-based education projects are being downgraded. They are being starved of funding, and, in some of the women's centres, participants can do only level 1 qualifications. That hinders learners' progression when they want to go on to do further courses. Again, we need to take a strategic view. We need to look at this holistically, not piecemeal.

Women returners in particular can be impacted on. I speak to women returners all the time, particularly those who have young children and dependants. They used to be able to take courses in women's centres that were locally based and easy to get to, and they could avail themselves of an on-site crèche facility. That meant that, if they were doing a class in a particular women's centre, they could leave their children in the crèche in the building. They were content to go into that class and programme of learning because they knew that their child was getting well looked after and that, if anything was wrong, they would be there for their child. That provision in women's centres is very important.

When we are looking into community education, we need to be aware that, by not having community-based education programmes, we could be excluding people — possibly very

vulnerable people — from accessing education and training. We could also be excluding people who have no way of having their children minded, other than in a crèche. I know of many places across West Belfast that, owing to cuts in resources and funding, have had to withdraw the provision that they had previously provided in those types of centres.

I also want to concentrate on alternative education. I know that there are a number of alternative education providers across West Belfast, but I want to single out one provider that I have worked with for a number of years and that has been based in West Belfast for over 25 years: the Newstart Education Centre. Alternative education centres provide a particular service for vulnerable young people. Sometimes, that can be a lifeline for them and their families, because the centres not only educate them but encourage them and help them gain confidence in those settings. The young people go on to attain educational achievements that they probably would not have got in other settings.

I want to make this point: obviously, the best option for all children and young people is to be educated through mainstream school provision. No one here wants to try to argue with that, but there is always going to be that smaller group of children and young people who, for whatever reason, are not suited to mainstream education. To go back to what I said earlier, their needs have to be met as well. We cannot marginalise and exclude people because they are not with the bigger group. As I said, the Newstart Education Centre works with young people who, for whatever reason, have fallen out of mainstream education. It supports and encourages those young people to believe in themselves. That is very important because, when they believe in themselves, they can believe in what they can achieve and in the potential that they have. I am a firm believer that all our children and young people have potential. They have talents and skills.

Given the opportunity, they will shine. Some young people need to get a leg up, if you like, or a hand up and a wee bit more encouragement than other children. Newstart Education Centre provides for the most marginalised and vulnerable.

As I said, I have seen many young people go through Newstart and have spoken to many of their families in the years that it has been in existence. It helps them at a vulnerable time in their life. It is also very cost-effective. Community-based education and alternative education can work out cheaper than some

statutory provision. As I emphasised at the beginning, this is not all about funding; it is about recognising the difficulties that are there for some people.

**Mr F McCann:** I thank the Member for giving way and for bringing the subject to the Floor. The Minister knows that we have raised the subject of funding cuts a number of times. Quite a number of groups, including Newstart, firmly believe that the funding cuts and the redirection of funding from community-based education to the third sector are having a detrimental effect on them. Somebody needs to explain to them why the courses and alternative education projects that they provide for the most vulnerable are being excluded, as far as they are concerned, from providing the education that is required to allow people to develop.

**Ms J McCann:** I certainly agree with the Member. I have been involved in numerous meetings with the Member and other colleagues here from West Belfast. I speak to the Ministers who have responsibility for further education and for education in general, and I speak to the Social Development Minister, who has responsibility for the support mechanisms, such as the women's centre childcare fund. The issue with funding is that it is being directed to the further education colleges — out of community-based and alternative education and into statutory provision. We have to go back to basics and recognise that it does not suit everybody to go to further or higher education colleges. It is fine for the people it suits — as I said, we want most children to remain in mainstream school education — but it just does not suit some children to be educated in that way. I have seen and known those children to shine when they get extra encouragement in an alternative education centre. It is about keeping it locally based.

I want to finish by appealing to the Ministers who have responsibility and to Departments and Members to recognise the valuable contribution made by education and alternative education that is community-based, particularly in areas such as West Belfast that have high levels of social and economic deprivation. We do not want to exclude people from educating themselves and going on to training and getting a better skill set. That is a route out of poverty for people and families, and it is very important. I appeal again to the Ministers who have responsibility to ensure that these services are properly resourced and funded. We need to deliver services effectively. Nobody at all should be disadvantaged or excluded from those services. I appeal for those community-

based services to be resourced in the way in which they should and deserve to be.

**Mr Attwood:** I thank Ms McCann for bringing the matter to the Floor of the Assembly and the Minister for attending and replying to the debate.

For me, the reason why the debate and the policy intention behind it are important comes down to two important streams. The first is that there are many communities in Northern Ireland, acutely so in West Belfast, where the richness and strength of the place comes from the richness and strength of its community life. I am not being selective about any one part of West Belfast. If you look across West Belfast, you see that, perhaps as much as anywhere and more than in most areas, there is a richness in its community life.

You can see that expressed in sporting organisations, not least the GAA, in campaigning organisations and in all sorts of lobbying and advocacy groups on behalf of the community.

### 6.30 pm

That richness and diversity has many reasons, one of which is that, after partition, the state denied to people in areas of Northern Ireland, not least in West Belfast, what they were entitled to. As a consequence, the culture of the community became that it needed to organise — most people organised democratically — in order to make demands of the state to ensure that its needs were met. The richness of the community life in West Belfast is one of the reasons why alternative approaches to the provision of public services, be it in education or otherwise, is a particularly vibrant and viable way to deliver public policy. I stress that this is not particular to one part of West Belfast. The work that is going on in Suffolk or on the Shankill — areas that are unionist by political tradition — and the leadership at a community level across the delivery of public services in those areas as much as in other parts of west Belfast is remarkable.

The second reason why the debate is important and the emphasis on alternative and community-based education is important is the profile of need in West Belfast. The proper points made by Jennifer McCann about people who are outside the life of institutions, including education institutions, means that they require and are better enabled to access public services, not least education, through

community-based and alternative models. You can see that across the delivery of public services in West Belfast, and it remains a necessary means of delivery.

Nearly 20 years since the Good Friday Agreement and nearly 10 years after the restoration of devolution, the lowest life expectancy in Northern Ireland is in West Belfast, where the average life expectancy of males is 74.1 years and 79.8 years for females. These are the worst figures in greater Belfast for life expectancy. Thirty-nine per cent of children in West Belfast are in child poverty, while the average across Northern Ireland is 21.4%, a figure that is worsening in all parts of Northern Ireland and will worsen between now and 2020. The average in Britain is 18.2%. In West Belfast, the number of people aged 18 to 24 on jobseeker's allowance (JSA) is 9%, which, again, is the highest in Northern Ireland, where the average is 6%. This is crucial to the points that Jennifer McCann made. Twenty years after the Good Friday Agreement, the percentage of people in West Belfast coming out of school with no qualifications is 38.1%, which, again, is the highest in Northern Ireland. The profile of need of people who want public services or seek educational advancement in West Belfast is as acute as it ever was and is acute across all indicators of life expectancy, child poverty, people coming out of school and going onto JSA, and people with no qualifications whatever.

That profile requires a bespoke approach to address the need. That bespoke approach is not just the institutional mechanisms of delivery but the community-based and alternative mechanisms of delivery. I recognise that there are great schools in West Belfast, and there is good delivery of further education, but the profile of need requires an alternative and complementary approach across public services, not least in education, through the alternative and community-based model.

**Mr Allen:** At the outset, I declare an interest as a voluntary trustee of an organisation that provides community-based training to an organisation, and I have seen and witnessed at first hand the good that it can do for individuals who, for whatever reason, prefer to carry out education in a community-based environment, and they do strive at it.

As an MLA representing the east of the city, I hesitate slightly to speak in a debate concerning the constituency of West Belfast. However, I have in the recent past worked in the Ulster Unionist Party office in West Belfast, so I am familiar with that part of the city. I also

have some personal experience of alternative education, which I will share a little later.

The debate will be worthwhile if it raises public consciousness of the existence of community and alternative education. According to a research paper compiled last January by the excellent Assembly Research and Information Service team, there are 32 facilities across Northern Ireland offering some type of education other than a school. From a look at the list, it can be seen that a disproportionate number of them are based in the west Belfast area. Examples are the Conway Education Centre, situated on the interface between the Falls Road and the Shankill Road; Open Doors on Barrack Street; and Pathways, which has three sites, including one on the Shankill. That is to name just three providers, but there are others serving a very useful purpose in society.

What is community- and alternative-based education? It is a fact that a percentage of our population, for whatever reason, just do not fit in and do not thrive in the setting of formal education, schools or colleges. That is where alternative education can fill a gap. According to the Department of Education, education other than at school provides education for children with social, emotional, behavioural, medical or other issues who cannot otherwise access suitable education. It allows children who have been expelled or suspended from school or have otherwise disengaged with it to participate in education until they achieve a new school place or until they are prepared for re-entry to an existing school place to maintain their education until compulsory school leaving age.

Those who provide community- or alternative-based education work in a very challenging environment. They attempt to re-engage a considerable number of disaffected young people in academic or vocational education. The inspections carried out by the Education and Training Inspectorate show that most young people leave the projects with some qualification. For example, the Conway centre provides learning opportunities to adult learners, young people between the ages of 14 and 16 and primary-school age children. It is also an approved examination centre, facilitating a wide range of exams to external clients. According to its website, Conway engages over 800 individuals a year in education. Its youngest learner is eight; its oldest 81. Another example that I mentioned is the Open Doors Learning Centre, which caters for 14- to 16-year-olds. This centre draws in young people from all corners of Belfast on a cross-community basis, offering a flexible

curriculum, with academic and vocational routes, in an informal setting but within a full-time timetable.

As I said, I have some experience of this. Through no fault of my own, when I was in year 11 in school, I did not thrive at school. I did not like it and did not want to be there. I found myself drifting on a path that I did not want to go down, but it was unavoidable. My school and an alternative education setting got together and looked at what they could do for me. I attended the Link Centre, which also houses the Open Doors facility. It was in that setting that I was able to thrive. It was a relaxed and casual setting, but I was able to gain computer skills and to gain skills that allowed me to go on in a further career path. It settled me down and gave me an understanding of academic work and the need to learn and thrive at school.

Without the help and support of the staff in the Link Centre, whom I must pay tribute to — Larry Burns does a terrific job — I really do not know where I would have ended up. They do a tremendous job. Once again, I pay tribute to them.

There are many proven, successful community and alternative education projects in West Belfast and right across Northern Ireland. In this place, we often speak about the importance of education. We have regular reports about underachievement and the connection between poor attainment and poverty. It is right that the work of the community and alternative education sector is praised and highlighted. You cannot talk about community education in West Belfast without mentioning the work of Jackie Redpath on the Shankill over many decades. The Greater Shankill Children and Young People Zone deserves the support of all Stormont Departments, not just Education. It is essential that, in these uncertain times of financial cutbacks and questionable budgetary decisions, this vital work receives adequate resources from the Department of Education.

I thank the Member who proposed the topic for bringing the issue to the attention of the Assembly.

**Ms McCorley:** Go raibh maith agat, a LeasCheann Comhairle. Tá mé an-sásta seans a bheith agam labhairt sa díospóireacht seo, agus gabhaim buíochas le mo chomhgleacaí Jennifer McCann as an cheist seo a chur faoi bhráid an Tionóil inniu. I am very happy to speak in the debate, and I thank my colleague Jennifer McCann for bringing the debate to the Floor this evening. A lot of valid and important

points have already been made, so I do not wish to rehearse all that. The arguments have been well made, but I will just add some remarks of my own.

Not everyone has enjoyed a positive experience in mainstream education. A lot of adults grew up in a time when they did not have the kind of education system that we currently have. People spent a short period in education and came out with no qualifications, in spite of the fact that they had many talents and capabilities to offer. It is good that, today, we have places that offer opportunities for adults to find their way into adult education. My mother availed herself of that. She did not achieve any formal qualifications in school, but she went back to adult education and achieved O levels in English and sociology, which she was very proud of. It does wonders for people's self-confidence, which is very positive. It is a unique educational response to the diverse needs of adult learners, and a wide range of people avail themselves of adult education.

In West Belfast, there is a rich environment of provision, and it is offered in lots of community organisations like the Conway Education Centre; the Frank Gillen Centre; the Falls Women's Centre; the Shankill Women's Centre; Footprints Women's Centre; Beechmount Community Centre; the Upper Andersonstown Community Forum; Lenadoon Community Forum; and Grosvenor Community Centre. I hope that I have not left anybody out. As you can see, there is a wide range of providers, which exist because the need is there. Some of the positive impacts that the organisations deliver for individuals include providing the means for people to achieve their full potential through developing the confidence and skills essential for employability; breaking through isolation; maintaining good mental health; nurturing creativity and imagination; enhancing family relationships; and enabling civic participation.

It is true to say that providers face very serious issues, of which funding is a big one. A lot of their courses are unaccredited, which makes sourcing funding difficult. There is also a lack of firm research. Even though informal information and data are there to suggest that there is a real need, the actual hard research is not. There are also unnecessarily strict DEL requirements. Tutors teaching European social fund-financed courses need a teaching certificate from Ulster University. That makes it more difficult. There are qualified teachers, but because they do not have the specific qualification required, they are not allowed to teach the funded courses.

## 6.45 pm

I would just like to outline some of the achievements of Conway Education Centre as an example of what these providers deliver for thousands of adults. In the last five years, 520 people have gained ICT qualifications and 260 have gained essential skills in maths. I have lost my other page. There is a wide range. Some 73 gained GCSE maths and English, and 63 gained business admin and accountancy. Some 1,500 attended unaccredited courses such as baking, gardening, digital photography, Irish language, local history etc. Approximately 30% of those attending unaccredited courses progressed to participation in an accredited course within 12 months, so you can see that, by encouraging people in and creating that facility, people seem to progress to a more formal style of education if that is their choice.

In a document called 'Belfast a Learning City', Eddie Rooney stated:

*"Lifelong Learning plays a powerful role in creating a more equal, just and inclusive society",*

and that

*"Lifelong Learning needs to be tailored to the needs of all."*

That is a very formal and informed statement on the shape of adult education and how it needs to be there to support the people who need it.

One final point I would like to make is on what it does for people with mental health issues. There is information that it is of great benefit to people with mental health issues and those who suffer from conditions such as depression and isolation. There are many positive reasons why we should continue to support and fund adult education.

**Dr Farry (The Minister for Employment and Learning):** First of all, I thank the mover of the debate and recognise all those who have contributed to it. I am responding as the Minister for Employment and Learning, but the issue, as many Members who spoke have recognised, cuts across the roles of a number of Departments. I also recognise the importance of education in its own right for a number of reasons. There is the importance of empowering individuals in creating that sense of opportunity, their own stake in society and their own sense of worth and respect, but there are also the wider benefits that accrue to society and the economy.

I also recognise the other positive social benefits that we can achieve through encouraging people to reach their potential in education, including, for example, a reduced dependency on the health service. We appreciate the pressure points that other aspects of our public services are experiencing. Investment in education has many benefits across society as a whole, and it is important that we empower every individual to reach their full potential. In doing that, we have to ensure that we provide the range of provision that will identify and respond to the very particular requirements of different cohorts of learners. I therefore recognise the importance of community-based education and how it can address the needs of learners who have barriers to engaging in education and training and recognise that the provision offered by the community and voluntary sector is often better placed to deliver outcomes than, in some cases, the formal statutory provision offered by the state.

In saying that, it is important to recognise that the community-based provision has to be viewed as part of an overall system that includes the formal statutory school system alongside mainstream further education and higher education. When we look at the needs of learners, we must also recognise that it is often in a community setting that they will be best served and where they will get important footholds on the ladder of progression. In saying that, we have to recognise the importance of encouraging progression along the skills ladder into other types of provision and recognise that mobility itself can be important when it comes to employment. Many of the barriers that people experience in relation to employment will often be replicated in barriers that people perceive in relation to education. A number of Members referred to childcare and other caring responsibilities that may be obstacles. It is worth pointing out that the further education and higher education systems offer assistance for students who have particular issues, including around hardship and other challenges.

Members also referred to the context in which we are discussing this, which is around budget cuts. The experience of my Department over the past number of years has been extremely challenging. We are seeking to see how we can maximise the effectiveness of the scarce resources available to us to ensure that we have the biggest impact with what is available to us in achieving outcomes. It has not been my agenda to shift resources from the community and voluntary sector into the mainstream sector, but rather one of allowing

different aspects of that overall system to have a degree of greater specialism. In turn, that creates certain tensions, and those are being articulated today and on other occasions.

We have the resource of the European social fund available to us. I always like to start a discussion on the fund by pointing out the opportunity that comes to us in Northern Ireland from our membership of the European Union. The European social fund is one of many examples of the benefits that Northern Ireland accrues from the UK's ongoing membership of the European Union, particularly at this time, when that membership is under such questioning and uncertainty. The fund is designed to allow us to do levels of activity and support levels of activity that would not otherwise be possible through existing departmental budgets. Contrary to the public impression in the context of wider pressures on the community and voluntary sector, I want to place it on record that we have not, in fact, cut the European social fund. As we stand, in the 2014-2020 programme, we have a bigger overall package of funding available. Within that, we also have a greater allocation of match funding.

**Mr F McCann:** Will the Member give way?

**Dr Farry:** I will give way.

**Mr F McCann:** I understand what you say. There was an increase in funding, but there was a growing belief, especially in the women's sector and the alternative education sector, that they had fallen foul of new rules and regulations and that those who had the wherewithal to put together professional enough applications came through in the end. That happened in the mid-80s. I know that you talked about the structure of community education, and I was on the committee of one of the first alternative education projects in Belfast, in Divis Flats, that allowed young people to come through who had left or opted out of the formal education process. In Conway Mill, people who are teachers, lecturers and in high-paid jobs have said that they faced a life on the streets except for that alternative. No amount of going to further education colleges would have enticed them back into a system that has now given them a life.

**Dr Farry:** I thank the Member for his comments. On the premise of the importance and relevance of community-based education, I fully accept the points that he makes.

What has happened in relation to the European social fund is that, while we have a bigger overall pot, including a bigger pot of match funding, given that it is a competitive process in terms of allocations, there will be situations where certain organisations are successful and others are unsuccessful in their bids. However, I have to say that I do not recognise the characterisation that it is organisations with better infrastructure and are better placed to make bids who have been more successful in that regard. I believe that we have a very reasonable spread in the types of organisation that we are funding, with the qualification that certain organisations will be disappointed about the outcome.

Just to put that in context, we have something like 67 different projects under way under the current European social fund. We estimate that, of those, 21 are operating in West Belfast. The entirety of community education is not dependent solely on the European social fund; there is other provision. Indeed, the further education colleges do outreach work and will work with many organisations, including many of those that Members mentioned. The notion that there is somehow a tension between community-based delivery and further education through some sort of polarised choice is a false one. Members will be aware that we launched a fresh strategy for further education today and that we talked within that about the importance of the dual role of the FE sector in delivering for the economy of Northern Ireland, as well as the very important social function it plays through social inclusion and ensuring that people are given opportunities. The FE sector appreciates the importance of working on a community basis.

Mainstream FE is not alien to or different from delivery and responding to communities. That is part and parcel of the colleges' DNA as organisations in their own right. Obviously, when we are talking about further education and West Belfast, in addition to the community provision, we are talking about the two campuses that fall within the constituency. We have Millfield and the E3 campus at Springvale. So there is good further education provision in West Belfast. In particular, given that E3 is a modern investment, it should be viewed as a huge asset. At one level, we have our Assured Skills programme, where students are trained to take up opportunities on a number of the inward investment projects. That training occurs in West Belfast itself. However, E3 is also a very powerful asset to the community as a provider of FE in the constituency.

It is also worth referencing other aspects of our provision. In Training for Success, we have a number of organisations in West Belfast that are in receipt of contracts. Indeed, Members will be aware of many of those organisations. We also have a number of United Youth projects working in West Belfast, including Youth Initiatives and Include Youth. We also need to be conscious of our future provision for those who are not in education, employment or training to see how we can further develop the pathways strategy.

One of my current disappointments as Minister is that we have not been in a position to date to implement the economic inactivity strategy. That was agreed by the Executive in April 2015. With the reorganisation of Departments, that will transfer to the new Department for Communities. It is my hope and ambition that a future Executive will be able to resource that strategy. Within that, there is scope to have competitive pilots at a local community base. That will seek to target particular groups that experience economic inactivity. One of those target groups will be those with family and caring responsibilities, while the other will be those with work-limiting disabilities. The majority of those in the first category — those with caring responsibilities — will be women, and I appreciate that Members mentioned their concerns about that section of the community and its ability to re-engage. That strategy will be seeking bids from community-based organisations for new types of intervention that may be successful.

In closing, I again thank Members for their comments. It is important that we consider community education in the round and that we have a range of existing provisions. There are obviously some tensions, such as the way that the European social fund, for example, is being rolled out. We have discussed those centrally as an Assembly in the past, and those comments stand. It is important that we understand that there are partnerships and that we see community-based delivery and the further and higher education system, as well as the school system, as part of an overall system and not as stark alternatives. It is important that we focus on whatever works best in ensuring that we deliver the best for individual learners. That clearly includes delivery through community and voluntary organisations.

*Adjourned at 6.59 pm.*

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