



# Official Report (Hansard)

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# Northern Ireland Assembly

Monday 3 October 2016

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

*Members observed two minutes' silence.*

## Assembly Business

**Mrs Long:** On a point of order, Mr Speaker.

**Mr Speaker:** I ask the Member to be seated.

Before commencing business today, I want to return to an issue from last week. Adjournment debates are normally the focus of very constructive and thoughtful exchanges, specifically around constituency issues. However, last Tuesday's Adjournment debate was a very poor example of the standards of debate in this Chamber. There were a number of bad-tempered exchanges and Deputy Speaker Kennedy had to intervene on a number of occasions. I know that there are some subjects on which temperatures will always rise in this Chamber, but that is not an excuse. I was particularly concerned by Mr Stalford's tone and comments from a sedentary position when Ms Hanna refused to give way to him for a second time during her speech. The Deputy Speaker intervened at the time to caution about demonstrating care even with comments made from a sedentary position.

Members will know that this Assembly does not work on the basis of considering specific words to be unparliamentary, but, instead, we examine the context of the words. I have now reviewed the Official Report, and it is clear that Mr Stalford's comments and reaction were uncalled for. They were not in keeping with the standards of debate expected in this Chamber of respect, good temper and moderation. The Member should take this as a warning. He would be wise to ensure that I am not given cause to deal with his behaviour again.

I regret that I have had to deal with this sort of issue so early in the life of the Assembly. I have no doubt that there will be difficult debates to be had in this Chamber during the course of this mandate. As we go forward, it should be perfectly possible for Members to robustly express differing opinions without responding in a disrespectful manner. If not, it will be dealt

with from the Chair. I ask new and, indeed, returning Members to bear this in mind.

**Mrs Long:** On a point of order, Mr Speaker. Thank you —

**Mr Speaker:** I ask the Member to remain seated. I have to deal with another matter.

## Matter of the Day

### Ardoyne/Twaddell Resolution

**Mr Speaker:** Mr Gerry Kelly has been given leave to make a statement on the Ardoyne/Twaddell resolution, which fulfils the criteria set out in Standing Order 24.

If Members wish to be called, they should rise in their places and continue to do so. All Members called will have up to three minutes to speak on the subject. I remind Members that I will not take any points of order on this or any other matter until the item of business has been finished.

**Mr Kelly:** I am glad, Mr Speaker, that you accepted that, over the weekend, something quite significant happened that is worth a few moments of our time to contemplate.

After many years of disputes around the Crumlin/Ardoyne/Twaddell area, an agreement was signed that allowed the Twaddell camp to be dismantled and a moratorium to be put in, and for the Orange Order to complete its return parade from 2013. The agreement was long sought after. The issues surrounding the disputes affected not only everybody in the area but community relations. The big story is the fact that there was agreement, even though people had thought that this was an intractable problem, and there could be no agreement. The agreement also allows a conversation to expand beyond the issue of parades, which had entered into every conversation, whether on regeneration, housing or bringing tourists or

jobs into the area. Parades came into the middle of every conversation. Now, with where we are, we have a great platform for moving forward.

We had another parade on Friday night and a protest on Saturday morning, which, I am glad to say, was also peaceful. However, I have to mention some of the scenes that are now in the media around Father Gary Donegan, who is a highly respected priest in the area. He is respected not only as a priest but as someone who has been involved in peace and reconciliation work over a long period. Some of the people who gave him such abuse have a political agenda. Some of the key figures in the Greater Ardoyne Residents Collective (GARC) are also involved in other anti-peace-process political parties, and you cannot fool people on the ground when they know exactly whom they are dealing with in all this.

Father Donegan should not have taken that abuse. I took some abuse myself, but I am a politician and that is what politicians are here for: to take whatever criticisms are thrown at us in whatever way. We should be able to take it. However, to focus attention on Father Gary Donegan is a disgrace. The same man has been up in the area every night for the past two and a half years, trying to make sure that no more young people got caught up and entered the criminal justice system.

Let me say a little more. Gary Donegan, as far as I am concerned, is the perfect image of a worker priest. I am glad —

**Mr Speaker:** I ask the Member to conclude his remarks.

**Mr Kelly:** — that all the parties now support the agreement and Father Donegan; perhaps they should have done so a long time ago.

**Mr Beattie:** I join Mr Kelly in welcoming the peaceful outcome of the Ardoyne/Twaddell impasse. It is proof, if ever it were needed, that dialogue and accommodation can bring us forward out of the abyss.

I congratulate the people who helped to facilitate the arrangement. They worked tirelessly behind the scenes, and we owe them a debt of gratitude for bringing the dispute to an end. We have also to congratulate those involved in the dispute for going that extra step forward and coming away from it. I particularly pay tribute to the loyal Orange Order, which took that extra step and stretched itself to find a way out of this. I am not a member of the

Orange Order, but I can see what it has had to do to get to where we are today. In the same way, I can look at the Crumlin and Ardoyne Residents Association (CARA), which had to deal with considerable hostility in coming to where it now is. We have to be thankful that it showed the courage to get to where it is. It is interesting that the agreement was brought about, despite the Parades Commission. This group came together; the Parades Commission did not facilitate this agreement.

There were some pretty awful scenes, and, again, I agree with Mr Kelly about Father Gary Donegan, who showed incredible courage and leadership when he was receiving verbal abuse, which looked like it nearly bordered on physical abuse.

We must look to people like that who stand up and take very difficult decisions. We have moved forward but we have a way to go. We in the House should now look at how we can make the situation better in Ardoyne, Twaddell and possibly other places. That is for the future, but I have to take this moment to commend the people who brought about the peaceful resolution.

**Mr Speaker:** Before I call the next Member, I remind Members who wish to speak that they should continue to rise from their seat.

**Mr McCausland:** Like others, I welcome the fact that the Orange brethren and the bands were able to return home to Ligoniel on Saturday and complete their parade. The Crumlin Road is one of the main arterial routes from the Ligoniel/Ballysillan area down into the city centre. It is a tragedy that the community around there and, indeed, in the much wider area around north Belfast has had to endure, over a number of years, the results of what was originally a bizarre, ludicrous, unwarranted decision by the Parades Commission to prevent the brethren from returning on a Twelfth evening. It is a road that has been used by Orange brethren, bands and lodges over many years — in fact, there are records going back well over 100 years — because it is the main road down into the city centre.

The events on Saturday were, indeed, peaceful, and that is to be welcomed. I am glad that the brethren were able to return home. I join others in saying that the behaviour of the GARC people on Saturday — some of them, in particular — was, quite frankly, appalling. You saw their hatred — raw, naked hatred — and it is very hard to comprehend. We saw that hatred directed towards, obviously, those in the

parade: the brethren from the three lodges and the bands. We also saw hatred that was not sectarian hatred but the outworking of sectarian hatred, in that they turned on the local priest, Father Gary Donegan. The scenes were really quite shocking. That says something, I think, about the hatred that needs to be addressed in our society. You can have accommodations and work through many things, but, ultimately, we need to get to the bottom of rooting out and addressing that sort of raw sectarian hatred, because it finds its expression not just in opposition to parades but in attacks on Orange halls and in the demonisation of the Orange Order, which has been going on for many years. Let us take the opportunity now to address those issues and tackle the hatred that drives a lot of that. Hopefully, we can then move forward to a shared and better future in which roads such as the Crumlin Road are truly shared.

**Ms Mallon:** A lot of people entered the weekend with a sense of nervousness and anxiety. Certainly, the SDLP is pleased that, on Friday night and Saturday morning, everything passed off peacefully. The three lodges, from what I could see, adhered fully to the Parades Commission's determination, the illegal camp was very swiftly dismantled thereafter, and the protest was peaceful. However, as many Members pointed out, there was a deeply disturbing moment when Father Gary Donegan was confronted by a number of very angry protesters. What I witnessed was appalling, vile and frightening. I tried to intervene twice because I was truly appalled at what I was seeing. I can assure the House that Father Gary Donegan then, in the heat of that moment, and subsequently, has responded with nothing but dignity, and you would expect nothing less.

The first key milestone of the agreement was tested and passed on Saturday. All efforts must now focus on ensuring that the remainder of it is adhered to by all sides. It is right to acknowledge that there is a sense of nervousness about the level of expectation that perhaps both sides have for the outcome of the process and, in particular, the community forum that is a critical element of it. However, while we in the SDLP acknowledge — it is important to do so — the anxieties that people might have, we are very hopeful that north Belfast is entering a new era and that we can have a clear focus on the issues that are really damaging people's lives, including mental health and training and employment opportunities, to name but a few. It is important that we acknowledge that people with some of those anxieties and that nervousness can be reassured somewhat by the fact that copies of

the agreement have been provided to our First Minister and our deputy First Minister, the British and the Irish Governments, the Parades Commission and the PSNI. Hopefully, with them acting as guarantors, that will help to allay some people's fears, and we will have seen the last of worries, anxieties and potential trouble when it comes to contentious parades in my constituency of North Belfast.

## 12.15 pm

**Mr Lunn:** Like others, I welcome the agreement and the resolution of this long-running dispute. I pay tribute to the loyal orders and the Crumlin and Ardoyne Residents Association for, dare I say it, finally seeing good sense after two and a half years and, I believe, something over £20 million of expenditure. There were major sensitivities on both sides; we have to acknowledge that. An agreement that took a long time to come to fruition is better than no agreement at all.

I also commend the police operation; I do not think that anybody has mentioned the police yet. The PSNI has held a line up there nightly for all that time. Sometimes it erupted, and sometimes it did not, but the cost of it and the resources that the police had to put into policing the area over that time have been massive. They dealt with it with their normal restraint and dignity and with respect for human rights and the tensions on both sides.

It has been quite a good summer, relatively speaking, for parading. I hope that, as a result of this agreement, as others said, there may be an opportunity now to move forward to discuss these things in an atmosphere of calm and cooperation rather than of stand off. I certainly hope so. Like others, I utterly condemn the treatment of Father Gary Donegan. This is a man who, as others said, has spent night after night and day after day trying to, as I understand it, keep young people in particular away from trouble and from perhaps getting a record that they should not have. He deserves better than to be confronted by a group of people abusing him in those circumstances. I believe that the 'Sunday Life' reporter Chris Woodhouse was roundly abused as well but for what reason I am not aware. As Mr Kelly said in introducing the matter, we are politicians; we have to put up with this. I do not believe that a priest or a reporter should have to suffer that kind of abuse, and I am glad to hear it being condemned by all sides.

**Ms Ní Chuilín:** I am encouraged to hear today that everyone has had an opportunity to give

support to the agreement. Indeed, many did last week, and that was greatly appreciated, particularly by CARA and some other residents. It is important that, when we use this opportunity to speak in the Assembly, we speak with one voice, particularly on such an important issue. I think that, for every political representative, or most of them, despite their best efforts to get resources, facilities and services to their constituents in North Belfast over the last few years, this has been an issue that has been crying out for resolution. It is also an issue that has been crying out for leadership. I commend CARA and, indeed, the loyal orders for using that opportunity and leadership to come to a resolution that we all now know about in its public form. Residents in Twaddell Avenue and in Mountainview, Ardoyne and the Dales, as well as businesses, have had their quality of life greatly impacted by nightly and weekly parades. People going about their business and getting on with their lives were greatly impacted.

For me, the message is that we all need to support resolution where that is possible. In order to provide that sort of leadership, even this afternoon, we must use softer words. Nelson spoke about hatred but his language could have been a bit softer when he joined in with the rest of us. I am delighted that he is supporting the agreement but he should support it without conditions and without making points. It is a community that we all represent and we all have interests in but we all need to show leadership and reach out to one another.

We have political and ideological difficulties, but that is what this place is for. We need to make sure that our communities, our streets and our children and grandchildren — ours, not mine or yours — are left a legacy that is far better than the one we had. How do we do that? We confront what happened on Saturday. Should it be against Father Gary Donegan, or Brian who was with him or anybody else, even some of the people with GARC, who have the right to protest, will back off when they see that behaviour.

**Mr Speaker:** I ask the Member to conclude her remarks.

**Ms Ní Chuilín:** I am glad that the resolution has received the full support of the House.

## Assembly Business

**Mrs Long:** On a point of order, Mr Speaker. Third time lucky. As you will be aware, at the end of last week the reclassification of housing associations was announced by the Office for National Statistics and a short press release was issued by the Department of Finance and the Department for Communities.

I am raising this with you because the use of a press statement as opposed to making a statement to the House on a matter of such significance, given the impact it will have, potentially, on new housing and on the cost of borrowing for the Executive, seems to me to be another attempt to avoid scrutiny and normal practice.

I know, certainly, in Westminster there was a statement when a similar thing took place, because the Speaker there would very much frown on Ministers offering government by press. What will you do to ensure that the House has the opportunity to question Ministers urgently on this important issue?

**Mr Speaker:** First, it is not a point of order. It is, indeed, my intention to encourage all Ministers to bring any statement that they wish to make first of all to the House. Having said that, there is no impediment that I can apply; it is a procedural matter. Ministers have the right to issue statements and you have the right to hold them to account as you are doing today. There are other ways in which you can hold Ministers to account for their statements.

## Ministerial Statement

### North/South Ministerial Council: Education

**Mr Weir (The Minister of Education):** With your permission, Mr Speaker, I wish to make a statement in compliance with section 52 of the Northern Ireland Act 1998 regarding a meeting of the North/South Ministerial Council (NSMC) in education format. The meeting was held in Armagh on 21 September 2016. The statement has been agreed with junior Minister Fearon and is made on behalf of both of us.

The Council had initial discussions on the implications of the UK European referendum result. Ministers in both jurisdictions will continue to engage on this important issue.

The Council noted that Co-operation Ireland has been awarded the contract to progress teacher professional development in the area of educational underachievement in both jurisdictions. Minister Bruton and I agreed that this work should also cover the dissemination of best practice in literacy and numeracy from the work of the two inspectorates. It is envisaged that the work will be completed and the final report submitted by July next year and I look forward to receiving the report.

The Council noted the good progress made by both Departments and the Middletown Centre for Autism to support the promotion of excellence in the development and harmonisation of education and allied services to children and young people with autistic spectrum disorders. Alongside increasing the number of users who have benefited from the centre's services, an important aim of the expansion of services was to further embed the centre as an essential delivery body for the range of services that are available to support children with autism in Northern Ireland and the Republic of Ireland.

A follow-on joint inspection of the centre was undertaken by DE and Department of Education and Skills (DES) inspectorates in April 2016, the results of which were published on 30 August 2016. The overall findings of the evaluation reported that the quality of leadership and management was outstanding, that there was high quality leadership from senior management and that the services of the centre were impacting significantly on the education and experiences of the pupils, teachers and parents. The Council also noted that new appointments have been made to the board of Middletown Centre for Autism for a term of three years from 16 March 2016. The centre has been considering any potential implications following the outcome of the EU referendum.

The Council noted the ongoing activities of the North/South Education and Training Standards Committee for Youth Work in the professional endorsement of higher education programmes in youth work. The Council also noted the commitment of the National Youth Council of Ireland and the Youth Council for Northern Ireland to the optimisation of ICT for effective youth work in a rapidly changing environment and their determination to implement the recommendations of the Screenagers international research report, which explored the use of ICT, digital and social media in youth work and provides evidence-based recommendations to promote the development of ICT in youth work.

The Council welcomed the joint update from the two teaching councils and continued cooperation between the teaching councils on measures to reduce obstacles to the mobility of teachers. In particular, the Council noted that the Teaching Council of Ireland is in the process of introducing mechanisms to address qualification shortfalls that arise as a result of the introduction of the two-year professional master of education qualification and that the North/South teacher qualifications working group, in conjunction with the two teaching councils, will be considering the impact of the outcome of the referendum on EU membership on teacher mobility at its next meeting, which is scheduled to be held on 19 October 2016.

The Council welcomed progress with the proposal from St Mary's University College, Belfast and Marino College to collaborate to support access to the Irish language requirement by applicants accredited by the General Teaching Council. The proposal is now with the steering committee at Marino College for consideration. The Council welcomed the continued commitment to a cross-border professional learning collaboration between the professional development service for teachers and the school development service. I note the successful completion of the first years of the history and digital storytelling project, which culminated in a showcase of films made by the 12 schools involved, in the Irish Film Centre, Dublin, in May this year.

The Council was pleased to receive a report on the continued collaboration between the two inspectorates. Inspectors from the Department of Education's Education and Training Inspectorate (ETI) participated in a training session organised by the Department of Education and Skills' Inspectorate for inspectors working in Irish-medium settings during August 2016. A further round of inspector exchanges has been organised to take place in the 2016-17 school year. The themes of the exchanges will be modern languages and mathematics in the primary curriculum. The selected inspectors met in a joint session on 30 September 2016 in Dublin. Inspectors from the Department of Education and Skills' Inspectorate will join an inspection team from my Department's ETI in an Irish-medium school in autumn 2016. A joint meeting of the management teams of both inspectorates is scheduled for November 2016. An assistant chief inspector attended the DES staff conference in Athlone in March 2016. This was highly beneficial, giving the opportunity to engage in discussions around the theory of evaluation, the impact of inspection on school improvement and the quality framework for

schools. Similarly, a DES inspector attended the ETI staff development conference in September 2016.

As I hope Members will have gathered from my statement, the meeting in Armagh on 21 September 2016 illustrates in positive terms how the Education Ministers can work effectively together to progress matters for the mutual benefit of citizens in both jurisdictions.

**Mrs Overend:** I notice that the Minister did not share any knowledge on the ownership of the entire schools estate between Northern Ireland and the Republic of Ireland. In any future meetings, will the Education Minister initiate such a discussion along similar lines to the Forum on Patronage and Pluralism in the Republic of Ireland and possibly learn from that?

**12.30 pm**

**Mr Weir:** We can always have exchange of information. I would have thought that the ownership of the schools estate in Northern Ireland was really an internal matter for Northern Ireland, but, if there is a particular suggestion that the Member wants to make, I am sure it can be looked at. I am not quite sure of the relevance of a cross-border basis on that subject.

**Mr McElduff (The Chairperson of the Committee for Education):** I thank the Minister for his statement — *ba mhaith liom buíochas a ghabhail leis* — and welcome its content. I want to zone in on two issues. The first concerns the Middletown Centre for Autism. Is there a contradiction in the statement, in that the Minister said that there was great praise and recognition in a very positive review for the centre, but at the same time there appear to be plans to convert to online provision up to 70% of parental training? It appears that residential support services have been abandoned.

The second issue is the portability of qualifications on a North/South basis. I think particularly about a situation, if there was to be a withdrawal from EU membership, in respect of accommodation costs or university fees for students from the North who are, perhaps, studying in Dublin.

**Mr Weir:** I will deal with the two issues in reverse order. Obviously, when the precise shape of EU withdrawal takes shape, that can be looked at. University fees and accommodation fall within the remit of higher

education. That is where there is a slight degree of mismatch between the remit of the Department of Education in Northern Ireland and the remits of some of the Departments in neighbouring jurisdictions. In the Republic of Ireland, higher and further education fall within the remit of the Department of Education and Skills. Obviously, those things do not fall within my departmental remit. When there is discussion around the broad issues of the EU, that is probably something that is better addressed between the Education and Skills Minister in the Republic of Ireland and the Economy Minister here. I am sure they will be happy to pick up that issue.

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

There is a glowing report on Middletown in terms of the model that has been used. The new appointments to the board of Middletown will want to give a bit of thought to the best way forward. The current process has worked very well. I had the opportunity to visit Middletown a couple of months ago, and the shift from the original plan of a number of years ago for a purely residential centre to one that focuses much more on outreach facilities has proved to be the better route. If you talk to the professionals there, the parents, the children and the schools, that seems to be the better route. Obviously, there will need to be some thought given to future direction by the new board.

The Member mentioned the online facilities, which were not directly part of the statement. Technology is moving very quickly, and there has been considerable success in bringing parents and teachers to Middletown for training. With regard to how that is thought through, there is a desire to ensure that the learning experiences are spread as much as possible. Given the geography — I stand to be corrected on this — the online training is of particular relevance to the Republic of Ireland, more than Northern Ireland. If you are dealing with much greater distances, particularly from the southern parts of the Republic of Ireland to Middletown, you also have to look at what is convenient for parents and teachers. There has probably been greater emphasis on the online side in that jurisdiction than in Northern Ireland, which, despite our preconceptions, is geographically a relatively small place, so getting to Middletown is a lot easier than, for example, for someone who is travelling up from Cork or Kerry.

**Lord Morrow:** My question is also about the Middletown centre. Is the Minister entirely

satisfied that the delivery model that is being used at Middletown is fit for purpose?

**Mr Weir:** Obviously, there will need to be a degree of refreshment of that. The last time there were questions in the House on Middletown, the Northern Ireland representatives on the board at Middletown had been appointed and we were waiting for the nominees from the Republic of Ireland. I was glad to see that, by the North/South ministerial meeting, those appointments had been made by the Republic of Ireland, which enables them to move forward.

Broadly speaking, Middletown took a different path from what was originally intended. The original intention, with a greater level of resources, particularly from the Republic of Ireland, was to have something based on a residential centre. The focus for Middletown shifted to a range of things, including research and training sessions for teachers and parents. The emphasis of all that focus is on outreach and what is called a "whole-school" approach, taking the trained professionals from Middletown and embedding them for a period in the schools where the children who have autism are. There are positive spin-offs from that. It means that there is training for the school itself, which puts it in a much better position to deal with future autism needs. That might have started off as plan B effectively, but I think that plan B has actually worked out to be much more effective. Talking to board members, staff, some of whom have been there from the very start, and the parents was a very moving experience but also a very informative one. It showed that plan B had almost certainly worked out a lot better than the original plans. Sometimes that is the route that life takes us. Broadly speaking, I am satisfied, although I remain open. If there are other suggestions of any adjustments to that model, I am happy to take those on board.

**Mr McGrath:** I welcome the statement. It highlights the areas of North/South cooperation that there can be in education and the benefits of that for students. I welcome the inclusion of a substantial paragraph about youth work and the development of IT. Having worked in the sector and seen at first hand the benefit that IT can have on youth work, I look forward to seeing continued development to help young people on the ground. However, I was a little disappointed to see such a short —

**Mr Deputy Speaker (Mr McGlone):** Could the Member ask a question, please?

**Mr McGrath:** Oh, I will get there. There was only a short mention of EU matters. I spent 10 years undertaking youth exchanges and saw the cultural and educational benefits of that. Do you see any future for continued North/South exchanges?

**Mr Weir:** My answer may be shorter than the question.

I always see benefit in exchanges between jurisdictions. Youth work can almost be seen as having a Cinderella-type quality in education, and it is important that it is embraced. On the brevity of that part of the statement, while there are significant impacts from a DES point of view in terms of the referendum and the challenges and opportunities that are there, most of those do not interact directly with the Department of Education. Most of the EU implications, particularly from the Republic of Ireland, as highlighted by the Chair, tend to look more at student exchange and mobility at higher and further education level. There was limited amount of nexus on that issue, which explains why a relatively short part of the statement related to that aspect.

**Mr Deputy Speaker (Mr McGlone):** I remind Members to come quickly to their question. We are not here to make speeches in this session.

**Mr Lyttle:** The Minister's statement references excellent cooperation between all-Ireland education and health services to the benefit of children and young people with autism at the Middletown centre. What is the Minister's assessment of the level of cooperation in Northern Ireland between the Education Authority and the health trusts for children with special educational needs and their families?

**Mr Weir:** That is a matter that falls outside the North/South Ministerial Council meeting statement. As a result of the Children's Services Co-operation Act (Northern Ireland) 2015 and other actions that are being taken, there is now liaison between education and health. We start from a base that clearly needs to be improved. At a high level, there is departmental cooperation. We have to try to ensure that that happens on the ground for special educational needs. However, as I said, that has limited direct relevance to the statement itself.

**Mr Deputy Speaker (Mr McGlone):** I was coming to that point, Minister: it is entirely at your discretion whether you answer the question or not. I ask Members to keep their

questions relevant to the statement in front of them.

**Mr Hilditch:** I welcome the Minister's statement. What advantage does the Minister see in cooperation in the area of educational underachievement?

**Mr Weir:** I was able to attend and address the opening session of the conference in Newry on Thursday on educational underachievement. It is the second such conference that has been organised by Co-operation Ireland. A range of actions will arise out of that, particularly dissemination of best practice. When it comes to educational achievement, particularly in an environment of tight educational budgets and, indeed, tight budgets across government as a whole, it is about trying to ensure that we have gained the knowledge of best practice and then disseminated it.

In that context, the opportunity for professionals to exchange views is helpful. Part of the Co-operation Ireland project is to try to disseminate that best practice, which is also helpful. As I highlighted at the conference, that can sometimes involve what happens internally in Northern Ireland because a range of useful things are happening on the ground on educational underachievement in parts of Northern Ireland. Trying to spread that message within Northern Ireland is useful. We should not be so arrogant in Northern Ireland to believe that we have all the answers to every question. Consequently, when there is an exchange of information, whether it is on a North/South basis, with other parts of the United Kingdom or, indeed, about international best practice, particularly on educational underachievement, we should be prepared to listen, find that best practice and try to ensure that it is disseminated. That should be the focus. There will be a substantive report on that next year, and I look forward to receiving it.

**Ms J McCann:** I thank the Minister for his previous answer, and I will continue in that vein. Will he ensure that he and his Department will make tackling underachievement a priority and bring forward the policies and interventions that are needed to deliver quality outcomes for all our children and young people, particularly those from a socially or economically disadvantaged background?

**Mr Weir:** Before the Deputy Speaker raises any issue, I will say that, yes, I will try to see what learning is done from that. There are a number of interventions, as the Member is aware, particularly in communities and, indeed, in

wider contexts that are helpful in tackling educational underachievement. In the last fortnight, for example, a report was produced on nurture units. There has been a level of success with that. There is a separately funded early interventions strategy that is, in part, supported by Delivering Social Change and the Atlantic Philanthropies. It is things like Learning to Learn. There are a range of measures. Sometimes, arguments go off on tangents, but, in my view, when tackling underachievement, the biggest single intervention is early intervention, which is where the focus ultimately has to be. In times of tough budgets, it is one of the areas that I am keenest to protect as much as possible; indeed, if possible, I want to see it grow.

**Ms Lockhart:** I thank the Minister for his statement. Can he outline any ongoing cooperation between the North/South education and training standards committee and other jurisdictions?

**Mr Weir:** I mentioned that it is useful that there is wider learning and cooperation. That is helpful whether it is on a North/South basis or across the United Kingdom and involving a range of organisations. That is particularly true for the North/South education and training standards committee for youth work. It is working closely not just on a North/South basis but with its counterpart organisations and the training standards committees in England, Scotland and Wales through the joint education and training standards committee. That means that the individual committees are able to operate things like mutual recognition of protocols and to work together. There is, for instance, close work involving Northern Ireland by the Dundalk Institute of Technology and the Open University, with particular endorsements from colleagues in England, Scotland and Wales. A very open attitude has been taken by the education and training standards committees across a range of jurisdictions, which will, hopefully, be beneficial to all aspects of education.

**Mrs Barton:** I note, Minister, that Co-operation Ireland has been awarded the contract to progress teacher professional development in the area of educational underachievement, including numeracy and literacy. Will you provide some additional information on how that professional development will be progressed, given the two very different curriculums in the jurisdictions of Northern Ireland and the Republic of Ireland?

**12.45 pm**

**Mr Weir:** As part of that, Co-operation Ireland has been looking at the overall issue and taken a number of actions. Decisions were taken some time ago to provide support from both jurisdictions. On the details, there will be a range of outputs from the project: for instance, we are looking at the conferences that have taken place, a programme of teacher professional development and the management of educational underachievement. What arises from the conferences will provide an informing tool for how we take that forward.

The Member is quite right to say that there are different curriculums — that must be realised. However, a range of the activities pertinent to educational underachievement may not be particularly or massively curriculum driven. This is a lesson that may need to be learned in Northern Ireland. The absenteeism policy, for example, and working out how to ensure that the attendance, particularly of those who are underachieving, is better, has an important impact on educational underachievement. Different schemes operate at grass-roots level in Northern Ireland, and it is about learning those things. That is pertinent not only to Northern Ireland; it arises in the Republic of Ireland, England, Scotland and Wales and, indeed, throughout the world. It is about trying to disseminate best practice. Obviously, there will be a range of choices to be made at individual school level, but, if schools can make those choices against a better background of what is potentially best practice, it will enable them to take informed decisions.

**Ms Armstrong:** I thank the Minister very much for his statement. I noted with gratitude his discussions on special educational needs and especially the Middletown Centre for Autism. In that vein, the statement refers to:

*"commitment to a cross-border professional learning collaboration".*

Does that collaboration include discussions about the qualification shortfalls, particularly for teachers of children with special educational needs in mainstream schools?

**Mr Weir:** We should remember that the collaboration in Middletown is specifically focused on autism. The college is probably not in a position to widen it beyond that at this stage, although the new governing committee may want to take it in a slightly different direction. Principally, that is about trying to teach and explain best practice to teachers and parents.

So far, there has been a total of 58,000 separate contacts on the issue of training in

Middletown. The contacts have focused not just on the teachers who are responsible for a child for only part of the day. It is important to get not simply a whole-school approach but a whole-life approach, and critical to Middletown's work has been the training of parents. That is one of its major advantages. Indeed, when I visited, that was one of the examples of good practice that was indicated to me, not simply by professional staff but by the parents of children whom Middletown is directly helping.

**Mr Allister:** I note in the statement references to a plethora of joint ventures on inspectorates, history projects, teacher mobility, youth and teacher exchanges, professional development etc. What parallel cooperation and deepening involvement in education is there with other parts of the nation of which we are a part?

**Mr Weir:** A range of exchanges takes place on different levels. I mentioned, for instance, that the youth councils cooperate on a British Isles-wide basis.

An exchange could involve a representative of the ETI going to a conference, and characterising that as "a plethora" may be questionable. There are, however, experiences that we can learn from.

For example, there is much greater use of Irish language schools in the Republic of Ireland. That means that there is a background of expertise there. For instance, the inspectorate probably has much more experience of dealing with such schools. It is important, I suppose, that we learn to cover those situations. I am keen to see cross-jurisdictional exchanges of information and exchanges in a general sense across all the borders, and I think that a considerable amount of that is ongoing.

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

## Private Members' Business

### Scrambler and Quad Bikes

**Mr Deputy Speaker (Mr McGlone):** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. All others will have five minutes.

Before we begin, I advise Members of the need to take care in their contributions today. I am sure that you are all aware of the ongoing

criminal proceedings in relation to an accident involving a scrambler bike during the summer. The subject matter of those proceedings is sub judice. I do not wish to inhibit discussion of the motion, which clearly relates to a matter of public interest, but Members should take particular care not to say anything in their contribution that might in any way prejudice the current criminal proceedings.

**Ms J McCann:** I beg to move

*That this Assembly calls on the Executive to review the current legislation governing scrambler and quad bikes; and further calls on the PSNI and other responsible agencies to ensure that the current legislation governing these machines is enforced in a robust way.*

I thank you, Mr Deputy Speaker, for the opportunity to propose the motion. I propose it in the hope that all Members will support it and send a clear message that we are committed to highlighting the dangers of scramblers and quads, when driven recklessly or in public places, and are united in doing what we can to ensure that legislation governing those vehicles is enforced in a robust way.

A number of adults and children have lost their life or been seriously injured in recent years by these vehicles. The tragic death of Valerie Armstrong and the devastation caused to her family brought that into the public arena again. I am very mindful of the caution that you gave about speaking on that case, Mr Deputy Speaker. I have no need to explain to Members the way in which scramblers and quads plague communities, as I have no doubt that many of you will have seen it at first hand or heard from your constituents and people coming to your offices.

I want to focus on a number of issues during the debate. First, I will discuss what needs to be done to ensure that the current legislation governing these machines is enforced. Then I will look at some of the gaps in the legislation, including those around registration. It is also important to look at how we can have an effective public awareness campaign, especially at this time of year in the run-up to Christmas. Often, this is when the machines are bought for children and young people. All of us need to ensure that parents, in particular, are aware of the law on scramblers and quads and of where they can and cannot be used before buying them for their children.

My first point, put simply, is that the current law is very clear. For a scrambler or quad to be

legally used on the road, it has to comply with the following: the driver has to have a driving licence; the vehicle has to be taxed; it has to be registered with the DVA; it has to have insurance; it has to have lights and reflectors; and it has to have a number plate. The fact is — it is important to emphasise this point — that the scramblers and quads that we see being driven about in our communities are intended for off-road use only. It is illegal to drive them on public roads, on public footpaths or in any public places, such as parks. They are only allowed to be driven on private property with the permission of the property owner. The legal status of those vehicles is very clear. They also have to be insured and the proper safety equipment worn by users. If they are driven in a reckless way or cause distress or annoyance in any place, the PSNI has the power to seize them.

As I said, I have no doubt that many Members in the House have either personally witnessed the dangerous manner in which scramblers and quads are driven or have had constituents make complaints about them. Certainly, in my office, I get complaints about them regularly. At best, they can destroy green areas and pitches used by children and young people for sporting activities; at worst, they can destroy lives and have destroyed lives. By using them in public places, people put pedestrians, including young children, and other road users at risk, but they also put themselves in danger.

People need to have the confidence that, when they report the use of the machines in public places to the police, particularly when they are being used in a reckless fashion that puts members of the public in danger, the law will be enforced and the vehicle seized and taken off the streets. Parents, too, need to be aware, when they buy scramblers and quads for their children, that they can only be driven on private land where the landowner has given permission and that the scrambler or quad needs to be transported to and from that designated area and cannot be driven on the road to or from it.

Along with party colleagues and community representatives, I have recently had meetings with the PSNI, the Minister of Justice and the Minister for Infrastructure. I am delighted to see the Minister for Infrastructure here to respond to this important motion, and I look forward to his response. We went to those meetings to see what more could be done to enforce the current legislation or, if there were gaps, what could be done to amend it. I want to say that there was willingness on the part of everybody in those organisations — Ministers and Departments included — to work together. They expressed

their willingness to work together to solve the issue. For example, on the issue of registration, it was suggested that we look at a scheme that would make it easy to identify who owns a vehicle and at the possibility of marking the machine, so that, if it were being used in a reckless or nuisance way, it would be easy for the PSNI to identify the owner and deal with it.

I know that other initiatives have been brought forward to raise public awareness about this, such as signage and setting out more information for people in communities and the constituents who come into our offices on how they can report and how the vehicles can and cannot be used. There were also suggestions that Belfast City Council look at possible designated sites and areas for the vehicles where young people particularly and their parents could ensure that they were used in a responsible and safe manner. I know that that has happened in other council areas. There have been partnerships between the police, motor sport and community representatives. They have come together to look at this. I hope that Belfast City Council, in particular, will take this forward because I know that this is a particular issue in certain parts of Belfast.

I look forward to hearing what all Members say during the debate. I particularly look forward to the Minister's response. I have to say that I really want to see Members supporting the motion because the truth is that we really need to do something before another tragedy occurs. We need to remove these vehicles from our streets, roads, parks and other public places. We need people to be safe when they walk on footpaths and in parks. I urge all Members to support the motion. We should all work together with all the agencies, Departments and other organisations.

**Mr Humphrey (The Chairperson of the Committee for Infrastructure):** I rise as Chair of the Committee for Infrastructure, but the Committee has not met to discuss the issue and has not taken a position on it. These views are entirely my own. I should make the House aware of that.

I agree with much of what the Member who moved the motion to the House said. I welcome the opportunity to debate the issue. For me, it is not about preventing people from enjoying scramblers or quads but about using those vehicles in a safe and responsible way and striking that balance.

**1.00 pm**

Like the proposer of the motion, I receive quite a number of phone calls to my office on this issue, in particular from the expanse of Glencairn Park. The issue there is that some people, particularly elderly people, are frightened when they hear scramblers and the noise pollution that comes from them.

There is a clear danger on the road to the person using the scrambler, to the person walking on the footpath and, of course, there is a danger for other people in the traffic. There is considerable damage caused in the churning up of parks and pitches. Belfast City Council has spent a considerable number of millions of pounds over the last number of years under its strategy of putting new pitches in place. Unfortunately, some of those pitches have been damaged by scramblers.

It is vital that we strike a balanced and reasonable approach between protection and responsible usage. The focus of the House has to be on the protection of life and reducing injuries, particularly serious injuries, reducing road traffic accidents, protecting public amenities and preventing the destruction of our parks. It is not about making scramblers illegal but making those who use them more responsible. In most cases, it is for the parents of those who use scramblers to be responsible and adhere to the law because it is about protecting everyone.

There is, absolutely, a need for a joined-up approach on this issue. From my perspective, as the DUP spokesperson on this issue, I welcome the motion, and the Democratic Unionist Party will support a review of the legislation. The Assembly working with councils would be a vital move forward because so much of this illegal activity happens on council facilities, not just in this city but across Northern Ireland.

If I may speak as a Belfast representative, it is important that Belfast City Council looks at the possibility of establishing a facility for scramblers and quads. I remember a number of years ago, when I was a member of Belfast City Council, working with young people who were using skateboards. A skateboard park, built under the flyover at Lagan Bridge, took them away from using other public spaces and stopped them from being a nuisance and allowed them to take part in legitimate activity in a designated area. That is the approach that should be taken. Therefore, there needs to be a joined-up approach.

The other issue, of course, is the police. The police are not allowed to chase someone on a

scrambler or quad in a built-up space because of the potential for an accident. Only last year, a similar scenario unfolded across the way from my office, when someone came out of Woodvale Park. I mention Woodvale Park because my office overlooks it, and I worked hard with the local community to secure over £2 million for Woodvale Park. Two new pitches that were put there — that are, thankfully, now being used by local football clubs — have been damaged by the use of scramblers.

There is an absolute need for a joined-up approach and a round-table discussion. I would very much welcome and support such a call. Since being elected as a public representative, I have attended the funerals of two young people, one as young as four years old, who were killed on scramblers. One was in the mid-Shankill, and the other young fellow came from Glenbryn in Ballysillan. He was only 14 years old.

Of course, the incident and the accident — and I am mindful of what you said —

**Mr Deputy Speaker (Mr McGlone):** I ask the Member to draw his remarks to a close, please.

**Mr Humphrey:** — is Valerie Armstrong. I appeal to the House to support the motion. Let us get a joined-up approach and make sure we get legislation that is practical and will make a difference and protect lives.

**Mr Beattie:** I support the motion. In doing so, I stand with our Executive as they attempt to curb this menace, which is neither new nor unique to Northern Ireland. At the same time, I challenge our Executive to produce more than the words of this motion and to look at the problem with a strategic eye.

The issue of quad bikes or scramblers being driven on our streets or on private land, in a dangerous manner without proper personal protective equipment (PPE), has been highlighted for over a decade. Legislation is in place to deal with it; the issue is whether or not that legislation is enough. The Road Traffic (Northern Ireland) Order 1995, which was amended in 2016, and the Criminal Justice (Northern Ireland) Order 2008 give the PSNI the powers they need to ensure that mechanically powered vehicles are not driven anywhere other than on roads — there is an issue with private land. It gives the police the power to seize vehicles used in a manner that causes alarm, distress or annoyance and the power to enforce the wearing of PPE, in the form of protective headgear. Last month — and

this is interesting — the Justice Minister made it clear that the PSNI was content with the present legislation and the powers available to deal with the issue. In my contribution, I want to raise a number of other issues that might fall out of that.

First, the issue of enforcement. If the legislation is in place and the PSNI is content with the powers available to it, then why do we see such terrible incidents as the tragic death of Valerie Armstrong in Colin Glen forest park or, if we go back to 2011, the tragic death of Daniel Mooney, who was only 12 years old when he fell off the back of a scrambler? Many of these incidents could have been prevented if the PSNI had reacted to reports from concerned residents — because residents are ringing in and reporting these incidents — or if the PSNI had more of a footprint in these and other areas in the form of robust neighbourhood policing. Of course, this is not a criticism of the PSNI, because we all know the strain on our police force with budget cuts, indecisive strategic leadership and a series of manpower deficiencies. Again, I call on the Executive to look at the minimum manning level of the PSNI and take action to increase its numbers to 7,500 officers, as envisaged in the Patten report, giving the force the ability to return to fully resourced neighbourhood policing.

With that, I call on the Justice Minister —

**Mr Humphrey:** I thank the Member for giving way. I have sympathy for the point that the Member makes. However, does the Member agree that, ultimately, the responsibility lies with the parents to ensure that those young people are using scramblers in a responsible way? Obviously, police are in the equation but, as you well know, police are always under huge pressure in terms of their time and resource. As with all crime, they have to respond with the resource that they have available to them.

**Mr Deputy Speaker (Mr McGlone):** The Member has an extra minute.

**Mr Beattie:** I thank the Member for his intervention; you are absolutely right. Later in my contribution, I am going to raise that very issue.

I call on the Justice Minister to drive forward, at pace, a review of sentencing to enable our judges and magistrates to deliver punishments that act as a deterrent. It is not enough for people to use scramblers and quads in an illegal manner and then say that they did not mean to harm someone. By using these

vehicles in an illegal way, they are going out knowing that they could end up harming or killing somebody.

I move on to parental control. Without a doubt, there is a trend that those riding quads and scramblers illegally are either young adults or children. Therefore, there is a huge onus on parents to show responsibility. Parents should not buy their children quads or scramblers unless they know that they have access and permission to use private land. Even then, I ask that they supervise those individuals and ensure that they know how to operate the vehicle efficiently and wear the correct PPE. I can see how new legislation making all those who operate such vehicles on private land have to obtain some kind of mandatory, formal familiarisation training and a wider understanding of the issue surrounding the use of quads and scramblers is something that could help. It is also a reasonable assumption that those parents living in heavily built-up areas who allow their children or teenagers to go out with such vehicles must know that they are operating them illegally, on the streets or the nearest piece of waste ground. Those parents are complicit if somebody is injured, and they need to be told this.

We need to have proactive measures because, all too often, we debate these issues after the fact. We are debating this today because of a death, so we are debating after the fact.

I do not lay blame purely at the door of the Department of Justice, past or present; I do not blame the Justice Committee; I do not blame law enforcement; I do not blame the Assembly. But we must find a mechanism to keep the citizens of Northern Ireland safe. On this particular issue, there is no easy solution. It is difficult to catch those involved in using scramblers and quads outside the legal guidelines.

**Mr Deputy Speaker (Mr McGlone):** I ask the Member to bring his remarks to a close.

**Mr Beattie:** Whatever route we decide to go down — legislation, technology, public awareness or education — the bottom line is that we must resource our Police Service and must educate parents.

**Mr Attwood:** I thank Jennifer McCann and others for bringing this motion to the House today, and whilst it is clearly important and welcome, everybody is mindful of the particular circumstances that have brought about this debate at this time: the tragic, sad and painful

circumstances of the death of Valerie Armstrong and the impact on her immediate and extended family.

As other Members have indicated, there have been a number of other deaths arising from the use of these sorts of bikes, and many, many serious injuries. If you do any review of source material on these matters, you will find that there are regular incidents leading to serious injury or death on this island, in Britain and further afield. It should be within the grasp of all of us, including government, to scale up multiple interventions to mitigate the risk of death and serious injury from the use of quad and other off-road mechanisms. That means trying to identify solutions to the problem that is clearly before us.

I will refer to some matters, some of which have been touched on already. I acknowledge the work of Belfast City Council and people involved in community safety, over the last number of weeks, in working up some — for want of a better term — management tools to deal with the use of these vehicles. As referred to by Ms McCann, there are proposals forthcoming in respect of signage on council property, on lamp posts and on private land, with the consent of the landowner. Interventions of that sort to issue warnings about what is or is not allowed and about the penalties for misuse will be important.

I agree with some of the comments made by Mr Beattie. Given the very heavy risk that exists and the consequences for too many families in this city and beyond, there should be exhortations to parents for them not to buy these sorts of vehicles for their children, not least over the next two or three months in the run-up to the Christmas season, and if they do buy them, they should put on constraints for responsible use.

If there is a need for a new law on the registration and marking of these sorts of vehicles when sold, the SDLP will endorse it. Our experience of people and vehicles generally suggests that there will be a need for legislative intervention. We have discovered that in respect of all other sorts of vehicles and all other issues to do with road and land safety. It is my view that a new law will be required in order to try to manage the issue and mitigate the risk.

I concur with the views made on enforcement. There is a wide family of legislation already in existence, and — I note the comments made about police resources — there are a number of mechanisms available to the PSNI and other

authorities enabling them to deal with the use of these vehicles. There is legislation for use without lawful authority; alarm, distress and nuisance; criminal damage; and supplying petrol to persons under the age of 16. There is also an obligation on those who sell petrol to behave more responsibly when people come to their premises. There is a wide range of enforcement mechanisms and legislation, and I urge the police to deal with that.

**1.15 pm**

I have one example, after which I will bring my remarks to a close —

**Mr Deputy Speaker (Mr McGlone):** I ask the Member to bring his remarks to a close.

**Mr Attwood:** Recently in Kent, there was an effort to deploy legislation against wrong use: 94 vehicles were seized, and calls were reduced by three quarters.

**Mr Lunn:** I thank Ms McCann and her colleagues for tabling this timely motion. The law on the use of scramblers and quads is, indeed, confused. Questions could be asked about the current legislation, in particular, the extent to which it is being enforced by the PSNI.

There does not appear to be any restriction on the size of a machine or the age of the person operating it if they are off-road. In theory, it would be possible for a 13-year-old to drive around on a 650 cc machine as long as he or she is off-road.

**Mr Mullan:** I thank the Member for giving way. He will be well aware, due to the high-profile media attention, of the tragic death of 13-year-old Daniel Sheridan in August at Magilligan in east Derry. The incident really shook the whole community. Does the Member agree that, although motocross tracks may encourage more responsible use of these vehicles — I encourage that — it is of the utmost importance that health and safety be paramount for all riders, especially young people, and any controlled or purpose-built tracks should be included in a review of the use of these vehicles?

**Mr Deputy Speaker (Mr McGlone):** The Member has an extra minute.

**Mr Lunn:** I think that I deserve an extra two minutes, Mr Speaker. *[Laughter.]* I agree with the Member's comments on health and safety. My understanding of the current law is that

there is no requirement on the driver of a quad bike to wear a crash helmet, as there is a requirement for motorbikers.

The police have a difficulty because, if the equipment is being used off-road, they have to be certain that the landowner does not want it to be happening and has not given permission. That is not easily obtained. The police have to try to implement the law of trespass. Trespass, according to my basic knowledge, does not mean just a presence on the land; it means that there must be damage. The purpose of the motion is to tidy up this type of thing. Theoretically, a noise nuisance complaint could be made, but that would involve the local council. Try getting a council to enforce a noise abatement order and see how far you get. Quad biking happens in the open air, probably in the countryside, and it is not feasible.

Currently, there is no requirement for liability insurance if a vehicle is being used off-road, but there is for on-road use. The law for on-road use is reasonably clear. These things are regarded as motorised vehicles and have to have type approval, be registered, have an MOT if necessary, display number plates, reflectors, indicators and have third-party motor insurance. This is where I can contribute something. Trying to get third-party motor insurance on these contraptions is very difficult and is a specialised market. Companies that will insure them are not keen to insure a quad that is purely for recreational use.

Farmers do not have any great difficulty in getting cover because they have a clear need because of their occupation: perhaps somebody wants to draw a boat out of the water or something like that. There are situations in which it is possible to prove to an insurance company that there is a need for the cover and the vehicle.

**Mr Beggs:** Will the Member give way?

**Mr Lunn:** Sure.

**Mr Beggs:** Does the Member agree with me that insurance can be very problematic for anyone to take on because, first, many of those using the bikes do so illegally in public areas, and, secondly, they frequently allow many of their friends, who, of course, are not insured, to use them, which defeats the purpose?

**Mr Lunn:** I thank the Member for that. If you are 17 years of age and try to insure a 500 cc motorbike, you will not get cover — it is not available. The same applies to quads. Not

only is there a problem because insurance is required but cover is impossible to get. Other Members made the point that, most of the time, we are talking about youngsters. If you see a quad — I am talking really only about quads — being driven on a public road by somebody who is 16, 17 or 18 years of age, it is absolutely certain that it does not have proper third-party motor insurance.

The police seem to be reluctant; they have seizure powers, but they do not seem very keen to use them. It is a mess that needs to be tidied up quickly.

**Mr Deputy Speaker (Mr McGlone):** I ask the Member to draw his remarks to a close, please.

**Mr Lunn:** I have seen the police on Twitter proclaiming that they have seized a very expensive motor vehicle because it did not have any insurance. I have yet to see the same situation arise —

**Mr Deputy Speaker (Mr McGlone):** The Member's time is up.

**Mr Lunn:** — with a quad.

**Mrs Cameron:** I welcome the opportunity to speak on this important matter today. I thank those who tabled the motion for bringing it to the House.

Mr Lunn referred to helmet wearing by quad bike users. As far as I am aware, that is covered under the Road Traffic (Amendment) Act (Northern Ireland) 2016, which we dealt with last term in the old Environment Committee. I am not sure whether that has Royal Assent yet, but, if it has not already come in, it is on its way.

I suspect that the catalyst for bringing this to the House today was, as Members across the Chamber have said, the tragic death in July of mother-of-three Valerie Armstrong, which brought into sharp focus the need to look at the legislation and enforcement currently in place. I would like to take the opportunity to send my condolences to Mrs Armstrong's family. Whilst her death was the most recent and harrowing such event, it was not an isolated incident. Each year, our hospitals deal with dozens of cases of, on the whole, younger people making poor choices, ignoring the law and putting their life, and the lives of others, at risk.

I fully appreciate that the use of scramblers and quad bikes in an appropriate manner, with the correct safety equipment, can be a very

enjoyable activity for those involved. I am aware of a number of purpose-built facilities across Northern Ireland where scramblers and quads can be used in a controlled environment. For many, it is an exciting pastime. However, as with any activity involving powerful and fast vehicles, there are inherent risks, which are often heightened, especially when they are used in an inappropriate manner and safety is disregarded. Quads and scramblers are not toys; they are restricted to off-road use and only on private property where permission has been granted. The PSNI has powers to confiscate any vehicles causing a public nuisance that are being driven on the road without insurance or a driving licence. The root of the problems is the lack of enforcement of the current powers.

The unlawful, aggravating and, at times, intimidating use of those vehicles is quite often viewed in the context of antisocial behaviour, and quite rightly so. However, there may be an attitude amongst individuals using quad bikes and scramblers illegally that they can deliberately flout the law as nothing will be done. Robust and swift enforcement is key to getting the message across that that behaviour is simply not acceptable.

There is also room for improvement in awareness of what the law states. While some are mindful that they are acting illegally in the use of these vehicles, I suspect that a greater number are not aware of the consequences. Work in conjunction with local schools may assist the PSNI in getting the message across and educating young people not only about the law surrounding quads and scramblers but about the dangers that they hold and what can happen if they are used irresponsibly.

Finally, we cannot overlook the role of parental responsibility in ensuring that these vehicles are used legally. Again, I feel that there may be a lack of awareness amongst parents of the full intricacies of the law surrounding quads and scramblers, where they can be used and who can use them. I believe that there may be an opportunity, in conjunction with the Department of Agriculture, Environment and Rural Affairs, to include quad bikes and scramblers in its programme of road safety awareness schemes.

In closing, there is no doubt that this problem needs to be addressed. By vigorously enforcing legislation, we have an opportunity to raise awareness of the law, and I think that we could quickly see a change in the illegal use of these vehicles. I support the motion.

**Mr McCartney:** Gabhaim buíochas le Jennifer McCann as an rún a chur os comhair an Tionóil

innu. I thank Jennifer McCann for bringing the motion to the Assembly. Members have referred to the death of Valerie Armstrong, and Jennifer McCann played a significant role in highlighting the issues that flowed from that. I am mindful of your guidance on sub justice, Mr Deputy Speaker. Jennifer McCann has raised it at the Policing Board and has had meetings with senior members of the PSNI about the legislation.

The motion is in two parts, and it sets out very clearly that there should be a review of the current legislation, and then it calls on the PSNI and other agencies to effect the current legislation in a robust way. That is what we have to do.

There is no doubt that that recent death being raised at the Policing Board brought to the fore many issues that, sometimes, even the public do not understand, particularly in relation to quad bikes and scramblers. They have to be taxed, registered and insured. More could be done in those three areas to ensure that young people who have vehicles illegally understand that they have to have the vehicle registered, taxed and insured. We need public awareness on this issue to ensure that that is brought to the fore, even at the point of sale. When you register a motor vehicle, the garage has a responsibility to ensure that it informs the Driver and Vehicle Agency (DVA) that someone has purchased a vehicle. Responsibilities are put on owners of vehicles to ensure that when they sell a vehicle on they have a responsibility to inform the DVA as to who the next owner is. We need to look at those issues, and, when we look at the legislation and seek from the PSNI how it enforces it, the review of the legislation will be better informed. Sometimes, there is enough legislation in place; it is about enforcement, awareness and a relationship between the PSNI and the community.

In recent times, there was a spate of car crime, and a combination of stolen vehicles or runarounds caused great nuisance in some estates in Derry. I was involved in a meeting with the local PSNI and the community safety partnership, and many of these issues came out. The PSNI did a presentation and talked about how it had seized a number of scramblers and quad bikes, and people at the meeting asked on what basis it was able to do that because people were working from the perception that, first, it had to be reported and then the PSNI would have to catch the person on the scrambler for it to be seized. The officers involved in the meeting said that they went to the house and the person could not prove that they owned it, they could not

produce insurance or tax, and the vehicle was seized. That is the type of thing that we need to see happening. That is a relationship between the community and the PSNI. It can be seasonal. Sometimes, it can be in the summer when younger people are off school. I do not want to say that it is all younger people because I have seen people in my area and they are certainly not children.

It can be around Christmas time, when parents may think that it is not a bad thing to buy a child a small quad or scrambler, but if it is not taxed and registered and if the child is not given the proper equipment in the proper circumstances, parents are leading them into danger or into a situation in which they could get a criminal conviction or worse.

### 1.30 pm

We have to see the current legislation brought to the fore. We must see an awareness campaign. Belfast City Council and Derry City and Strabane District Council have given great publicity to quads and off-road vehicles. In my opinion, the review will assist the process. Alex Attwood said that, in his opinion, there may be a need for some legislation. He talked about the experience of Kent. Those instances need to be brought to the attention of the Department and the Minister so that, when we act, we do so to assist the process. However, we also have to concede that there is enough legislation in place, so long as there is good cooperation and enforcement of it to protect us.

**Mr Girvan:** I also support the motion. I do not think there is anyone in the Chamber who has not been contacted by people with problems associated with scrambling, including the noise and nuisance. It is wrong to say there is no legislation. There is some legislation that covers many areas, and that is something that we have to be aware of. We must ensure that that legislation is properly enforced and knowledge of it imparted. We live in a society in which, unless you legislate for something, people want to blame somebody. There is personal responsibility and parental responsibility and those two areas have a vital role to play in the problem. We must ensure that parents who decide to purchase a scrambler for their child, without considering where they are going to use it or without instruction about how to use it safely, are held to account. Mention has been made of the personal protection equipment that should be carried or worn. Yet some people believe that, if you have a helmet on, you are invincible and can do whatever you want.

There must also be consideration of the landowner whose land is being used, sometimes without permission. I am thinking primarily of a site in my constituency that is owned by the Northern Ireland Housing Executive. It is quite a large area and it has been used by scramblers and those involved in scrambling.

As a young boy, I thoroughly enjoyed anything associated with an engine and a bit of fun. I do not want to legislate so that the Health and Safety Executive gets the name, "Department of no Fun". There needs to be a little give and take on the matter. However, the Housing Executive has a responsibility to ensure that its land is not accessible and is not used for this purpose. That can be very difficult to police. Each of us has a responsibility for it. The individuals who live around the site that I am talking about phone the PSNI on many occasions about scrambling, but they hear the usual story: "Unfortunately, we cannot respond to this matter", or "We will be out at some stage, but we will not make it a priority unless they are causing a major problem." As a consequence, the police usually come out at 10.00 pm, when nobody is there, so it is not an issue for them. We must ensure that this does not happen.

There is also an issue about those who fall off scramblers and quads. If they are on private land, and even though the landowner has not necessarily given permission, he could end up becoming liable for a minor who gets injured on his land. That is very worrying from the landowner's perspective, and it is something we should look at. We should not throw the baby out with the bathwater. If someone breaks into your property and cuts himself, he might take a claim against you because your property is insured but he is not. That is where I think the law can sometimes be an ass, because it errs on the side of those perpetrating a crime or creating a problem.

I understand that a number of high-profile cases brought about the debate today. I think of the case mentioned here this afternoon involving the tragic death of Valerie Armstrong. I think that there is another area that people are maybe not aware of. Pedestrians are told to get out and take exercise. Likewise, young people are told that they need to get outside instead of playing on their Xbox and doing all those other things, and I think that that is vital. The problem is that those on mountain bikes are in the same predicament when they interact with pedestrians.

**Mr Deputy Speaker (Mr McGlone):** I ask the Member to draw his remarks to a close, please.

**Mr Girvan:** It is about ensuring that we have a separation between those using equipment and pedestrians on public pathways. We should look at that as well. I support the motion, and I think that a review would be very helpful.

**Mr Beggs:** I also thank the Member for West Belfast for bringing forward the motion. The issue continues to give rise to concern. I agree with her that this is very timely, because some parents in their, I would say, lack of knowledge may be thinking of making a purchase before Christmas, and it is important that people are fully aware of the law and of the dangers to their child and the public if their child rides such a vehicle. As long as they do so in that knowledge and have somewhere safe for their child to ride it, it will be fine. There are similar concerns in my constituency of East Antrim about the illegal use of motorised vehicles. Indeed, sadly, there has also been a fatality in Carrickfergus. As I say, there is a need for the public to be better informed about the use of quads and scramblers.

I do not think that anybody else has outed himself as a former scrambler — I am. I rode a trail bike from the age of 16 on my father's farm and then had an RM 125. Not everybody fully understands the power that is there. I had a look online and saw that it is listed as being 38 horsepower. The Yamaha YZ was only 33 horsepower. Would you dream of putting a child behind a team of 38 horses? That is the amount of power that we are talking about. A scrambler can frequently out-chase or outride a car, such is the acceleration. Parents need to understand the degree of power that they are handing to their child. There needs to be education and training, and until a child has that, it is unwise to hand such a vehicle to them.

I fully understand the thrill, and I am lucky to have survived the spills involved. I think that it is important that people understand the danger to the rider and to those in the vicinity. I noticed that, just this summer, the police in my constituency highlighted concerns raised with them about scramblers in Selby Road, Marshallstown Road and the College Walk area of Carrickfergus. Indeed, I have come across scramblers before at Woodburn reservoir and the council-owned public park at Broadlands. Frequently, they are used illegally either on the road or in public areas. In both cases, parents really should be aware — I suspect that there is a lack of knowledge — that their perhaps £1,000 or £2,000 investment, or perhaps even more for a modern bike, could be seized from

them. So, apart from endangering their child and the public, they may lose their precious asset.

There needs to be greater knowledge of that law. The law says that a vehicle with an engine of more than 22.5 cc, and that is very little, will be classed as a motorised vehicle. Therefore, if someone with such a vehicle wants to be on the road, the vehicle should be insured and taxed and should have lights, and a helmet should be worn. Failure in any of those areas means that it could easily be lifted. If it is ridden in a public area without permission, straight away, an illegal act is occurring, and the police, having given a warning, can seize that vehicle. I think that we may need to look at the law in that regard to see whether there are areas that need to be improved.

This is a very difficult area to police. Are the police to give chase to a young person on a scrambler?

Will that involve a high-speed chase and perhaps an accident? That does not work either. We need to see what is practical and what would work.

There was mention of creating a bespoke track somewhere. That is a good idea. I like that idea. In my youth I went to a track in Carrnall in Newtownabbey. It was fantastic — you could jump in mid-air, and you thought you were wonderful — but facilitating such a track involves huge risks. Will everyone entering it accept their risk and not turn round and sue either the landowner or the council? That needs to be ironed out. Also, how are such bikes to get to the track? I would not wish parents to think this is coming shortly or without considerable expense. To get to the track, a parent will probably need a trailer costing, I do not know, £300 or £400, and a tow bar for their car costing £200 or £300. So, on top of the bike, if they want to get that bike to the track, they have to be prepared to purchase those things. On top of that, are they going to deliver —

**Mr Deputy Speaker (Mr McGlone):** I ask the Member to bring his remarks to a close.

**Mr Beggs:** — their child and collect them later? It is not just as easy as building a track. I encourage people to contact local motorcycle clubs, where those who already use motorcycles safely and with some knowledge can give some advice and perhaps some training.

**Mr Deputy Speaker (Mr McGlone):** The Member's time is up.

**Mr Frew:** I support the motion and thank the Member for West Belfast for moving it. Like West Belfast, my constituency, North Antrim, has been plagued by this activity, more so in Ballymena in built-up areas of the town. Before I move on to that, let us talk about the actual motor sport. The motor sport is a very good one. It fascinates young and old, and it gives people a buzz and an interest. That should be encouraged, as young people having interests and hobbies is a good thing — anything that gets them out and about and off their Xbox is a good thing and should be encouraged — but with that comes responsibility. It is a motor sport, and motor sports are dangerous. They come with risks. There is high speed involved, and people can get hurt and people can be killed. We had evidence of that only in the last few weeks with young Daniel Sheridan unfortunately losing his life in an accident that was in some way controlled.

It is dangerous. That should be a red light flashing and a siren going off for all parents who purchase scramblers and quad bikes. That is the first thing we have to say. Even in a controlled setting and there are marshals, regulations and laws for a course, a track or a race, there are still dangers and risks involved. How much more so, then, when young people go out and about on bikes that are strung together? They go out on footways and highways where there are people, including young people riding their tricycles on footpaths or elderly folk going to do their shopping in the local shop. That is what happens.

In Ballymena, Harryville and Ballykeel, which are two distinct built-up areas, are divided by Larne Road Link, which is basically a dual carriageway. There are underpasses, and these young people — maybe not even so young, on some occasions — ride from one area to the other. They use the underpass, which is connected with a network of paths. They get so far, and they are all heading to the one place: either to the south of the town or to Education Authority land in Ballykeel. They have to use the network of paths, cross over roads and then drive down built-up areas. They drive recklessly on footpaths and on roads with 90-degree bends to get to their desired environment. They have no permission on either site to ride scramblers, but they do it thinking they are doing no harm. They do tremendous harm to the communities they sail through. Elderly folk are frightened. Young people are frightened to go out on their tricycles and bikes, and parents are scared to allow their

children out. These people ride their scramblers, do wheelies down main avenues and bounce on and off footpaths. That is absolutely no way to treat their community.

### 1.45 pm

Some of the bikes are strung together, and some riders do not even wear safety gear. Do they not realise the danger to themselves, let alone to the community in which they live and to pedestrians? They also use a public park at the Ecos centre, where many walkers, runners and other people enjoy the environment. They swing round those paths, which are only a metre wide, with little regard for what is around the corner.

I believe that the issue can be resolved with better enforcement. I believe that there are times when the police look sympathetically on the actions of young people on scramblers — if they are scrambling about on waste ground, they are not out and about doing other things. That is totally and utterly the wrong message to send out. The bikes can be seized, and that would send a warning to others that their behaviour cannot be tolerated. Why do we set laws? We do so to protect people and to change the mindset of society.

**Mr Deputy Speaker (Mr McGlone):** I ask the Member to bring his remarks to a close.

**Mr Frew:** That is what needs to happen. The police need to enforce the law better and seize the bikes.

**Ms Mallon:** On Tuesday 19 July this year, as has been referred to by many Members, Valerie Armstrong, a devoted mother of three described by her parish priest as

*"a generous, kind and loving person who was filled with life and the natural expectations of a young mum"*

lost her life after she was struck by a scambler. As other Members have pointed out, we have lost people across different constituencies as a result of the dangerous and irresponsible use of these vehicles. It is important to take a moment to extend our sympathies to those who have, sadly, lost a loved one in that way.

In recent years, we have seen a rise in the dangerous and irresponsible use of quads, scramblers, go-peds, buzz boards and mini-motors, not least around Cave Hill Country Park and Marrowbone park in my constituency, North Belfast. Accordingly, there has been an

escalation in the number of injuries inflicted by these vehicles.

I thank the Members to my right for bringing the motion before us today. I share Ms McCann's view that it is important that the House sends a strong and united message of responsibility to parents, who often buy the vehicles, and to the vehicle users. It is also important that we send a strong message to the PSNI and other responsible agencies that they need to robustly enforce current legislation. Equally, there is a responsibility on the Executive, working with those agencies, to ensure that the legislation is as effective as it can be. Ms McCann has helpfully taken time to outline the conditions and legal requirements that must be met in respect of the ownership and use of the vehicles. The critical point that we must get across, which nearly every Member has touched on, is that these vehicles are not toys. They are motor vehicles that can travel at up to 60 mph and can kill, and they should be treated as such. That is the unequivocal message that we must get across, particularly as Christmas approaches. Yes, when used in a controlled, safe and responsible environment with the necessary training, they can be fun. In agricultural settings, as Mr Beggs pointed out, the vehicles are, for example, often critical in carrying out farming duties. Outside that structure, however, they can be devastating, and much more work is required to educate parents in particular about the legal requirements and the dangers of the vehicles and to encourage their safe and responsible use.

There is a role to be considered for other more robust measures when parental culpability is evidenced. I say that in no way lightly but to reflect the seriousness of the matter. The seriousness of it comes home when people are injured or, tragically, killed. It also comes home when you speak to the many residents — their numbers are increasing — whose lives are blighted by the noise, the disturbance and the risk of injury and death from vehicles that are being driven on our roads — I have witnessed that with my own eyes in North Belfast — and in our public parks, which are there for us all to enjoy and use safely.

As many Members articulated, the solution to this escalating problem lies not in one source. We certainly need more robust enforcement of current legislation, not least in PSNI seizures. The House needs to be able to satisfy itself that the legislation and other tools at the disposal of the PSNI, councils, courts and others is as effective as it can be.

I am not suggesting that this would be the case, but the review of current legislation must not be a paper exercise and no more than that. If the review finds that more is required in legislative interventions, the Executive should not be found wanting. The game changer, I believe, is in raising awareness of the dangers and in promoting the legislative requirements that parents and others who purchase these vehicles must follow. Addressing the issue of parental responsibility is never an easy thing, but we should certainly not shy away from it, not least on this matter.

**Mr Robinson:** I welcome the opportunity to speak in this important debate. In my constituency in recent years, there have been incidents of death and noise pollution from scramblers and quad bikes. It is a problem that householders and others find disruptive and intrusive, and I realise that a balance has to be struck between illegal scrambler activity and legitimate users. Incidents have occurred on private land and public roads, so there is a difficulty in tracing offenders. The police play a vital role in combating the problem, so, where the problem exists, the police need to be more proactive, as they were in Limavady recently. It is forbidden by law to ride scrambler or quad bikes in public spaces such as playing fields or public parks, so it is essential that any problem with them is tackled immediately by the police.

In July this year, the danger of the misuse of scramblers or quads was brought into sharp focus by the tragic death of Valerie Armstrong. This family are living with the reality of scrambler and quad bike misuse, and I realise that this is a very sensitive legal issue at present. At this stage of my contribution, I wish to express my sincere condolences to the bereaved families of Valerie Armstrong and, indeed, of Daniel Sheridan, who died recently on a quad bike in the Magilligan area of my constituency. Sadly, these are not the only families in Northern Ireland who have had to deal with accidents on these bikes, and it would be ideal if the number of incidents could be further reduced. For this, there is a need for robust enforcement, as the motion states.

To ensure that the legal framework is fit for purpose, a review into the current legislation would be helpful, possibly to identify areas where the law needs to be changed. I would support such a review because the law needs to be fit for purpose. The law also has to be enforceable. It is worth noting that, if the law is to be enforced, there must be enough police officers or other agency officials to be able to enforce the law equitably.

I support the motion as it could be beneficial in reducing accidents involving these machines.

**Mr Deputy Speaker (Mr McGlone):** The next item of business in the Order Paper is Question Time. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm.

*The debate stood suspended.*

*The sitting was suspended at 1.53 pm.*

**2.00 pm**

*(Mr Speaker in the Chair)*

## Oral Answers to Questions

### The Executive Office

**Mr Speaker:** I must inform the House that questions 1, 7 and 11 have been withdrawn.

### Social Investment Fund: Northern Zone

2. **Mr Beggs** asked the First Minister and deputy First Minister for an update on the social investment fund projects in the northern zone. (AQO 353/16-21)

**Mrs Foster (The First Minister):** All £9 million of the funding allocated to the northern zone has been committed to the six projects prioritised by the local steering group. Delivery is progressing at pace, with three of the projects, worth almost £4.5 million, now operational and providing vital support and opportunities in local communities. The community capacity hubs project, worth almost £1.7 million and funding improvements to seven community premises, has commenced. The two remaining projects, focused on mental health support and fuel poverty and worth almost £2.8 million, are committed. Work is ongoing to finalise the implementation plan and to commence the projects as quickly as possible.

**Mr Beggs:** It is now some six years since the First Minister and the deputy First Minister first raised the idea of the social investment fund (SIF). Does the Minister agree with me that it is an indictment that, at this date in time, none of the £1.8 million allocated to tackle fuel poverty has reached any of my constituents who are in urgent need and that, if she were a business, she would be out of business?

**Mrs Foster:** The first thing that I would advise the Member to do is to calm down. *[Laughter.]* The second thing that I would advise the Member of is that the strategic investment fund is making a huge impact on areas across Northern Ireland. I am really disappointed to hear that the Ulster Unionists have still not got what is happening in their own constituencies. What is actually happening is that we are making a real impact on constituents. We are helping them through employment programmes. Indeed, Mr Speaker, I was delighted to be in your constituency just last week making a very good announcement about employability and allowing people to be employed where otherwise they would not have had the opportunity to be so. Some £80 million will be spent in relation to SIF. Hopefully, by the time it is implemented, the Members in the official Opposition — that is the Ulster Unionist Party, because it has deemed itself the official Opposition — will get with the programme.

**Mr Mullan:** Will the First Minister provide an update on the community premises support project, which is designed to update the infrastructure of community buildings in the north-west, especially with regard to Limavady?

**Mrs Foster:** If it is the northern zone project that he is talking about, I understand that seven community capacity hubs will be dealt with. Five are ready to go ahead; two, however, have difficulties with health and safety. The business case has been split off so that five can go ahead while the other two have their issues dealt with. I am very pleased that the project is moving ahead.

**Mr McMullan:** Minister, you mentioned that there are five cases ready to go in the northern zone. Can you give us an example of one of those?

**Mrs Foster:** Yes. Under the community capacity hubs, Moneymore, Broughdearg, Ballymaguigan, Castledawson and Coagh halls are ready to proceed, but I understand that there are health and safety issues with the other two halls. Those are being dealt with proactively by officials, and I have no doubt that those issues will be dealt with very quickly.

**Mr Hilditch:** The First Minister has already touched on some of this, but can she share any good examples of the positive impact that the SIF projects are having in these areas?

**Mrs Foster:** SIF is investing £18.5 million in employment-focused projects. Given my background, I am particularly pleased that it is

supporting over 800 people through training and paid work placements. I had the opportunity to speak to a young man who was not employed but who had a real desire to get involved with the technology industry. No one would employ him because he lacked experience and had not had the opportunity to gain qualifications in the sector. After securing a placement through one of our SIF-funded employment projects, he not only gained experience and training but increased his confidence and self-belief. As a consequence of that, he has secured a full-time position with a major software company. That is exactly what it is all about. Others can say, "Oh, this hasn't happened. That hasn't happened": we are interested in real people and the outcome that can be achieved for real people, and that is what we have been able to do with individuals such as the young man whom I spoke to. I think that we will look back at SIF and say, "We are very proud of that project".

**Mr Lyttle:** I am sure that even the First Minister will accept that there have been serious problems with the administration of the social investment fund. There have been a number of Executive gateway reviews of that. Is she satisfied and can she assure the House that all government protocols, particularly in relation to ending paramilitary activity, have been followed in the awarding of contracts under the fund?

**Mrs Foster:** Yes. I wish that the Member would be more explicit about which one he is speaking about. Is he speaking about the one that I was at last week? I will sit down if he wants to mention the project he is referring to.

All the SIF programmes have been assessed by civil servants and have all passed what they need to pass to be allowed to draw down the money. I have absolutely no hesitation in saying that any of the SIF money that has been awarded will be put to the use for which it has been intended.

**Mr Allister:** The panel on paramilitarism commented adversely on officialdom pandering to paramilitary groups. It said that those that Government do business with:

*"should be consistent positive examples to their communities."*

Why has the management of a social investment project in east Belfast been handed over to a UDA front organisation? How many Provo front organisations are set to run SIF

projects? Is that what the social investment fund is all about?

**Mrs Foster:** The Member reads from the paramilitary panel report but does not reference the part of the report that says:

*"Those who have been or are members of paramilitary groups but who wish to transition should be encouraged to do so. This includes the need to make sure that as many ex-offenders as possible are able to reintegrate and live peacefully and productively in society."*

That is what the panel report says, and I am standing by that.

### **Brexit: NI's Interests**

3. **Mr McGlone** asked the First Minister and deputy First Minister what plans they have in place to ensure that Northern Ireland's interests are represented in negotiations on an exit from the European Union. (AQO 354/16-21)

### **Brexit: UK Government Engagement**

6. **Mr Easton** asked the First Minister and deputy First Minister for an update on any engagement with the United Kingdom Government on leaving the European Union. (AQO 357/16-21)

**Mrs Foster:** Mr Speaker, with your permission, I would like to group questions 3 and 6.

As I recently stated in the Chamber, while it is for the United Kingdom Government to negotiate directly on the terms of our exit from the European Union, we intend to have a full and active voice in shaping the terms of those negotiations to get what is best for the people of Northern Ireland. We welcome and are determined to see fulfilled the Prime Minister's commitment to full engagement with the Executive in preparing for the negotiations and to an inclusive UK-wide approach to and objectives for those negotiations.

Members will be aware that meetings have taken place with the Prime Minister and with the Secretary of State for Exiting the European Union. We have also written to the Prime Minister to set out our initial assessment of the particular challenges that Northern Ireland will face. Work continues in and between Departments to scope and refine the nature of those challenges so that our position will be informed and supported by the best information

and analysis available. Discussions have also been taking place in bilateral and multilateral format between the Governments on sectoral issues and on the establishment of a formal intergovernmental forum under the auspices of the Joint Ministerial Committee (JMC) to consider all issues regarding the exit negotiations.

**Mr McGlone:** I thank the First Minister for her comments. Will she consider the use of an Ad Hoc Assembly Committee to oversee and scrutinise the Brexit process as it evolves and develops? What is her opinion on that?

**Mrs Foster:** I thank the Member for his question. That is a matter that the Committees must take up, if they decide to set up some Committee structure. There have been occasions in the past when the Committees have come together for a particular reason. They may well believe that they want to do that on this occasion. It is a matter entirely for the Committees and for the House.

**Mr Aiken:** I thank the First Minister for her remarks. Has she a view on the Prime Minister's recent comments about initiating article 50 by 31 March 2017 and about a Great Repeal Bill? Has she received any written response to the co-First Ministers' letter dated 10 August, which raises several issues that would directly bear on triggering article 50 and the Great Repeal Bill? Would she ensure that, in the spirit of openness and transparency that her Government are well known for —

**Mr Speaker:** I ask the Member to come to his question.

**Mr Aiken:** — that response is published?

**Mrs Foster:** We have not received any response to our letter of 10 August, but that does not mean that we have not been communicating with Whitehall or, indeed, with our ministerial colleagues there. Here is some news for the Member: not everything is put in a letter. We sometimes speak to each other on the telephone and, indeed, by other mechanisms.

**Mr Easton:** I thank the First Minister for her answers so far. Is she satisfied with the level of engagement with the UK Government? Does she support the triggering of article 10 by the end of March next year?

**Mrs Foster:** I think that the Member means article 50. *[Interruption.]* I am not sure what

article 10 is *[Interruption.]* I am sure that some of my Europhile colleagues will be able to tell me what article 10 of the Lisbon treaty is all about.

Engagement with Her Majesty's Government will be multilayered. We will, of course, have multilateral discussions with the Irish and UK Governments and some bilateral discussions. The formal ministerial discussions will take place through a JMC format, and the deputy First Minister and I have been clear that we want to be directly involved in any negotiations so that we can put forward what is right for all the people of Northern Ireland, regardless of whether they voted to remain or to leave. We are focused on what is best for the people of Northern Ireland.

**Mr Lynch:** What discussions have taken place with the Irish, Scottish and Welsh Governments?

**Mrs Foster:** We had a very useful meeting during the specially convened British-Irish Council (BIC) in July. As I said, negotiations and discussions will continue bilaterally and multilaterally. I have no doubt that, when the date for the Joint Ministerial Council is set — we believe that that will be set relatively soon — we will continue to discuss matters with our Scottish, Welsh and, indeed, Republic of Ireland colleagues.

**Mrs Long:** The Prime Minister's announcement at the weekend not only accelerated the Brexit process but made it clear that access to the single market and its retention would not be a priority. How does the First Minister feel that that will impact on business in Northern Ireland, given the degree to which we trade with the Republic of Ireland?

**Mrs Foster:** I thank the Member for her question. It is a core question and one that I have no doubt will continue to be at the core of the negotiations over the next period. Whilst access to the single market is important, we should also remember — people sometimes try to wipe the slate on the issue — that, if we were continuing as members of the European Union, we would have to deal with domestic water charges, the ever-greater inflexibility in relation to attracting foreign direct investment —

**Mrs Long:** That was not the question.

**Mrs Foster:** If the Member will allow me, I will answer the question. I know that she is always in a rush, but give me a minute. We would also have to deal with state aid rules.

The negotiations will be long; they will be protracted. As a country, we should not be lacking in our ambitions. I have listened to some of the disparate members of the Opposition making the case that we should set out in solid stone what our negotiation position should be. I never heard such nonsense in all my life.

**Mr Storey:** They are not very good at negotiating.

**Mrs Foster:** Indeed, it just shows what good negotiators they are. You do not set out your hand before entering into negotiations. I will not undercut the negotiating hand of the Northern Ireland Executive in these matters before we start —

**Dr Farry:** You do not have one.

**Mrs Long:** You do not have one.

**Mrs Foster:** I am sorry; there is a bit of noise coming from the naughty corner.

It is in everyone's interest to make the transition as smooth as possible. In doing so, we will work with the Republic of Ireland's Government, with colleagues in Scotland and Wales and with the UK Government.

That is where we are. We will continue to push ahead with what is right for the people of Northern Ireland.

**2.15 pm**

**Mr Agnew:** Given that the people of Northern Ireland voted to "Remain", will the First Minister give a commitment that there will be no Northern Ireland Great Repeal Bill? Can she outline what work is being done by the Executive to ensure that existing EU laws are enshrined locally?

**Mrs Foster:** We will not be passing a Great Repeal Bill; that is a matter for the Westminster Parliament, which is sovereign in all these matters, as, indeed, colleagues in Scotland and Wales have had to face up to. Some Members in this Chamber have still not faced up to the fact that the vote on 23 June was taken right across the United Kingdom. I still hear that Northern Ireland voted to remain. Northern Ireland is a constituent part of the United Kingdom. We were all asked whether we wanted the United Kingdom to remain or to leave, and we all voted. The vote has been

taken. Now let us get on with it and deal with the consequences.

**Mr Speaker:** Members, before I call Mr George Robinson, I extend a welcome to the Rt Hon Ekwee Ethuro, Speaker of the Senate of Kenya, and an accompanying delegation who are visiting the Northern Ireland Assembly. You are all very welcome indeed. *[Applause.]*

## NI Bureaux: Washington and China

4. **Mr Robinson** asked the First Minister and deputy First Minister for an update on the work of the Northern Ireland bureaux in Washington DC and China. (AQO 355/16-21)

**Mrs Foster:** Having just returned from the United States, I can testify to the ability of the Northern Ireland bureau in Washington to represent our interests at the highest level, in partnership with Invest Northern Ireland and Tourism Ireland. That strong working bond between the three offices ensures maximum impact, not just in the United States but in Canada. In the two years that it is has been operational, the Executive bureau in Beijing has established excellent working relationships with key national and provincial government bodies. I am looking forward to developing these relationships when the deputy First Minister and I visit China in December.

**Mr Robinson:** I thank the First Minister for her answer. Does she agree that the bureaux will play an increasingly important role in attracting investment and jobs to all areas of Northern Ireland, including the north-west of the Province?

**Mrs Foster:** I thank the Member for his question. Indeed, the bureaux perform a critical role for all the people of Northern Ireland. It hosts Executive Ministers and Assembly delegations when they go to the United States — I am speaking about the Washington bureau — and it has hosted many other delegations from Northern Ireland schools, universities and business. That bureau provides a very clear view of what is happening in the United States and tries to exert influence by bringing forward what is happening in Northern Ireland — in modern-day Northern Ireland, because it is very important that people have an understanding of what is going on here now.

The deputy First Minister and I will go to China at the beginning of December to open our office in Beijing. We will use it to make further contacts in, and inroads into, the Chinese market. We are very much looking forward to

doing that. We had a good opportunity to speak with our consul general, Madam Wang, last week. The Chinese are looking forward to hosting us, and we hope that it will be a very successful visit.

**Mrs Barton:** How will these offices be affected by the departure of Stephen Grimason?

**Mrs Foster:** They will not be. *[Laughter.]*

**Mr McGuigan:** Going beyond the two bureaux, can the First Minister comment on the importance of international relations to our economic development?

**Mrs Foster:** It is critical that we continue to go across the world to sell Northern Ireland as a good place not only to invest in but to visit. I am pleased to say that the Economy Minister is in the Middle East to continue to build on the links that have been developing over a period of time. Of course, Invest Northern Ireland has a range of offices right across the globe, as well as Tourism Ireland, which, as you know, sells Northern Ireland across the world as a tourist destination. What a story they have to tell now; a very positive story about Northern Ireland. The fact is that Titanic Belfast is now Europe's leading visitor attraction. How wonderful is it to be able to say that? The fact is that the multi-award-winning 'Game of Thrones' happens here in Northern Ireland. It has won more Emmys than any other programme in history. As well as that is the fact that Northern Ireland is number one globally when it comes to financial technology investment. It is number one in the world. Now, that is not something that you will see in an Opposition press statement, but it is something that I will talk about all day long.

**Dr Farry:** In her last answer, the Minister referred to the Executive's having a negotiating hand in relation to Brexit. That belies what she has just said in the Chamber and is in contrast to what the deputy First Minister actually said today outside this room. How can we make best use of our diplomats in Brussels, Washington and Beijing if we do not give them a strong, coherent position on Brexit, particularly when people internationally are very keen to help Northern Ireland in light of our experience with the peace process?

**Mrs Foster:** As someone who has just come back from the United States, I want to tell the Member that it is not actually all about Brexit. It is not actually all about Brexit. It is about the fact that we continue to have — he should know this being the former skills Minister — the raw talent here that people are looking for. We

have the value and the fact that our attrition rates are very low. Come April 2018, we will have corporation tax devolved to Northern Ireland. So we will have the talent, the value and the tax. None of that — none of that — is dependent on our position on the European Union.

## **Brexit: Migrant and Minority Ethnic Communities**

**5. Mr McElduff** asked the First Minister and deputy First Minister how their Department is making migrant workers and minority ethnic communities feel welcome following the result of the referendum on membership of the European Union. (AQO 356/16-21)

**Mrs Foster:** Mr Speaker, with your permission, I will ask junior Minister Ross to answer this question.

**Mr Ross (Junior Minister, The Executive Office):** Thank you. A number of actions were taken immediately after the referendum. As the Member will be aware, the First Minister and deputy First Minister provided assurances to our valued migrant and minority ethnic communities in a joint statement. We continue to work towards a society of welcome and belonging. In September, junior Minister Fearon and me launched the community relations and cultural awareness week, supported by the Executive Office, which brought together communities through the arts, open days and discussion. Our officials are in contact with representatives from the EU migrant communities to help them assert their rights and continue our long-standing relationship of appreciation and respect. We can assure people from European countries and other migrants living here that they are very much welcome and valued in Northern Ireland.

**Mr McElduff:** I take this opportunity to commend the work of organisations in my constituency; ethnic community support groups in Omagh and Strabane. They do tremendous work. What plans do the Executive have in place to make life easier and more fulfilled for child refugees?

**Mr Ross:** As the Member will be aware, 200 refugees have come to Northern Ireland; to Belfast, Londonderry and Craigavon. I had the opportunity to meet one of those individuals, who relocated to Northern Ireland quite recently, at an event in Dungannon. I must say that I was incredibly encouraged by the fact that he has found Northern Ireland to be a very

welcoming place. Although it is difficult to come to a new country, he has found it a very welcoming place.

For child refugees specifically, we are aware of Home Office plans to establish a resettlement scheme for refugee children at risk. There is a range of complex issues to consider regarding the resettlement of children. The UN and other humanitarian charities are clear that efforts to reunite children with relatives of extended family should be given priority. In most cases, this means that they should remain in the region to improve their chances of being reunited with their families. We have demonstrated our commitment to assisting with the humanitarian crisis through the Executive's participation in the resettlement of refugees, including families with children, through the Syrian vulnerable persons relocation scheme. That scheme is the first formal refugee resettlement programme in which the Executive have participated. We will consider what role we may play in any plans to resettle child refugees once more detailed proposals emerge. This would include an assessment of our capacity to meet the specific needs of child refugees.

**Ms Hanna:** If, as indicated by Theresa May's conference speech yesterday — albeit that she is less squeamish than this Government about revealing her plan, to the extent that she has one — it does look as though we are going towards a hard Brexit, will the Executive advocate on behalf of those citizens from other EU countries who are currently working here to protect their freedom of movement and the interests of the Northern Irish businesses that rely so heavily on migrant labour?

**Mr Ross:** We have already moved to reassure those EU migrants living in Northern Ireland that they are very much welcome and are helping them to understand their rights. As Members will know, immigration is a reserved matter, so it is not a matter for the Northern Ireland Assembly. However, the immigration policy will have a practical impact on many companies in Northern Ireland. That is exactly why the First Minister and deputy First Minister, in the joint letter to the Prime Minister, indicated the priorities from a Northern Ireland perspective and the importance of migrant workers for many key industries, including the agri-sector. That will be a continuing part of the discussions that we have with Her Majesty's Government.

**Mr Beattie:** I thank the Minister for his answers. Will he outline how many attacks have been

recorded targeting members of the black and minority communities since the EU referendum?

**Mr Ross:** I thank the Member for raising the issue. I am pleased to say that, unlike in England and Wales, Northern Ireland has not seen a spike in racially motivated attacks against our ethnic communities. Indeed, the general trajectory is of a decreasing number of attacks. That said, we cannot be complacent. Too many attacks are still happening. We want to make sure that we continue to work with the Justice Minister and the PSNI to ensure that those sorts of attacks are not tolerated. We have a racial equality strategy, and the racial equality group met last month for the first time. It will meet again on 8 November.

What we are doing collaboratively with those ethnic minority groups is recognising and identifying their key needs and how we can ensure that we continue to work towards creating not just a tolerant Northern Ireland but one that celebrates diversity and the cultural richness that we now have in the modern Northern Ireland.

**Mr Stalford:** Is the Minister aware of the ComRes research that found that 77% of "Leave" voters wanted to ensure that the status of EU migrants was protected post-referendum? Does he also agree that it is essential that we move forward from the referendum united as a community in condemnation of all those who would engage in such attacks?

**Mr Ross:** Of course — I absolutely do. Some of the work that I have been doing in this Department has allowed me to go out and see the activities that are going on with ethnic minorities across Northern Ireland. I had the privilege of helping to launch, along with junior Minister Fearon, the community relations and cultural awareness week. That was a fabulous week of activities. Over 160 events across Northern Ireland allowed ethnic minorities to come together, explain more about their cultures and allow those conversations to take place.

I am also assured by listening to comments directly from some ethnic minority groups, and some of the refugees who have come and created a new life in Northern Ireland, of how welcoming they have found Northern Ireland. We should all be immensely proud of that.

**Ms Bradshaw:** Did the Minister hear his party colleague Gregory Campbell on 'The Nolan

Show' this morning talking about allies in Hungary? If so, does he think it credible for the DUP to talk about these allies, given the track record of Orbán and Jobbik on refugees? If he has not heard it, I am happy to read it out to him.

**Mr Ross:** No, I did not. I do not make a habit of listening to 'The Nolan Show'. *[Laughter.]* It is better for my health that way, but I will be sure to have a look at the transcript.

## **NI: Promotion Abroad**

8. **Mr Humphrey** asked the First Minister and deputy First Minister what plans they have to promote Northern Ireland abroad over the next six months. (AQO 359/16-21)

**Mrs Foster:** We plan to visit China in December to meet senior national and provincial government leaders. Those strategic meetings will help us to realise our objective for China of developing trade and investment connections, encouraging tourism, attracting students and developing research partnerships.

I have just returned from a visit to the United States, where I met potential investors, international lawyers and tourism industry representatives to promote Northern Ireland. The deputy First Minister is scheduled to visit the United States in early November.

**Mr Humphrey:** I thank the First Minister for her answer. Given the First Minister's meeting last week with the Chinese consul to Northern Ireland, has the Brexit vote and the determination of the British people across this United Kingdom had any negative effect on her discussions?

**Mrs Foster:** No, and certainly not with China. As the Member will know, we have long been working with China to develop a relationship there. If anyone knows anything about doing business in China, they will know that you have to build up a relationship with the Government at central and local level. I am pleased to see that Belfast City Council now has full sister city status with Shenyang, one of the cities that the deputy First Minister and I will visit in December, and we look forward to doing very good business out there.

**Mr Speaker:** That ends the period for listed questions. We now move to 15 minutes of topical questions.

**2.30 pm**

## Brexit: Hidden OFMDFM Paper

T1. **Ms Mallon** asked the First Minister and deputy First Minister why the First Minister kept the Brexit research paper, which was produced before the referendum, hidden from the people of Northern Ireland. (AQT 256/16-21)

**Mrs Foster:** I am very pleased that the Member has asked that question today, because I want to put a few things on the record.

First, the paper was not commissioned by me, and it was not commissioned by my predecessor. It came to my attention only when a freedom of information request came in earlier this year. The document was not seen by me. Just today, I spoke to the head of the Civil Service. He had been on leave for a time, and it was my first opportunity to speak to him in order to get the bottom of the issue. When I asked him why it had not been brought to my attention, he said, "Well, I wouldn't have brought it to your attention, as it was not completed". Yet, somehow, the document has become something that I stopped going out, for some reason. It never came to me; nor did it come to my predecessor. It was initiated by the head of the Civil Service. I would have thought that Members opposite, despite the fact that they are in the Opposition, would know full well that civil servants, from time to time, commission and pass around papers between them, but it is not something that came to my desk.

**Ms Mallon:** Will the First Minister confirm whether the deputy First Minister suggested publishing the report, or at least sharing it with other Executive colleagues, as outlined in an interview with the BBC?

**Mrs Foster:** I did not hear the interview and what the deputy First Minister had to say, but the document certainly did not come to me. I will let the deputy First Minister answer on whether the document came to him. I am not aware of it having gone to him, but it certainly did not come to me. It was written, as I understand it, by two civil servants in the Department's European policy branch. It was not initiated by a Minister; it was initiated inside the Civil Service. Everybody needs to calm down about this so-called Brexit paper.

## Brexit: Hard Border

T2. **Mr Kennedy** asked the First Minister and deputy First Minister whether the First Minister can outline the view that she has expressed to

the Prime Minister and the Minister with responsibility for Brexit on the issue of what has been described as a hard border between Northern Ireland and the Irish Republic once the UK leaves the EU. (AQT 257/16-21)

**Mrs Foster:** There are times when I wished, over this past 40 years, that we had a hard border between us and the Republic of Ireland: times when people were being murdered at will along the border, but there was no hard border. I find it very difficult to understand why those who voted "Remain" still do not get that we, as a United Kingdom, voted to leave the European Union. Some are calling them "Remoaners" — of course, I would not use that sort of terminology — and they cannot get that the only people who are talking about a hard border are people who voted to remain. Nobody on this side of the House is talking about a hard border — nobody. I do not know whether some people have become fascinated with Donald Trump's wall, but we do not want a wall built. Some people might, but I do not want a wall built along the border with the Republic of Ireland. We want maximum movement between us and the Republic of Ireland. We want a sensible way forward. I am working for a sensible way forward, but there are plenty in the Assembly who keep talking up issues that are not even on the agenda.

**Mr Kennedy:** I am slightly disappointed at the tone the First Minister seems to be adopting. When she is swilling champagne at the Conservative Party conference later this week — *[Laughter.]* — will she at least try to ensure that any future arrangements for border controls are not simply created at Great Britain's ports and airports?

**Mrs Foster:** It took only until 2.35 pm to get that one in. I assure the Member that non-alcoholic drinks will also be available at the reception — *[Laughter.]* — in case he wants to come along.

**Mr Storey:** He was not invited.

**Mrs Foster:** That is true, and that is part of the problem: we are listening to jilted lovers and their reaction to the way in which they deal with the Conservative Party now. We all remember the Ulster Conservatives and Unionists - New Force (UCUNF) — sorry, those who were in the Ulster Unionist Party at the time remember UCUNF. There are many on the UUP Benches, of course, who were not in the party then.

Of course, I will be representing the best interests of the people of Northern Ireland when I go to Birmingham. I will give a very good account of what is happening in Northern Ireland, including the fact that we are an open, regional economy and want to remain an open, regional economy in the United Kingdom to take all the benefits of our membership of the United Kingdom while benefiting from our good relationship with the Republic of Ireland's Government, which will continue post-Brexit.

### Peace Funding: Logjam

T3. **Ms Dillon** asked the First Minister and deputy First Minister what plans there are to engage with the Irish and British Governments and the EU Commission to overcome the funding logjam that is holding up Peace funding. (AQT 258/16-21)

**Mrs Foster:** Yes, I understand that the Finance Minister mentioned this in his questions last week; the fact that, whilst we have letters of offer worth over €120 million for cross-border transformative job, environmental and health projects, some of those have become logjammed in the system. Let me be very clear: the Executive, the Finance Department, the Special EU Programmes Body (SEUPB) and INTERREG panels have all stepped up to expedite those funding applications. In fact, they have put in an awful lot of work to ensure that the money is released to all those involved with peace work and creating jobs. Respectfully, however, I suggest that their efforts need to be matched by the Irish Government, by our own Government and by the European Union Commission as well. We will, of course, support the Finance Minister as he tries to push those organisations in the correct direction.

**Ms Dillon:** In the absence of resolution, what plans do the Executive have in place to sustain projects that rely on Peace funding?

**Mrs Foster:** Of course, we are not there yet. As you know, the Chancellor has indicated that anything signed off before the autumn statement will be honoured. That is a very good indicator, which has given some time, so that groups and, indeed, the SEUPB can have offers in place. For offers that are not in place after that date, I understand that the Finance Minister is continuing his negotiations with the Treasury, and we will, of course, support him in those efforts.

**Mr Speaker:** I must inform Members that question 4 has been withdrawn.

### Hart Inquiry: Recommendations

T5. **Mr Kelly** asked the First Minister and deputy First Minister what plans they have in place to deal with the recommendations from the Hart inquiry. (AQT 260/16-21)

**Mrs Foster:** Indeed. As I understand it, Mr Justice Hart is writing his long-awaited judgement on the hearings that he listened to very empathetically in Banbridge courthouse. We look forward to receiving that judgement, we believe, early next year. We will, of course, give it due consideration.

**Mr Kelly:** Gabhaim buíochas as na freagraí go dtí seo. I thank the Minister for her answer. Does the First Minister believe that a panel of redress should be established to meet the needs of the victims and survivors of historical institutional abuse?

**Mrs Foster:** There have been many calls for a panel of redress, and I can understand why that is the case; not least the fact that the victims are not getting any younger, but we do not want to pre-judge what Mr Justice Hart will say in his judgement. He may well have decided — I do not know whether he has or not — which particular form the redress should take or what the process should be around it. He may, on the other hand, leave it up to us to decide what redress should happen. I do not want to pre-judge what Mr Justice Hart might say. I know that there are many victims who might want us to move ahead on this, but it is now October, and we expect the report in January or February of next year. I can assure people that, when we get the report, we will not sit on it; we will deal with the consequences of it as quickly as we can.

### Legacy Talks

T6. **Mr Douglas** asked the First Minister and deputy First Minister what engagement the First Minister has had with groups on the legacy issue, given that she will be aware of recent talks on that subject. (AQT 261/16-21)

**Mrs Foster:** This is an issue that is still very much to the fore. I continue to have very useful engagement with victims groups across Northern Ireland. I recently met Decorum NI in Bangor. I met the Mid Ulster group, along with Keith Buchanan, just last week and, yesterday, I was with a group from the Ulster Special Constabulary Association. I will continue to engage with victims groups as we move

towards trying to deal with the legacy of the past.

**Mr Douglas:** I thank the First Minister for her answers thus far. How important is it that resolution of the matter is reached before autumn?

**Mrs Foster:** I hope we are moving to a resolution of the matter. The Secretary of State indicated he would like to consult with the wider community on the way forward, probably in the autumn time. We look forward to him doing that so we can have an open and transparent look at what he is suggesting. It is very important that, whatever comes out of this, there can be no rewriting of what happened in the past. The past stands on its own facts and people should not try to spin what happened in the past in a particular direction. Therefore, I hope we get to a situation where we have a holistic way of dealing with the past because, until we do, there will be various attempts to rewrite the past, and that is something I certainly will not stand for.

## **Brexit: Single Market**

T7. **Mr Lyttle** asked the First Minister and deputy First Minister whether the First Minister would appreciate another opportunity to address the question of how important it is for businesses in Northern Ireland to have access to the single market. (AQT 262/16-21)

**Mrs Foster:** Alliance Party Members are very exercised today, and we can hear the noise from them up here, even at the opposite end of the Chamber. I have answered the question about the single market. I have said —

**Mrs Long:** No you did not.

**Mrs Foster:** You see. I have said that we will continue to work with businesses and, unlike the Alliance Party, the deputy First Minister and I are speaking directly to members of the business community. Last week, we had a very good engagement with the Chamber of Commerce, when there were disparate voices from all around the Province and from all sorts of different sectors. It was a very good engagement. We will continue to listen to their concerns.

It is wrong for the Alliance Party to say that we have not raised this issue. It is one of the very key issues that we raised in our letter of 10 August to the Prime Minister. It is wrong to say that we are not representing the business

community in Northern Ireland; very wrong indeed.

**Mr Lyttle:** To be honest, if anyone is getting exercised in here today, it appears to be the First Minister. *[Laughter.]* It is clear that many businesses in Northern Ireland are asking what Brexit will mean for them. They are concerned about access to the single market and they believe that it is vital to our economy. What reassurances can she give to those businesses that she does have an alternative plan, if she does not believe that this is as important as they do?

**Mrs Foster:** I did not say I did not think it was important. Of course it is important that businesses have access to their markets. That is why we raised it in the letter of 10 August. If the Member wants, I will do him up a specially gilded copy of the letter of 10 August, and send it to his office.

## **‘The Sun’: Londonderry/Strabane Ban**

T8. **Mr Middleton** asked the First Minister and deputy First Minister what the First Minister’s views are on the recent motion passed by the council in Londonderry and Strabane, which called on newsagents not to sell ‘The Sun’ newspaper. (AQT 263/16-21)

**Mrs Foster:** It is a very retrograde step when you try to boycott one paper or another. Many of us have been the subject of investigations and scrutiny by the press; that is what they do and that is their job. I condemn the threatening behaviour directed towards not only Father Gary Donegan but a journalist on Saturday morning when he was only doing his job in north Belfast. It is absolutely scandalous that anyone should be faced with that sort of threatening and intimidating behaviour, and I want to send out a very strong message that it is simply not acceptable.

**Mr Middleton:** I welcome the response from the First Minister and she has, in part, answered my supplementary question. Will she give some assurance that she will do all that she can in her Department to ensure that Londonderry and Strabane are well represented even if the council is focused on other areas?

**Mrs Foster:** I was alarmed to see the motion in relation to Israel that was put forward in that council as well, particularly at a time when Jews in Belfast — we are told this by the rabbi — are feeling very intimidated and under attack. The

council should reflect on that. We have heard a lot from other parties in the Assembly about equality and non-discrimination and about making sure that everybody feels at home in Northern Ireland. What about the Jewish people? Do they not have a right to feel at home in Northern Ireland as well? They are very welcome and they are a very key part of the community here in Northern Ireland.

2.45 pm

## **Agriculture, Environment and Rural Affairs**

### **Agri-food Marketing Organisation**

1. **Mr Kelly** asked the Minister of Agriculture, Environment and Rural Affairs for an update on the agri-food marketing organisation recommended in the Going for Growth strategy. (AQO 366/16-21)

**Miss McIlveen (The Minister of Agriculture, Environment and Rural Affairs):** In 'Going for Growth', the Agri-Food Strategy Board recommended the creation of an agri-food marketing organisation with a clear food-promotion strategy. Following that, my colleague the First Minister, in her former role as Minister of Enterprise, Trade and Investment, commissioned a review of agri-food marketing arrangements in Northern Ireland and endorsed the review's conclusion that an agri-food marketing body be established to coordinate the marketing of our food and drink produce based on the model of Scotland Food and Drink.

Work on the project is being led by the Department for the Economy. I share my colleague Economy Minister Simon Hamilton's view that the marketing body should be established as soon as is practicably possible. Local farmers and fishermen need to be confident that there are sustainable markets in which to sell their produce. Any strategic growth in the agri-food sector will be export-led, and a strategic, coordinated approach to marketing through a single organisation is key to delivering that growth. My officials are supporting their DFE counterparts and industry representatives in developing an agreed model that will allow the Executive to provide suitable government support to the new body and will satisfy the requirements of the industry and government.

**Mr Kelly:** Gabhaim buíochas leis an Aire. I thank the Minister. Does she agree that the

result of the EU referendum will make the job of any marketing organisation much more difficult?

**Miss McIlveen:** I thank the Member for his question. The need for a marketing organisation was established long before Brexit. Brexit reinforces the need for the body. We need a marketing body for Northern Ireland produce. We need to ensure that our product goes to appropriate markets and that our markets are open right across the United Kingdom. We need to retain existing markets and have the opportunities to go to new markets. A marketing organisation allows us to do that. It needs to be set up as quickly as possible, and I am working along with colleagues in Economy to do so.

**Mr Swann:** I thank the Minister for the commitment to work as quickly as possible. Will she give us some indication of when it will happen? At the moment, without that body in place, we are missing opportunities.

**Miss McIlveen:** I thank the Member for his question. I appreciate that. I met the Agri-Food Strategy Board in relation to that. Obviously, there are some issues in relation to what the model looks like and how it will be presented. There is an opportunity to bring all the groups that we currently have together under an umbrella organisation quite quickly. The Agri-Food Strategy Board has been working on it for some time, so it perhaps sees a different model. There is an urgency in relation to setting it up.

**Mr Storey:** I thank the Minister for her answers thus far. I also thank her for visiting my constituency at the weekend in relation to the agri-food industry by attending the Northern Ireland Potato Festival at the Giant's Causeway: a world-class venue to celebrate the humble spud.

Will the Minister give the House an update in relation to the agri-food processing investment grant scheme and how it will be processed in the future?

**Miss McIlveen:** I thank the Member for his question. I had a very good day in the north-west; I was also in Limavady for the International Ploughing Championships. The agri-food processing investment grant scheme has a proposed budget of £27.5 million. Its purpose is to improve the economic performance and competitiveness of the agri-food sector. This will be through capital investment in processing, marketing and/or development of agricultural products. Again,

we are working with the Economy Department and Invest NI to explore the scope and feasibility of a single streamlined offering to support the food sector. I want to make sure that we deliver a scheme that best fits the needs of the local agri-food processing sector. Let me be clear that we will take these decisions as quickly as possible, and we will start to implement the scheme as soon as possible.

**Ms Hanna:** As the Minister indicated, the need for the joint body has been established for some time, and I believe that it has been greenlit for some time. Can you outline the reasons why it has not happened to date? Is there anything that we should know?

**Miss McIlveen:** I have only been in post since May, so I am unclear as to what the processes were before that and what engagement there was with the previous Minister and DETI colleagues. All I can say is that I have given a commitment to this, there is a purpose to it and we should get behind it in order to deliver on it as quickly as possible.

**Mr Speaker:** Question 2 has been withdrawn within the time limits.

## Coastal Erosion

3. **Mr O'Dowd** asked the Minister of Agriculture, Environment and Rural Affairs to outline the actions her Department has taken to address coastal erosion. (AQO 368/16-21)

**Miss McIlveen:** I am acutely aware of the devastating effects that coastal erosion can have on people's lives. It is one of the reasons why I established a coastal forum when I was the Minister for Regional Development. I could see that we needed to deal with coastal management in a more strategic way, particularly in relation to coastal erosion. Now that I am the Minister of Agriculture, Environment and Rural Affairs, my responsibilities have, of course, changed. My Department is responsible for marine licensing and nature conservation protection, but I am still very keen to be involved. I have met Chris Hazzard, Minister for Infrastructure, and we have agreed to co-chair meetings of the forum. The forum has already identified the key issues that need to be tackled. These include the completion of a robust scientific evidence base on coastal processes in Northern Ireland and allocation of the coastal erosion risk management function. I am confident that the forum will help to deliver on those issues.

I should say that coastal erosion is a natural process, so it is going to continue. The challenge that we face is to find the best way of managing coastal change, both erosion and flooding. It is about having a clear vision of how we want Northern Ireland's coastline to be shaped, now and into the future. I assure Members that I will continue to play my part wherever possible.

**Mr O'Dowd:** I thank the Minister for her response. I acknowledge the good work that the forum carried out in the past and welcome the fact that the Minister intends to continue the forum going into the future. My supplementary question was going to be about whether the forum would go into the future, and the Minister has already answered it, so thank you.

**Miss McIlveen:** I thank the Member for his comments. I plan to have a good working relationship with DFI with regard to that. In the past, when I was in the Department for Regional Development, I had a good working relationship with the former Minister of the Environment and Minister of Agriculture and Rural Development. She allowed a representative from her Department — David Porter — to come forward, and he worked very well in that group. Establishing that was useful, and I hope to see it moving forward to have a meaningful outcome.

**Mr McGrath:** I thank the Minister for her work in this area. Has an assessment been undertaken to determine how many properties and how much land is affected by coastal erosion?

**Miss McIlveen:** One of the issues that we have is lack of data. That is one of the things that we need to look at when we do our scoping exercise, particularly around the terms of reference and how we move forward in order to achieve that. Various groups are collating their own information, and we have a lot of science work and research being carried out by universities. Individual councils are also carrying out work. DFI is doing work, particularly around the structural infrastructure side of things. It is about bringing that together so that we have a full view of the impact, and potential impact, that this will have as we go forward.

**Mr Dunne:** The Minister will be aware of coastal erosion around parts of the north Down coast, particularly the Cultra, Craigavad and Kinnegar areas of Holywood.

Recognising that, does she see the need for coordination between the various agencies and

clear definitions of responsibility, particularly between the Department for Infrastructure, DAERA — her Department — and the local council?

**Miss McIlveen:** I thank the Member for his question. Absolutely. In my previous role, I met the Member with regard to the issues at Kinnegar. He will also be aware that coastal flooding is the responsibility of the Department for Infrastructure. Kinnegar has been identified as at risk of flooding during extreme tidal events and is included in the coastal flood response plan. It is important that various agencies work together and are at a place where they can react quickly to flooding, particularly in areas such as Kinnegar.

**Mr Nesbitt:** I invite the Minister to join me in applauding the work of the Ards Peninsula Coastal Erosion Group. Can she update us on whether it is likely to secure two of its key objectives, namely a fit-for-purpose policy to replace the discredited Bateman formula and securing a lead Department for coastal management issues?

**Miss McIlveen:** I thank the Member for his question. As a fellow member of that group who attended a number of meetings, I absolutely want to acknowledge the work of Eric Rainey, Sandra Henderson and others involved. They really have brought this to the attention of the House. On the back of that, I was delighted that I could move that forward. That group was represented in the initial meeting that I had of the coastal forum. I want to use the template that they established with regard to community action. I have spoken to Members from other constituencies, and I think that it is very important that we get that from a grass-roots perspective. The community is our eyes and ears along the coastline.

With regards to Bateman and having a lead Department, you will understand that part of the terms of reference that we are establishing for the forum will address those concerns. I am not clear whether we need a lead Department at this stage. My Department working in partnership with DFI may in itself be adequate. Again, that is something that we can explore as we go. Obviously, by doing that, we have reduced the number of Departments that will naturally be involved anyway. It is something that we can explore. We are on a positive pathway to that.

**Ms Armstrong:** Thank you very much, Minister, for your information to date about coastal erosion. When the scoping exercise is

being carried out, obviously there will be consideration of a budget going forward. Will rural proofing be brought in, so that the small number of businesses that suffered £1 million worth of damage along the coast can finally be included in some of the payments?

**Miss McIlveen:** I thank the Member for her question — again, a fellow member of that group and a constituency colleague. Scoping is something that we will have to look at as we move forward. I am the Minister who is responsible for the Rural Needs Act, and rural proofing will be part of that. It is early days as regards what that will look like, particularly what funding will be required for coastal erosion. Some of that may fall under the Department for Infrastructure, particularly the coastal flooding aspect of things. Again, it is something that we will need to look at.

## Farmers: Poor Weather

4. **Mr McKee** asked the Minister of Agriculture, Environment and Rural Affairs for her assessment of the implications for farmers of the poor weather conditions in large areas of rural Northern Ireland over recent months. (AQO 369/16-21)

**Miss McIlveen:** I am fully aware of the impact that the recent poor weather has had on farms across Northern Ireland, particularly in the north and west of the Province. Unsettled weather during the summer months has resulted in difficult conditions for silage making, slurry spreading and the harvesting of arable crops. In localised areas, cattle have been housed earlier than usual, which means that feed and forage are already being used, at an additional cost to the farmer, and the harvesting of spring cereal crops has not yet been completed. Also, much straw has still to be baled, and progress with the potato harvest and the sowing of winter cereals has been slow. All those issues combined to have an adverse impact on cash flows on farms.

In June, as the Member will be aware, I announced my commitment to pay at least 95% of eligible basic payment scheme applicants in December, and I confirmed that I would introduce advance payments this year from 16 October. That will undoubtedly help farmers to meet the financial challenges that arise as a result of the recent poor weather. In addition to that, CAFRE advisers are available at business development group meetings to discuss with farmers and growers how their business might respond to the impact of poor weather conditions. CAFRE will also deliver feed

efficiency and business management workshops in the areas worst affected by poor weather conditions during the autumn and winter. Further guidance is available on the DAERA website that will help farmers to plan for a good supply of fodder for the winter months ahead and to make the best decisions for their farm businesses.

**Mr McKee:** Thank you, Minister, for your answers thus far. The problem has been exacerbated by further bad weather over the last fortnight. In addition to a likely shortage of second-cut fodder becoming a serious problem, there is the increasing pressure of slurry tanks not being emptied. Will the Minister now agree to extend the slurry-spreading period to allow farmers to have their tanks emptied in an environmentally safe way?

**Miss McIlveen:** I thank the Member for his question. I am aware that calls have been made for farmers to be granted a dispensation to spread slurry during the closed period, which comes into force at midnight on Saturday 15 October. There is no legal provision in the Nitrates Action Programme Regulations (Northern Ireland) 2014 to grant a complete waiver. I want to be clear that, in exceptional circumstances beyond the control of and not foreseeable by an individual farmer, a defence may be made for non-compliance with some of the requirements of the NAP regulations, including spreading organic manures during the closed period.

The challenges faced by some farmers over recent months as a result of high rainfall and the severe weather conditions in 2015 have been exceptional; therefore, where a farmer has reasonable cause to spread after the end of the season, the farmer will be able to spread. Such cases would be considered by the NIEA on a case-by-case basis and must be evidence-based, showing that the farmer had taken all reasonable steps to manage the situation and was left with no alternative. I encourage farmers who are experiencing particular difficulties to speak either to their DAERA adviser or to the local farming organisation.

**Mr Speaker:** I remind Members wishing to ask a question that they need to rise continually in their seat.

**Mr McPhillips:** I thank the Minister for her answers so far. I come from Fermanagh, where we get our fair share of wet weather, and some farmers in my constituency still have to harvest their grass. Will she outline what recent discussions she has had with representatives of

the farming sector on measures to minimise the impact of the poor weather conditions on farmers?

**Miss McIlveen:** I thank the Member for his question. Obviously, as I said in answer to the previous question, I have had conversations about how we can assist farmers moving forward. I have met the Ulster Farmers' Union — I meet it regularly — and I plan to go to Fermanagh later this week to speak to local groups from the Ulster Farmers' Union. Those discussions will be ongoing. While the weather is starting to improve, that does not necessarily mitigate all their concerns. I will be in a better place after Thursday.

**Mr K Buchanan:** I thank the Minister for her answers so far; indeed, I commend her for giving some help to farmers. Unfortunately, it rains not only in Fermanagh but in Tyrone. I have just one additional point: is it possible for landowners who have surplus grass to allow other farmers to graze that land over the coming weeks?

**Miss McIlveen:** For direct payments and areas of natural constraint (ANC) payments, farmers need to demonstrate that they actively farm all the land that they have claimed. That can be done by demonstrating that they have the decision-making power, the benefits and the financial risks for the majority of the agricultural activity carried out on the land. Where the farmer has carried out substantial amounts of agricultural activity on the land during 2016, permitting someone else to graze the land for six to eight weeks is unlikely to undermine their ability to meet the requirement. That may not be the case if a farmer with surplus grass has carried out little or no agricultural activity on his land in 2016. I recommend that any agreements are documented so that farmers can then provide the necessary evidence to ensure that they demonstrate the agricultural activity they have carried out on the land during the year.

## Snares Order (Northern Ireland) 2015

5. **Lord Morrow** asked the Minister of Agriculture, Environment and Rural Affairs to outline her plans to implement the Snares Order (Northern Ireland) 2015. (AQO 370/16-21)

**Miss McIlveen:** The Member may recall from his role on the Environment Committee that there was a commitment to place further restrictions on the use of snares. That commitment was to be achieved through the

snare order, which was subject to affirmative resolution. The order was laid in October 2015, however the Assembly's approval was not sought during the previous mandate to bring the legislation into force.

I intend to complete the legislative process, which will require a revised order due to the timescale involved since the previous order was laid and the subsequent new Assembly structure. That approach will ensure complete transparency in the process.

I am conscious that many organisations and individuals see the use of snares as inhumane treatment of wild animals. Indeed, some would like them banned altogether. However, there is a need to protect farm animals, game birds and other species from predators, such as foxes, at certain times of the year. The use of snares provides an effective and practical means of providing that protection. I feel that the additional safeguards in the snares order should help to negate the concerns of those opposed to the use of snares, as the additional restrictions are intended to reduce suffering.

**Lord Morrow:** I thank the Minister for her answer. I detected from it that the matter lay dormant with previous Ministers, who seemed to refuse to do anything about it. That is regrettable, and it would be good to hear why they did that. Minister, will you outline to the Assembly what the position will be if you do not complete the legislation?

**Miss McIlveen:** I thank the Member for his question. Obviously, if the order is not actioned, we will have the status quo. The current levels of protection, which are beneficial, will remain, but they are limited, including, for example, the requirement to inspect set snares once every 24 hours. The additional restrictions that the order would bring, such as snares having to be fitted with permanent safety stops, are, I feel, required. The purpose of a stop is to prevent the noose closing too far and inflicting damage to the caught animal, particularly through strangulation. I imagine that this and other restrictions would be welcomed by responsible landowners and those who see snaring as an indiscriminate means of pest control. I do not find the status quo acceptable.

**Mr Lyttle:** A snare is a loop of wire that tightens around the leg, body or neck of any animal caught by it. That can include foxes, hares, badgers, deer and, at times, pets such as cats and dogs. Polls have found that around three of four people in Northern Ireland support a

total ban on snares. Why is the Minister not minded, therefore, to introduce a total ban?

**Miss McIlveen:** I thank the Member for his question. Personally, I have sympathy for the calls to ban the use of snares outright. However, as mentioned, a practical approach to land management is needed. Young lambs are susceptible to fox predation, as are game birds and other species, and farmers and gamekeepers require a practical and effective means of vermin control. The alternatives are not viable: the use of poison is potentially prohibited, less targeted and more inhumane. It is not reasonable to ask landowners to patrol their fields with shotguns at night, when foxes are most active, and it would also be costly and potentially dangerous to allow others to do that work on a large scale on their behalf.

As you will be aware, a complete ban was discussed during the debate on the Wildlife and Natural Environment Bill, which went through the Assembly in 2011. It was debated at length and rejected. The new legal requirements will help to promote best possible practice in the use of snares, but I have sympathy for the Member's comments.

## **Brexit: Agri-food Sector**

6. **Ms S Bradley** asked the Minister of Agriculture, Environment and Rural Affairs for her assessment of the impact on the agri-food sector of the decision by the United Kingdom to leave the European Union. (AQO 371/16-21)

**Miss McIlveen:** A full assessment will depend on new arrangements that will be put in place and on how well we can exploit the opportunities that leaving the European Union will present. Since the referendum in June, we have seen a positive impact on the Northern Ireland agri-food sector. There has been a significant depreciation in the value of sterling, compared with the euro and the dollar, and that continues to be beneficial to exporting companies, and that devaluation has had a positive impact on the value of basic farm payments to farmers. As I announced last Friday, the total value of 2016 basic payment scheme and greening payments is 16.5% greater than in 2015, resulting in a boost to the total net value of 2016 direct payments to local farmers of £39 million compared with 2015.

As I said during questions two weeks ago, most farm-gate prices have also improved, partly as a result of exchange rate movements. That is encouraging, and we can say that the early impact of the vote to leave has been positive for

agriculture. The longer-term impacts remain to be seen, but I intend to do all that I can to protect and promote the interests of the Northern Ireland agri-food sector in the forthcoming negotiations. I intend to be closely and directly involved in the domestic agricultural, environmental, fisheries and trade policy agendas as they unfold in order to maximise the opportunities that we will have from leaving the European Union.

**Ms S Bradley:** I thank the Minister for her answer. I applaud her optimism, although I do not fully share all of it. Is it now time for us to have a more balanced debate? Should we be forced to leave the EU against the will of the people of Northern Ireland, is it not realistic that we should start to look at the risks and threats that exist, particularly for those who work in the agri-food sector?

**Miss McIlveen:** I thank the Member for her question. If she missed it, the UK voted to leave. I do not want to refer to her in the same way that the First Minister referred to "Remoaners", and I hope that she is not falling into that category. However, there is no doubt that there are conversations that need to be held, which is why my Department is working hard on them. I have established a consultative group, and I now regularly meet colleagues in the various jurisdictions, and that work will continue. We are not going to redo the referendum. The referendum result was very clear: we will be leaving the European Union.

**Ms Gildernew:** Has the Minister raised the concerns of the agri-food industry with the British and Irish Governments around the issues of exports and the workforce?

**Miss McIlveen:** I thank the Member for her question. I have; I held the first meeting with the agri-food sector just a couple of days after the result was known. Those were the issues that were highlighted to me, and they were the basis for most of the conversations that I have had with Minister Creed in the Irish Republic and with George Eustice, Andrea Leadsom and David Davis, the Secretary of State. While it is accepted that there are issues with those matters, those conversations will need to continue. They have been highlighted by me and by other colleagues, who are very aware of them.

**Mrs Dobson:** Following yesterday's announcement by the Prime Minister that we now have a time frame for triggering article 50, will the Minister update us on a proposed time frame for negotiations on key agri-food support,

such as a new basic payment scheme and rural development programme?

**Miss McIlveen:** I thank the Member for her question. As she indicated, that announcement was made yesterday, and, obviously, we are at today. My Department has been working over the last number of months on the issues pertaining to it, and that work will continue. Over the next number of months, we will have other conversations with George Eustice, Andrea Leadsom, David Davis and so on. I have invited George Eustice to Northern Ireland, and he is planning to visit in the next number of weeks. We are still at a very early stage with regard to a timescale for what the basic payment will look like, but I assure the Member that we will be looking for the best outcome for Northern Ireland.

**Dr Farry:** In light of the very particular characteristics of the Northern Ireland market, such as the number of businesses that conduct their activities on a North/South basis and the scale in our economy relative to other places, what is the Minister's assessment of the best model for Northern Ireland agri-food's future trading arrangements?

Is it the single market? Is it the Norwegian model? Is it WTO rules? Is it something else? What is her view on the best way forward for a trading regime for the local sector?

**3.15 pm**

**Miss McIlveen:** I thank the Member for his question. Again, those are scenarios that we are looking at when considering what is particular to Northern Ireland, especially given the issues around our land border, which, in itself, is peculiar to this part of the United Kingdom. I do not want to get into a position where I tie myself to a particular scenario at this stage. It is still early days, but I am happy to share it with the House once it has been scoped out.

**Mr Speaker:** That ends the period for listed questions. We now move to 15 minutes of topical questions. The Member listed to ask question 1 has withdrawn his name.

### **Carrier Bag Levy: Review**

**T2. Mr Stalford** asked the Minister of Agriculture, Environment and Rural Affairs to outline the term of reference for, and cost of, the review into the carrier bag levy. (AQT 267/16-21)

**Miss McIlveen:** I thank the Member for his question. As he will be aware, we have committed to delivering a statutory review of the carrier bag levy by April 2017. It will be conducted on behalf of my Department by business consultancy service, which is a division of the Department of Finance. The terms of reference of that review will be to look at three options: maintain the existing arrangements; discontinue the existing levy and remove the 5p charge; and, finally, increase the levy to 10 pence for all bags with a threshold extended to 40 pence. The Member also asked the cost of the review. It is costing £29,948, which in itself is not insignificant.

**Mr Stalford:** What has the impact been from the funding that has been raised by the levy in the most important constituency in Northern Ireland, South Belfast?

**Miss McIlveen:** I thank the Member for his question. Obviously, it has had an impact across Northern Ireland. In previous years, a challenge fund was run by the former Department of the Environment, and this was really to look at enabling schools and community groups to support and deliver small-scale projects to improve the local environment and to provide environmental education. A number of groups have benefited from the fund in the past. The Mornington Community Project received £8,000 spend. The Greater Village Regeneration Trust received £7,454, and Windsor Women's Centre received £7,998. That was a total of £23,452.83. I am considering our options around launching a challenge fund for this year. I am looking at that alongside the priorities for expenditure. I found that that was a useful project, and I know that communities and schools felt that it was of value.

## **Brexit Consultative Committee**

T3. **Mr Murphy** asked the Minister of Agriculture, Environment and Rural Affairs to state the relevant stakeholders from her side on the Brexit consultative committee that has been set up between her Department and the Department for the Economy. (AQT 268/16-21)

**Miss McIlveen:** I thank the Member for his question. They were all relevant from my side. They are: the Agri-Food Strategy Board, the Northern Ireland Grain Trade Association, Dairy UK Northern Ireland, the Northern Ireland Meat Exporters Association, Environment Link, the Ulster Farmers' Union, the Northern Ireland Fish Producers' Organisation, the Northern Ireland Agricultural Producers Association and

the Northern Ireland Food and Drink Association. I also had David Dobbin represented, who is an EU agricultural task force member. Moy Park was also represented on that committee.

**Mr Murphy:** I thank the Minister for her answer. Undoubtedly, there are a lot of people with a lot of experience on that, but there seems to be one gap in relation to rural groups, who, obviously, are very important in delivering economic and social outcomes on the ground and will be heavily dependent on EU funding for their existence and to assist in the good work that they provide on the ground. Will the Minister look to that gap in provision on this group and see whether there is an opportunity to fill it with some of the people who have that experience?

**Miss McIlveen:** I thank the Member for his question. I recognise that there is that gap, but this particular group is the agri-food and environment consultative group. I was very much aware that rural groups were not included, but I did not feel that this group was appropriate for them. I have met with the rural groups and have given them my assurance that they will be involved in the conversation, but there is probably a more appropriate forum for them to have a conversation with me and my officials. It was the same with the environment side. The Northern Ireland Environment Link (NIEL) is the representative, as an umbrella group, for the environment sector, but the group is weighted to the agri-food side. I have given the environment groups a commitment that their voices will not be lost either and that there will be appropriate engagement with myself and my officials on the environmental side. So, I have considered that, but I did not feel that this particular group was the best place for their voice to be adequately heard.

## **Paris Agreement: NI Role**

T4. **Ms Bradshaw** asked the Minister of Agriculture, Environment and Rural Affairs what discussions she has had with Whitehall about Northern Ireland's role in meeting the objectives of the Paris agreement that will come into force in 2020, given the recent conclusion of Northern Ireland Environment Week. (AQT 269/16-21)

**Miss McIlveen:** I thank the Member for her question. At this stage I have not had any discussions directly, but I am more than content to do so.

**Ms Bradshaw:** Thank you for your answer. You will be aware that all regional and

subregional authorities are required, under the agreement, to scale up efforts to build resilience to the effects of climate change. Will you give me any indication of how you plan to meet those objectives?

**Miss McIlveen:** I thank the Member for her question. Obviously, Northern Ireland is making good progress with regard to reducing its emissions. The latest greenhouse gas inventory, which was published in June 2016, shows a reduction of 17.4% from 1990 levels. We are also on target to meet the targets set by the previous Programme for Government, including a reduction of 35% on 1990 levels by 2025.

The Member will also be aware that I launched the implementation plan to reduce emissions in the agri-food industry last week, so we are working towards the implementation of that. There is also considerable work being done, particularly in the farming sector. She might be aware of the sustainable land use strategy, which is being developed by John Gilliland and an independent group, and I am looking forward to receiving that within the next month to six weeks.

**Mr Speaker:** Question 5 has been withdrawn.

### **Brexit: Loss of Income for Farmers**

T6. **Mr Lynch** asked the Minister of Agriculture, Environment and Rural Affairs whether she has any detail on the potential loss of income to farmers as a result of Brexit, given that, in answer to a number of questions, she has mentioned the work that her Department has been doing around Brexit. (AQT 271/16-21)

**Miss McIlveen:** I thank the Member for his question. The current situation is positive, as he would have noted in my response to the question from Ms Sinéad Bradley. Exports are much more competitive as a result of the euro/sterling exchange rate. Sheep prices and cattle prices have increased, as have pig prices, over the last year. You will also be aware of the basic payment increase of 16.5% on last year, which accounts for an extra £39 million to the Northern Ireland economy.

**Mr Lynch:** I thank the Minister for her answer. Can she guarantee farmers that they will be better off financially as a result of Brexit?

**Miss McIlveen:** In the short term, they are better off. In the long term, there would be absolutely no guarantee that they were going to

be better off even if we remained in the European Union. It is very early days, and I cannot forecast that.

### **NIEA: Farmers' Concerns**

T7. **Mr Aiken** asked the Minister of Agriculture, Environment and Rural Affairs whether she is aware of any concerns that have been raised by farmers' groups or the Ulster Farmers' Union about the current practice and procedures of the Northern Ireland Environment Agency. (AQT 272/16-21)

**Miss McIlveen:** I thank the Member for his question. Obviously, there are ongoing discussions with regard to the Northern Ireland Environment Agency (NIEA) and farmers. You will be aware that the Ulster Farmers' Union and NIEA are looking to reach a memorandum of understanding (MOU).

Hopefully, we will work towards that and there will be a positive outcome for everyone. I am not sure whether the Member has a particular issue or example in relation to that, but I am happy to discuss it with him.

**Mr Aiken:** Thank you very much, Minister. I am delighted that an MOU will be signed. However, I am having some difficulties in South Antrim and wish to facilitate a meeting with the CEO of the Northern Ireland Environment Agency. I understand that there are some issues with the visit being cleared through your office. I would appreciate it if that meeting could be facilitated as quickly as possible.

**Miss McIlveen:** I thank the Member for his question. I am content to facilitate any meeting, but he and the House need to recognise that much of what NIEA does and what it implements is on the basis of European directives. We need to be clear on that and the flexibility around it.

**Mr Speaker:** Question 8 has been withdrawn.

### **EU Milk Production Reduction Aid Scheme**

T9. **Mr Lyons** asked the Minister of Agriculture, Environment and Rural Affairs for an update on Northern Ireland uptake of the EU milk production reduction aid scheme. (AQT 274/16-21)

**Miss McIlveen:** I thank the Member for his question. The Rural Payments Agency has

confirmed that there have been 611 applications from Northern Ireland. Production reduction will take place in the period from October to December of this year. That equates to 22% of dairy farms in Northern Ireland. The total volume reduction will equate to 21.37 million litres, which is a 4.17% reduction compared with last year.

**Mr Lyons:** I thank the Minister for her answer. How does that reduction compare with the rest of the United Kingdom and the Republic of Ireland?

**Miss McIlveen:** It equates to 33% of the total UK applications and 20% of the UK volume of reduction. There were 892 applications in England, 194 in Wales and 154 in Scotland. The UK submitted the eighth highest number of applications to the EU and the third highest quantity of proposed reduction. The comparison with the Republic of Ireland is that they had the third highest number of applications and the fifth highest quantity. I inform Members that the closing date for the second tranche will be 12 October, so this is a scheme that is ongoing.

**Mr Speaker:** Mr Gerry Kelly is not in his place. Time is therefore up. That concludes Question Time. I invite the House to take its ease while we make a change at the top Table.

*(Madam Principal Deputy Speaker [Ms Ruane] in the Chair)*

## Private Members' Business

### Scrambler and Quad Bikes

*Debate resumed on motion:*

*That this Assembly calls on the Executive to review the current legislation governing scrambler and quad bikes; and further calls on the PSNI and other responsible agencies to ensure that the current legislation governing these machines is enforced in a robust way. — [Ms J McCann.]*

**Mr Hazzard (The Minister for Infrastructure):** I thank Ms McCann and her colleagues for bringing this important motion to the Floor. The fact that we do not have a divided House, that voices from all corners of the Chamber spoke in unison and that there is an acknowledgement that there is no silver bullet on the issue and, from all sides and all corners and in all forums, we need to work together is a positive

development. At the outset, I also wish to add my sincere condolences to the family of Valerie Armstrong, who sadly lost her life after being struck by a scrambler. Her needless death leaves three young children without their mother. All of us in the House must consider how best to take action to ensure that that type of tragedy never happens again.

Under current arrangements, my Department's remit extends to the regulation of on-road vehicles only. However, as Minister for road safety, I welcome the opportunity to take a lead role in the debate and share the concerns of the MLAs who have brought the issue to the Floor of the Assembly. We need to do all in our power to tackle what appears to be a growing problem. I am prepared to play my part, and I believe that an overwhelming number of Members feel the same.

### 3.30 pm

The law, as it stands, is relatively simple. If you wish to use a scrambler or quad on the public road, you must have an appropriate driving licence and insurance and the vehicle must be type-approved and meet the necessary safety standards. It must be registered and display a number plate, and you must have paid your vehicle excise duty. If you cannot fulfil those conditions, you may use the vehicle on private land if and only if you have the clear permission of the landowner. You may not ride the scrambler or quad in parks, on footpaths or on land belonging to any public body. I understand that the PSNI considers that current legislation provides sufficient powers to take action against those who illegally use scramblers or quads off-road but the difficulty lies with detecting and catching offenders.

I recently met Ms McCann to discuss the issue, and I am aware that she has also met the Justice Minister to voice her concerns. It is clear that, whatever the legislation might say, we have a growing problem with the illegal and antisocial use of the vehicles. They are being imported in increasingly large numbers and can be bought cheaply. Many are being bought by parents for young children. The problem is not limited to the North of Ireland, and I have looked across these islands to see how other jurisdictions are dealing with it. The legislative framework is broadly similar in the South and in Britain, in that on-road use is regulated and off-road use is only with the permission of landowners. Media and newspaper reports make it clear that effective enforcement is an issue for all of us in all jurisdictions.

During my meeting with Ms McCann, we discussed the introduction of a registration scheme for these off-road vehicles; in effect, that would extend the current scheme for on-road motorcycles. The potential advantage of registration at the point of sale would be to make it clear, particularly to parents, that such vehicles are not toys. It would enable us to monitor the number of vehicles in circulation and easily identify owners. However, it is unlikely to resolve the practical problems around enforcement. The introduction of such a scheme would require powers that have not been devolved to the Assembly. I am aware that, in Britain, several attempts have been made to legislate to require all off-road motorcycles to be registered. As this is an excepted matter, the proposed schemes would have to be extended here. All of those attempts have faltered, mainly, it seems, due to the failure to address the enforcement issue. The Association of Chief Police Officers does not believe that a registration scheme would be viable. That is because there is not an established, reputable dealer network to ensure registration at the point of sale and because identifying marks can be easily removed from the vehicles. The Motorcycle Action Group and the Motorcycle Industry Association also believe that a registration scheme would be unworkable and that the real issue is the lack of enforcement of the current law.

Against that background, I am unconvinced that the answer lies solely in legislative change. Nevertheless, I would not rule it out at this stage and will keep the legislation available to us under review. I am happy to work with Members and communities to strengthen the legislation that we have at our disposal. It is also important to bear in mind that the success of any legislative change would depend on our ability to use it to change behaviours. Traditionally, that is achieved at least partly through enforcement, and I note that the motion calls on responsible agencies to ensure that the current legislation governing these regimes is enforced in a robust way. Under current legislation, the PSNI has the power to seize and dispose of vehicles and to prosecute riders for a range of road safety offences. In certain circumstances, parents and guardians can also be reported for prosecution or issued with a fixed penalty notice.

I have already held a brief discussion with the Justice Minister, who shares my concerns and determination to take some positive steps to address the matter. We discussed potential options and are keen to explore those further in the months ahead. One area that could be addressed immediately is education.

Realistically, we cannot have a police officer on every corner. Enforcement is important, but the PSNI cannot do this alone.

**Mr Humphrey:** I am grateful to the Minister for giving way. I agree entirely with the Minister on that very point. A number of Members referred to the police: the police cannot tackle and address this on their own, because there is an issue of resource and enforcement and so on. I welcome the Minister saying that he had a joint meeting with the Minister of Justice on the issue.

I think that the only way that we can tackle this is if there is a round-table approach and a joined-upness across government and with the councils and police. Would the Minister welcome such an initiative?

**Mr Hazzard:** I thank the Chair of the Committee for his remarks. Indeed, this will have to be done in partnership, not just between MLAs and government but, of course, with our councils, which are very often the landowners and control the land that a lot of this is taking place on. I am more than happy to work in conjunction with the Justice Minister and councils as we go forward.

At my meetings with Ms McCann and the Justice Minister, we also discussed the development of an awareness campaign. I note that the policing and community safety partnerships have already taken a step in this direction with the publication of an advice and information leaflet that sets out the law. It also contains a section aimed at parents, and that is vital. All too often, parents buy these vehicles for their children without giving any thought to where and how they will be used. The vehicles are not toys and, as we have seen, can be lethal weapons if not used considerately and in line with the law.

I want to widen the awareness effort and will work with the Justice Minister to explore what we can do jointly on the development of a campaign targeted at parents who have purchased or may be thinking of purchasing a scrambler or quad for their children, particularly in the run-up to Christmas. I am also keen to raise awareness that it is a community issue and that we can all help to make a difference. If you see someone riding one of these vehicles illegally, please call 101 with a description of the bike and the rider. Those who are breaking the law in that manner need to realise that their neighbours will not tolerate that sort of antisocial behaviour.

In conclusion, the use of scramblers and quads as a leisure activity can be exciting and fun, and a number of clubs and societies across the North can give out information about where to pursue the hobby lawfully and safely. People need to stop taking risks with their own lives and those of the community around them. We must not lose sight of the pain and suffering caused by those who use these vehicles illegally without any thought of the consequences or concern for others. We must take action to address the matter now, and my Department and I will do our part.

**Mr F McCann:** I am glad that my colleague Jennifer brought the motion to the Floor of the House. It has been on the minds of many people in many areas of the North for a long time.

Just before I speak about the motion and relay what people said, we are coming into the run-up to Christmas — it was mentioned earlier — when parents will be coming under pressure from their children to purchase these machines and will be actively looking for them. About three or four years ago, I remember going onto the front of the Falls Road in my community on Christmas morning and hearing the bikes and quads coming along the road. There were a number of young people — about 11 or 12 of them — and it was like a youth chapter of Hell's Angels coming down the road at high speed. They are a novelty in many communities on Christmas Day, Boxing Day and afterwards. While some of them end up disappearing into sheds or cupboards, many more cause serious accidents, and their riders will be brought to hospital with broken arms, legs and whatever else. Pedestrians may also suffer from being run over by these machines going at speed.

One thing that was not mentioned — it is not a new phenomenon — is death driving. Last Saturday, a young man in my constituency was attacked by three people and had his bike taken from him. The bike was then used to drive at high speed around the area, putting people's lives at risk. That is an ever-increasing problem. People have said that there is legislation for theft, but a fact of life is that this can happen day and daily within communities.

The Minister spoke about education, and that is a crucial thing. If parents realised that there has to be a licence and insurance and realised all the additional costs attached, many would have second thoughts about buying these machines for their children.

Jennifer spoke about the number of adults and children who have lost their life. She said that

parents need to be more aware of the laws and talked about the impact that well-run designated sites could have.

William Humphrey spoke personally about some of the stuff that has happened in his constituency. He emphasised that this is not about stopping people enjoying scramblers; it is about reducing danger to pedestrians on the road. The focus of the House should be on the protection of life. Councils need to look at providing facilities.

Doug Beattie supports the motion. There is legislation in place, but he does not know whether it is being implemented to the full. The police say that there are enough powers; yet deaths still occur. Judges need to take stronger action, and the legislation needs to be stronger.

Alex Attwood said that everyone understands the circumstances that brought the motion to the Chamber. He said that we need to mitigate the risk of future deaths and injuries. He commended Belfast City Council for some of the stuff that it is doing and supported legislative intervention and, if required, new laws.

Trevor Lunn said that the motion is timely and that the law needs to be revised. Questions, he said, need to be asked of the PSNI, and there is no requirement to wear a helmet when driving a quad.

Pam Cameron said that quads and scramblers, when used properly, can be enjoyable. She said that the root of the problem is that legislation is not being used properly, and the robust implementation of existing powers would help.

Raymond McCartney stated that Jennifer has been fairly robust in raising the issue at the Policing Board time and again over the past couple of months. He said the legislation needs to be used in a robust manner and that we need to speak to the PSNI to find out how it would enforce any new legislation. He went on to describe how the police had seized scramblers and quads in his constituency. Paul Girvan said that many of us have been contacted about the misuse of these bikes. The responsibility is on parents when buying scramblers. We need to understand the difficulty for landowners, who may not know that people are using their land illegally and yet could find themselves with serious problems if someone is seriously injured or worse.

Roy Beggs said that some parents might already be contemplating buying a quad or a

scrambler at this time of year. They need to understand the serious consequences. Paul Frew said that his constituency of North Antrim has been plagued with the same problem. Even in a controlled setting, these machines are dangerous. People drive recklessly on footpaths in built-up areas. Nichola Mallon said that a number of people have lost their life, some after being run down by these machines outside controlled settings. These machines can cause death and devastating injury. Enforcement needs to be robust. George Robinson said that the police need to be more proactive. The activity has been brought into focus by the death of Valerie Armstrong.

The Minister laid out the legislation. The PSNI has said that there is enough legislation already to deal with the problem. Detection and enforcement are the problems. He does not rule out legislative change, but he feels that education is crucial. That has run through the contributions: the protection of life and the education of parents. As William Humphrey and others said, maybe together we can find something that allows us to deal effectively with this growing problem.

*Question put and agreed to.*

*Resolved:*

*That this Assembly calls on the Executive to review the current legislation governing scrambler and quad bikes; and further calls on the PSNI and other responsible agencies to ensure that the current legislation governing these machines is enforced in a robust way.*

## **Epilepsy Service Provision**

**Madam Principal Deputy Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes in which to make a winding-up speech. All other Members who wish to speak will have five minutes.

**3.45 pm**

**Mr Robinson:** I beg to move

*That this Assembly commends the work of the Assembly all-party group on epilepsy and the Northern Ireland advisory council of Epilepsy Action; and calls on the Minister of Health to establish a patient-led approach to epilepsy service provision, with particular emphasis on the protection and extension of epilepsy nurse*

*specialists, and the creation of a database that will enable service provision to be directed towards the most used service areas for the benefit of the 20,000 people in Northern Ireland who live with epilepsy and their families, and to ensure the best use of resources.*

I declare an interest as chair of the all-party group. I welcome the opportunity to bring the debate to the House and to highlight issues that need to be addressed in order to ensure a positive future for people living with epilepsy and value-for-money, targeted health services. I must begin by paying tribute to all those in the medical profession who are grossly overworked but still care without complaint for people who have epilepsy. Neurologists, specialist nurses and the Epilepsy Action advisory council for Northern Ireland all work diligently to improve lives, health services, and public awareness of the condition.

The motion calls for the creation of a database especially for people with epilepsy, as that would be the cornerstone of future service development. Most debates are littered with impressive facts and figures about service provision, patient numbers and even mortality rates. However, those facts cannot be used today because they do not exist: no definitive information is gathered on a Northern Ireland-wide basis about the number of people who live with epilepsy, misdiagnosis, or the incidence of sudden, unexpected death from epilepsy. We need a database; we need facts in order to accurately deliver services to people with epilepsy.

In June, the new Minister told me in answer to a written question that there are no plans to develop a database specifically for epilepsy. There are databases for renal cancer and for MS patients, and I welcome those because they accurately inform the Department how to plan future services. Minister, in 2014, 35 people died in Northern Ireland as a result of epilepsy. That is unacceptable. With any other condition, there would be a public outcry. This debate is partly about preventing those deaths. It is up to you to spearhead the solution. I ask you to do that.

A major step is making a database the central core of service planning for the future. The all-party group report points out that exact figures were not provided by any trust on many issues. I ask the Minister to plan a database as a matter of urgency to address the situation. That single action will lead to service development that benefits patients and saves money.

**Madam Principal Deputy Speaker:** I thank the Member for his contribution.

**Mr Milne:** I am grateful to the Member across the way for bringing the motion before the Assembly. I welcome the opportunity to speak on this very important issue and also to acknowledge the work and commitment of the all-party working group, Epilepsy Action, and all those who treat and support people living with epilepsy. The role and value of those who provide care, both medical and in the home, cannot be overestimated.

When we think about epilepsy, we think about seizures, but that, to some extent, simplifies the condition. It masks the fact that there are over 40 different types of epilepsy and therefore at least 40 different types of seizure. It masks the difficulty in finding the right diagnosis, and therefore the right treatment, for individuals, and the frightening and confusing experience that it is for those who are affected and those around them. Epilepsy is a serious condition that affects people of all ages. Many are born with it and others will develop it in later life, usually as a result of a stroke, brain surgery or injury. Depending on the severity of the condition, it can impact on a person's career choice, independence and ability to drive, to mention just a few.

Sufferers have a right to expect the best possible care available. Self-care, a healthy lifestyle and timely reporting are important elements of managing epilepsy, but so too is having the right support at the right time.

The motion calls for:

*"a patient-led approach to epilepsy service provision, with particular emphasis on the protection and extension of epilepsy nurse specialists".*

Epilepsy Action, in a recent paper, highlighted the value of those nurses in providing patient advice and support in managing their condition. It also pointed to the potential cost savings as a result of fewer hospital admissions and follow-up appointments with GPs and consultants.

Understanding your condition and treatment, face-to-face support, and appointments at intervals appropriate to your care needs are important elements of a patient-centred approach. From the information given, I can certainly see the advantages of that focused and well-informed service, and I commend the nurses who are fulfilling those roles.

The motion also calls for the creation of a database, or epilepsy register, that would assist

in targeting provision and cover all health trusts in the North. While I have no doubt that patient records are maintained and kept to a high standard, a database that records additional information, or, indeed, similar information in a different format, allowing it to be compared and utilised for service planning, research and to support individual clinical care is certainly not without merit.

The motion is effective in highlighting these issues and in raising awareness of the complexity of the condition. I thank the Member across the way for proposing the motion, and I support it.

**Mrs Dobson:** I welcome the opportunity to contribute to the debate as a member of the Health Committee and the all-party group on epilepsy.

As has been highlighted, epilepsy affects an estimated 20,000 people in Northern Ireland. In my family, my nephew Matthew lives with it every day. A smaller number of those people receive monthly treatment. However, services continue to struggle to cope with current numbers, so it is clear that there needs to be improvement. As was articulated by Members during the previous debate on epilepsy, in May 2013, there are shortages in the number of medical staff needed to deal with this speciality.

For so many affected by epilepsy, self-care is an integral part of daily life. This often involves family members, friends and work colleagues who know the condition, the triggers and how best to look after their loved one during an epileptic episode. This can lead to constant worry and concern, and really makes the need for increased research and family support for people once diagnosed.

The effect of epilepsy on self-esteem, especially for young children, must never be overlooked. We know that epileptic episodes can often be triggered by work, especially long hours, or when people are under stress. However, that is for those who are able to continue their career.

Looking into the issue ahead of this debate, I was disappointed to learn that, despite the question being asked in the House, there are no plans to develop a database for epilepsy patients. It is also concerning that, historically, the Department does not collect data for expenditure on epilepsy services as that cannot be broken down within neurology. Add the fact that the Department could not provide information on the number of patients who have

presented at emergency care departments, and that makes a firm case for change.

We cannot hope to manage what is not being effectively measured. That is why it is important, as the motion suggests, to bring forward a database that will enable service provision to be measured, and, therefore, targeted.

I agree with the motion in endorsing the important work of the all-party group on epilepsy and the expert support of Epilepsy Action NI. Its report, produced in autumn 2014, into epilepsy service provision across the five local trusts brings out a number of interesting findings. However, the most noticeable issue is that information on epilepsy varies from trust to trust, especially regarding the frequency of epilepsy and neurology clinics.

The report also argued for the need to expand the use of, and investment in, specialist nurses. This could alleviate some of the pressures experienced by consultant neurologists. However, the conclusion, which focuses on the modernisation of neurology, is the most helpful. One trust suggested that this would require ground structures, people and information to allow management of chronic epilepsy in the community, with timely and relevant support from specialist staff in hospitals. It also focuses on the need for a clear pathway of referral from primary to secondary care and, crucially, a Northern Ireland-wide database to maintain records for people with epilepsy. However, a database cannot stand alone; it should be the start of measuring what is currently not being managed as efficiently and effectively as it could be.

In conclusion, we had a debate in the Chamber in 2013 and an important report by the all-party group in 2014. Action must therefore follow. We have had the debate, the conclusions and the working groups, so I look forward to the Minister's contribution and, I hope, assurances that action will follow. I once again commend those who tabled the motion for raising the issue in the House, and I truly hope that a patient-led approach will follow.

**Mr Durkan:** I also support the motion and would like to congratulate the proposer and members of the all-party group on Epilepsy, who have worked hard and worked together to bring the motion here today. It is something that I expect everyone to be singing from the same hymn sheet on. For that reason, I am not going to speak for too long today. I know that my colleague Gerry Mullan, who is a member of the all-party group, will speak later in the debate and make some more substantive points.

Regarding the condition itself, and the impact that epilepsy has on individuals — a few Members have referred to that — it is fairly evident that this condition can be extremely debilitating. However, on reading through the information pack, I was surprised at just how common epilepsy is and how many people we see every day and possibly talk to every day who are living with the condition and doing their best to keep it invisible. However, it needs to be treated; they need to be treated. They need to have the security of knowing that they will be taken care of, that their condition will be managed and that they will be helped to manage their condition. That is why I think that a database is not a particularly big ask, and I do not think there should be much, or any, resistance to it. It could be a cost-effective means of establishing who needs what care. It will make it easier for people to get the care that they need, and, importantly, it will make it easier for people to give the care that is needed.

The shortage of specialist staff is an issue that, I am sure, causes great concern to all MLAs. Sadly, it is not a problem that is exclusive to the condition of epilepsy.

**Mr Beattie:** I thank the Member for giving way. Would he agree with me that this is not just a case for the Department of Health but also a case for our Education Authority? When we send our kids to school, it is the teachers who identify the triggers, see the signs before a seizure and have to deal with the seizure and the after-effects of the seizure. If I can name-drop today, Mrs Leeman of Carrick Primary School in Lurgan, has just received her training for the treatment of my grandson, who has epilepsy.

**Madam Principal Deputy Speaker:** The Member will have an extra minute.

**4.00 pm**

**Mr Durkan:** Thank you. I can assure the House that I will not need the extra minute, but I certainly concur with what Mr Beattie says, and I am sure that the Minister will too. She has previously made public the importance of cross-departmental collaboration on a whole range of issues, and this is certainly one of those, given the massively important and early role that educators play in people's lives.

I will go back to the issue of the shortage of staff and a situation that materialised or developed in my own constituency a few years ago. We had a brand spanking new piece of

ECG machinery to carry out tests and give treatment to people suffering from epilepsy, however there were no nurse or staff there to use it. Day and daily, children and families had to drive past Altnagelvin on their way to Belfast to get work done and treatment given that they could and should have been getting closer to home. It would have made life a lot easier for everyone.

The report from Epilepsy Action NI is a very useful document. It highlights many issues, many — if not all — of which will be touched on today by other Members. It is very sad that a lot of these issues are not exclusive to epilepsy and you see very similar things, particularly with other neurological conditions.

To conclude, I echo Ms Dobson's call for action. It is well and good that we have these debates and raise the issues and air our concerns, however what people really want to see is action coming out of them. That is how we will be judged at the end of the day.

**Ms Bradshaw:** I support the motion. This is, of course, a very significant issue. No one here today could have any difficulty with the text of the motion, and nor would anybody deny that it is important to put it on record for the 20,000 people and their families living here in Northern Ireland. Epilepsy is a condition that does not discriminate; it can strike any one of us at any time, and it is a condition that can have a devastating impact on the quality of life and well-being of the sufferer.

Like other Members, I have no hesitation in supporting the work of the Northern Ireland advisory council of Epilepsy Action and other epilepsy support groups, and emphasising the huge importance of their work. One thing I would say, however, is that over the summer months, like many people on the Health Committee, I met different condition-specific lobby groups and charities, and with all due respect to epilepsy sufferers, this motion could be brought forward for any one of those conditions.

There is no doubt that the answers are within the motion here, in terms of wider health reform. We need expert-led multidisciplinary teams; we need more nurse specialists; we need better workforce planning and data management; and we need better use of resources. The motion is 100% correct in all of that, but to do it all, we need reform of the entire Health and Social Care service for epilepsy, and indeed, all of the other conditions. Such reform would probably deliver a type of shift left, to ensure that conditions such as epilepsy are

properly diagnosed in the first instance; to ensure that information is available to people concerned about them at the outset; and to plan support services and treatments more effectively, especially among primary care providers.

It would be interesting to know if this is the type of reform proposed in the expert panel report, as chaired by Professor Bengoa, but of course, as we know in this Chamber, we are being denied access to the report. I am grateful that the Minister is here today, and I challenge her to publish the report as soon as possible. It is important that we, as Health Committee members with an elected mandate, and many people within the sector with the expertise, should have view of it, so that we can all contribute and have a consensus on its delivery. The Health Committee Chair, who is in the Chamber as well, said at the outset of the Assembly term that she wanted the Committee to work together, but this is impossible while we are denied access to the report. I trust that, in the spirit of cooperation that she rightfully proposed, she will join me today in calling for the immediate publication of the report. It is only once we seize the need to implement a proper reform programme for Health and Social Care services, with better data and workforce planning, and more specialised and primary care cooperation, that the outcomes proposed in this motion will become a reality.

**Mr Middleton:** Like others, I begin by thanking my colleagues for bringing this important motion to the House. I want to recognise and congratulate the APG on epilepsy on the work that it has carried out to date to support and advocate on behalf of people with epilepsy. I also recognise the work of Foyle epilepsy support group and, in particular, Keith Cradden for his tireless efforts in raising awareness of the condition.

Whilst a lot of work has been done, there is still much more to do to ensure that epilepsy has its rightful place in our health system and that it is seen as a chronic condition that needs greater attention, greater support and much less stigmatisation. Many people who have epilepsy do not say that they do. When we discuss epilepsy, we always hear people saying, "My friend has epilepsy" or "I know someone who has epilepsy". With the numbers being so large, it is inevitable that we all know somebody who has the condition.

The motion calls for actions to be taken to go some way in addressing the many concerns around provision for people with epilepsy. First, there is establishing a patient-led approach.

This is important when dealing with issues directly affecting the life of an individual. Whether it is having an impact on their health, their education or their employment, the patient should have an input to the services they require. Obviously, that approach must be evidence-based.

Secondly, there is the epilepsy service provision itself. I have spoken to people with epilepsy and colleagues on the APG, and it is clear to me that they not only want to protect the services already there but want an extension of those services. That will not only help patients with the condition; it will have an impact on the wider health system through the reduction of their dependence on other specialists. More importantly, it will have an impact on the number of people who die with the condition. We need to ensure that we have the right support at every level.

There is no doubt — there should be no doubt — about the value of epilepsy specialist nurses. They provide a crucial source of support and advice and enable many patients to manage their epilepsy effectively and remain independent in the community. The APG report identified trusts in Northern Ireland that did not have those specialist nurses and looked to other trust areas for support. Without that cover locally, epilepsy patients have to travel to other areas, increasing the time for assessment and treatment. More epilepsy specialist nurses will not only result in a better service for patients but could bring about savings for the health service.

Finally, there is the creation of a database. As we all know, up-to-date, accurate information is something that our health service needs and relies on to ensure that the best possible and most effective care is available. Epilepsy should be no different. The database would provide information and evidence for the targeting of services to areas of need and ultimately reduce misdiagnoses and waiting times. Another use for the database would be to provide a basis for gathering information on the relationships between conditions. That is important in terms of links with autism, for example, as 46% of children with autism also have seizures. It is important that we share that information across the board. We must understand the interrelationship between epilepsy and other conditions but also that between epilepsy and life restrictions in terms of employment, social services or people having to give up their education due to a lack of support.

I fully support the motion and the calls within it. We all recognise the pressures that our health system is under; however, the steps proposed will not only benefit the 20,000 people in Northern Ireland with epilepsy but, I believe, will have an impact on the health service.

**Mr Sheehan:** I welcome the opportunity to speak on the motion as a member of the Health Committee. I thank George Robinson for tabling the motion. I commend the all-party group on epilepsy and the work it does in shining a light on the needs of epilepsy patients and the difficulties they face. Epilepsy Action also plays an important role, and its contribution to helping those who suffer from epilepsy should also be commended.

There is no doubt that a diagnosis of epilepsy can have a devastating impact on an individual and his or her family. Epilepsy, as we know, is most often diagnosed in childhood, but it can occur at any time and can have severe consequences on the ability to work, drive a car and, basically, lead a normal life.

Concerns have been raised about long waiting times for neurology appointments, which, of course, leads to delays in diagnosis and treatment. Waiting times are a concern for all of us in the Assembly. I acknowledge that the Minister has spoken on a number of occasions about her determination to reduce waiting times right across the health service. I hope that there will be an improvement, at least in the medium-term future.

As with any medical diagnosis, looking after oneself is vital. Staying healthy is key. Along with that, patients should have access to the highest quality of care, from their GP through to the specialist nurses and neurologists. It is clear, however, that access to the highest quality of care is not always available. I acknowledge that the Department has established a regional group to consider the modernisation of neurological services, including epilepsy. As part of that work, the Public Health Agency has recently established a regional neurology nursing group, and planning for epilepsy services will be included in the group. However, given the wide discrepancy between Epilepsy Action's figures and the trusts' estimates of the number of epilepsy sufferers, I ask the Minister to look again at the possible creation of an accurate database. Planning services and resourcing them require an accurate database. I support the motion.

**Mr Butler:** I apologise for not being here at the start of the debate.

I commend the motion on epilepsy service provision. I do not think that anyone could fail to be moved by the story that I listened to this morning on local radio about the young man who suffers from epilepsy and his mother's heartfelt plea for greater help with her son's plight as they live with the dangers of epilepsy every day. It was alarming to hear that their route to health will entail a transatlantic journey; sadly, it will not be met here in Northern Ireland.

As stated in the motion, 20,000 local people live with epilepsy. Epilepsy is defined as a tendency to have recurrent seizures caused by a sudden burst of excess electrical activity in the brain, causing a temporary disruption to the normal messages passing between brain cells. By its very description, it is a condition that greatly impacts on the people who suffer from it. A diagnosis can come as a worrying blow, and, as we all know, it can greatly impact on areas of daily life as basic and fundamental as driving, as Member Sheehan mentioned.

Epilepsy has a worrying misdiagnosis rate, however: up to 20% or 30%. As a result, it is a real possibility that people with the condition in Northern Ireland are being left in the system, where their needs are never identified. That, in turn, contributes to a rate of unscheduled care that is far higher than normal. We would not for one moment tolerate such a rate of misdiagnosis for cancer. However, it is the sad reality for epilepsy. Of course, we do not have that rate of misdiagnosis of conditions such as cancer, principally because suspected cases of cancer are referred to a specialist — rightly so. Epilepsy sufferers are most regularly seen by a general physician with no specialist knowledge of the condition. That is a criticism not of those doctors but of a system that does not best signpost patients to the timeliest and most effective path of support.

In addition, in some areas of Northern Ireland, the limited specialist services are next to non-existent. As a result, health outcomes for people with epilepsy not only in Northern Ireland but in the UK more generally are very poor.

In particular, I would like to raise the plight of children and young people with epilepsy. A wealth of research reveals that they have a lower quality of life than peers who have other long-term conditions, such as asthma and diabetes.

**4.15 pm**

Timely access to appropriate services is essential in the diagnosis and treatment of suspected epilepsy. MRI scans are particularly important, yet, as my party previously revealed, waiting times for a scan sharply increase in areas such as the Southern Trust, with some jumping from nine weeks to as many as 16.

The provision of specialist nurses across Northern Ireland is a poor. This should be easily addressed with better NHS workforce planning that takes account of the need to train epilepsy specialists with consultants and nurses.

I hope that the debate will act as a timely prompt for the Minister that the sporadic level of service provision is no longer tolerable. I call on her to extend nurse specialists; to carry out a wider epilepsy needs assessment; and to assist in the development of a database that will ensure that the appropriate support mechanisms are in place to ensure that people are receiving the appropriate and timely care.

**Mr Mullan:** I speak today as a relatively new member of the all-party group on epilepsy. However, what I am not new to is the impact that epilepsy has on the many people in my constituency who suffer from the condition. In this regard, I thank Mr Robinson for bringing the motion to the House today.

One of the biggest barriers for sufferers of epilepsy is, in my view, the stigma that is associated with it. I am glad that the debate allows us to address a lot of those stigmas. Epilepsy is a large-scale, chronic condition that directly impacts on the lives of 20,000 people in the North, as Members have said, and around 40 people lose their life to the condition every year.

Although we have witnessed many advances in treatment and managing the condition, living with epilepsy has a wide-ranging impact on all stages of life, and I want to address that here today.

Across the North, children with epilepsy are being severely disadvantaged in school, which is leading to underachievement and impaired social development. It is important that the Assembly recognises that early intervention is critical for children with epilepsy to ensure that they get the best possible support at the earliest opportunity.

It has, as already referred to, been estimated that some 46% of children who have autism also have seizures. When we in the Chamber look at issues like the statementing process and

the colossal waiting list for child psychological assessments, we must also bear in mind their impact on children suffering from epilepsy. All have a knock-on effect, and it is important that we have an intergovernmental, cross-disciplinary approach to tackling the issues facing children with epilepsy.

Epilepsy in adults can have severe consequences, as it is a very difficult and unpredictable condition. There are people who have seizures every 10 to 15 minutes, and this has an impact on their health, employment and social well-being. I know first-hand because I have a neighbour with chronic epilepsy who has to wear a helmet to protect her from falls during seizures. She is afraid to go out, she cannot socialise and she needs round-the-clock care. This is the harsh reality that many sufferers of the condition live with daily. We can only imagine what it must be like for someone who has to wear a helmet, especially a woman. It impacts completely on her dignity as a human being.

It is important to remember that a significant number of people with epilepsy have avoidable seizures. That is what makes the debate and the work of the all-party group so important. If the correct treatment is given at an early stage, many of the negative consequences associated with the condition can be avoided, for example, the loss of employment, or having to give up studies, due to a lack of support. Following diagnosis, it is important that there is a pathway to ensure that people with epilepsy are properly supported. Often, that reduces the ongoing bills in the health service. There are guidelines from the National Institute for Health and Care Excellence that lay out a clear pathway, where there must be a wrap-around service in place following GP referral and there must be access to specialised nursing.

I know that there are issues with misdiagnosis in GP practices and delays in referral to consultants, and that has already been spoken about today, but equally important —

**Madam Principal Deputy Speaker:** I ask the Member to bring his remarks to a close.

**Mr Mullan:** Statistics show that across the North there are only about 10 epilepsy specialist nurses, with only a 0.5 whole-time equivalent in the Western Trust.

**Madam Principal Deputy Speaker:** The Member's time is up.

**Mrs O'Neill (The Minister of Health):** I thank the Member for proposing the motion, which provides us with the opportunity to consider the services provided to those living with epilepsy. I thank all those who made considered and valuable contributions throughout the debate.

Like others, I start by recognising the work of the all-party group on epilepsy, as it has shown a clear commitment to highlighting the needs of epilepsy patients. I would like to put on record my appreciation of the valuable contribution that Epilepsy Action makes in our bid to improve the lives of epilepsy sufferers.

I also want to pay tribute to the hard-working epilepsy nurses, consultants and all the Health and Social Care staff who play such a vital role in the delivery of epilepsy care in hospitals and in the local community.

A diagnosis of epilepsy can have a tremendous impact on an individual and their family, and many Members referred to that during the debate. Apart from the physical impact on health, epilepsy can also have significant repercussions on an individual's ability to work, provide for a dependent family, and their ability to live a normal life.

Epilepsy is not a single condition; there are over 40 types of epilepsy, consisting of at least 29 syndromes and a further 12 or so clinically distinct groups, defined by the specific cause or underlying cause. Estimates by the Health and Social Care Board indicate that there are between 7,000 and 9,500 people living with epilepsy. It is, of course, fundamentally important that they receive the care and support that they need to lead an active and normal life. The incidence of epilepsy here is estimated to be around one in 100, and that is broadly similar to estimated incidence rates in Britain and in the South of Ireland. Epilepsy can start at any age, but it most often begins during childhood. It is often not possible to identify a specific reason why someone develops the condition, although some cases, particularly those that occur later in life, are associated with damage to the brain.

Epilepsy is most often diagnosed after patients have had more than one seizure; that is because many people have a one-off epileptic seizure during their lifetime. The most important information needed to make a diagnosis is a description of the seizures by the patient and by someone who witnessed the event.

It is also important to be aware that epilepsy is not something that can be cured overnight; it is

a long-term condition that many patients will have to deal with throughout their life. Medical treatment is, therefore, only part of dealing with epilepsy. As with other long-term conditions, it needs to be managed, and patients and their families play a pivotal role in that.

The contribution of the patient in making the diagnosis and in the management of the condition supported by clinical staff cannot be ignored. The key to that is ensuring that appropriately trained staff, working with patients and their representatives, design and deliver care and treatment pathways that are patient-led and tailored to people's lives and circumstances.

The specialist epilepsy nurses in each of the five health and social care trusts already play a key role as a contact point for patients and a valuable support for GPs and primary care teams in managing the care of these often vulnerable patients. I want to see that specialist service enhanced, and a regional group is working on the modernisation of neurological services, and that includes epilepsy. As part of that work, the Public Health Agency has established a regional neurology nursing group. One of the group's functions is to review the staffing complement for all neurological nurse specialist posts, including epilepsy provision, across the North.

The group will also consider future models of service delivery aligned to patient needs, succession planning for staff and, most important, ensure that there is sufficient capacity in teams to meet the demand on services and that people can access the treatment and information they need.

The motion also highlights concerns regarding the creation of a database to aid in the care of epilepsy sufferers. While an epilepsy database does not currently exist, I am assured that the HSC trusts maintain medical records for all patients and their care is documented accurately in those records. Details captured include an account of the advice and support offered, the investigations required and the treatment options. However, there is no doubt that improvements in medicine are at least partly driven by better understanding and better analysis of the evidence and information available.

Condition-specific databases can help to inform how services and treatment are structured and delivered and can provide a more detailed picture of what works and what needs to be improved. Technology and data can be great enablers of quality improvement, and it is important that we exploit them to drive

innovation and a better service for patients. I have therefore asked my officials to look again at what information we hold and whether there may be merit in creating a distinct database for epilepsy.

As Minister, I am committed to ensuring that Health and Social Care provides the best possible services for epilepsy patients within the resources available to my Department. I look forward to working in partnership with the all-party group and Epilepsy Action. I urge them to continue their important work representing the needs of patients and their families, and I will continue to work in partnership with them in the time ahead.

**Ms P Bradley:** I start by also thanking my party colleague George Robinson for tabling the motion and asking me to countersign it. I also thank and pay tribute to the all-party group. I sat on the all-party group in the last mandate and saw at first hand just how conscientious and focused it was in trying to make a difference for people who suffer from epilepsy. The third group I want to thank is our Research and Information Service for what, I imagine, was a very challenging task in trying to find information on epilepsy services and statistics in Northern Ireland, because, as we know, those specifics are few and far between. It has been so difficult to collate the information due to the lack of a database and the notes being kept. I know that that has been said before in the Chamber, but we have not had too much overlap in what has been said here given that we had such a small amount of information to work on today. I definitely commend Members for that.

We know that the number of people with epilepsy living in Northern Ireland is around 20,000. I think that Ian Milne, the Minister and others mentioned that there were about 40 types of epilepsy and 40 types of seizure, so it comes as no great shock to us — Robbie Butler brought this up — that there is misdiagnosis. We know that that happens on a regular basis. People are unnecessarily given medicine that has severe effects on them, and others are not being diagnosed and have to live with the severity of that.

It is timely that we discuss this today, given that we are all looking towards the future of Health and Social Care and even the reconfiguration of services. In the last mandate, through various consultations, there was overwhelming advice that long-term conditions, of which epilepsy is one, should be managed in the community and in the home. What the motion asks for will go an immense way towards achieving that.

On another point, in the Health Committee we had a briefing last week from the Ambulance Service, during which it told us about the various appropriate care pathways (APCs). An ambulance is deployed to someone's home, wherever that may be, and, a lot of the time, they are able to go in, treat the patient and refer them on to an appropriate pathway that suits their needs. Unfortunately, it is my understanding that there are no specialist teams of nurses to cover all the trusts in Northern Ireland. We know that there are some, but they certainly are not across all the trusts. If we had more specialist nurses, we would see our Ambulance Service being able to refer all the people who do not need hospital admission, which is what we are looking towards. What we want to achieve is to reduce the number of people who turn up at our emergency departments.

I see the nurse specialist having a pivotal role in those care pathways in our Ambulance Service.

#### 4.30 pm

I know that Jo-Anne also talked about the lack of data and the provision of accurate information. As I said, that happens through the lack of recording. As someone who worked for the health service for a number of years, I know about recording. Sometimes it is difficult to get that accuracy, especially in admissions to hospital and treatments in hospital. People can come in with ailments that are sometimes registered as a certain ailment, not the underlying cause. That also happens.

Mr Robinson, in his opening statement, highlighted a need for a more positive future for people living with epilepsy and for ensuring value for money in the health service. That is something that all of us want to see and achieve.

I turn my attention to some of the comments made in the debate. Mr Robinson brought up an answer from the Minister in which she said there had been no plans: I am delighted to hear that the Minister is stating now that she will ask her Department to look at this again. I think we all welcome that today. Even as I read through our packs and saw a lot of the questions to other Health Ministers over recent years, I noticed that a lot of the answers were very scant because the information was not available yet again. So it was good to hear that from the Minister.

Mr Ian Milne highlighted the fact that this concerns not just those born with epilepsy; we have a very high incidence of people who

develop epilepsy, whether through stroke or brain injury. We need to remember that and remember that it affects not just children. There are many adults who have lived what we would like to describe as a relatively normal daily routine whose lives are affected by this. Mr Milne also highlighted how the information could help with the reduction of hospital admissions, and he said that the database was not without merit.

I have referred to some of the things Mrs Dobson said, and she was absolutely right when she said that services were continuing to struggle. We know that that is across the board, but this is what we are discussing today. She talked about self-care and how those around the sufferer of epilepsy are the ones who know best. They are the most stressed and are constantly having to look out for the signs and symptoms. Those people, as carers, need our support as well, and that is something we would hope to look at.

Mr Durkan said that, after reading the pack, he saw just how common this is, and he is absolutely right. He talked about the last debate we had in the Chamber, back in 2013, if I remember rightly. Mr Robinson and I brought that debate too. It was looking at, again if I can remember, children and young people and reducing the stigma of epilepsy. Other Members mentioned that we needed to reduce the stigma.

Ms Bradshaw talked about long-term conditions. She is absolutely right: this is yet another long-term condition that goes unnoticed. There are so many. We know about the big long-term conditions, like heart disease and diabetes. Those are the ones that are talked about often, but some of the other, lesser-known ones are talked about less. I will take issue with something she said about the Health Committee not working together. I do not think that is the case; it is rather naive. I think we work very well together, and we do not need the Bengoa report to work well together, albeit that I would love to have it in front of us. I suspect Members think that the Bengoa report will be some panacea: I do not know that it is. We will know when we get it, but it certainly will not stop me working hard towards a better service.

I am slowly running out of time, and I cannot read my writing, Madam Principal Deputy Speaker. I will move on to Mr Middleton. He talked about life restrictions and a lack of support and education in the workplace. He also talked about the impact on the wider health service and said that, if we had the right support

targeted in the right areas, that would bring about major savings. Mr Sheehan talked about a reduction in waiting lists and how what we are asking for could go some way towards looking at that. He also asked the Minister to bring forward an accurate database. Mr Butler talked about misdiagnosis, as was mentioned earlier, and the high rate of that. He said that the system does not best signpost people as to where they should go. I thank Mr Mullan for his input, for being a part of the all-party group, for going forward with that and for sharing with us the story of someone he knows and how that affects her daily life.

In closing, I thank the Minister for what has been a very positive debate. When it comes to health generally, all of us in the Chamber want what is best for the people whom we represent. I thank her for her comments and her commitment to trying to make a difference.

Finally, I want to go back to something that Mr Robinson said. He reminded us earlier of the 35 people who died in Northern Ireland in 2014 because of epilepsy. I have a neighbour who just last year lost her son to a seizure, and I know full well how that affected her family's life greatly. If we can go some way towards helping those people who are suffering from this dreadful condition, I welcome the debate today.

*Question put and agreed to.*

*Resolved:*

*That this Assembly commends the work of the Assembly all-party group on epilepsy and the Northern Ireland advisory council of Epilepsy Action; and calls on the Minister of Health to establish a patient-led approach to epilepsy service provision, with particular emphasis on the protection and extension of epilepsy nurse specialists, and the creation of a database that will enable service provision to be directed towards the most used service areas for the benefit of the 20,000 people in Northern Ireland who live with epilepsy and their families, and to ensure the best use of resources.*

**Mr Kelly:** On a point of order, a Phríomh-LeasCheann Comhairle. It is not actually a point of order. I would like to apologise for not being in my place for questions to the Agriculture Minister.

**Madam Principal Deputy Speaker:** I thank the Member for that point of order.

**Mr Robinson:** I apologise to you and the House, Madam Principal Deputy Speaker, for not being able to complete my contribution on epilepsy due to a throat problem.

**Madam Principal Deputy Speaker:** The contribution that you made was a very valuable one, and we thank you for that.

*Adjourned at 4.37 pm.*

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