

# Official Report (Hansard)

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# Northern Ireland Assembly

Monday 12 December 2011

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

*Members observed two minutes' silence.*

## Matters of the Day

### EU Summit: December 2011

**Mr Speaker:** Ms Margaret Ritchie has sought leave to make a statement on the withdrawal from the EU summit agreement, a matter that fulfils the criteria set out in Standing Order 24. I will call Ms Ritchie to speak for up to three minutes on the subject. I will then call a representative from each of the other parties, as agreed with the Whips. Those Members will also have up to three minutes in which to speak on the matter. There will be no opportunity for interventions, questions or for a vote on the matter. I will not take any points of order until this item of business is concluded. If that is clear, we shall proceed.

**Ms Ritchie:** The unilateral decision of the Prime Minister to veto any prospective new European treaty aimed at achieving greater financial stability across the euro zone is regrettable. Not only did Mr Cameron appear to fail to consult his coalition partners, but, more importantly from our perspective, he failed to consult any of the devolved institutions despite the fact that his actions could have profound implications for those jurisdictions.

Northern Ireland has a land border with the euro zone — with the South of Ireland — and therefore we are entitled to be consulted about any UK government action that fundamentally impacts on the UK's relationship with the euro zone. Anything short of that is, frankly, disrespectful. My colleague Alex Attwood has already indicated that he is raising the matter with ministerial colleagues in the Office of the First Minister and deputy First Minister (OFMDFM) with a view to liaising with the Scottish and Welsh Governments in order to bring about direct discussions with the Prime Minister on this matter.

The motivation behind the decision to exercise the veto is also regrettable. I suspect that Mr Cameron took that decision primarily to appease hardliners on the Tory Back Benches rather than out of any UK interest. After all, the central proposition in the new treaty — that Governments will be required by law to run balanced Budgets — would apply only to euro zone members, not to the UK. That is why the nine members that, like the UK, are inside the EU but outside the euro zone could comfortably accept it. The result is that Mr Cameron's most disloyal Back-Benchers are temporarily appeased, but the UK and, by extension, ourselves are once again out on a limb, isolated in Europe. That isolation could have profound consequences.

What happens if the euro zone stability pact is successful and the markets shift focus from the Greeks, Italians and Portuguese? The markets could then turn their remorseless attention to another country with sky-high indebtedness and no economic growth. What country is that? Britain and Northern Ireland. You heard it here first. If that happens, the UK could find itself facing a possible flight from sterling. In such circumstances, the UK would find itself without friends, with sentiment running against it and an immediate requirement to hike interest rates.

**Mr Speaker:** Will the Member bring her remarks to a close?

**Ms Ritchie:** There is absolutely no doubt that that would have detrimental economic and financial consequences for every citizen in the North of Ireland. The Northern Ireland Executive is duty bound to act without delay with the British Prime Minister.

**Mr Campbell:** The European Union has grown exponentially over the past 40 years. In recent years, we have seen an influx of nation states, many of which have considerable progress to make before they reach a competitive level with

other nations. The problem in both the euro zone and the EU is that the one-size-fits-all economic policy has totally and utterly failed, and we have seen numerous bailouts, such as that in Greece, that have not worked. We have seen the run in relation to Italy and possibly Spain and Portugal. Unfortunately, Ms Ritchie appears to avoid looking at the problem rather than looking at the solution. The problem is the nature of the beast in relation to the European Union and the euro zone.

We in this party think that Mr Cameron, the Prime Minister, took the right step so far as it went, in that he has now given the opportunity to the United Kingdom and Northern Ireland to make some progress. For example, in recent years, the net contribution to the EU, after moneys that we receive, has varied between £8 billion a year and £11 billion a year. That is a net contribution of £11,000 million a year from the UK Exchequer to the European Union. The Prime Minister has availed himself of an opportunity. He is to be commended for taking that limited opportunity, but it is only a progressive opportunity if we now make the most of it.

The Irish Republic and other nation states will now find that they will have to look at their corporation tax and VAT rates, so there is the opportunity for this nation state to lower those rates to make this country even more competitive against our competitors in the European Union. The Prime Minister has taken a sensible step, one that is to be warmly commended. I am sure that Ms Ritchie and I, along with others, will take part in the debate in another place tomorrow, when we will be able to expand on the issue at considerable length.

Hopefully, the nation can make significant progress and realign ourselves as a European nation state but one that keeps control of its economic and political affairs within the nation state that is the United Kingdom.

**Mr McLaughlin:** Go raibh maith agat, a Cheann Comhairle. In the matter under discussion, the issue for the Assembly is that the decisions will not be made here. We are spectators in a much wider debate. The issues clearly have impacts here. There was no consultation on David Cameron's position and his use of the veto. It appears from the evidence that there was not even consideration of the impact on or role of

devolved Assemblies. His action was taken for a different purpose and agenda.

We have witnessed a move towards the centralisation of the EU and the decision-making process and a lot of power being taken away from member states. The international economic crisis seems to have created an opportunity for those who would attempt to drive forward that centralisation agenda. There are big issues that affect this island North and South, including loss of sovereignty; loss of control over economic policies; and the fact that two member states now have as their prime minister apparatchiks who were not elected by anyone but were endorsed by the troika. All those issues have to be addressed when people talk about agreeing ways forward on democratic relationships on the wider European mainland and the broader global economic scenario. However, let us not kid ourselves in this debate that any of those decisions will be made by the Assembly.

The obsequious endorsement of David Cameron's position by the party opposite does no good for the economy here. It makes no contribution whatsoever. It simply encourages more of a drift away from the ability to influence decisions that affect our communities.

**Mr Elliott:** Before I start, I express my sympathy and that of my party to Arlene Foster and her entire family on the sudden death of her father.

The Ulster Unionist Party welcomes David Cameron's veto on any new EU treaty and his decision to keep the United Kingdom out of the economic accord between other EU states. Withdrawing from the EU summit agreement has protected the country's financial services and manufacturing industries and ensured that the United Kingdom remains protected from further EU integration, which is not in our country's interest.

For once, protection of the United Kingdom's interests has been at the forefront of the decision. All of us should welcome that decision. There are also valuable lessons to be learnt from it. While the United Kingdom is not and never has been part of the euro zone, many of the countries that are part of the euro zone were obviously not prepared for it. It has been evident in the past number of months that many of those countries should not have been in the euro zone. The United Kingdom should not be punished for the bad economic decisions of other member states.

The Ulster Unionist Party hopes that, after eight summits, the euro zone countries have now found a solution to their problems. The new accord will leave them at the mercy of Brussels. Budgets will have to be approved by Brussels. If member states fail to comply, they will face severe fines from the EU institutions. By opting out of that accord, the United Kingdom retains the power to pursue its own monetary and economic policies based on the interests of the United Kingdom, of which, thankfully, Northern Ireland is still very much an integral part. Other member states will now face uncertainty and lengthy negotiations over every budget that they set. The United Kingdom will chart its own destiny.

It has been noted that the United Kingdom remains one of the biggest net contributors to the European Union. I assume that that will not change either, and Northern Ireland should be thankful for that. We benefit from that to some level, although not to the level that the Ulster Unionist Party and I would like. We would obviously be happier if there were much more support for Northern Ireland. However, we welcome the opportunity for the United Kingdom to set its own policies and agendas within the European Union. I welcome that as a member of the United Kingdom.

### 12.15 pm

**Mr Lyttle:** I extend my sympathies and those of the Alliance Party to Arlene Foster and her family at this difficult time.

I understand the huge and fundamental economic issues facing the European Union, but I am concerned at the hastiness with which the Prime Minister appears to have taken this decision. I am also concerned at the impact that it could have on UK/EU relations at a time when the Assembly is working hard to improve our interaction with Europe to get the best deals possible for local people. Those deals could be on common agricultural policy reform, R&D funding for our small and medium-sized enterprises and the further education and higher education sectors. With Peace III funding coming to an end, we are looking to request Peace IV funding. Therefore, I await a fuller statement from the Prime Minister on that important issue. However, given his commitment to improving financial regulation in the City of London, it seems strange that he appears to have withdrawn from the talks on EU proposals for stronger financial regulation.

So, what does this mean for Northern Ireland in Europe? Where does it leave Northern Ireland's negotiating position for EU structural funds? Where does it leave us with Peace IV funds? Those are questions that we need to ask the Prime Minister when he makes his statement. I express my concern, as my colleague at Westminster, Naomi Long, has done, about the apparent lack of consultation and inclusion of regional Assemblies in the UK in the types of decision that the UK takes in Europe. I look forward to urgent clarification from the Prime Minister.

**Mr Allister:** Having witnessed many episodes of humiliating climbdown in Europe, I found it refreshing to see the Prime Minister say no. I trust that he will stand his ground. If other countries want to further surrender sovereignty and subject their budget to the control of the unelected Commission in Brussels and if they want to be subsumed into a greater Franco-German alliance that will rule Europe, that is a matter for them. However, I, for one, am glad that this nation stands outside that, and I trust that we will continue to do so. As events unfold and the euro zone countries become more vengeful towards the United Kingdom, we will see more and more how right was the decision that was taken in the early hours of last Friday morning. We are better off out of this treaty, and, indeed, we would be better off out of the EU, particularly now that it has moved away from being a single trading entity and a market to being a political and monetary union. That, undoubtedly, is the purpose of the new treaty that has been embraced.

Northern Ireland must now lift its vision in our trading terms above the failing economies of Europe and look to the new, successful economies much further afield. We must make that the central focus of our trading ambitions. I trust that, when the Enterprise Minister — I join other Members in conveying sincere sympathies on the sad loss of her father — gets back to work, it will be a focus of the Department to look at how we can better expand our trading arrangements with the growth economies way beyond Europe rather than with those that would drag us down if we had gone into this treaty in the manner that some foolishly suggest.

**Mr Agnew:** I, too, express my sympathies to Arlene Foster and her family. Although we may have clashed politically in recent weeks, it is important to separate the political and the

personal. I give her my personal condolences and those of my party colleagues.

The Green Party has been what I would describe as a critical friend of the EU project. I think that it has brought many benefits, but today I have to be critical. What we are seeing across Europe with this agreement is an attempt to enshrine a neo-liberal economic agenda. Too often, economics is seen as being politically neutral, when, in fact, it is at the crux of political debate. As has been pointed out by others, this is not a democratic decision. The agreement will put a burden on the countries that signed up to it and are obligated by it and will choose their economic policy for them and, therefore, the policy of their Government, regardless of who is elected.

It appeared to me that David Cameron's walkout from the negotiations smacked more of somebody who had no cards to play. It was grandstanding to keep members of his party happy and, to some extent, to say to the electorate that he is taking a tough line on the issue. The truth is that we have little power in the negotiations. We are not part of the euro. However, in this case, that is to our benefit.

Ultimately, the Green Party believes that this is a bad deal for Europe. Although we may be outside the euro zone, as has been pointed out, it is one of our largest markets and one of our closest geographically, given our border with the Republic. This could seriously damage our trade and have a detrimental effect on the Northern Ireland economy. However, ultimately, in this case, I think that we are better off out than in.

**Dr McDonnell:** Is it in order for me to express my condolences and those of my colleagues in the SDLP to the Minister of Enterprise, Trade and Investment, Arlene Foster, on the sudden death of her father?

**Mr Speaker:** That is certainly in order. All our thoughts, prayers and sympathies are with the Foster family at this time. He was a father and a grandfather, and I know that I speak for the whole House in sending sympathy to the family at this time.

## Ministerial Statement

### North/South Ministerial Council: Aquaculture and Marine

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** Go raibh maith agat, a Cheann Comhairle. At the outset, on behalf of Sinn Féin, I extend my sympathy to Minister Foster and her family at this difficult time.

With your permission, Mr Speaker, I wish to make a statement, in compliance with section 52 of the 1998 Act, regarding the recent meeting of the North/South Ministerial Council (NSMC) in aquaculture and marine sectoral format. The meeting was held in the NSMC joint secretariat offices in Armagh on Friday 14 October 2011. Nelson McCausland and I represented the Executive, and the Dublin Government were represented by the Minister of State for Communications, Energy and Natural Resources, Fergus O'Dowd TD. This statement has been agreed with Minister McCausland, and I make it on behalf of us both.

The Council welcomed a progress report on the work of the Loughs Agency, which was presented by the agency's Chairperson, Tarlach O'Crosain, and its chief executive, Derick Anderson. We strongly condemned the continuing attacks on Loughs Agency's staff and on volunteer river watchers and acknowledged their dedication in seeking to detect and prevent illegal fishing activity. I recently wrote to the Justice Minister and the Chief Constable to request a meeting to discuss a united approach and to explore ways of ensuring that Loughs Agency staff can carry out their duties without fear of being attacked. I also recently met some of the staff affected by those attacks, during a visit to the Loughs Agency's headquarters, and was impressed by the commitment that they have to the important work that they continue to do.

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

We discussed the improvement in length frequency of the standing stock of oysters in Lough Foyle and noted that the 2011 salmon counts indicated relatively healthy fish runs in some systems but there are some concerns about others, specifically in the River Mourne.

We also noted and welcomed the significant progress made on the agency's application for INTERREG IVa funding for the integrated aquatic resource management project, along with the

University of Glasgow and Queen's University Belfast.

We also heard that approval has been given and contracts have been signed for moorings and pontoons at Meadowbank Quay. Those facilities will play an important part in the visit of the Clipper round-the-world challenge when the event arrives in the Foyle in June 2012.

We welcomed the presentation by the Loughs Agency on the provision of environmental education programmes and noted that such programmes facilitate excellent stakeholder engagement, particularly with young people, and play an important role in changing the mindset of stakeholders about their role in managing the Foyle and Carlingford catchments and ensuring their future sustainability. We were impressed by the range of programmes that the agency provides to its stakeholders, particularly the work that it is doing with schools in the Foyle and Carlingford areas to inform and educate their younger stakeholders.

We noted with concern a report of an investigation by DARD internal audit of the procurement by the Loughs Agency of its monitoring vessel MMV Ostrea. The report identified significant weaknesses and control issues in the management of the project. We also noted that the report found that there was no evidence of fraudulent activity, that the objectives of the project were achieved and that the finished vessel provides value for money in respect of the current market value of the vessel and its capacity for operational effectiveness. We endorsed the actions taken and the additional controls requested by the Foyle, Carlingford and Irish Lights Commission. We also noted that progress on the implementation of the actions arising from the internal audit report will be reported at the next NSMC aquaculture and marine meeting.

We noted the progress on the preparation of the Loughs Agency's 2012 business plan and that the sponsor Departments will continue to work with the agency to finalise the plan and that it will be brought forward for approval before the end of 2011.

We welcomed the progress on the delivery of the Loughs Agency's legislation implementation plan and noted that further regulations will require NSMC approval in 2012. We also approved the Foyle Area and Carlingford Area (Tagging and Logbook) (Amendment) Regulations

2011, which prohibit the possession of forged or altered tags.

Finally, we agreed to meet again in aquaculture and marine sectoral format in February 2012.

**Mr Frew (The Chairperson of the Committee for Agriculture and Rural Development):** I thank the Minister for her statement. I note that it was noted that the 2011 salmon counts indicated relatively healthy fish runs in some systems but that there are concerns about others, specifically the River Mourne. What rivers are of concern to the Minister? Is the River Bann included among those rivers? It is a very important river, with fish runs that serve Lough Neagh, which, subsequently, serves a large number of river systems that flow into Lough Neagh.

**Mrs O'Neill:** Go raibh maith agat. I thank the Member for the question. The River Bann was not discussed as one of the rivers about which there was potential for concern. I am happy to look at that further and respond to the Member in writing if there was concern, but, to my recollection, it was not highlighted as a case for concern.

**Mr Murphy:** Go raibh maith agat, a LeasCheann Comhairle. Agus gabhaim buíochas leis an Aire. The Minister will be aware of a recent fish kill in the Bessbrook river. Will she provide an update on what action is being taken in that regard?

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Member for his question. At the meeting, we were pleased to note the agency's advice that the incidence of high-severity pollution was well down on previous years. As the Member highlighted, the only incident that we experienced was the fish kill in the Bessbrook river. It is being investigated by agency staff. I am also pleased to note that all the fish kills that occurred in 2010 have been brought before the courts, and the agency and the partners that are involved have been able to ensure that there have been convictions for all the polluters. Hopefully, that will act as a deterrent to future potential incidences. The incident at Bessbrook is still under investigation.

**Mrs Dobson:** I thank the Minister for her statement. There were issues surrounding the Loughs Agency's procurement procedures. Can the Minister outline how it is possible that the finished vessel provides value for money, when significant weaknesses were identified

in the agency's procurement procedure? What weaknesses were identified?

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Member for her question. Some time ago, an allegation was made about the procurement of the vessel. An internal investigation was carried out. It has taken time, but it is important that we get to the bottom of all the issues that were identified. We decided to go for an internal audit, because we have a strong departmental anti-fraud policy and a good response team in place. It was felt that they were the key people who could take that forward.

### 12.30 pm

As for the investigation, it is important to underline that no fraudulent activity was found throughout its entirety. However, there were some concerns about the transparency of the relationship between the project manager who was contracted to the agency and the organisation that provided the vessel that came from New Zealand. Those are the key points that were raised.

I hope to be in a position to publish the report in the near future so that everyone can see it. It is important to be open and transparent. However, it is safe to say from talking to the agency that lessons have been learned, and it has put in place an excellent plan to ensure that something like this will not occur again.

**Mrs D Kelly:** I thank the Minister for her statement. I note that the meeting took place on 14 October. Notwithstanding the fact that the Minister had to attend to business in Brussels at short notice, there has been a two-month interval since the meeting. Perhaps the Minister will comment on that.

With regard to attacks on Loughs Agency staff and the illegal fishing activity that has been reported, will the Minister give us some indication of the extent of that illegal fishing, the loss of income to the sector and the wider ramifications for the sustainability of the fish stock?

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Member for her question. I was due to make this statement last week, which would have been about six weeks after the NSMC meeting. However, due to an urgent discussion that we had to have with the Commission, I had to go to Brussels. Procedurally, after an NSMC meeting, I make an application

to the Speaker to make a statement, and I believe that this was the first date that was available. However, I am happy to look into that to see whether we can report sooner to ensure that the information is relevant and up to date.

I visited the Loughs Agency staff after the NSMC meeting and had a frank discussion with them about what they were experiencing. They were able to show me some of the things that had been fired at them, including bricks. People were lifting anything that could be found around the lough and firing it at them. At night, staff have to go out with shields to do their work, and that is an unacceptable situation. I put on record that I fully condemn those continuing attacks on staff. When I visited, I was pleased to note that the level of attacks had fallen, but that may be more to do with the salmon season, and it may not have been as attractive to those who were involved in that type of behaviour. I am happy to provide the Member with the figure for loss of income in writing.

**Mr McCarthy:** I thank the Minister for her statement. She referred to funding for the integrated aquatic resource management project. Will she expand on those activities and tell us what the management project consists of?

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. It is quite a detailed project about looking for future sustainability in the aquaculture sector. Instead of going through quite a detailed answer now, I will give it to the Member in writing. However, it is all about looking to the future, ensuring that we are sustainable and doing everything to look at the whole habitat. I am happy to pass that information to the Member.

**Mr Irwin:** I thank the Minister for her statement. How important is the approval for new moorings and pontoons at Meadowbank quay? Has she any more details about that and what it will mean for the future?

**Mrs O'Neill:** It is all about our marine tourism development strategy and, therefore, it is important that the project is taken forward. Along with the work being done on the moorings and pontoons at Meadowbank quay, we heard at the meeting about other projects that the Department has been involved in. However, it is all about marine tourism and ensuring that we attract as many visitors to those areas as possible. That is what that project is all about.

**Mr McMullan:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her detailed statement to the House. It is very timely. With regard to the detailed report into the purchasing of the vessel Ostrea — one that we all should welcome — is she satisfied that the objective was achieved?

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. Without going over some of the reasons that I outlined earlier, the most important thing to note is that lessons have been learned. When I put questions at length to the agency at the NSMC meeting, it was quite happy to respond and to give a full account of what it is doing to improve things. There is no doubt that the Ostrea is an important resource for the management, conservation and development of sustainable aquaculture and shell fisheries for the future. The objective was achieved. It may have had teething problems but those have been ironed out. We can now look to the future while knowing that the vessel is fit for purpose. It will help conservation in the future.

**Lord Morrow:** The Minister mentioned the poaching that is going on, and she said that it is difficult to tackle it and protect the safety of those who are involved in enforcement. Does the Minister have any figures to present to the Chamber today to tell us how many people have been brought before the courts for poaching or how many cases are pending?

I would like her to comment further on what she said about the River Mourne. There are concerns about the salmon run there. I would like to hear what her concerns really are and whether, in fact, the numbers have dropped.

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. There is no doubt that there have been successful convictions against those involved in attacks on staff and poaching, but, sometimes, the sentences do not reflect the crimes. The staff say that it is the same people who repeatedly come back to engage in poaching. I have written to the Minister of Justice, to Matt Baggott and to the Garda Síochána to discuss in more detail what can be done. If sentencing is not right and does not act as a disincentive, we need to look at a stronger way.

Some fish count figures are higher and some are lower. The River Mourne was pointed out as having a low number of salmon. The agency has set a number of management targets and it is not reaching those targets for the River

Mourne. It is trying to see what it can do to improve those levels and what factors are being taken into account, because we are quite concerned about that river. However, we have to keep monitoring all rivers to make sure that the salmon numbers continue at their current level or increase.

**Mr Swann:** Thank you very much, Minister. It is widely believed that the nets off the north coast of Northern Ireland are decimating our salmon run. The Republic of Ireland Government moved to remove all salmon nets, and they have done so. Has the Minister had any consultation with her party colleague the Minister of Culture, Arts and Leisure about the potential for removing the five operational nets that are still off our north coast, which have the potential to affect the salmon run?

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. That is not an issue that was discussed at the NSMC but I am happy to look at it. I have not had any discussions to date with the Minister of Culture, Arts and Leisure, but if the Member wants to write to me with more detail, I can certainly take it up as an issue.

**Ms Ritchie:** I thank the Minister for her statement. What discussions have taken place in conjunction with the Minister of Enterprise, Trade and Investment and the appropriate Ministers in the South of Ireland on the tourism potential of Carlingford Lough to ensure that we fully explore the full tourism potential for jobs and the economy in that region?

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Member for her question. Tourism potential is not an issue about which I have had any discussions with the Department of Enterprise, Trade and Investment. I am happy to take that up with Minister Foster. In general, Carlingford is all about the marine tourism strategy. We are actively working jointly to increase that tourism potential.

As the Member will know, the Department is very much involved in the Carlingford oyster festival and heritage week. The agency very much supports that along with Louth County Council and Fáilte Ireland. We will continue to do that. At each meeting of the NSMC, we receive regular updates on the tourism potential around Carlingford and Foyle.

**Mr Buchanan:** A number of my questions have been answered. I note that the Minister has

written to the Chief Constable and the Minister of Justice to arrange a meeting with them. When does she hope to meet them to discuss the attacks on Loughs Agency staff, which is a very important issue? Something must be put in place, in conjunction with the PSNI and the Justice Minister, to bring about an end to such attacks. What steps is she hoping to take to ensure that that is the case?

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Member for the question. It is important that we have meetings with the Justice Minister, Matt Baggott and an Garda Síochána to discuss the issue in more detail. I made the point earlier that sentencing is not acting as a deterrent because the same people are poaching repeatedly. So, I want to explore that issue in more detail with the Justice Minister.

PSNI and gardaí involvement comes down to operational activity on the ground. I think that we need to have further discussions with both of them, given what Loughs Agency staff have told me about the potential problems that they see and the problems that they deal with every time that they do a night's work. I want to take up those issues with the PSNI and an Garda Síochána because things will not improve until we have better co-ordination.

**Mr Kinahan:** I thank the Minister for her statement. I would like to touch on, in a much stronger way, the issue of illegal fishing, which was raised in the statement and in questions. Will the Minister look at putting together a task force and taking a zero-tolerance approach to any form of illegal netting or fishing in Northern Ireland, so that we, through a joint departmental exercise, really do clamp down on the problem?

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. I think that that is a very good suggestion and I will look at it after my meeting with the Justice Minister, the PSNI and gardaí. It is a good suggestion and I am happy to explore it. I absolutely agree that a zero-tolerance approach should be taken. People, when going out to do a day's work or a night's work, whatever the case may be, should not have to endure the situations that they are finding themselves in. It is a desperate situation when those people have to go out to work with shields over their heads. We, therefore, need to take some effective action.

**Mr Allister:** Given that the Minister is unable to tell us how many convictions there have been,

which is surprising, and that the salmon count in many rivers seems to be falling, is it the case that the Loughs Agency has lost control in respect of fishery management and dealing with illegal fishing? Does the Loughs Agency, for example, visit the fish dealers and make them account for where they acquired their salmon from? Does it visit hotels and restaurants to do the same with them? Who is running the show in that area with regards to fishing? Also, has the disjointed position, where DCAL is responsible for inland waters and the Loughs Agency has a parallel responsibility for others, contributed to that apparent loss of control?

**Mr Deputy Speaker:** Order, please. Will the Member ask his question?

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. I am happy to provide details of the actual number of convictions to the House in writing after today's statement. I think that the Loughs Agency does excellent work, and I do not think that anybody can deflect from that. It faces very challenging situations when dealing with poaching, which has been a problem for some time. However, I think that we need more co-ordination and involvement from everyone concerned to try to stamp out poaching.

The PSNI and gardaí will need to take action, and I will speak to the Justice Minister and work with the Loughs Agency to ensure that it has sufficient capacity to deal with the problem. Its staff are very capable people, who do their job every day in difficult circumstances. The Loughs Agency provides a valuable, key role in protecting and making sure that we have a sustainable fishery. I do not think that you can take away from that in any shape or form. The issue is about what we can do to try to join things up and to make sure that we can stamp out attacks by taking a zero-tolerance approach.

## **North/South Ministerial Council: Agriculture**

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** Go raibh maith agat, a LeasCheann Comhairle. With your permission, a LeasCheann Comhairle, I wish to make a statement, in compliance with section 52 of the 1998 Act, regarding the sixteenth meeting of the North/South Ministerial Council (NSMC) in agriculture sectoral format, which was held in Armagh on Wednesday 26 October.

### **12.45 pm**

The Executive were represented by Minister Edwin Poots MLA and me. The Dublin Government were represented by Simon Coveney TD, the Minister for Agriculture, Food and the Marine, and Phil Hogan TD, the Minister for the Environment, Community and Local Government. Minister Coveney chaired the meeting. This statement was agreed with Mr Poots, and I am making it on behalf of both of us.

The Council noted and welcomed ongoing co-operation on the rural development programme, including support for cross-border engagement by local action groups. Ministers welcomed the approval of €10 million of INTERREG IVa funding for six strategic cross-border rural development projects.

Ministers received a presentation outlining the work of the project on harnessing natural resources, which was led by the Cavan County Enterprise Board in collaboration with Cavan County Council, Fermanagh District Council, Leitrim County Council, the Swanlinbar Development Association, Coillte and Inland Fisheries Ireland. I recently spoke at the formal launch of that initiative. The project has been awarded over €3 million from the INTERREG programme directly to support rural communities in the Fermanagh, Leitrim and Cavan cross-border region through rural enterprise and tourism schemes.

At the launch, I was impressed by the range of organisations involved in the project, and it was clear to me that it is a model of genuine cross-border partnership. I am pleased that my Department is supporting strategic projects such as that through the INTERREG programme and that it is real evidence of the good work being done at grass-roots level by my officials, in partnership with others, to help rural communities throughout the border region.

The Council noted the ongoing co-operation on approaches to tackling rural poverty and social exclusion. A year 1 independent review of the PEACE III rural enabler project has been undertaken and will shortly be presented to the Special EU Programmes Body (SEUPB) and the project steering committee.

Ministers noted the publication by the EU Commission of the legislative proposals for the future of the common agricultural policy (CAP), including the alteration of net ceilings for direct payments, changes to the single payment model, a green payment and a capping of large payments, changes to the details of rural development measures, and changes on financial regulations. The Council discussed the CAP reform process, which will involve a debate of the Commission proposals by the EU Council of Ministers and the European Parliament, with the process expected to conclude in agreement before mid-2013.

The Council also noted recent developments in international trade negotiations, particularly that, in the negotiations with the Mercosur group of South American countries, the central issues of tariff liberalisations and market access are not expected to be addressed until mid-2012.

Ministers welcomed the outcome of a joint meeting of the Chief Veterinary Officers and the EU Commission at which the Chief Veterinary Officers set out the case for an all-island animal health and welfare strategy, and the Commission acknowledged the fact that the strategy's aims formed part of the considerations of the new EU animal health law. The Council also welcomed the update report on the delivery of the 2011-12 all-island animal health and welfare strategy action plan, including the launch of the first all-island animal disease surveillance report and the agreement of a memorandum of understanding between official laboratories to foster enhanced co-operation and participation in collaborative research. It also welcomed recent developments on animal disease contingency planning, including the agreement of a memorandum of understanding to facilitate the production of maps of disease control zones in the case of an outbreak, and preparations for a further joint mapping exercise on that.

Ministers welcomed the collaboration that has assisted towards proving Aujeszky's disease-free

status and agreed that Departments should continue to work closely to ensure that the timing of the submission of applications for Aujeszky's disease-free status is co-ordinated.

The Council looked forward to receiving a further progress report on the delivery of the all-island animal health and welfare strategy at the next NSMC agriculture meeting. It also agreed to hold its next agriculture meeting in January 2012.

**Mr Frew (The Chairperson of the Committee for Agriculture and Rural Development):** I thank the Minister for her statement. I welcome the work being done on animal health and welfare, even though the eradication or reduction of bovine TB is not yet a target in the draft Programme for Government. I say "yet", because I hope that the Minister will look at the issue again.

The Minister should be aware that tomorrow the Committee for Agriculture and Rural Development will discuss and seek to agree the terms of a submission to the Environment, Food and Rural Affairs Committee inquiry on greening the CAP. I hope that we will reach consensus on that submission. I will be suggesting that the Agriculture and Rural Development Committee should seek to give oral evidence to the Environment, Food and Rural Affairs Committee inquiry to enforce the points in the written submission. If that were to happen, it would, I believe, be the first time that a group of MLAs has gone to Westminster to give evidence to such an inquiry. That is very important, given that when it comes to the CAP, that is where Northern Ireland's future will be decided.

I have concerns that there are some politicians in the Republic of Ireland who would seek to change the common agricultural policy to an environmental policy or even a social policy instead of a food production and food security policy. Given the importance of the Republic of Ireland and its forthcoming presidency of the EU, what discussions has the Minister had about the social and environmental issues?

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Member for his question. The CAP reform process obviously is a key issue for the industry. I spoke at a launch of a stakeholder event last week where the Department is seeking the views of stakeholders to form a policy that we will take to Europe. I will be interested to see the Committee's signed-off response to the Environment, Food and Rural Affairs Committee.

Discussions with the South on this issue are ongoing, and it is a regular agenda item at the NSMC meetings in agriculture sectoral format. It is also important that it is on the agenda of the plenary sessions of the NSMC, and we were able to have a discussion about it at the most recent meeting last month.

I have had numerous discussions with Simon Coveney on the various aspects of CAP reform. However, it is important to note that we differ from the Department for Environment, Food and Rural Affairs (DEFRA) when it comes to the overall budget for agriculture, and we share similar views to the South in its approach to that. This is not a political issue about the South and it having the presidency. The South will be a key ally, and if Simon Coveney and I have similar views, we will argue a similar case in Europe. Those discussions are ongoing. I will continue to talk to Simon Coveney about the greening aspect, given the concerns that the Member raised. I am happy to do that.

**Mr W Clarke:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her statement. Obviously, there is a lot of good work being carried out and a lot of good co-operation on an all-island basis on many themes. Will the Minister give examples of North/South co-operation on research and innovation and the other themes?

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. There is already a lot of collaboration between the Agri-food and Biosciences Institute (AFBI) and the universities across the island. At a strategic level, the departmental scientific adviser contributed to the work of the Department of Agriculture, Food and the Marine's agri-research expert advisory group. That group has been tasked with developing a strategic agenda for agricultural research in the South. So, through the North/South steering group, we hope to be able to impact on that and get involved in it.

With regard to other areas of North/South co-operation, a number of issues are taken forward on a formal basis, but, outside of that, a number of other issues are taken forward on a less formal basis. Through my North/South unit, we continually work with our counterparts when it comes to flood risk management, potential joint research activities under the rural White Paper, the sustainable development of our forests, training programmes in further and higher education, technology transfer in the food

sector, fisheries issues and equine issues. So, there are a number of areas where natural co-operation occurs.

**Mrs Dobson:** I also thank the Minister for her statement. Will she give an indication as to what form the ongoing approaches to tackling rural poverty and social exclusion outlined in her statement will take and whether they will take account of the specific education needs of rural children?

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. In the last term, there was an anti-poverty and social inclusion framework package of about £10 million, which was delivered to address rural poverty and social exclusion issues. That was for those aged between eight and nine up to 10 or 11 years. There were five priorities at that time around rural childcare transport, rural fuel poverty, rural community development and a challenge fund for projects that address the wider issues. That work was very successful. I am in the process of scoping the work, taking a look at what was beneficial and moving forward with my new programme. Over the next four years £16 million will be allocated to that programme to continue to tackle all issues of rural poverty, social exclusion and isolation. I hope that I am coming towards a conclusion with that work and that I will be in a position to launch the programme early in the new year. Officials are working with stakeholders to develop the new activities that I will take forward. I hope to be able to announce the way forward soon after the start of next year.

Education is one area that will be looked at in wider projects under those broad headings.

**Mrs D Kelly:** I thank the Minister for her statement. Can she provide the House with greater details on recent developments in international trade negotiations? Perhaps she could tell us a wee bit more about what those developments are, how they will help the agriculture industry, if at all, and what the tariff liberalisations will mean for the industry.

**Mrs O'Neill:** The ongoing MERCOSUR discussions had been held up for quite some time. Recent developments with the MERCOSUR group will have a major impact on our trade and our access to those markets. Those developments have been stalled for quite some time, and I believe that they are expected to be stalled for considerably more time. Therefore, we will have to continue to watch that as it develops and deal with it as gets to a further stage.

**Mr McCarthy:** I thank the Minister for her statement. I want to follow on from Jo-Anne Dobson's question about tackling rural poverty and social exclusion. I very much welcome efforts that are being made on that. However, will those efforts be restricted to border areas, or will they be rolled out throughout Northern Ireland, including the Strangford constituency?

**Mrs O'Neill:** The Member never misses an opportunity to stand up for his constituency. The Department is doing a lot of joint anti-poverty and social exclusion work. Obviously, people who live in border areas are particularly isolated. The anti-poverty and social exclusion programme is my programme, and I will take it forward. It will cover all the Six Counties. We are co-operating with our counterparts to ensure that people who live in border regions are not left out. That is because a particular problem, which has been highlighted for years, is that those people face a lot more isolation.

**Mr Irwin:** Do her counterparts in the Irish Republic have concerns about the proposals for CAP reform that are similar to those that we have in Northern Ireland?

**Mrs O'Neill:** Yes. We share very similar views, particularly on the budget. Our priority in moving forward has to be to increase rural development funding, which is pillar 2 funding. That has been our consistent call to Europe, and DEFRA now agrees with us that that is the approach to take. The South of Ireland has had a better share of rural development funding over the past number of years. We want to be in a similar position. We are, generally, in broad agreement with the South's position on CAP reform.

**Mr Murphy:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire arís.

I thank the Minister for her statement. I want to bring her back to the issue of brucellosis. Given that the South is now brucellosis free, and given how important that is for the agrifood industry and exports, can the Minister give an update on how close we are to eradicating brucellosis here?

**Mrs O'Neill:** As the Member will know, we are actually in a good position now compared with that in the past. The rate of brucellosis has dropped significantly. On 31 August 2011, confirmed herd incidences were just 0.039%. So, we are moving in the right direction. We now have the target in the Programme for Government. We will move towards a position in 2014 where eradication will be a real possibility. We hope to

be in that position. That will help our industry with trade and all the other benefits that come with it, and it will bring savings to farmers in the vaccinations that they must carry out.

### 1.00 pm

**Mr T Clarke:** I also thank the Minister for her statement. In response to my colleague William Irwin, you said that the South is in a better position with axis 2 funding and the rural development programme. In paragraph 4 of your statement you said that you welcomed ongoing co-operation with the local action groups in relation to the programme. The South may be in a better position, but has your Department had any discussions with the Department there to discuss how it managed to better implement the programme?

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. We have worked with a limited amount of money in the rural development programme. We have always argued that we should have an increased share, and, as I said, that is the position that we will take in the CAP reform negotiations. There is a great deal of rural development co-operation through INTERREG funding. That is all based on partnership working, and, in my statement, I gave an example of a project that I was involved in launching.

We learn from each other in how the programmes have been implemented. The South argued for and got a bigger share of rural development funding. I want us to be in that position.

**Mr Swann:** I also thank the Minister for her statement. Minister, in your statement you said:

*"The Council noted and welcomed ongoing co-operation on the rural development programme".*

At that stage, did you discuss your intention to take £5 million from the Northern Ireland rural development programme for rural broadband? Did you also discuss, at that stage, the fact that you made the JCCs and LAGs aware of that decision only after you had made it, rather than consulting them beforehand?

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. The Member obviously has not spoken to anyone from the JCCs, as they have broadly welcomed the proposals that I outlined. I am determined that we will not hand any money back to Europe at the end of the current rural development programme period, and I make no apologies for the steps that I am taking. They are the most feasible steps and the

most efficient way to ensure that we spend all of the European moneys that are available to us.

The meeting that I had last week with the LAGs and the JCCs was very positive. Those in the room welcomed the move, so perhaps the Member should speak to some of those who are involved in his area. I was concerned that the £5 million that was taken out of the programme would not be spent. The Member may not agree, but I think that rural broadband is a massive issue, and people in rural communities still do not have a decent broadband speed. I am determined to address that, and I will work with my colleagues in DETI to do so. Perhaps the Member should have some more discussions with those who are in his local JCC.

**Mr McMullan:** I thank the Minister for her detailed statement. Will she provide an update on the delivery of her Department's anti-poverty and social exclusion framework?

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. I think that I have already picked up on that. It is safe to say that I will be able to launch the new programme early in the new year. We need to learn from what we did in the past and ensure that the new programme addresses the main needs of rural communities. It will deal with issues such as the rural childcare programmes that were taken forward by Michelle Gildernew in the previous term and were so successful. I hope to be able to announce some positive measures for rural communities early in the new year.

**Ms Ritchie:** I thank the Minister for her statement. With particular reference to paragraph 7 of the Minister's statement and considering last week's positive ruling by the Parliamentary Ombudsman in Britain on the issue of innocent mistakes and errors in single farm payments, has the Minister had an opportunity to undertake an assessment of the single farm payment applications in Northern Ireland that were refused due to errors, double-mapping or innocent mistakes? If so, what was the outcome?

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. Members are being creative in their questions. Those issues were not discussed at the NSMC meeting. We always look at the decisions that are taken, and there is a panel that reviews single farm payment decisions. The Department will ensure that last week's announcement is taken into account in any future review of single farm payment decisions.

**Mr Buchanan:** I listened carefully to the Minister's response about money being spent through the LAGs. Does she agree that it was her Department that, at the very start of the programme, held things back by not putting the proper programme in place and did not allow the programme to get off the ground? Does she also agree that her Department did not allow the LAGs to put the programmes in place to spend the money? So, rather than trying to cover up the Department's tracks, would she not agree that it was her Department's fault and that, had that money been spent, she would have had to look somewhere else for the £5 million that has been moved to upgrade broadband?

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. There is no doubt that there were teething problems in getting the project off the ground, and there is no doubt that the Department had a lot of red tape in place. There was a review, and things were improved. The reality is that the LAGs continue to underspend, but we need to be in a position where we can spend all that money. I hope that the Member will agree that broadband provision is an issue in his area as well. That is a good way in which to spend the money. It is not wasted money; it is being taken from one project and put into another very worthy project.

**Mr Elliott:** Rather than being about something that is in the statement, my question is about something that is not in it. I am looking for an update. Large amounts of farmland have been flooded in the past few years in and around the Upper Lough Erne area in Fermanagh. There is obviously a significant cross-border element to that, because the hydropower station at Ballyshannon controls the water levels there. I wonder whether that has been resolved, because it has been the subject of much discussion over the past couple of years. Why was it not discussed at the North/South meeting?

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. Again, that is not mentioned in the statement. If the Member wants to contact me afterwards, I will get the matter looked into. It was not up for discussion at the meeting, but, if the Member sends me an e-mail, I will respond to that.

**Mr Deputy Speaker:** Members should at all times ask questions that relate to the statement.

## Assembly Business

**Mrs D Kelly:** On a point of order, Mr Deputy Speaker. I wonder whether the Speaker's Office would conduct some sort of analysis of the time that some Departments take to answer questions. I have tabled a number of questions in recent weeks, one on 28 October to ask for the timetable for the appointment of the Police Ombudsman and another to OFMDFM on 7 November about a legislative timetable for the Assembly. I still await a response to those questions. Those are just two examples.

**Mr Deputy Speaker:** Other Members have raised similar questions, and, no doubt, the Speaker will take note.

## Ministerial Statement

### **Criminal Justice: Intergovernmental Agreement**

**Mr Ford (The Minister of Justice):** With permission, I wish to make a statement regarding a meeting held under the auspices of the intergovernmental agreement (IGA) on criminal justice co-operation, held in Antrim on Friday 25 November 2011. The meeting was attended by Alan Shatter TD, Minister for Justice and Equality and Minister for Defence, and I represented the Executive. This was the fourth formal ministerial meeting under the IGA since the devolution of justice on 12 April 2010. As I have said in previous statements to the House, I am committed to keeping the Assembly informed of meetings held under the auspices of the agreement on the same basis as for North/South Ministerial Council (NSMC) meetings.

The meeting on 25 November provided us both with an opportunity to review progress against a joint work programme that we agreed at our meeting on 8 June. I shared a copy of the work programme with Members as part of the oral statement following the June meeting. One of the actions in the work programme is the organisation of a joint public protection seminar. That seminar was held in Antrim on the same day as our meeting, but I will return to that in a few moments. Other agreed actions in the work programme include exploring the potential for fast-track probation reports to help to speed up justice; maximising opportunities for co-operation on forensic science; and sharing best practice on justice initiatives, as well as learning on how we can best support victims of crime.

We have reached the midpoint of the timeline for the work programme, which is due to be completed by next July. Following the next intergovernmental agreement meeting, I intend to give a more detailed report on progress made against the actions in the work programme.

Alan Shatter and I were also updated on the progress of the six project advisory groups. They focus on areas including public protection, registered offenders, youth justice, forensic science, support for victims of crime and social diversity. Each of the project advisory groups has continued to promote and support co-operation between officials across the broad spectrum of criminal justice agencies on both sides of the border. The public protection group,

for example, has been working collaboratively towards the implementation of EU framework decisions on the transfer of prisoners and the transfer of probation supervision. The group has also led on the preparation of common statistics, which supports the comparison of key indicators across the two jurisdictions.

There is good co-operation between the PSNI and an Garda Síochána at an operational level on the management of sex offenders. An information-sharing agreement on sex offenders is already in place, and consideration is being given to applying the lessons from this exercise to other aspects of sensitive policing work. That progression of thinking is based on enhancing public protection and making sure that the border does not prevent the detection and management of offenders.

Ensuring that victims of crime receive the necessary support when they come into contact with the criminal justice system is a priority for both Alan Shatter and me. I advised Mr Shatter about the work that is being done in Northern Ireland, including the Justice Committee's inquiry, the outcome of which will be of interest to the project advisory group that focuses on victims' issues and will inform the group's recent discussions about the proposed EU directive on establishing minimum standards on the rights, support and protection of victims of crime.

We were also updated on the work that is being taken forward on youth justice and how there is good sharing of learning on projects and initiatives across the two jurisdictions. Consideration is also being given to the potential for sharing information on respective inspections.

The co-operation between the two forensic science services continues with collaboration on sharing of expertise. That level of support is welcomed by the heads of the respective organisations, particularly in light of the changes to the provision of forensic science services in England and Wales. The Minister and I support the extent of the engagement, and we reinforced our commitment to enhancing mutual co-operation between the two services and, indeed, with the Scottish service.

Good progress is being made on exploring the scope for shared learning on social diversity issues that impact on the criminal justice systems, and discussions have also commenced on assessing the quality of interpretation services across the two jurisdictions. Mr Shatter and I

also welcomed the conclusion of manuals on the investigation and prosecution of offences with a significant cross-border element. Those internal operational manuals will provide practical advice to the PSNI, an Garda Síochána, the Public Prosecution Service and the Director of Public Prosecutions. Conclusion of the work fulfils the commitment given in the published cross-border policing strategy, and it is an excellent example of co-operation that will provide clarity and consistency to officers and prosecutors who may be required to investigate and prosecute such cases.

I referred earlier to the public protection seminar held prior to my meeting with Alan Shatter, which had the theme of partnership working for public protection. It provided an opportunity for representatives of both probation services, alongside the other agencies, to discuss key public protection issues, including assessing risk regarding sex offenders; offender management; the strategy for the management of women offenders; and drug and alcohol misuse. I was pleased to be joined by Alan Shatter in opening the seminar. Significantly, the keynote address was given by the Lord Chief Justice. I know that it was a productive day for all involved.

I am pleased to report that there continues to be good progress in supporting and promoting North/South co-operation to make Northern Ireland and the island of Ireland a safer place. The meeting was a good opportunity to update Mr Shatter on the work that is being done in Northern Ireland on the development of a reducing offending strategy and community safety strategy. I was also updated on the development of the White Paper on crime that is being taken forward by the Department of Justice and Equality. It is clear that we have many similar challenges on both sides of the border.

The intergovernmental agreement provides a helpful framework for supporting North/South co-operation on criminal justice matters, but we see the real benefits of co-operation when individuals in the criminal justice agencies develop good working relationships with their respective counterparts. Alan Shatter and I are committed to promoting and supporting that type of practical co-operation.

**Mr Givan (The Chairperson of the Committee for Justice):** I note that the Minister said that the next statement will give more substantive

details of the type of progress that we want to come out of these meetings. It is not clear what the tangible and real benefits of what is taking place are, apart from building up those relationships. I support and welcome the statement, but we need to see actual results and what they mean to the community.

I will pick up on the forensic science element. The Minister will know that the Committee visited that institution, and there is a clear problem in having drugs tested in a timely fashion to allow cases to proceed through the court system. Was there any discussion at the meeting of what benefits there could be in co-operating on that type of work so that the individuals who are scourging our communities can be taken through the court system and, hopefully, put away?

### 1.15 pm

**Mr Ford:** I thank the Chairman for his welcome. I take his point entirely about tangible benefits. As I said in the statement, a year's work programme, which was set in the summer, will be reported on after the next meeting in the summer of next year. That will be a suitable time to measure the tangible effects. He acknowledged that the issue of improved working relationships and sharing of expertise is always of benefit.

On the specific issue of the operation of the forensic science services North and South and, indeed, as I highlighted, in Scotland, there are real issues of capacity in every part of these islands. That has not been helped by the changes towards privatisation in England and Wales. Given the capacity limits that we all suffer, the key issue at this stage has been the sharing of expertise and professional assessments, rather than the opportunity to carry out work across the different agencies. However, the Chairman of the Committee will also know that the operation of the forensic science service is being closely followed up by the Department to ensure that we get the best possible efficiency and, in particular, the testing that he talks about done as efficiently, accurately and rapidly as possible.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra. I thank the Minister for his statement. He referred to the project advisory groups and the fact that the Committee for Justice will be particularly interested in

the group on victims and witnesses because the Committee is conducting an inquiry on that matter. How often does that group meet, and what are its terms of reference and work programme?

**Mr Ford:** I thank the Deputy Chair of the Committee for his welcome, but I fear that I will not be able to give him the precise information that he seeks. The project advisory groups meet as regularly as required. Generally, at least a couple of meetings of each of them are reported on when we meet, which is roughly every four or five months. It is a matter for the individual groups to handle their timings. I will get the precise details that the Member has requested and supply those to him.

**Mr Kinahan:** I thank the Minister for his statement. He mentioned the sharing of information that has been put in place between the PSNI and an Garda Síochána in relation to sex offenders. Can he be more specific about the consideration that has been given to sharing information in other circumstances and what the other aspects of sensitive policing work might be?

**Mr Ford:** As I said, the issue of information sharing in other sensitive areas is being developed on the basis of the experience that we already have with regard to sex offenders. Obviously, there is a particular issue in the context of the border and the ease with which people can move across it. That requires careful management of those who, for example, are released on licence or are on the sex offender register. Those are the sorts of issues that are being followed up to see how we can work best between the two jurisdictions and ensure that we cover that properly. There are issues that apply to other people who are on licences, and that is the area of work that is currently being developed and on which I hope to report after the next meeting.

**Mr A Maginness:** I thank the Minister for his very full report and welcome the continuing co-operation between the two jurisdictions and the two Ministers. Given the bizarre and, indeed, damaging decision to privatise the Forensic Science Service in Britain, is there not an opportunity for the forensic science laboratory in Northern Ireland, the one in the South and, indeed, the one in Scotland to get together not only to share expertise but to share work? In that way, a body of expertise and a capacity

could be built that could be shared across the three jurisdictions.

**Mr Ford:** I thank Mr Maginness for that helpful comment. He referred to privatisation in Britain, which, technically, means privatisation in England and Wales, as I think he would acknowledge. The issues, at this stage —

**Mr A Maginness:** I get confused between British and —

**Mr Ford:** Well, in terms of justice jurisdictions, I generally operate on the basis that there are three jurisdictions within the United Kingdom: one is called England and Wales, which covers the bits that are not called either Scotland or Northern Ireland.

I entirely agree with the Member that significant issues arise from the decisions taken in Whitehall around the privatisation of services for England and Wales. We are seeking to maximise the co-operation with Scotland and with Ireland to share expertise, and he will be aware of the investment proposals that we have for our laboratory at Carrickfergus.

The issue has to be how we can develop the expertise to share between the three public services in the three parts of these islands that are not called England and Wales, to ensure that we develop that expertise, share the opportunities and are able to see the laboratories assist each other at times of particular pressure. That would certainly be my ambition.

**Mr Weir:** Unlike the previous Member, I will try not to get my geography mixed up.

I thank the Minister for his statement, in which he referred to the co-operation between the Republic of Ireland, Northern Ireland and Scotland on, for instance, the forensic sciences. Work is clearly ongoing on the wider public protection issue. What further steps does he believe can be taken to ensure that there is a strengthening and deepening of the system of co-operation on public protection between all of the jurisdictions of the British Isles?

**Mr Ford:** Mr Weir raises the entirely reasonable point that, particularly in the context of now having four separate jurisdictions, we need to ensure that we maintain broadly similar — they will never be identical — arrangements for public protection in dealing with, for example, sex offenders and for ensuring that those who are on licence in one part of these islands are

properly dealt with if they propose to move. That is why issues such as the transfer of probation supervision are important. That is why there are issues, which we highlighted, that show difficulties for Northern Ireland-domiciled UK citizens who would perhaps be eligible for early release in England and Wales but for whom the supervision cannot, at this stage of law, be carried through in Northern Ireland. We are seeking to improve those arrangements across all the jurisdictions, although my statement dwelt solely on the North/South matters.

**Mr Lynch:** Gabhaim buíochas leis an Aire as a ráiteas. I thank the Minister for his statement. I know that he has referred to the management of sex offenders a number of times. Is the advisory group looking specifically at an all-Ireland register for sex offenders? That is the safest and best method by which to manage sex offenders.

**Mr Ford:** I appreciate the perspective and the constituency from which Mr Lynch comes when he asks such a question. However, the reality is that sex offenders can, effectively, move within Europe and certainly across the different regions of these islands. Therefore, it is not simply a matter of talking about a North/South sex offenders register; we have to ensure that the register in Northern Ireland can co-ordinate with those in the Republic, England and Wales and Scotland as and when required. We are seeking to promote that maximum co-operation to ensure full public protection in every part of these islands.

**Mr Wells:** The statement is interesting, but the elephant in the room — the glaring omission — is that there is no reference to a practice that costs the Northern Ireland economy £60 million, £80 million or £150 million, depending on whose figures you take: diesel smuggling and laundering. I am surprised that, after a long meeting and a seminar, the obvious issue, the one that requires much greater co-operation between the authorities in this part of the United Kingdom and the Irish Republic — diesel laundering — is not in the statement. Was it mentioned, or is it on the agenda for the next meeting?

**Mr Ford:** The answer is that diesel laundering was not mentioned at that particular meeting. There are, of course, other areas where diesel laundering or fuel smuggling are being considered in different meeting formats;

for example, the House of Commons Select Committee inquiry, to which I expect to give evidence in January in London. Other aspects of that are being carried through by the Organised Crime Task Force subgroups, where there is a strong cross-border element of involvement by Revenue and Customs alongside HMRC and the Garda Síochána alongside the PSNI. So, those issues are being addressed elsewhere. It is certainly not the case that the issue of dealing with fuel crime is being ignored.

**Mr Eastwood:** I thank the Minister for his statement. I welcome the continuing commitment to cross-border working. I know that he half answered a question on this, but I want to press the Minister for more detail on future co-operation, which will hopefully be expanded, between the PSNI and Garda Síochána.

**Mr Ford:** I fear that responding to Mr Eastwood to welcome his enthusiasm and commitment but tell him that I am unable to give him exactly what he wants will become a long-running broken record. While I recognise the intent behind his question, as Minister, I need to be careful not to suggest that I should engage in too much political direction of what the PSNI and the Garda Síochána are doing. I will certainly ensure that whatever resource issues are raised are dealt with as expeditiously as possible in the Department in order to ensure that the co-operation between the PSNI and the Garda Síochána that we see daily is carried through to fight all kinds of crime right across the island. I believe that that is the case. I believe that, when Alan Shatter and I work together, the way in which we recognise that shows the full support for it. However, we need to ensure that the operational decisions rest with the Chief Constable and the Commissioner of the Garda Síochána.

**Mr Allister:** The Minister has been very busy in his engagement with the Republic's Department of Justice. He has had four formal meetings with the Minister; he has an agreed work programme, which is ongoing; and he has six joint project advisory groups to assist with all that. How many meetings has the Minister had with the Justice Secretary in London, the Home Secretary in London or any Justice Minister of the nation of which we are a part? How many work programmes has he ongoing in that regard? How many joint project advisory groups has he working on those issues?

In concert with Mr Wells, I express surprise about the diesel issue, but I also ask the Minister whether terrorism and its cross-border threat was discussed —

**Mr Deputy Speaker:** Order. The Member knows well that he should put one question.

**Mr Ford:** Being a generous soul, I shall endeavour to answer a few of Mr Allister's questions, though I did lose count of them.

The Member needs to recognise the reality that there is a specific issue of the intergovernmental agreement, which was established prior to the devolution of justice powers, through which officials in the Northern Ireland Office met officials in the Department of Justice and Equality in Dublin on specific matters of criminal justice co-operation. That is what I am committed to carrying through, and the project groups that the Member highlighted exist. If the Member wants an answer to the specific question about meetings that I have had with those from the UK —

**Mr Wells:** The rest of the UK.

**Mr Deputy Speaker:** Order, please. The Minister will resume his seat. I ask Members not to shout across the Chamber, please. Continue.

**Mr Ford:** On the specific issue of meetings that I have had with Ministers from the other two jurisdictions within the UK, I have had one formal meeting with Mr Kenneth Clarke, one formal meeting with Mrs Theresa May, three formal meetings — I think — with Mr Kenny MacAskill, who is the Minister in Scotland, and more meetings with junior Ministers in the Justice Department and the Home Office than I can currently remember.

**Mr Dickson:** I thank the Minister for his statement, particularly the part about the enhanced co-operation between an Garda Síochána and the PSNI on managing sex offenders across the border. Has that work and type of co-operation extended to dealing with those involved in human trafficking?

**Mr Ford:** I appreciate my colleague's question. Of course, the management of sex offenders is not just for the police services North and South but for the probation services North and South. It formed a large part of the public protection conference that happened on the same day.

It is also very clear that, North and South, we recognise the serious issue of human trafficking and that sex offenders are also those who cause hurt and damage to trafficked people — predominantly women but also children and men.

### 1.30 pm

There has certainly been significant co-operation on the issue. For example, last year, we reran the Blue Blindfold campaign to ask people to open their eyes to the issue of human trafficking. Unfortunately, for budgetary reasons, the campaign was not as strong in the Republic as we would have hoped. However, the issue has featured in discussions with Alan Shatter, and I hope that there will be the opportunity in the coming months to develop further co-operation against traffickers in conjunction with the authorities in Dublin, Edinburgh and London.

**Mr S Anderson:** I thank the Minister for his statement, in which he spoke of the management of sex offenders and enhancing public protection. On the issue of sex offences, especially those committed against children, was there any discussion on the possible introduction of Sarah's law? If not, does the Minister not think that it warrants discussion? Furthermore, will he look favourably on a Sarah's law for Northern Ireland?

**Mr Ford:** The simple answer is that there was no such discussion. I would not expect a member of the DUP to wish me to discuss future legislative change in Northern Ireland with a representative of the Irish Government.

**Mr Deputy Speaker:** On that note, we will conclude questions to the Minister of Justice.

## Private Members' Business

### Cancer Drugs Fund

**Mr Deputy Speaker:** The next item of business is the motion on a cancer drugs fund. The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes in which to propose the motion and 10 minutes in which to make a winding-up speech. All other Members who wish to speak will have five minutes.

**Mr Ross:** I beg to move

*That this Assembly calls on the Minister of Health, Social Services and Public Safety to give consideration to the creation of a cancer drugs fund.*

I thank the Business Committee for allowing the motion to be debated this afternoon. The wording of the motion is deliberate in that it asks for consideration to be given to the creation of a cancer fund for Northern Ireland. I think that that allows the Minister the degree of flexibility that is required, and it allows Members to come up with their own modifications and proposals for a cancer drugs fund. It recognises that there would need to be full consultation with the health sector before this proposal could be brought any further forward. It also recognises that there are some criticisms of the cancer drugs fund that operates in England and that we need to come up with ideas on how we would pay for such a fund. It is important that when Members put forward proposals in motions, they come up with ways to pay for them; not to do so is irresponsible. I hope to address both issues in my contribution.

The Health Minister has previously highlighted the significant improvements in survival outcomes for cancer patients in recent years. That has been helped by the promotion of healthier lifestyles, earlier diagnoses and patients becoming more involved in the decision-making process about care. However, it is also a fact that a report by Sir Mike Richards, the national cancer director, found that the UK's uptake of new drugs falls behind that of other European countries, despite the fact that in the United Kingdom, and in Northern Ireland in particular, we have a strong record in cancer research and participation in clinical trials. That means that although we are strong in those areas, NHS patients are not necessarily benefiting. The report helped to

explain the discrepancies between treatments for international patients and treatments for UK patients, and why UK patients were not able to access innovative and new cancer drugs. That, in turn, led to the establishment of the £50 million fund that was announced in July 2010.

The rapid adoption of new drugs will not only benefit patients but will, arguably, be important in promoting research and development by the life sciences industry. Cancer Research UK has highlighted its concern at the fact that the United Kingdom lags behind other European countries in access to cancer drugs and has stated that a system of reimbursement, such as a cancer fund:

*"rewards innovation and makes cancer treatments available to patients in the UK".*

It is also important to recognise that in our draft Programme for Government, there is a commitment to enhance access to life-enhancing drugs for conditions such as cancer.

The establishment of a Northern Ireland cancer drugs fund could, I believe, help to achieve that goal, particularly given that there have been huge advancements in treatments, as anyone who has visited the cancer centre in Belfast will have seen. Those advances are around personalised medicines that more effectively target subgroups of patients. However, many of those drugs are much more expensive and can be much more difficult to get access to.

While visiting the Centre for Cancer Research and Cell Biology last month with the Employment and Learning Committee — the Chairperson of the Health Committee was there as well — I had the opportunity to speak to Professor Joe O'Sullivan. He highlighted the delay that cancer patients in Northern Ireland face in accessing some of the innovative new drugs that are available. He also pointed out that his colleagues in England had access to the cancer drugs fund, and that a similar scheme in Northern Ireland would be hugely beneficial for cancer patients here.

The fund is a fairly simple thing. It is money set aside by government to pay for cancer drugs that have not yet been approved by the National Institute for Health and Clinical Excellence (NICE), and are, therefore, not yet available through the NHS. That is either because they have not been assessed yet or because NICE does not feel that they would be cost-effective.

The cancer drugs fund started at the beginning of April this year and is, in essence, the extension of the £50 million fund that I spoke about, which was launched in July last year. That was estimated to help some 2,000 patients to get access to life-extending drugs.

The fund will be in place until 2014, when the national Government plan to introduce a new way of setting prices for cancer drugs in an effort to make more drugs routinely available in the National Health Service. The fund in England is worth some £200 million annually, but it is estimated that a similar fund for Northern Ireland would cost around £3 million annually. That figure was given to me by cancer experts in the centre in Belfast.

The way that the fund works is that doctors can apply to the fund to get certain drugs for their patients, examples of which are some prostate cancer drugs that can add three to four months to a patient's life and make their final months much more comfortable. It was explained to me that those drugs are not available at present to cancer patients in Northern Ireland because NICE is not due to assess them until spring. After approval, it could be up to a further six months before they would be available in Northern Ireland. Hopefully, recent changes to the system will dramatically reduce that delay, but it remains the case that in the absence of a drugs fund, patients in Northern Ireland cannot have the same level of access to life-enhancing drugs as patients in England.

In fact, the Rarer Cancers Foundation found that cancer patients in Northern Ireland are denied access to, it claims, 29 life-extending treatments available to patients in England. Some of those have been approved by NICE but not yet locally. Others are not available on the NHS but are available to patients through the cancer drugs fund in England. Therefore, patients in England are able to access drugs that patients in Northern Ireland cannot. A local cancer drugs fund could correct that anomaly and allow local cancer patients to get access to innovative new drugs that could allow them valuable extra time with their loved ones.

The way that the fund would work would also put clinicians and cancer specialists at the very heart of decision-making. It would allow drug treatments for patients who, until that point, had been denied access to a particular drug recommended by their oncologist because NICE

did not deem it to be cost-effective or had not assessed the drug at that time.

As I mentioned at the beginning of my speech, there are some criticisms of the cancer drugs fund, and it is important that Members address those issues during the debate. When the Scottish Parliament debated the issue, MSPs were concerned that a cancer drugs fund would give preference to cancer over all other illnesses. That is an unusual argument, particularly for members of the SNP in Scotland to make, given that all legislatures across the world have to take decisions on funding one area rather than another, perhaps building one road rather than another or keeping one school open and closing another. Those are the natural consequences of taking decisions in government.

My belief is that a cancer drugs fund would address the fact that patients in Northern Ireland do not have the same level of access to life-enhancing drugs as their counterparts elsewhere in the United Kingdom. Studies have highlighted that we are not accessing innovative new drugs quickly enough.

A second criticism of the fund in the English press was that money for it was being taken from elsewhere in the health budget and was not in fact new money. I fully recognise that finances are tight in every Department, perhaps nowhere more so than in the Department of Health. I would, therefore, not propose that any money be taken from elsewhere in the Minister's budget to fund the scheme. If Members support the principle of establishing a drugs fund for Northern Ireland, we must be open to looking at ways in which it could be funded. Again, the motion is not prescriptive on how that could be achieved, and that allows Members to put forward their own ideas. One area that could clearly be looked at is the Minister's reintroduction of a modest fee for prescriptions for those who could afford to pay a few pounds once or twice a year. The most vulnerable groups in our society, such as senior citizens and those with long-term illnesses, would be exempted, of course. However, I do not think that it would cause a lot of concern to most people who are fortunate enough to be relatively healthy to have a modest charge for prescriptions to pay for this fund. We have to give thought to that kind of issue. It is important that we have a mature debate. It is not good enough to just support a motion without coming

forward with ideas on how we could meet its financial implications.

**Mr Givan:** I am grateful to the Member for giving way, and I commend him on the motion. Does the Member agree that when we look at how money could be secured for this type of fund, we should always remember that these are individual lives and life-saving drugs? I spoke very recently to a Lagan Valley constituent who is on his fourth set of life-saving cancer drugs. He commended the health service for the work that is done currently, because his life has been extended. He has children and grandchildren. Whatever can be done to help such individuals should be done. That should be at the forefront of all our minds when we consider this issue.

**Mr Ross:** I thank the Member for that contribution. It is very important to remember that access to these types of drugs, which is denied currently, could greatly improve the quality of life of many people and, perhaps, give them extra months with those whom they care about most.

In conclusion, establishing a cancer drugs fund for Northern Ireland is not something that we have to do but that we could choose to do, with relatively little financial pain. It could speed up access to innovative new drugs for cancer patients and allow patients access to life-enhancing drugs that are denied to them currently. I look forward to Members' contributions. I ask them to support the motion to allow consideration to be given to the establishment of a Northern Ireland cancer drugs fund.

**Ms Gildernew:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Member for proposing the motion. It is a very important motion on a subject that we should be talking about. I believe that it will be supported across the House, because we can all talk about constituents with life-limiting conditions for whom access to drugs would have given them more time with their loved ones.

I am normally in the Chamber shouting about inequalities west of the Bann. This time, we are talking about inequalities west of the Irish Sea. We should all be angry and very disappointed about the fact that the British Government set up a fund concerned with cancer drugs for people in England only. We should raise our voices unanimously to tell the British Government that they are sending a very clear

message to cancer sufferers in the North of Ireland who do not have access to the same amount of drugs. We all know that spend on cancer drugs in Britain is significantly less than across the rest of Europe.

I remember a scene from 'The Commitments' in which the characters said that they were right at the bottom of the pile. When I was getting ready for today's debate, I thought that that is us: we are right at the bottom of the pile. If you get cancer in the North of Ireland, it is your tough luck. The Department of Health and the Minister do not have access to the same resources to buy those drugs as in England.

It is a very personal issue for me, as it probably is for a lot of us. Many of us have dealt with constituents who came to us looking for access to particular drugs that their oncologist or consultant said would help them. One of my Fermanagh constituents was given four to six weeks to live two years ago. He was put on a drug treatment programme, and two years later, he is enjoying life and a quality of life that he would certainly not have had without those drugs. This summer, I got a phone call from another constituent who had a very short time left. She had two small children and hoped that she would have enough time to see her eldest child's first day at school. Thankfully, she did. She continues to battle cancer daily but the time that she has had to spend with her two children has been extremely precious. None of us should have the right to take that away from anyone.

#### 1.45 pm

I accept our limitations from a financial point of view. I welcome the fact that there is a commitment in the Programme for Government to enhance access to life-enhancing drugs for conditions such as cancer and the announcement that £5 million of the funding identified for the Department of Health, Social Services and Public Safety in the October monitoring round was to be used to purchase crucial drugs and treatments.

That is good news for hundreds of people, but we would like good news for thousands of people. We know that statistics for the chances that we will get cancer are stark: one in three of us will get cancer, and one in two of us will die from it — or one in four and one in three. The figures are that stark. Many of us will contract cancer; some of us will survive, but many of us will die as a result of it.

The Committee for Health, Social Services and Public Safety has been very assertive in looking for preventative strategies that help to do away with later, more invasive and costly interventions. We applauded the work that we saw, for example, in Altnagelvin Area Hospital during a presentation by the Western Trust on bowel cancer and how early intervention can help to avoid more difficult interventions at a later date. We welcome that and would like to see more of it but we know that it takes time and money.

I am lucky to be a member of the Employment and Learning Committee, which, earlier this year, visited Queen's University's Centre for Cancer Research and Cell Biology. I saw some of the machinery used to detect and treat cancer — and to treat it more specifically by directly targeting the cancerous cells as opposed to killing lots of cells around them. Technology is coming on well. We have to work across the island, across Europe and globally. The Minister went to the United States earlier this year and had discussions with people involved in cancer treatment there. So, I think that we should all sing from the same hymn sheet.

**Mr Deputy Speaker:** Will the Member bring her remarks to a close, please?

**Ms Gildernew:** We should insist that equality is directed towards the people of the North and that our constituents have the same access to life-saving treatment as everyone else.

**Mr McCallister:** I commend the Member who moved the motion, both on the motion and the way that he produced the arguments. It is a very sensible and productive way of hearing what Members will contribute to the debate. He quite rightly pointed out that it is very easy to bring motions to the Chamber and to say that we should do more on this or that but not know how this or that will be paid for or funded.

The motion is of great interest to all Members. Very few families will not have been touched by cancer at some point. That is one reason why it is, and will continue to be, such an emotive issue to debate.

I would like to tease out some of the proposer's comments. A cancer drugs fund could have many advantages. The Member put the cost at £3 million, but the research pack suggests that it might be closer to £5 million or £6 million. There are issues around exactly where the

money would come from, how we would use it, who would decide how it would be spent, and which patients would get the treatment.

The Member quite rightly mentioned the debate in the Scottish Parliament, which comes back to what the Committee Chairperson said. She was very critical of the British Government for not extending the policy to Northern Ireland. I remind her that health is a devolved matter. Therefore, it is up to the Minister and the Assembly to decide whether to consider the policy. It is up to us to have the debate and to say that here are some of the things that we might want to learn from the English experience; here are some of the changes that we might want to take on board if we go down this road, and that this is the way that the system would work. Or, indeed, we might say no to something because it might lead to more of a postcode lottery or to more inequalities. Most of us will be supportive of the idea that this is worth looking into.

I take the point in the Scottish debate about whether we end up pitting one condition against another. Some conditions already have waiting lists, and colleagues will be aware of the debate and the work that the Minister has done on waiting lists for arthritis drugs. Those will and should be of concern to Members and how any new system on cancer drugs that have not been approved by NICE would operate and whether you end up draining resources away from different areas and pitting one condition against another. As the proposer rightly said, that has to be addressed to create something that could be very positive.

**Mr Ross:** I am sure that the Member will accept that I acknowledged that we would not be taking money away from anywhere else in the system. That is why I proposed that we look at modest prescription charges. Other Members might disagree, and it might not be the direction that we go. However, if we want to ensure that we do not take money from other areas of the Budget, it is important that we look at ways in which we can generate income to fund such a scheme.

**Mr McCallister:** I am grateful to the Member for that intervention. If it is decided that we go for that, it would be a very positive step as you would not have that competition for resources. That would not be helpful. Given Mr Ross's comments, I do not think that he would want us to go down that road either. Therefore, there are positives.

I was slightly dismayed by the Chairperson of the Health Committee being very negative about the processes and the work that has been done to improve outcomes for cancer patients in Northern Ireland over the past number of years. We have made huge strides with the work of the cancer centre, specialising at Belfast City Hospital and with research and linkages between the hospital and clinicians and Queen's University. The Health Committee visited there on several occasions in the previous mandate, as did the Committee for Employment and Learning. Therefore, much good work is being carried out on cancer, but much still needs to be done. A cancer drugs fund could play an important role in promoting better outcomes and giving access to life-prolonging drugs and treatments that could make a huge impact on people's lives.

**Mr Durkan:** Go raibh maith agat, a LeasCheann Comhairle. I also welcome the motion and echo the sentiments of previous Members to speak. The motion will concentrate minds on an important and urgent matter. As Mr McCallister said, I doubt that there is anyone in the Chamber who has not been touched by cancer and its effects or who has not lost someone close who died after being diagnosed with the disease.

Sadly, the numbers of diagnoses and deaths continue to rise, and we must welcome successful ongoing work on new and innovative treatments. However, the real quandary is how we make those treatments and drugs accessible to the people of Northern Ireland.

It is paramount that we identify and establish the resource to allow cancer sufferers here to avail themselves of life-saving and improving drugs. We have a moral obligation to ease the pain and to improve the lives of those who are suffering, but before looking at new drugs, we must look at why existing drugs are being denied to people with cancer.

According to an Ulster Cancer Foundation report, cancer patients here are missing out on life-prolonging medicines that have been approved by the National Institute for Health and Clinical Excellence. That has been attributed to a shortfall in funding and to the fact that, as a result of the shortfall, we have no ability to implement NICE guidance. That is not acceptable.

When we talk figures, we must look at the wider picture. A proactive and preventative health strategy is the best way to make savings and to

generate funding for front line care. That point is certainly not lost on the Minister.

A report published last week cited the fact that 100,000 cases of cancer are preventable. We must do all that we can to ensure such prevention by supporting community pharmacies, GPs and community groups to deliver smoking cessation programmes, healthy eating programmes and early detection schemes. Such schemes will become even more necessary as the cost of treating cancer increases. A report published this morning suggests that the cost of treating cancer will increase by 60% by 2021.

The motion calls on the Minister to consider the creation of a cancer drugs fund, which would, or should, enable cancer patients here to avail themselves of new drugs and to get as much treatment as possible. As has been said, patients in England are able to access drugs that are unavailable to patients here. Another report, as cited by Mr Ross, suggests that England lags behind Europe, and now we are lagging behind England. Are we letting down our cancer sufferers and their families if we deny them the same opportunities? They cannot afford to wait for life-enhancing drugs; they are very important.

Work must also be done as a matter of urgency to address delays in access to cancer medicines. The idea of doctors being forced to fill out individual funding requests each time they want to prescribe a new cancer medicine for a patient is ridiculous, and, sadly, permission is often granted too late.

We welcome the positive steps taken thus far by Minister Poots and the Executive in the battle against cancer. The allocation of £5 million earlier this year to address the problem of accessibility was great news. It will be nice to see it used, to see it used, nice. There must be engagement with the Department and cancer groups to ensure better retention of data and a sensible allocation of that fund. The Minister must also endeavour to secure a decent settlement over value-based pricing and to engage fully in that debate to ensure that the needs of patients are met.

There is also a huge role for pharmaceutical companies. Consideration of the creation of a cancer drugs fund is the least that we can do for our patients, and establishing one is what we must do. We have a duty to explore all avenues

to better patient recovery and treatment. The Minister deserves credit for his continued prioritisation of cancer treatments, and he will have our support in his attempts to jump the inevitable economic hurdles that he will face as he does so. We are happy to work with others in trying to identify from where those resources might come.

**Mr Deputy Speaker:** Bring your remarks to a close.

**Mr Durkan:** As a closing point, I call for support for other innovative ways to aid cancer patients, such as the promotion of bone marrow donations.

**Mr McCarthy:** I thank colleagues Alastair Ross and Peter Weir for tabling this important motion. The Alliance Party fully supports every effort that is made, as, I am sure, will all Members. We will support those efforts to help to cure, to prevent pain or to prolong the lives of cancer sufferers, regardless of whether they come through government, health trusts or universities.

The motion asks our Health Minister to consider the creation of a cancer drugs fund. We will support that proposal. Like every Member here today, Alliance Party Members have been affected by the ravages of this disease. Undoubtedly, we wish to see the day when the motto for Cancer Research UK, "Together We Will Beat Cancer", comes true. That day cannot come quickly enough for all of us.

I pay tribute to all cancer organisations for the excellent work that they have done, and continue to do, in so many ways to help people and their families who are affected by cancer. I attended the opening of a second Cancer Research shop, ReNew, in the small town of Portaferry in my locality.

That is a sign that the local volunteers and customers who support those shops are working hard to raise funds for cancer research. That is truly magnificent work, and it is repeated over and over again throughout Northern Ireland to the benefit of cancer victims.

## 2.00 pm

From April 2011, a cancer drugs fund of £200 million a year has been set up in England. Although it may have its critics, the fund means that cancer patients are getting access to drugs to help with their conditions. Surely, that has to be welcomed. To date, no such fund has been

set up in Northern Ireland. Once again, our patients are being denied equality with citizens across the water.

I remind Members of a very significant speech made by Health Minister Poots to the annual general meeting of the Ulster Cancer Foundation recently, when he said that cancer was a priority for us all and that he was determined to do all in his power to improve outcomes for cancer patients. We welcome those comments and support the Minister in his endeavours. He has put significant emphasis on prevention, better lifestyles and early detection. Of course, he congratulated the Ulster Cancer Foundation on its work. Now that the foundation, like us today, is calling for a cancer drugs fund to be set up in Northern Ireland, let us hope that the Minister's response will be positive.

Cancer Research UK is placing importance on the new value-based pricing, which will come about shortly. The system will allow the price of drugs to be based on a range of factors, including access value. There is concern about how that will operate here, and it is important that the Department of Health, Social Services and Public Safety works with colleagues in Britain to ensure that the new scheme meets the needs of patients in Northern Ireland. The proposer of the motion mentioned the funding of that project and, of course, that is at the forefront of all our concerns. However, there is an old saying, "Where there's a will, there's a way". In most cases, money can be found.

The Alliance Party welcomes the motion. We hope that the Minister will take on board the comments made by Members and give the proposal his very detailed and thorough consideration.

**Mr Wells:** This is a very timely motion. All of us have had the experience of a close friend or relative who has received the worrying and dreadful diagnosis of cancer. However, it must be emphasised that outcomes in Northern Ireland have improved dramatically over the past 30 years. When I was young — a very long time ago — when a child was diagnosed with leukaemia, sadly, it was almost certainly a death sentence. Now, more than 80% of leukaemia sufferers are alive after five years. There has been a similar dramatic reduction in mortality in cases of breast cancer and prostate cancer. Unfortunately, however, there are still areas,

such as lung cancer, where the prognosis is much poorer.

Let us be clear: although we are, quite rightly, concentrating on treatments today, the best and most cost-effective way of reducing cancer in Northern Ireland is lifestyle, and that is why I welcome the comments made by Mark Durkan on the need to improve people's health choices in Northern Ireland to ensure that they do not get cancer. Last year, we lost 2,300 people due to the effects of smoking. The vast majority of them died from lung cancer. Lung cancer results in a very agonising, painful, prolonged death. Recently, I witnessed two people whom I know quite well die from lung cancer. It was ghastly. In both cases, they were heavy smokers.

Our Committee visited the City Hospital's cancer unit 18 months ago and saw the outstanding work being undertaken by Paddy Johnston and his colleagues. He showed us two jars of formaldehyde, which contained the lungs of people who had died from lung cancer and who were heavy smokers. What did two of our Committee members do at the tea break? They went out for a smoke. I think that that indicates the problem that we have. We have to ensure that we educate our public so that they take the lifestyle choices that are necessary to avoid cancer.

*(Mr Speaker in the Chair)*

Sadly, of course, we know from last week's report that even by doing that, there will still be people who will contract cancer. Therefore, it is important that we in Northern Ireland have exactly the same access to drug treatments as those in the rest of the United Kingdom.

**Mr Humphrey:** I am grateful to the Member for giving way. I absolutely sympathise and empathise with what he is saying. Last April, I lost my father to lung cancer in circumstances such as those that he just described. The Member's giving way gives me the opportunity to raise the predicament of a constituent of mine Mrs Carol Parkinson, about whom I have written to the Minister. She has visited my office. Indeed, I attended a fundraiser on her behalf last night. In December last year, she was re-diagnosed with breast cancer after eight years' treatment. She visited the hospital, and the trust told her that the oncologist recommended specific treatment that can be provided only in exceptional circumstances. In short, Carol has to find £1,300 a month for the treatment because she is in a dispute with the trust. That

is a legal matter that I will not pursue. However, the community is backing her completely in her campaign. Does the Member agree that in this day and age, that is simply not acceptable? What more exceptional circumstances can there be for an individual to be prescribed life-prolonging drugs or drugs that will mean that a lady such as her will have life going forward?

**Mr Speaker:** The Member has an added minute.

**Mr Wells:** Thank you. I certainly agree with the Member. I know that he was very keen to raise that issue on behalf of his constituent.

We are indebted to the Ulster Cancer Foundation, which provided Members with a very interesting briefing note. It revealed that 70% of the specialists who work in that field in Northern Ireland believe that insufficient funding is available for cancer treatments. They backed the motion, as it calls for a specific cancer fund to be set up. Dr Martin Eatock, who is a consultant at the Belfast City Hospital, said:

*"There is already a clear gap between Northern Ireland and England in the timeliness of routine access to NICE approved drugs. The introduction of the Cancer Drugs Fund in England has meant that Northern Ireland lags further behind. Our cancer patients are, in some cases, unable to access treatments with proven clinical benefits available to other parts of the United Kingdom and the Republic of Ireland."*

I know that the Minister is very interested in this issue. Many Members will note that in the October monitoring round, he successfully bid for an extra £5 million for a mixture of anti-tumour necrosis factor — anti-TNF — and improved cancer treatments. Clearly, we are knocking on an open door and there is considerable support for this matter.

However, we still have the problem of the NICE delays. In Northern Ireland, we have to wait many months after a cancer drug has been approved in the rest of the United Kingdom before it is implemented here. We need to look at that. If I am a cancer sufferer in Ballymena, why should I be treated less favourably than if I lived in Basingstoke? We are all part of the United Kingdom and we all pay the same taxes, so we should surely be entitled to the same drug treatment.

I think that it was Mr Ross who had the idea that some administration charge for prescriptions might be one way of releasing

money for much-needed drug treatments. I suspect that if the vast majority of people in Northern Ireland knew that the money was being hypothecated for the specific purchase of drug treatments, they would not be too worried about paying a 50p or £1 administration charge for a prescription. Perhaps that is one way of releasing the money that is required. Although there may not be a drugs fund as such in Northern Ireland —

**Mr Speaker:** The Member should bring his remarks to a close.

**Mr Wells:** — there is nothing to stop us from funding it from our own resources.

**Ms Boyle:** Go raibh maith agat, a Cheann Comhairle. I also support the motion, and I thank the Member for bringing it to the House.

A cancer drugs fund that is similar to what has been set up in England should be considered here for a number of reasons. If a cancer drugs fund were in place here, it would make it a lot easier for patients to have access to the treatment that they greatly need for their specialist types of cancer. A cancer drugs fund should be effective and accessible to all those who are in great need of it. Access to such funds should be based on the clinical effectiveness and delivery of measurable outcomes such as overall survival rates and enhanced quality of life.

Entitlement to access should not be based on a postcode lottery in which a commissioner or an individual from a particular trust decides whether a patient can get funding for specialist drugs. That should not be a bone of contention. As stated in the research, oncologists and doctors should be the lead professionals when it comes to making applications for funding, as they know best for their patients and are the experts. My colleague Michelle Gildernew mentioned the draft Programme for Government and its commitment to ensure access to better innovative cancer drugs. We welcome that commitment because it will go some way towards addressing the gap and improving the lives of those with cancer. However, more money needs to be invested in more effective treatments.

We now have access to data from all-Ireland research on cancer, which was released last week. The data identified which types of cancers are more prevalent than others and in which areas across the island of Ireland. That

research informs us of the different cancer trends. It also informs researchers of the specialist treatments that will be needed in future. Earlier, colleagues spoke about the use of specialist cancer drugs and about the fact that the amount spent on them here is very low in comparison with other European countries. As Mark Durkan stated earlier, patients are not even able to access basic cancer treatments.

I want to share a story about a young man in my hometown of Strabane, where there is a high incidence of cancers, particularly among the young. The 31-year-old man, whom I know very well, was recently diagnosed with a rare form of cancer and because of the aggressive nature of his illness, he has been given less than a year to live. However, his family and friends are refusing to give up hope and have already begun to look at specialist treatments in places such as Mexico, Rome and America. Normal treatments such as chemotherapy and radiotherapy are no good for treating his cancer, so they have to look elsewhere. He said that he is well aware that there are alternative innovative drugs that have not yet been approved. However, those drugs would help him. He has told us that there is money to be made in the traditional medicines that treat cancers but, unfortunately, those medicines will not help him. Like other families, his family have to cope not only with the fact that their son or brother might die soon, but with doing their own research and funding initiatives to keep him alive.

People living with cancer should not be denied the right to proper advanced medical treatments. They should have a better quality of life. Minister, you stated previously that cancer services will remain a top priority as you introduce the changes necessary for the delivery of health services, and we welcome that.

**Mr Speaker:** Will the Member bring her remarks to a close?

**Ms Boyle:** You also said that cancer patients here should have the best treatment in comparison with anywhere else. I would like the Minister to give full consideration to creating a cancer drugs fund that will enable cancer patients to access the drugs that their oncologists recommend.

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

**Ms Boyle:** Go raibh maith agat.

**Ms P Bradley:** I thank the Members who tabled the motion. As others said, in the course of our lives, all of us will be affected by cancer, either directly or indirectly. Cancer is a vicious, horrible disease that uncontrollably invades the body. It is cruel and brutal in its attack and, for many of us, it leads to an early death.

### 2.15 pm

Although much has been done by the Minister in this mandate to improve cancer services, it is still inadequate. As a result, many needless deaths still occur. The Northern Ireland Statistics and Research Agency states that out of the 14,500 deaths registered in Northern Ireland in 2010, over half were caused by the three main diseases, of which cancer was the highest at 4,000 deaths.

The most important factors in increasing cancer survival rates are prevention and early diagnosis. In many cases, no drugs or treatment will halt the spread of that disease and, ultimately, an untimely death. As has been stated, there are many contributing factors to cancer, including lifestyle. However, many are genetically disposed to that cruel disease. That is why early diagnosis is of paramount importance to the management and the improved success of survival rates of cancer.

We have various screening programmes, including screening for cervical, bowel and breast cancer. We have 120,000 women screened every year in Northern Ireland for cervical cancer, with an average of 80 receiving a cancer diagnosis. What is most concerning about that figure, however, is that over half those women who are diagnosed had never had a cervical smear.

Any one of us who has suffered from cancer or has watched a loved one deteriorate knows the importance of access to suitable treatments, including drugs that are not routinely available. Those drugs can make a massive difference to cancer sufferers and their families, put the patient at the centre and give clinicians and patients greater control over the management of that disease, providing better outcomes. It is concerning that we in Northern Ireland are at an unfair disadvantage. I thank the proposer of the motion for asking the Minister to give consideration to a cancer drugs fund, and I look forward to his response.

I agree with what was said about equality of opportunity for all people in Northern Ireland to receive the appropriate drugs to prolong life. I believe strongly that access to those appropriate drugs, along with prevention and early diagnosis, can ensure a reduction in cancer deaths in Northern Ireland. I support the motion.

**Mr Gardiner:** I have no difficulty in supporting the motion. In fact, I fully support it because I share with other Members the experience of what cancer is like for loved ones. I lost my mother due to cancer and my two sisters at the ages of 50 and 53. So I welcome the motion and fully support it. I also thank the First Minister and the deputy First Minister for their announcement on 8 December about the £100 payment under the social protection fund for those who are undergoing cancer treatment.

Before the ministerial announcement on 22 September this year, with no equivalent of England's cancer drugs fund, Northern Ireland had no clear system in place to access treatment that has not been recommended by NICE on the grounds of cost-effectiveness. Recent research by the Rarer Cancers Foundation found that cancer patients in Northern Ireland are denied access to 29 life-extending treatments that are available in England. That is clearly an unacceptable situation that needs to be addressed on the grounds of equality within the United Kingdom, let alone on the grounds of compassion.

The Rarer Cancers Foundation has shown that providing additional funding to the equivalent level of the cancer drugs fund would cost just £5.8 million a year and benefit an estimated 279 patients in the Province. The Minister, in a difficult budgetary situation, is trying to help, and I welcome that.

A new revised process to speed up the applications of NICE-approved drugs was introduced from 28 September this year. At the time, the Minister said that he was open to explore other options to increase the resources available to fund access to specialist medicines. The motion will, I believe, make it clear that it is the will of the Assembly that the Minister acts on this matter. The Minister said that he puts patients rather than structures first, and I fully support him in that. I call on him to find the relatively modest sum of £5.8 million a year,

which is needed to make this happen. That represents just 0·13% of his annual budget.

**Mr Brady:** Go raibh maith agat, a Cheann Comhairle. I, too, thank the Members who tabled the motion. As someone who has personal experience of losing a loved one to cancer almost 23 years ago, I fully support the premise of this motion. Unfortunately, at that time, life-enhancing and life-prolonging drugs were not available but if they had been, obviously, we would have fought long and hard to ensure that they were made available.

The British Government have put £200 million a year into the cancer drugs fund so that patients will get better access to the drugs that their doctors have recommended for them. The drugs fund was developed using the views of healthcare professionals, patients, carers and the public. Alistair Ross mentioned that if such a fund is set up here, consultation will be essential. In England, in the development of the fund, healthcare professionals were used in the consultation process.

In Britain, usage of new cancer drugs is relatively low in comparison with the international average. In setting up the fund, it was stated:

*“We will create a Cancer Drugs Fund to enable patients to access the cancer drugs their doctors think will help them.”*

The guidance also stated:

*“The fund is intended to pay for the purchase of medicines...Panels may reasonably decide not to fund drugs where there has been no NICE appraisal...Criteria for access to the fund should be based primarily on evidence of clinical effectiveness and anticipated delivery of measurable outcomes such as improved overall survival”.*

As has been stated, the Minister told delegates at the Ulster Cancer Foundation AGM that he was determined to do all in his power to improve outcomes for cancer patients. He said:

*“I want cancer patient outcomes here to be amongst the best in the UK and Europe”.*

However, recent research by the Rarer Cancer Foundations found that patients in the North are denied access to 29 life-extending treatments that are available in England. As there is no cancer drugs fund, there is no clear mechanism for accessing treatments that have not been recommended by NICE on the grounds of

cost-effectiveness. Patients here should get equal access to drugs that are proven to be effective. As someone who sits on the Social Development Committee and is constantly being bombarded with talk about the need for parity and its effects, it seems that when we get to health, parity is not necessarily considered. As another Member stated, if people in England have access to these life-enhancing and life-prolonging drugs, so should people here.

Belfast is the home of one of the cancer research centres that help to set the pace for national and international progress in research into bowel, oesophageal and breast cancers. The Programme for Government states that there will be enhanced access to life-enhancing drugs for conditions such as cancer, and £5 million in the October monitoring round was to be used for purchasing crucial drugs and treatment. Therefore, I ask the Minister to consider ways of finding the money to set up a drugs fund because, as has been mentioned, we are talking about people's lives.

**Mr Dunne:** I welcome the opportunity to speak about this motion. Unfortunately, cancer is an issue that affects many in this House in some way or another. I am sure that we all have a close relative or friend who has had their life changed as a result of cancer. Given its seriousness, this Assembly should continue to take cancer seriously. The Minister has made it a priority to get the best outcomes for cancer sufferers and to develop work on cancer prevention and early intervention.

There has been good work done recently, including the commitment in the recent draft Programme for Government to enhance access to life-enhancing drugs for conditions, including cancer. Setting up a drugs fund is an option worth considering. The creation of such a fund could help to improve and to extend the lives of those suffering from this terrible disease. Anything that could be done to achieve that should be looked at and considered seriously.

We can also learn from developments in England, where a cancer drugs fund has been established. We need to listen to groups, organisations, professionals and patients who are at the front line in the fight against cancer. There is clear evidence that the establishment of the fund in England has directly benefited over 7,500 patients with rare forms of cancer by enabling them to access drugs that their

doctors believe would benefit them. Many people would agree that the creation of a cancer drugs fund has resulted in patients accessing cancer drugs that they might otherwise have been unable to get. It is regrettable that, in some cases, cancer sufferers here may be unable to access treatments that are readily available in other parts of the United Kingdom and, indeed, in the Republic of Ireland.

The mainland is an interesting case study. Regional variations have developed between England and Scotland and Wales, where a specific cancer drugs fund has not been developed. That has created a divide in cancer care. We could all learn from that example. We need to look actively at ways to alleviate differentiation and to prioritise helping those who are most in need, thus increasing the chances of their lives being extended. Improving access to drugs is crucial in the fight against cancer. We need to try to reduce the time that is required to apply for drugs and to access new medicines. Of course, when we consider the fund, we cannot focus purely on cancer. We must recognise the fact that, unfortunately, there are other life-threatening diseases for which significant financial support is also needed.

I urge the Minister to consider the creation of a cancer drugs fund, which would be an effective tool in trying to reduce the impact of cancer on those who suffer from that devastating disease. I support the motion.

**Mr Speaker:** As Question Time commences at 2.30 pm, I suggest that the House takes its ease until that time. We will resume the debate after Question Time, when the next Member to speak will be Conall McDevitt.

*The debate stood suspended.*

*On resuming —*

**2.30 pm**

## Oral Answers to Questions

### Office of the First Minister and deputy First Minister

#### **UN Convention on the Rights of the Child**

1. **Ms S Ramsey** asked the First Minister and deputy First Minister whether they will follow the lead of Wales and bring forward proposals to embed the ethos of the United Nations Convention on the Rights of the Child in legislation. (AQO 973/11-15)

**Mr P Robinson (The First Minister):** With your permission, Mr Speaker, I will ask junior Minister Jonathan Bell to answer this question.

**Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister):** The concluding observations issued in October 2008 by the United Nations Committee on the Rights of the Child, recommended that a Northern Ireland bill of rights would be an appropriate vehicle to bring the United Nations Convention on the Rights of the Child into legislation here. The issue is not a devolved matter, and, therefore, the Northern Ireland Office has been considering proposals from the Northern Ireland Human Rights Commission on a bill of rights. The UK Government published consultation responses on a bill of rights here in December 2010, but the Member will be aware that there is no political consensus on the nature of any possible bill of rights in Northern Ireland. As part of a separate process, Ken Clarke, the Lord Chancellor and Secretary of State for Justice, has set up a commission to investigate the creation of a UK bill of rights. We will examine any proposals that may come forward in relation to children's rights. In the meantime, we will continue to consider the United Nations Convention on the Rights of the Child in emerging legislation, policy and practice.

**Ms S Ramsey:** Go raibh maith agat, a Cheann Comhairle. I thank the junior Minister for his answer. It is important to highlight the British Government's failure to bring forward a bill of

rights. Taking on board Wales's lead, will the junior Minister confirm whether the Office of the First Minister and deputy First Minister (OFMDFM) and the Executive will look at separate legislation to ensure that children's rights are rightly embedded in all policy decisions and, more importantly, across all Departments?

**Mr Bell:** The First Minister and the deputy First Minister are clear that we should embed children's rights in all our work, whether it is the work that Martina Anderson and I are taking forward in connection with the child poverty strategy, in lifetime opportunities for children or in the Executive's 10-year strategy. We intend to deliver directly on the issue of children's rights.

One practical example of that is in children's participation. The Office of the First Minister and deputy First Minister sponsored an event that was hosted by the Children's Commissioner, for which we have responsibility. The event was hugely well attended by various groups and people from Translink to Assembly Members, and it was all about rewarding good practice in children's participation. That is just one example of the many examples that we want to take forward as we embed children's rights in all our policy and practice.

**Mrs Hale:** Will the junior Minister inform the Assembly what progress has been made in reinvigorating the ministerial subcommittee on children and young people?

**Mr Bell:** I thank the Member for Lagan Valley for her question. There are three key aspects to what we intend to do in the ministerial subcommittee and in the bilateral meetings that Martina Anderson and I have taken forward with each of the Executive Ministers. As I said to Sue Ramsey, that work is about ensuring that we have a collaborative approach that adds value to what is there and is cross-cutting across all Departments.

We want to see the mainstreaming of the work that we are taking forward. We have considered the role and function of the ministerial subcommittee through bilateral meetings with colleagues in the Department of Justice, the Department of Education, the Department of Health, Social Services and Public Safety and the Department for Social Development. We have discussed how we can better operate the ministerial subcommittee and how we can work

together to streamline, link and progress the work around policy for children and young people.

**Mrs Dobson:** The 2008 concluding observations and recommendations of the UN Committee on the Rights of the Child stated that, aside from Wales, in the UK:

*"the right to play and leisure is not fully enjoyed by all children".*

What action is the Department taking to rectify that?

**Mr Bell:** As junior Ministers, we attended the play strategy and co-ordination event here. It is important that, when we act to deliver on the United Nations Convention on the Rights of the Child, we continue to support the work not only in play and leisure but in children's participation across all Departments. I assure the Member that we are committed to implementing the UN Convention on the Rights of the Child and we support ministerial colleagues to do so in a co-ordinated fashion. So where there are issues, such as play and leisure, that cut across Departments, we will seek to ensure that we have a cross-cutting function that co-ordinates the important roles of play and leisure and takes them forward.

**Mr Eastwood:** What additional measures does OFMDFM intend to enact to ensure the economic rights of children, given the recent very disturbing figures relating to child poverty?

**Mr Bell:** It is difficult to disaggregate the work that is being done on child poverty from that which is being done on family poverty; the question is which is which. We are specifically targeting work to ensure that children have the right skills not only to make them employable but to allow them to offer those skills in the future. We want to give those young people a better way out. Work will shortly conclude on the consultation on the social investment fund, which will specifically look at addressing measures that are already there. As was indicated, that work will focus on families who are living in poverty. Last week, the First Minister and the deputy First Minister unveiled an initiative on fuel poverty. It will ensure that family members who suffer from cancer or have had treatment within the past six months, pensioners who are on pension credit and are suffering and need help, families on income support or jobseeker's allowance or families living with a member on employment and

support allowance will benefit from an additional measure that will help to alleviate fuel poverty and child poverty in their household.

**Mr Speaker:** The Member is not in her place to ask question 2. I call Tom Elliott.

### **DOJ: Initial Ministerial Provision**

3. **Mr Elliott** asked the First Minister and deputy First Minister whether they have had any detailed discussions on the review of the initial ministerial provision in relation to the Department of Justice. (AQO 975/11-15)

**Mr P Robinson:** On 29 November 2011, the Assembly noted the report of the Assembly and Executive Review Committee on its review of the initial ministerial provision for the Department of Justice. The deputy First Minister and I have had initial discussions on the matter. The issue was also raised during a meeting with Executive party leaders on 5 December 2011, and, in consequence of that meeting, an options paper was distributed this morning for their consideration.

**Mr Elliott:** I thank the First Minister for that. I acknowledge that we received the options paper from the Department this morning. I wonder whether there have been any discussions between the First Minister and the deputy First Minister about the possibility of using this opportunity to reduce the number of Departments in the Executive.

**Mr P Robinson:** In the Member's capacity as leader of the Ulster Unionist Party, he will be aware that the options paper that was provided includes options that indicate consideration of the number of Departments. Of course, that will also be an opportunity for Members who follow through on the draft Programme for Government, because one of its aspects was to look at the overall provisions of the Assembly during 2012. The matter will certainly be raised, whether at this stage or at that stage. He, of course, will have a full role in considering that element of Justice 2012 over the next number of weeks. I hope that the matter can be resolved fairly quickly and painlessly. It seems that the positions that most people recognise are manageable. I would expect that the matter could be resolved within weeks rather than months.

**Mr Frew:** How will the process be taken forward?

**Mr P Robinson:** We have the meetings of the party leaders. The Assembly and Executive Review Committee, helpfully, asked each of the parties for their views. Some provided those views in more detail than others; I do not know whether they were keeping their cards close to their chest at this stage. However, the Committee has provided us with the opinions of each of the parties on that basis. We have drawn up the options paper.

In truth, the options really fall around two stems. One is, effectively, the present system, whereby the Assembly decides on the Justice Minister through a cross-community vote, and the alternative is to do it by d'Hondt. There are a number of permutations surrounding each of those options, but they seem to be the two areas that are to be considered. They will be considered by each of the parties, and the deputy First Minister and I have a responsibility to bring forward proposals. We want that to be informed by the views of the party leaders.

**Mr A Maginness:** Does the First Minister recognise the gerrymander that brought about the election of the Alliance Party Minister of Justice? Does he also recognise the unfairness that has emanated from that, as a result of which the Alliance Party now has two Members in the Executive whereas the Ulster Unionists and the SDLP have one, yet the Alliance Party has less —

**Mr Speaker:** Order. Can the Member come to his question?

**Mr A Maginness:** — than half the number of Members of those other parties in the Assembly?

**Mr P Robinson:** There were two questions, and the quick answers are no and yes. No, I do not accept it as a gerrymander. The Member is stretching credulity to suggest that having a cross-community vote in the Assembly to determine a Minister who can gain support from both sections of our community is a gerrymander, and I do not think that anybody could describe it as such. Indeed, it indicates a higher level of approval because other Ministers have no approval other than that of their party leader. However, I do not suggest that that is a bad thing for Ministers to have.

The Member's second question was whether that has produced a disproportionate share for the Alliance Party. Yes, it has, and, of course, that can be considered during the present consultation.

**Mr Speaker:** I warn Members — I continually say it in this House — that they need to continually rise in their place at the right time. There is no point in Members getting up halfway and then not rising to their feet continually. Members will get in only if they rise continually in their place.

**Mr Dickson:** Does the First Minister agree that the cross-community nature of the appointment of the Minister of Justice has delivered for us and that, whatever happens following the discussions with the AERC and the Assembly, the most important thing is that the Assembly retains a devolved Minister of Justice?

**Mr P Robinson:** Absolutely. There were dire warnings from some predictable sources of how the stars were going to fall if policing and justice powers were devolved. Like many other dire warnings from the same source, that did not manifest itself. It is important that we continue to hold the powers of policing and justice in the Assembly. After all, former unionist leaders fought hard to have them devolved to Northern Ireland. It is important, therefore, that we have a Northern Ireland Justice Minister who enjoys the widespread support of the community.

### **Military Sites: Audit Office Report**

4. **Dr McDonnell** asked the First Minister and deputy First Minister what actions they intend to take in light of the recent Audit Office report into the purchase, use and management of six former military sites. (AQO 976/11-15)

**Mr P Robinson:** As the Member for South Belfast will be aware, the Northern Ireland Audit Office report on the transfer of former military and security sites to the Executive will be the subject of a Public Accounts Committee hearing. It is important, therefore, that any immediate comment on the report should not pre-empt or prejudge any evidence that might be given at that PAC hearing. However, it is our intention to put in place a strategy for the implementation of the relevant recommendations outlined in the report.

**Dr McDonnell:** Given the constraints that the First Minister has mentioned, can he give us any estimate of how much money the incompetence highlighted in the report has cost the Northern Ireland taxpayer?

**Mr P Robinson:** It might be worthwhile my pointing something out, because the BBC managed to get it entirely wrong in its initial

headlines. This report covers the period of the early stage of devolution under the leadership of the Ulster Unionist Party and the SDLP and, following that, a long period of direct rule. All the decisions, therefore, relate to that period. I am loath to pick over the bones of what predecessors did and the cost that there might have been. However, it is sufficient to say that I have no doubt that they acted with all sincerity and made the best judgement that they could at the time.

A number of elements of the report are about issues such as monitoring, timetabling and ensuring that decisions are carried through, as opposed to being about particular financial concerns. The one case that the Member might be referring to is that in his constituency about the sale of property there. I am loath to make any comment, because I am pretty sure that the officials concerned will want to comment on that when it comes to the PAC hearing.

### **2.45 pm**

**Mr Lyttle:** At what stage are discussions with the RUAS about the potential for the Balmoral show to be hosted at the former Maze site, with the target date of spring 2013 in mind?

**Mr P Robinson:** I knew that I would be surprised if I saw the Member getting to his feet on this question. He had to retract a statement that he put out indicating that the deputy First Minister and I would have questions to answer on the NIAO report because he realised that we were not in office at that time.

Discussions on the Maze site are at an advanced stage, and we hope that we will be able to have a positive outcome very soon.

**Mr Spratt:** The First Minister clarified that he cannot speak in any detail about the report because PAC proceedings will take place. However, what general assessment does the report make overall?

**Mr P Robinson:** I am pretty sure that Ministers find these reports very helpful. I am a lot more relaxed about this report, as it relates to a period when we did not have responsibility. However, in defence of the Ministers who had decisions to take during that period, a Minister has to take a decision on a live issue with all the other pressures that they have at that time and with all the competing interests in which they have to be engaged, and they have to

deal with those issues while not focusing on any one particular matter. There is a world of a difference between that position and that of the authors of an Audit Office report, which, in this case, took around two years to bring about. I am pretty sure that, if Ministers had two years to make a decision, were able to focus on one set of issues, did not have the pressure of competing matters and had the benefit of hindsight, decisions would be a lot better.

**Mr McKay:** Go raibh maith agat, a Cheann Comhairle. Can the First Minister give any indication of when the report's recommendations will be implemented?

**Mr P Robinson:** It would be wrong to give any indication of that other than to say that it will happen as soon as possible. Obviously, we have to allow the PAC to consider the matter and to report to us. However, anyone who reads the report will see that some of its recommendations make common sense, so preparations are being made already.

### Shackleton Barracks, Ballykelly

5. **Mr McMullan** asked the First Minister and deputy First Minister for an update on the plans for the former military base site at Shackleton. (AQO 977/11-15)

**Mr P Robinson:** The former military base at Shackleton was transferred to the Executive on 7 October this year. Specialist advice on the options for the site is being prepared by the Executive's asset management unit. That advice will consider possible future uses of the site based on its potential, including the possible sale, rental or transfer of parcels of land or buildings. This work will also examine options for minimising running costs in the short term and any potential constraints, such as access or contamination, and how those might be overcome. The range of possible options identified will be thoroughly and robustly examined and will be subject to economic appraisal.

**Mr McMullan:** I thank the First Minister for his answer. Does he agree that the development of the Shackleton site should benefit the community as well as address the financial needs of the Executive?

**Mr P Robinson:** The Member asks that question as if those two factors were different. If it meets the needs of the Executive, of course it is in the

interests of the community. I suspect that he means the more local community in the area. Yes, we would hope that anything that happens on that site would help the economy and social well-being of the people in that district.

**Mr G Robinson:** Until such times as the future of the site is settled, will the farmers who currently rent land at the base be able to avail themselves of the same arrangements?

**Mr P Robinson:** The arrangements are ongoing. I do not know whether any leases are about to end and would therefore have to be renegotiated, but the sale would not change any of the legal responsibilities that the MoD had entered into. The site's potential is quite significant, and I hope that those who have been somewhat critical of the decision of the deputy First Minister and me to issue a direction go and have a look at the site. This is a site of almost 300 acres with almost 1 million sq ft of buildings. It has massive potential. Perhaps, the original offer was based more on the likelihood of any one purchaser wanting to use the whole of that site. I think that the potential for the site being broken down into parcels or individual buildings being sold, transferred or rented might be greater.

**Mr Dallat:** I welcome the Ministers' decision to acquire the site. Has the MoD been approached to make a generous contribution towards the clean-up, which I understand includes substantial quantities of asbestos, lead from the shooting range and a bomb dumped from the Second World War?

**Mr P Robinson:** For all the sites that we take over, the arrangement is that we take over the responsibility. That does not mean that, in disposing of parts of the land, we do not hand on that responsibility to the purchaser. At the same time, it needs to be pointed out that the decontamination issues at Shackleton are very different from those of the Maze. By and large the Maze site is being cleared, and new buildings will go on it. In the case of Shackleton, with 1 million sq ft of buildings we probably do not need to build too many more. Therefore, the issue of decontamination does not come to the fore in the same way. Use of land around it may well bring that into play, and we would need to look at the costs in relation to the benefits before we go down that road.

**Mr Kinahan:** Will the First Minister outline the negotiations that took place around the gifting

of the Shackleton site and tell us whether he believes that it is a good deal, given that £8 million has so far been spent on decontaminating the site, which you touched on?

**Mr P Robinson:** As a general rule, getting 300 acres, almost 1 million sq ft for nothing seems to me to be reasonably good deal. I do not know anybody offering a better one.

### Social Investment Fund

6. **Mrs Overend** asked the First Minister and deputy First Minister how the £80 million social investment fund will be allocated across the four strategic objectives contained in the consultation paper on the fund. (AQO 978/11-15)

**Mr P Robinson:** Decisions on the allocation of funding will be based on prioritised need under the context of poverty. It will, therefore, be spread across the four strategic objectives according to the needs identified in the strategic area plans in each social investment zone. Currently, there is no set budget for each of the strategic objectives. It is proposed that one plan will be brought forward from each zone. The area plans will need to identify how resources should be allocated and how the maximum possible impact on the ground will be achieved.

**Mrs Overend:** I thank the Minister for his answer. The objectives of the social investment fund are to increase community services, to build pathways to employment, to tackle the systemic issues linked to deprivation and to address dereliction. I am particularly concerned about the eight investment zones that have been identified. Does the First Minister agree that mid-Ulster would merit inclusion, and if not, why not?

**Mr P Robinson:** I am not sure — maybe the Member will tell me afterwards — of the number of neighbourhood renewal areas and areas at risk, which is probably the basis on which the zones were originally set up, that there are in mid-Ulster. However, the consultation document is out for people to make their comments until 23 December. I am pretty sure that there will be comments about the zones and recommendations on how they might be changed. If the Member feels that there is a particular case for mid-Ulster — I have already heard such a case from the Benches behind me — she will want to put that to us in the

consultation process, and we will consider it. We have already had some suggestions about alternative zones.

**Mr Flanagan:** Go raibh maith agat, a Cheann Comhairle. Will the Minister tell us whether areas that suffer from high levels of poverty and disadvantage but are not specifically mentioned in the social investment fund consultation document will be able to receive funding from the £80 million fund?

**Mr P Robinson:** There is provision in the document for areas to be attached to zones. Again, I make the point that the zones have not been finalised. This is one of the areas where the deputy First Minister and I cannot really win. If we simply allow people to understand the concept and ask them to give us their views, they will say to us, “Will you not put out a document for us to look at and to amend?”. When we then put out a document for that purpose, people say that they do not like this, that or the other and ask us why we have done it. It is simply there as a consultation document. We are not rigid about the elements of it, and it is our best guess about how a workable scheme can be brought forward. If the Member has in mind any specific location that he believes should be brought into the zones, we will be happy to listen to him.

If the Member’s question is about whether the general concept of poverty falls within the scope, my answer is that yes, of course, it does. We want to look at all the areas that are suffering most, right across the Province. This proposal came forward because the deputy First Minister and I were concerned that, while devolution was helping large swathes of our society, the benefits of devolution were being felt less in the section of the community that was most vulnerable and had the greatest need. Therefore, we designed a programme that would direct attention to those areas.

**Mr I McCrea:** The Minister is more than aware that I have raised this matter on a number of occasions in respect of my constituency. I will put that to the side for once. Will the First Minister give an assurance that the views of people who take the time to respond to the consultation will be listened to and that changes will be made to the proposals if necessary?

**Mr P Robinson:** As with any consultation exercise that we carry out, we take very seriously the views that come in. For instance,

at the moment, we are dealing with the consultation on the cohesion, sharing and integration (CSI) strategy, and people who have been working on that from each of the parties will know how seriously we take the views that we have received from the consultees. In relation to this issue, I will be very surprised if the final document is in precisely the same form as the existing one.

**3.00 pm**

## Culture, Arts and Leisure

### Commemorations

1. **Mr Moutray** asked the Minister of Culture, Arts and Leisure for an update on her Department's preparations to mark the forthcoming decade of anniversaries, including the centenary of the Ulster covenant in 2012 and the centenary of the foundation of Northern Ireland. (AQO 988/11-15)

2. **Ms Lewis** asked the Minister of Culture, Arts and Leisure to detail the engagements or consultations that her Department is undertaking in relation to the forthcoming decade of commemorations. (AQO 989/11-15)

**Ms Ní Chuilín (The Minister of Culture, Arts and Leisure):** With your permission, Mr Speaker, I will answer questions 1 and 2 together.

The forthcoming decade of centenaries and commemorations of significant events provides us all with an opportunity to achieve a greater understanding of our past and how it shapes and identifies our relationships today. The key issue is not only what we remember and commemorate, but how we remember. The Community Relations Council and the Heritage Lottery Fund have developed a set of principles to help organisations to remember the past in the context of an inclusive and accepting society. I endorse those principles.

The arts and cultural sectors can play a key role in how the stories of our past are told and shared with a wider audience. I am, therefore, continuing discussions with the Community Relations Council and the Heritage Lottery Fund to support the dissemination and use of those principles. To that end, I have met with my counterpart, Mr Jimmy Deenihan TD, who is chairing the Oireachtas Consultation Group on

Commemorations. The Public Record Office is also updating and refreshing the existing Ulster Covenant website resource.

**Mr Moutray:** A recent 'Belfast Telegraph' poll demonstrated clearly that the vast majority of citizens in Northern Ireland, Protestants and Roman Catholics alike, want Northern Ireland to remain an integral part of the United Kingdom. Given that fact, will the Minister give an undertaking that she and her Department will represent that section of people and play a full role in celebrating the centenary of the Ulster Covenant, as it is a momentous occasion in Northern Ireland's calendar?

**Ms Ní Chuilín:** I am happy to tell the Member that the commemoration of the Ulster Covenant is one of the activities that we will have on the suite for remembrance. The comments the Member makes about the 'Belfast Telegraph' are purely political, and I have no wish to comment on them.

**Ms Lewis:** I thank the Minister for her response so far. Does she agree that as Northern Ireland seeks to move on from the past, these commemorations are an opportunity, not to rewrite history, but to come to terms with it truthfully and to focus on what unites us, rather than on what divides us?

**Ms Ní Chuilín:** I thank the Member for her question and agree with all that she has said. There is a diverse and extensive range of significant events, and the important thing is to approach them in a sensitive and inclusive way. We cannot tell members of the public what they should remember but we should encourage people to take the approach that the Member outlined.

**Mrs McKeivitt:** What criteria are being used to establish the centenary anniversaries that will be supported by the Minister's Department over the next decade?

**Ms Ní Chuilín:** First and foremost, they should be centenary events, but which centenaries will be supported is being decided. My predecessor had listed the commemoration of the Ulster Covenant, anniversaries from the period 1912-1922, and the Plantation. I do not feel that those events are inclusive, so I am encouraging other centenary events that are coming up, such as the 1913 lockout and suffrage for men and limited suffrage for women. I think that those centenaries will help to provide a more inclusive suite of events for commemoration.

**Mr Allister:** The year 2012 also marks Her Majesty's Diamond Jubilee. The Department for Culture, Media and Sport in London is overseeing that event. What co-operation has the Minister's Department had with the London Department? What plans does she have to celebrate it and will she meet Her Majesty if she comes to visit Northern Ireland during Her Jubilee?

**Ms Ní Chuilín:** I have had no discussions with the Department for Culture in England, so, my answer is no to his first question and no to his second question.

### **Girdwood Barracks, Belfast: Multisports Facility**

3. **Mr McCallister** asked the Minister of Culture, Arts and Leisure what discussions she has had with the Minister for Social Development in relation to the creation of a multisports facility at the Girdwood Barracks site. (AQO 990/11-15)

**Ms Ní Chuilín:** I have had no discussions with the Minister for Social Development about a multi-sports facility. The creation of a multi-sports facility at the Girdwood Barracks site is a matter for the Department for Social Development (DSD), which owns the site. However, I understand that Belfast City Council, which is responsible for the provision of leisure and recreational facilities in the Belfast area, has been in discussion with DSD regarding plans to develop a multi-purpose sports hall on the site. I look forward to the outcome of those discussions.

**Mr McCallister:** I am grateful to the Minister for her reply. A report by Sport NI in 2009 stated that Belfast was 290 acres short of facilities. How does she hope to encourage the city council and her Department to meet that need in Belfast?

**Ms Ní Chuilín:** I met Belfast City Council recently in relation to its pitches strategy and the lack of certain sports facilities in Belfast. Those discussions have now been advanced with Sport NI. There are gaps in sports provision across the North, but in relation to Belfast, the Department and the chief executive of Sport NI are trying to plot a way forward from 2015 onwards and to make sure that it relates to my Sport Matters strategy. The Member is right to raise the issue. There are huge gaps in sporting provision, but the difficulty is that we do not have the budget to meet all those demands.

**Mr A Maginness:** I thank the Minister for her answer. The decision by Belfast City Council to develop a community hub that would include sports facilities on the Girdwood site is an excellent idea. Will the Minister encourage the council, and if necessary, contribute financially to the development of that hub as a centre of excellence so that it will attract people from right across the city and develop a site that is shared by all and does not become sectarianised?

**Ms Ní Chuilín:** I thank the Member for his supplementary question. He has raised key issues. First, my Department contributing to the community hub was not in the budget line but we are working with Sport NI and the chief executive in relation to future contributions. I agree that the multi-sports element is one aspect of that. The site needs regeneration, and sport, arts and the creative industries have a role to play. I look forward to our Department playing a role in the regeneration of much needed facilities for people in north Belfast.

**Mr Humphrey:** I am grateful to the Minister for her answers. Does the Minister agree that the development of the Girdwood site on the basis of the Dunlop/Toner report — a shared site for the benefit of all the people of north Belfast — is the way forward?

**Ms Ní Chuilín:** I absolutely agree with the Member. It is key that the people who live around the Girdwood site are involved in the consultations and plans for the way forward. The last thing that we need in north Belfast is another development where the people who live outside are looking in, with no opportunities at all.

### **Ulster Scots: East Antrim**

4. **Mr Beggs** asked the Minister of Culture, Arts and Leisure how the Ulster-Scots tradition is promoted in the East Antrim area. (AQO 991/11-15)

**Ms Ní Chuilín:** The Ulster-Scots tradition is promoted by my Department in the east Antrim area through projects, programmes and events funded by the Ulster-Scots Agency, the Arts Council and libraries. Projects are varied, and include funding for an arts development officer, music and dance tuition, developing musicians' skills, community festivals, school activities and a development award towards research into music and oral tradition in and

around Ballymoney, resulting in the creation of a number of CDs, publications and promotional material.

**Mr Beggs:** Thank you for your answer. Will the Minister advise her Department and agency to assist volunteer-led organisations, such as the Broadisland Gathering and the Cairncastle Ulster-Scots community, to draw down funding so that they maximise the benefit of local tourism and the proportion of money used for central administration is also reduced by spending it in the community?

**Ms Ní Chuilín:** In fairness, I think that the Ulster-Scots Agency has done that. The Member will be aware — if he is not, I am happy to provide him with the details — that it recently reprofiled its marketing budget to make sure that the money was going towards facilities and services and responding to the needs of people in that area. I have commended the work of the Ulster-Scots Agency in the House. Its primary objective is to make sure that the money goes towards the projects that are needed in the area and that it is supporting and developing the use of volunteers in the activities that I have mentioned and others.

**Mr Hilditch:** Knowing some of the initial work that has commenced, will the Minister today give a commitment to support the establishment of an Ulster-Scots trail, which will include east Antrim?

**Ms Ní Chuilín:** Absolutely. I, along with my colleague junior Minister Jonathan Bell, recently launched a programme through British-Irish Council sectoral meetings on languages called Slí Cholmcille, which looked at the trails from east to west. That is through the British-Irish arrangements. We are looking at options, through the North/South approach, to develop better east-west relationships. Those are crucial, particularly in relation to developing cultural trails for the Ulster-Scots community.

**Mr McMullan:** Go raibh maith agat, a Cheann Comhairle. What projects has the Arts Council supported in east Antrim?

**Ms Ní Chuilín:** There have been quite a few. The Arts Council has provided £50,000 for activities through its annual support for organisations programme (ASOP). The lottery project has also provided £25,000 for an arts development officer. Through small grants programmes, Cairncastle community and cultural group has received

£6,000 for development of music and skills programmes. Indeed, there is cultural awareness in developing music skills. The Ulster-Scots Agency has invested at least £10,000 in developing funds for the arts development fund award. Those are just some examples. If the Member wants to write to me about anything specific, I will be happy to respond.

**Mr Durkan:** Has the Minister been contacted by any other traditional language body about a promotion similar to Líofo 2015?

**Ms Ní Chuilín:** I thank the Member for his supplementary. I am in discussions with the Ulster-Scots Agency about bringing forward a Líofo-type event, although it will be about heritage and culture rather than language. Those discussions are ongoing. It is really important that whatever is forwarded for sponsorship by my Department has consensus and is a response to community need rather than just a response to something that was done for the Irish language, as it may not work for the Ulster-Scots community. I look forward to seeing those proposals early in the new year.

## 2012 Olympics: Training

5. **Mr Newton** asked the Minister of Culture, Arts and Leisure how many teams have expressed an interest in using Northern Ireland as a base for pre-Olympic Games training. (AQO 992/11-15)

**Ms Ní Chuilín:** To date, Sport NI has secured three pre-games training camps in the run-up to the London 2012 games. The three teams are the Chinese artistic gymnastics team, the Australian boxing team and the Irish Paralympics team. In addition, a number of pre-games events involving international athletes have taken place in the North. Those are the Boccia World Cup, which is a 2012 Paralympics qualifying event, a table tennis tournament and the Yonex Irish International Badminton Championships, which is a 2012 Olympic qualifying event. Sport NI is involved in sensitive negotiations with a number of other countries about pre-games training and qualifying events. It is a highly competitive process, and, therefore, I am unable to detail the countries or sports involved.

**Mr Newton:** I thank the Minister for her answer. What action will she take to ensure that whatever the final list of teams that locate themselves in Northern Ireland, those teams

will make a contribution to the sporting life and, indeed, economy of Northern Ireland?

**Ms Ní Chuilín:** I thank the Member for his original question and, indeed, his supplementary. That is vital. I attended the badminton qualifying event in Lisburn yesterday. It was clear that a number of people who attended those events, particularly the young badminton players, got a lot out of them. I am not sure what the economic benefits for Lisburn were, but I know that at least 50 people stayed in local hotels, ate in local restaurants and may have gone to a few local pubs. The young athletes got an awful lot out of the weekend of badminton qualifying events.

**Mr Eastwood:** Does the Minister share my disappointment at the response from international teams so far in respect of their coming to train here? I appreciate that work is ongoing. Does she believe that all that can be done is being done to attract more teams to come here to train?

**Ms Ní Chuilín:** I am aware of, and understand, the expectation that more countries would have secured our facilities. However, I am convinced that, as we speak, Sport NI is trying to ensure that there is clarification of any queries from countries that are coming here to use our facilities for pre-games training or qualifying events. I share the Member's concern. By January or February 2012, we will be reviewing the position, but, at the minute, I understand that very sensitive negotiations are under way, so we will have to wait to see the outcome of those.

## 2012 Olympics: Security

6. **Mr D McIlveen** asked the Minister of Culture, Arts and Leisure what level of co-operation she will have with the British security services to ensure the safety of teams involved in pre-event training in Northern Ireland for the 2012 Olympics. (AQO 993/11-15)

**Ms Ní Chuilín:** The safety of teams that are visiting here for pre-games training is the responsibility of the PSNI. My Department has engaged with the PSNI to ensure that the necessary arrangements are in place in the run-up to and during the games.

**Mr D McIlveen:** I thank the Minister for her answer. The Home Office of Her Majesty's Government has indicated that intelligence gathering will form a vital part of security

preparations before the Olympics. Does the Minister support the security services in taking such action and will she assure the House that there will be no infringement by her to ensure that that does not affect the safety of the visiting teams?

**Ms Ní Chuilín:** The PSNI is represented on a number of groups. It established, monitors and is represented on a number of groups that ensure the safety of every athlete visiting here. In turn, the PSNI advises my Department. To date, the PSNI has not advised me of the concerns that the Member raised. If the Member has any information that he thinks should be going to the PSNI, I would expect him to supply that with all haste.

## 3.15 pm

**Mrs Overend:** I thank the Minister for her answer. What discussions has she had with the Minister of Enterprise, Trade and Investment about maximising the tourist income from those attending the games?

**Ms Ní Chuilín:** I have had no discussions with the Minister of Enterprise, Trade and Investment, but our Departments are working very closely together. The Enterprise Minister and I will meet early in the new year to look at this and a few other issues relating to our Departments, with the idea of assisting in developing future tourist potential, particularly in sport, culture and the arts.

**Mr McDevitt:** Does the Minister acknowledge the inherent risk in a potential security breach during the pre-training phase in the run-up to the London Olympics? Can she tell the House whether she has met with the Chief Constable or senior PSNI officers to discuss risk management on that?

**Ms Ní Chuilín:** I have not met with the Chief Constable but I have had discussions with the PSNI and my Department. The PSNI is involved with my Department in the torch relay advisory and operations groups on these games and other activities. Other than that, I cannot add to what I said.

**Mr Speaker:** Once again, Members must continually rise in their place if they wish to ask a supplementary question. I could almost put that into a sermon.

**Mr G Kelly:** Go raibh maith agat, a Cheann Comhairle. The Minister might have answered this but does she agree that the appropriate

authority to deal with security is the PSNI? In her previous answer, she told us how many pre-Olympic events there are here and she said that she has ongoing engagement with the PSNI, which is the appropriate authority.

**Ms Ní Chuilín:** Yes, is the short answer. I have had meetings with the PSNI. The Department continues to meet with the PSNI about the games. We met with the PSNI about the MTV awards and we will be meeting with it about next year's events as well. For big events in particular, discussions are ongoing, and the PSNI is involved in the operational committee that deals regularly with such matters.

### Irish Language Act

7. **Mr S Anderson** asked the Minister of Culture, Arts and Leisure for an update on the costs incurred, to date, and the estimated implementation cost of the Irish language Act being drafted by her Department. (AQO 994/11-15)

**Ms Ní Chuilín:** No costs have been incurred to date on renewed proposals for an Irish Language Bill. The estimated costs for implementation have not yet been established, as the scoping work on the preferred legislative approach is ongoing.

**Mr S Anderson:** I thank the Minister for her short response. I find it somewhat difficult to understand how any preparation for any draft Act can come at little or no cost. Given that the introduction of an Irish language Act will require cross-community support in the Assembly, does the Minister accept that unless such support were forthcoming, preparing for such an Act would be a complete waste of time and money?

**Ms Ní Chuilín:** It does not take a pile of money to scope out what preferred approach needs to be taken around an Irish language Act. In fact, if it did, I would expect you to ask me why. Officials are already working on the issue. Regardless of the latter question, I am preparing an Irish language Act, because this is about rights. Regardless of your position, that is what I intend to do.

**Mrs Dobson:** What is the Department's full legislative programme for the next three years? What other Acts does she envisage bringing forward?

**Ms Ní Chuilín:** As I said previously, I am preparing consultation on an Irish language Act. I am also bringing forward two separate strategies for the Irish language and for Ulster Scots. I have no list or itinerary of any other legislation that needs to be introduced, although that may change in the near future.

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

I thank the Minister for her answers. Indeed, her last answer leads into my question. Can the Minister outline when she will publish the details of the Irish language and Ulster-Scots strategies?

**Ms Ní Chuilín:** The two strategies should go forward for consultation round about the end of January and no later than the middle of February 2012.

**Mr D Bradley:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a freagra. An féidir liom a fhiafraí den Aire cad iad na príomh-mholtaí a bheas i mBille na Gaeilge agus cén uair a fhoilseofar iad?

Will the Minister outline the main proposals in the Irish Language Bill? When will it be published? Go raibh maith agat.

**Ms Ní Chuilín:** In all seriousness, I am sure that the Member does not expect me to outline the full proposals during a two-minute question. The proposals for the Irish language Act deserve much more time than that. However, as I said to the Member in a previous Question Time, I am happy to meet him or any other Member on this issue. I believe that the Member is sincere about wanting a robust Irish language Act that is based on rights.

### Creative Industries: Architecture

8. **Mr Swann** asked the Minister of Culture, Arts and Leisure for her assessment of the role that architecture plays within the creative industries, particularly in relation to competing for business on a worldwide basis. (AQO 995/11-15)

**Ms Ní Chuilín:** Architecture is a key component of our local creative industries. Most recent estimates indicate that the sector contributes almost £150 million or approximately 20% of the total £737 million GVA generated by the creative industries here.

The Executive's draft economic strategy identifies export-focused growth as a key driver to rebuild and rebalance our economy. The architecture sector can, therefore, be to the fore among our creative industries in accessing new markets and showcasing our creativity and innovation on the world stage.

My Department developed and supports policy on architecture and the built environment, and, today, I met a ministerial advisory group on architecture, which brings together expertise in architecture, conservation, preservation and sustainable development around planning.

**Mr Swann:** I thank the Minister for her answer. Most architects in Northern Ireland rely on local developments and on the local building trade, which has seen a downturn in construction. What support does her Department give to architects — rather than simply advising them on policy and on how buildings should look — to get them out on the world stage to promote their talents further afield?

**Ms Ní Chuilín:** My Department does not have a role in directly funding architects. My responsibility is around policy and policy development, but I take on board the Member's concern, particularly around graduates going through university, qualifying and coming out and finding no work. In respect of what role Departments can have in giving them support, the ministerial advisory group may be able to advise the entire Executive on that, and I am happy to forward the Member's comments to them. I met them just this morning but I will be meeting them again around the beginning of January and I will forward that on to see whether there are any proposals to support not just new architecture graduates but existing architects who cannot get any work.

**Mr Agnew:** What engagement has the Minister had with the Education Minister and the Employment and Learning Minister with regard to ensuring that our school curriculum, as well as work in further education colleges, is maximising the benefits of the growth sector that is the creative industries?

**Ms Ní Chuilín:** That is certainly wedging a supplementary question into one on which it has very little bearing, but I am happy to answer it. I will meet the Minister of Education next week on that and a few other issues. I will meet him to discuss creative industries and languages. It is important that Ministers have

a joined-up approach, particularly in relation to new and emerging industries. I assume that the Member was alluding, if not directly referring, to having those new and emerging industries reflected in our school curriculum.

**Mr Speaker:** I remind Members that their supplementary questions must relate to the original question on the Order Paper.

### DCAL: Job Creation

9. **Mr Kinahan** asked the Minister of Culture, Arts and Leisure to outline the action, and the proposed timescale, that her Department intends to take to contribute to achieving the draft Programme for Government target of creating 25,000 jobs. (AQO 996/11-15)

**Ms Ní Chuilín:** My Department has a Programme for Government target of supporting 200 projects by 2015 through the creative industries innovation fund. Those will help to develop the sector by encouraging innovation and export-focused growth. In 2012, I intend to finalise the collaborative framework for the creative industries to stimulate partnership between industry, government and academia. That will help our creative industries to compete and to succeed on a world stage.

During the recent Belfast music week and MTV EMAs, my Department and Invest NI published a new music industry strategy to support the growth of that key subsector. The development of sports stadiums, as agreed with the IFA, GAA and Ulster Rugby, will also give a significant boost to the construction industry. Hosting the World Police and Fire Games in 2013 and Derry's year as City of Culture will, similarly, support further growth and the development of our tourism industry.

**Mr Kinahan:** I thank the Minister for her answer. I am always critical when I see, without detail, such targets as 25,000 jobs. You have given us some detail as to how you expect to find those 25,000 jobs. Would the Minister consider setting up think tanks or groupings of people with expertise to bounce ideas around, so that we can come up with other ideas that may help us to create the jobs quicker?

**Ms Ní Chuilín:** I would. Last week, I was at NICVA and I talked to the community and voluntary sector and, in particular, the arts sector about work, my priorities and ways forward. There were some excellent

suggestions. To that end, I am looking at round-table discussions on sports. I am also looking at the arts and creative industries. Although the figure of 200 is there, I am keen to see whether that can be increased. I need to talk to people in the industry to find out how that happens. I thank the Member for his question.

## Salmon

10. **Mr Frew** asked the Minister of Culture, Arts and Leisure what are the current levels of salmon stock in the Clough, Braid and Maine rivers compared to 10 years ago. (AQO 997/11-15)

**Ms Ní Chuilín:** I think I need a gold medal for this, a Cheann Comhairle. I think this is an Olympic record.

My Department commissions the monitoring of adult salmon runs on the Maine river system by means of a fish counter, which came into operation in 2002. The counter indicates that although there has been some annual variation, the number of salmon recorded in 2010 is similar to that recorded in 2002. Salmon fry are also assessed on the Maine, Clough and Braid rivers. The data since 2002 shows considerable viability, but the trend is one of decline in salmon fry, particularly on the Braid river.

I have a long answer in front of me, but I am happy to supply the Member with that in writing.

**Mr Frew:** Has the Minister concerns around irresponsible catching or poaching on those rivers?

**Ms Ní Chuilín:** I do. Conservation around that is the responsibility of my Department in conjunction with others. We need to actively look at measures to ensure that conservation limits are preserved.

## Private Members' Business

### Cancer Drugs Fund

*Debate resumed on motion:*

*That this Assembly calls on the Minister of Health, Social Services and Public Safety to give consideration to the creation of a cancer drugs fund. — [Mr Ross.]*

**Mr McDevitt:** I support the motion tabled in the names of Mr Ross and others. There is clear merit in giving full consideration to the opportunity of establishing a cancer drugs fund in Northern Ireland.

Combinations of problems with the processes used by NICE, the medicine's pricing system and local mechanisms for determining access to treatment have meant that many thousands of cancer patients have been denied access to life-extending cancer treatments that their clinicians wished to prescribe for them. As a result of those problems, the usage of newer cancer drugs is significantly lower in these jurisdictions than elsewhere in the world.

### 3.30 pm

Measures have been put in place to ensure a fairer system for determining access to cancer drugs. However, despite those measures, many thousands of cancer patients have continued to be denied clinically effective life-extending cancer drugs that their clinician wished to prescribe for them. A cancer drugs fund, therefore, has the potential to have a great impact on the treatments available to patients with advanced forms of cancer who live here. Those are not my words; they are words in the summary of key findings in a recent report published by the Rarer Cancers Foundation in England.

Like many colleagues — in fact, I suspect, every colleague in the House — my family has been touched by cancer. We will mark the sixth anniversary of my father's passing in two days' time. He fell victim to cancer, like so many, as did my mother, whose anniversary we will remember in January. However, what is particularly upsetting to the families of so many of us who have witnessed the slow, inevitable decline of someone with a life-limiting cancer is the extent to which medicine can make them kind of better, then worse, then better again and then worse. However, it is not just that. It is the knowledge that there is potentially

another clinical option — another treatment option — that could make them a little bit better. It is an option that could break the cycle, offer them a better quality of life, a longer life expectation and, in some cases, the possibility of a near-permanent reversal of their condition. Yet, in this region, we seem to play things conservatively.

I return to the report, which is in Members' packs, and I commend it to colleagues who have not had the chance to read it. In arguing the case for the cancer drugs fund in England, the foundation pointed out that it has succeeded in improving access to treatment for more than 2,500 patients. It says that there have been some implementation problems and that it is clear that much can be learned from the initial six months to ensure that all patients gain fair access to treatments, irrespective of where they live and no strategic health authority (SHA) — the local hospital trust area — adopts an unnecessarily restrictive approach. Nonetheless, as the report points out, the cancer drugs fund has been welcomed by patients and clinicians and represents a significant step towards ensuring that people with advanced forms of cancer receive comparable standards of treatment and care to those in other countries.

There is much about the fund to commend it. It offers the opportunity for clinical autonomy and accountability; it allows us to think laterally about how we commission what is known in healthcare-speak as high-cost interventions; and it enables patients to purchase additional private treatment without losing their entitlement to NHS treatment. Those are all things that we would want to think about, particularly at this time of such change and reform in our health service, and we look forward to the Minister's statement on that tomorrow. It also allows for value-based pricing, which is something that Mr Ross is very interested in. All of us with an interest in health economics should be interested in it. I, for one, welcome the opportunity —

**Mr Speaker:** Will the Member bring his remarks to a close?

**Mr McDevitt:** — to make a contribution to the debate, and I call on colleagues on all sides of the House to show some generosity and support the motion.

**Ms Lewis:** As a Member of the Health Committee and a Member for the constituency

of South Antrim, I support the motion tabled by my colleagues.

Many Members have mentioned that they know or knew someone who has battled or is battling cancer. They may even have battled it themselves. It is a terrible disease. I praise all those who work with cancer patients to make their life better. I also praise charitable groups such as the Ulster Cancer Foundation, Cancer Research UK and Action Cancer, which do so much, be it lobbying for cancer patients or providing desperately needed assistance to sufferers and their families. Their commitment and service to the community is invaluable.

I also highlight the work of Macmillan and all that it does. I welcome its comments this morning about the debate and its support for the Minister. It is clear that his drive to refocus the provision of cancer care is one of the most tangible examples of the Assembly beginning to deliver the benefits of devolution to the people. However, more needs to be done to ensure that cancer patients receive the best available treatment and medicine to combat that terrible disease, which places huge stress on the patient and their family.

I, like many others, am concerned about cancer patients' access to particular drugs that are available elsewhere in the United Kingdom or the rest of the world. Although procedures differ slightly here, there is a concern in some quarters that cancer patients in Northern Ireland are not getting the treatment that is available elsewhere, particularly in relation to accessing certain drugs. We have a situation where patients in Northern Ireland are unable to access drugs that may be available in other parts of the UK, never mind the differences in access to certain drugs in the UK as a whole compared with the rest of the world.

In 2010, the coalition Government in Westminster launched the cancer drugs fund to help patients to access life-extending drugs that may be of help to them but are not available in the health service. In April this year, the fund was increased from £50 million to £200 million. I urge the Minister to look at ways in which that could be replicated in Northern Ireland.

I welcome the Executive's £5 million of additional funding to the Department in the October monitoring round. It means that new cancer drugs for lung cancer, leukaemia and multiple myeloma can be funded this year. I

recognise that that will need to be paid for further down the line, but I believe that most of us are willing to pay a little more if we are guaranteed the best possible service in return. To that end, I acknowledge Macmillan's assertion that we, as an Assembly, need to develop strong monitoring processes to ensure that the new money and system is effective in ensuring that all patients get equitable access to the right treatment and care.

In a speech at the Ulster Cancer Foundation's annual general meeting recently, the Minister assured those in attendance that improving cancer services remains a top priority for him. I welcome that. It is yet another example of his commitment not only to cancer patients but to all those who require medical assistance under the health service.

I welcome the motion, and I join my colleagues in asking the Minister of Health, Social Services and Public Safety to seriously consider the introduction of a similar fund.

**Mr Poots (The Minister of Health, Social Services and Public Safety):** I thank the honourable Member for tabling the motion and other Members for their valuable, thoughtful and sometimes very personal contributions. I appreciate that everyone is singing from the same hymn sheet when it comes to this issue. I will try to respond to as many as possible of the issues that have been raised during the debate.

In my capacity as Health Minister, I have met many patients and families who have been afflicted by cancer. Their personal stories are truly inspirational. I assure them that I want to deliver a health service that is capable of providing the highest quality treatment and care for them. The little badge that I am wearing is an Ulster Cancer Foundation badge that is produced for Christmas each year. One of the most inspiring stories was that of a young mother whom I met there. When her children were aged three and one, her husband was diagnosed, and, sadly, he went on to lose his life and left her with the young children. However, she was getting on with life, and she was so brave. In doing that, she was an absolute inspiration. You want to seek to deliver the best outcomes for people. You want to avoid death where possible and provide the best care for those who need to receive palliative treatment at the same time.

Each year, 8,500 people are diagnosed with cancer, and, sadly, 3,600 people die from cancer. That is very significant. It is such a significant disease in Northern Ireland that we really need to ensure that we are doing our best to tackle it. Although the health service has made significant progress in the treatment of cancer in the past decade and has made huge improvements to patient outcomes, we still have more to do in that field in order to make our outcomes among the best in Europe. To an extent, we are falling behind some countries in that regard, so we have work to do to ensure that we close that gap.

The improvements that have been made to date have been brought about through investment in cancer services and, increasingly, by a major refocusing on how the service is delivered. Cancer services have moved from a position where bits of cancer treatment were provided at all the hospitals, which resulted in a fragmented service with no uniform standard of care and outcomes that ranged from outstanding to poor. We have much better outcomes now because we have a network of dedicated cancer units, staffed by specialist multidisciplinary teams of doctors and nurses who provide the highest standards of treatment and care, where the patient is the focus of their care and where all the services provided are evidence-based and reviewed and the outcomes assessed. The units also operate within best-practice protocols and guidelines that are in place across the world.

All of that, of course, costs money, and, in Northern Ireland, we spend around £22 million annually on a range of cancer medicines. As Minister, I am determined to see that that investment is used effectively and, indeed, efficiently. My priority is to ensure that all patients here are able to access the full range of NICE-approved drugs, including cancer drugs. Members will be aware that the Executive approved £5 million of additional funding to my Department in the October monitoring round specifically for that purpose, which means that new drugs for lung cancer, leukaemia and multiple myeloma can be funded this year. I would like to put on record my thanks to the Finance Minister, Sammy Wilson, for accommodating my request for that funding. It is something that has rested heavily on me since I took office and came to understand that that outstanding gap existed. The allocation is of real importance in making it possible to correct the gap in access to cost-effective, evidence-

based therapies in Northern Ireland. However, those drugs will need to be paid for in future years, and that is the reality we face. In that context, I am considering a range of options for how that might be done, including the potential reintroduction of some prescription charges. Such a decision would, of course, be subject to public consultation. This debate is, therefore, timely because it highlights the life-threatening aspect of cancer and the ability of modern drugs to help to fight it. If we were to introduce a small prescription charge, it would actually apply to only 11% of all prescriptions. We could potentially deal with the shortfall in money for NICE-approved drugs and set aside a modest amount to enable us to respond to the special cases that are outside NICE guidelines, such as the ones discussed today.

The decision that the Assembly, the Executive and I, as Minister, will have to make is whether to continue to help many a little or a few a lot. That is very challenging, but it is important that we give it due consideration. I will, therefore, want to go out to consultation early in the new year on whether we should reintroduce a prescription charge. If such a charge were reintroduced, it would not be done to bolster in some way other aspects of the DHSSPS budget but to specifically meet our requirements to buy NICE-approved drugs and, perhaps, to have the ability to buy further drugs that, although not NICE-approved, are for specific cases involving people suffering from cancer or some other significant ailment.

Although drugs are important in the treatment of cancer, they are not the only treatments we have. Radiotherapy and surgery are increasingly vital and effective treatments of choice, so we also need to allocate resources to them. Members will be aware that my first decision on coming to office was to give the go-ahead to the new radiotherapy unit at Altnagelvin Area Hospital. Indeed, continuing to focus investment on areas that will produce the greatest benefit and improvement in cancer outcomes is the way forward.

### 3.45 pm

I want to see greater emphasis on prevention and early diagnosis. Cancer prevention and early detection have been shown to significantly improve patient outcomes from treatment, as well as decreasing the potential for reoccurrence. Eating the wrong food excessively, drinking

heavily and smoking will lead to many of our population dying from cancer, very often in distressing circumstances. I make no apology for highlighting the negative outcomes and the need for people to change their lifestyle.

As Minister, I want to see Northern Ireland as a centre of excellence at the forefront of cancer treatment and research. That is why we continue to invest in cancer research here and why we need to ensure that we can get further research brought in from the rest of the UK. The cancer drugs fund, which is available only in England, was put in place to enable patients to access non-NICE-approved cancer drugs if consultants considered them beneficial. I understand that there will always be individual cases to consider. Those are dealt with on an individual basis, and patients here can access, through an individual funding request (IFR), non-NICE-approved drugs that their consultants consider to be of benefit. IFRs provide a mechanism to consider requests for treatment, including drugs and therapies and not limited to cancer, that fall outside the range of services normally commissioned by the Health and Social Care Board. Each request is sent to the board and considered on its merits. However, clinical exceptionality is expected to be demonstrated to support IFR requests.

Mr Humphrey raised the case of Carol Parkinson. Although I cannot comment on individual cases, he should be aware that an IFR has been refused on the grounds that exceptionality has not been demonstrated at this point. Mr Humphrey indicated that the oncologist supported her case. Perhaps that needs to be readdressed if issues have not been looked at. Obviously, if drugs are available that may change the circumstances and the outlook for that lady, we would, of course, want to ensure that she had every opportunity to live.

Every effort is made to provide rapid decisions on individual funding requests. Normally, requests are considered and a response provided to the referring clinician within seven days of the request being received. In the past three years, almost 98% of patients in Northern Ireland who had an IFR submitted on their behalf had the treatment approved.

The health service here has, for a number of years, procured cancer medicines on a regional basis, which has provided significant benefits in the cost and availability of those essential drugs. However, we have a higher expenditure

on medicines than the rest of the UK, and some of them are not effective. I want to see that significantly reduced to allow the health service to reallocate that funding to more effective and proven treatments. We need to ensure that ineffective prescribing is not overinflating the cost differential. Therefore, we need to be more robust on occasion in challenging the public's perception of drugs that may not be as effective in delivering outcomes as people may perceive. Some are in the habit of taking drugs, as opposed to them making a real difference.

We have to be realistic. The health service here is not always able to replicate the spending of other regions, and that can mean that access to some treatments may need to be introduced over time. We have all seen some of the sensational media headlines stating that patients outside England can be five times more likely to be denied cancer drugs. That is simply not factual. Although the cancer drugs fund in England has achieved some of its aims, it has not always been fully utilised. It has been suggested that a postcode lottery has developed in its application and that there is considerable variation in the way that it is administered across England, a situation that we do not want to see here. There also appears to be no guarantee that all patients who request a given medicine will receive it, even with the cancer fund.

The cancer drugs fund in England is a temporary scheme, lasting three years, which allows access to new and non-approved drugs. The coalition Government's proposal is to introduce value-based pricing as a replacement for the pharmaceutical price regulation scheme (PPRS). The PPRS controls the price of propriety drugs across the UK, and we are fully signed up to avail ourselves of it. We should also be able to avail ourselves of its eventual replacement, if necessary, to ensure that we continue to obtain the best value for money and, most importantly, that all patients can access the new drugs and treatments that doctors think they need at a price that represents value for money.

The Northern Ireland Cancer Network (NICaN) has been instrumental in advancing cancer treatments here, and I pay tribute to the dedicated staff in NICaN, our cancer units and the Belfast cancer centre, which has worked tirelessly to ensure that our patients are not disadvantaged compared with those in the rest of the UK. As part of its role, NICaN

leads the drugs and therapeutics committee, which has developed the regional process for the prioritisation of new drugs and therapies. The committee, which includes clinical representation from oncology and haematology, provides clear guidance and advice to the HSC Board on priorities for the commissioning of cancer drugs.

This year alone has seen major changes in how we deliver cancer treatment and care. In February, the cancer services framework was launched for implementation planning by the HSC Board commissioners and the Public Health Agency. I have asked the Public Health Agency to lead in this process and submit a plan to me by the end of the year.

In September, the NICE applicability process, which has been criticised for delaying access to new NICE-approved treatments, was revised. That will help to speed up the introduction of new approved drugs. Alongside that, considerable efforts have been made to improve waiting times for people with cancer, and my Department will continue to work closely with the trust and NICaN to ensure that patients have timely access to diagnosis and treatment, irrespective of where they live.

In summary, we have made significant progress, providing the very best cancer treatment and care. However, we cannot be complacent: we must do more, despite the difficult economic conditions. I assure the Assembly that access to the latest cancer treatments and drugs will remain a high priority for me. So, it is important that, if the IFR is working, we enhance it. Getting more funding to it will be an important element in ensuring that more people get good quality care. As I said, we will move forward in the early part of the new year with a consultation on introducing some form of prescription charge to ensure that we are buying adequate and appropriate drugs to provide appropriate care for people with life-threatening illnesses.

**Mr Weir:** This has been a productive and sober debate. As Mark Durkan put it, this is the opportunity to help concentrate minds on the subject. It is important that, as an Assembly, we move forward on the issue. The record, particularly recently, on the actions that we have been prepared to take on cancer has been positive. As the Minister indicated, we saw that one of his earliest decisions was on

the radiotherapy unit at Altnagelvin, which was welcomed by all in this Chamber.

I join Mr Gardiner in welcoming last week's announcement about the additional fuel payments. For a lot of people who have been diagnosed with cancer, there is a need for extra heat in their home. It is important that we give that support to them so that money is not something that people have to worry about when they are left in that situation.

I thank everyone who has spoken in the debate. We have had strong, consistent support from around the Chamber. Many people covered very similar ground in their speeches. It is difficult to talk about this subject without it being very personal and harrowing. As a number of Members said, it is probably difficult to find anyone in the Chamber who does not have a family member or friend who has suffered from cancer. I was particularly moved by the contributions and personal examples from Mr Gardiner and Mr McDevitt. The debate is also an opportunity for us to try to embrace a positive way forward and to send out a positive message to those who suffer from cancer.

For a cancer sufferer or, indeed, a member of his or her family, there are, probably, three main issues that arise immediately when a doctor gives a patient his or her diagnosis. The first is the question of whether the cancer is terminal or there is any chance of recovery. One fact that we can, at least, celebrate, while, as the Minister said, not being complacent on the subject, is that, for a number of forms of cancer, including childhood leukaemia and breast cancer, what was an automatic death sentence a number of years ago is no longer that. We should celebrate that fact and try to drive the mortality rate towards a much more acceptable position. The second issue that will apply to many families and where the motion is pertinent is that, when they have been told that their relative's illness is terminal, they will want to have the maximum quality time with him or her. That is why provision of the best drugs is absolutely vital. The third is the question that every family in that position asks: whether their relative will suffer and feel great pain towards the end. Nowadays, there are drugs that, in many ways, can alleviate that situation. In my personal experience of when my father died of cancer, one issue that was very much at the forefront of my mind was whether he would suffer towards the end. The excellent support

that the health service was able to give him and, indeed, many others is something positive that we should celebrate. However, we should always seek to improve.

When we say that we want to achieve the best and most efficient use of resources, it is not some accounting exercise. The best use of resources in dealing with cancer means that the maximum number of people can be helped to the maximum level. That is absolutely vital. As I mentioned, many drugs that are available can, in some cases, help to cure a particular form of cancer. In other cases, they can improve life, prolong life or reduce suffering. We should embrace all those benefits.

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

As, I believe, the proposer of the motion, Alastair Ross, mentioned, the UK has fallen behind other European countries. Trying to improve that situation should be viewed as a positive challenge and embraced. As has been indicated, a similar drugs fund has been set up in England. Certain mistakes that were made there have been highlighted. It is important that we learn from mistakes that are made elsewhere, so that we do not copy or repeat them. Consequently, the level of service that we provide, through additional funding being made available, can offer the best possible solution.

One concern that has been raised is that regional disparities have occurred in England. Hopefully, due to economies of scale in Northern Ireland, we should be able to avoid that. Northern Ireland is small enough that we can take sufficient care to ensure that nobody here is disadvantaged in that regard. There cannot be a postcode lottery in Northern Ireland. I am sure that the Minister will ensure that there is not and that everybody is given the fullest opportunity.

It has been mentioned by a number of Members, including Jim Wells and, indeed, the Minister, that dealing with cancer at the far end of the scale, with the drugs and treatments that are required, is just one part of the picture. In many ways, the most crucial element is dealing with prevention. Although much of that comes down to lifestyle choices, it is also the case, as Paula Bradley mentioned, that some cancers are genetic in nature. For some cancers, there is no apparent connection; they simply happen. From that point of view, although lifestyle choices can

reduce the levels of cancer, it is clearly a terrible disease to which we must face up.

Thankfully, through breast screening and a range of other methods, we have had early detection, which is vital in providing treatment. Whatever we do today and beyond with cancer drugs, it will only be part of the solution. However, it is a vital part of the solution.

#### 4.00 pm

There has been success in the treatment of cancer, and we all welcome that. However, if we put our hands on our hearts, we would say that the level of success was not as great as it should have been. Indeed, in the UK, the levels of fall in the rates of cancer and the increase in survival rates have not been as quick as elsewhere. That is an issue that, over a long period, we need to address.

This is a vital issue. It is also an issue on which this devolved institution can make a positive contribution through the support that is given to sufferers and their families. We can provide a positive advantage to people. Whatever funding model allows that to happen — the motion is not prescriptive — we must do so, and I welcome the Minister's commitment to continue to press and to deliver on this issue. It is an issue on which the House can unite and send a positive message that action is being taken. That is particularly the case at this time of year when many families are left with an empty chair at the family table at Christmas. We must send out a positive message that the Assembly is united in support in providing cutting-edge drugs and in a desire to improve the situation for cancer sufferers and their families. I commend the motion to the House.

*Question put and agreed to.*

*Resolved:*

*That this Assembly calls on the Minister of Health, Social Services and Public Safety to give consideration to the creation of a cancer drugs fund.*

## **Sexual Exploitation of Children and Young People In or Missing from Care**

**Mr Deputy Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes to propose the motion and 10 minutes to make a winding-up speech. One amendment has been selected and published on the Marshalled List. The proposer of the amendment will have 10 minutes to propose and five minutes to make a winding-up speech. All other Members who are called to speak will have five minutes.

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

*That this Assembly expresses deep concern at the findings of the Barnardo's report 'Not a World Away', which exposes the level of risk of sexual exploitation for children and young people in or missing from care; calls on the Minister of Health, Social Services and Public Safety to ensure that all legislation is used to protect those children who are exposed to this risk, and that the perpetrators of sexual crimes against these children and young people are brought before the courts; and further calls on all Ministers to work together to provide the support and help that these children and young people need to keep them safe from sexual predators.*

Go raibh maith agat, a LeasCheann Comhairle. I support the motion and the amendment, which adds to the motion. It is important to have an all-island view of the issue.

I thank the authors of the recent 'Not a world away' report. As Members know, it highlighted the dangers that our children and young people face in the area of sexual exploitation. Together with other research and reports, the report showed us, if we needed to be shown, the extent of the sexual exploitation of children.

There have been good initiatives in the form of legislation, action plans and strategies. Today, however, I hope that we can show where gaps still exist. We need to highlight the issue and to raise our awareness and that of the community of what it means for a child or young person to be sexually exploited. We also need to review legislation and practices. We must ensure that all Ministers and their Departments work together, at an Executive level, to put those plans into practice to provide the best protection for our children and young people, particularly those who are most vulnerable to this horrendous crime.

As the 'Not a world away' report and other research indicates, sexual exploitation can take many forms. The report identifies abuse through prostitution: it outlines the party house model, sexually exploitative relationships, internet exploitation and trafficking of children and young people for the purpose of exploitation. The perpetrators use all sorts of means. They manipulate and coerce young people, they intimidate and bully them, and they groom them, without any sense of care, respect or empathy for their young victims.

I am sure that most Members, like me, as a parent, really feel it when we hear the types of disturbing reports that come out. There are none more vulnerable in our society than children or young people, and we need to do all that we can to protect them. Some of the real-life stories in those reports are really vile and horrendous. We have heard about children as young as 12 or 13 who have been groomed and then raped or sexually abused repeatedly and systematically by the perpetrators and, sometimes, they have been given drink and drugs to do it. We have to look at the long-term effects that such abuse can have on those children and young people, because those effects last well into adulthood.

The circumstances in which a child or young person finds themselves can make them even more vulnerable to sexual predators. We hear of children whose parents maybe have a history of drug or alcohol abuse, or children who are in care and have run away from home or from a care facility. We also hear of children who feel socially isolated or who have maybe dropped out of school. They are all particularly vulnerable in those circumstances.

Children who are in care — whom we are looking at specifically today — and in particular, young people who go missing from home or care, are probably one of the most disadvantaged groups in society. I know that this subject has been debated before in the Assembly, but it is important, because we need to understand that perpetrators are targeting children and young people in care homes. It is important, not simply to raise awareness of the issue in the Chamber and outside, but to do something about it.

In my view, we need a targeted approach to identify, first, the children who are most at risk, and to put those support mechanisms around them. There is also a need for them to be

educated and informed about the dangers. Very often, a young person might not even see themselves as a victim because someone has manipulated or coerced them to the extent that they seem almost like a friend. Some young people do not even realise that they are being sexually exploited. It is important that we raise awareness among those children and young people.

It is also important that we show perpetrators that they will not get away with it, that their actions will not be tolerated and that they will face the full rigours of the law. Like domestic violence, rape and other sexual crime, the crime of exploitation of children and young people in or missing from care is sometimes hidden and people do not like to come out and speak about it. Furthermore, the full force of the law does not come down on perpetrators when they are exposed, charged and found guilty of such crimes.

I want to give some figures because I want to identify the young people who are in residential care. The statistics that we received show that 53.3% of young people in residential care were assessed to be at significant risk of sexual exploitation. That amounts to over half the children and young people whom we know are in residential care. That compares with 10.7% of those who live at home, 7.8% of those who live in a kinship foster placement and 6.5% of those who are in other forms of foster care. Children and young people who are in residential care are deemed as being at significant risk.

I feel that we need to look at influences from older people. If my children are in danger of at-risk behaviour, as a parent, I can keep them in or put things in place for them. However, some people in care and in residential homes can feel very frustrated because they might not have some of the powers that they feel that they need to prevent this. So, we need to look at this issue in the round.

I ask people not just to raise awareness of this matter but to look at new ways to address it in a holistic fashion. I appreciate that the Minister of Health, Social Services and Public Safety is here today, but this is not just a health issue. It is an issue for the whole Executive and for all Members in the House. I really hope that people will ask the Executive today to bring forward whatever is needed and to take on board the findings and some of the recommendations in the report and to make every effort possible

to protect our children and young people from this vile crime and ensure that those who are responsible are held to account and face the full rigour of the law when they are brought to the courts and to justice.

I urge all Members to support the motion and the amendment to try to send a clear message that this will not be tolerated and that we will protect our children and vulnerable young people.

**Mr Eastwood:** I beg to move the following amendment: After “together” insert

*“, and with their counterparts in the Republic of Ireland.”.*

I congratulate those who tabled the motion for bringing this very important issue before the House. The Barnardo's report referred to in the motion should be very concerning to everyone in the Assembly and it is essential that we get to grips with the issues highlighted in the report. Our amendment will, hopefully, be supported by the House, as it is essential that when attempting to tackle the issues, we recognise the need for cross-border collaboration.

The report highlights the issue of sexual exploitation as very concerning. The most frequently identified form of abuse was through prostitution. However, less obvious issues included transactional exploitation in the context of house parties and sexually exploitative relationships. Internet exploitation and trafficking for the purpose of sexual exploitation were also identified, and the research indicates that the vast majority of identified abusers were adult males, although a significant number of female adult abusers were identified also.

Young people aged 12 to 15 emerge as the age group most at risk of experiencing sexual exploitation, and it is clear from the research that children in care were observed to be at much greater risk than those outside the care system. Young people in residential care experienced significantly higher rates of risk than those in kinship or non-familial foster care placements. It is important to say that although young people outside the care system have been identified as being at significant risk, less knowledge of their activities means that the degree of risk is likely to be underestimated.

Until recently, sexual exploitation of children and young people has been the secret shame of Ireland. In recent years, we, as a society,

North and South, have struggled to come to terms with the dreadful ramifications of a past littered with the trauma of sexual exploitation and abuse. The state, Churches, civic society and individual communities now have to come together to play a role in the support of our victims and survivors. As the Taoiseach, Enda Kenny, stated in response to the Cloyne report:

*“For too long Ireland has neglected its children”.*

That is the rationale for our amendment. Ireland is united in that shame, and any attempts to heal the mistakes of the past and to remove the crimes of the present should be made on a cross-border basis.

The six recommendations suggested in the Barnardo's report offer an initial basis by which to move forward. The establishment of the Safeguarding Board should play a crucial role in the protection of our children in the future. It is also crucial that a joined-up approach is shown in tackling exploitation issues. As the recommendations in the report demonstrate, policing, public health and care institutions all have a role to play in ensuring the safest possible environment for our children and young people.

#### 4.15 pm

**Miss M McIlveen:** I support the motion and the amendment. The matter has been of great concern to me for a number of years. I was honoured to speak at the launch of the report to which the motion refers. I have raised the issue of children missing from care and home in the Assembly on a number of occasions. The risks that those young people face can be particularly shocking and concerning. To ensure a greater awareness of the issue, I have worked with a range of organisations, both voluntary and statutory, and, indeed, with individuals who have sought to protect children and young people who are at risk. Therefore, I welcome the motion.

I also think that it is fitting that we take a moment to remember the tragic death in June last year of Darlene Bell in my constituency after she left the children's home that she was living in. We do not forget individual young people or their families. In moving the motion, Jennifer McCann highlighted the real-life stories that are detailed in the report and the long-term impact that some of those disturbing incidents have had on those who have been targeted. It is important to realise that those young people are vulnerable and are targeted and manipulated.

In the previous mandate, my level of concern about the matter was such that I sponsored a number of motions on it and I undertook a significant piece of work in proposing a private Member's Bill on children who go missing from care and home. The Bill sought to place a statutory duty on government to keep detailed records of children who go missing and to produce an action plan and strategy to address their needs. It also sought to create a multi-agency approach and response. Although the Bill did not, ultimately, become legislation, a number of significant outcomes resulted from it. The Health and Social Care (HSC) Board produced a draft action plan for children who go missing and specifically referenced the risks from sexual exploitation. That was a significant step forward.

The action plan highlights the importance of a co-ordinated, multi-agency response to dealing with the issue. Specifically, it commits to collating existing baseline information, implementing revised untoward incident-reporting mechanisms between the HSC trusts and the HSC Board, and synchronising data collation between the HSC Board and the PSNI. It also commits to improving strategic oversight of the issue of missing children, completing revision of the missing children guidance, providing joint training for the PSNI and social workers, implementing the revised protocol, and establishing a safe choices working group as a subcommittee of the regional child protection committee. Although it will take some time for us to assess how effective that action plan has been, I acknowledge the work that has taken place. I also take the opportunity to ask the Minister whether the Health and Social Care Board will provide a review of the extent to which the actions that were identified in the plan have taken place.

While undertaking consultation for the Bill, I met the PSNI missing and vulnerable persons' liaison officers on a number of occasions. Along with the staff in care homes, in my opinion, they knew more than most about the risks that those young people can face. They impressed me with their level of commitment and concern for individual young people and for the issue in general. Among those officers and those at the level of public protection units, the PSNI has demonstrated significant commitment to the safety of young people at risk and it is to be commended for that. At a more strategic level, there is a need for child protection measures

that prevent child sexual exploitation to be more clearly identified, monitored and resourced in the Policing Board plan. Indeed, I ask the Minister of Justice whether he is willing to take forward a review of child protection in that plan.

In conclusion, the question must be: is there more for all the agencies that are involved to do on the issue? The answer is yes, there is much more. The need for a co-ordinated and strategic response remains crucial. The issue is about protecting some of our most vulnerable children and young people and it requires us to make it a priority. On that basis, I will continue my interest in the area. To that end, I will continue to monitor the ongoing effectiveness of the response and to work with the range of organisations, both statutory and voluntary, to bring forward proposals that can assist in ensuring that we offer greater protection to the young people at risk. I will also continue to work to ensure that adults who are guilty of abuse are brought to justice.

**Mrs Overend:** I, too, thank the proposers of the motion for bringing forward this important and often heart-rending issue for debate. First, I pay credit to Barnardo's for producing such a comprehensive study into the problem of abuse across Northern Ireland. The sexual exploitation of young people should be a major concern for civic organisations, statutory bodies and the wider community as a whole. It goes on hidden from view in towns, villages and cities, leaving young boys and girls traumatised and often emotionally scarred for life. It really is a despicable crime.

Until recently, sexual exploitation or child abuse — call it what you like — was recognised as a problem but its extent was unknown. Now, with the culmination of two summers of research, at last we know the extent and range of dangers faced by young people in or missing from care. It is impossible to know exactly how many young people suffer abuse in Northern Ireland. However, as the report emphatically states, no child is immune from the risk of abuse. However, children in care or those who go missing from care are often at much greater risk. Many young people in care have experienced abandonment or suffered from physical and mental abuse. The tragic irony is that although many young people who run away from care believe that they are doing so to get away from life's struggles, they sometimes run directly towards further grief.

There is no one simple answer to mitigating the risks that young people in care face when they go missing. However, it is important that it is now accepted that when a young person goes missing, it is a symptom or indicator of a problem rather than the main problem itself. Children who repeatedly go missing may be considered more streetwise and less vulnerable than those for whom it is out of character. At the end of the day, however, they are still all just children. Anyway, it is proven that children who repeatedly abscond for periods are more likely to be exploited.

Sadly, the report also identifies the failure of statutory bodies as a significant contributory risk factor for young people in care. Although I appreciate that much good work has been done over the past few years to improve standards, particularly in the health and social care trusts, there are still areas in which further progress is required. Only when everyone in a position of trust or responsibility is trained to an adequate standard will we be able to have absolute confidence that adequate protections and safeguards are in place. Only by tackling, in an organised way, the causes and consequences of children and young people going missing from care can the state ever be totally confident that it is doing what it can to protect this vulnerable demographic from abuse.

The Ulster Unionist Party also believes that an awareness-raising campaign may now be needed for all health and social care youth groups and the Youth Justice Agency, so that those who work face to face with young people daily are given information about the factors that may increase vulnerability to child sexual exploitation. They should also be trained in how to spot the signs and symptoms as they occur.

I support the motion, and although my party also supports the SDLP amendment, I query whether it is absolutely necessary. I absolutely agree that tackling an issue such as the exploitation of children should not be hindered by borders, either local or worldwide.

**Mrs Cochrane:** I also pay tribute to the Members who brought this issue to the Assembly. The Alliance Party supports the motion and the amendment, as there is an obvious risk that those who go missing from care will cross the border or that those who carry out abuse will use the border as a means to hide.

Child sexual exploitation is a major child protection issue for communities across the UK and Ireland. Hidden from view and unnoticed, vulnerable young girls and boys are groomed and then abused, leaving them traumatised and scarred for life. The Barnardo's report highlights some truly horrifying statistics about the extent of that exploitation and, in particular, the heightened risk to children in care.

Children who do not have a loving parent at home face a difficult start in life. Whatever the reason for the separation, children need love, protection and hope for the future. A child in care is often more likely to have come from a dysfunctional family. Therefore, it may be harder for them to know what a normal relationship is. So, when they are exploited, it is hard for them to understand that it is wrong. Furthermore, if children are constantly moved from care home to care home, they can often believe that they are being continually rejected. That can make it harder for them to make friends and can lead to insecurity.

Going missing from care is also a danger sign that a child is at risk of being exploited, and appropriate action needs to be taken to address that issue. There is a danger that if one child in care is exploited, the abuser may use that child to lure others from the same care unit to be abused.

Members referred to individual stories and statistics, and it is clear that sexual exploitation is a challenging issue to identify and address. The frequent co-existence of many other presenting issues, such as drugs, alcohol and self-harm, can often cloud identification of the risk. Young people often do not see themselves as victims and frequently fail to disclose their experiences of abuse. Furthermore, as result of their experiences, many young people can be difficult to work with and resistant to support.

If we are to stop the exploitation of children in care, all relevant Departments and agencies must work together in a joined-up approach. First, as carers are the first line of defence in the prevention of abuse, they need to be properly supported as they play a key role in early identification. Secondly, as Sandra Overend said, we must ensure that everyone who works with children can spot the signs of sexual exploitation and knows how to tackle it. That includes reporting in a joined-up manner. For example, when officials come into contact

with an exploited child, it might not be obvious that abuse is happening, but if the reports from health officials, teachers, the police and those in the care system were held together, an overall picture would be seen.

Thirdly, as I mentioned — as did other Members — the report highlights the fact that young people in residential care experience significantly higher rates of sexual exploitation than their peers in kinship or non-familial foster care placements who did not present significantly greater levels of risk than young people in the general population. In addressing the issue, we must, therefore, determine whether being put in care is in the best interests of the young person or whether being placed with a relative might ensure that they have a positive role model and a better understanding that what abusers do is wrong. Research shows that children in kinship care say that they feel settled, secure and loved and that they maintain important family, cultural and community connections. Although the rest of the UK prioritises and invests in such care, Northern Ireland is still trying to come to terms with the concept.

Finally, we need to establish a national action plan to tackle child sexual exploitation. We need to challenge the criminal justice system to bring more prosecutions of this type of sex offender. Perpetrators of these crimes are becoming increasingly sophisticated, using the internet to protect their identity. We need to improve the police response to instances of exploitation, as well as offer victim support throughout criminal justice proceedings.

I support the motion and the amendment.

**Ms Lewis:** Speaking as a member of the Health Committee and a Member for the South Antrim constituency, I support the motion and the amendment. I thank the Members for bringing forward the motion in order to highlight the issue that is raised by the Barnardo's report, 'Not a world away'.

It is said that a society is judged by the way in which it treats those in its care, whether that is the care of people in hospital or in prison or, as in the case before us today, of children. We are judged by how we care for them all. We are judged not just on the level of service that is provided but on the compassion that should be at the heart of our care system. To that end, it is clear that something has gone badly wrong,

and it is the responsibility of us all to address the findings of the report.

The Barnardo's report, which forms the basis of the motion, found that one in nine of all 16-year-olds who took part in the study were victims of online grooming and that three quarters of those children have made face-to-face contact with the person grooming them. One in nine is one too many. It would be easy to decry the internet and those who provide the services for social networking, but the truth is that not one word that is said in the Assembly today will influence the corporate giants of Facebook, Google or Bebo. We are fooling ourselves if we believe otherwise. We must look elsewhere if we are to make a difference to the children whom we are tasked to protect and care for. What powers do we have or need and what influence can we, as an Assembly, exert to ensure that the statutory bodies answerable to us are doing all in their powers to protect our children from harm?

Most people have little or no understanding of how children end up in care. It may be through domestic circumstances or due to suffering domestic or sexual abuse in the family circle that children find themselves in care. For the most part, we believe that they are in a safe place and are receiving the best care and attention.

Hearing that they are vulnerable even when they are in care is incredibly distressing and worrying.

#### 4.30 pm

While I commend Barnardo's for its report, I urge those with responsibility for care homes to ensure that they do all in their power to provide the highest possible levels of support for children in their care. We know that those homes cannot be prisons, but, if children are vulnerable, perhaps more can be done to protect them from the outside world and to limit access and the apparent ease with which the outside world can enter those homes.

I want to focus on one specific area of the Barnardo's report relating to the vulnerability of children to sexual exploitation. The report highlights that, of a sample of sexual exploitation cases, the highest was in the context of party houses, which accounted for 63 cases. Here we find the real heart of the matter. All elected representatives know the areas in our constituencies that are regarded as problem areas. They are usually but not exclusively in

housing estates or deprived areas of the community. We know that the PSNI and the wider community are aware of the activities that take place in those houses. I am not attempting or intending to simplify the matter, but, as long as we tolerate criminal activity under the guise of house parties or antisocial behaviour, we will never fully face up to the poison that infects our community every day. I urge the PSNI to work as closely as possible with children's homes to ensure that all steps are taken to obtain the evidence needed to close down these party houses, end the suffering of those who live beside them and, most importantly, protect our children.

It is easy to hope that another report or consultation will influence future policy, but the real question is this: what can we do now? Vulnerable children cannot wait; they need action to be taken now. Society, the PSNI, elected representatives, the courts and our communities know where the problems lie and, in many cases, who the individuals responsible are. The question is whether we have the courage, once and for all, to tackle the elements of our society who degrade us all by their actions. It is my earnest hope that we as an Assembly can unite and, with authority, protect and care for all our children, who deserve the best possible care, especially the most vulnerable, whom we must love and protect as we would our own children. I urge the Minister to do all within his power to protect our children. I support the motion and the amendment.

**Mr Molloy:** Go raibh maith agat, a LeasCheann Comhairle. I support the motion and accept the amendment proposed by the SDLP. I thank Barnardo's not just for producing the report but for all the work that it has done over the years. It has been very supportive of young people, made their case and provided care and shelter for them, as have other children's organisations.

The report clearly identifies something that perhaps we turn a blind eye to, ignore or think will go away, as it does not affect us. Some of it is new to us. However, as the report states, there is clear evidence of the sexual exploitation of young people, both male and female, over the past years. That situation exists here in the North. The key point is that that is only the tip of the iceberg. The issue that we are dealing with has been hidden. Young people have suffered threats and have been made to live in fear to ensure that they do not talk about it and that it is not exposed.

Often, young people who unfortunately end up in care come from a broken home and situations where they are already in need and in fear. Those children go to a care home hoping for protection and support but become victims once again. The risk to young people in care homes is often increased because they are easier to exploit in that situation. That is because of the openness and affection that they show towards anyone who tries to help or support them. It has been stated that there can be no hiding place for anyone who exploits young people. Care homes should be a safe place for them. Perhaps we need more vetting of those who have access to and work in care homes. They mostly do very good work, and there is no question about their expertise or suitability for the job that they do. However, some are exploiting the situation, so we need to ensure that those who work with children meet all the standards required. It is clear that some of them have been involved in grooming young people and making them available to those outside who would exploit them. We need to ensure that young people have the care that they require.

I am glad to see today that we have cross-party support for the motion. It is something on which we should all be united to make sure that we do not have anyone who sees it in some other way. We should cherish all the children of the nation equally. We need to look at how we can develop that and make sure that it will happen. The multiagency approach that Michelle McIlveen spoke about is something that we have to consider, not just along the lines of the care homes or exploitation but in relation to antisocial behaviour and all the issues that we deal with in which young people are involved. We need to have a multiagency approach to ensure that every agency lives up to the standards that have been set down for it and that there is a joined-up structure to ensure that young people are protected in every way possible.

It is not just a health issue, although it is good to see the Health Minister here. It is important that all other Departments see their role in it and that there is a multiagency approach. Maybe it is already there, but, if it is not, I encourage the Health Minister to bring together the agencies and Departments that can come together on the issue to ensure that we have a joined-up approach to make sure that it ends and there is no further increase in the risk of sexual exploitation. That requires further

investigation and activities, but a multiagency approach is the way forward. Thankfully, today in the House, all parties are coming together to say that it must end.

**Mr Wells:** First, I apologise for not having been here at the start of the debate. This building is awash with interest in a certain report on health that is being published tomorrow, and everyone is running around getting their press release sharpened and getting ready to react to what will be a fundamentally important document. Therefore, I will therefore be quite brief in my comments on the motion, which, of course, everyone supports.

The building blocks of society in Northern Ireland are collapsing rapidly from the days of children being reared and nurtured at home with loving parents — a husband and wife together — bringing them up. Those institutions are dwindling rapidly. We are in a position in which many children, through no fault of their own, are cast aside because of the break-up of a family, abuse, alcohol abuse or many other issues. The result is that they end up in care, which, we all accept, is not the best option for children. You would think that, when young people are in care, the last place in which they would be subjected to any form of abuse would be in an institution that is meant to look after their needs. Yet, sadly, as we know, both in clerical and state-run institutions, there has been a long litany of things going on that are repugnant to many of us.

I remember that, when I was first elected to the Assembly back in 1982, we had long debates on the Kincora issue. It is sad that, 30 years later, the same issue is still featuring in public debate and is still emerging as a problem in homes for children. It is an indication of the way that society is going that we still find evidence of that happening. At that time, when Kincora was discussed, we made the point that there had to be maximum opportunities for children and young people to report allegations of child abuse, zero tolerance of it going on and the strongest possible measures taken against those who commit those evil deeds. That still has to be the message even today — that we as a society will not tolerate those who attack, interfere with and sexually abuse the most vulnerable.

I want to emphasise a point made by Judith Cochrane. In many cases, kinship care may be an option for the protection and nurturing of a

vulnerable young person that does not involve any form of state residential care. I will be honest with you: I knew nothing about kinship care until I was lobbied by the Londonderry-based organisation that sponsors and promotes the concept. It was very much below the horizon, and none of us knew much about it. It alarmed me to find out that there does not seem to be any form of state or trust funding for Kinship Care Northern Ireland. It is a small body, left largely to its own devices, that struggles day to day trying to promote the concept that, instead of a child going into care, a relative — a grandparent, aunt, uncle, brother or sister — will look after and rear the child to the best of his or her ability. All the evidence indicates that it is a very good model. However, the evidence also confirms that it is something that the Department and trusts have not concentrated on whatsoever.

I notice that there has been a flurry of written questions and statements on the issue from various Members. Pat Ramsey, for instance, has been prolific. We need to increase the profile and knowledge of what kinship care can achieve in Northern Ireland. It may offer a model to prevent the maximum number of people having to go into care in the first place. The outcomes seem very good. There has been no state funding for the kinship care organisation, nor does the social security system seem to have been able to accommodate that type of care. That needs to be addressed, because there are many parents, grandparents, brothers and sisters throughout Northern Ireland who would like to do it if they were given a bit of support. Perhaps placing a much greater emphasis on kinship care as a model for the way forward will be something to come out of this debate.

**Mr McCallister:** The whole House is agreed that few crimes are more repulsive than those that we are debating this afternoon. It is truly sickening. It is also frightening that, as the aptly named report 'Not a World Away' points out, it happens in towns and villages. If we looked at the issue in more depth, we would probably be absolutely shocked to learn of the areas where it continues to happen to this day. I support the motion absolutely, and I commend those who tabled it on bringing the subject forward for debate. It is good to see the House totally united on the issue. Our only query is with the SDLP amendment. As I am sure the Minister will mention in his response, it is such an important issue that we want the Minister, his Department and the

Executive to co-operate with anyone necessary to get results in tackling this dreadful crime.

I support the comments of many who have spoken in the debate. I also pay tribute to Michelle McIlveen, who has a long-standing interest in moving forward on the protection of children who are in the care system or who were in the care system but go missing and fall out of it, which is of huge concern to us all. I commend Michelle for the work in which she has been involved over the past number of years.

We need a co-ordinated strategy to deal with the issue, and we need to keep up the pressure. As Mr Wells said, the statistics that are piling up are frightening. The length of time that we have been debating the issue is also frightening. It has become much more prominent in newspaper headlines in the past 20 or 30 years. It would not have been even talked about a few years before that, never mind debated here. It is good that the issue is well up the political agenda and being addressed; that is to be welcomed by us all. It is vital that we get a co-ordinated approach and all the agencies work together, whether they are under the control of the Minister of Health, the Department of Justice, OFMDFM, any other part of government or the new Safeguarding Board for Northern Ireland. As Mrs Cochrane mentioned, some of those reports should be kept together to make sure that people who need to have access to them have that access so that no child falls between the stools on that one. It is simply too important, and the consequences of getting it wrong are so serious.

#### 4.45 pm

I will be interested to hear, in the Minister's response to the debate, how he plans to tease out some of the ideas that Mr Wells talked about. Colleagues from the Health Committee will know that there has been early preparation for the forthcoming Adoption Bill that the Minister hopes to introduce on the issue of kinship care. I hope that, as work progresses, it can be included in the Adoption Bill and we can tease out the issues on support through the welfare and benefits system. It would be good to get such issues sorted. It is also important to speed up the process. We need to make sure that we have a better system, so that as few children as possible go into the care system. It is absolutely right and proper that the children

who go into our care system are protected. I support the motion as amended.

**Mr Poots (The Minister of Health, Social Services and Public Safety):** I have listened with considerable interest, and I am grateful for the opportunity to respond to the debate and the issues that have been raised.

I will come back to specific points raised, if time permits. However, I want first to register my thanks to Barnardo's for undertaking the research that led to the publication of the report entitled 'Not a World Away'. My Department funded the research over a two-year period, which started in June 2009, and the project involved all five health and social care trusts. I was involved in its launch in this Building just a few weeks ago.

My Department has lead responsibility through legislation for identifying children in need, including those in need of protection, and for responding appropriately to those needs. On occasion, some of those children have to be removed from their birth family into the care of the state, and my Department is responsible for policy and legislation development in connection with children who are looked after. It is for that reason that I am responding to the motion. However, it is not an issue for me alone. The Minister of Justice has responsibility for ensuring that those who offend against children and young people, including those who sexually exploit them, are held to account for their actions by being brought before the courts, and that is acknowledged in the motion.

The motion also acknowledges that keeping children safe from abuse is not and cannot be the responsibility of a single Department or agency. The Minister of Education must ensure that children are kept safe in the school environment and facilitate the use of the school curriculum to educate children on how best to keep themselves safe and free from the risk of harm. The Minister for Employment and Learning must be assured that measures are in place to keep young people safe in further education settings. Children partake in sport and arts pursuits in huge numbers, and their safety in those settings is a matter for the Minister of Culture, Arts and Leisure. Indeed, the cross-border issue has been raised, and, under the auspices of the NSMC, an interjurisdictional protocol has been developed for the transfer of children's care between Northern Ireland and

the Republic of Ireland. The aim of developing that protocol is to consolidate already existing good practice and co-operation between jurisdictions. The protocol is one of a number of initiatives brought forward to strengthen the protection of children in border areas.

When it comes to keeping children safe from harm, my Department can show that it has brought forward and is bringing forward initiatives to deliver on that aim. We are in the midst of establishing a vetting and barring scheme that is about preventing unsuitable people obtaining work or volunteering opportunities with children. We want to improve the way in which agencies work together to safeguard children and promote their welfare. Work on the revision of government safeguarding policy is under way, and it is intended that a draft policy for consultation will be issued next year. That policy will establish the framework within which activity to safeguard children is conducted for the rest of this decade.

I have also given my full commitment to work with the Office of the First Minister and deputy First Minister in the course of establishing and conducting a historical institutional child abuse inquiry in Northern Ireland. I can assure Members that I will not seek to hold anything whatsoever back from that. I will deal with whatever needs to be dealt with in a very open and transparent way.

For children who are on the edge of or are in state care, some of whom are in institutional care, we brought forward the Care Matters strategy. The aim of the strategy is to improve outcomes for children in or on the edge of care by increasing preventative services and supports to enable vulnerable families to stay together; by improving the range and quality of placement options; by ensuring that the health and social care trusts act as effective corporate parents and have robust arrangements in place to enable them to do so; by providing children in care with opportunities to take part in activities outside school and enabling them to come out of school with improved results; and, importantly, by strengthening support to young people as they move out of care into adult life. Barnardo's Safe Choices service, which was involved in undertaking the research that led to the publication of the 'Not a World Away' report, is a development arising out of the Care Matters strategy. The work that the service undertakes not only with young people but with staff

responsible for their care, both through training and consultancy, is to be highly commended.

That brings me back to the substance of the debate and the points raised by Members. In relation to residential care risks, which Jennifer McCann raised, social services work tirelessly to help some of the most vulnerable young people in our society. In residential care homes, every possible effort is made to protect children from harm. Social workers employ a range of skills to engage with young people in their care, to build trusting relationships and to divert them away from negative or risky behaviour. Children's homes are designed as homes in which young people cannot or should not be locked away, and the vast majority of young people in residential care respond very well to the boundaries set by social workers. However, when there is sufficient concern about a young person's behaviour or the risks that he or she may be exposed to, social services will use the provision of the Children Order 1995 to place him or her temporarily in secure accommodation. If an application is granted by a court, work will be undertaken to enhance further the protections around a child.

Michelle McIlveen, who has had a specific interest in the subject and has worked very hard on it, raised the issue of the strategic action plan and how it is being developed by the Health and Social Care Board. Progress on that plan has been good. Information is being collected on missing children in the corporate parenting report. Further revisions to the data collection are being introduced to refine data collection better. Under the untoward event mechanism, individual cases of children going missing for more than 24 hours are reported to a single point at the Health and Social Care Board for follow-up as required, and work is continuing with the PSNI to ensure that data is collected consistently and shared appropriately. A further revision of the joint protocol between the police and social services is due in January 2012, and joint training will take place alongside the relaunch of the revised protocol, which includes a section on sexual exploitation.

John McCallister also mentioned the strategy, and we are taking a strong strategic approach to protecting children. As indicated, the strategic approach involves bringing forward a range of initiatives. For example, we are looking at new vetting and barring arrangements and new child protection guidance, and, when necessary, we

work with other jurisdictions to prevent the use of borders by individuals to exploit or to harm children.

Mr Molloy raised the issue of exploitation involving staff. I have to say that we do not have evidence to indicate that children are being groomed by staff. All staff in residential childcare are properly vetted and act at all times in the interests of the young people in their care. If there are any indications or evidence whatsoever, those should be brought to our attention, and we should act on them straight away in a clear and consistent way.

The Barnardo's Safe Choices service has assisted us greatly. Dealing with the problem of children going missing from care and creating a home from home is of significant benefit. I am deeply concerned about children going missing from care, regardless of how long they are missing. I am even more concerned that some are exploited by others when they go missing. That has to be tackled in a number of ways. First, we need to make places of public care more like home — the kind of home that we want to provide for our own children. We have been trying in a number of ways to create a more home-like environment. Since 2008, for example, we have introduced therapeutic approaches to all our children's homes in Northern Ireland. The evidence is beginning to show that those approaches are having beneficial effects and helping to strengthen and build more constructive and trusting relationships between the staff and young people in care. Although we recognise the considerable efforts of staff in children's homes, children's outcomes are, generally, better in foster care. Although the cases in children's homes are, generally, more difficult, we should ensure that more young people have an opportunity to be cared for in the family environment that a foster home or, indeed, kinship care can provide.

Mr Wells raised the issue of kinship care. We are looking at a range of issues relating to that and are in the process of developing kinship care standards, which will be published early in 2012. I agree that we need to develop our understanding of kinship care and the benefits that it can bring, but there are some things that we need to be careful about. Nonetheless, we can see the significant benefits.

Children living in children's homes or foster care homes should not want to go missing. One of the key lessons from the Barnardo's report is that creating a sense of home does not often require too much from us, as demonstrated in the remarks of some of the children who took part in the study. Often, it is about what we do to keep young people occupied, interested and give them a sense of personal worth. A key question for me is why some homes are more successful at that than others, and that will be further explored in the course of action planning in response to the findings of the report.

Secondly, on the basis of what has been reported, I am of the view that there is work to be undertaken on the extent to which we can empower and suitably equip staff working in children's homes. Members should remember that many children who enter residential care do so at a later age. Some have had a very difficult life prior to entering the care system and have deep-rooted problems. Unfortunately, some will already have been the victims of sexual abuse or sexual exploitation. Indeed, that may be the reason for their coming into care. Working with those children can be challenging, and it requires a high level of skill and expertise on the part of the staff responsible for their care. Very often, those children have been through the mill, and, unfortunately, the mill can leave a lasting mark. The way in which we present their particular problems in public needs to be carefully handled by all of us to ensure that they are not further exploited or, worse, demonised in the public consciousness. In particular, we need to ensure that those working with those children have the necessary training and support mechanisms to enable them to deal appropriately with the difficult situations that they face daily, including when children in their care go missing.

Thirdly, we need to equip children to keep themselves safe and minimise their exposure to risk. I know that the focus of the Barnardo's research was on young people known to social services, including looked-after children. However, it seems that sexual exploitation is potentially a problem that extends beyond children and young people in whose lives social services are already involved. That is what the Young Life and Times survey undertaken in the course of the research suggested. It also pointed to the need for a universal response that targets certain groups of children when required. I have already said that schools can

make a positive contribution. The Public Health Agency is also well placed to engage in raising awareness of the risks of sexual exploitation among children and young people. For that reason, I welcome the report's recommendation directed at the Public Health Agency. Better outcomes in all areas of the lives of looked-after children will contribute to keeping them safe now and in the future. It is for that reason that we look earnestly at how we can improve their educational outcomes, for example. Real safety and stability will stem from that.

### 5.00 pm

Fourthly, the public need to be aware of the signs that children are being exposed to the risk of sexual exploitation or are being sexually exploited by others. When we live in a world where adults freely and in public places turn a blind eye to actions likely to lead to the exploitation of a young person, there is something wrong. Consequently, I welcome the report's recommendation to develop an awareness campaign, which should begin the process of changing individual and societal attitudes and behaviours.

I would like to highlight some of the measures already in place. In September 2010, a 24/7 untoward incident reporting mechanism was put in place that now requires health and social care trusts to report to the Health and Social Care Board cases involving children who are missing for more than 24 hours. In April 2011, in conjunction with the PSNI, my Department published guidance designed to support an effective collaborative safeguarding response by the police and social services in circumstances where children in care go missing from either residential or family settings. Since February 2011, the Health and Social Care Board has had a strategic action plan in place that deals specifically with children missing from home or care.

The Barnardo's report, 'Not a World Away', makes six recommendations. One of those is directed towards the Policing Board, and I cannot comment on that. However, the other five are directed at my Department, the Public Health Agency and the Safeguarding Board. I understand that all the recommendations have been accepted and are either being acted on or consideration is being given to how they will be taken forward. The publication of the Barnardo's report is timely in the context of

other safeguarding and protection developments with which it has synergy.

Sexual exploitation is a complex and frequently veiled issue that is difficult to address. It needs a multiagency, multifaceted approach. We all have a duty to ensure that all our children receive the greatest protection possible.

**Mr Durkan:** I thank those who tabled the motion, and I thank all parties for their pledge to support the amendment, which I believe strengthens the motion and is necessary, given the transient nature of the perpetrators and the proven transience of victims of sexual exploitation across our border with the Republic of Ireland. There have also been historical issues around the sharing of soft and hard information between the British Government, the Government here and the Government in the Republic of Ireland.

Having read the Barnardo's report, I cannot express my disgust at the realities faced by many children in and missing from care. As a parent, I am particularly distressed at the scarily high number of cases of exploitation that young people face. I very much welcome the motion, and the SDLP wholeheartedly gives its support to protecting those vulnerable children and young people and to bringing the perpetrators of sexual crimes to justice.

There is a vital need for an awareness campaign to reduce the stigma associated with abuse, and that is where the Public Health Agency and the Department of Education could be used. The Barnardo's report clearly identifies how children feel ashamed or in the wrong by reporting abuse. Educating children is key to tackling sexual exploitation. As the report demonstrates, children in care are more inherently vulnerable and may come from backgrounds where sexual abuse is the norm. Therefore, we have a duty of care to instil in those young people and in all our young people the values of what is right and wrong and what is acceptable and unacceptable. We must empower our young people so that they feel comfortable seeking help and counsel. It is not enough to legislate. We must ensure that the mechanisms are there for our legislation to work. In order to protect children in or missing from care, we have to ensure that they have easy and confidential access to counsel and assistance.

Having read the recent action plan on tackling child sexual exploitation in England, I was

encouraged to see a commitment to interagency training, which many Members have mentioned today, and services to support young people. We need to apply that directly to our care system. If we were to adopt that approach, we would ensure that young people have the best services to deal with drug and alcohol abuse, which is often used by sexual perpetrators to lure young people. Furthermore, it makes the young person more vulnerable and in even less control. The action plan would involve training front line staff, including care workers, care home staff, the PSNI and healthcare professional bodies, in how to recognise the telltale signs of an abused child. I take on board the amount of work that is being done already by all those workers and their commitment to that cause.

We must tackle the serious issue of abuse today. To do that, we must ensure that there are regular assessments of care homes and procedures and that the safeguards that we have put in place through legislation are implemented and adhered to. I accept the Minister's assurance that everything that can be done in that regard is being done. I am glad that the Minister has come here today. He is not the only Minister with responsibility in this field, but I am heartened by his presence, particularly given the imminent report that was mentioned by Mr Wells. I have not quite mastered the art of sharpening press releases without having seen the report, so perhaps there is something that he might want to share with us.

We need to crack down hard on perpetrators, and we need to proactively seek them out through multiagency work, care workers, the PSNI and even children and young people themselves. The Department of Justice has a huge role to play in that regard. There is a need to reform the court system to ensure that, when we attempt to bring perpetrators to justice, the justice system does not —

**Mr Deputy Speaker:** Will the Member bring his remarks to a close, please?

**Mr Durkan:** — further stress the child or harm their health. As my colleague Mr Eastwood said, this should not be about just preventing repeats of the atrocities that have plagued our society for so long, we have to support the victims of those atrocities.

**Mr Lynch:** Go raibh míle maith agat, a LeasCheann Comhairle. I thank everybody who took part in this important debate. I particularly

thank my colleague Ms McCann for proposing the motion. It is a very important motion for not only the House but society as a whole. As most Members who spoke said, children are the most vulnerable sector of our society. Therefore, we have every reason to protect them from sexual predators.

Jennifer welcomed the report, and most Members did likewise. I welcome the Minister to the House. I thank his Department for funding the very important piece of work by Barnardo's. Michelle McIlveen said that she had great concerns. She has done a lot of work. When I was reading about the issue over the weekend, I was surprised by the statistics and the vulnerability of young people in care homes. We always thought that, when people went in to care homes, they were going to be looked after. For a large percentage of them to have been targeted and sexually exploited is very concerning.

There is also the issue of missing children. It is one of the big gaps that have not been closed. They are particularly vulnerable, but I listened with interest when the Minister said that new procedures have been put in place and that the PSNI will do more work in that regard.

One of the big issues that most of the Members who spoke today mentioned was the multiagency approach that is needed. I agree that most Departments have a role to play, but particularly the Department of Health, Social Services and Public Safety and the Department of Justice. The Department of Justice needs an action plan to pursue those who target children who go missing from homes.

Some Members mentioned the need for awareness raising. It is important that there is awareness raising not only among all those who work with children but among children themselves, because they need to be able to identify when they are being targeted. Young people are sometimes targeted in a very subtle way by those who are probably masters at grooming, so it is important that young people are aware of when such an approach is being made.

The Minister said that social services are playing a positive role, and I thank him for the work that has been done on the issue in the past couple of years. However, as Ms McCann said, we are talking about the gaps that need to be closed.

A number of Members mentioned kinship, which is not a new concept. Most of us will remember that, long ago when something happened, parents would, if they had a large family, farm their children out to uncles and aunts.

**Mr Wells:** I accept that what the Member says is correct. In fact, I am very much aware of kinship care in rural areas. Does he accept, however, that that arrangement has been informal and there has been no attempt to co-ordinate support for carers in that situation? Indeed, to a large extent, they have been totally hidden from public view, and, as far as I can see, not a penny has been spent on supporting and encouraging kinship care. Here we are many years after the problem was first raised, yet neither the state nor the trust has put a £5 note towards the excellent work that those people do.

**Mr Lynch:** I thank the Member for his intervention. I totally agree: the approach has been informal. Families arrange it between themselves and no money changes hands, but, more often than not, it works. However, there are probably hidden parts of it where we do not know what happened. Nevertheless, I agree with the Member. I know that the Minister also mentioned the concept of kinship and the fact that they are trying to develop it into something more formal for today's circumstances.

Vetting is very important in addressing the issue. As chairman of a board of governors, I know that vetting has been tightened over recent years as a result of some awful cases. However, we need to keep a focus on it.

Like other Members, I believe that the PSNI has a role to play, particularly in dealing with missing children cases. The police need to be made aware that a child has gone missing within 24 hours of their leaving a home.

I welcome the fact that the Minister will be working with the Office of the First Minister and deputy First Minister on upcoming historical inquiries, where many of these issues will come to the fore.

I commend the motion and the amendment to all parties in the House.

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

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

**Resolved:**

*That this Assembly expresses deep concern at the findings of the Barnardo's report 'Not a World Away', which exposes the level of risk of sexual exploitation for children and young people in or missing from care; calls on the Minister of Health, Social Services and Public Safety to ensure that all legislation is used to protect those children who are exposed to this risk, and that the perpetrators of sexual crimes against these children and young people are brought before the courts; and further calls on all Ministers to work together, and with their counterparts in the Republic of Ireland, to provide the support and help that these children and young people need to keep them safe from sexual predators.*

*Adjourned at 5.15 pm.*

# Written Ministerial Statement

**The content of this written ministerial statement is as received at the time from the Minister. It has not been subject to the official reporting (Hansard) process.**

## Education

### **Alleged Security Breaches in relation to Post-primary School Entrance Test Papers of November 2009: Report of the Department of Education's Investigation**

*Published at 12.00 noon on Monday 12 December, 2011*

**Mr O'Dowd (The Minister of Education):** On 29 May, 2011, a primary school principal and Chair of the Catholic Principals Association (CPA), reported to the Department of Education (DE) an alleged security breach involving an entrance test paper that was sat by P7 children in November 2009. The CPA also issued a public statement on the matter on the same day. This is attached at Annex A. The test paper in question was used by grammar schools within the Post-primary Transfer Consortium (PPTC) for the purposes of deciding Year 8 admissions in Transfer 2010.

On June 7, 2011, I stated to the Assembly that I would keep it informed of DE's investigations into this matter. These investigations have reached a stage where this statement can now be provided.

The Chair of the CPA informed the DE that on or around the 23rd or 24th of May, 2011 a primary school principal had been approached by a parent whose child had been a P7 pupil in the 2009/10 school year. The parent passed to the primary school principal a set of test papers purporting to be the entrance test papers used by grammar schools within the PPTC and sat by some P7 children in November 2009. These papers were passed by the primary school principal to the CPA Chair who reported the issue to DE and publicly on May 29, 2011. The CPA's Press Release on the subject stated:

*"The allegation is that this information and the test papers were provided by a member of staff at one of the Catholic Grammar Schools administering the test".*

The CPA sent these papers to GL Assessment (GLA) - the company that produced the PPTC entrance test that was used for Transfer 2010: the CPA sent to GLA a copy of a Maths paper on 31 May, 2011 and a copy of the English paper on 1 June 2011. On June 8, 2011, the CPA sent copies of both papers to DE.

The papers are those that were sat by some P7 children in November 2009 for the purposes of grammar school admission. This has been confirmed by the GLA that produced these papers as the entrance tests that PPTC grammar schools used for admissions purposes in that year. Approximately half of grammar schools are within the PPTC. This consortium contracted with the GLA for their provision of an entrance test – to be sat by P7 children in November 2009, for the purposes of enabling schools within the consortium to make admissions decisions using the results of the test.

Three separate security concerns were raised and/or reported by the CPA as a result of their possession of these papers. These were expressed in the Press Release at Annex A:

■ **a breach in the pre-test security arrangements of the November 2009 test:**

The CPA Press Release of May 29, 2011 stated that the primary school principal who had received these November 2009 test papers from a parent on or around the 23rd or 24th of May, 2011, had also been informed by this parent that "they had access to the content of the 2009 GL Assessment Test Papers prior to their child sitting the tests". In this respect the CPA was alleging a very serious breach in the pre-test security arrangements of this entrance test.

- **alleged breaches in secure test development (i.e. the alleged repetition of questions) across 2009 and 2010.** Having received the 2009 Test paper, the CPA Chair showed it to a small group of children who had sat the November 2010 test paper. He was concerned to find that they considered some of the 2009 test items to be the same as those they had faced a year later. The CPA Press Release stated: “some of the questions encountered by the 2009 pupils may actually have reappeared in the 2010 process”.
- **the evident breach in the post-test security of the November 2009 test – potentially affecting the fairness of the November 2010 & 2011 test.** The arrangements governing the PPTC test are such that not only should no-one see or possess a test paper before it is sat, but also no-one but the GLA should possess a test paper afterwards. The GLA contractually required any school that used the November 2009 test to return all copies of it to GLA once the test was finished, “to be counted back in”. Once it was clear, therefore, that the English and Mathematics test papers which found their way into the possession of the CPA in late May 2011 were the PPTC test papers of November 2009, it was clear that a breach in this post-test security had occurred. Indeed, the CPA Press Release stated that part of the allegation that it was reporting was that “an unknown number of parents had this paper available to them to assist their children in preparation for the 2010 test”. The CPA was concerned as to the potential for this particular breach to have presented “an unknown number of participants with an unfair advantage in their preparation for the tests”.

DE’s investigation has firstly been into these three different, but related, alleged breaches. The investigation has also sought assurances from the relevant bodies about future security. The investigation has been conducted by DE officials with assistance from the PPTC, CPA, GLA and the independent Education and Training Inspectorate. I have sought and received regular updates during the course of the investigation. In relation to these three different kinds of breaches, I can now report that the investigation has found as follows.

**A breach in the pre-test security arrangements of the November 2009 test:** It has proved difficult for the investigation to establish any information beyond the basic allegation in this area. The CPA has confirmed to DE that the primary school that reported this allegation did not receive or pass on any documentary information relating to, or supporting, the claim that a parent possessed the November 2009 test papers prior to their child sitting the November 2009 test. It was also confirmed to DE that both the primary school principal who reported the breach to the CPA, and the parent who reported the breach to that principal, wish to remain anonymous.

The PPTC and GL Group have also sought to obtain further information here. They have twice written to the CPA Chair seeking the information necessary to take an investigation into this specific allegation further – on 22 June, 2011 and again on 31 August, 2011. The information they sought included details about the Catholic Grammar School at which, it is alleged, the breach occurred. The Chairperson confirmed to them on September 6, 2011 that he could not provide this information and that he was required to maintain the confidence with which information had been provided to him.

As things stand then, the position on this allegation is that it remains unsupported by any evidence. My department will gladly take from any source any information that may enable further investigation on this point – but until that point must consider that further investigation is not possible.

**Alleged breaches in secure test development (i.e. the alleged repetition of questions) across 2009 and 2010.** The facts here are that:

- the CPA arranged for a small number of children who sat the PPTC Entrance Test of November 2010 to be shown, in late-May 2011, the PPTC Entrance Test papers of November, 2009. According to the recollections of these children in this context, the CPA considered that “some of the questions encountered by the 2009 pupils may actually have reappeared in the 2010 process”.
- both the 2009 and 2010 PPTC test papers contained, at the outset, a distinct set of questions called “Familiarisation Questions”. To quote the GLA: “The 2009 and the 2010 Entrance Tests both began with two pages

of familiarisation ('Practice') test items. In the English paper, this consisted of a total of 10 questions, namely: three comprehension questions relating to a short passage of text; four spelling questions; and three punctuation questions. The Maths paper contained a total of nine practice questions in the familiarisation section, covering a range of question types featured in the examination paper. We can confirm that the same familiarisation questions were used for both the English and Maths papers in the 2009 and the 2010 sittings (emphasis added).

- the PPTC have confirmed the nature and role of "familiarisation questions: "These questions, as the term 'familiarisation' suggests, are solely for the purpose of familiarising candidates with the style and layout of the questions on the paper and with the correct way to enter their answers on the multiple-choice answer sheet. The content of the questions is immaterial and the repeated use of the same questions for this function is irrelevant to any score obtained.
- both the PPTC and GLA have confirmed to my department that, aside from the repeated use of these familiarisation items which do not form part of the assessment-proper, no questions found in the 2009 test paper were repeated in the 2010 test paper – nor could this kind of repetition occur.

The 2009 and 2010 test papers both "began" with identical "familiarisation" sections. That may explain the CPA's allegation. Beyond that, however, and in terms of the questions that comprised the actual tests, there was no repetition of questions.

**The evident breach in the post-test security of the November 2009 test – potentially affecting the fairness of the November 2010 & 2011 test:** Both the PPTC and GLA consider the evident breach in post-test security to be a serious breach in the contractual arrangements. All schools within the PPTC have contracted with the GLA for the provision of an entrance test and in so doing have signed a "Declaration of Use" document that commits them to the GLA's requirements in terms of security before, during and after the sitting of tests. All such schools are also provided with operational instructions on the "Security of GLA Entrance Assessment Question Papers and Associated Materials".

All concerned consider that the evident breach in post-test security occurred within one of the PPTC schools – and indeed those are the specific terms of the allegation. The GLA is clear that there was no breach in its own secure handling of test papers and that the breach occurred within a school setting. That has been accepted by the PPTC. It appears, therefore, that a school is responsible for a security breach that is a contravention of that school's contractual agreement with the GLA.

I consider that a matter for the PPTC and the GLA. They have concluded that whilst the CPA maintains the confidentiality of the sources who reported the security breach to them and at the request of those sources, it is not possible to identify the original source of the breach and how exactly it occurred.

My concern and responsibility here, and that of my department, is the functionality of the post-primary admissions process and the obvious need for this process to reach robust and fair admissions decisions. In that context, the investigation has considered the question of whether the post-test security breach in relation to the November 2009 test papers may have affected the admissions processes of 2010 and 2011 in line with the concerns expressed by the CPA. Did this breach, which may have allowed a past-paper to be available to children sitting the 2010 test or preparing for the 2011 test, present "an unknown number of participants with an unfair advantage in their preparation for the tests?"

The Chair of the PPTC wrote to DE on this issue on July 4, 2011. His position was that the availability of the November 2009 test prior to the 2010 and 2011 test could not particularly aid preparation. The PPTC's argument was that, despite the PPTC's efforts to have a secure and confidential test based on the delivery of the Key Stage 2 curriculum and not generating a preparation industry, "practice papers" for their annual assessments are annually produced (for sale) by various companies. They argued that these companies draw on the general availability of alternative GLA assessment products comparable to the PPTC test. They further argued that in a context where such specimen papers were widely available and used, some children's alleged access to the November 2009 test as a past-paper is unlikely to have been significant in terms of admissions decisions.

My officials, with my agreement, sought the independent and expert advice of the Education and Training Inspectorate (ETI) on this position of the PPTC. In the light of the ETI advice, DE considered that, whilst it would be impossible to prove categorically that children who had access to the 2009 materials did not have an advantage, in all probability they did not, given the plethora of test preparation materials freely available and schools' experiences of putting children through such tests for many years.

It is also relevant to mention here that the GLA has informed my department that, at the request of the PPTC, they produce a 'Sample English Familiarisation Booklet' and a 'Sample Mathematics Familiarisation Booklet'. The GLA described the purpose of these booklets as allowing "children and parents to see examples of the 11+ test questions prior to the examination and gain an understanding of how the questions would be laid out in the actual examination". The PPTC has informed my department that "every parent who received the PPTC pre-registration pack, whether or not they registered their child for the 2009 and the 2010 Entrance Assessments, would have been sent the sample familiarisation booklets". The circulation of these booklets adds to the fact that any November 2009 test paper illicitly in circulation before tests in subsequent years would have been available in a context where much practice material was also available. In line with the view of the ETI, therefore, my department's investigation has concluded that children alleged to have accessed the 2009 assessment materials will not have had any greater advantage conferred on them by that experience. Furthermore, the questions used in the main assessments were different from one year to the next.

**Future security:** In line with its ultimate responsibility for a functional post-primary admissions process, my department has sought and received assurances from the GLA and PPTC as to how they will in future seek to strengthen their security arrangements to avoid a future breach. A letter from the Managing Director of the GLA received by my office on 10 October, 2011, provides the following:

*Both GL Assessment and the PPTC take the security of the transfer tests extremely seriously. As such, we have undertaken a number of communications with the schools participating in*

*the transfer tests administered by GL Assessment and the PPTC in November 2011. These include:*

*The reissuing of the "Declaration of Use for the GL Assessment Special Access Test Series with the Post Primary Transfer Consortium (PPTC)" form, which stipulates the requirements of the test administration process and confirms the school's acceptance of these requirements. All headteachers have now signed and returned these forms to the PPTC. GL Assessment has also received copies of these signed forms.*

*The PPTC held a meeting with the headteachers of all of its schools on 9 September 2011 in relation to this year's transfer tests. Security arrangements were discussed at length. Three head teachers were not able to attend but the PPTC have subsequently made contact with each of them individually to reiterate the importance of security and the security measures that schools are required to enforce.*

*The PPTC is also updating the Administration Instructions for the transfer tests which it sends to schools in advance of the Entrance Assessments and these will include further instructions about security...*

*GL Assessment never releases any past papers and we never allow schools to use papers for their own purposes or reproduce our questions. All schools involved are fully aware of the strict procedures they are contractually obliged to follow.*

*The process for distributing, storing and implementing the tests includes a number of precautionary measures:*

*All schools involved in administering the Entrance Assessments are required to sign the Declaration of Use form. All schools administering the 2009 and 2010 transfer tests signed this document and returned it to the PPTC.*

*The Declaration of Use form requires the Principal to report any missing materials to the Chair of the PPTC, who will then report this to GL Assessment. Neither the PPTC nor GL Assessment received any such notification during either the 2009 or the 2010 Entrance Assessment process.*

*All GL Assessment transfer test materials are printed at registered printers, specialising in the security of assessments and the protection of confidentiality. Prior to delivery, the materials are stored in our own secure facility and once*

*cleared for release, they are delivered via secure couriers in tamperproof packaging.*

*When the test items are delivered to the schools, they can only be signed for by the named contact, which is usually the Principal or a member of the Admissions team. The materials are then taken to secure storage within the school.*

*On receipt of the test materials after testing has taken place, GL Assessment checks and counts in the materials against those delivered to ensure every one has been returned. Once the marking has been completed, all test papers are securely pulped.*

*We always endeavour to do everything in our power to ensure the security of our tests and we will continue to do so. However, as is always the case, the ultimate responsibility for security has to lie with the schools who administer the assessments.*

## **CONCLUSION**

There is no suggestion of any weakness in how the GLA have maintained their security in the past, nor in how they will seek to maintain this in the future. There is also a general belief amongst those principally involved that the breach in post-test security which did occur in relation to the November 2009 test occurred within one of the member schools of the PPTC. That is a specific aspect of the allegation.

The issue that remains a concern is that, as the GLA put it, “the ultimate responsibility for security has to lie with the schools who administer the assessments”. This was the case in the period when the breach occurred and it will remain to be the case going forward. It appears that someone within a school setting took a copy of the November 2009 test paper at some point before 23rd May, 2011 – in direct contravention of the security arrangements with which the PPTC, under contract to the GLA, seek to govern their administration of their entrance tests. Whether the measures that the PPTC have taken with their member schools to avoid any kind of recurrence of this will be effective remains to be seen. There is no evidence that a serious breach has occurred, but the potential for one within a school setting has been demonstrated.

Under Article 30 of the Education Order, 2006, my department has issued guidance to all post-primary schools on their admissions

processes – and by law all of these schools are required to “have regard” to this guidance. For Transfer 2010, DE issued its Transfer 2010 Guidance. DE then updated this document to apply to all subsequent years and published this as “Guidance to Primary School Principals, Post-primary Schools’ Board of Governors and Principals, and Education and Library Boards on the Process of Transfer from Primary to Post-primary School from September 2010”. It is available on the DE website at: [http://www.deni.gov.uk/post\\_primary\\_transfer\\_policy\\_from\\_september\\_2010\\_-\\_pdf\\_822kb.pdf](http://www.deni.gov.uk/post_primary_transfer_policy_from_september_2010_-_pdf_822kb.pdf). This document recommends that all schools do not use academic admissions criteria on educational grounds. For schools that do not follow this recommendation and that choose to continue academic selection by administering independent entrance tests, this document makes them aware in detail of the risks for which they assume responsibility. These include the potential for a breach in test security. I re-emphasise the importance of the relevant schools understanding this information.

I consider, however, that this episode stresses the inherent difficulties involved in making sure that an entrance test will always be completely secure. An independent entrance test is a high stakes test reliant on a security regime only as strong as its weakest link among all those involved within a large number of schools.

As my department’s transfer guidance reflects, the law, as it stands, may not prohibit independent entrance tests. It does, however, require schools to use admissions criteria that can robustly select for admission the number of children that a school may admit. Schools must use functional admissions criteria and my department will always act in line with this. If schools are determined not to follow DE Guidance and wish to remain able to apply academic admissions criteria on the basis of independent entrance tests, they must ensure their testing arrangements are secure and have contingency arrangements against any breaches that occur.

## **ANNEX A: 29 MAY, 2011 PRESS RELEASE FROM CATHOLIC PRINCIPALS ASSOCIATION**

The Catholic Principals Association has in the past few days been made aware of an allegation regarding the operation of the Post Primary Consortium Transfer Test process in 2009 & 2010 which if substantiated is a cause of great concern.

A member of our Association has reported that they have been approached by a parent who has stated that they had access to the content of the 2009 GL Assessment Test Papers prior to their child sitting the tests and that subsequently an unknown number of parents had this paper available to them to assist their children in preparation for the 2010 test.

The allegation is that this information and the test papers were provided by a member of staff at one of the Catholic Grammar Schools administering the test.

Fintan Murphy, Chair of the CPA stated,

“This allegation, if substantiated, is extremely serious as it undermines the integrity of the whole process of using unregulated tests. If true, it provided an unknown number of participants with an unfair advantage in their preparation for the tests and would therefore call into question the accuracy and integrity of the results and grades of all of the pupils who have sat the tests. Many principals have, since these tests began, had expressed grave concerns about the integrity and security of this process and the suggestion that the tests may have been leaked does not come as a great surprise to me personally. ”

GL Assessment who provide the tests, have always been very clear that participants in these tests should never have sight of any of the tests prior to their participation and have consistently refused to provide past papers to those schools or individuals who sought them as this could potentially impact on the standardisation process of the results. GL Assessment have made clear that they do not issue ‘past papers’ and have stated that tests are provided on a confidential basis to the Post Primary Transfer Consortium. Our understanding of the process is that GL Assessment create the tests each year by extracting questions from a database of questions. It is therefore possible that questions from one test could reappear in future tests.

As supporting evidence of these allegations the CPA has been provided with copies of the papers which are reported to be the official 2009 test papers.

Fintan Murphy CPA Chair stated, “Our initial attempt to investigate the accuracy of this claim involved showing them to participants in the 2009 tests who recall significant elements of the tests as having been those sat in 2009; though this is dependent on the recollection of young people who sat the test 18 months ago.”

“To seek further confirmation of the accuracy of this information we will be passing the tests to GL Assessment and to the Post Primary Transfer Consortium to confirm if these are the official tests as used in 2009. We will also be passing the information to the Department of Education to inform them of our concerns.”

“Initial investigations by CPA also lead us to concerns that not only were the 2009 tests available to a number of participants but we believe that some of the questions encountered by the 2009 pupils may actually have reappeared in the 2010 process. Again this is based on the recollection of a participant in the 2010 process. If this proves to be accurate, it further undermines the process and would clearly have provided a group of pupils with a clear advantage.”

On Saturday, a significant number of pupils will have received letters confirming their rejection by grammar schools across N. Ireland largely based on their performance in the unregulated tests. Undoubtedly this will have caused much upset and distress for those 11 year old children and their families. If it is confirmed that some of children sitting these tests did so with an advantage over others; gained through access to official test papers then the whole process of the use of the tests will be called into question; not just this year but for future years. We would therefore again call on the Catholic grammar schools to end their participation in these tests and to embrace a non selective system of education.

CPA believes that this allegation, if proven, will lead to a significant number of appeals this year and potentially to judicial reviews of the use of the tests by schools this year in their selection of pupils.

CPA calls for an immediate response from both GL Assessment and the Post Primary Transfer

Consortium into these allegations. In particular we would wish for;

1. A confirmation or denial that the papers which have been provided to the CPA are copies of the official papers used in 2009.
2. An explanation as to the source of these papers and how they could have entered the public domain if they are the official papers.
3. A confirmation or denial that questions included on these papers appeared in the 2010 process.
4. Clarity around the security measures which have been in place regarding the test papers in the past 2 years.
5. Confirmation that a full investigation will be undertaken into these allegations in the coming weeks.

Fintan Murphy  
Chair, Catholic Principals Association







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