



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 5 DECEMBER 2013
Room 30, Parliament Buildings

Present: Mr Paul Givan MLA (Chairman)
Mr Raymond McCartney MLA (Deputy Chairman)
Mr Sydney Anderson MLA
Mr Stewart Dickson MLA
Mr Tom Elliott MLA
Mr Seán Lynch MLA
Ms Rosaleen McCorley MLA
Mr Jim Wells MLA

In Attendance: Mrs Christine Darragh (Assembly Clerk)
Mrs Roisin Donnelly (Assistant Assembly Clerk)
Mrs Julie Devlin (Clerical Supervisor)
Miss Marianne Doherty (Clerical Officer)

Apologies: Mr William Humphrey MLA
Mr Alban Maginness MLA
Mr Patsy McGlone MLA

The meeting commenced at 2.04 p.m. in public session.

1. Apologies

Apologies are listed above.

2. Draft minutes of the meeting held on 28 November 2013

The Committee approved the draft minutes of the meeting held on 28 November 2013.

3. Matters Arising

- i. The Committee considered correspondence from the Lord Chief Justice, the Rt Hon Sir Declan Morgan regarding the Judicial Appointments Process and a High Court Judge competition.

Agreed: The Committee agreed to request legal advice on a number of issues and to invite the Assembly Director of Legal Services to attend the

meeting on Tuesday 10 December 2013 for a preliminary discussion on the matter.

The Committee agreed to bring forward Agenda Item 11.

4. Correspondence

- i. The Committee considered an update from the Department of Justice on the Northern Ireland Legal Services Commission pay issues.

Agreed: The Committee agreed to send a copy of the Department's correspondence to those individuals who had written to the Committee on the matter.

Agreed: The Committee agreed to request an update from the Department of Justice on the PSNI Support Staff Equal Pay issues and the level of co-operation between the Minister of Justice and the Minister of Finance and Personnel on the matter.

2.08 p.m. Mr Raymond McCartney joined the meeting.

- ii. The Committee noted a response from the Department of Justice to the Committee's request for a breakdown of the number and type of higher cost cases that attract civil legal aid and the associated costs.
- iii. The Committee noted correspondence from the Department of Justice providing an update on the legislative arrangements for combining the powers of the Northern Ireland Judicial Appointments Ombudsman with that of the proposed Northern Ireland Public Services Ombudsman as part of the Northern Ireland Public Service Ombudsman Bill.
- iv. The Committee noted correspondence from the Department of Justice advising that the Minister of Justice intended to make a statement to the Assembly on Monday 9 December 2013 in relation to the Inter - Governmental Agreement on Cooperation on Criminal Justice Matters.
- v. The Committee noted a response from the Department of Justice to the Committee's request for further information regarding when the PSNI future budget would be finalised to enable recruitment to take place to address the potential resilience issue.
- vi. The Committee noted correspondence from the Department of Justice providing information on how the findings of the CJI Report 'Domestic Violence and Abuse – A follow-Up Review of Inspection Recommendations' were considered when developing the new draft Domestic and Sexual Violence and Abuse Strategy.
- vii. The Committee noted an invitation from the Minister of Justice to the launch of Forensic Science Northern Ireland's new DNA profiling service on 12 December 2013 in Parliament Buildings.

Agreed: Members agreed to advise the Clerk if they wished to attend the launch.

2.09 p.m. Ms Rosaleen McCorley joined the meeting.

- viii. The Committee noted the Criminal Justice Inspection Report – ‘A Corporate Governance Inspection of the Northern Ireland Legal Services Commission’ which would inform consideration of the reforms of the Legal Service Commission being brought forward by the Department of Justice.
- ix. The Committee noted correspondence from the Chief Parole Commissioner for Northern Ireland providing a copy of the speech she delivered during Prisons Week which she had referred to during her oral evidence on 21 November 2013.
- x. The Committee noted an invitation from Alban Maginness MLA on behalf of NIACRO to the third Justice Series 2013-14 Seminar on ‘Criminal Records and Employment: Learning Lessons?’ on 10 December in the Brasserie, Parliament Buildings.
- xi. The Committee noted the Criminal Justice Inspection Report on ‘The Relationship between the Police Service of Northern Ireland and the Office of the Police Ombudsman for Northern Ireland’.

5. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Oral evidence from the Minister of Health, Social Services and Public Safety

The Minister of Health, Social Services and Public Safety, Mr Edwin Poots MLA and Eilís McDaniel, Director of Family and Children’s Policy, Department of Health, Social Services and Public Safety joined the meeting at 2.11 p.m.

The Minister of Health, Social Services and Public Safety outlined a number of issues in relation to the clauses in the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill for which the Department of Health has responsibility or part responsibility and made a number of general comments.

A detailed question and answer session followed covering issues including: child protection issues arising in clause 10; issues with clause 12 as currently drafted; concerns regarding three trafficked children who had gone missing; the role of a child trafficking guardian and the responsibilities involved; issues regarding the appointment of a Northern Ireland Rapporteur and the current oversight arrangements; responsibility for trafficked children within the health and social care system; the advantages and disadvantages of placing protection in legislation rather than in guidance; whether secondary legislation would be a more flexible approach; how social services approach to dealing with human trafficking could be improved; the national referral mechanism; the number of victims of human trafficking with whom the Department of Health is working with; the number of human trafficking victims Women’s Aid has worked with; the distinction between sexual exploitation and human trafficking; an assessment of the Swedish model and views of Clause 6; the types of support required by victims of human trafficking; the cost of the provision of such support to the health service; and how the legislation could make human trafficking more difficult.

Ms McDaniel agreed to provide the Committee with further information on the cost of support to victims of human trafficking.

The briefing was recorded by Hansard.

The Chairman thanked the Minister of Health, Social Services and Public Safety and Ms McDaniel and they left the meeting.

The Chairman advised Members that the oral evidence sessions on the Bill to be scheduled for January 2014 would be considered at the Committee's next meeting on 10 December 2013.

6. SL1: Proposals for the Reform of Financial Eligibility for Civil and Criminal Legal Aid

Robert Crawford, Deputy Director, Mark McGuicken, and Kevin Carbery, Public Legal Services Division, Department of Justice joined the meeting at 2.53 p.m.

The Chairman placed on record the Committee's thanks to Mr Crawford, who is moving to a new post, for his attendance and provision of information in relation to the Reforms of Legal Aid.

Mr Crawford outlined the results of the consultation on proposals to reform financial eligibility for civil and criminal legal aid and the Department's proposal to make Statutory Rules to introduce a harmonised financial eligibility test for applicants seeking civil legal aid in Northern Ireland.

A detailed question and answer session followed covering issues including: eligibility levels in relation to civil legal aid in other UK jurisdictions; whether the savings identified justified the likely impact of the changes; what happens in conflict of interest cases; how much the exemptions relating to family disputes would cost; how the planned monthly reviews of the outworkings of the new proposals would be conducted and what would be assessed; cases involving the health service; the Equality Impact Assessment and lack of empirical evidence; whether the proposals meet the recommendations set out in the 2011 Access to Justice Report; the need for an overall review of the family justice system and legal system in general and whether this should take place before the introduction of the proposed changes; and treatment of assets belonging to individuals located outside the jurisdiction.

The briefing was recorded by Hansard.

The Chairman thanked the officials and they left the meeting.

Agreed: The Committee agreed to consider the proposals for the Statutory Rules further in the New Year.

7. SL1: Sentence Hearing Fees under the Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005, as amended.

The Committee considered a proposal by the Department of Justice for a Statutory Rule to introduce new fees for sentence hearings where there had been a change in the defence legal team after the defendant is convicted, but before he/she is sentenced.

Agreed: The Committee agreed that it was content with the proposed Statutory Rule.

8. SL1: Police Service of Northern Ireland and Police Service of Northern Ireland Reserve Pensions (Amendment) Regulations 2014

The Committee noted a proposal by the Department of Justice for a Statutory Rule which would detail how increases to police pension contribution rates are structured into three tiers for the period 1 April 2014 to 31 March 2015.

9. Access to Justice Reform Programme – Project 33: Management Information Project – Legal Aid Forecasting

The Committee noted information from the Department of Justice on the reasons for the delay in progressing the legal aid forecasting management information project and the progress now being made.

10. Programme for Government: 2011-15 – Up-date on Department of Justice Commitments

The Committee noted a progress report from the Department of Justice on the delivery of the seven commitments in the Programme for Government for which it has responsibility.

11. Proposal for a Regulation of the European Parliament and of the Council Amending Regulation (EU) No 1215/2012 on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters

The Committee noted information provided by the Department of Justice on an amendment of EU Regulation 1215/2012 to ensure that the Unified Patent Court is within the scope of Brussels I which the Lord Chancellor is seeking Cabinet clearance to opt in to, and which is a position the Minister of Justice supports.

12. Chairman's Business

None.

13. Any Other Business

- i. The Minister of Justice's announcement on a radio programme of his intention to consult on changing abortion legislation in Northern Ireland was raised.

Members expressed concern that the Minister had not provided advance notice to the Committee given the complex and sensitive nature of the issue.

- ii. The issue of how the Committee could assess the impact of the changes to family and civil legal aid was raised.

Agreed: The Committee agreed to consider the matter and a possible role for the Criminal Justice Inspectorate in the New Year.

14. Date, Time and Place of next meeting

The next meeting will take place on Tuesday 10 December 2013 at 12.30 p.m. in Room 29, Parliament Buildings.

The meeting was adjourned at 3.57 p.m.

Mr Paul Givan MLA
Chairman, Committee for Justice

10 December 2013