



## COMMITTEE FOR JUSTICE

### MINUTES OF PROCEEDINGS

THURSDAY 6 FEBRUARY 2014  
Room 30, Parliament Buildings

Present: Mr Paul Givan MLA (Chairman)  
Mr Raymond McCartney MLA (Deputy Chairman)  
Mr Stewart Dickson MLA  
Mr Tom Elliott MLA  
Mr William Humphrey MLA  
Mr Seán Lynch MLA  
Mr Alban Maginness MLA  
Ms Rosaleen McCorley MLA  
Mr Patsy McGlone MLA  
Mr Jim Wells MLA

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

Apologies: Mr Sydney Anderson MLA

*The meeting commenced at 2.06 p.m. in public session.*

#### **1. Apologies**

Apologies are detailed above.

#### **2. Draft minutes of the meeting held on 30 January 2014**

The Committee approved the draft minutes of the meeting held on 30 January 2014.

#### **3. Matters Arising**

- i. The Committee noted correspondence from a Ms Dalton regarding an oral evidence session on the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

- ii. The Committee noted information provided by Jim Wells MLA that had been referred to during an oral evidence session on the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

*The Committee agreed to bring Agenda Items 13, 14, 15 and 12 forward.*

#### **4. Correspondence**

- i. The Committee considered a response from the Department of Justice to a Mr Boland regarding his complaint about the alleged abuse of powers in relation to the use of speed cameras which highlighted that policy matters relating to road safety fall within the remit of the Department of the Environment.

*Agreed:* The Committee agreed to forward the correspondence to the Department of the Environment and ask it to respond directly to Mr Boland on the issues raised and provide the Committee with a copy of the response.

- ii. The Committee noted correspondence from the Committee for the Office of the First Minister and deputy First Minister to the Minister of Justice regarding the content of the Public Service Ombudsman Bill.
- iii. The Committee noted correspondence from the Committee for the Office of the First Minister and deputy First Minister providing a copy of the Northern Ireland Executive's European Priorities 2013-14 Mid-Year Progress Report for the period 1 April 2013 – 30 September 2013.
- iv. The Committee considered correspondence from the Committee for Finance and Personnel providing a copy of the terms of reference for its Inquiry into Flexible Working in the Public Sector in Northern Ireland.

*Agreed:* The Committee agreed to forward the correspondence to the Department of Justice for its views on the terms of reference and information on how flexible working practices are being applied by the Department of Justice and any good practice cases.

- v. The Committee noted further correspondence from a Mr Boyd regarding a response he received from the PSNI to complaints he had made.
- vi. The Committee considered correspondence from His Honour Judge David Smyth providing a copy of the Report on the Rapid Assessment Treatment Service for Drug and Alcohol Misusers, A Ten Year Review 2003 – 2013.

*Agreed:* The Committee agreed to send a copy of the report to the Minister of Justice and the Probation Service for comments on the benefits of the programme and the position regarding funding it in other parts of Northern Ireland.

- vii. The Committee noted correspondence from the Minister of Justice indicating that the Prison Service had identified the resources necessary to fund the payment of an environmental allowance to post 2002 operational prison grade staff as recommended by the Prison Service Pay Review Body in this financial year.

## **5. Chairman's Business**

The Chairman advised Members that Party Whips had agreed that the Committee for Justice meeting would move to a Wednesday afternoon for the duration of the Parliament Buildings roof project. A definite date for the move would be confirmed in due course.

## **6. Any Other Business**

None.

## **7. Assessment of the Second Annual Report of the Inter-Departmental Ministerial Group on Human Trafficking and the Anti-Trafficking Monitoring Group's Follow-up Report 'Hidden in Plain Sight'**

The Committee noted an assessment provided by the Department of Justice of the issues in the Second Annual Report of the Inter-Departmental Ministerial Group on Human Trafficking and the Anti-Trafficking Monitoring Group's Follow-up Report '*Hidden in Plain Sight – Three Years On: Updated Measures to Protect Trafficked Persons*' and its response to the issues raised.

## **8. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Oral evidence from Mia de Faoite**

Ms Mia de Faoite joined the meeting at 2.14 p.m.

Ms de Faoite outlined the key issues in her submission on the clauses and schedule of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

*2.16 p.m. Mr William Humphrey joined the meeting.*

A detailed question and answer session followed covering issues including: Ms de Faoite's experiences of prostitution and whether she had reported incidences of rape to the police; the typical behaviours of men who buy sex; whether in her view men who buy sex care for the welfare of prostitutes; the age at which Ms de Faoite entered prostitution; the number of women in prostitution, the number of those trafficked and whether any minors are involved; the benefits of criminalising the buyer; the circumstances surrounding Ms de Faoite's exit from prostitution; the extent of drug and alcohol addiction in prostitution and the reasons for it; how Clause 6 would deter buyers when existing legislation does not have that effect; the appropriate penalties for people who purchase sexual services; the need for extensive support services for those who have exited or wish to exit prostitution and how these should operate; to what extent a choice exists for those who enter into prostitution; the importance of the Republic of Ireland and Northern Ireland having similar legislation in place; whether Ms de Faoite felt she had been trafficked in any way; whether Clause 6 would drive prostitution further underground; the differing academic views on Clause 6; the response Ms de Faoite had received to speaking publicly about her experiences;

*3.10 p.m. Mr Stewart Dickson joined the meeting.*

and the reasons why this legislation would be more effective than existing legislation.

The briefing was recorded by Hansard.

The Chairman thanked Ms de Faoite and she left the meeting.

## **9. Briefing by the Attorney General for Northern Ireland on Section 8 Guidance for Criminal Justice Organisations on Human Rights Standards – Addition of the PSNI**

The Attorney General for Northern Ireland, Mr John Larkin QC, joined the meeting at 3.13 p.m.

The Attorney General outlined his response to the issues raised by the PSNI and the Northern Ireland Policing Board in relation to his proposal to add the PSNI to the list of organisations to which he issues guidance on human rights standards under Section 8 of the Justice (Northern Ireland) Act 2004.

A question and answer session followed covering issues including: examples of the areas that the Attorney General may wish to cover in any guidance issued to the PSNI; how existing guidance on the protection of the right to life could apply to the PSNI if it was added to the list of Section 8 organisations; existing oversight arrangements for the PSNI, whether these were sufficiently robust and whether there was a need for additional oversight; whether the Attorney General had consulted with the PSNI on his proposal; responsibility for monitoring compliance with any guidance issued by the Attorney General; the role of the Justice Committee in considering draft guidance provided by the Attorney General; how the scope of Section 8 guidance was much broader than just the Human Rights Act; support for the proposal from the Advocate General and the Police Federation; and whether the proposal would in any way diminish the role of the Northern Ireland Policing Board or impact on the way it operates.

The briefing was recorded by Hansard.

The Chairman thanked the Attorney General and he left meeting.

*Agreed:* The Committee agreed to request clarification of how the amendment to Section 8 of the Justice Act 2004 would be made and to consider the matter further once the information was available.

*3.37 p.m. Mr Patsy McGlone joined the meeting.*

*3.37 p.m. Mr Jim Wells joined the meeting.*

## **10. Review of the Legal Aid for Crown Court Proceedings (Costs) Rules NI 2005, as amended - Interim Post Consultation Report**

Mr Mark McGuckin, Head of Public Legal Services Division and Mr Nigel Hamilton, Criminal Legal Aid Policy Advisor, Public Legal Services Division, Department of Justice, joined the meeting at 3.37 p.m.

Mr McGuckin outlined the key issues raised during the consultation on the Review of the Legal Aid for Crown Court Proceedings (Costs) Rules NI 2005, as amended, the Department's preliminary views and the current position.

A detailed question and answer session followed covering issues including: the representativeness of the number of cases used in the exercise carried out by the Department to compare remuneration levels for Crown Court cases between Northern Ireland and England and Wales; whether the levels of savings already realised have exceeded the Department of Justice forecasts; whether it is premature to make further changes before accurate information on the impact of the previous changes is available to enable a proper assessment to be made; the timescale for final proposals following the

discussions with the legal professions; the likelihood of revisions to the proposals being made as a result of the discussions; proposals to amend the status of the Legal Services Commission;

*3.52 p.m. Mr William Humphrey left the meeting.*

proposals to change the legal aid appeals mechanism; how the system in Northern Ireland differs with that in England and Wales and the resultant impact on costs; the estimate of savings in criminal legal aid since the changes made in 2011; legal aid expenditure for 2012/13 and the robustness of the Legal Service Commission information; the need for an analysis of the wider impact of the reforms to date; the methodology for forecasting legal aid costs and how accurate it is; whether there has been any assessment of the potential wider impact of the reforms including access to justice; whether the quality of the advice provided since the reforms has been assessed; how much would be saved if all the proposed reforms were implemented; how much would be saved if spend in legal aid was reduced to the levels in England and Wales; the definition of very high cost cases; and whether delays in the criminal justice system has an impact on the legal aid budget.

The briefing was recorded by Hansard.

The officials agreed to provide the Committee with a range of additional information.

The Chairman thanked the officials and they left meeting.

*4.45 p.m. Mr Tom Elliott left the meeting.*

## **11. Youth Justice Review - Update on Implementation of Recommendations**

Ms Karen Pearson, Deputy Director, Reducing Offending Division, Department of Justice, Ms Mary Brannigan, Director, Youth Justice Services, Youth Justice Agency, Mr Tony Kavanagh, Youth Justice Review Implementation Team, and Chris Matthews, Head of Speeding Up Justice Branch, Department of Justice joined the meeting at 4.45 p.m.

Ms Pearson outlined the current position regarding the implementation of the Youth Justice Review recommendations and the Department's response to the Criminal Justice Inspection report published in December 2013.

A question and answer session followed covering issues including: the levels of co-operation between the Department of Justice and other Departments on the implementation of the recommendations; the level of commitment to deliver the outcomes; the introduction of Statutory Time Limits in Youth Cases and what part of the process would be covered;

*4.58 p.m. Mr Alban Maginness left the meeting.*

the timeframe for the introduction of legislation to give effect to the policy of removing under 18s from Hydebank Wood Young Offenders' Centre; whether there are any obstacles to implementing the review recommendations; whether sufficient progress has been made to ensure that 90% of the recommendations will have been completed by March 2014; whether the Department intended to bring proposals back to the Committee regarding raising the minimum age of criminal responsibility in Northern Ireland; the Department's view of the CJINI report; and whether there are mechanisms to address and highlight any barriers to progress relating to cross departmental co-operation.

*5.07 p.m. Mr Patsy McGlone left the meeting.*

The briefing was recorded by Hansard.

The Chairman thanked the officials and they left meeting.

## **12. SL1: Results of a UK-wide Consultation on EU Regulation No 649/2012 concerning the Export and Import of Hazardous Chemicals and Proposals for a Statutory Rule to amend existing Northern Ireland Legislation**

The Committee considered a proposal by the Department of Justice for a Statutory Rule to be made under powers conferred by the Health and Safety at Work (Northern Ireland) Order 1978 to comply with EU Regulation No 649/2012 concerning the export and import of hazardous chemicals which will apply from 1 March 2014.

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

## **13. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Evidence Event**

The Committee noted the format for the evidence event on the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill to be held on Thursday 13 February 2014 from 12.00 noon to 3.00 p.m. in the Long Gallery, Parliament Buildings.

## **14. Update on the Delivery of the NI Prison Reform Programme**

The Committee noted an update from the Department of Justice on progress on the delivery of the Northern Ireland Prison Reform programme since October 2013 and a copy of the latest summary report from the Prison Review Oversight Group.

*Agreed:* The Committee agreed to invite representatives of the Prison Governors' Association to brief the Committee on the Prison Reform programme after the next oral briefing from Northern Ireland Prison Service officials which is scheduled to take place in April 2014.

## **15. Access to Justice Reform Programme – Project 18: Scope Review of the Operation of the Family Justice System**

The Committee noted information provided by the Department of Justice on the Access to Justice Reform Programme Project 18: Scope Review of the Operation of the Family Justice System which indicated that it did not intend to undertake a fundamental review of family justice at this time but instead would focus on projects to address unnecessary delay in care proceedings, the development of a cross-departmental strategic approach to alternative dispute resolution services in family disputes and the enforcement of contact orders.

## **16. Correspondence (continued)**

- viii. The Committee noted correspondence from the Committee for Finance and Personnel providing a briefing paper from the Department of Finance and

Personnel on the 2014 Budget Bill and accompanying Spring Supplementary Estimates.

*Agreed:* The Committee agreed that, following the Supply Resolution debate in Plenary on Monday 10 February 2014, if necessary further information on the capital spend relating to the Desertcreat Training College would be requested.

**17. Date, Time and Place of next meeting**

The next meeting will take place on Thursday 13 February 2014 at 12.00 noon in the Long Gallery, Parliament Buildings.

*The meeting was adjourned at 5.16 p.m.*

**Mr Paul Givan MLA**  
**Chairman, Committee for Justice**