



COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 7 NOVEMBER 2013
Senate Chamber, Parliament Buildings

- Present: Mr Paul Givan MLA (Chairman)
Mr Raymond McCartney MLA (Deputy Chairman)
Mr Sydney Anderson MLA
Mr Tom Elliott MLA
Mr William Humphrey MLA
Mr Seán Lynch MLA
Mr Alban Maginness MLA
Ms Rosaleen McCorley MLA
- In Attendance: Mrs Christine Darrah (Assembly Clerk)
Ms Marie Austin (Assistant Assembly Clerk)
Ms Roisín Donnelly (Assistant Assembly Clerk)
Mrs Julie Devlin (Clerical Supervisor)
Miss Marianne Doherty (Clerical Officer)
- Apologies: Mr Stewart Dickson MLA
Mr Patsy McGlone MLA
Mr Jim Wells MLA

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

1. Apologies

Apologies are listed above.

2. Draft minutes of the meeting held on 17 October 2013

The Committee approved the draft minutes of the meeting held on 17 October 2013.

3. Matters Arising

- i. The Committee noted correspondence from the Director of the British Association for Shooting and Conservation on the discussions between the Department of Justice, the PSNI and the firearms organisations on the development of a banded system.

- ii The Committee noted correspondence from the Department of Justice advising that it was carrying out an additional targeted consultation on further proposals regarding the package of reforms for the Office of the Police Ombudsman and, as a result, the planned up-date on the results of the consultation exercise for the meeting on 14 November would be rescheduled for a later date.

4. Judicial Appointments Process and a High Court Judge Competition

His Honour Judge Desmond Marrinan joined the meeting at 2.12 p.m.

Agreed: The Committee agreed that all written material provided by Judge Marrinan to the Committee would be treated as formally submitted evidence and would therefore be covered by privilege.

The Committee considered a request from a journalist for a copy of His Honour Judge Marrinan's letter dated 18 September 2013.

Agreed: The Committee agreed to provide the journalist with a copy of His Honour Judge Marrinan's letter dated 18 September 2013 with the name of an individual redacted.

His Honour Judge Marrinan made his opening remarks.

A detailed question and answer session followed covering issues including: the method of moderation used for marks awarded to candidates during the first round of the competition; the perception that the process of judicial appointments is dominated by the senior judiciary; the way in which the recusal complaint in relation to the second interview was dealt with; the use of the term 're-commence' in relation to the competition; liaison between the Office of the Lord Chief Justice and the Department of Enterprise, Trade and Investment officials on a particular issue relating to one of the candidates; the complaints upheld by the Judicial Appointments Ombudsman; why the Judicial Appointments Ombudsman did not find for maladministration despite upholding a number of complaints; the need for a clear distinction between NIJAC and the Office of the Lord Chief Justice; the option of and costs associated with a judicial review; the point at which the Judge sought legal advice; the options open to the Judge in relation to progressing a complaint; the method of contact between the Judge and the Judicial Appointments Ombudsman; the evidence presented by the interview panel during the complaints process; whether the Lord Chancellor has a power of veto over Northern Ireland Judicial Appointments Commission (NIJAC) decisions; why the Lord Chancellor did not appoint a particular candidate;

3.50 p.m. Mr William Humphrey left the meeting.

the meaning of sub-section 6 of the Justice Act; whether NIJAC acted ultra vires; the failures in the judicial appointments and appeals process and the options for reform; the judicial appointment process in other jurisdictions; the effect this matter has had on the Judge's health and well-being and the impact on the Judge's relationships with other colleagues.

The briefing was recorded by Hansard.

The Chairman thanked His Honour Judge Marrinan and he left the meeting.

The Committee considered a request from the Lord Chief Justice to meet with the Committee in relation to the matter.

Agreed: The Committee agreed to meet with the Lord Chief Justice at an appropriate time after it had fully considered the evidence received.

5. Formalisation of Existing Arrangements for a Victim to Make a Personal Statement to the Court

Maura Campbell, Deputy Director and Ms Veronica Holland, Criminal Justice Development Division, Department of Justice, Superintendent Paula Hilman, Police Service of Northern Ireland and Stephen Herron, Senior Assistant Director, Public Prosecution Service joined the meeting at 4.42 p.m.

The officials outlined the impact of the recent Court of Appeal judgement in England and Wales and the revised plans for formalising the use of victim personal statements.

A question and answer session followed covering issues including: whether adequate resources are available to fund those organisations who will advise victims on the completion and use of victim personal statements; whether there are any restrictions on the type of offence in relation to which a victim personal statement can be made; the impact of the Court of Appeal decision and whether this could result in victims being cross-examined on their victim personal statements; the impact on vulnerable witnesses; and the status of such statements in the Republic of Ireland.

The briefing was recorded by Hansard.

The Chairman thanked the officials and they left the meeting.

Agreed: The Committee agreed that it was content with the revised proposals for formalising the use of victim personal statements.

6. Committee Stage: Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Consideration of Oral Evidence Sessions

The Committee considered further handling arrangements for the Committee Stage of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

Agreed: The Committee agreed to invite the Department of Health, Social Services and Public Safety, Public Prosecution Service, Northern Ireland Commissioner for Children and Young People and Women's Aid Federation to give oral evidence on the Bill at the meetings on 28 November and 5 December 2013.

Agreed: The Committee agreed to consider further oral evidence sessions when an initial analysis of the written submissions was completed.

Agreed: The Committee agreed to publish the written evidence in relation to the Bill on the Committee webpage.

Agreed: The Committee agreed that options to expand the range of briefings for inclusion in the programme for the Committee visit to Sweden to view the Swedish Model that prohibits the purchase of sexual services should be explored.

7. The Sexual Offences Act 2003 (Notification Requirements) (Northern Ireland) Regulations 2013

The Committee noted that, in light of the judgement on the Judicial Review taken in England and Wales that upheld the requirements to notify personal bank details to police, the Department of Justice intends to bring forward the proposed Statutory Rule, which will be subject to affirmative resolution, which would require sex offenders to notify additional personal information including banking arrangements to the police.

8. Extension of the Pilot Registered Intermediaries Schemes

The Committee noted that the Minister of Justice had signed two Commencement Orders: The Criminal Evidence (Northern Ireland) Order 1999 (Commencement No. 9) Order 2013; and, The Justice (2011 Act) (Commencement No. 7) Order (Northern Ireland) 2013, to extend the scope of the pilot of the Registered Intermediaries Schemes to all Crown Courts across Northern Ireland from 11 November 2013 to enable an effective evaluation to be carried out.

9. Development of a New Domestic and Sexual Violence and Abuse Strategy

The Committee noted an update on the development of the new strategy to tackle domestic and sexual violence and abuse which would be submitted to the Inter-Ministerial Group and the Executive for approval later this month and, subject to that approval, would issue for a 12-week public consultation.

Agreed: The Committee agreed to request clarification of what account had been taken of the findings of the recently published Criminal Justice Inspection report ‘Domestic Violence and Abuse – A follow-Up Review of Inspection Recommendations’ in drafting the strategy.

10. Draft Equality Impact Assessment and Draft Evaluation Report on the Pilot Youth Engagement Clinic Model

The Committee considered the Department of Justice’s proposal to undertake a public consultation on the draft Equality Impact Assessment on the pilot Youth Engagement Clinic model and the draft evaluation report on the results of the pilot study which the Department also intends to publish.

Agreed: The Committee agreed that it was content for the proposed public consultation on the draft Equality Impact Assessment and draft evaluation report on the pilot Youth Engagement Clinic model to take place and to consider the matter further when the results of the consultation are available.

11. Second Annual Report of the Inter-Departmental Ministerial Group on Human Trafficking

The Committee considered the second annual report of the Inter-Departmental Ministerial Group on Human Trafficking which will be assessed by the Department of Justice through the Organised Crime Task Force's Immigration and Human Trafficking subgroup and the Non-Governmental Organisation Engagement Group on Human Trafficking.

Agreed: The Committee agreed to request a written up-date on the outcome of the Organised Crime Task Force's Immigration and Human Trafficking subgroup and the Non-Governmental Organisation Engagement Group on Human Trafficking assessment of the report.

12. Correspondence

- i. The Committee noted correspondence from the Department of Justice enclosing a copy of its Action Plan in response to the recommendations of Her Majesty's Inspectorate of Constabulary Report on the Inspection of Human Tissue Seizure, Retention and Disposal Processes in Northern Ireland.
- ii. The Committee noted correspondence from the Department of Justice advising of the revocation by the Minister of Justice of the authorisation for possession of the land on which an interface fence had been in place surrounding part of the playground of Bunscoil Bheann Mhadagain on Wyndham Drive, Belfast as demographic changes in the area over a number of years had rendered the fencing obsolete.
- iii. The Committee noted correspondence from the Department of Justice advising of the revocation by the Minister of Justice of the authorisation closing Brucevale Park in North Belfast following a stopping order by the Roads Service to formally close the road.
- iv. The Committee noted correspondence from the Department of Justice advising that the Minister of Justice had issued an authorisation to take possession of a strip of land within the grounds of St Matthew's Church, Bryson Street, East Belfast to allow for the installation of stanchions to support netting designed to stop projectiles thrown between the Newtownards Road and St Matthew's Court and Strand Walk.
- v. The Committee noted correspondence from the Department of Justice advising of the revocation by the Minister of Justice of the authorisation to close an alleyway at the rear of 1 Brompton Park, in Ardoyne, following a gating order being put in place by Belfast City Council.
- vi. The Committee noted a copy of a response from the Minister of Justice to Mr Trevor Clarke MLA in relation to his request for information on the ratio of prison officers on duty and prisoners in HM Prison Maghaberry.
- vii. The Committee noted the Criminal Justice Inspection report – Domestic Violence and Abuse – A follow-Up Review of Inspection Recommendations.

- viii. The Committee noted correspondence from the Chief Executive of the Law Society of Northern Ireland outlining the advice he had given at the Law Society Legal Aid Conference on 19 October 2013 regarding the position of the Committee for Justice in relation to representations from individual solicitors and local associations on on-going Department of Justice consultations on legal aid reforms.
- ix. The Committee noted a response from the Police Ombudsman for Northern Ireland regarding a copy of the Memorandum of Understanding between his office and the PSNI.
- x. The Committee noted a copy of a response from the PSNI to a Mr Fox regarding issues he had raised in relation to a number of false allegations and malicious prosecutions.
- xi. The Committee noted further correspondence from a Mr Fox enclosing a copy of correspondence to him from the PSNI regarding a number of false allegations and malicious prosecutions.
- xii. The Committee noted a copy of the responses issued by the Office of the Lord Chief Justice, the Office of the Attorney General for Northern Ireland, the Public Prosecution Service and the Minister of Justice to an individual in response to his letter regarding the treatment of his son, who was a victim of sexual assaults while a minor, and his family by the criminal justice system.
- xiii. The Committee noted correspondence from the Director General of the Serious Organised Crime Agency (SOCA) advising that from 7 October 2013, SOCA would merge into the new National Crime Agency.
- xiv. The Committee noted a summary of progress on the delivery of Department of Justice capital projects detailed in the ISNI Delivery Tracking System.
- xv. The Committee correspondence from the Committee for the Office of the First Minister and deputy First Minister enclosing a copy of the Executive's European Priorities 2012-13 Implementation Report and the Executive's European Priorities 2013-14.
- xvi. The Committee noted correspondence from the Committee for the Office of the First Minister and deputy First Minister enclosing a copy of the summary of the discussion that took place at the Joint Ministerial Council (Europe) meeting on 4 March 2013.
- xvii. The Committee noted correspondence from the Committee for Finance and Personnel enclosing correspondence from the Department of Finance and Personnel advising that the Department of Justice had agreed to the amendments to Clauses 3 and 6 of the Financial Provisions Bill to address the issues which had been raised by the Examiner of Statutory Rules.
- xviii. The Committee noted an invitation from the Law Society of Northern Ireland to hold a formal meeting of the Committee in the Council Chamber in Law Society House.

Agreed: The Committee agreed to consider holding a formal meeting in the Council Chamber in Law Society House if an appropriate occasion arises.

- xix. The Committee considered an invitation from the Office of the First Minister and deputy First Minister and the Atlantic Philanthropies to a seminar entitled 'Shaping a Generation' on Wednesday 4 December 2013 in the Stormont Hotel.

Agreed: The Committee agreed that Members should advise the Clerk if they wished to attend the seminar.

- xx. The Committee considered an invitation from the Law Centre for Northern Ireland to a Legal Support Project conference entitled 'Pro Bono in Practice: International Perspectives' on Friday 8 November 2013 in Queens University Belfast.

Agreed: The Committee agreed that Members should advise the Clerk if they wished to attend the conference.

- xxi. The Committee noted correspondence from Prison Fellowship Northern Ireland providing a copy of its report outlining the recent successful delivery of the Sycamore Tree project within prisons.

- xxii. The Committee noted the Northern Ireland Courts and Tribunals Service Trust Statement 2011/12.

13. Chairman's Business

- i. The Chairman advised Members that he had received an invite from the Rivers Agency to a breakfast briefing on 26 November in the Island Civic Centre, Lisburn in advance of an emergency planning exercise which would focus on a potential coastal flooding event affecting the east coast of Northern Ireland and would attend if available.
- ii. The Chairman advised Members that he had received an invitation from the Participation and Practice of Rights Organisation and the Simon Community to an event entitled 'Homeless Not Voiceless' on 27 November in the Grosvenor Hall, Belfast and would attend if available.
- iii. The Chairperson advised Members that both he and other Members of the Committee, together with Members of the Committee for Health, Social Services and Public Safety, had attended a presentation by the Educational Shakespeare Company and Northern Health Trust officials on the creative and therapeutic engagement with educational qualifications that the Company had undertaken with disadvantaged and/or socially excluded people, with a particular emphasis on prisoners, ex-offenders and those with mental health issues.

Agreed: The Committee agreed to write to the Department of Justice regarding how the Prison Service and South Eastern Health and Social Care Trust could link in with this programme and to request that consideration be given to possible sources of funding.

14. Any Other Business

The Child Sexual Exploitation Inquiry announced by the Minister of Health, Social Services and Public Safety on 5 November was raised.

Agreed: The Committee agreed to request clarification from the Department of Justice of its role in relation to the inquiry.

15. Date, Time and Place of next meeting

The next meeting will take place on Thursday 14 November 2013 at 2.00 p.m. in Room 30 Parliament Buildings.

The meeting was adjourned at 5.22 p.m.

Mr Paul Givan MLA
Chairman, Committee for Justice

14 November 2013