



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 12 SEPTEMBER 2013
ROOM 30, PARLIAMENT BUILDINGS

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

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

Apologies: Mr Patsy McGlone MLA

The meeting commenced at 2.03 p.m. in public session.

The Chairman and Members thanked Mr Easton for his contribution to the Committee for Justice and wished him well in his new Committee appointment.

1. Apologies

Apologies are listed above.

2. Draft minutes of the meeting held on 4 July 2013

The Committee approved the draft minutes of the meeting held on 4 July 2013.

3. Matters Arising

- i. The Committee noted an updated Forward Work Programme for September and October 2013.
- ii. The Committee considered correspondence from the Chief Constable regarding the issues to be covered during his appearance at the Committee meeting on 19 September 2013.

Agreed: The Committee agreed a number of additional items to be covered during the Chief Constable's appearance on 19 September 2013.

- iii. The Committee considered correspondence from the Northern Ireland Policing Board indicating that it was likely to submit comments on the Attorney General's proposal to add the PSNI to the list of organisations to whom guidance on human rights standards is issued under section 8 of the Justice (Northern Ireland) Act 2004.

Agreed: The Committee agreed to consider the matter further once a response from the Northern Ireland Policing Board had been received.

- iv. The Committee considered correspondence from the Department of Justice providing a copy of a Report into Claims Management Companies and Referral Fees in relation to motor insurance costs.

Agreed: The Committee agreed to forward a copy of the Report to the All-Party Group on Motor Insurance for information.

4. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Briefing by Lord Morrow

Lord Morrow MLA, Mr Mark Baillie, Public Policy Officer, CARE NI, Dr Dan Boucher, Director of Parliamentary Affairs, CARE and Ms Gunilla Ekberg, Policy Advisor to the Swedish Government, joined the meeting at 2.10 p.m.

Lord Morrow outlined the key principles of his Bill and the issues covered by the provisions in the Bill.

2.15 p.m. Mr Stewart Dickson joined the meeting.

A detailed question and answer session followed covering issues including: the change in position of the Minister of Justice in relation to clauses 13 and 14 of the Bill; the benefits of including the requirement to publish a yearly strategy in statute; the differing views of academics in relation to prostitution, the payment for sexual services and the rights of women; why prostitution should be covered in a human trafficking bill; the recent comments made by a PSNI officer in relation to clause 6 and what contact or written evidence the PSNI had made during Lord Morrow's consultation on the Bill; whether criminalising paying for sexual services would drive prostitution underground; why a minimalist approach to implementation of the EU Human Trafficking Directive has been adopted by the UK Government and the Department of Justice; the specific linkages between human trafficking and prostitution; the relevance of research in other countries

into prostitution; whether there is a need for Northern Ireland specific research into levels of prostitution; whether this Bill would replicate existing legislation; the profile of people being trafficked in Sweden; the decrease in the level of prostitution in Sweden since the introduction of the Swedish Model; the position in the Republic of Ireland in relation to similar legislation; the legal position if the buyer and seller of sexual services reside in different jurisdictions; what liaison has taken place with the Minister of Justice in relation to the Bill; the position in Northern Ireland compared to England and Wales; the potential unintended consequences of the Bill; the views of the Minister of Health, Social Services and Public Safety on the areas of the Bill relevant to his Department; and the implementation costs if the Bill becomes law.

The briefing was recorded by Hansard.

The Chairman thanked Lord Morrow and his colleagues for the briefing and they left the meeting.

5. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Departmental Briefing

Mr Gareth Johnston, Head of Criminal Justice Policy and Legislation Division, Ms Amanda Patterson, Head of Criminal Policy Branch, and Ms Julie Wilson, Head of Human Trafficking Team, Department of Justice joined the meeting at 4.01 p.m.

Mr Johnston outlined the Department's position in relation to the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

A detailed question and answer session followed covering issues including: the Department's overall budget and the costs associated with the implementation of the Bill; the primary reason for human trafficking in Northern Ireland; the linkages between human trafficking and prostitution; whether the Department views prostitution as a valid form of work; the health impacts of prostitution; whether the Department has been in contact with the Swedish Government regarding its legislation; the number of prosecutions brought under existing legislation; the level of contact with the PSNI in relation to the Bill; the implications for Northern Ireland of the introduction of similar legislation in the Republic of Ireland; the level of paramilitary involvement in prostitution; the extent of Lord Morrow's consultation; the reasons why the Department carried out its own consultation; the nature, extent, purpose and timescale of the Department's commissioned research into prostitution in Northern Ireland; what cognisance the Department will take of the support for Lord Morrow's Bill; whether the Department supports the principles of the Bill; whether the Department would support the Bill if clause 6 was removed; and the specific clauses of the Bill the Department supports or supports in part.

4.49 p.m. Mr Paul Givan left the meeting.

4.49 p.m. Mr Raymond McCartney took the Chair.

5.01 p.m. Mr Paul Givan joined the meeting and resumed the Chair.

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

5.25 p.m. Ms Rosaleen McCorley left the meeting.

The briefing was recorded by Hansard.

The Chairman thanked the officials for the briefing and they left the meeting.

Agreed: While some Members highlighted issues with some areas of the Bill that needed further consideration the Committee agreed that it was supportive of the principles of the Bill and the Chairman would indicate this at Second Stage.

Agreed: The Committee agreed to give further consideration to a visit to Sweden to view the workings of the Swedish Model that prohibits the purchase of sexual services subject to the Bill passing Second Stage.

Agreed: The Committee agreed to give further consideration to a visit to the Oireachtas to meet with the Committee which is considering the introduction of similar legislation. In the meantime a copy of that Committee's report on the subject would be provided to Members.

6. Briefing by the Royal College of Speech and Language Therapists on research on the needs of individuals with communication difficulties in the justice system

Ms Alison McCullough, NI Country Officer and Mr Tim Connolly, Policy Officer, Royal College of Speech and Language Therapists and Ms Paula Jack, Chief Executive, Youth Justice Agency joined the meeting at 5.34 p.m.

The Committee noted correspondence from the Department of Justice advising that the Minister of Justice intended making a written statement to the Assembly regarding the appointment of a dedicated Speech and Language Therapist to the Youth Justice Agency.

Ms McCullough outlined the key findings in relation to the research on the needs of individuals with communication difficulties in the justice system.

A question and answer session followed covering issues including: the importance of early intervention and the associated cost benefits; whether solicitors/barristers identify communication difficulties; how often the services of the Royal College of Speech and Language Therapists are requested by solicitors/barristers; the information available on the communication needs of victims and witnesses; funding for speech and language therapists; whether the findings of the pilot scheme are a reflection of the needs across the prison system; the reasons why people with communication difficulties slip through the net; and the outcomes for children who receive early intervention.

The briefing was recorded by Hansard.

The Chairman thanked the representatives for the briefing and they left the meeting.

The Committee considered an invite from the Royal College of Speech and Language Therapists to a research event on "Youth Offending and Communication Skills" which will take place on 19 September 2013 in Law Society House, Belfast.

Agreed: The Committee agreed to contact the Committee Clerk if they wished to attend the event.

7. SL1:Publicly Funded Representation in the Civil and Family Courts – Briefing by the Law Society of Northern Ireland

Mr Alan Hunter, Chief Executive, Mr Peter O'Brien, Assistant Secretary, Mr Michael Robinson, President and Ms Catherine Dixon, Past President, Law Society of Northern Ireland joined the meeting at 6.18 p.m.

Mr Michael Robinson briefly outlined a range of issues relating to the proposals to reform representation in the Civil and Family Courts.

Mr Tom Elliott declared an interest as a member of the Northern Ireland Board of Adoption UK.

A question and answer session followed covering issues including: whether the system could be improved if there was a better filtering system regarding the engagement of counsel; the level of cooperation with social services; the reasons for the increase in expenditure in legal aid; the pressures on the system and the need for reform; the validity of the evidence used by the Department to support its proposals; the Department's lack of analysis of the cost drivers; the work of junior counsel; whether solicitors have the capacity to do the work normally carried out by a barrister; the social consequences of reducing representation; the level of savings that could be made at each court tier by reducing representation; multiplicity of parties and the application process for counsel; the use of senior counsel for the duration of cases and how this system could be improved; the reasons for the significant rise in child cases; and the definition of an exceptional case.

7.20 p.m. Mr Alban Maginness left the meeting.

The briefing was recorded by Hansard.

The Chairman thanked the officials for the briefing and they left the meeting.

Agreed: The Committee agreed to refer the Hansards of the evidence sessions with the Bar Council and the Law Society to the Department of Justice for a response on the issues raised.

8. Fine Default Procedure Bill – Possible Accelerated Passage

The Committee noted correspondence from the Minister of Justice advising of the possible need for an accelerated passage Fine Default Procedure Bill to deal with the issue of enforcement of fines within the existing statutory framework following the recent judgement that ruled that some aspects of the existing long-established fine enforcement procedures were flawed.

9. Draft SR The Lands Tribunal (Salaries) Order (Northern Ireland) 2013

The Committee considered the Draft Statutory Rule: The Lands Tribunal (Salaries) Order (Northern Ireland) 2013 which provides for increases in the annual salary payable to the President and any other Member of the Lands Tribunal for Northern Ireland following recommendations made in the 2013 Report of the Review Body on Senior Salaries.

Agreed: The Committee for Justice considered the Draft Statutory Rule: The Lands Tribunal (Salaries) Order (Northern Ireland) 2013 and agreed that it was content with the Rule.

The Committee agreed to bring forward Agenda Item 11.

10. Consideration of a draft Report on the Legislative Consent Motion to allow the inclusion of Amendments to Court Rule-Making Procedures in the Northern Ireland (Miscellaneous Provisions) Bill

The Committee considered a draft Report on the Legislative Consent Motion to allow the inclusion of Amendments to Court Rule-Making Procedures in the Northern Ireland (Miscellaneous Provisions) Bill.

The Committee noted correspondence from the Department of Justice advising that the Executive did not consider it appropriate to seek the consent of the Assembly in relation to the provisions addressing an error made by the Devolution Order whereby the scrutiny of court rules allowed by the Lord Chancellor in relation to excepted matters was transferred to the Assembly.

Agreed: In light of the Department's correspondence the Committee agreed to amend paragraph 18 of the report.

The Committee considered the cover page and contents page of the report.

“Question: That the Committee is content with the cover page and contents page as drafted put and agreed to”.

The Committee considered paragraphs 1 to 5 of the report.

“Question: That the Committee is content with paragraphs 1 to 5 as drafted put and agreed to”.

The Committee considered paragraphs 6 to 16 of the report.

“Question: That the Committee is content with paragraphs 6 to 16 as drafted put and agreed to”.

The Committee considered paragraph 17 of the report.

“Question: That the Committee is content with paragraph 17 as drafted put and agreed to”.

The Committee considered paragraph 18 of the report.

“Question: That the Committee is content with paragraph 18 as amended put and agreed to”.

The Committee considered paragraph 19 of the report.

“Question: That the Committee is content with paragraph 19 as drafted put and agreed to”.

The Committee considered paragraph 20 of the report.

“Question: That the Committee is content with paragraph 20 as drafted put and agreed to”.

The Committee considered the Appendices section of the report.

“Question: That the Committee is content with the contents of the Appendices to be included in the report put and agreed to”.

Agreed: The Committee agreed that it was content that the Report of the Committee for Justice on the Legislative Consent Motion to allow the inclusion of Amendments to Court Rule-Making Procedures in the Northern Ireland (Miscellaneous Provisions) Bill be laid in the Business Office to comply with the required timescales as set out in Standing Order 42 A(7).

Agreed: The Committee agreed that an electronic copy of the report should be sent to the Department of Justice and all MLAs and published on the Committee website.

The Committee agreed to bring forward Agenda Item 18.

11. Correspondence

- i. The Committee noted a recently launched Department of Justice multilingual leaflet for victims of human trafficking.
- ii. The Committee noted correspondence from the Minister of Justice advising that Part 2 of the Justice and Security Act 2013 which makes provision for the use of a closed material procedure in civil proceedings before the High Court and the Court of Appeal commenced on 25 June 2013 and the related SR 2013 No. 175, The Rules of the Court of Judicature (Northern Ireland) (Amendment) 2013 made by the Lord Chancellor.
- iii. The Committee noted correspondence from the Minister of Justice providing a copy of his response to Mr Harkness, Northern Ireland Firearms Dealers Association regarding firearms licensing issues and requests for a meeting with the Department of Justice.
- iv. The Committee considered a response from the Department of Justice to its request for information on the current position in relation to the pay scales for staff of the same grade in the Legal Services Commission and in the Department of Justice and the reasons for any discrepancies between the pay scales, pay progression awards and pay increases for staff in both organisations.

Agreed: The Committee agreed to forward a copy of the response to the individuals who wrote to the Committee on this matter.

- v. The Committee considered correspondence from the Department of Justice providing a copy of the HMIC Report of the Inspection of Human Tissue Seizure, Retention and Disposal Processes in Northern Ireland.

Agreed: The Committee agreed to request a copy of the associated action plan.

- vi. The Committee noted a response from the Department of Justice to the Committee's request for clarification on whether the Injury on Duty Working Group established by the NI Policing Board to consider issues regarding awards for former police officers over 65 was an independent group or an internal working group.
- vii. The Committee noted correspondence from the Department of Justice advising of an amendment the Department for Business Innovation and Skills intended to make to the Explosive (Hazard Information and Packaging for Supply Regulations (Northern Ireland) 2009 to omit a reference to the Cosmetic Products (Safety) Regulations 2008 and substitute it with a reference to Regulation (EC) No 1223/2009.
- viii. The Committee considered correspondence from the Department of Justice advising that it had launched a Strategic Review of the Search and Rescue Framework in Northern Ireland and providing the terms of reference.

Agreed: The Committee agreed to forward a copy of the correspondence to the Community Rescue Service.

- ix. The Committee considered a response from the Department of Justice to its request for clarification regarding the rationale for referring the issue of payment of an Environmental Allowance to prison officers back to the Pay Review Body and a definitive timescale for completion of the further assessment.

Agreed: The Committee agreed to forward a copy of the response to the Prison Officers' Association.

- x. The Committee considered a response from the Department of Justice to its request for information regarding what consideration had been given to the use of alternative short-term and medium-term investment options when managing monies held under the Court Fund Rules.

Agreed: The Committee agreed to forward a copy of the response to the Committee for Finance and Personnel who had raised the issue.

- xi. The Committee noted a copy of a response from the Department of Justice to the Committee for Health, Social Services and Public Safety on the services provided to the Northern Ireland Prison Service by the Public Initiative for the Prevention of Suicide (PIPS) and the funding arrangements that are in place.
- xii. The Committee noted correspondence from the Department of Justice advising of the publication of quarterly statistical bulletins by the NI Courts and Tribunals Service for the period April to June 2013.
- xiii. The Committee noted correspondence from the Department of Justice regarding the revocation by the Minister of Justice of the authorisations for the possession of

two alleyways in East Belfast following gating orders being put in place by Belfast City Council.

- xiv. The Committee considered a response from the Department of Justice to its request for an update regarding Equal Pay Claims for Department of Justice, Northern Ireland Office and Police Service of Northern Ireland support staff.

Agreed: The Committee agreed to forward a copy of the response to the individuals who wrote to the Committee on this matter.

- xv. The Committee noted correspondence from the Department of Justice seeking the views of the Committee for Social Development in relation to the Insolvency (Amendment) Rules (Northern Ireland) 2013.
- xvi. The Committee noted correspondence from the Northern Ireland Courts and Tribunals Service enclosing the Statistical Press Release - Mortgages: Actions for Possession April - June 2013 (Provisional Figures).
- xvii. The Committee noted a response from the PSNI to the Committee's request for further information regarding the Mourne Underwater Search Team.
- xviii. The Committee noted a copy of the response issued on behalf of the Chief Constable to Mr Stewart, Limavady Human Rights Committee (LHRC) in relation to concerns raised by the LHRC around the perceived abuse of police powers of arrest.
- xix. The Committee noted a response from the Public Prosecution Service to its request for information regarding the approach taken in relation to the use of forensic and DNA evidence in court cases in light of the acquittal of Brian Shivers.
- xx. The Committee considered a response from the Service Manager of the Rowan Sexual Assault Referral Centre to its request for information on the need for and benefits of having Independent Sexual Violence Advisors in place and the likely impact on the provision of services if they are not in place in the foreseeable future.

Agreed: The Committee agreed to forward a copy of the response to the Department of Justice for information and consideration when compiling the business case for Independent Sexual Violence Advisors.

- xxi. The Committee noted correspondence from the NI Policing Board regarding the information provided by the Committee on the approach that would be adopted by the Compensation Agency if a criminal injury case was presented that a motor vehicle had been used as a weapon to injure a police officer.
- xxii. The Committee noted a copy of correspondence from Mr Spratt, Chairman, Prison Officers' Association to the Director of Human Resources, NI Prison Service regarding the lack of consultation and negotiation between the NI Prison Service and the Prison Officers' Association and the failure to implement the Staff Deployment Agreement since 28 May 2012.

- xxiii. The Committee noted correspondence from a Mr Cooke calling for a change in legislation to protect housing association tenants and to clarify the law in relation to tenant consultation, tenant ballots and written agreements prior to the dissolution of the Northern Ireland Hosing Executive in 2015 which falls within the remit of the Department for Social Development.
 - xxiv. The Committee considered correspondence from NIACRO on behalf of a Mr Morrison requesting a meeting to discuss what he deems to be discrimination as a result of disclosure of criminal record information while participating in the Steps to Work Programme.
- Agreed:* The Committee agreed to forward the correspondence to the Committee for Employment and Learning and the Committee for Standards and Privileges.
- xxv. The Committee noted a summary of progress on the delivery of Department of Justice capital projects detailed in the ISNI Delivery Tracking System.
 - xxvi. The Committee noted correspondence from the Committee for Finance and Personnel on the monitoring of departmental Savings Delivery Plans up to 31 March 2013.
 - xxvii. The Committee noted the Criminal Justice Inspection Report: An Inspection of the Accuracy of Court Orders.
 - xxviii. The Committee noted the Compensation Agency Annual Report and Accounts 2012 - 2013.
 - xxix. The Committee noted the Courts and Tribunals Services Annual Report and Accounts 2012 - 13.
 - xxx. The Committee noted the Police Service of Northern Ireland Annual Report and Accounts for the year ending 31 March 2013.
 - xxxi. The Committee noted the Police Service of Northern Ireland Police Pension Accounts for the year ending 31 March 2013.
 - xxxii. The Committee noted the NI Prison Service Annual Report and Accounts 2012 - 2013.
 - xxxiii. The Committee noted the NI Prison Service Business Plan 2013 - 2014 and Corporate Plan 2011 - 2015.
 - xxxiv. The Committee noted the Criminal Cases Review Commission Annual Report and Accounts 2012 - 13.
 - xxxv. The Committee noted the NI Legal Services Commission Annual Report and Accounts for the year ending 31 March 2013.
 - xxxvi. The Committee noted the Northern Ireland Audit Office Review of Continuous Improvement Arrangements in Policing.

12. Amendment to the Pyrotechnic Articles (Safety) Regulations 2010

The Committee noted correspondence from the Department of Justice advising that the Department for Business Innovation and Skills intended to amend the Pyrotechnic Articles (Safety) Regulations 2010 to correct an error in the original 2007 EU Directive relating to a prohibition on the use of commercial blasting agents in pyrotechnic articles.

13. Chairman's Business

- i. The Chairman advised Members that fully electronic committee meetings were being introduced on a phased basis over the next few months and Committee for Justice meetings would be fully electronic from 10 October 2013.
- ii. The Chairman advised Members that the Departmental Assembly Liaison Officer had been replaced and he would write to her to express the Committee's appreciation for her work and support.

14. Consultation on Proposal to Transfer Responsibility for UK-wide Non-Devolved Tribunals to Northern Ireland

The Committee noted correspondence from the Department of Justice advising that the Westminster Government had decided to delay consultation on the proposal to transfer responsibility for UK-wide non-devolved tribunals to Northern Ireland and Scotland.

15. Northern Ireland Community Safety College at Desertcreat – Key Issues Arising from Oral Briefing on 20 June 2013

The Committee noted responses from the Department of Justice and Deputy Chief Constable Gillespie to the issues arising from the oral briefing on 20 June 2013 on the Desertcreat Training College capital project.

16. Prison Review Oversight Group Summary Report: July 2013

The Committee noted the Prison Review Oversight Group Summary Report: July 2013.

17. Members' Attendance Figures

The Committee noted the figures for Members' attendance at Committee for Justice meetings for the period September 2012 to August 2013.

18. Any Other Business

None.

19. Date, Time and Place of next meeting

The next meeting will take place on Thursday 19 September 2013 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 7.49 p.m.

Mr Paul Givan MLA
Chairman, Committee for Justice

19 September 2013