



## **COMMITTEE FOR JUSTICE**

### **MINUTES OF PROCEEDINGS**

THURSDAY 17 OCTOBER 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 William Humphrey MLA  
Mr Seán Lynch MLA  
Mr Patsy McGlone MLA  
Mr Jim Wells MLA

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

Apologies: Ms Rosaleen McCorley MLA  
Mr Alban Maginness MLA

*The meeting commenced at 2.09 p.m. in public session.*

#### **1. Apologies**

Apologies are listed above.

#### **2. Draft minutes of the meeting held on 10 October 2013**

The Committee approved the draft minutes of the meeting held on 10 October 2013.

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

- i. The Committee noted an updated forward work programme for November and December 2013.
- ii. The Committee considered correspondence from the Minister of Justice regarding the inclusion of a small number of additional clauses in the Legal Aid and Coroners'

Court Bill that replicate a number of provisions in the Access to Justice (NI) Order 2003 which have not been commenced.

*Agreed:* The Committee agreed that it was content for the additional clauses to be included in the Bill and that it would scrutinise them in detail when the Bill comes before the Committee.

#### **4. AccessNI Draft Policy on the Introduction of a Filtering Scheme**

Simon Rogers, Deputy Director, Protection and Organised Crime Unit, Tom Clarke, Operations Manager, AccessNI and Debbie Pritchard, Criminal Records Review Team, Department of Justice joined the meeting at 2.12 p.m.

The officials outlined the proposals for the introduction of a new filtering system for AccessNI disclosures.

A question and answer session followed covering issues including: the factors considered in relation to filtering disclosures; how the filtering system would work in practice; the maintenance of complete criminal records; the testing and assessment of the impact of the scheme; the disclosure status of particular cautions; and PSNI discretionary powers in relation to disclosure.

The briefing was recorded by Hansard.

The Chairman thanked the officials and they left the meeting.

*Agreed:* The Committee agreed that it was content for the Department of Justice to bring its proposals for the introduction of a new filtering system for AccessNI disclosures to the Executive and it would consider the matter further in due course.

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

Sue McAllister, Director General, Mark Adam, Strategic Change Manager, Paul Cawkwell, Director of Offender Policy and Operations and Brian McCaughey, Director of Rehabilitation, Northern Ireland Prison Service joined the meeting at 2.28 p.m.

Ms McAllister provided an update on the delivery of the prison reform programme, the corporate governance arrangements and the implementation of the prison estate strategy.

A detailed question and answer session followed covering issues including: health and social care provision in the prisons and the lack of progress in relation to the social care elements; the high turnover of healthcare staff and initiatives to retain health care professionals within prisons; the impact of the absence of the Governor and Deputy Governor at Hydebank Wood for a protracted period of time in relation to the findings of the recent CJI inspection reports on Ash House, Hydebank Wood Women's Prison and Hydebank Wood Young Offenders Centre; the criteria for the recruitment of senior managers for the Hydebank Wood posts; drugs issues within prisons and measures being taken to address the problems; the lack of promotion opportunities for NI prison staff; development of skills and talent; the relationship between NI Prison Service Senior Management and the Prison Service Trade Unions; the current position in relation to the staff exit programme; managing performance of senior prison managers; the position

regarding the Change Management Team; the availability of an overall implementation plan; the reprofiling exercise; the work of the Pay Review Body; pay progression of custody officers; and the timeline for a new female prison and the Secure College.

Officials agreed to provide the Committee with further information in relation to the drugs issues within prisons.

The briefing was recorded by Hansard.

The Chairman thanked the officials and they left the meeting.

## **6. Up-date on the NI Prison Service Corporate Governance Arrangements**

The Committee noted a written update on the Northern Ireland Prison Service Corporate Governance Arrangements.

## **7. Update on the Implementation of the NI Prison Service Estate Strategy**

The Committee noted a written update on the Northern Ireland Prison Service Estate Strategy.

## **8. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Proposals for Handling the Committee Stage of the Bill**

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

*Agreed:* The Committee agreed that oral evidence sessions on the Bill would be scheduled from 21 November onwards and consideration would be given to which organisations should be invited to give oral evidence at the meeting on 7 November 2013.

*Agreed:* The Committee agreed that evidence received from individuals would be anonymised if requested.

*Agreed:* Members agreed to advise the Clerk if they intended to participate in the planned fact finding visit to Sweden in December 2013.

*Agreed:* The Committee agreed to request a report from the Examiner of Statutory Rules on the delegated powers contained in the Bill.

The Committee considered a motion to extend the Committee Stage of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

Question put and agreed:

*That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 11 April 2014, in relation to the Committee Stage of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill (NIA 26/11-15).*

## **9. Committee consideration of proposals to vary the Firearms Licensing Fees and other Miscellaneous Amendments to Firearms Legislation**

The Committee considered the Department of Justice proposals to increase the firearms licensing fees and the other proposed changes to firearms legislation, further correspondence providing an update in relation to a banded system for firearms and the key issues raised by the stakeholders in oral and written evidence.

*Agreed:* The Committee agreed that it considered the proposed fee increases unrealistic, could not support them as currently outlined and that the Department should engage with the key stakeholders with the aim of achieving a collaborative way forward on this issue.

*Agreed:* The Committee agreed that supervision should be the key requirement in relation to young shooters, the criteria should be based on that and the Assembly has already taken a position on this in the Justice Act (Northern Ireland) 2011.

*Agreed:* The Committee agreed to draw to the attention of the Department the other issues highlighted by the key stakeholders including the security specification requirements and the lack of meetings of the Firearms Control Liaison Committee, request that the Department and the PSNI engage positively with the stakeholders on these matters and provide a written up-date as soon as possible.

*3.49 p.m. Raymond McCartney left the meeting.*

*Agreed:* The Committee agreed to send a copy of the Department's correspondence regarding the banded system and minimum age proposals to the Ulster Clay Pigeon Shooting Association for information.

## **10. Amendments to PACE Code D - Draft Consultation Document**

The Committee noted a proposed 12-week consultation by the Department of Justice on revisions to PACE Code of Practice D required in relation to for the commencement Framework for the Retention and Destruction of DNA and Fingerprints taken from persons in connection with the investigation of an offence under the Police and Criminal Evidence (NI) Order 1989 in spring 2014.

## **11. Modernisation of Family Justice - Update on the Alternative Dispute Resolution Mapping Exercise**

The Committee noted a research report on the current provision for Alternative Dispute Resolution services commissioned by the Department of Justice.

*3.53 p.m. Raymond McCartney joined the meeting.*

## **12. EU Directive on the Right to Interpretation and Translation in Criminal Proceedings**

The Committee considered information provided by the Department of Justice regarding the decision by the UK Government to opt-in to the EU Directive on Interpretation and Translation in Criminal Proceedings and the two – stage approach proposed to introduce the necessary changes to Court Rules and PACE Code C to ensure compliance by 27 October 2013.

*Agreed:* The Committee agreed that it was content with the approach outlined by the Department of Justice regarding the implementation of the EU Directive on the Right to Interpretation and Translation in Criminal Proceedings.

## **13. Oversight of Immigration and Customs Enforcement Activity in Northern Ireland**

The Committee noted correspondence from the Department of Justice advising that the Home Office Minister for Immigration is proposing to include a clause in his forthcoming Immigration Bill to give oversight of complaints against immigration and customs enforcement officials to the Office of the Police Ombudsman for Northern Ireland.

## **14. Correspondence**

- i. The Committee noted correspondence from the Department of Justice providing a copy of a response from the Minister of Justice to Lisburn City Council regarding its resolution to support Lord Morrow's Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.
- ii. The Committee noted correspondence from the Department of Justice advising that due to budget pressures the Northern Ireland Prison Service is considering the potential early closure of the Prison Service College on the Lisnevin/Millisle site.
- iii. The Committee noted a copy of a response from the Minister of Justice to a Mr Fox regarding alleged false allegations and malicious prosecutions.
- iv. The Committee noted a copy of a response provided by the Committee for Finance and Personnel from the Department of Finance and Personnel to the issues raised by stakeholders on the Public Service Pensions Bill.
- v. The Committee noted correspondence from the Department of Finance and Personnel provided by the Committee for Finance and Personnel advising that an amendment to address the issues raised by the Examiner of Statutory Rules in relation to clause 6 of the Financial Provisions Bill will be tabled by its Minister.
- vi. The Committee noted correspondence from the Committee for the Office of the First Minister and deputy First Minister providing a copy of the Barroso Task Force Desk Officer Progress Reports for April – June 2013.

- vii. The Committee considered correspondence from Newtownards and Bangor Solicitors' Association regarding the Department of Justice's proposed legal aid changes and in particular proposals to reduce fees.

*Agreed:* The Committee agreed that, given the consultations are still on-going, Newtownards and Bangor Solicitors' Association should be advised to write to the Department of Justice regarding the proposals

*3.59 p.m. Patsy McGlone left the meeting.*

- viii. The Committee considered a copy of correspondence from Castlereagh Borough Council to the Clerk to the Assembly supporting the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill and requesting that the Council be advised of the outcome of its request for the Assembly to endorse the Bill.

*Agreed:* The Committee agreed to inform Castlereagh Borough Council that its letter had been referred to the Committee for Justice for consideration during the Committee Stage of the Bill and it would be advised of developments in due course.

- ix. The Committee considered an invitation to the Prince's Trust and Samsung Celebrate Success Awards on 15 November 2013.

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

- x. The Committee considered correspondence from a Mr A Mairs regarding the Department of Justice's proposed changes to civil and criminal legal aid.

*Agreed:* The Committee agreed that, given the consultation process was still on-going, Mr Mairs should be advised to write to the Department of Justice regarding the proposals.

- xi. The Committee considered an invitation from the Minister of Justice to the Justice in the Community Awards event on 6 November 2013.

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

- xii. The Committee noted a memo from the Clerk to the Central Committee Office regarding the publication of information on Members' attendance at committee meetings during the 2012/13 session.

- xiii. The Committee considered an invitation from the Law Society to a Conference entitled 'What Price Justice' on the Department of Justice's proposed changes to civil and criminal legal aid on 19 October 2013.

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

## **15. Chairman's Business**

The Chairman advised Members that a joint informal meeting with Members of the Committee for Health, Social Services and Public Safety would take place on Tuesday 5 November 2013 at 1.00 p.m. in Room 29, Parliament Buildings to receive a presentation from the Educational Shakespeare Company on a programme in the Northern Trust Area to help in the development of mental health patients with a history of violence.

*Agreed:* The Committee agreed that Members should advise the Clerk if they were available to attend the meeting.

#### **16. Any Other Business**

None.

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

The next meeting will take place on Thursday 7 November 2013 at 2.00 p.m. in Room 30 Parliament Buildings.

*The meeting was adjourned at 4.03 p.m.*

Mr Paul Givan MLA  
Chairman, Committee for Justice

7 November 2013