



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 21 NOVEMBER 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 Alban Maginness 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 Patsy McGlone MLA

The meeting commenced at 2.08 p.m. in public session.

1. Apologies

Apologies are listed above.

2. Draft minutes of the meeting held on 14 November 2013

The Committee approved the draft minutes of the meeting held on 14 November 2013.

3. Matters Arising

- i. The Committee considered further correspondence from His Honour Judge Desmond Marrinan following his oral evidence to the Committee on 7 November 2013 on the judicial appointments process and a High Court Judge competition.

Agreed: The Committee agreed to request a number of additional papers from the Northern Ireland Judicial Appointments Commission in relation to the High Court Judge competition.

- ii. The Committee noted an updated Forward Work Programme for November and December 2013.
- iii. The Committee noted that a number of additional organisations were being contacted to ascertain their availability to meet during its visit to Sweden as part of the Committee's consideration of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

4. Briefing on the Role and Responsibilities of the Parole Commissioners for Northern Ireland

Ms Christine Glenn, Chief Parole Commissioner, Ms Moya Cushley, Secretary to the Parole Commissioners and Mr Brian Garrett, former Parole Commissioner, joined the meeting at 2.11 p.m.

Ms Glenn outlined the role and responsibilities of the Parole Commissioners for Northern Ireland.

A detailed question and answer session followed covering issues including: how the Commissioners' considered revocation of licence cases; the Commissioners' power to direct the release of recalled prisoners; public perception in relation to the release of recalled prisoners; the types of information available to the Commissioners in their consideration of revocation cases;

2.26 p.m. Mr Tom Elliott joined the meeting.

sources of medical information provided to Parole Commissioners; how the integrity of information about prisoners provided to Parole Commissioners is assessed; whether the availability of suitable medical care within prison is a factor considered by the Commissioners when assessing release;

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

the weight given to representations from politicians/political parties and whether such representations are helpful to the process; the restrictions relating to Rule 22 of the Parole Commissioners' governing rules and how this impacts upon public confidence; whether the Parole Commissioners have made wrong decisions in cases; the Commissioners' views on Rule 22 and whether it needs reviewed /changed; the legal status of the Parole Commissioners; consideration of conflict related cases; cases involving protected information; the role of the special advocate; responsibility for initiating the recall of released prisoners; the possible impact on legal representation as a result of the changes to legal aid payments; the distinction between conflict related cases and non conflict related cases; whether Commissioners have responsibility to question the legitimacy of intelligence information/protected reports; how an accused person can adequately defend themselves from information contained in 'protected reports' to which they have no access; consideration of offending whilst released on licence; what provision there is for reviewing decisions; who has responsibility for providing information to victims and their families; what opportunity there is for victims to contribute to the process; the use of victim impact statements; the weight given to a victim's input; how commissioners are appointed; whether recently publicised events undermine public confidence in the parole process; the types of conditions that can be applied when releasing prisoners; and the reasons for the increase in the number of recalls.

3.42 p.m. Mr Stewart Dickson left the meeting.

The Chief Commissioner agreed to provide the Committee with additional information in relation to conflict related cases.

The briefing was recorded by Hansard.

The Chairman thanked the officials and they left the meeting.

5. Proposed Amendments to the Parole Commissioners' Rules (Northern Ireland) 2009

The Committee considered proposals by the Department of Justice to make a number of changes to the Parole Commissioners' Rules, which prescribe the practice and procedures the Commissioners follow, to facilitate professional or expert witnesses to give evidence at oral hearings by video-link, formalise the current interim arrangements for dealing with the recall of offenders who have received a determinate custodial sentence and adopt 'working days' as the time standard throughout the Rules.

Agreed: The Committee agreed that it was content with the proposed changes to the Parole Commissioners' Rules (Northern Ireland) 2009 as outlined by the Department of Justice.

Agreed: The Committee agreed to request clarification from the Department of Justice on who has responsibility for informing victims of parole hearings and decisions.

Agreed: The Committee agree to raise the need for a wider review of Rule 22 and the input victims should have in the process with the Department of Justice and also seek its views on the current use of intelligence information / protected reports.

6. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill

The Committee considered advice provided by the Assembly Examiner of Statutory Rules on the delegated powers in the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

Agreed: The Committee agreed to refer the report of the Examiner of Statutory Rules to the Bill sponsor, Lord Morrow MLA, for his consideration and comments.

7. Section 8 Guidance for Criminal Justice Organisations on Human Rights Standards – Addition of the PSNI

The Committee considered the views of the PSNI and the Northern Ireland Policing Board on the proposal by the Attorney General for Northern Ireland to add the PSNI to the list of organisations to which he issues guidance on human rights standards under Section 8 of the Justice (NI) Act 2004.

Agreed: The Committee agreed to refer the views of the PSNI and the Northern Ireland Policing Board to the Attorney General for his comments to assist further consideration of this proposal.

8. Up-date Report on EU Justice and Home Affairs Legislative proposals and European Commission's Work Programme for 2014

The Committee considered an up-date report provided by the Department of Justice on a number of EU Justice and Home Affairs issues and the EU Annual Work Programme for 2014.

Agreed: The Committee agreed to request information on a number of EU Justice and Home Affairs legislative and non-legislative proposals not covered in the briefing paper.

9. Draft Public Guidance on the Use of Reasonable Force and Protecting against Crime

The Committee considered draft public guidance provided by the Department of Justice, which had been developed in consultation with the Public Prosecution Service and the PSNI, on the use of reasonable force and protecting against crime.

Agreed: The Committee agreed to refer the draft guidance to the Committee for Agriculture and Rural Development for its views given the origins of the guidance came from a debate on Agri-crime and the previous interest that Committee has had in the matter.

10. Access to Justice Reform Programme – Project 18: Scope Review of Operation of Family Justice

The Committee considered further information provided by the Department of Justice on the delivery of Access to Justice Reform Programme Project 18 which relates to a fundamental review of the operation of the family justice system in Northern Ireland.

Agreed: The Committee agreed to request further information on the timescales for the various projects that had been highlighted; clarification of whether the Department still intended to carry out a fundamental review of family justice as recommended by the Access to Justice Review and if so, the timescale for this, including an overview of where the project will be in 6 months, 12 months and 24 months; and how such a review sits with the current proposals to change the levels of publicly funded legal representation in the family and civil courts and reduce the level of legal aid fees, including whether there is any conflict between the projects.

11. Bail In Criminal Proceedings: Conference Report

The Committee noted a report on a conference on Bail in Criminal Proceedings attended on its behalf by a Northern Ireland Assembly Researcher.

12. House of Lords Select Committee on the European Union Sub-Committee F – Inquiry on the EU's Five Year Agenda for Justice and Home Affairs Activity 2015 – 2019

The Committee noted a copy of the submission from the Department of Justice to the House of Lords European Union Sub-Committee F Inquiry on the EU's Five Year Agenda for Justice and Home Affairs Activity 2015 – 2019.

13. Correspondence

- i. The Committee noted additional information provided by the Department of Justice following the oral evidence session on the Review of the Criteria for the Appointment of the Chief Constable of the PSNI.
- ii. The Committee noted correspondence from the Department of Justice providing a copy of a response from the Minister of Justice to a Ms Lawlor, Executive Director, Front Line Defenders regarding the prosecution of anti-racism campaigner Barbara Muldoon and implications for the right to freedom of peaceful assembly in Northern Ireland.
- iii. The Committee noted the Report of the Committee Review Group on the Review of the Committee System.
- iv. The Committee noted a copy of a letter from the Committee for Agriculture and Rural Development to the PSNI requesting information on what contingency plans are in place, especially for rural areas and farms, to allow an immediate response in the event of severe weather.
- v. The Committee considered correspondence from the Committee for Enterprise, Trade and Investment regarding opportunities for Green Investment Bank support in projects which boost green energy use and reduce costs.

Agreed: The Committee agreed to forward the correspondence to the Department of Justice for information.

- vi. The Committee considered correspondence from the PSNI regarding a copy of the Memorandum of Understanding (MOU) between it and the Office of the Police Ombudsman for Northern Ireland (OPONI).

Agreed: The Committee agreed to write to the PSNI and the Office of the Police Ombudsman confirming the handling arrangements upon receipt of a copy of the MOU.

- vii. The Committee considered correspondence from the Attorney General for Northern Ireland providing clarification regarding who has legal competence for the provision contained within the Royal Ulster Constabulary Pension Regulations 1998 relating to the payment of pension entitlement in the event that the recipient remarries.

Agreed: The Committee agreed to forward the Attorney General's correspondence to Mrs Dianne Dodds MEP who raised this matter with the Committee and to the Minister of Justice for information.

- viii. The Committee noted an invitation to the Fuel Poverty Coalition Annual Conference 'Running on Empty' on 27 November 2013.

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

- ix. The Committee noted NIACRO's Annal Report for 2012-2013.
- x. The Committee noted the Criminal Justice Inspection Northern Ireland Report on '*A Review of the Cost and Impact of Dealing with the Past on Criminal Justice Organisations in Northern Ireland*'.

14. Chairman's Business

None.

15. Any Other Business

None.

16. Date, Time and Place of next meeting

The next meeting will take place on Thursday 28 November 2013 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 4.02 p.m.

Mr Paul Givan MLA
Chairman, Committee for Justice

28 November 2013