



COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 3 APRIL 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
Ms Rosaleen McCorley MLA
Mr Patsy McGlone MLA
Mr Alban Maginness MLA
Mr Jim Wells MLA

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

Apologies: Mr Sydney Anderson MLA

The meeting commenced at 2.05 p.m. in public session.

1. Apologies

Apologies are detailed above.

2. Draft minutes of the meetings held on 25 March and 27 March 2014

The Committee approved the draft minutes of the meetings held on 25 and 27 March 2014.

3. Matters Arising

- i. The Committee considered further correspondence from the Lord Chief Justice regarding the Judicial Appointments process and a High Court Judge competition and noted that arrangements would be made for the Lord Chief Justice to attend a meeting of the Committee to discuss the matter but Lord Justice Coghlin would not be attending.

2.07 p.m. Mr William Humphrey joined the meeting.

- ii. The Committee noted further information from the Department of Justice regarding assisting people out of prostitution which had been requested during the oral evidence session with departmental officials on the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill on 6 March 2014.
- iii. The Committee noted correspondence from the Minister of Justice providing an update on the current position regarding the Northern Ireland Community Safety College at Desertcreat. The Chairman advised Members that there would be an opportunity to briefly discuss this matter with the Minister following the briefing in relation to the On the Runs Administrative Scheme and Letters.

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

2.10 p.m. Mr Seán Lynch joined the meeting.

2.10 p.m. Mr Patsy McGlone joined the meeting.

4. Oral Evidence in relation to the On the Runs Administrative Scheme and Letters

Mr David Ford MLA, Minister of Justice joined the meeting at 2.10 p.m.

The Minister made some brief opening remarks.

A detailed question and answer session followed covering issues including: when the Minister became aware of the On the Runs Scheme; whether he viewed the On the Runs Scheme as a devolved matter; whether it could be seen as interfering with the devolution of policing and justice; whether the Scheme should have been devolved when policing and justice powers were devolved; whether the On the Runs Scheme had ended; whether it was now a matter for the Department of Justice; on what issues the Minister has sought legal advice in relation to the On the Runs Scheme; whether the legal advice sought by the Minister is a matter of public interest and therefore should be released; why the Minister had sought legal advice and whether he had received it yet; how many letters were issued by the previous government and how many by the current government; what action the Department intends to take in respect of this matter; what knowledge the Minister now has of the Scheme; whether any letters arising from the Scheme have been presented in any courts in Northern Ireland; whether the Minister has made enquiries with the NICTS in relation to such letters being presented;

2.35 p.m. Mr Tom Elliott left the meeting.

whether the Minister regards arrests, charges and prosecutions as devolved matters; who has responsibility for the policy framework within which the PSNI and PPS operate; the Minister's relationship with the Department of Justice Permanent Secretary; whether the Permanent Secretary should have sought advice regarding the need to brief the Minister on the Scheme; why the Minister had not involved the Permanent Secretary when seeking legal advice on the On the Runs Scheme; whether the Minister has met with the Head of the Northern Ireland Civil Service in relation to the actions of his Permanent Secretary; the Minister's meeting with the Secretary of State for Northern Ireland and what was discussed; what papers the Minister has requested from the Northern Ireland Office in relation to the Scheme; whether the Minister accepted that public confidence in the justice system and the PSNI had been damaged; what action the Minister will take following the evidence from a retired Senior Police Officer to the NI Affairs Committee; whether the Minister thought the recent publicity around the On the Runs Scheme

influenced the Chief Constable's decision to announce his retirement; what action the Minister can take to restore confidence in the PSNI and the PPS; who was responsible for issuing the letters; whether the Secretary of State had confirmed the existence of other issues/ Schemes similar to this one; whether the Minister receives minutes of Policing Board meetings and whether he had been briefed by officials after the matter had been covered at a Board meeting; what access the Minister has to papers from a previous administration; what role the NI Prison Service had in relation to the Scheme and the Minister's knowledge of this; whether the Minister has sought a meeting with the Director of Public Prosecutions in respect of the role of the PPS; whether the Minister agreed with the suggestion that the existence of the Scheme was widely known; whether the Minister now has responsibility for dealing with On the Runs and how the Minister can be sure the Scheme is ended if the PPS and PSNI can operate it without having to report to the Minister.

The Minister then briefly discussed the current position in relation to the Desertcreat Police and Community Safety College Capital Project and answered questions in relation to the capability of the new Programme Board;

3.31 p.m. Mr Seán Lynch left the meeting.

the failures of the design team and whether a decision has been taken to pursue damages; what assurance could be given that the project will be completed; the new timescales for the project; the reason why the preferred bidder will be allowed to retender; and whether an appraisal of the project will re-examine the procurement process.

3.35 p.m. Mr Jim Wells left the meeting.

The briefing was recorded by Hansard.

The Chairman thanked the Minister and he left the meeting.

5. Briefing on the Results of the Consultation on an Equality Impact Assessment of Youth Engagement Clinics

Ms Maura Campbell, Deputy Director, Criminal Justice Development Division and Mr Chris Matthews, Criminal Justice Development Division, Department of Justice, Ms Mary Aughey, Director of Youth Justice Services, Youth Justice Agency and Acting Inspector Lee Russell, Policing with the Community, PSNI joined the meeting at 3.37 p.m.

Ms Campbell outlined the results of the consultation on the Equality Impact Assessment of Youth Engagement Clinics and the proposed way forward.

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

3.44 p.m. Mr Seán Lynch joined the meeting.

A question and answer session followed covering issues including: whether there was a lower than expected uptake for legal advice from those participating in the clinics and the reasons for this; what action would be taken around this issue; how best practice would be rolled out across police districts to ensure consistency of approach;

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

the nature of Youth Engagement Clinics and whether proceedings are recorded; and whether the young people who engage with the Youth Engagements Clinics are advised of the implications of future disclosures.

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 publish the final EQIA and commence the roll-out of Youth Engagement Clinics across the remaining police districts.

6. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Clause-by-Clause Consideration

The Committee continued its consideration of the clauses of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

Agreed: The Committee agreed to continue its consideration of a number of the clauses at the meeting on Tuesday 8 April and consider and agree its draft report on the Bill at the meeting on Thursday 10 April 2014.

The Committee commenced its formal clause-by-clause consideration of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

Clause 1 - Definition of human trafficking and slavery offences

The Committee considered Clause 1 as drafted and noted that, depending on the results of the Department of Justice consultation on its proposals to simplify and consolidate the legislative framework around human trafficking and slavery offences, changes may be required.

Question: “That the Committee is content with Clause 1 put and agreed to”.

Clause 2 - Consent irrelevant for victim of human trafficking or slavery offences

The Committee considered an amendment proposed by Lord Morrow to make it clear that consent is irrelevant for victims of human trafficking or slavery offences and noted that consequential amendment may be needed to this clause if the proposed clause 2(2) of the Modern Slavery Bill is enacted in a similar way in Northern Ireland following the Department of Justice consultation.

Agreed: The Committee was content with the following amendment proposed by Lord Morrow:

Clause 2, Page 1, Line 14

Leave out from ‘where’ to end of line 6 on page 2

Question: “That the Committee is content with Clause 2 subject to Lord Morrow’s proposed amendment put and agreed to”.

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

Clause 5 - Amendments to the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004

The Committee considered Clause 5 as drafted and noted that, subject to the results of the Department of Justice consultation on a proposal for a new consolidated offence of human trafficking, which would result in the repeal of Section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, it could become redundant. It further noted that if Clause 5 remains, a number of technical amendments may be necessary.

Question: “That the Committee is content with Clause 5 put and agreed to”.

Clause 7 - Requirements and resources for investigation or prosecution

The Committee considered amendments proposed by the Department of Justice to remove 7(1) and cover training in Clause 15 and omit unnecessary words in 7(2).

Agreed: The Committee was content with the following amendments proposed by the Department of Justice:

Clause 7, Page 4, Line 10
Leave out subsection (1)

Clause 7, Page 4, Line 19
Leave out ‘wherever the offence takes place’

Question: “That the Committee is content with Clause 7 subject to the Department’s proposed amendments put and agreed to”.

Clause 9 - Victim of trafficking in human beings

The Committee considered amendments proposed by Lord Morrow consequential to amendments to Clause 13 to change ‘victim’ to ‘complainant’ and noted the Department of Justice’s intention to bring forward proposed amendments to clarify the definitions of victims of human trafficking in relation to the distinct roles and responsibilities of both the Department of Justice and the Department of Health, Social Services and Public Safety in providing support to victims and potential victims of human trafficking.

Agreed: The Committee was content with the following amendments proposed by Lord Morrow:

Clause 9, Page 5, Line 4
Leave out ‘and Part 3’

Clause 9, Page 5, Line 19
Leave out lines 19 and 20

Question: “That the Committee is content with Clause 9 subject to Lord Morrow’s proposed amendments put and agreed to”.

Clause 10 - Requirements for assistance and support

The Committee considered Clause 10 as drafted and noted the intentions of both the Department of Justice and Department of Health, Social Services and Public Safety to bring forward amendments which will set out the respective functions and responsibilities of each Department in relation to the assistance and support to be provided to victims of human trafficking.

Question: “That the Committee is content with Clause 10 put and agreed to”.

Clause 12 - Child trafficking guardian

The Committee considered an amendment proposed by Lord Morrow to ensure that an employee of a Health and Social Care Trust cannot be a guardian.

Agreed: The Committee was content with the following amendment proposed by Lord Morrow:

Clause 12, Page 7, Line 16

At end insert ‘except for an employee of a Health and Social Care trust’

Question: “That the Committee is content with Clause 12 subject to Lord Morrow’s proposed amendment put and agreed to”.

Clause 13 - Protection of victims in criminal investigations

4.16 p.m. Mr Jim Wells joined the meeting.

The Committee considered amendments proposed by Lord Morrow to change ‘investigation’ to ‘investigations’ and change ‘victim’ to ‘complainant’ and to include a definition of ‘the accused’ and ‘the complainant’.

Agreed: The Committee was content with the following amendments proposed by Lord Morrow:

Amendment to Title of Part 3

Clause 13, Page 8, Line 3

Leave out ‘investigation’ and insert ‘investigations’

Amendments to Clause 13

Clause 13, Page 8, Line 2

Leave out ‘victims’ and insert ‘complainants’

Clause 13, Page 8, Line 4

Leave out ‘victims’ and insert ‘complainants’

Clause 13, Page 8, Line 6

Leave out ‘victim’ and insert ‘complainant’

Clause 13, Page 8, Line 9

Leave out ‘victim’ and insert ‘complainant’

Clause 13, Page 8, Line 12

Leave out ‘victim’ and insert ‘complainant’

Clause 13, Page 8, Line 14

Leave out ‘victim’ and insert ‘complainant’

Clause 13, Page 8, Line 15

Leave out ‘victim’ and insert ‘complainant’

Clause 13, Page 8, Line 16

Leave out 'victim' and insert 'complainant'

Clause 13, Page 8, Line 18

Leave out 'victim' and insert 'complainant'

Clause 13, Page 8, Line 20

Leave out 'victim' and insert 'complainant'

Clause 13, Page 8, Line 23

Leave out 'victim' and insert 'complainant'

Clause 13, Page 8, Line 24

Leave out 'victim' and insert 'complainant'

Clause 13, Page 8, Line 27

Leave out 'victim' and insert 'complainant'

Clause 13, Page 8, Line 27

Leave out 'victim's' and insert 'complainant's'

Clause 13, Page 8, Line 29

At end insert -

'(2) In this section—

"the accused" means a person who is alleged to have committed, or has committed, a human trafficking offence;

"complainant" means a person against or in relation to whom a human trafficking offence is alleged to have been committed, or has been committed.'

The Committee considered proposed amendments by the Department of Justice to change 'chief office of police' to 'Chief Constable' and 'professionals' to 'persons'.

Agreed: The Committee was content with the following proposed departmental amendments:

Clause 13, Page 8, Line 6

Leave out 'chief officer of police' and insert 'Chief Constable'

Clause 13, Page 8, Line 21

Leave out 'professionals' and insert 'persons'

Question: "That the Committee is content with Clause 13 subject to Lord Morrow's and the Department of Justice's proposed amendments put and agreed to".

Clause 14 - Amendments to the Criminal Evidence (Northern Ireland) Order 1999

The Committee considered an amendment proposed by Lord Morrow to change 'victim' to 'complainant' and noted a consequential amendment may also be required following the Department of Justice consultation on its proposals to simplify and consolidate the legislative framework around human trafficking and slavery offences.

Agreed: The Committee was content with the following amendment proposed by Lord Morrow:

Clause 14, Page 9, Line 2

Leave out 'victim' and insert 'complainant'

Question: "That the Committee is content with Clause 14 subject to Lord Morrow's proposed amendment put and agreed to".

Clause 17 - General interpretation

The Committee considered a proposed amendment by the Department of Justice to clarify the definition of a child.

Agreed: The Committee was content with the following proposed departmental amendment:

Clause 17, Page 10, Line 1

Leave out from 'shall' to end of line 2 and insert 'means a person under the age of 18'

Question: "That the Committee is content with Clause 17 subject to the Department of Justice's proposed amendment put and agreed to".

4.20 p.m. Mr Raymond McCartney left the meeting.

Clause 18 – Orders

The Committee considered an amendment proposed by Lord Morrow so that orders under Clauses 12(7)(a) and Clause 16 are subject to the draft affirmative procedure with other orders being subject to the negative resolution except for the Commencement Order in Clause 19 and noted that the Department of Justice was working on minor technical amendments which it would bring forward if Clause 16 was to fall from the Bill.

Agreed: The Committee was content with the following amendment proposed by Lord Morrow:

Clause 18, Page 10, Line 7

Leave out lines 7 and 8 and insert -

(1) Except as provided by subsections (2) and (3), orders made under this Act are subject to negative resolution.

(2) No order shall be made under section 12(7)(a) and section 16 unless a draft of the order has been laid before, and approved by resolution of, the Assembly.

(3) Subsection (1) does not apply to an order under section 19.

Question: "That the Committee is content with Clause 18 subject to Lord Morrow's proposed amendment put and agreed to".

7. Attorney General for Northern Ireland's Draft Human Rights Guidance for the Northern Ireland Prison Service on Prison Order and Discipline

The Committee considered draft guidance for the Northern Ireland Prison Service on Prison Order and Discipline provided by the Attorney General for Northern Ireland in accordance with Section 8 of the Justice (Northern Ireland) Act 2008.

Agreed: The Committee agreed it was content with the Attorney General's draft guidance for the Northern Ireland Prison Service on Prison Order and Discipline.

8. Draft Public Guidance on the Use of Reasonable Force to Protect Against Crime

The Committee considered additional information provided by the Department of Justice in relation to the development of the draft Guidance on the Use of Reasonable Force to Protect Against Crime and the timescale for publication.

Agreed: The Committee agreed that it was content with the draft Guidance.

Agreed: The Committee agreed to forward a copy of the additional information provided by the Department of Justice to the Committee for Agriculture and Rural Development for information.

9. Correspondence

- i. The Committee noted a response from the Department of Justice on the Report on the Rapid Assessment Treatment Service for Drug and Alcohol Misusers, a Ten Year Review 2003-13 and the position regarding funding for the programme.

Agreed: The Committee agreed to request a further response from the Minister of Justice following his visit to the Addiction NI offices.

- ii. The Committee noted a copy of the Department of Justice's submission to the Committee for Employment and Learning on its Inquiry into post Educational Special Needs Provision in education, employment and training for those with learning disabilities.

- iii. The Committee noted a response from the Department of Justice regarding the Committee for Finance and Personnel Inquiry into Flexible Working in the Public Sector in Northern Ireland.

Agreed: The Committee agreed to forward the Department's response to the Committee for Finance and Personnel.

- iv. The Committee noted a response from the Department of Justice on the issues and sections of the Northern Ireland Audit Office Report on Sickness Absence in the Public Sector relevant to the Department of Justice and the actions being taken by the Department to proactively manage sickness absence.

- v. The Committee noted correspondence from the Committee for Finance and Personnel forwarding a further response from the Department of Finance and Personnel regarding the procurement contract for drug testing in the NI Prison Service.

Agreed: The Committee agreed to consider what further action, if any, is required when a response on this issue is received from the Department of Justice.

- vi. The Committee noted a response from the Northern Ireland Courts and Tribunals Service regarding recent correspondence referred to it by the Committee from a Mr McHugh.
- vii. The Committee noted the Police Rehabilitation and Retraining Trust Group Annual Report for the year ended 31 March 2013.
- viii. The Committee noted the Futures (NI) Limited Annual Report for the year ended 31 March 2013.
- ix. The Committee noted a summary of progress on the delivery of Department of Justice capital projects detailed in the ISNI Delivery Tracking System.
- x. The Committee considered correspondence from the RUC George Cross Widows' Association regarding the withdrawal of funding by the Department of Justice.

Agreed: The Committee agreed to request information from the Department of Justice on the background to and rational for the decision to withdraw funding for the RUC George Cross Widows' Association and what consideration had been given to identifying alternative sources of funding for the organisation.

- xi. The Committee considered a letter from the Director of Public Prosecutions regarding his attendance at a Committee meeting to discuss the On the Runs Administrative Scheme and letters.

Agreed: The Committee agreed to request legal advice on the matter.

A separate issue was raised by a Member in relation to the Public Prosecution Service handling of a case involving L Adams and a Review carried out by the Attorney General for Northern Ireland.

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

Agreed: The Committee agreed to request a copy of the Attorney General's Report on his Review of the handling of the case by the Public Prosecution Service.

4.36 p.m. Mr Jim Wells left the meeting.

10. Chairman's Business

- i. The Chairman advised Members that he had received a request from Mr Danny Kinahan MLA, Chair of the All Party Group on Country Sports, for a meeting with the Committee to discuss the security specification for firearms dealers and other issues.

Mr Givan and Mr Elliot declared an interest as Members of the All Party Group on Country Sports.

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

Agreed: The Committee agreed that an informal meeting with the All Party Group on Country Sports should be arranged.

- ii. The Chairman informed Members that he and the Deputy Chairman had met with senior NI Prison Service officials earlier in the week to discuss the proposed changes to Prison Chaplaincy arrangements. The Committee noted that a written update on this issue would be provided after the officials met with Church representatives in the near future to discuss the proposals.

11. Any Other Business

None.

12. Date, Time and Place of next meeting

The next meeting will take place on Tuesday 8 April 2014 at 1.00 p.m. in Room 29, Parliament Buildings.

The meeting was adjourned at 4.39 p.m.

Mr Paul Givan MLA
Chairman, Committee for Justice