



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

WEDNESDAY 4 JUNE 2014
Room 21, 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
Ms Rosaleen McCorley MLA
Mr Alban Maginness MLA

In Attendance: Mrs Christine Darragh (Assembly Clerk)
Mrs Roisin Donnelly (Assistant Assembly Clerk)
Miss Leanne Johnston (Clerical Supervisor)
Miss Marianne Doherty (Clerical Officer)
Miss Aoibhinn Treanor (Assembly Bill Clerk)
Ms Eilís Haughey (Assembly Bill Clerk)

Apologies: None

The meeting commenced at 2.10 p.m. in public session.

1. Apologies

None.

2. Draft minutes of the meeting held on 28 May 2014

The Committee approved the draft minutes of the meeting held on 28 May 2014.

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

3. Matters Arising

None.

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

4. Briefing by the Lord Chief Justice on: The Judicial Appointments Process; Lenient Sentencing for Animal Cruelty Cases; Work regarding Consistency in Sentencing; and Sentencing in relation to Attacks on the Elderly

The Rt Hon Sir Declan Morgan QC, Lord Chief Justice of Northern Ireland, Mandy Kilpatrick, Interim Chief Executive, Northern Ireland Judicial Appointments Commission and Clare McGivern, Legal Adviser, Office of the Lord Chief Justice joined the meeting at 2.14 p.m.

The Lord Chief Justice briefed the Committee on a range of issues.

A detailed question and answer session followed covering issues including:

The Judicial Appointments Process

The Lord Chief Justice's position in relation to discussing the 2009 High Court Judge competition; contact and communication between the Lord Chief Justice and Judge Marrinan since the evidence presented to the Committee at its meeting on 7 November 2013; why the selection panel for the 2009 competition failed to complete the moderation process and the acceptance that this was a breach of guidance and procedures; why the Chair of the 2009 selection panel indicated that they would not recommend a candidate who scored only one mark more than another candidate; how the panel moderated the scores and whether there was a rounding up or down of the scores achieved by the candidates; the rationale for the introduction of a further assessment stage to the competition; the rationale for requesting written work as part of the competition assessment; the moderation process adopted by selection panels; why NIJAC made a recommendation for appointment to the Lord Chancellor in relation to the 2009 competition when the complaints process with the NI Judicial Appointments Ombudsman had not been completed; the rationale for abandoning the competition instead of appointing the remaining candidate; the minimum score required by candidates to be eligible for selection; whether the length of time for completion of the competition of almost 3 years was reasonable and the effect this had on the candidates; the reasons for using the term 'recommencing' the competition and why this approach was adopted; the options available to candidates to challenge decisions; whether the breach in procedure by the selection panel adversely affected the outcome and should have resulted in the competition being rerun; whether the handling of the 2009 competition has damaged public perception of NIJAC; whether a review of NIJAC's processes is required to restore confidence; whether there should be a separation between the role of the Lord Chief Justice as Head of the Judiciary and as Chair of NIJAC; review mechanisms within NIJAC and what changes have been made as a result of the handling of the 2009 competition; the role of the Northern Ireland Judicial Appointments Ombudsman; how to address the perception that the senior judiciary continue to influence the appointment process; the role of NIJAC Lay Members; the need to increase the diversity of applicants; whether a lay person should be appointed as chair of NIJAC; and how the judicial appointments process can be improved.

Lenient Sentencing for Animal Cruelty Cases

Whether a new aggravated animal cruelty offence with a maximum sentence of 5 years should be introduced; what role if any a judge has in making comment if a lesser charge is brought before the court; the role if any of the judge in questioning why certain prosecutions are not being brought forward; the parameters for contempt of court proceedings; whether there are lessons to be learnt from a recent animal cruelty case which attracted significant media attention and the systems adopted in other

jurisdictions; and the need for all criminal justice organisations to understand their role in the process.

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

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

Sentencing in relation to Attacks on the Elderly

Views on mandatory minimum sentences for crimes against the elderly; the psychological effect of attacks; the importance of victim impact statements and the assistance provided by Victim Support; the role of the Probation Board in completing pre-sentence reports.

The briefing was recorded by Hansard.

The Chairman thanked the Lord Chief Justice and his officials for their attendance and they left the meeting.

The meeting moved into closed session at 4.31 p.m.

5. Legal Aid and Coroners' Courts Bill - Advice from the Bill Clerk

The Assembly Bill Clerk joined the meeting at 4.31 p.m. and provided preliminary advice to the Committee on the scope of the Legal Aid and Coroners' Courts Bill and answered Members' questions.

The Chairman thanked the Assembly Bill Clerk for the briefing.

4.43 p.m. Mr Sydney Anderson left the meeting.

The meeting was suspended at 4.51 p.m.

The meeting resumed at 5.01 p.m. in public session.

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 Seán Lynch MLA*
- Ms Rosaleen McCorley MLA*
- Mr Alban Maginness MLA*

6. Legal Aid and Coroners' Courts Bill – Clause by Clause Consideration

The Committee noted correspondence from the Department of Justice on the Attorney General for Northern Ireland's proposed amendment to the Bill and on Clause 3 of the Bill.

The Committee considered the clauses and schedules of the Legal Aid and Coroners' Courts Bill. The Committee also discussed the issues raised by the Examiner of Statutory Rules in relation to several of the delegated powers and Assembly controls contained in the Bill and the Attorney General's proposed amendments to the Bill.

Agreed: The Committee agreed that regulation making powers within Schedule 2 of the Bill in respect of the assignment of solicitor and counsel where a criminal and certificate has been granted and for the constitution and procedure of appeals panels in respect of individual decisions relating to the granting of civil legal aid services should be subject to draft affirmative procedure on the first and subsequent exercise of the power and the Bill should be amended accordingly.

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

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

7. SL1: Amendment to Section 46 (1) of the Justice (Northern Ireland) Act 2002 – Organisations that must be inspected by the Chief Inspector of Criminal Justice, CJINI

The Committee considered a proposed Statutory Rule by the Department of Justice to amend the list of organisations at Section 46 (1) of the Justice (Northern Ireland) Act 2002 that CIJINI has the power to inspect.

Agreed: The Committee agreed that it was content with the proposed Statutory Rule.

8. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill: Clause 11 – Compensation for Victims of Trafficking

The Committee considered information provided by the Department of Justice on the application of the statutory compensation scheme, its accessibility to victims of human trafficking and the on-going Review of Compensation Legislation.

Agreed: The Committee agreed that further information on the new measures to ensure compensation is paid to victims contained in the Modern Slavery Bill, which was announced in the Queen's Speech to both Houses of Parliament at the State Opening of Parliament, should be circulated to Members and it would consider the matter further when the draft consultation document on the Criminal Injuries of the Review is available.

9. AccessNI – Review of 2013/14 and Key Issues for 2014/15

The Committee noted information provided by the Department of Justice on AccessNI's performance for the 2013/14 financial year and the key challenges the organisation will face during 2014/15.

10. Update on Department of Justice Savings Delivery Plans, 2013/14 Provisional Outturn and June 2014 Monitoring Round

The Committee considered the Department of Justice's six-monthly update on its Savings Delivery Plans as at 31 March 2014, its provisional outturn figures for the 2013/14 financial year and details of its June Monitoring Round Return.

Agreed: The Committee agreed that an oral briefing from departmental officials on the update on Department of Justice Savings

11. Update on Department of Justice Programme for Government Commitments

The Committee noted an update from the Department of Justice on progress in relation to the seven commitments for which it has responsibility in the Programme for Government.

12. Northern Ireland Human Trafficking and Exploitation Action Plan 2014 – 15

The Committee considered the Northern Ireland Human Trafficking and Exploitation Action Plan for 2014/15 which had been developed by the Department of Justice in collaboration with statutory partners on the Organised Crime Task Force Immigration and Human Trafficking Subgroup and civil society partners through the Human Trafficking Engagement Group.

Agreed: The Committee agreed to request a six-monthly update on the implementation of the plan from the Department of Justice.

13. Correspondence

- i. The Committee considered correspondence from the Department of Justice providing information requested by the Committee on the withdrawal of funding from the RUC George Cross Widows' Association.

Agreed: The Committee agreed to request an oral briefing from the Department of Justice on the change of the Association's classification and on how the grant application process works and to invite representatives of the Association to brief the Committee on the issue.

Agreed: The Committee agreed to write to the Department of Finance and Personnel to request information on the rationale for the change in the Association's classification.

Agreed: The Committee agreed to forward a copy of the response from the Department of Justice to Gordon Dunne MLA who raised the issue with the Committee.

- ii. The Committee noted the Department of Justice Corporate Plan for 2012-2016 and Business Plan for 2014-15.

- iii. The Committee noted an invitation from the Department of Justice to the launch of the Organised Crime Task Force Annual Report and Threat Assessment for 2014 on 24 June 2014 in the Titanic Building, Belfast.

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

- iv. The Committee noted the Department of Finance and Personnel Memorandum on the Nineteenth and Twentieth Reports from the Public Accounts Committee Mandate 2011-2015 which covered the Public Accounts Committee Report on the PSNI Use of Agency Staff.

- v. The Committee noted correspondence from the Committee for Finance and Personnel providing a briefing paper from the Department of Finance and Personnel on the Main Estimates 2014-15 and the Budget (No.2) Bill 2014.
- vi. The Committee noted correspondence from the Committee for the Office of the First Minister and deputy First Minister regarding a proposal by the Northern Ireland Office to reduce the Northern Ireland Human Rights Commission's budget for 2015-16.
- vii. The Committee noted a response from the Attorney General for Northern Ireland in relation to the report of his Review of the decision by the Public Prosecution Service not to prosecute Gerry Adams TD.
- viii. The Committee considered correspondence from the Northern Ireland Human Rights Commission to the Minister of Justice in relation to Clause 6 of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

Agreed: The Committee agreed to request a copy of the Minister of Justice's response to the Commission.

- ix. The Committee noted a response from the Public Prosecution Service regarding the Attorney General's Report of his Review in relation to aspects of the decision of the Public Prosecution Service not to prosecute Gerry Adams TD.
- x. The Committee noted the Criminal Justice Inspection Northern Ireland's pre-accreditation inspection report of North Belfast and South and East Belfast Community Restorative Justice Ireland Schemes.
- xi. The Committee noted a summary of progress on the delivery of Department of Justice capital projects detailed in the ISNI Delivery Tracking System.

14. Chairman's Business

None.

15. Any Other Business

None.

16. Date and Time of next meeting

The next meeting will take place on Wednesday 11 June 2014 at 2.30 p.m. in Room 21, Parliament Buildings.

The meeting was adjourned at 5.38 p.m.

Mr Paul Givan MLA
Chairman, Committee for Justice