



COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 6 MARCH 2014
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 Darrah (Assembly Clerk)
Ms Marie Austin (Assistant Assembly Clerk)
Miss Leanne Johnston (Clerical Supervisor)
Miss Marianne Doherty (Clerical Officer)
- Apologies: Mr Patsy McGlone MLA

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

1. Legal Advice on issues relating to the Judicial Appointments Process

Mr Hugh Widdis, Director of Legal Services, and Mr Jonathan McMillen, Legal Advisor, attended the meeting to provide further legal advice on issues relating to the Judicial Appointments Process and answered Members' questions on a range of issues.

The Chairman thanked Mr Widdis and Mr McMillen and they left the meeting.

Agreed: The Committee agreed to write to the Lord Chief Justice clarifying the jurisdiction of the Committee for Justice in relation to Judicial Appointments Policy and Processes and to reissue its invitation to the Lord Chief Justice and Lord Justice Coghlin to attend a meeting to discuss a High Court Judge competition.

The meeting moved into public session at 2.41 p.m.

2. Apologies

Apologies are detailed above.

3. Draft minutes of the meeting held on 27 February 2014

The Committee approved the draft minutes of the meeting held on 27 February 2014.

4. Matters Arising

The Committee noted a response from Mr Peter Johnston, Director of BBC Northern Ireland confirming that the material referred to at the Committee meeting on 20 February 2014 had previously been forwarded by BBC Northern Ireland to the PSNI.

The Chairman reminded Members that the confidentiality of information discussed in closed session should be respected.

5. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Oral evidence from the Department of Justice

Simon Rogers, Deputy Director, Protection and Organised Crime Division, Gareth Johnston, Deputy Director, Criminal Justice Policy and Legislation Division, Julie Wilson, Policing and Organised Crime Division and Amanda Patterson, Criminal Justice Policy and Legislation Division, Department of Justice joined the meeting at 2.45 p.m.

Simon Rogers and Gareth Johnston outlined the Department's current position on each of the clauses in the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

A detailed question and answer session followed covering issues including: the reasons why the Department no longer feels that an amendment to Clause 1 is necessary; the availability of sentencing guidelines and whether there is a need to specify aggravating factors in legislation; the use of mandatory minimum sentences and whether the Bill provided sufficient qualification for exceptional circumstances; the policy intent of Clause 8; the outcome of the discussions that have taken place with Lord Morrow in relation to Clause 8; whether raising awareness around the non-prosecution of victims of trafficking could be addressed through Clause 15 and whether this would be a better approach; whether Clause 8 provides for a blanket immunity from prosecution; whether Clause 8 would be required if prosecutorial guidance could be strengthened; the potential for abuse of the Clause 8 provisions; the National Referral Mechanism process; the level of compensation for victims of trafficking; whether victims are compensated for injuries received or because they have been trafficked; the criteria to be met before a victim becomes eligible for compensation; potential amendments to the compensation scheme; whether there is a need for a Northern Ireland Rapporteur; the proposal for a United Kingdom-wide Anti-Trafficking Commissioner as set out in the draft Modern Slavery Bill; the research being carried out by the Department of Justice on prostitution in Northern Ireland and the associated timescale; the researchers the Department has engaged in the past; the Department's assessment of the PSNI's revised view on Clause 6; the EU Women's Rights and Gender Equality Committee resolution on prostitution and criminalising the purchase of sex; the Department's current position on Clause 6 of the Bill; in what context the Department would legislate for prostitution; how Clause 6 would impact on existing legislation; the potential unintended consequences of Clause 6; the recommendations of the House of Commons All Party Group on Prostitution and the Global Sex Trade; the meetings which have taken place between the Department of Justice and external stakeholders in relation to Clause 6; the various departmental

officials working on this area and potential differing views; the number of people the Department/its agencies have helped exit prostitution; the Department's handling of a complaint made by a representative of the International Union of Sex Workers; whether the Minister of Justice intends to visit Sweden and which officials will accompany him; the Minister's evidence to the Westminster Joint Select Committee on the Draft Modern Slavery Bill; the reasons for the differing views on Clause 6; the Northern Ireland Human Rights Commission's evidence on Clause 6; whether Clause 6 could be amended to make it more effective/easier to implement; whether Clause 6 would sit better in a wider legislative framework; whether legislation could be introduced at a later stage to address any unintended consequences of Clause 6; whether the Department's research will be published; the Terms of Reference for the research and when these are set; and the timetable for the provision of draft amendments to the Bill to the Committee for consideration.

The briefing was recorded by Hansard.

The Chairman thanked the officials and they left the meeting.

6. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Oral evidence from the Attorney General for Northern Ireland

The Attorney General for Northern Ireland, Mr John Larkin Q.C. joined the meeting at 4.23 p.m. to discuss the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill and answer Members' questions.

The Attorney General raised a number of technical/legal issues in relation to the Bill including the scope and nature of Clause 2; possible amendments to Clause 4; the penalty for the payment of sexual services of a person and the definition of 'payment' and 'sexual services' in Clause 6 and a possible amendment; the purpose of Clause 7; the scope and purpose of Clause 8; and a possible amendment to Clause 19.

4.14 p.m. Mr Wells left the meeting.

At the Chairman's request the Attorney General also clarified that he had had no involvement in the devising or processing of the On the Runs administrative scheme and had not been consulted by the Public Prosecution Service regarding it.

The briefing was recorded by Hansard.

The Chairman thanked the Attorney General and he left the meeting.

7. S.R. 2014/40 The Building Society Special Administration Rules (Northern Ireland) 2014

The Committee considered Statutory Rule 2014 No.40 The Building Society Special Administration Rules (Northern Ireland) 2014 which will make provision for procedures to be followed if a building society is undergoing the Building Society Special Administration Procedure.

Agreed: The Committee for Justice considered Statutory Rule 2014 No.40 The Building Society Special Administration Rules (Northern Ireland) 2014 and agreed that it was content with the Rule.

8. S.R. 2014/41 The Building Society Insolvency Rules (Northern Ireland) 2014

The Committee considered Statutory Rule 2014 No.41 The Building Society Insolvency Rules (Northern Ireland) 2014 which will make provision for procedures to be followed if a building society is undergoing the Building Society Insolvency Procedure.

Agreed: The Committee for Justice considered Statutory Rule 2014 No.41 The Building Society Insolvency Rules (Northern Ireland) 2014 and agreed that it was content with the Rule.

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

The Committee considered the Attorney General's proposal to add the PSNI to the list of organisations to which he issues guidance on human rights standards under Section 8 of the Justice (Northern Ireland) Act 2004 and the mechanism by which the amendment to Section 8 of the Justice Act 2004 would be made.

Agreed: The Committee agreed to refer the Hansard of the briefing by the Attorney General on 6 February 2014 on his proposal to add the PSNI to the list of organisations to which he issues guidance on human rights standards under Section 8 of the Justice (Northern Ireland) Act 2004 and his related correspondence to the Northern Ireland Policing Board and request that it reviews and clarifies its position on the matter in light of the Attorney General's further comments.

10. Proposals to Assess the Impact of the Department of Justice Legal Aid Reform Package

The Committee considered possible areas and issues for inclusion in an independent assessment of the impact of the Department of Justice legal aid reforms for consideration by the Chief Inspector of the Criminal Justice Inspection Northern Ireland.

Agreed: The Committee agreed the civil and criminal legal aid areas and issues to be included in an assessment of the impact of the Department of Justice legal aid reforms.

Agreed: The Committee agreed that the impact of the proposals to harmonise the financial eligibility test for applicants seeking civil legal aid should be included in the assessment.

Agreed: The Committee agreed to defer consideration of the proposals to harmonise the financial eligibility test for applicants seeking civil legal aid until the information on the impact of the proposals was available.

11. Correspondence

- i. The Committee noted correspondence from the Department of Justice advising of the contracts recently awarded to provide a support service to potential adult victims of human trafficking.
- ii. The Committee noted a guide on Autism for criminal justice professionals that was recently launched by the Minister of Justice.

- iii. The Committee noted correspondence from the Committee for Finance and Personnel providing an Assembly Research paper on Financial Transactions Capital.
- iv. The Committee noted correspondence from Mr Jim Shannon MP providing information from a private company regarding farm crime and proposals to establish a team to support the PSNI in rural areas.
- v. The Committee noted correspondence from the Northern Ireland Commissioner for Children and Young People providing a copy of a research report '*By Their Side and On Their Side: Reviewing the Evidence of Guardianship Arrangements in Northern Ireland*'.
- vi. The Committee noted further correspondence from GMB London Region providing details of its London Entertainment & International Union of Sex Workers Branch.
- vii. The Committee noted a copy of correspondence from a Mr Ross to the Legal Services Commission regarding the eligibility criteria for legal aid and the assessment of a specific legal aid application.
Agreed: The Committee agreed to forward the correspondence to the Legal Services Commission and the Minister of Justice for a response on the issues raised.
- viii. The Committee noted correspondence from an individual regarding a family's experience of a recent sexual abuse court case and the management of that case.
Agreed: The Committee agreed to write to the Minister of Justice and the Office of the Lord Chief Justice regarding the matter and request copies of their responses to the individual.
- ix. The Committee noted an invitation to the launch of the PBNI Corporate Plan 2014-17 on 26 March 2014 in the Probation Board Headquarters, Belfast.
Agreed: The Committee agreed that Members should advise the Clerk if they wished to attend.
- x. The Committee noted correspondence from the Department of Justice advising that the Minister of Justice had accepted an invitation to give evidence on 4 March 2014 to the Westminster Joint Select Committee on the draft Modern Slavery Bill and how the proposals might interface with similar legislation in Northern Ireland.
- xi. The Committee noted the Criminal Justice Inspection Report of a Follow Up Review of Corporate Governance within the Parole Commissioners for Northern Ireland which was published on Tuesday 4 March.
- xii. The Committee noted a Statutory Declaration from a former sex worker.

12. Chairman's Business

- i. The Chairman advised Members that both he and the Deputy Chairman had been invited by the Department of Justice to a stakeholder engagement event on 10 March 2014 to inform the development of a Joint Health Care and Criminal Justice Strategy and Action Plan to comply with recommendation 13 of the Prison Review team but would be unable to attend.

- ii The Chairman advised the Committee that a number of Members had raised the issue of the On the Runs administrative scheme and the letters that had issued as part of the scheme with him and a discussion took place on the matter.

Agreed: The Committee agreed to invite the Minister of Justice, the Department of Justice Permanent Secretary, the Director of Public Prosecutions, the Secretary of State for Northern Ireland and the Attorney General, the Rt Hon Dominic Grieve Q.C. MP to attend a meeting to discuss the matter.

Agreed: The Committee agreed to request a copy of the Civil Service Code of Conduct.

Agreed: The Committee agreed to request the opinion of the Attorney General for Northern Ireland on a range of issues in relation to the On the Runs administrative scheme.

Agreed: The Committee agreed to request copies of the Written Statement and comments made in Parliament by the Attorney General, the Rt Hon Dominic Grieve Q.C. MP in relation to the On the Runs administrative scheme.

13. Any Other Business

None.

14. Date, Time and Place of next meeting

The next meeting will take place on Thursday 13 March 2014 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 5.26 p.m.

Mr Paul Givan MLA
Chairman, Committee for Justice