



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

WEDNESDAY 11 FEBRUARY 2015
Room 21, Parliament Buildings

Present: Mr Alastair Ross MLA (Chairman)
Mr Raymond McCartney MLA (Deputy Chairman)
Mr Stewart Dickson MLA
Mr Sammy Douglas MLA
Mr Tom Elliott MLA
Mr Paul Frew MLA
Mr Seán Lynch MLA
Mr Alban Maginness MLA
Mr Patsy McGlone MLA
Mr Edwin Poots MLA

In Attendance: Mrs Christine Darragh (Assembly Clerk)
Mr Keith McBride (Senior Assistant Assembly Clerk)
Mrs Roisin Donnelly (Assistant Assembly Clerk)
Ms Leanne Johnston (Clerical Supervisor)
Ms Marianne Doherty (Clerical Officer)

Apologies: None.

The meeting commenced at 2.04 p.m. in public session.

1. Apologies

As above.

2. Draft minutes of the meeting held on 4 February 2015

The Committee approved the draft minutes of the meeting held on 4 February 2015.

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

3. Matters Arising

- i. The Committee noted an Assembly research paper on the powers of the Attorney General (or equivalent) to direct an inquest in England and Wales, Scotland and the

Republic of Ireland and the provision of statutory powers to obtain papers in such circumstances.

- ii. The Committee noted a response from the Departmental Solicitor's Office (DSO) providing further information in relation to the Attorney General's proposal for legislative provision for Rights of Audience for Lawyers employed in his office and, if provided, how this should apply to lawyers in the DSO.
- iii. The Committee noted correspondence from the Director of Public Prosecutions regarding the Attorney General's proposal for legislative provision for Rights of Audience for Lawyers employed in his office and, if provided, how this should apply to lawyers in the Public Prosecution Service.
- iv. The Committee noted a response from the Department of Justice regarding funding for Voluntary Search and Rescue organisations.

Agreed: The Committee agreed to request clarification from the Department of Justice on whether these organisations can apply funding from the Policing and Community Safety Partnerships.

- v. The Committee noted an up-dated Forward Work Programme for February and March 2015.

The Committee agreed to consider Agenda Item 8.

4. SL1: Police Pension Regulations (Career Average Revalued Earnings)

The Committee considered further information provided by the Minister of Justice regarding required changes to primary legislation to provide for a pensionable age of 55 for PSNI officers without monetary penalties similar to that provided for firefighters in Northern Ireland, possible legislative vehicles, timescales and the need for detailed actuarial analysis to identify the financial implications if such a change was made.

2.15 p.m. Mr Sean Lynch joined the meeting.

2.18 p.m. Mr Edwin Poots joined the meeting.

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

Members discussed the issue again and further concerns and proposals regarding the actuarial position and impact were raised.

The meeting was suspended at 2.24 p.m.

The meeting resumed at 2.59 p.m.

Present: Mr Alastair Ross MLA (Chairman)
Mr Raymond McCartney MLA (Deputy Chairman)
Mr Stewart Dickson MLA
Mr Sammy Douglas MLA
Mr Tom Elliott MLA
Mr Paul Frew MLA
Mr Seán Lynch MLA
Mr Alban Maginness MLA
Mr Patsy McGlone MLA

Following further discussion the Committee noted the Department's proposal for a Statutory Rule to make provision for the introduction of the new Career Average Revalued Earnings pension scheme for the PSNI and PSNI Reserve.

Agreed: The Committee agreed to request further information from the Department of Justice on the potential to modify the actuarial impact of early retirement for police officers and the timing of the Review referred to by the Police Federation.

5. Organised Crime Strategy 2014 and Taskforce Annual Report and Threat Assessment 2014/15 – Oral Evidence from the Department of Justice, HMRC, NCA and PSNI

Mr Simon Rogers, Deputy Director, Protection and Organised Crime Unit, Department of Justice, Detective Chief Superintendent Rob Drennan, PSNI, Mr Bob Lauder, Deputy Director, Investigations, National Crime Agency, and Mr Mike Parkinson, Assistant Director, Crime Investigations, HM Revenue and Customs joined the meeting at 3.05 p.m.

Mr Rogers outlined progress in relation to the Organised Crime Strategy and the key threats and emerging issues.

3.12 p.m. Mr Edwin Poots joined the meeting.

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

A detailed question and answer session followed covering issues including: the impact that the full operation of the National Crime Agency (NCA) in Northern Ireland will have in tackling organised crime; the distribution of seized assets and whether those from environmental crime could be used to fund environmental improvement projects; the obstacles to achieving convictions relating to fuel laundering in Northern Ireland; why so few custodial sentences have been imposed in relation to fuel laundering crimes; whether the introduction of plain packaging in relation for tobacco products would impede the detection of counterfeit cigarettes and tobacco; increased levels of cybercrime; identification of new and emerging areas of organised crime; the number of organised crime gangs that operate within Northern Ireland and whether these are concentrated in any particular geographical location; the level of co-operation between organised crime groups; examples of international organised crime groups that operate within Northern Ireland; the awareness of the general public of the detrimental impact of organised crime; covert operation intelligence gathering within Northern Ireland; civil recovery of assets which can now take place; the number of fuel laundering plants dismantled in Northern Ireland and related convictions; the number of cases involving fuel laundering and smuggling currently with the PPS for consideration of charges; laundered fuel detected within retail filling stations; sanctions relating to the detection of illegal fuel in retail filling stations; sanctions in relation to the detection of illegal fuel in a private car; HMRC's position regarding warnings to filling stations; cross-border cooperation in relation to tackling fuel laundering and the resultant environmental pollution; the work of the National Fraud Intelligence Bureau; examples of software scams; advice in relation to software scams and online fraud; comparison of the rates of illicit fuel and tobacco detected in Northern Ireland and in the rest of Great Britain; why greater resources are not being targeted to tackling levels of fuel and tobacco crime in Northern Ireland; restrictions in relation to the publication of the names of filling stations caught selling illegal fuel and whether legislative changes are required to allow this type of disclosure;

and the powers of the Social Security Agency to conduct investigations under Police and Criminal Evidence legislation.

The Chairman thanked the officials for their attendance and they left the meeting.

6. The Justice Bill – Oral evidence from the Department of Justice on Part 3 – Prosecutorial Fines

Ms Maura Campbell, Deputy Director, Criminal Justice Development Division, Mr Graham Walker, Acting Head of Speeding up Justice and Equality Branch, and Mr Paul Black, Speeding up Justice Branch, Department of Justice joined the meeting at 4.05 p.m.

Ms Campbell outlined the purpose of Clauses 17 to 27 of the Bill which cover Prosecutorial Fines and the main issues raised in the written and oral evidence received by the Committee.

4.15 p.m. Mr Sammy Douglas left the meeting.

A question and answer session followed covering issues including: whether the PPS guidance in relation to prosecutorial fines will be subject to a public consultation exercise and whether the guidance will be published; who has the power to propose prosecutorial fines; whether such fines could be used for incidents of crimes against staff in the Health Service; why the Bill does not define the range of crimes for which prosecutorial fines can apply; the difference between prosecutorial fines and cautions; the disclosure implications in relation to prosecutorial fines; the application of discretion by the PPS to offer prosecutorial fines; whether there is potential for regional disparity in the application of prosecutorial fines; monitoring the regional application of prosecutorial fines; whether an individual can request a prosecutorial fine for a particular offence; whether there are different levels of fines that can be applied; anticipated difficulties for individuals in relation to the payment of fines; whether a separate system should be designed for the collection and payment of prosecutorial fines; whether there is a limit to the number of prosecutorial fines that can be given to an individual; whether prosecutorial fines will add to the record checking workload of AccessNI; whether the PPS will seek the views of the police in individual cases; constraints and safeguards in relation to the application of prosecutorial fines to a repeat offender; the recording of offences which attract a prosecutorial fine; circumstances in which a prosecutorial fine would be disclosed in an enhanced criminal records check; the use of the term ‘fine’ rather than ‘penalty’ and whether this was potentially confusing; whether the Department had considered making prosecutorial fines more restorative in nature to address offending behaviour; and whether the non-payment of a prosecutorial fine would result in a criminal record.

The briefing was recorded by Hansard.

The Chairman thanked the officials for their attendance and Mr Walker and Mr Black left the meeting.

7. The Justice Bill – Oral evidence from the Department of Justice on Part 5– Criminal Records

Ms Maura Campbell, Deputy Director, Criminal Justice Development Division was joined by Mr Simon Rogers, Deputy Director, Protection and Organised Crime Unit, Mr Tom Clarke, General Manager, Access NI, and Ms Mary Lemon, Protection and Organised Crime Division, Department of Justice at 4.37 p.m.

4.44 p.m. Mr Sammy Douglas joined the meeting.

Mr Rogers outlined the purpose of Clauses 36 to 43 and Schedule 4 of the Bill which covers Criminal Records and the main issues raised in the written and oral evidence received by the Committee and the five amendments the Department intends to bring forward at Consideration Stage.

A question and answer session followed covering issues including: the delay in the introduction of ‘portable checks’ in Northern Ireland and the new timescale; an explanation of the ‘prescribed circumstances’ set out in clause 37; practical operational issues in relation to AccessNI checks; whether the update service will ease the delay in enhanced checks; the differences in carrying out checks for volunteers and private individuals; whether there will be changes to the AccessNI fees as a result of the update service; current AccessNI targets in relation to standard and enhanced checks; the reasons why certain cases are passed to the PSNI; the reasons for the disclosure of diversionary disposals; how the automatic referral for an independent review panel will work in practice; retention of information on an individual’s criminal record; and whether there are plans to review the Rehabilitation of Offenders Order.

The briefing was recorded by Hansard.

The Chairman thanked the officials for their attendance and they left the meeting.

8. The Justice Bill – Oral evidence from the Department of Justice on Part 8 (clauses 84 and 85) – Youth Justice

Mr Graham Walker, Acting Head of Speeding up Justice and Equality Branch, Ms Kiera Lloyd, Reducing Offending Policy Unit, Department of Justice, and Mr Declan McGeown, Chief Executive, Youth Justice Agency joined the meeting at 5.01 p.m.

Mr McGeown outlined the purpose of clauses 84 and 85 of the Bill which cover Youth Justice.

A question and answer session followed covering issues including: how implementation of the aims introduced by clause 84 would be monitored and who would be responsible for this; liaison with the Children’s Law Centre in relation to these clauses; and the impact on an individual’s life as a result of involvement with the criminal justice system as a child.

The briefing was recorded by Hansard.

The Chairman thanked the officials for their attendance and they left the meeting.

9. SL1: The Civil Legal Services (Financial) Regulation 2015

The Committee considered a proposal by the Department of Justice for a Statutory Rule to make provision for the Director of Legal Aid Casework, the Legal Aid Assessment Office and solicitors to conduct financial eligibility assessments for legal aid applications for Advice and Assistance, Assistance by Way of Representation and Civil Legal Aid.

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

10. Update on progress of the Northern Ireland Prison Service Justification Application on the possible use of Transmission X-Ray Full Body Scanners

The Committee noted information provided by the Department of Justice on the current position regarding the Northern Ireland Prison Service Justification Application on the possible use of Transmission X-Ray full body scanners in Northern Ireland prisons.

The recent incident in HM Prison Maghaberry was raised.

Agreed: The Committee agreed to write to the Department of Justice to ascertain whether the Northern Ireland Prison Service policy regarding the implementation of the Maghaberry Prison Stocktake Report had changed given the recent events.

11. Correspondence

- i. The Committee noted the publication of the Northern Ireland Courts and Tribunals Service quarterly statistical bulletin.
- ii. The Committee noted correspondence from the Committee for Finance and Personnel providing a copy of the Department for Finance and Personnel's briefing paper on the Budget Bill (Northern Ireland) 2015 & Spring Supplementary Estimates 2014-15.
- iii. The Committee noted a copy of a Public Petition provided by the Speaker regarding the 'Withdrawal of Funding from Railway Street Addiction and Rehabilitation Unit, Ballymena' which had been laid in the Assembly on 3 February 2015 by Mr Daithí McKay MLA and that the Minister of Justice would respond on the matter.
- iv. The Committee noted correspondence from Mr David McIlveen MLA advising that he was undertaking a consultation on a Private Members Bill, the purpose of which is to ensure that property owners are clear on their rights to use reasonable force to protect their property.

Agreed: The Committee agreed to schedule a briefing with Mr McIlveen when the results of his consultation on the draft Bill are available.

12. Chairman's Business

- i. The Chairman advised Members that he had received a request to meet a cross-party delegation from Lisburn City and Castlereagh District Council regarding the proposed closure of Lisburn Courthouse. The Chairman confirmed that as the Committee may receive a number of similar requests from other council areas he would consider the most appropriate arrangements to meet with council representatives when all such requests had been received.
- ii. The Chairman advised Members that Justice Committee meetings will revert back to a Thursday afternoon from 16 April 2015.

13. Any Other Business

None.

14. Date and Time of next meeting

The next meeting will take place on Wednesday 18 February 2015 at 2.00 p.m. in Room 21, Parliament Buildings.

The meeting was adjourned at 5.19 p.m.

Mr Alastair Ross MLA
Chairman, Committee for Justice