



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

WEDNESDAY 10 SEPTEMBER 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 Seán Lynch MLA
Ms Rosaleen McCorley MLA
Mr Patsy McGlone MLA
Mr Alban Maginness MLA
Mr Jim Wells MLA

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

Apologies: Mr William Humphrey MLA

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

The Chairman welcomed Keith McBride to the Committee team and wished him well in his role as Senior Assistant Clerk. The Chairman also advised the Committee that Marie Austin had moved to the Health Committee team and wished to place on record the appreciation of the Committee for her hard work, particularly in relation to the Human Trafficking Bill.

1. Apologies

As above.

2. Draft minutes of the meeting held on 2 July 2014

The Committee approved the draft minutes of the meeting held on 2 July 2014.

3. Matters Arising

- i. The Committee noted a Forward Work Programme for September 2014 and that an informal strategic planning meeting would take place on 17 September 2014 to discuss priorities and the work programme in detail.
- ii. The Committee noted correspondence from the Minister of Justice providing an update on funding for the RUC George Cross Widows' Association.
- iii. The Committee noted a letter of thanks from the RUC George Cross Widows' Association following their attendance at the Committee meeting on 2 July 2014 and the subsequent satisfactory resolution to the funding difficulties being experienced by the organisation.
- iv. The Committee noted a response from the Department of Justice to issues raised in relation to Clause 84 of the Justice Bill during the oral briefing on the principles of the Bill on 18 June 2014.

4. **Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Draft amendments following the Department of Justice consultation on strengthening NI's response to Human Trafficking and Slavery**

Simon Rogers, Deputy Director, Protection and Organised Crime Unit, Julie Wilson, Head of Human Trafficking Team and Amanda Patterson, Head of Criminal Policy Branch, Department of Justice joined the meeting at 2.45 p.m.

The officials provided an update on the further work that had been carried out in conjunction with Lord Morrow in relation to the Human Trafficking Bill since the completion of the Committee Stage, the Department's position in relation to each of the clauses of the Bill and a range of further amendments to be brought forward, some of which have implications for existing provisions in the Bill or for draft amendments previously provided to the Committee.

A range of issues were covered during the briefing including: whether the proposed new clauses 1A, 1B, 1C and 1D which are intended to simplify and consolidate the legislative framework around human trafficking and slavery offences would duplicate existing provision; the purpose of a proposed new clause 5A to amend the Proceeds of Crime Act 2002; the timescale for the completion of the research commissioned by the Department of Justice on prostitution in Northern Ireland; why the Minister intends to propose a new Clause 6A which would extend the time limit for the prosecution of the offence of paying for the sexual services of a prostitute subjected to force only in the event that the current Clause 6 not stand part of the Bill at Consideration Stage; whether it was possible to have both the current Clause 6 and the new proposed Clause 6A within the legislation; clarification of the effect of the Department's new Clause 12A which is intended to afford greater protection from prosecution for victims whose exploitation has involved forced criminality; the timescale for a proposed LCM to extend provisions in the Modern Slavery Bill to Northern Ireland in relation to a UK-wide Anti-Slavery Commissioner and new maritime enforcement powers for the police and enforcement officers at sea; the Department of Justice's involvement in the appointment of an interim UK Anti-Slavery Commissioner; whether the extension of the Commissioner's role to include Northern Ireland would provide appropriate provision to cover Northern Ireland's interests; the procedure for the Justice Minister to request an adhoc report from the Commissioner; the financial cost of a Northern Ireland Rapporteur compared to a UK-wide Anti-Slavery Commissioner; the Department's position if the planned LCM to establish a UK-wide Anti-Slavery Commissioner is not approved by the Assembly; the nature of the maritime

enforcement powers for the police to operate at sea; and whether there is a requirement for an EQIA as a result of the planned ‘major’ restructuring of the Bill.

Ms McCorley left the meeting at 3.13 p.m.

The briefing was recorded by Hansard.

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

Agreed: The Committee agreed to consider the additional amendments to the Human Trafficking Bill at the meeting on 17 September 2014 with a view to establishing an updated Committee position prior to the Consideration Stage of the Bill.

Mr Wells left the meeting at 3.18 p.m.

5. Review of the Code of Practice on the Appointment of Independent Members to Policing and Community Safety Partnerships and District Policing and Community Safety Partnerships – Outcome of Consultation and Proposed Way Forward

Ronnie Armour, Deputy Director of Community Safety Unit, Mary Lemon, Head of Partnership Development Branch, Marie Patterson, Partnership Development Branch, Community Safety Unit, Department of Justice and Amanda Stewart, Head of Partnership Branch, Northern Ireland Policing Board joined the meeting at 3.21 p.m.

Mr Armour outlined the results of the consultation and the proposed changes to the Code of Practice on the Appointment of Independent Members to PCSPs and DPCSPs.

A question and answer session followed covering issues including: the handling of the principle of merit in relation to appointments and the provision of candidates’ scores to the Policing Board; the circumstances in which candidates’ scores would be taken into consideration; the procedures in place to remove independent Members if their attendance at meetings was not satisfactory; the success of the appointment of young people to the partnerships; whether the Policing Board had removed Independent Members as a result of poor attendance in the past;

Mr McCartney left the meeting at 3.35 p.m.

whether it was possible for serving councillors to be appointed as an Independent Member in another council area; the appeals process if an candidate was dissatisfied with the appointments process; the objective of representativeness; the representation of women across PCSPs and DPCSPs; the turnover of Members on the Partnerships; the use of reserve lists of approved candidates; whether the social background of a candidate is considered when trying to achieve representativeness; and the attendance rates of representatives from the designated statutory bodies.

The briefing was recorded by Hansard.

The officials agreed to provide the Committee with further information on the representation of women across PCSPs and DPCSPs and the attendance rates of representatives of the designated statutory bodies.

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

The Committee noted the Revised Code of Practice on the Appointment of Independent Members to PCSPs and DPCSPs.

6. SR 2014/181 The Police and Criminal Evidence (1989 Order) (Codes of Practice) (Temporary Modification to Code A) Order (Northern Ireland) 2014

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to extend modifications to Code A of the Police and Criminal Evidence Codes of Practice which facilitate the recording of search details electronically using Blackberry devices until publication of a revised Code A.

Agreed: The Committee for Justice considered Statutory Rule SR 2014/181 The Police and Criminal Evidence (1989 Order) (Codes of Practice) (Temporary Modification to Code A) Order (Northern Ireland) 2014 and agreed that it was content with the Rule.

7. Justice Bill – Timetable for Committee Stage

The Committee considered the timetable for the Committee Stage of the Justice Bill and noted that a legislative scrutiny workshop with Daniel Greenberg to assist in scrutinising the Bill has been scheduled for 1 October 2014.

The Committee considered a motion to extend the Committee Stage of the Justice Bill.

Question put and agreed:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 27 March 2015, in relation to the Committee Stage of the Justice Bill (NIA 37/11-15).

8. Northern Ireland Prison Service Estate Strategy – Progress Report on Implementation

The Committee considered information provided by the Department of Justice on the implementation of each of the projects within the NI Prison Service Estate Strategy.

Agreed: The Committee noted the current position and agreed to raise any issues when NI Prison Service officials attended to brief the Committee on the implementation of the Prison Reform Programme in October.

9. Legislative Provision in relation to Rights of Audience for Lawyers working in the Attorney General’s Office – Preliminary Discussion Paper

The Committee considered a preliminary discussion paper from the Department of Justice inviting views from key stakeholders on a proposal to make legislative provision to confer rights of audience equivalent to those of barristers in private practice on any barrister or solicitor working in the Attorney General for Northern Ireland’s Office and designated by him.

Agreed: The Committee agreed that it was content to note the discussion paper issued by the Department of Justice and to consider the proposal further when the responses are available.

10. Review of the Strategic Framework for Search and Rescue in Northern Ireland: Outcome and proposed next steps

The Committee noted the Report on the outcome of the Review of the Strategic Framework for Search and Rescue in Northern Ireland and the Implementation Plan, Framework Mission Statement and terms of Reference for the NI Search and Rescue Policy Group and the NI Search and Rescue Practitioners Group provided by the Department of Justice.

Mr McCartney joined the meeting at 4.01 p.m.

11. Draft Adult Safeguarding Policy

The Committee considered a draft Adult Safeguarding Policy which had been jointly developed by the Department of Justice and the Department of Health, Social Services and Public Safety for publication for consultation later in the autumn.

The Committee also noted the report by the Commissioner for Older People for Northern Ireland ‘*Protecting our Older People: A Call for Adult Safeguarding Legislation*’ and a request from the Commissioner to brief the Committee on her report.

Agreed: The Committee noted the proposed consultation on the draft Adult Safeguarding Policy and agreed to consider the draft policy further when the results of the consultation are available, at which time an oral briefing by the Commissioner for Older People would be scheduled into the Forward Work Programme.

12. Consultation on the creation of a New Criminal Offence of Police Corruption for PSNI Officers

The Committee considered information provided by the Minister of Justice on a targeted consultation on a proposal to introduce legislation to create an offence of police corruption for PSNI officers similar to legislation to be introduced by the Home Secretary to create a new criminal offence of police corruption in England and Wales which is intended to supplement the existing offence of misconduct in public office.

Agreed: The Committee noted the consultation and agreed to consider the matter further when information on the initial views expressed by key stakeholders is available.

13. Proposals to Vary Firearms Licensing Fees and other Miscellaneous Amendments to Firearms Legislation

The Committee considered a response from the Minister of Justice to its request for information regarding his Department’s engagement with key stakeholders on proposals to vary firearms licensing fees and other amendments to firearms legislation and how the travel expenses which form part of the proposed cost of granting or renewing a firearms certificate is calculated.

Agreed: The Committee agreed to request advance notification from the Department of Justice of the proposed engagement meetings with key stakeholders in relation to the firearms proposals in order that members wishing to attend could do so.

Agreed: The Committee agreed to commission a research paper on the application of EU Directive 2008/51 on control of the acquisition and possession of weapons.

14. Correspondence

- i. The Committee noted correspondence from the Department of Justice providing a copy of its response to the Review of the National Referral Mechanism.
- ii. The Committee noted correspondence from the Department of Justice advising that the Intellectual Property Office is conducting a UK-wide technical review and call for evidence on secondary legislation implementing the Unified Patent Court Agreement.
- iii. The Committee noted correspondence from the Department of Justice providing a copy of the final report into the Legal Needs of Children and Young People in Northern Ireland which it had commissioned.
- iv. The Committee noted a copy of a response from the Minister of Justice to the Northern Ireland Human Rights Commission regarding issues it had raised in relation to Clause 6 of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.
- v. The Committee noted correspondence from the Department of Justice advising that the Minister of Justice will make an oral statement to the Assembly on Tuesday 16 September 2014 in relation to the Inter-governmental Agreement on Cooperation on Criminal Justice Matters.
- vi. The Committee noted a response from the Department of Justice to the Committee's request for information on the cost of delivering the Rapid Assessment Treatment Service for Drug and Alcohol Misusers programme and the position regarding funding for the programme.

Agreed: The Committee agreed to write to Addiction NI to request information on the costs of the RATSDAM programme.

- vii. The Committee noted a correction slip from the Department of Justice to make minor amendments to the wording of SR 2014/174 The Rehabilitation of Offenders (Exceptions) (Amendment) (No. 2) Order (Northern Ireland) 2014.
- viii. The Committee noted correspondence from the Department of Justice providing information on the key policy areas discussed at the Police Negotiating Board meeting which took place on 23 July 2014.
- ix. The Committee noted a response from the Department of Justice providing the information requested by the Committee following the oral briefing on the Savings Delivery Plans 2013-14, the Provisional Outturn 2013-14 and June 2014 Monitoring Round on 18 June 2014.
- x. The Committee note a correction slip from the Department of Justice to make minor amendments to SR 2013/175 The Rules of the Court of Judicature (Northern Ireland) (Amendment) 2013.

- xi. The Committee noted the publication of Statistical Bulletin 2/2014 & 3/2014: Youth Justice Agency Findings from the 2013 Stakeholder Survey & Youth Justice Agency Workload Statistics 2013/2014.
- xii. The Committee noted a correction slip from the Department of Justice to make minor amendments to SR 1996/322 The Family Proceedings Rules (Northern Ireland) 1996.
- xiii. The Committee noted a response from the Department of Justice in relation to the Committee's request for further information regarding the number of inquests and the provision of exceptional grant funding following the oral briefing on the Review of the Statutory Exceptional Grant Scheme on 11 June 2014.
- xiv. The Committee noted a correction slip from the Department of Justice to make minor amendments to SR 2010/115 The County Court (Amendment) Rules (Northern Ireland) 2010.
- xv. The Committee noted a correction slip from the Department of Justice to make minor amendments to SR 2005/497 The Family Proceedings (Amendment No. 2) Rules (Northern Ireland) 2005.
- xvi. The Committee noted the NI Courts and Tribunals Service Business Plan for 2014/15.
- xvii. The Committee noted correspondence from the Department of Justice advising of emergency Westminster legislation in relation to data retention and investigatory powers.
- xviii. The Committee noted correspondence from the Department of Justice regarding the recent ratification of the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance which came into force on 1 August 2014.
- xix. The Committee noted correspondence from the Department of Justice advising that the first strand of the United Kingdom wide media campaign on modern slavery launched on 31 July 2014; that the second strand of the campaign will involve engagement with small and medium enterprises and is expected to launch in September; and the third strand will focus on local public intelligence and will likely launch in October 2014.
- xx. The Committee noted correspondence from the Committee for Education providing the terms of reference for its Inquiry into Shared/Integrated Education.
- xxi. The Committee considered correspondence from the Committee for Finance and Personnel providing a research paper on Year-end Surges in Northern Ireland Departmental Expenditure.
 - Agreed:* The Committee agreed to request information from the Department of Justice on its year-end Surge including a copy of the explanations provided to DFP as required by the Outturn and Forecast Outturn Guidance.
- xxii. The Committee considered correspondence from the Committee for the Office of the First Minister and deputy First Minister inviting submissions from statutory committees to its Inquiry into Building a United Community.

Agreed: The Committee agreed to request a response from the Department of Justice on any relevant justice issues covered by the Inquiry to inform consideration of the matter.

- xxiii. The Committee noted correspondence from the Northern Ireland Policing Board regarding the Attorney General for Northern Ireland's proposal to amend the Coroners Act (Northern Ireland) 1959.
- xxiv. The Committee noted joint correspondence from Equality Now, Ruhama and Women's Aid Federation Northern Ireland providing supplementary information to the written and oral evidence provided to the Committee on the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.
- xxv. The Committee noted a copy of correspondence from Mr John McCallister MLA to the Minister of Justice regarding the accountability of the Bar Council of Northern Ireland's Professional Conduct Committee.

Agreed: The Committee agreed to forward the correspondence to the Committee for Finance and Personnel for information given the responsibility for the matter rests with the Department of Finance and Personnel.

- xxvi. The Committee noted correspondence from the Clerk to the House of Lords European Union Select Committee in relation to its Inquiry into the UK's Opt-in policy and its application to international agreements.

Agreed: The Committee agreed to request a response from the Department of Justice on any relevant justice issues covered by the Inquiry to inform consideration of the matter.

- xxvii. The Committee noted the Criminal Cases Review Commission Annual Report and Accounts 2013/14.
- xxviii. The Committee noted correspondence from the Children's Law Centre providing a copy of its response to the joint consultation by the Department of Health, Social Services and Public Safety and the Department of Justice on the Draft Mental Capacity Bill.
- xxix. The Committee noted further correspondence from a Mr McHugh regarding allegations of maladministration by the NI Courts and Tribunals Service.
- xxx. The Committee noted a copy of correspondence from a Mr Eamonn McKeown to the Minister of Justice and the Minister of Health requesting information regarding what measures they have taken to ensure that the Marie Stopes Clinic complies with legal and regulatory requirements and figures on the number of abortions carried out and the reasons for those abortions.

Agreed: The Committee agreed to request a copy of the response from the Minister of Justice to Mr McKeown.

- xxxi. The Committee noted the Criminal Justice Inspection Northern Ireland Report on the State Pathologist's Department for Northern Ireland published in August 2014.
- xxxii. The Committee noted correspondence from the Big Lottery Fund providing information on the first grants provided through its Reaching Out: Supporting Families programme.

xxxiii. The Committee considered correspondence from the British Association for Shooting and Conservation regarding the lack of accountability of PSNI Firearms and Explosives Branch and providing a letter from Mr Trevor Clake MLA raising similar issues.

Agreed: The Committee agreed to request a response from the Minister of Justice to the issues raised in both letters.

Mr Maginness left the meeting at 4.13 p.m.

xxxiv. The Committee considered correspondence from the Disabled Police Officers' Association raising a range of issues regarding the handling of an investigation by the Charities Commission for NI, the impact on the Association's work and the services provided to disabled police officers, the role of the Department of Justice in accessing the Association's premises and potential breaches of security.

Agreed: The Committee agreed to write to the Minister of Justice requesting a response to the issues raised regarding the impact of the actions taken by the Charity Commission on DPOANI's work and the services provided to disabled police officers and the role of the Department of Justice in accessing the premises and potential breach of data security.

Agreed: The Committee agreed that, given responsibility for the Charity Commission for Northern Ireland sits with the Department of Social Development, to forward the correspondence to the Minister for Social Development and request that he considers and responds to the DPOANI on the issues raised regarding the handling of the investigation by the Charity Commission for Northern Ireland and to copy the correspondence to the Committee for Social Development to enable it to consider the issues raised.

xxxv. The Committee considered correspondence from a Mr T McKee requesting a meeting with the Committee for Justice in relation to the alleged mistreatment of Lough Neagh Rescue by the Charity Commission for Northern Ireland.

Agreed: The Committee agreed to forward Mr McKee's correspondence to the Minister for Social Development and request that he considers and responds directly to Mr McKee on the issues raised regarding the Charity Commission for Northern Ireland and to copy the correspondence to the Committee for Social Development to enable it to consider the issues raised.

15. Chairman's Business

- i. The Chairman advised Members that he and the Deputy Chairman had been invited by the Chairperson of the Committee for Culture, Arts and Leisure to an event on 8 October 2014 at which the BBC's Director General will outline his vision for the BBC in Northern Ireland and both hoped to attend.
- ii. The Chairman advised Members that the Mid and East Antrim Agewell Partnership had invited a Member of the Committee to attend any of three consultation events being held in Larne, Carrickfergus and Ballymena on how the fear of crime affects older people and that he hoped to attend the events on behalf of the Committee.

16. Any Other Business

- i. An issue regarding the implementation of the provision in the Public Service Pensions Act (Northern Ireland) 2014 relating to RUC Widows' Pensions was raised and concerns were expressed regarding payments due from 1 July not being made.

Agreed: The Committee agreed to write to the Minister of Justice and the Minister of Finance and Personnel to request clarification regarding the current position, what is being done to resolve the issue and the timescale for a resolution.

- ii. An issue regarding staffing levels at HMP Maghaberry and health and safety concerns for staff and prisoners was raised.

Agreed: The Committee agreed to invite the Prison Officers' Association to brief the Committee on the current situation in advance of a briefing from NI Prison Service officials on the Prison Reform Programme scheduled for 22 October 2014.

- iii. The current position regarding progress to address the PSNI civilian staff equal pay claims was raised.

Agreed: The Committee agreed to write to the Minister of Justice and the Minister of Finance and Personnel to request an update on the current position.

17. Date and Time of next meeting

The next meeting will take place on Wednesday 17 September 2014 at 2.00 p.m. in Room 21, Parliament Buildings.

The meeting was adjourned at 4.22 p.m.

Mr Paul Givan MLA
Chairman, Committee for Justice