



**Northern Ireland  
Assembly**

## **COMMITTEE FOR JUSTICE**

### **MINUTES OF PROCEEDINGS**

WEDNESDAY 15 OCTOBER 2014  
Room 21, Parliament Buildings

Present: Mr Paul Givan MLA (Chairman)  
Mr Sammy Douglas MLA  
Mr Tom Elliott MLA  
Mr Paul Frew MLA  
Mr Seán Lynch MLA  
Mr Alban Maginness MLA  
Mr Edwin Poots MLA

In Attendance: Mrs Christine Darrah (Assembly Clerk)  
Mrs Roisin Donnelly (Assistant Assembly Clerk)  
Miss Marianne Doherty (Clerical Officer)  
Miss Anna McDaid (Assembly Bursary Student)

Apologies: Mr Chris Hazzard MLA  
Mr Raymond McCartney MLA (Deputy Chairman)  
Mr Patsy McGlone MLA

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

#### **1. Apologies**

As above.

#### **2. Draft minutes of the meeting held on 8 October 2014**

The Committee approved the draft minutes of the meeting held on 8 October 2014.

#### **3. Matters Arising**

- i. The Chairman highlighted concerns that had been raised regarding the consultation document issued by the Department of Justice on the Criminal Law on Abortion in cases of Lethal Foetal Abnormality and Sexual Crime and in particular Section 10 which sets out how responses will be handled.

*Agreed:* The Committee agreed to request clarification from the Department of Justice regarding on what grounds responses will be deemed invalid, why account will not be taken of all responses received, why this particular approach has been adopted and why the consultation document focuses on one particular case relating to fatal foetal abnormality.

*Mr Tom Elliott joined the meeting at 2.12 p.m.*

ii. The Committee noted correspondence from NIPSA regarding the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

iii. The Committee discussed the BBC Spotlight programme broadcast on 14 October 2014.

*Agreed:* The Committee agreed to seek an urgent meeting with the Minister for Justice to discuss how he intends to investigate the allegations made in the programme regarding potential interference in the justice process.

*Agreed:* The Committee agreed to request advice on the options available to it to conduct a Committee Inquiry into this matter.

#### **4. Briefing on Prisons Issues by the Prison Officers' Association**

Mr Finlay Spratt, Chairman, Mr Paul Hardy, Vice Chair, and Ms June Robinson, Area Secretary, Prison Officers' Association (POA) joined the meeting at 2.23 p.m.

Mr Spratt outlined a number of prison issues including the current situation regarding staffing levels and health and safety matters.

A detailed question and answer session followed covering issues including: the number of prison officers currently in the Service; the number of officers the POA believe is necessary to staff the prisons in Northern Ireland; the number of assaults on prison officers; the nature of assaults being carried out on prison officers and whether the level of violence is increasing; staff sickness levels amongst prison officers and the reasons for this; the dissident threat to prison officers; the relationship between the POA and senior prison service management; the reasons for the high number of assaults on prison officers in HM Prison Maghaberry; the scale of lock downs in Maghaberry; the reasons for the POA calling for its members to be armed with pepper spray and the response from senior management to the proposal; delivery of the Prison Reform Programme; what contact the POA has with the Prison Review Oversight Group; the size of the prison population; the impact on staffing levels of the current financial constraints; the misuse of drugs in Northern Ireland prisons including the scale of the problem, the availability of drugs and the level of prescription drug abuse; the outcome of the relapse prevention programme pilot; the requirement for female prison officers to look after large numbers of male prisoners; the number of prisoners charged in relation to assaults against prison officers; the number of assaults by prisoners on other prisoners; and the reasons why newly recruited staff are leaving the prison service.

*Mr Tom Elliott left the meeting at 3.19 p.m.*

The briefing was recorded by Hansard.

The Chairman thanked the representatives from the Prison Officers' Association for their attendance and they left the meeting.

The Chairman advised Members that there would be an opportunity to raise the issues covered in the POA briefing with the Director General of the Prison Service and senior staff when they attended the meeting on 22 October 2014.

*Mr Sammy Douglas left the meeting at 3.34 p.m.*

#### **5. The New Domestic and Sexual Violence and Abuse Strategy – Consultation Responses and Proposed Way Forward**

Ms Moira Doherty, Deputy Director, Community Safety Unit, Ms Martine McKillop, Head of Crime Reduction Branch, Community Safety Unit, Department of Justice, and Mr Gary Gregg, Policy Lead, Domestic and Sexual Violence: Integrated Projects Unit, Department of Health, Social Services and Public Safety joined the meeting at 3.35 p.m.

Ms Doherty outlined the results of the consultation and the proposed way forward in relation to the Domestic and Sexual Violence and Abuse Strategy.

A question and answer session followed covering issues including: whether there would be adequate resources to support the delivery of the strategy given the current budgetary climate; best practice in other jurisdictions; the reasons why increases in domestic violence appear to occur during pregnancy; how to encourage victims of domestic and sexual abuse to engage with the justice system; how children and young people were encouraged to participate in the consultation on the strategy; the impact of the availability of services provided by Rowan Sexual Assault Referral Centre and whether this has contributed to increased reporting of incidents; reasons for the increase in the number of reported incidents of domestic and sexual violence and abuse; and the co-operation between the Departments of Health and Justice in developing the joint strategy.

The briefing was recorded by Hansard.

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

#### **6. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Draft Amendment to Clause 19**

The Committee considered the wording of a draft amendment to extend the timescale for commencement of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill from three months to six months after it receives Royal Assent as agreed at the meeting on 8 October 2014.

Question: “That the Committee is content with the proposed amendment as follows:

#### **Committee for Justice Proposed Amendment to the Minister’s Amendment to Clause 19**

At end insert 'or, in the absence of such an order, six months after Royal Assent'

Put and agreed to.”

The Chairman advised Members that the amendment would be submitted to the Bill Office.

## **7. Justice Bill – Proposals for Oral Evidence Sessions**

The Committee considered proposals for oral evidence sessions on the Justice Bill.

*Agreed:* The Committee agreed the oral evidence sessions on the Justice Bill and proposed amendments that would be scheduled from November 2014 onwards.

## **8. SL1 Amendments to the Police Act 1997 (Criminal Record)(Disclosure) Regulations (Northern Ireland) 2008 and (Registration) Regulations 2007**

The Committee considered a proposal by the Department of Justice to make Statutory Rules under powers conferred by section 113A(6), 125(1) and (5) of the Police Act 1997 as modified by section 126A of the Act to increase AccessNI fees for an enhanced criminal records check from £30 to £33; amend one of the prescribed purposes for which an AccessNI check may be sought to reflect a change in legislation for those seeking a taxi licence; and amend the information held in the central registry for lead signatories, counter signatories and statutory office holders.

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

## **9. Prison Review Oversight Group Summary Report: September 2014**

The Committee noted a summary report from the Prison Review Oversight Group following their meeting held on 10 September 2014.

The Chairman advised Members that the Independent Members of the Oversight Group had indicated they would welcome the opportunity to meet separately with the political parties to discuss their role in the oversight of the reform programme.

## **10. Access to Justice Review – Progress Report September 2014**

The Committee considered a progress report from the Department of Justice on implementation of the Access to Justice Review key areas to be taken forward and the projects outlined in the Departmental Action Plan 2012-15.

*Agreed:* The Committee agreed to request further information on a number of the projects in the Action Plan in which some slippage from the original timescales had occurred.

## **11. Correspondence**

- i. The Committee noted a response from the Department of Justice to issues raised by Members during an oral evidence session at the meeting on 24 September 2014 on Legal Aid Reform and the Scope of Civil Legal Aid.
- ii. The Committee noted an invitation from the Department of Justice to the Justice in the Community Awards ceremony on 5 November 2014 in Parliament Buildings.

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

- iii. The Committee noted correspondence from the Department of Justice providing an explanation of expenditure levels detailed in a research paper on Year-End Surges in Northern Ireland Departmental Expenditure.
- iv. The Committee noted correspondence from the Department of Justice regarding the Commencement of Powers relating to seizure and detention under the Proceeds of Crime Act 2002.
- v. The Committee noted correspondence from the Department of Justice advising of the publication of Official Statistics Bulletin 13/2014 '*The Night-Time Economy: Findings from the 2011/12 and 2012/13 Northern Ireland Crime Surveys*'.
- vi. The Committee noted correspondence from the Committee for Finance and Personnel providing a copy of the terms of reference for a 'Review of the Operation of the Barnett Formula'.
- vii. The Committee noted correspondence from the Northern Ireland Courts and Tribunal Service advising of the launch of its consultation on Lands Tribunal Fees for Non-Domestic Rating Valuation Appeals.
- viii. The Committee noted correspondence from the British Association for Shooting and Conservation (BASC) providing a copy of its correspondence to the Minister of Justice in relation to an inspection of Fernvale Country Sports.

*Agreed:* The Committee agreed to request a copy of the Department's response to BASC on this issue.

- ix. The Committee noted correspondence from Relatives for Justice (RFJ) in relation to the Historical Enquires Team reports and the briefing by the Chief Constable on the PSNI budget and pressures.

*Agreed:* The Committee agreed to forward the correspondence to the Chief Constable and request that he respond directly to RFJ on the issues raised and provide a copy of his response to the Committee.

- x. The Committee noted correspondence from the Department of Justice providing a copy of the Statement made by the Secretary of State for Northern Ireland on the security situation in Northern Ireland in Westminster on 14 October 2014.

## 12. Chairman's Business

- i. The Chairman advised Members that the Acting Director of the University of Ulster Graduate School of Professional Legal Education at Magee had invited both he and the Deputy Chairman to give a presentation on the work of the Committee to the Graduate School and the Committee to hold a meeting at the Magee Campus during the next academic year.

*Agreed:* The Committee agreed to hold a meeting at the Graduate School and noted that the Chairman and/or Deputy Chairman would give a presentation on the work of the Committee on a suitable date.

- ii. The Chairman advised Members that he and the Deputy Chairman had met with the Criminal Cases Review Commissioners on 30 September at their request to

discuss the work of the Commission. During the meeting the Commissioners had highlighted that the Commission's powers to obtain information only relates to the public sector and does not extend to material held privately and they had now written providing information on a proposal to make legislative changes to give the Commission powers to access information in the private sector.

*Agreed:* The Committee noted that the Department of Justice had scheduled a briefing paper on a draft consultation document on a proposal to extend the power of the Criminal Cases Review Commission for the meeting on 19 November and agreed to consider the matter further when the briefing paper was available.

### **13. Any Other Business**

None.

### **14. Date and Time of next meeting**

The next meeting will take place on Wednesday 22 October 2014 at 2.00 p.m. in Room 21, Parliament Buildings.

*The meeting was adjourned at 4.03 p.m.*

**Mr Paul Givan MLA**  
**Chairman, Committee for Justice**