



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

WEDNESDAY 4 FEBRUARY 2015
Room 21, Parliament Buildings

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

In Attendance: Mrs Christine Darrah (Assembly Clerk)
Mr Keith McBride (Senior Assistant Assembly Clerk)
Mrs Roisin Donnelly (Assistant Assembly Clerk)
Ms Marianne Doherty (Clerical Officer)
Ms Anna McDaid (Assembly Bursary Student)

Apologies: Mr Alastair Ross MLA (Chairman)
Mr Stewart Dickson MLA

The meeting commenced at 2.04 p.m. in public session, the Deputy Chairman in the Chair.

1. Apologies

As above.

2. Draft minutes of the meetings held on 27 January 2015 and 28 January 2015

The Committee approved the draft minutes of the meetings held on 27 January 2015 and 28 January 2015.

3. Matters Arising

- i. The Committee noted correspondence from the Minister of Justice in relation to the Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015.

2.04 p.m. Mr Paul Frew joined the meeting.

- ii. The Committee noted correspondence from the Department of Justice advising that the consultation on unduly lenient sentences would be published on 6 February 2015.

4. The Justice Bill and Proposed Amendments – Oral evidence from the Attorney General for Northern Ireland

The Attorney General for Northern Ireland, Mr John Larkin QC, joined the meeting at 2.06 p.m.

The Attorney General briefly outlined his views on the Jim Wells MLA proposed amendment to the Justice Bill and then went on to outline his proposed amendment to the Coroner's Act (Northern Ireland) 1959 and the issues raised in the written and oral evidence received by the Committee.

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

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

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

A detailed question and answer session followed covering issues including: whether the proposed amendment was necessary to provide additional safeguards; whether the amendment would provide access to an individual's private papers; whether there would be unintended consequences for clinical staff and families; whether the amendment would discourage medical staff in participating in Serious Adverse Incident Reviews; what added value these additional powers would provide; whether the Attorney General's existing powers are sufficient; what documents would be covered by the amendment; the use of legal professional privilege; examples of when a request for information from the Attorney General has been refused; the types of information to which the Attorney General wishes to gain access; how wide the degree of discretion is for the Attorney General to direct an inquest; current procedures regarding when deaths should be referred to the Coroner; whether the current procedures are being applied properly; the clinical duty to maintain medical records; how the Attorney General would be alerted to the existence of cases in which he would use his powers to request information; whether as a result of the new power work would be displaced from the Coroner's Office to the Attorney General's Office; whether the amendment would place an additional burden on health professionals; how often the Attorney General anticipated using the proposed powers; how often the Attorney General is approached by individual members of the public and families in relation to deaths; whether the amendment will further impede openness and transparency in the Health Service or discourage it; the accountability of medical practitioners; and the rationale for the amendment and whether the power it provides is proportionate.

3.15 p.m. Mr Patsy McGlone left the meeting.

The Attorney General outlined his proposals for legislative provision in relation to Rights of Audience for Lawyers working in his office.

A question and answer session followed covering issues including: the mechanism currently provided for by the Justice (Northern Ireland) Act 2011; the reasons for the delay in the production of the Law Society Regulations; the importance of the independence of the Bar; whether the proposal covered both solicitors and barristers in the Attorney General's Office; the number of lawyers within the Attorney General's office

to whom the provisions would apply; the number of cases in which the rights of audience for his staff would be used; the Attorney General's views on extending the same rights of audience to the Public Prosecution Service; whether the proposal if adopted would result in a piecemeal approach to the provision of rights of audience and whether this was the correct way to proceed; the benefits and disadvantages of the proposal; whether there was any downside for the public; raising standards of advocacy; and whether the extension of the rights of audience to the Attorney General's office would result in cost savings.

The briefing was recorded by Hansard.

Agreed: The Committee agreed to write to the Attorney General on any issues/questions Members wished to raise with him in relation to the Justice Bill.

5. Proposals for the Creation of a New Criminal Offence of Police Corruption for PSNI Officers – Oral Evidence from the Attorney General for Northern Ireland

The Attorney General for Northern Ireland outlined his views on the proposed creation of a new criminal offence of police corruption for PSNI officers.

The Committee noted correspondence from the Department of Justice indicating that, in light of the Attorney General's view that there is no gap in existing legislation and as the Law Commission in England and Wales had recently recommenced its Review of the Offence of Misconduct in Public Office which would look at the offence in its entirety and would monitor the progress of the new police corruption offence, the Minister of Justice had decided to reserve his position on this matter until the outcome of the Law Commission Review is known.

The briefing was recorded by Hansard.

The Chairman thanked the Attorney General for his attendance and he left the meeting.

6. Department of Justice Response to the Findings and Recommendations of the Independent Inquiry into Child Sexual Exploitation in Northern Ireland

The Minister of Justice, Mr David Ford MLA, and Martine McKillop, Head of Crime Reduction Branch, Community Safety Unit, Department of Justice joined the meeting at 3.36 p.m.

The Minister outlined the Department of Justice's response to the findings and recommendations of the Independent Inquiry into Child Sexual Exploitation in Northern Ireland and answered questions on issues including: who was responsible for formulating the Department of Justice action plan; the implementation process and the timescale; whether the gaps which had been exploited in the past had now been closed; which Department had responsibility for progressing the legislative changes proposed in the Report; the Public Protection arrangements and how sex offenders are monitored; and the impact of budget cuts on monitoring sex offenders within the community.

The Minister agreed to provide the Committee with a copy of the Action Plan and implementation timetable when available.

The briefing was recorded by Hansard.

The Chairman thanked the Minister and Ms McKillop for their attendance and they left the meeting.

Agreed: The Committee agreed that the Chairman should discuss whether there is any need for joint scrutiny of the implementation of the recommendations in the Inquiry Report by the Health and Justice Committees with the Chairperson of the Committee for Health Social Services and Public Safety given the substantial crossover in responsibility for this issue.

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

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

7. The Justice Bill – Oral evidence from the Department of Justice on Part 4 – Victims and Witnesses and Part 6 - Live Links in Criminal Proceedings

Ms Maura Campbell, Deputy Director, Criminal Justice Development Division, Veronica Holland, Head of Victims and Witnesses of Crime Branch, Tom Haire, Head of Criminal Law Branch and Graham Walker, Acting Head of Speeding up Justice and Equality Branch, Department of Justice joined the meeting at 3.50 p.m.

Ms Campbell outlined the purpose of Clauses 28 to 35 of the Bill which cover the Victim Charter and Witness Charter and Victim Statements and Clauses 44 to 49 of the Bill which cover Live Links in Criminal Proceedings and the main issues raised in the written and oral evidence received by the Committee.

A question and answer session followed covering issues including: the legislative mechanism to bring into operation the Victims Charter and Witnesses Charter; how the compliance of each of the Criminal Justice organisations with the requirements of the Victim Charter will be monitored; what sanctions if an organisation fails to comply with the Charter; why the duties set out in Clauses 28 and 30 do not extend to the judiciary; whether a judge should be required to acknowledge and make reference to a Victim Statement; the weight given to a Victim Statements by a judge when considering sentencing; whether Victim Statements can be made in relation to all offences; what difference placing Victims Statements on a statutory footing will have compared to the current position; the reason for the difference in the terminology used in relation to Victim Personal Statements in the guidance provided by the Department and in the legislation.

The briefing was recorded by Hansard.

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

Agreed: The Committee agreed to request a written response from the Department of Justice on questions that were not covered during the briefing.

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

8. Draft SR: The Judicial Pensions Regulations (Northern Ireland) 2015

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to establish a Career Average Revalued Earnings Pension Scheme for members of the devolved the judiciary.

Agreed: The Committee for Justice considered draft Statutory Rule the Judicial Pensions Regulations (Northern Ireland) 2015 and recommended that it be affirmed by the Assembly.

9. Draft SR: The Justice (Northern Ireland) Act 2004 (Amendment of section 8(4)) Order (Northern Ireland) 2015

The Committee considered a proposal by the Attorney General for Northern Ireland to make a Statutory Rule to amend Section 8(4) of the Justice Act 2004 to include the PSNI as a named criminal justice organisation that the Attorney General for Northern Ireland will be required to issue human rights guidance to and noted that Mr Elliott MLA had previously recorded his objection to the proposal.

Question: “That the Committee for Justice considered draft Statutory Rule the Justice (Northern Ireland) Act 2004 (Amendment of section 8(4)) Order (Northern Ireland) 2015 and recommends that it be affirmed by the Assembly.”

The Committee divided: Ayes 7; Noes 1;

AYES

Mr Raymond McCartney MLA
Mr Paul Frew MLA
Mr Chris Hazzard MLA
Mr Alban Maginness MLA
Mr Patsy McGlone MLA
Mr Edwin Poots MLA

NOES

Mr Tom Elliott MLA

Agreed: The Committee for Justice considered draft Statutory Rule The Justice (Northern Ireland) Act 2004 (Amendment of section 8(4)) Order (Northern Ireland) 2015 and recommended that it be affirmed by the Assembly.

The Deputy Chairman advised Members that a motion to establish an Ad Hoc Committee to facilitate the Assembly’s disposal of this Statutory Rule was on the Order Paper for 10 February 2015.

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

The Committee considered further information provided by the Minister of Justice which outlined the Department’s position on the possible provision of a pensionable age of 55 for PSNI officers without penalties similar to that provided for firefighters in Northern Ireland and the timescale for making such a change by primary legislation

Agreed: The Committee agreed that Members would seek the views of their respective political parties on the possibility of changing the police pension age and discuss the matter at the meeting on 11 February 2015.

Agreed: The Committee agreed to request further information/clarification from the Department of Justice on the exact changes that would be required to primary legislation to provide for a police pension age of 55.

11. SL1: PSNI Regulations 2015: Changes to Maternity Provisions

The Committee considered proposals by the Department of Justice for a Statutory Rule to amend the PSNI Regulations 2005 to increase the number of weeks to be reckoned for pay, pension and leave purposes while on maternity leave from 26 weeks to 52 weeks.

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

12. Lands Tribunal Fees for Non-Domestic Rating Appeals – Outcome of Consultation and Proposed Way Forward

The Committee considered information provided by the Department of Justice on the outcome of its consultation on options for increasing Lands Tribunal Fees for Non-Domestic Rating Appeals and the proposed way forward.

Agreed: The Committee agreed that it was content with the proposed new Lands Tribunal Fees for Non-Domestic Rating Valuation Appeals which the Department intends to implement in May 2015.

13. Draft Consultation on Regulatory Measures to Support Regulation (EC) 1278/2008 on Classification, Labelling and Packaging of Substances and Mixtures (CLP)

The Committee considered information provided by the Department of Justice on a consultation on Regulatory Measures to Support Regulation (EC) 1278/2008 on Classification, Labelling and Packaging of Substances and Mixtures.

The Committee noted the consultation document and the intention of the Department of Justice to make the proposed changes if no adverse comments were received during the consultation.

14. Report on the Responses to the Consultation on the Draft Mental Capacity Bill

The Committee noted the Report on the results of the public consultation on the Draft Mental Capacity Bill provided by the Minister of Justice and the current position regarding the establishment of and support to be provided to the Ad Hoc Joint Committee to undertake scrutiny of the Bill.

15. Correspondence

- i. The Committee noted correspondence from the Department of Justice regarding the delay in the completion of post project evaluations for the Causeway Technology Refresh Project and the Northern Ireland Legal Services Commission Pay Strategy Business Case.
- ii. The Committee noted correspondence from the Department of Justice in relation to the use of Prisoner Self Service Technology in prisons in Northern Ireland.
- iii. The Committee noted correspondence from the Department of Justice providing notification of the Minister of Justice's authorisation of the closure of two un-adopted paths over Northern Ireland Housing Executive land at Albertbridge Road, Belfast.

- iv. The Committee noted the publication of the Security Industry Authority Annual Report and Accounts for 2012/13 and for 2013/14 which were laid in the Assembly on 29 January 2014.
- v. The Committee noted a copy of January's Procurement Activity Report on the delivery of the Department of Justice's capital projects as detailed in the ISNI Delivery Tracking System.
- vi. The Committee noted a copy of correspondence from the Committee for Agriculture and Rural Development to the PSNI in relation to a case of animal cruelty.
- vii. The Committee noted a response from Addiction NI providing information on the cost of delivering the Rapid Assessment Treatment Service for Drug and Alcohol Misusers (RATSDAM) programme.
- viii. The Committee considered further correspondence from a number of individuals regarding Equal Pay for civilian PSNI Staff.

Agreed: The Committee agreed to forward the correspondence to the Department of Finance and Personnel and request it responds to the individuals on the current position given the Minister for Finance and Personnel had submitted a paper to the Executive on the matter and to copy the correspondence to the Committee for Finance and Personnel for its information and consideration.

Agreed: The Committee agreed to ask the Department of Finance and Personnel to keep it updated on any development/progress in relation to this issue.

16. Chairman's Business

The Deputy Chairman advised Members that the committee meeting on 11 February which was due to take place at NIACRO's premises in Belfast would now take place in Parliament Buildings due to an expected overrun of plenary business in the Assembly. The meeting at NIACRO would be rescheduled.

17. Any Other Business

None.

18. Date and Time of next meeting

The next meeting will take place on Wednesday 11 February 2015 at 2.00 p.m. in Room 21, Parliament Buildings.

The meeting was adjourned at 4.40 p.m.

Mr Alastair Ross MLA
Chairman, Committee for Justice