



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

TUESDAY 9 JUNE 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 Paul Frew MLA
Mr Alban Maginness MLA

In Attendance: Mrs Christine Darrah (Assembly Clerk)
Mr Keith McBride (Senior Assistant Assembly Clerk)
Mrs Sinead Kelly (Assistant Assembly Clerk)
Ms Leanne Johnston (Clerical Supervisor)

Apologies: Mr Seán Lynch MLA
Mr Patsy McGlone MLA

The meeting commenced at 12.47 p.m. in public session.

1. Apologies

As above.

2. The Justice Bill – Consideration of Departmental Amendments for Further Consideration Stage

The Minister of Justice, Mr David Ford MLA, Ms Karen Pearson, Deputy Director, Criminal Justice Division, and Mr Graham Walker, Justice Bill Manager, Department of Justice joined the meeting at 12.48 p.m.

The Minister of Justice outlined an amendment that, following the removal of clause 86 from the Bill at Consideration Stage, he was proposing to bring forward at Further Consideration Stage. The amendment was much narrower in scope and effect than clause 86 and would only apply to Part 1 of the Bill (Single jurisdiction for county courts and magistrates' courts). The Minister also outlined a possible amendment he was considering

following the retention of Preliminary Investigations (PIs) to provide further protection for vulnerable victims and witnesses.

A question and answer session followed covering issues including: how the proposed amendment was narrower in scope; confirmation that it only applied to Part 1 of the Bill; the timescale if a mechanism was not provided and emergency legislation was required instead; when the wording of the Minister's proposed amendment in relation to PIs would be available; the general principle of the amendment which would require the court to have regard to the nature of the offence and the impact on witnesses; whether an alternative approach would be to provide a two-stage approach with a presumption that victims of rape and violent sexual crime would not be called as witnesses except in "exceptional circumstances" to be decided by the Presiding Judge; and the difficulty in defining a vulnerable witness in legislation.

Agreed: The Committee agreed that it was content with the Minister's proposed amendment relating to Part 1 of the Bill.

The Committee noted the principle of the Minister's proposed amendment in relation to PIs. A Member indicated that they may bring forward their own amendment in this area as the wording of the Minister's proposed amendment was not yet available.

The Chairman thanked the Minister of Justice and officials and they left the meeting.

3. The Justice Bill – Briefing on the Amendments relating to Child Protection Disclosures and Domestic Violence Disclosures

Ms Amanda Patterson, Head of Criminal Policy Branch, Mr Steven McCourt, Acting Head of Community Safety Unit, Ms Martine McKillop, Head of Crime Reduction Branch, Community Safety Unit, Department of Justice and Deputy Chief Superintendent George Clarke, Police Service of Northern Ireland joined the meeting at 1.05 p.m.

Ms Amanda Patterson outlined the key issues regarding the amendments relating to Child Protection Disclosures.

A question and answer session followed covering issues including: whether the provisions on child protection disclosures will allow citizens to proactively request a child protection disclosure; the need for confidentiality of information disclosed; the need to ensure that information disclosed is not misused; whether the definition of relevant previous conviction includes cautions and findings; clarification that the Department's amendments at Further Consideration Stage do not change the policy and are "tidy up" amendments; whether the provisions allow for a person to reveal that they applied for information; whether a person against whom a child protection disclosure is made will be informed of that disclosure; potential abuse of the scheme; the detailed guidance that will cover the operation of child protection disclosures and will be developed in conjunction with all the relevant agencies; the view of the PSNI on the new legislation; and how the scheme will play a part in terms of protection.

Mr Steven McCourt outlined the key issues regarding the amendments relating to Domestic Violence Disclosures.

A question and answer session followed covering issues including: the opposition from some charities to Clare's law for a number of reasons; the need to look at the legislation in the wider context of the Domestic Violence and Sexual Abuse Strategy; in what circumstances a previous conviction would not be disclosed; whether information could be disclosed only on convictions or whether it could also cover serious complaints; the test applied when considering disclosure and the requirement to balance the rights of the

applicant and the offender; and examples of domestic violence disclosure schemes in other jurisdictions.

The Chairman thanked the officials and they left the meeting.

4. Any Other Business

- i The recent proposals on firearms fees, a banded system and the age of young shooters presented to the Committee by the British Association for Shooting and Conservation (BASC), Gun Trade Guild Northern Ireland (GTGNI) and Countryside Alliance Ireland (CAI) were raised in the context of possible amendments to the Justice Bill, particularly in relation to the age issue.

The Chairman reminded the Committee that it had referred the proposals to the Department for consideration and comment and it was therefore appropriate to wait for that response however if individual Members wished to consider taking forward amendments at Further Consideration Stage of the Justice Bill they were entitled to do so.

- ii Recent issues in relation to HM Prison Maghaberry were discussed and the timescale for the proposed visit by the Committee was raised.

The Chairman advised the Committee that the visit was on the Forward Work Programme but due to other business was unlikely to take place in the near future. In the meantime if any individual Committee Member wished to visit the prison arrangements could be made to facilitate this.

5. Date and Time of next meeting

The next Committee meeting will take place on Thursday 11 June 2015 in Room 30, Parliament Buildings at 2.00 p.m.

The meeting was adjourned at 1.34 p.m.

Mr Alastair Ross MLA
Chairman, Committee for Justice