



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 17 SEPTEMBER 2015
Room 30, Parliament Buildings

Present: Mr Alastair Ross MLA (Chairman)
Mr Raymond McCartney MLA (Deputy Chairman)
Mr Sammy Douglas MLA
Mr Paul Frew MLA
Mr Seán Lynch MLA
Mr Alban Maginness MLA
Ms Bronwyn McGahan MLA
Mr Edwin Poots MLA
Mr Neil Somerville MLA

In Attendance: Mrs Christine Darrah (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: Mr Stewart Dickson MLA
Mr Patsy McGlone MLA

The meeting commenced at 2.01 p.m. in public session.

The Chairman welcomed Ms Bronwyn McGahan MLA to her first meeting of the Committee for Justice and advised Members that a copy of her entry in the Register of Members' Interests had been circulated in the tabled pack.

The Chairman placed on record the Committee's thanks to Mr Chris Hazzard MLA for his contribution to the work of the Committee.

1. Apologies

As above.

2. Draft minutes of the meeting held on 10 September 2015

The Committee agreed the minutes of the meeting held on 10 September 2015.

3. Matters Arising

The Committee noted correspondence from the Causeway Coast and Glens Borough Council providing a submission on the Department of Justice proposals to rationalise the Courts Estate.

4. Review of the Law on Unduly Lenient Sentences – Results of the Consultation and Proposed Way Forward

Ms Karen Pearson, Deputy Director, Access to Justice Directorate and Mr Tom Haire, Head of Criminal Law Branch, Department of Justice joined the meeting at 2.03 p.m.

2.03 p.m. Mr Raymond McCartney joined the meeting.

Ms Pearson outlined the results of the consultation on the Review of the Law on Unduly Lenient Sentences and the Department's proposed way forward.

2.07 p.m. Ms Bronwyn McGahan left the meeting.

A question and answer session followed covering issues including: the rationale for retaining the current time limit of 28 days within which cases must be referred; whether the Department plans to keep this timescale under review and under what circumstances it would consider changing it; the timescale for the Minister's consideration of animal welfare offences; how the Department intends to address the concerns raised about sentencing for offences where elderly people have been attacked or defrauded given it does not intend to include any additional crimes in this area in the unduly lenient sentences law; clarification of the legislative process to have additional offences added to the statute book; the role of the Director of Public Prosecution Services in considering applications for review and whether it would be more appropriate for an independent person to assess cases and the Attorney General determine whether to go ahead with an application; the application of sentencing guidelines;

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

the Department's decision not to expand scope to cover all Crown Court cases or Magistrates' Court cases and what offences will not be covered; whether the potential increased workload for courts should be considered when determining whether offences should be added to the list that can be referred to the Court of Appeal; the test for a case to be referred; the nature of domestic violence offences and whether only specific offences can be added; whether and how individuals can communicate their views to the Director of Public Prosecutions in relation to sentences; the legislative mechanism if the Committee wished to add offences; whether the definition of hate crime offences could be extended to encompass offences against elderly and vulnerable people; the requirement for greater consideration to be given to how the law can be enhanced in relation to offences against the elderly and vulnerable people; and the difficulties regarding demonstrating motivation relating to hate crimes.

The briefing was recorded by Hansard.

The Chairman thanked Mr Haire for all his work with the Committee and wished him well for his impending retirement from the Department of Justice.

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

Agreed: The Committee noted the results of the consultation and agreed that it was content with the Department's proposals in relation to the Law on Unduly Lenient Sentences.

Agreed: The Committee agreed to highlight the views of Members expressed during the oral evidence session regarding the need to progress work in relation to an appropriate sentencing regime for offences against the elderly and the vulnerable.

2.40 p.m. Mr Paul Frew left the meeting.

5. SL1: The Northern Ireland Police Fund Regulations 2015

The Committee considered a proposal by the Department of Justice to make a Statutory Rule under the powers conferred by the Financial Provisions Act (Northern Ireland) 2014 to provide for the constitution, functions, procedures and financing of the Northern Ireland Police Fund.

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

6. Committee Work Programme

The Committee noted a paper setting out the priorities identified by the Committee at its informal strategic planning meeting and the work to be taken forward before the end of the mandate which would be scheduled into the Forward work Programme.

The Committee also noted reports on the Committee visit to London in June 2015 and the Chairman and Deputy Chairman's visit to the Netherlands in July 2015, both of which were part of the Committee's work to identify and discuss innovative approaches that could be adopted to improve the efficiency and effectiveness of the justice system in Northern Ireland.

7. Proposal to Extend the Powers of the Criminal Cases Review Commission – Results of the Consultation and Proposed Way Forward

The Committee considered information provided by the Department of Justice on the results of a consultation on proposals to extend the powers of the Criminal Cases Review Commission and the Minister of Justice's proposal to change the legislation by way of a Legislative Consent Motion to extend the Commission's powers to enable it to obtain documents from private organisations and individuals.

Agreed: The Committee noted the results of the consultation and agreed with the Minister's proposal to extend the powers of the Criminal Cases Review Commission.

Agreed: The Committee agreed that it was content for the legislative change to be made by way of a Legislative Consent Motion.

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

8. Future Regulation of the Private Security Industry – Update on Policy Proposals and Cost Implications

The Committee noted information provided by the Department of Justice on the current position regarding future regulation of the Private Security Industry in Northern Ireland and the cost implications.

9. Progress Report on the Implementation of the Victim and Witness Strategy and Action Plan 2015/2018

The Committee noted a progress report from the Department of Justice on the delivery of the 2015 – 2018 Victim and Witness Strategy Action Plan.

10. Correspondence

- i. The Committee noted correspondence from the Department of Justice providing a copy of the Cross Departmental Implementation Plan produced in response to the recommendations contained in the Marshall Report of the Inquiry into Child Sexual Exploitation in Northern Ireland and the revised Department of Justice Action Plan.

Agreed: The Committee agreed to request six monthly updates on progress to deliver the justice action plan from the Department of Justice.

- ii. The Committee noted a copy of a response from the Minister of Justice to a letter from Carlin Solicitors regarding the licensing of individuals providing security escort services to Marie Stopes International.
- iii. The Committee noted correspondence from the Department of Justice providing an update on the recording of telephone calls to and from An Garda Síochána Stations.
- iv. The Committee noted correspondence from the Department of Justice providing an update on AccessNI performance and the position regarding PSNI processing of enhanced checks.
- v. The Committee noted correspondence from the Department of Justice providing information on the NISRA Report on sickness absence data for staff in the NICS Departments, including the Department of Justice, over the 2014/15 financial year.
- vi. The Committee noted correspondence from the Committee for the Office of the First Minister and deputy First Minister providing information on departmental engagement with Assembly Committees on European matters.
- vii. The Committee noted correspondence from the Committee for the Office of the First Minister and deputy First Minister providing a copy of departmental European Dossiers compiled by the European Policy and Co-ordination Unit.

- viii. The Committee noted correspondence from Northern Ireland Judicial Appointments Commission providing information on appointments to the High Court.
- ix. The Committee considered correspondence from the Bar Council of Northern Ireland providing its interim views on the Department of Justice's proposals for revisions to civil legal aid remuneration in children and family cases.

The Committee noted that the correspondence highlighted that the latest information from the Legal Services Agency indicated that certification in the Family Proceedings Court is 0.3% against a projected rate of 10% which greatly exceeded the impact of the reform of legal representation in the Family Courts anticipated by the Department of Justice.

Agreed: The Committee agreed to request the Bar Council's final views on the proposals when discussions with the Department are completed.

- x. The Committee considered correspondence from the Law Society for Northern Ireland advising that it was not in a position to furnish its views on the Department of Justice's proposals for revisions to civil legal aid remuneration in civil and family cases as it is waiting on the Department's final proposals.

Agreed: The Committee agreed to request the Law Society's final views on the proposals when discussions with the Department are completed.

- xi. The Committee considered correspondence from a number of individuals requesting an update on the position regarding the PSNI Civilian Staff Equal Pay Claim.

Agreed: The Committee agreed to forward a copy of the recent response it had received from the Minister of Justice on this matter to those who have written to the Committee and to any future correspondents on this issue.

- xii. The Committee considered a copy of correspondence from Ms Dolores Kelly MLA to the Department of Finance and Personnel regarding the implementation of the 2013 pay award for staff in the Northern Ireland Prison Service.

Agreed: The Committee agreed to give further consideration to the matter upon receipt of the response requested from the Prison Service on this issue.

11. Chairman's Business

The Chairman advised Members that he had spent a day in the Courts observing business which had provided a very useful insight into the workload and operation of court business. Court officials had extended an invitation to other Members of the Committee if they were interested in undertaking a similar visit.

Agreed: The Committee agreed that Members should advise the Clerk if they wished to undertake a visit to the Courts.

12. Any Other Business

None.

13. Date and Time of next meeting

The next Committee meeting will take place on Thursday 24 September 2015 at 3.00 p.m. in Room 30, Parliament Buildings and will be preceded by a Justice Innovation Seminar at 1.30 p.m. in the Senate Chamber with a presentation on online courts by the Hague Institute for the Internationalisation of Law.

The meeting was adjourned at 2.53 p.m.

Mr Alastair Ross MLA
Chairman, Committee for Justice