



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 5 NOVEMBER 2015
Room 30, 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 Seán Lynch MLA
Mr Alban Maginness MLA
Ms Bronwyn McGahan MLA
Mr Patsy McGlone MLA
Mr Edwin Poots MLA

In Attendance: Mrs Christine Darragh (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 Neil Somerville MLA

The meeting commenced at 2.02 p.m. in public session.

1. Apologies

As above.

2. Draft minutes of the meeting held on 22 October 2015

The Committee agreed the minutes of the meeting held on 22 October 2015.

3. Matters Arising

- i. The Committee considered correspondence from the Committee for Agriculture and Rural Development regarding the intention of the Department of Agriculture and Rural Development to amend the penalties provided for in Section 31 of the Welfare of Animals Act 2011 by way of amendments to the Justice No.2 Bill.

Agreed: The Committee agreed to ask the Department of Justice for information and its views on the proposals.

- ii. The Committee considered the Criminal Justice Inspection Northern Ireland Report of an Unannounced Inspection of Maghaberry Prison in May 2015 that was published earlier in the day.

Agreed: The Committee agreed to schedule oral evidence sessions with the Chief Inspector of Criminal Justice Inspection Northern Ireland and NI Prison Service officials on the findings and recommendations of the report at the meeting on 12 November.

Agreed: The Committee agreed to send a copy of the report to the Committee for Health, Social Services and Public Safety for its consideration given the concerns raised regarding healthcare provision in Maghaberry prison which is the responsibility of the South Eastern Health and Social Care Trust.

Agreed: The Committee agreed to ask the Department of Justice to clarify when the next update on implementation of the Youth Justice Review recommendations will be provided.

4. Oral Evidence on Possible Legislative Changes to Improve Online Protection for Children

Mr Jim Gamble, Chief Executive, INEQE joined the meeting at 2.05 p.m.

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

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

Mr Gamble outlined a number of possible legislative changes that would improve online protection for children.

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

A question and answer session followed covering issues including: how often the PSNI/PPS prosecute young people for making, possessing or distributing explicit images of themselves under current legislation; whether the law as it currently exists acts as a deterrent for children in relation to making and distributing images of themselves; whether existing legislation is adequate to tackle cyber bullying; whether any other jurisdictions have made similar legislative changes; views on the Northern Ireland Human Rights Commission's proposal to create a new offence relating to the disclosure of private sexual photographs and films with intent to cause distress; what is meant by 'malicious intent' in the proposed changes; the type of penalties that would be associated with the distribution of images with 'malicious intent'; tackling online bullying that originates from other countries; the need to educate children in relation to online safety and raise awareness; responsibility for proving 'malicious intent'; the responsibilities of social media providers; and the impact of 'trolling'.

2.44 p.m. Mr Raymond McCartney left the meeting.

The briefing was recorded by Hansard.

The Chairman thanked Mr Gamble for his attendance and he left the meeting.

The Chairman advised Members that further discussion relating to the proposed legislative changes would be scheduled when the Committee had received the research paper it had commissioned on the issues and position in other jurisdictions and the information regarding prosecutions that had been requested from the Public Prosecution Service was available.

Agreed: The Committee agreed to seek the views of the Department of Justice and the Public Prosecution Service on the proposed legislative changes.

2.52 p.m. Mr Stewart Dickson left the meeting.

5. Justice No.2 Bill – Oral Evidence from the Northern Ireland Association for the Care and Resettlement of Offenders

Ms Olwyn Lyner, Chief Executive and Mr Barry McMullan, Senior Practitioner, NIACRO joined the meeting at 2.52 p.m.

Ms Lyner outlined the key issues in NIACRO's submission on the clauses and schedules of the Justice No.2 Bill.

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

3.10 p.m. Mr Stewart Dickson joined the meeting.

A question and answer session followed covering issues including: how persistent fine defaulters should be dealt with and whether imprisonment was an appropriate option; details of NIACRO's 'Managing Money Matters' support programme; whether there should be a formal link between NIACRO and the Courts on the delivery of financial training; protecting child benefit and tax credit from debt collection; the operation of private debt collection agencies; the importance of early intervention measures in debt management; discussions with colleagues in England and Wales in relation to finding alternatives to financial penalties; the impact on prison numbers by reducing the number of fine defaulters going to prison through the use of supervised activity orders; how the court should deal with fine defaulters to ensure the remedy does not cost more than the fine itself; whether the court should assess the debtors financial commitments as part of the sentencing process; whether Schedule 3(2d) is necessary; and the proposed appointment process for the Prison Ombudsman.

3.14 p.m. Mr Sammy Douglas and Mr Patsy McGlone left the meeting.

The briefing was recorded by Hansard.

The Chairman thanked Ms Lyner and Mr McMullan for their attendance and they left the meeting.

3.16 p.m. Mr Raymond McCartney left the meeting.

6. Justice No.2 Bill – Oral Evidence from the Northern Ireland Human Rights Commission

Mr Les Allamby, Chief Commissioner, Mr Colin Caughey, Policy Lead and Ms Fiona O'Connell, Researcher, NIHRC joined the meeting at 3.16 p.m.

Mr Allamby outlined the key issues in the NIHRC's submission on the clauses and schedules of the Justice No.2 Bill and a proposed amendment from the NIHRC.

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

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

The Chairman left the meeting and the Deputy Chairman took the Chair at 3.26 p.m.

A question and answer session followed covering issues including: alternative penalties for fine defaulters with insufficient means to pay a fine; the disproportionate impact of monetary penalties; assessing an individual's financial circumstances; the requirement for flexibility in relation to the repayment of debt; the impact of the seizure of a person's car; the requirement to consider an individual's personal circumstances including means to pay and other circumstances including caring responsibilities; how many people are imprisoned for fine default and the categories of individual; whether the proposed measures need to be 'rural proofed' to assess the disproportionate detrimental impact of the measures upon those living in rural communities; the NIHRC views on the independence of the Prisoner Ombudsman; whether investigations by the Prisoner Ombudsman into deaths in custody are Article 2 compliant; whether it would be useful to allow the Prisoner Ombudsman to instigate his/her own investigations; the need to raise awareness of the role of the Prisoner Ombudsman and managing expectations in relation to this role; the NIHRC's proposal for the creation of an offence in relation to 'revenge porn'; and the NIHRC's initial views on legislative proposals to improve online protection for children.

3.34 p.m. Mr Sammy Douglas joined the meeting.

The Chairman rejoined the meeting and resumed the Chair at 3.34 p.m.

The briefing was recorded by Hansard.

The Chairman thanked the representatives from the NIHRC for their attendance and they left the meeting.

Agreed: The Committee agreed to ask the NIHRC for substantive views/ comments on the legislative proposals to improve online protection for children.

7. Justice No.2 Bill – Oral Evidence from the Police Service of Northern Ireland

Superintendent Sue-Ann Steen, Head of Criminal Justice Branch, Ms Nichola Murphy, Temporary Head of Firearms and Explosives Branch and Ms Emma Newell, Deputy Head of Firearms and Explosives Branch, Service Improvement Department, PSNI joined the meeting at 3.47 p.m.

Superintendent Steen outlined the key issues in the PSNI's submission on the clauses and schedules of the Justice No.2 Bill and the Department's proposed amendments.

A question and answer session followed covering issues including: anticipated savings from the new fines and collection system for the PSNI; an explanation of the recommendation that custodial sentences relating to fine default should run consecutively with other non-fine default related sentences that an individual may be serving clarification of the PSNI position regarding the need for power of arrest for fine defaulters; the timeframe for finalising the proposed firearms amendments; the operation of fine default warrants and the possibility of introducing an electronic payment system;

the trial of a pilot telephone fine collection payment system; plans to look at other e-payment systems; methods to eliminate cash handling; utilising existing technology available in the court service; the proposed changes to the age of young shooters; what issues the PSNI wishes to clarify; and the PSNI's initial views on the legislative proposals to improve online protection for children.

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

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

The Superintendent advised that representatives from the PSNI Public Protection Team would be available to discuss the online safety proposals in further detail if required.

The briefing was recorded by Hansard.

The Chairman thanked the representatives from PSNI for their attendance and they left the meeting.

Agreed: The Committee agreed to ask the PSNI for substantive views/comments on the legislative proposals to improve online protection for children.

8. SL1: The Draft Civil Legal Services (Scope) Regulations (Northern Ireland) 2015

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to amend Schedule 2 of the Access to Justice (Northern Ireland) Order 2003 to replicate the position in Northern Ireland prior to 1 April 2015 and bring certain proceedings that are currently not covered under the scope of civil legal services.

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

9. Access to Justice Review – Progress Report October 2015

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.

4.09 p.m. Mr Stewart Dickson left the meeting.

10. Amendments to the Judicial Pensions Regulations (Northern Ireland) 2015 - Proposed Consultation

The Committee noted information provided by the Department of Justice on a targeted two week consultation it intended to undertake on proposed amendments to the Judicial Pension Regulations (Northern Ireland) 2015.

11. Department of Justice Action Plan on Tackling Child Sexual Exploitation in Northern Ireland – Progress Report October 2015

The Committee considered the first progress report from the Department of Justice on implementation of its Action Plan in response to the recommendations contained within the Marshall Report on the Inquiry into Child Sexual Exploitation in Northern Ireland and noted a range of issues and concerns highlighted by the NI Commissioner for Children and Young People in relation to implementation of the recommendations by the relevant Departments.

Agreed: The Committee agreed to refer the comments and concerns of the Northern Ireland Commissioner for Children and Young People regarding the implementation of the Marshall Report to the Minister of Justice for a response on the issues raised.

12. Correspondence

- i. The Committee noted correspondence from the Department of Justice providing a response on issues raised during the oral evidence session on 24 September 2015 in relation to the draft Stopping Domestic and Sexual Violence and Abuse Strategy and Action Plan.
- ii. The Committee noted correspondence from the Department of Justice advising that the Minister of Justice will make an oral statement to the Assembly on Monday 9 November 2015 in relation to the Criminal Justice Inspection Northern Ireland Report on HM Prison Maghaberry published on 5 November 2015.
- iii. The Committee noted correspondence from the Department of Justice providing a copy of SR 2015/358 (C.30) The Justice (2015 Act) (Commencement No.3) Order (Northern Ireland) 2015 which brings a number of sections of the Justice Act into operation.
- iv. The Committee noted correspondence from the Department of Justice providing a copy of The Legal Aid and Coroners' Courts (2014 Act) (Commencement No.2) Order (Northern Ireland) 2015 (SR 2015 No.359) which brings a number of provisions of the Legal Aid and Coroners' Courts Bill into operation.
- v. The Committee noted correspondence from the Department of Justice providing a copy of the Access to Justice Review Part II Report and advising that the Minister of Justice would make an oral statement to the Assembly on the Review on 3 November 2015.
- vi. The Committee noted correspondence from the Committee for the Office of the First Minister and deputy First Minister providing a copy of briefing papers in relation to the Vulnerable Persons Relocation Scheme.
- vii. The Committee noted a response from the Department for Employment and Learning regarding the current position in relation to the NIACRO Jobtrack Programme.
- viii. The Committee noted correspondence from the Northern Ireland Judicial Appointments Commission advising of recent appointments to the High Court.
- ix. The Committee considered correspondence from a Mr Neeson regarding the issue of wheel clamping in private car parks in Northern Ireland.

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

Agreed: The Committee agreed to forward the correspondence to the Department of Justice and ask that it responds directly to Mr Neeson on the issues raised and provide the Committee with a copy of the response.

Agreed: The Committee agreed that it may wish to give further consideration to the matter following receipt of the response.

x. The Committee noted the Investment Strategy for Northern Ireland Procurement Activity Report for the Department of Justice capital projects - October 2015.

xi. The Committee noted an invitation from the Joseph Rowntree Foundation to a conference on Creating First Job Opportunities in Northern Ireland on 18 November 2015 at the Stormont Hotel.

Agreed: The Committee agreed that Members should advise the Clerk if they wish to attend this conference.

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

xii. The Committee considered correspondence from the Speaker advising that a public petition was laid in the Assembly on 28 September 2015 by Mrs Sandra Overend MLA regarding '*to stop individuals convicted of terrorist-related offences committed before 1998 from being granted day release any time during their subsequent two year sentence*'.

Agreed: The Committee agreed to seek the views of the Minister of Justice on the Public Petition and request a copy of his response.

xiii. The Committee noted correspondence from the Department of Justice advising that the Minister of Justice would make an oral statement to the Assembly on Monday 23 November 2015 in relation to the Rationalisation of the Court Estate.

The Chairman advised Members that the Minister had contacted him to indicate that he would not go ahead with the oral statement on that date as officials are scheduled to attend to brief the Committee on the results of the consultation and the proposed next steps on 26 November. The oral statement will be rescheduled on a later date.

The Deputy Chairman advised Members that he had visited Strabane and Omagh Courthouses earlier in the day and indicated that there were issues relating to disability access at Omagh Courthouse.

Agreed: The Committee agreed to advise officials that they should address the disability access issues relating to Omagh Courthouse when they attend the meeting on 26 November 2015.

xiv. The Committee noted an invitation from the Minister of Justice to an informal drop-in event by the Organised Crime Task Force Intellectual Property Crime Subgroup to raise awareness of the consequences of intellectual property crime on 12 November 2015 in Parliament Buildings.

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

13. Chairman's Business

None.

14. Any Other Business

The recent speech by the Secretary of State for Justice, the Rt Hon Michael Gove MP, at the Howard League for Penal Reform Conference on 4 November 2015 on innovation in the justice system and diversionary interventions was raised.

Agreed: The Committee agreed that the Chairman's proposal to contact the Justice Committees in England, Scotland, Wales and the Republic of Ireland with a view to meeting to discuss areas of mutual interest in relation to innovations in justice would be very useful.

15. Date and Time of next meeting

The next Committee meeting will take place on Thursday 12 November 2015 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 4.21 p.m.

Mr Alastair Ross MLA
Chairman, Committee for Justice