



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Justice (No. 2) Bill, Part 2

3 December 2015

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Alastair Ross (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Stewart Dickson
Mr Paul Frew
Mr Danny Kennedy
Mr Seán Lynch
Ms Bronwyn McGahan
Mr Patsy McGlone

The Chairperson (Mr Ross): Officials attended the meeting last week to outline the clauses and provisions of Part 2 and schedule 3, which place the Prisoner Ombudsman on a statutory footing by creating the office of the Prison Ombudsman for Northern Ireland and setting out his main functions. Officials discussed the issues raised in written and oral evidence. The Committee will now undertake its informal consideration of clauses 28 to 40, schedule 3 of the Bill and three proposed amendments from the Department.

Informal consideration provides an opportunity for us to discuss the issues raised and indicate whether we are generally content with the clauses and proposed amendments, whether we require any further information or clarification or whether we wish to amend any of the clauses. Given that the timescale for the Bill is fairly tight, I ask members to raise any issues that they have or give us some guidance on their views. There is a Clerk's paper that summarises the issues raised in the written evidence and sets out the Department's position and any views expressed by the Prisoner Ombudsman. We will work our way through that, and we will get general views from everyone.

The first one is clause 28. The Minister, as officials indicated last week, is keen to hear the views of the Committee on the proposal that the Prison Ombudsman be able to commence investigations on their own initiative. Any views on that?

Mr McCartney: On clause 28?

The Chairperson (Mr Ross): Yes. As I indicated last week, my only experience of a similar thing is with the Commissioner for Standards. To reinforce his independence, he is now able to initiate his own investigations. In that sense, I can see the merit of it. Are there any other views? Can I say that we are generally supportive of this?

Members indicated assent.

The Chairperson (Mr Ross): Let us move to clause 29, then. No issues were raised on it. Happy enough with clause 29?

Members indicated assent.

The Chairperson (Mr Ross): OK. Clause 30, and the Department's proposed amendment to create a general power to defer investigations where the ombudsman considers it necessary to do so. The Department proposes to make a similar amendment to clause 32. Are members happy enough with clause 30?

Mr McCartney: There is just one thing, and we can explore it in time. What is the provision for complaint in relation to the Youth Justice Agency and the juvenile justice centre?

The Chairperson (Mr Ross): Clause 28 is included in that as well, then?

Mr McCartney: Yes. We can come back at it. It is just a general point. If it is covered, then fine.

Members indicated assent.

The Chairperson (Mr Ross): OK. Clauses 31 to 36, then. Members have that stuff in front of them if they want to just read over it quickly. Are members happy enough, or are there any comments?

Mr McCartney: You made initial comments about the power of the ombudsman to initiate his own investigations. Take the idea of a near-death incident: who would call it? Is it the Department or the ombudsman? I think that that helps to clear that up. He needs his own powers to do that, so you are right.

The Chairperson (Mr Ross): Are members happy enough with clauses 31 to 36?

Members indicated assent.

The Chairperson (Mr Ross): Turning to clause 37, again, the Department has proposed an amendment that standardises the requirement for the Prison Ombudsman to inform the police of a suspected criminal offence as part of any investigation that he is conducting, rather than just as part of an investigation into a death in custody. It also adds the Attorney General for Northern Ireland to the list of bodies to which protected information may be disclosed. Are members happy enough?

Members indicated assent.

The Chairperson (Mr Ross): Now, clauses 38 to 40.

Mr McCartney: In relation to clause 38, the officials last week and the ombudsman said that this is not something that has ever been used. We have some reservations about it. We will come back to it.

The Chairperson (Mr Ross): Fair enough. OK?

Members indicated assent.

The Chairperson (Mr Ross): Schedule 3, then.

Mr McCartney: Chair, just before you move on. In the Bill, there is a thing where, if someone intentionally obstructs the ombudsman, there is the power of a fine. There is a possibility that we might look at that to see whether he should have the power to compel witnesses, which he does not have at present. It is a question of finding the appropriate clause and time.

The Chairperson (Mr Ross): Is that potentially a party amendment?

Mr McCartney: Yes.

The Chairperson (Mr Ross): That is OK. Let us turn to schedule 3. This was the stuff around whether the Assembly could potentially appoint the ombudsman. Are members generally happy with schedule 3?

Members indicated assent.

The Chairperson (Mr Ross): OK. The informal consideration of Parts 1, 3 and 4 will take place next week. The formal clause-by-clause consideration will take place on 7 January. I know that I mentioned this last week, but it is the first week back so we really need a quorum, and I encourage members to come back for that meeting. The incentive for some members may be that we will have the briefing on the firearms issue. *[Laughter.]*

Mr Frew: That is blackmail, Chair.

The Chairperson (Mr Ross): Paul has indicated that he may not be willing to travel down, but it is all about incentivising, as is the phrase. We will also give our consideration to Lord Morrow's proposed amendment and the McCrea amendment, which we will need to come to a view on as well, although I suspect that we will probably have an agreed view on that one. That will enable the report of the Bill to be agreed at the meeting of 14 January, prior to the Consideration Stage, which is scheduled for 15 January. It is a very tight timescale.