



COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 10 NOVEMBER 2016
Room 30, Parliament Buildings, Belfast

Present: Mr Paul Frew MLA (Chairperson)
Ms Pam Cameron MLA (Deputy Chairperson)
Mr Alex Attwood MLA
Ms Clare Bailey MLA
Mr Doug Beattie MLA
Mr Roy Beggs MLA
Ms Michaela Boyle MLA
Mr Sammy Douglas MLA
Mr Declan Kearney MLA
Mr Trevor Lunn MLA
Mr Pat Sheehan MLA

In Attendance: Mrs Christine Darrah (Assembly Clerk)
Ms Marie Austin (Senior Assistant Assembly Clerk)
Ms Pamela Carson (Assistant Assembly Clerk)
Ms Leanne Johnston (Clerical Supervisor)
Ms Allison Ferguson (Clerical Officer)

The meeting commenced at 2.03 p.m. in open session.

1. Apologies

There were no apologies.

2. Draft Minutes

The Committee agreed the minutes of the meeting held on Thursday 27 October 2016.

3. Matters Arising

Item 1 – Committee Forward Work Programme

The Committee considered correspondence from the South Eastern Health and Social Care Trust regarding rescheduling the oral evidence session on prison healthcare issues arising from the Report of the Prisoner Ombudsman into the Incidents of Serious Self Harm by Sean Lynch in Maghaberry Prison.

Agreed: The Committee agreed to reschedule the oral evidence session with the South Eastern Health and Social Care Trust to the meeting on 17 November 2016.

Agreed: The Committee noted an up-dated Forward Work Programme for November 2016.

Item 2 – Addressing the Legacy of the Past

The Committee noted a response from the Minister of Justice providing further information on the work streams to address the legacy of the past.

Item 3 - Letter from Alex Attwood MLA

The Committee considered correspondence from Mr Attwood proposing that the Minister of Justice be invited to attend a meeting of the Committee in the near future to discuss a range of issues.

Agreed: The Committee agreed to invite the Minister to attend a meeting before Christmas Recess to discuss a number of matters including Fresh Start funding and the proposed justice legislative programme.

Item 4 – Draft Budget 2017-18

The Committee considered correspondence from the Committee for Finance providing a copy of an Assembly Research paper on the Executive's draft budget.

Agreed: The Committee agreed to forward the relevant questions in the research paper to the Department of Justice and ask it to send a copy of its response directly to the Committee for Finance.

Item 5 – Reducing Offending through Football Programme

The Committee noted a copy of a presentation on a Reducing Offending through Football Programme being developed between the IFA and the Reducing Offending Partnership and an invitation to attend the launch of the programme on 17 November 2016 at the National Football Stadium at Windsor Park to which all Members are invited to attend.

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

Mr Attwood joined the meeting at 2.11 p.m.

Ms Bailey joined the meeting at 2.13 p.m.

4. Draft Programme for Government Framework 2016-2021 and Department of Justice Draft Delivery Plans

The following officials joined the meeting at 2.13 p.m.

David Lavery, Director of Access to Justice, Department of Justice
Steven McCourt, Head of Community Safety Division, Department of Justice
Karen Pearson, Head of Protection and Organised Crime Division, Department of Justice
Louise Cooper, Deputy Director of Rehabilitation, Reducing Offending Directorate, Department of Justice

The officials outlined the Department of Justice draft delivery plans and relevant aspects of the draft Programme for Government.

The oral evidence was followed by a question and answer session.

The officials agreed to provide further information on a range of issues.

The oral evidence session was recorded by Hansard.

Agreed: The Committee agreed to request further information on a number of issues to assist their consideration of the draft Programme for Government and delivery plans relevant to the Department of Justice.

The Chairperson advised the Committee that a discussion on the draft Programme for Government and delivery plans would be scheduled for the meeting on 24 November 2016 to inform the preparation of a response for the Committee for the Executive Office's co-ordinated report on the draft PfG.

5. Legislative Consent Motion: Policing and Crime Bill – Revised Proposals

The following officials joined the meeting at 3.57 p.m.

Rosemary Crawford, Deputy Director, Policing, Policy and Strategy Division, Department of Justice
Michael Meehan, Policing, Policy and Strategy Division, Department of Justice
Gary Dodds, Policing, Policy and Strategy Division, Department of Justice
Amanda Patterson, Head of Criminal Policy Branch, Department of Justice

The officials outlined the revised proposals with regard to the Legislative Consent Motion relating to the Policing and Crime Bill including a new provision in relation to pardons for convictions for abolished homosexual offences.

The oral evidence was followed by a question and answer session.

The Chairperson outlined the Committee's extreme disappointment at the Department's handling of the Legislative Consent Motion and in particular issues relating to the provision of maritime enforcement powers in hot pursuit situations for the PSNI.

The officials agreed to provide further information on a range of issues.

The oral evidence session was recorded by Hansard.

Mr Beattie left the meeting at 4.55 p.m.

The Committee considered the new proposal to extend the provisions in relation to pardons for abolished homosexual offences.

Mr Beggs expressed his reservations regarding the proposal.

Agreed: The Committee agreed that it was content with the proposal to extend the provisions relating to pardons for abolished homosexual offences in the Policing and Crime Bill to Northern Ireland by way of a Legislative Consent Motion.

The Committee considered the revised proposal relations to maritime enforcement powers.

Agreed: The Committee agreed that it was content with the proposal to extend the maritime enforcement provisions in the Policing and Crime Bill to Northern Ireland by way of a Legislative Consent Motion, subject to the Minister of Justice giving a commitment, during the debate in the Assembly, that work will be progressed as quickly as possible by the Department of Justice to make provision for maritime enforcement powers in hot pursuit situations for PSNI officers, and to identify an appropriate legislative vehicle to give effect to this at the earliest opportunity.

Agreed: The Committee agreed that it was content to support the Minister of Justice in seeking the Assembly's endorsement of the Legislative Consent Motion:

"That this Assembly endorses the principle of the extension to Northern Ireland of a number of provisions within the Policing and Crime Bill, by amendment at Lords Committee and Lords Report Stage, insofar as they relate to UK maritime enforcement powers; UK cross jurisdictional arrest powers; anonymity for victims of forced marriage and pardons for convictions of certain abolished offences."

Agreed: The Committee agreed to write to the Minister of Justice regarding whether she is minded to undertake a review to identify the scale of other anomalies that may need to be addressed in relation to heterosexual offences.

The Chairperson advised the Committee that a draft report on the Legislative Consent Motion would be prepared for consideration at the meeting on 17 November 2016.

6. Legislative Consent Motion: Criminal Finances Bill

The Committee noted information provided by the Department of Justice on a proposed Legislative Consent Motion relating to the Criminal Finances Bill.

Agreed: The Committee agreed to schedule an oral briefing on the proposal to extend a number of the provisions in the Criminal Finances Bill to Northern Ireland by way of a Legislative Consent Motion.

7. SL1: Crown and Magistrates' Courts (Amendment) Rules (Northern Ireland) 2016 – Video Recorded Cross-Examination Special Measure

The Committee considered further information provided by the Department of Justice on a proposal for a Statutory Rule to amend the Crown Court Rules (Northern Ireland) 1979 and the Magistrates' Court Rules (Northern Ireland) 1984 to modify the current special measures applications process by prescribing the procedure for making an application to video record the cross-examination or re-examination of a witness under Article 16 of the Criminal Evidence (Northern Ireland) Order 1999 and for an associated direction to be made by the Court in respect of that application.

Agreed: The Committee agreed to seek clarification on the format of the video recorded cross-examination of the eye witness including whether the defence solicitor is present during of cross-examination.

8. SL1: The Juries Regulations (Amendment) Order (Northern Ireland) 2016

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to further amend the Juries Regulations (Northern Ireland) 1996 to provide for the Department to divide the divisional jurors' lists into Parts by Direction.

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

9. Correspondence

- i. The Committee noted a response from the Minister of Justice providing clarification on a number of issues relating to the extended permissions given to the Scottish Minister for Community Safety and Legal Affairs for Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016.
- ii. The Committee considered a response from the Department of Justice providing further information on the recruitment process for the new Director General of the Northern Ireland Prison Service and the amalgamation of the Director General and Director of Reducing Offending posts.

The Chairperson expressed his view that the amalgamation of the two posts was not a "good fit" given the wide ranging role in relation to reoffending and the more specific requirement for the Director General to focus on prisons issues.

Agreed: The Committee agreed to seek clarification of the term in the job specification stating successful candidates will be expected to reside "within easy commute to Stormont Estate" and further information on the rationale behind the decision to amalgamate the two posts.

- iii. The Committee noted correspondence from the Department of Justice advising of the publication of a quarterly statistical bulletin by the Northern Ireland Courts Tribunals Service on civil, criminal and family business across all court tiers.
- iv. The Committee noted correspondence from the Department of Justice setting out the background to and position relating to the implementation of the mutual recognition of driving disqualification and penalty points recommendations made by Criminal Justice Inspection Northern Ireland (CJINI) a number of years ago.

Agreed: The Chairperson advised Members that there would be an opportunity to discuss this issue further during the oral evidence sessions at the meeting on 17 November 2016 on the CJINI Report on Enforcement of Road Traffic Legislation in Northern Ireland.

- v. The Committee considered a response from the Department of Justice providing a breakdown of the departmental sick absence figures.

Agreed: The Committee agreed to seek further information on the sick absence figures in any of the areas above the target level, the estimated figure for 2015/16 and the corresponding PSNI sick absence figures.

- vi. The Committee noted SR 2016/387 (C.29): The Justice (2015 Act) (Commencement No.7 and Saving Provisions) Order (Northern Ireland) 2016 which was not subject to any Assembly Procedure.
- vii. The Committee considered the Northern Ireland Prisoner Ombudsman Investigation Report into Circumstances Surrounding the Death of a Prisoner, Mr I in Custody that was published on 12 October 2016

Agreed: The Committee agreed to forward a copy of the report to the Committee for Health for information and consideration given the recommendations for the South Eastern Health and Social Care Trust in relation to improving reviews of In-Possession medication and feedback from outside hospital appointments.

- viii. The Committee noted the Northern Ireland Executive Brussels Office Report: August – October 2016.
- ix. The Committee noted the Investment Strategy for Northern Ireland – Department of Justice Procurement Activity Report for October 2016.
- x. The Committee considered correspondence from Autism NI providing further information on autism and the criminal justice system within the wider context of the cross departmental NI Autism Strategy and Action Plans following the informal meeting on 20 October 2016.

Agreed: The Committee agreed to write to the Department of Justice requesting details of the outcomes or actions from the Multi Agency Steering Group that have been used to influence work in relation to implementation of the 2011 Autism Act.

- xi. The Committee considered a request from the British Association for Shooting and Conservation (BASC) to make a formal presentation on the length of time it is taking for the Police Service of Northern Ireland Firearms and Explosives Branch to process Firearms Licensing applications despite the recent increase in fees and the PSNI proposal to introduce an online only system.

Agreed: The Committee agreed to schedule an oral briefing on this issue by the British Association for Shooting and Conservation.

- xii. The Committee considered the Prisoner Ombudsman Investigation Report into the Circumstances Surrounding the Death in Custody of a Mr G Ellison in Magilligan Prison.

Agreed: The Committee agreed to forward a copy of the report to the Committee for Health for information and consideration of the recommendations for the South Eastern Health and Social Care Trust.

Agreed: The Committee agreed to consider the report further at the meeting on 17 November 2016.

10. Chairperson's Business

Item 1 – Informal Meeting with Men's Aid NI

The Chairperson advised Members that he and Sammy Douglas had held a very useful meeting with Men's Aid NI to discuss a proposal for Family Law which they are promoting within Northern Ireland. A copy of the paper outlining the proposal would be provided to all Committee Members.

Item 2 – Start 360 ADJUST Evaluation Report

The Chairperson advised Members that copies of the Start 360 *'Independent Evaluation of ADJUST Service'* booklet were available from Committee Staff and the organisation had requested an opportunity to present to the full Committee on it.

Agreed: The Committee agreed to consider the request at the meeting on 17 November 2016.

11. Any Other Business

None.

12. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 17 November 2016 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 5.36 p.m.

Mr Paul Frew MLA
Chairperson, Committee for Justice