



**Northern Ireland  
Assembly**

## **COMMITTEE FOR JUSTICE**

### **MINUTES OF PROCEEDINGS**

THURSDAY 27 OCTOBER 2016  
Room 30, Parliament Buildings, Belfast

Present: Mr Paul Frew MLA (Chairperson)  
Ms Pam Cameron MLA (Deputy Chairperson)  
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)

Apologies: Mr Alex Attwood MLA  
Ms Clare Bailey MLA

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

#### **1. Apologies**

As above.

#### **2. Draft Minutes**

The Committee agreed the minutes of the meeting held on Thursday 20 October 2016.

### **3. Matters Arising**

#### **Item 1 – Committee Forward Work Programme**

The Committee noted the Forward Work Programme for November 2016.

#### **Item 2 – Department of Justice Draft Budget 2017/18**

The Committee considered correspondence from Mr Attwood proposing that the Committee should meet as soon as the draft Budget is published and ask why a draft budget cannot be published during the last sitting week before Christmas recess.

The Chairperson informed the Committee of the indicative timings for the draft Budget 2017/18 that had been provided to the Committee for Finance and advised that the Finance Committee would be writing regarding a timetable for committee scrutiny of the budget.

*Agreed:* The Committee agreed that an oral evidence session should be scheduled as soon as detailed information on the Department of Justice draft 2017/18 Budget is available and the Clerk should liaise with the DALO and keep the Committee up-dated regarding the likely timeframe.

#### **Item 3 – Funding under the Fresh Start Agreement**

The oral evidence session by departmental officials on the arrangements for managing and allocating funding under the Fresh Start Agreement at the meeting on 20 October 2016 was raised by a Member who expressed concern that evidence provided by officials regarding the UK Government funding appeared to be at odds with the statement by the Minister of Finance to the Assembly on 25 October on the October Monitoring Round and the evidence may have been inaccurate or misleading.

*Agreed:* The Committee agreed to request clarification from the Minister for Justice, either in writing or if she wished to attend the Committee, of the funding position including whether a request for funding had been made to the UK Government and if so, whether it was turned down and why officials did not advise Members of the position during the oral evidence session.

*Agreed:* The Committee agreed to request clarification from the Minister of Finance of the Fresh Start Funding position including whether a request for funding had been made to the UK Government.

*Agreed:* The Committee agreed to request clarification from the Minister for Communities regarding whether his Department had programmes under the Executive's Action Plan to Tackle Paramilitary Activity, Criminality and Organised Crime that could not proceed this financial year as funding from the UK Government was not available.

*Agreed:* The Committee agreed to ask the Committee for the Executive Office for any information it had on the position regarding funding from the UK Government under the Fresh Start Agreement and the Executive's Action Plan to Tackle Paramilitary Activity, Criminality and Organised Crime and whether that Committee is examining the provision of such funding.

#### **4. Creation of a Domestic Abuse Offence and a Domestic Violence Disclosure Scheme – Results of the Consultation**

The following officials joined the meeting at 2.14 p.m.

Steven McCourt, Deputy Director, Community Safety Division, Department of Justice  
Martine McKillop, Head of Crime Reduction Branch, Community Safety Division, Department of Justice  
Joanne McPadden, Crime Reduction Branch, Community Safety Division, Department of Justice  
Detective Chief Superintendent George Clarke, PSNI

The officials outlined the results of the public consultation on the creation of a specific domestic abuse offence to capture coercive and controlling behaviour, and a domestic violence disclosure scheme.

*Mr Kearney joined the meeting at 2.19 p.m.*

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

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

The oral evidence session was recorded by Hansard.

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

*Agreed:* The Committee agreed that it was content to note the results of the public consultation and to consider the proposed construct of the offence when the Department provided further details.

#### **5. Legal Aid Remuneration in Civil and Family Courts – Final Proposals for Remuneration of Family and Children Cases**

The following officials joined the meeting at 3.18 p.m.

Mark McGuckin, Deputy Director, Public Legal Services Division, Department of Justice  
Richard Cushnie, Public Legal Services Division, Department of Justice  
Maureen Erne, Public Legal Services Division, Department of Justice

The officials outlined the current position regarding the proposals for remuneration of Family and Children cases.

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

*Mr Beattie left the meeting at 3.48 p.m.*

*Mr Douglas left the meeting at 3.56 p.m.*

*Mr Kearney left the meeting at 4.26 p.m.*

*Mr Sheehan left the meeting at 4.31 p.m.*

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

The oral evidence session was recorded by Hansard.

The Committee considered correspondence from Mr Attwood proposing that it should hear the views of key stakeholders including frontline practitioners on the consequences and risks for parents, families and children arising from the proposed changes.

*Agreed:* The Committee agreed to request an up-date from the Department of Justice on the position regarding each of the unresolved issues once engagement with the legal profession had been completed and before draft regulations are presented for consideration. At that stage the Committee will decide whether to take evidence from relevant practitioners.

**6. SR 2016/366: The Making Available on the Market and Supervision of Transfers of Explosives Regulations (Northern Ireland) 2016**

The Committee considered SR 2016/336: The Making Available on the Market and Supervision of Transfers of Explosives Regulations (Northern Ireland) 2016 which will implement European Directive 2014/28/EU (the Civil Uses Directive) on the harmonisation of the laws of the Members States relating to the making available on the market and supervision of explosives for civil uses.

*Agreed:* The Committee considered SR 2016/336: The Making Available on the Market and Supervision of Transfers of Explosives Regulations (Northern Ireland) 2016 and had no objection to the Rule.

**7. SL1: The Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) (Amendment) Rules (Northern Ireland) 2016**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to introduce provisions into the Magistrates' Court, and appeals to the County Court, to provide remuneration in cases where the circumstances are so exceptional that the costs of presenting the case cannot be properly remunerated under the existing matrix of standard fees.

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

**8. SL1: The Civil Legal Services (Scope) (No.2) Regulations (Northern Ireland) 2016**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to amend Schedule 2 to the Access to Justice (Northern Ireland) Order 2003 to provide that representation in a court of summary jurisdiction in relation to applications for Slavery and Trafficking Prevention Orders and applications for Violent Offences Prevention Orders may be funded as civil legal services.

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

**9. SL1: The Legal Aid for Crown Court Proceedings (Costs) (Amendment) (No.3) Rules (Northern Ireland) 2016**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to amend the Legal Aid for Crown Court Proceedings (Costs) Rules (Northern

Ireland) 2005, which prescribes the remuneration for solicitors and counsel assigned under Articles 29 or 36(2) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981, to extend existing standard fees to provide remuneration in the Crown Court for the hearing of an application for a Slavery and Trafficking Prevention Order and the hearing of an application for a Violent Offences Prevention Order.

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

#### **10. SL1: The Civil Legal Services (Remuneration) (Amendment) (No. 2) Order (Northern Ireland) 2016**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to provide that remuneration is available under civil legal services for representation in proceedings in the civil courts under paragraph 2, 6 or 7 of Schedule 3 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, and proceedings under section 57, 60 and 61 of the Justice Act (Northern Ireland) 2015.

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

#### **11. Committee Review of the Need for Stalking Legislation in Northern Ireland – Outline Paper and Draft Terms of Reference**

The Committee considered a paper outlining a proposed approach and draft Terms of Reference for the Review of Stalking Legislation in Northern Ireland that it had agreed to undertake.

*Agreed:* The Committee agreed the draft terms of reference and proposed approach for the Review of Stalking Legislation.

The Chairperson advised the Committee that a further paper setting out a more detailed timeline for the Review, the list of key stakeholders for consultation and useful areas of research to commission would now be prepared.

*Agreed:* The Committee agreed to schedule an oral evidence session with departmental officials on any research/work the Department of Justice had carried out in relation to stalking legislation.

#### **12. Draft Northern Ireland Modern Slavery and Human Trafficking Strategy 2016/17 – Results of the Consultation and Revised Strategy**

The Committee considered information provided by the Department of Justice on the results of the consultation on a draft 2016/17 Human Trafficking and Modern Slavery Strategy and the revised strategy.

*Agreed:* To assist its consideration of the draft Strategy the Committee agreed to seek an assurance from the Department of Justice that the actions in the 2015/16 Strategy that had been deferred or only partially completed had all been incorporated in the new draft Strategy and, if not, the reasons for not including them and to request further clarification of why the wording of the title had not been amended to include ‘exploitation’.

#### **13. Correspondence**

- i. The Committee noted correspondence from the Department of Justice advising that the Minister of Justice had signed a seventh Commencement Order to bring further powers contained in the Justice Act (Northern Ireland) 2015 into operation on 31 October 2016 and enclosing a copy of a Ministerial Direction, effective from 31 October 2016, dividing Northern Ireland into administrative court divisions and enabling chief clerks and clerks of petty sessions to exercise their functions throughout Northern Ireland in line with the single jurisdiction provisions.
- ii. The Committee considered correspondence from the Committee for the Executive Office requesting information on the plans for engagement with stakeholders on the Draft Programme for Government and draft departmental action plans.

*Agreed:* The Committee agreed a response to the Committee for the Executive setting out the work it had completed and the work it intended to undertake in relation to the draft Programme for Government and departmental action plans.

- iii. The Committee considered correspondence from the Committee for the Executive Office requesting information on the plans it had to include good relations as part of regular scrutiny of departmental activity following a recommendation contained in the Inquiry Report by the Committee for the Office of the First Minister and deputy First Minister into '*Building a United Community*'.

*Agreed:* The Committee agreed a response to the Committee for the Executive Office on its scrutiny of 'good relations' in the context of the work of the Department of Justice.

- iv. The Committee considered Criminal Justice Inspection Northern Ireland Reports on Unannounced Inspections of Hydebank Wood Secure College and Ash House Women's Prison.

*Agreed:* The Committee agreed to request information from the Department of Justice on the work the Prison Service intends to take to address the availability of drugs in both establishments including the implementation of a more strategic, multi-disciplinary approach to substance misuse dependency and the work it will undertake to improve mental health provision.

*Agreed:* The Committee agreed to send a copy of the reports to the Committee for Health for information and consideration of the issues raised in relation to mental health provision and the need for a multi-disciplinary approach to tackle substance misuse.

## **14. Chairperson's Business**

### Item 1 – Informal Meeting with Alicia Perry

The Chairperson advised Members that he, the Deputy Chairperson and other Committee Members had held a very useful meeting with Alicia Perry to discuss domestic violence, domestic abuse and coercive control from a survivor's perspective.

### Item 2 – Reducing Offending through Football Programme

The Chairperson advised Members that he and the Deputy Chairperson had attended a briefing on a Reducing Offending through Football programme being developed between the IFA and the Reducing Offending Partnership. The formal launch of the programme will take place on 17 November and all Committee Members are invited to attend.

Item 3 – Informal Meeting with Start 360

The Chairperson advised Members that he, the Deputy Chairperson and another Committee Member had met with representatives from Start 360 regarding the findings in their ADJUST evaluation report which showed that the outcomes of the project and the non-reoffending rate were excellent.

**15. Any Other Business**

None.

**16. Date, Time and Place of the next meeting**

The next meeting will be held on Thursday 10 November 2016 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 5.03 p.m.

**Mr Paul Frew MLA**  
**Chairperson, Committee for Justice**