



COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 6 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
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)
- Apologies: Mr Alex Attwood MLA
Ms Clare Bailey MLA
Ms Michaela Boyle MLA

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

1. Apologies

As above.

2. Draft Minutes

The Committee agreed the minutes of the meeting held on Thursday 29 September 2016.

3. Matters Arising

Item 1 – PSNI Business Crime Forecast Leaflet

The Committee noted a copy of the PSNI's Business Crime Forecast Leaflet which had been provided following the oral evidence session on the Business Crime Action Plan at the meeting on 29 September 2016.

Item 2 - Committee Forward Work Programme

The Committee noted an up-dated Forward Work Programme which included the rescheduling of the oral evidence session on the draft Programme for Government to Thursday 27 October 2016.

Item 3 – Strategic Planning Meeting

The Chairman advised the Committee that a summary of the key priorities and workstreams discussed at the Strategic Planning meeting on 29 September 2016 was being prepared for formal agreement in the next few weeks.

Agreed: The Committee agreed to request an update from the Minister of Justice regarding the Joint Working Group set up to consider issues relating to cases of fatal fetal abnormality including when the report will be available and the timescale within which she will submit proposals to the Executive on the way forward.

Agreed: The Committee agreed to seek clarification of the reasons and grounds on which the Department of Justice appealed the outcome of the Judicial Review in relation to abortion law.

Item 4 - Stalking Legislation in Northern Ireland

The Committee considered correspondence from Brenda Hale MLA asking for consideration to be given to the gaps in legislation in Northern Ireland in relation to stalking and to bring the legislation into line with the rest of the United Kingdom.

The Chairman advised the Committee that he had an informal discussion with the Minister of Justice regarding progressing this issue.

Agreed: The Committee agreed that an outline paper on how this issue can be taken forward including preparation of draft Terms of Reference should be undertaken by the Clerk.

Item 5 – Criminal Justice Inspection Northern Ireland Report on Enforcement of Road Traffic Legislation in Northern Ireland

The Committee gave further consideration to the Criminal Justice Inspection Report on Enforcement of Road Traffic Legislation in Northern Ireland.

Agreed: The Committee agreed that an outline paper on how the Committee can explore the concept of a road traffic prosecution team approach and centralised Traffic Court further should be prepared by the Clerk.

Agreed: The Committee agreed to schedule oral briefings from the Chief Inspector and the Department of Justice on the Report findings and recommendations.

Item 6 – Budget Process

The Committee considered correspondence from the Committee for Finance providing a letter from the Minister of Finance regarding the timescales for a one-year resource budget for 2017-18 and a multi-year capital budget.

The Committee noted that an oral evidence session on the Department of Justice draft budget is scheduled for Thursday 13 October.

4. Prisoner Ombudsman Investigation Report into Serious Self Harm Incidents by Sean Lynch in Maghaberry Prison – Evidence Session with the Prisoner Ombudsman for Northern Ireland

Mr Tom McGonigle, Prisoner Ombudsman for Northern Ireland joined the meeting at 2.12 p.m.

Mr McGonigle outlined the findings and recommendations in his Investigation Report into Serious Self Harm Incidents by Sean Lynch in Maghaberry Prison.

The evidence was followed by a question and answer session.

The evidence session was recorded by Hansard.

The Chairperson thanked Mr McGonigle for his attendance.

5. Prisoner Ombudsman Investigation Report into Serious Self Harm Incidents by Sean Lynch in Maghaberry Prison– Evidence Session with the Northern Ireland Prison Service

The following officials joined the meeting at 3.20 p.m.

Sue McAllister, Director General of the Northern Ireland Prison Service
Phil Wragg, Director of Operations, Northern Ireland Prison Service
Brian McCaughey, Director of Rehabilitation, Northern Ireland Prison Service

Ms McAllister responded to the findings and recommendations in the Prisoner Ombudsman Investigation Report into Serious Self Harm Incidents by Sean Lynch in Maghaberry Prison.

The evidence was followed by a question and answer session.

Mr Beattie left the meeting at 4.31 p.m.

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

The evidence session was recorded by Hansard.

The Chairperson thanked the officials for their attendance.

Agreed: The Committee agreed to provide a copy of the Hansards of the oral evidence sessions to the Committee for Health for consideration of the healthcare issues raised.

Agreed: The Committee agreed to schedule an oral evidence session with officials from the South Eastern Health and Social Care Trust on the Prisoner Ombudsman's Report.

6. Legislative Consent Motion – Policing and Crime Bill – Maritime Enforcement Powers

The Committee considered additional information and clarification provided by the Minister of Justice in relation to the proposed Legislative Consent Motion on Maritime Enforcement Powers.

Agreed: The Committee agreed that it was content with the proposed Legislative Consent Motion on Maritime Enforcement Powers subject to the following:

- The addition of maritime enforcement powers in relation to hot pursuit being extended to the PSNI;
- The Policing Board is content with the proposals for retrospective accountability by the Chief Constable to the Board; and
- The provision for maritime enforcement powers in relation to hot pursuit by Scottish officers in Northern Ireland territorial waters should only remain if the Scottish Government agrees the proposed model of oversight by the Office of the Police Ombudsman for Northern Ireland.

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

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to amend the Crown Court Rules and the Magistrates' Court Rules 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) 1999 Order and for an associated direction to be made by the Court in respect of the application.

Agreed: The Committee agreed to request further information on how fresh evidence is accommodated when using video recorded cross-examination or re-examination of a witness.

8. PSNI and PSNI Reserve (Injury Benefit) Regulations (Northern Ireland) 2006 - Employment Support Allowance Provisions – Proposed Targeted Consultation

The Committee considered information provided by the Department of Justice on a proposed targeted consultation on amendments to the PSNI and PSNI Reserve (Injury Benefit) Regulations (Northern Ireland) 2006 to provide for the deduction of Employment Support Allowance.

Agreed: The Committee agreed to request information on the reasons for the delay in updating the Regulations when Incapacity Benefit was replaced by Employment Support Allowance in 2008, the basis and reasons for the Policing Board instruction to the PSNI Pensions Branch to cease deducting ESA from 1 May 2016, the reason for adopting a similar approach to that intended by the Home Office rather than the approach adopted by the Scottish Public Pensions Agency and any financial implications as a result of the proposals.

Mr Beggs left the meeting at 5.15 p.m.

9. Correspondence

- i. The Committee noted correspondence from the Department of Justice providing clarification of inaccurate comments regarding an internal audit of the Detailing Office in Maghaberry Prison made by the Director General of the Northern Ireland Prison Service to the previous Justice Committee during oral evidence on 2 November 2015 on the CJINI Report of an Unannounced Inspection of Maghaberry Prison.
- ii. The Committee noted correspondence from the Department of Justice providing a copy of the Statutory Guidance issued to the Chief Constable of the PSNI in respect of the exercise of powers relating to the regime for Slavery and Trafficking Prevention Orders under Schedule 3 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.
- iii. The Committee noted correspondence from the Department of Justice providing a copy of the Northern Ireland Courts and Tribunals Service Business Plan for 2016/17.
- iv. The Committee noted correspondence from the Department of Justice advising of the publication of Official Statistics Bulletin 1/2016 '*Youth Justice Agency Annual Workload Statistics 2014/15*'.
- v. The Committee noted correspondence from the Department of Justice advising of the publication of Official Statistics Bulletin 2/2016 '*Youth Justice Agency Findings from the 2015 Stakeholder Survey*'.
- vi. The Committee noted correspondence from UglyMugs.ie regarding the oral evidence session with Department of Justice officials on the Northern Ireland Human Trafficking and Exploitation Strategy 2015/16 – Progress Report on 22 September 2016 and the Sex Worker Liaison Group.
- vii. The Committee considered correspondence from Reprieve regarding its report '*Belfast to Bahrain: the torture trail*' and the role of NI-CO in providing training to Bahraini prison guards, police and abuse investigators.

Agreed: The Committee agreed to forward the report to the Committee for the Economy and ask it to consider the issues raised given NI-CO is a wholly owned subsidiary of Invest NI which is a Non Departmental Public Body of the Department of the Economy.
- viii. The Committee noted an invitation from NIACRO to its Justice Seminar on '*Hate Crime Offending: The Need for Civil Courage*' on 18 October 2016 in Parliament Buildings.

Agreed: The Committee agreed that Members should advise the Clerk if they wished to attend this event.
- ix. The Committee noted an invitation from the Coroners Service for Northern Ireland in conjunction with the NI State Pathologist's Office to a Medico-Legal Colloquium on 11 October 2016 in Parliament Buildings.

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

10. Chairperson's Business

Item 1 – Request from a Mr McMaster

The Chairperson advised the Committee that he had received a request from a Mr McMaster to accompany him to a meeting with the Minister of Justice regarding his complaint of maladministration by the Office of the Police Ombudsman.

Agreed: The Committee agreed that it would not be appropriate for the Chairperson to accompany Mr McMaster to the meeting given it does not pursue individual complaints.

Item 2 – Introductory Meetings

The Chairperson advised Members that he and the Deputy Chairperson had held introductory meetings with representatives from the Law Society for Northern Ireland and the Royal College of Speech and Language Therapists.

Item 3 – Informal Meetings

The Chairperson advised the Committee that arrangements had been made for the informal meeting with Autism NI and the National Autistic Society NI on the Broken Promises report launched by the All Party Group on Autism and the provision of services for autistic individuals and their families in Northern Ireland to take place on Thursday 20 October 2016.

Ms Cameron declared an interest as the Chairperson of the All Party Group on Autism.

11. Any Other Business

None.

12. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 13 October 2016 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 5.21 p.m.

Mr Paul Frew MLA
Chairperson, Committee for Justice