



**AD-HOC COMMITTEE FOR THE NORTHERN IRELAND PUBLIC SERVICES
OMBUDSPERSON BILL**

**TUESDAY 23 JUNE 2015, 10.30 AM ROOM 21, PARLIAMENT BUILDINGS,
BALLYMISCAW, STORMONT**

Present: Lord Morrow (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Mr David Hilditch
Mr Trevor Lunn
Ms Maeve McLaughlin
Mr Alban Maginness
Mr Gary Middleton

In Attendance: Ms Shauna Mageean (Senior Assistant Assembly Clerk)
Ms Kate McCullough (Assistant Assembly Clerk)
Mr Jim Nulty (Clerical Supervisor)

The meeting opened at 10.35am in public session.

1. Apologies

Mr Colum Eastwood, Mr Cathal Boylan

2. Minutes of the last meeting

The Committee agreed the minutes of the meeting held on Tuesday 16 June 2015.

3. Matters Arising

The Committee noted the papers provided for information by the Committee for the First Minister and deputy First Minister on the definition of maladministration and an Assembly research paper on the gender neutrality of the name of Ombudsman.

The Committee considered the request to upload to the Ad Hoc Committee website the written stakeholders' submissions received from the 'Call for Evidence' which took place in May 2015.

Agreed: The Committee agreed to upload to the Ad Hoc Committee website the written stakeholders' submissions received from the Call for Evidence session in May 2015.

4. Northern Ireland Public Services Ombudsperson Bill – Briefing from Assembly Legal Services on Legal Advice

The meeting moved into closed session at 10.40am

The Northern Ireland Assembly Legal Team joined the meeting at 10.40am

The Committee considered the legal advice provided by the Assembly Legal Team on the key Clauses raised in written submissions on the Public Services Ombudsperson Bill.

David Hilditch joined the meeting at 10.49am

Pat Sheehan left the meeting at 11.20am

The Northern Ireland Assembly legal Team left the meeting at 11.30am

The meeting moved into open session at 11.30am

5. Public Services Ombudsperson Bill – Committee Deliberations on Bill

Mr. Alyn Hicks and Mr Jonathan McMillen from the Assembly Bill Team joined the meeting at 11.31am

Agreed: The Committee agreed to resume its consideration of the Bill.

Agreed: The Committee agreed it would not be undertaking formal clause by clause scrutiny at this stage.

Agreed: The Committee agreed that in respect of clause it would consider whether it was broadly content with the clause as drafted, whether it required further information and /or written or oral evidence to assist in deliberations, or if it wished to request that an amendment be drafted either by this Committee or the OFMDFM Committee.

Part 2: Investigations

Agreed: The Committee agreed to defer consideration until its meeting on 30 June 2015.

Clause 8: Power to investigate own initiative

Agreed: The Committee was content with Clause 8 as drafted.

Clause 9: Criteria for own initiative investigation

Agreed: The Committee was content with Clause 9 as drafted.

Clause 10: Alternative resolution for complaints

Agreed: The Committee was content with Clause 10 as drafted.

Clause 11: Purposes of investigation

Pat Sheehan joined the meeting at 11.38am

Agreed: The Committee was content with Clause 11 as drafted.

Schedule 3: Listed authorities

Maeve McLaughlin left the meeting at 11.40am

Agreed: The Committee agreed to seek further clarification on the Amendment suggested by the Northern Ireland Audit Office to list all its functions and to defer consideration until its meeting of 30 June 2015.

Clause 18: Matters which may be investigated: universities

Agreed: The Committee agreed to defer consideration until it receives further information from the Committee for OFMDFM regarding Theological Colleges.

Clause 23: Decisions taken without maladministration

Agreed: The Committee agreed to defer consideration until it receives the information relating to Clause 18.

Clause 26: Form and time limit for making complaint

The Committee noted it is still awaiting the response from the Northern Ireland Ombudsman with regards to providing the number of complaints the office has received over the past three years that were outside the proposed 6 months' time limit.

Agreed: The Committee was content with Clause 26 as drafted.

Clause 30: Investigation Procedure

Agreed: The Committee was content with Clause 30 as drafted.

Clause 31: Information, documents, evidence and facilities

Agreed: The Committee was content with Clause 31 as drafted.

Clause 32: Privilege and confidential information

Agreed: The Committee agreed to defer consideration until its meeting on 30 June 2015.

Clause 38: Reports and privileged information

Agreed: The Committee agreed to defer consideration until its meeting on 30 June 2015.

Clause 41: Disclosure contrary to public interest

Agreed: The Committee was content with Clause 41 as drafted.

Clause 42: Consultation and co-operation with other Ombudspersons

Agreed: The Committee was content with Clause 42 as drafted.

Clause 47: Court proceedings and privileged information

Agreed: The Committee agreed to defer consideration until its meeting on 30 June 2015.

Clause 49: Northern Ireland Judicial Appointments Ombudsman

Agreed: The Committee was content with Clause 49 as drafted.

Clause 51 & 52: Power to make further provisions / Orders

The Committee noted the response from the Committee for OFMDFM in relation to the Examiner of Statutory Rules advice and noted the Committee for OFMDFM is seeking advice from the Drafter on paragraph 8.

Agreed: The Committee agreed to defer consideration until it receives information from the Committee for OFMDFM

Schedule 7: Amendment to Part 9 of the Local Government Act (NI) 2014

Agreed: The Committee agreed to defer consideration until its meeting on 30 June 2015.

The Committee considered the following Amendments to the NIPSO Bill:

Agreed: The Committee agreed Schedule 4 page 36 line 30 leave out ‘Article 110 of the Planning (Northern Ireland) Order 1991’ and insert ‘section 203 of the Planning Act (Northern Ireland 2011’.

Agreed: The Committee agreed new paragraph Schedule 6, page 39, line 27 at end insert - ‘8A. Omit paragraph 13 (financial provisions and directions)’.

Agreed: The Committee agreed Schedule 9, age 46, line 40 at end insert- ‘The Ombudsman and Commissioner for Complaints (Amendment) Act (Northern Ireland 2015 the whole Act.’

The Committee considered the response from the Committee for OFMDFM to its correspondence of 16 June regarding comments from the Office of the Legislative Counsel and noted that the Committee for OFMDFM has sought the advice of the drafter and will update the Committee upon receipt of that advice.

The Committee noted the clarification provided by the Bill Team in relation to non-disclosure of documents.

6. Forward Work Programme

Agreed: The Committee agreed the updated Forward Work Programme

7. Any Other Business

The Committee noted the date and time for the Motion to extend the Committee Stage of the PSO Bill from 30 June to the 30 September 2015.

8. Date, Time and Place of Next Meeting

The next meeting will be 30 June 2015 at 10.30am in Room 21.

The Chairperson adjourned the meeting at 12.29am

LORD MORROW

Chairperson to the Ad Hoc Committee for the NIPSO Bill