



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 24 SEPTEMBER 2020

Senate Chamber and Room 29, Parliament Buildings, Belfast

Present: Mr Paul Givan MLA (Chairperson)
Ms Linda Dillon MLA (Deputy Chairperson)
Mr Doug Beattie MLA
Ms Sinéad Bradley MLA*
Ms Jemma Dolan MLA
Mr Gordon Dunne MLA
Mr Paul Frew MLA
Mrs Emma Rogan MLA
Ms Rachel Woods MLA

* This Member attended the meeting via video conferencing.

In Attendance: Mrs Christine Darrah (Assembly Clerk)
Mrs Kathy O'Hanlon (Senior Assistant Assembly Clerk)
Mr Peter Madine (Assistant Assembly Clerk)
Mrs Allison Mealey (Clerical Officer)

The meeting commenced at 10.02 a.m. in public session.

1. Apologies

There were no apologies.

The Chairperson, on behalf of the Committee, condemned the recent threat made against Mr Beattie.

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 17 September 2020.

3. Matters Arising

Item 1 - Domestic Abuse and Family Proceedings Bill - Written evidence from an individual

The Committee noted a written submission from an individual in relation to the Domestic Abuse and Family Proceedings Bill.

Item 2 – Committee Forward Work Programme

The Committee considered a range of work items that the Department had asked to schedule for the meeting on 1 October 2020.

Agreed: The Committee agreed to schedule the work items for the meeting on 1 October 2020.

Item 3 - Police Service of Northern Ireland Retention and Disposal Schedule

The Committee considered a response from the NI Policing Board regarding the Police Service of Northern Ireland Retention and Disposal Schedule.

Agreed: The Committee agreed that it had no issues to raise in relation to the Police Service of Northern Ireland Retention and Disposal Schedule and would consider it formally at the meeting on 1 October 2020.

4. EU Exit and Justice Related Issues and Key Policing Priorities/Challenges

The following PSNI officers joined the meeting by video conferencing at 10.10 a.m.:

Mr Simon Byrne, Chief Constable, PSNI
Mr Mark Hamilton, Deputy Chief Constable, PSNI
Mr Mark McEwan, Assistant Chief Constable, PSNI

The Chief Constable provided an overview of the key EU Exit and justice related issues and other policing priorities and challenges.

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

Ms Dillon declared an interest in relation to a letter she had received from the PSNI regarding the investigation into alleged breaches of Covid-19 restrictions at the funeral of Bobby Storey.

The Chief Constable agreed to provide further information on one issue.

The oral evidence session was reported by Hansard.

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

5. Domestic Abuse and Family Proceedings Bill – Deliberations on the Bill clauses, other issues not currently included in the Bill and possible amendments

The Committee considered further information on clauses 5, 9, 11, 13, 17, 18, 22, 25 and 26 of the Domestic Abuse and Family Proceedings Bill and the text of a number of proposed amendments provided by the Department of Justice.

The following officials joined the meeting at 12.03 p.m.:

Dr Veronica Holland, Head of Violence against the Person Branch, Department of Justice

Ms Jane Maguire, Head of Family Courts and Tribunals Justice Branch, Department of Justice

The officials provided further clarification in relation to clause 9 and a proposal to reduce the age threshold for the parental responsibility exclusion from under age 18 to under age 16 by way of amendments to clauses 11 and 17.

The officials agreed to provide further information in relation to clause 9 and the proposed amendments to clauses 11 and 17.

Agreed: The Committee agreed to defer consideration of Clauses 9, 11 and 17 until the meeting on 1 October to enable consideration to be given to any further information provided by the Department.

The Chairperson thanked the officials and they left the meeting.

The Committee noted responses from the PSNI and the NI Policing Board on the approach adopted to sharing information with the Home Office where a victim or witness of crime is also a suspected immigration offender in the context of domestic abuse.

The Committee noted further information provided by the Department of Justice on a range of issues raised in the evidence received that are not currently covered in the Domestic Abuse and Family Proceedings Bill including the equality screening of the policy proposals covered in the Bill and the areas to be covered in the Justice (Miscellaneous Provisions) Bill.

The Committee agreed that the meeting should move into closed session to receive advice from the Assembly Bill Clerk on potential committee amendments in accordance with normal protocol.

The meeting moved into closed session at 1.19 p.m.

Ms Stephanie Mallon, Assembly Bill Clerk, attended the meeting to provide advice on a range of potential Committee amendments to the Domestic Abuse and Family Proceedings Bill covering a number of issues not currently included in the Bill.

Mr Dunne left the meeting at 1.24 p.m.

The meeting was suspended at 1.30 p.m.

The meeting recommenced at 2.08 p.m. in closed session in Room 29, Parliament Buildings.

Present: Mr Paul Givan MLA (Chairperson)
Ms Linda Dillon MLA (Deputy Chairperson)
Ms Sinead Bradley MLA*
Ms Jemma Dolan MLA
Mr Paul Frew MLA
Ms Emma Rogan MLA
Ms Rachel Woods MLA

* This Member attended the meeting via video conferencing.

Ms Stephanie Mallon, Assembly Bill Clerk, continued her advice on a range of potential Committee amendments to the Domestic Abuse and Family Proceedings Bill covering a number of issues not currently included in the Bill.

Ms Rogan left the meeting at 3.16 p.m.

Agreed: The Committee agreed that the Bill Clerk should prepare the final text of amendments covering a range of issues including independent oversight, reporting arrangements, data collection, training, a duty to introduce measures similar to DAPN's/O's and facilitation of information sharing for consideration at the meeting on 1 October 2020.

The Chairperson thanked Ms Mallon for her advice and she left the meeting.

Mr Frew left the meeting at 4.08 p.m.

The meeting moved into public session at 4.08 p.m.

6. Department of Justice 2020-21 Main Estimates

The Committee noted information from the Department of Justice setting out its position for the Main Estimates and providing updates on the Review of the Financial Process, the in-year position including Covid-19 pressures, the information provided to the NI Audit Office and the Annual Report and Accounts for 2019-20.

7. Annual Renewal of the Secretary of State's Direction under Section 1A(7) of the Prisons Act (NI) 1953 as amended by Schedule 4 of the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010

The Committee noted the intention of the Minister of Justice to renew, without amendment, the Secretary of State's Direction under Section 1A(7) of the Prisons Act (NI) 1953 as amended by Schedule 4 of the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, which sets out arrangements for how Department of Justice officials, when dealing with operational prison matters which remain in the reserved field, are to be treated as Officers of the Secretary of State, for a further twelve months from October 2020.

8. Development of a Joint Secure Care and Justice Campus for Children on the Woodlands/Lakewood site – Proposed Consultation

The Committee considered information provided by the Department of Justice and the Department of Health on proposals for a regional Care and Justice Campus for children and young people at the Woodlands and Lakewood sites and a draft consultation document.

The Committee noted the intention, subject to the agreement of the Executive, to undertake a twelve week public consultation on the proposals.

Agreed: The Committee agreed that it was content to note the proposals for consultation and to consider the matter further when the results of the consultation are available.

Agreed: The Committee agreed to schedule an oral evidence session with the Northern Ireland Commissioner for Children and Young People on the proposals and other justice related children's issues.

9. Consultation on the Law on Child Sexual Exploitation – Summary of Responses and Next Steps

The Committee considered a summary of the responses to the Consultation on the Law on Child Sexual Exploitation provided by the Department of Justice and its proposed way forward in relation to each of the issues covered.

Agreed: The Committee agreed to schedule an oral evidence session with Department of Justice officials on the proposals to take forward four legislative changes in the Justice (Miscellaneous Provisions) Bill and the proposed way forward on the other issues.

10. Department of Justice Draft Corporate Plan 2019-2022 and Business Plan 2020-21

The Committee considered the Department of Justice draft Corporate Plan for 2019-22 and Business Plan for 2020-21 which includes a number of specific actions in direct response to Covid-19.

Agreed: The Committee agreed to request a written update from the Department on the current progress and work being undertaken in relation to each of the measures in the Business Plan.

11. Restarting the Accreditation Process for Community Based Restorative Justice Organisations – Transfer of Legislation

The Committee considered information from the Department of Justice on a proposal to transfer the statutory functions in relation to the accreditation of Community Based Restorative Justice Schemes in Northern Ireland from the Secretary of State for Northern Ireland to the Minister of Justice by way of a provision in the Justice (Miscellaneous Provisions) Bill.

Agreed: The Committee agreed to write to the Department and emphasize the need to ensure the current restorative justice schemes are involved in the process.

12. Correspondence

- i. The Committee considered correspondence from the Public Prosecution Service advising that it had taken steps to contact 17 victims to inform them that the convictions of 15 individuals prosecuted in the Magistrates' Court for a sexual offence between 2009 and 2017 are to be set aside as a result of a legislative error which caused them to be invalid.

Agreed: The Committee agreed to write to the Minister of Justice expressing its deep concern about the situation and requesting that she make an urgent oral statement on the matter to the Assembly on Monday 28 September 2020.

The issue of the protests in HM Prison Maghaberry and Ash Women's Prison was raised.

Agreed: The Committee agreed to request an update from the Minister of Justice on the situation.

- ii. The Committee considered a memo from the Clerk to the Public Accounts Committee (PAC) advising that the PAC had decided not to undertake an Inquiry into the NI Audit Office report on 'Mental Health in the Criminal Justice System.'

Agreed: The Committee agreed to request further information on the reason the PAC had decided not to undertake the Inquiry.

- iii. The Committee considered a letter from an individual regarding an ongoing employment case in the Industrial Tribunal/Court of Appeal.

Agreed: The Committee agreed to advise the individual to contact one of his constituency MLAs for support.

The Committee noted the following:

- iv. A briefing paper for the Executive from Pivotal Public Policy Forum on 'Priorities for Recovery'.
- v. The Official Research and Statistical Bulletin on 'Case Processing Time for Criminal Cases dealt with at Courts in Northern Ireland 2019/20.'
- vi. The Independent Anti-Slavery Commissioner Annual Report 2019-20.
- vii. A copy of a letter from Friends of Knock Iveagh to the Minister of Justice on an environmental issue and the application of the Aarhus Convention.

13. Chairperson's Business.

The Chairperson informed Members that the Chairpersons' Liaison Group had discussed the scheduling of committee meetings and the intention was to resume the normal schedule for Committee meetings at the beginning of October. The Justice Committee meeting would therefore revert back to a Thursday afternoon at 2.00 p.m.

Agreed: The possibility of the meetings starting slightly earlier would be explored by committee staff.

14. Any Other Business

None.

15. Date, Time and Place of the next meeting

The next meeting will be held on Tuesday 29 September 2020 at 12.45 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 4.30 p.m.

Mr Paul Givan MLA
Chairperson, Committee for Justice