



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

WEDNESDAY 5 NOVEMBER 2014
Room 21, Parliament Buildings

Present: Mr Paul Givan MLA (Chairman)
Mr Raymond McCartney MLA (Deputy Chairman)
Mr Stewart Dickson MLA
Mr Sammy Douglas MLA
Mr Tom Elliott MLA
Mr Paul Frew MLA
Mr Chris Hazzard MLA
Mr Seán Lynch MLA
Mr Alban Maginness MLA
Mr Edwin Poots MLA

In Attendance: Mrs Christine Darrah (Assembly Clerk)
Mr Keith McBride (Senior Assistant Assembly Clerk)
Mrs Roisin Donnelly (Assistant Assembly Clerk)
Miss Marianne Doherty (Clerical Officer)
Miss Anna McDaid (Assembly Bursary Student)

Apologies: Mr Patsy McGlone MLA

The Committee agreed to meet in closed session to consider agenda item 1.

The meeting commenced at 2.06 p.m. in closed session.

1. Legal Advice on issues relating to a possible Inquiry into Allegations of Potential Interference in the Criminal Justice Process

Ms Kiera McDonald, Assembly Legal Advisor, attended the meeting to provide legal advice on issues relating to a possible committee inquiry into allegations of potential interference in the criminal justice process and answered Members' questions on a range of matters.

2.21 p.m. Mr Chris Hazzard joined the meeting.

The Chairman thanked Ms McDonald and she left the meeting.

The meeting moved into public session at 2.45 p.m.

2. Apologies

As above.

3. Draft minutes of the meetings held on 21 and 22 October 2014

The Committee approved the draft minutes of the meetings held on 21 and 22 October 2014.

4. Matters Arising

- i. The Committee noted correspondence from Mr Micheál Martin TD to the Chairman requesting a meeting to discuss the Mairia Cahill case and the possible need for cross-border cooperation and the Chairman updated Members on his meeting with representatives of Mr Martin's office which took place on 21 October 2014.
- ii. The Committee noted an updated Forward Work Programme for November 2014 and discussed the Justice Bill oral evidence sessions, the consultation process for the Draft Budget and the current position regarding the Desertcreat Community Safety College Capital Project as outlined in a letter from the Minister of Justice dated 3 November 2014.

Agreed: The Committee agreed that arrangements should be made for the Department of Health, Social Services and Public Safety to provide oral evidence on the Attorney General's proposed amendment following receipt of its written submission.

Agreed: The Committee agreed to write again to the Regulation and Quality Improvement Authority and indicate that it wants representatives of the body to attend to give oral evidence on Jim Well's proposed amendment and the letter should be copied to the Minister of Health, Social Services and Public Safety and the Permanent Secretary of the Department.

Agreed: The Committee agreed that a briefing with departmental officials on the budget proposals for the Department of Justice will be scheduled before Christmas recess.

Agreed: The Committee agreed that the oral briefing on the Desertcreat Community Safety College capital project scheduled for December should be brought forward and arrangements should be made for it to take place as soon as possible.

The Committee agreed to consider Agenda item 7.

5. Possible Inquiry into Allegations in a BBC Spotlight Programme aired on 14 October 2014

The Committee noted correspondence from the Police Ombudsman for Northern Ireland regarding the timescale for the completion and publication of his reports into complaints in relation to the Aine Adams and Mairia Cahill cases.

The Committee noted correspondence from the Department of Justice outlining the position of the Minister of Justice following a review of the Spotlight Programme aired on 14 October 2014 to identify any implications for the Department of Justice.

The Committee discussed conducting an inquiry into allegations in the BBC Spotlight Programme aired on 14 October 2014 of potential interference in the criminal justice process.

The Chairman stated that the broad theme of the inquiry should be around public confidence in the criminal justice system and the cause of the concern about confidence in the system which related to the issues raised in the BBC Spotlight Programme and UTV Insight Programme broadcast in 2013 in respect of allegations of sexual abuse emanating from within the republican community and how that was dealt with by senior individuals in the republican movement and indicated that this was in line with the motion passed by the Assembly on 4 November 2014.

The Deputy Chairman stated that the scope of the Inquiry should be as broad as possible and should cover sexual abuse within the community.

The Chairman's proposal was put that an Inquiry should be held into the issues of public confidence around how the Criminal Justice System has handled allegations of sexual abuse from within the republican community involving the republican movement.

The Committee divided: Ayes 7; Noes 0; Abstain 3;

AYES

Mr Stewart Dickson
Mr Sammy Douglas
Mr Tom Elliott
Mr Paul Frew
Mr Paul Givan
Mr Alban Maginness
Mr Edwin Poots

ABSTAIN

Mr Chris Hazzard
Mr Seán Lynch
Mr Raymond McCartney

Agreed: The Committee agreed that an Inquiry should be held into the issues of public confidence around how the Criminal Justice System has handled allegations of sexual abuse from within the republican community involving the republican movement.

The Deputy Chairman's proposal was put that an Inquiry should be held into the issues of public confidence around how the Criminal Justice System has handled allegations of sexual abuse from within the community.

The Committee divided: Ayes 3; Noes 7; Abstain 0;

AYES

Mr Chris Hazzard
Mr Seán Lynch
Mr Raymond McCartney

NOES

Mr Stewart Dickson
Mr Sammy Douglas
Mr Tom Elliott
Mr Paul Frew
Mr Paul Givan
Mr Alban Maginness
Mr Edwin Poots

The proposal fell.

The Chairman advised the Committee that draft Terms of Reference for the agreed Inquiry would be prepared.

6. Draft Victim of Crime Charter – Results of the Department of Justice Consultation

Ms Maura Campbell, Deputy Director, Criminal Justice Development Division and Veronica Holland and Maurice Campbell, Criminal Justice Development Division, Department of Justice joined the meeting at 3.23 p.m.

3.24 p.m. Mr Raymond McCartney left the meeting.

Ms Campbell outlined the results of the consultation and the revisions that had been made to the draft Victim of Crime Charter.

A question and answer session followed covering issues including how victims would be made aware of the support services and entitlements contained in the Charter; how the Charter will contribute to making the necessary cultural change within criminal justice organisations in respect of the treatment of victims; the independent complaints mechanisms available and how complaints would be handled; the benefits of having a simplified version of the guide to the Charter and a young person's guide; and the successful approach adopted by the Department and the Committee in working together on victims and witnesses of crime issues and the Charter.

The briefing was recorded by Hansard.

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

Agreed: The Committee agreed that it was content with the final version of the Victim of Crime Charter.

7. Proposed Legislative Consent Motion on Northern Ireland Provisions in the Modern Slavery Bill

Mr Simon Rogers, Deputy Director, Protection and Organised Crime Unit and Julie Wilson, Head of Human Trafficking Team, Department of Justice joined the meeting at 3.33 p.m.

3.38 p.m. Mr Raymond McCartney joined the meeting.

Mr Rogers outlined the proposed Legislative Consent Motion (LCM) and the specific provisions within the Modern Slavery Bill that relate to Northern Ireland.

The briefing was recorded by Hansard.

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

The Committee noted the proposed timeframe and arrangements for handling the LCM.

8. The Justice Bill – Response from the Department of Justice on issues relating to the Delegated Powers

3.43 p.m. Mr Chris Hazzard left the meeting.

The Committee noted a response from the Department of Justice indicating that it was receptive to the issues raised by the Examiner of Statutory Rules in his Report on the delegated powers within the Justice Bill in relation to the regulation-making powers in clauses 79(2) (the general duty to progress criminal proceedings) and clause 80 (case management regulations) and was minded to bring forward amendments at Consideration Stage of the Bill.

Agreed: The Committee agreed to consider the wording of the Department of Justice's proposed amendments to clauses 79 and 80 before completion of Committee Stage of the Bill to ensure that they adequately address the issues raised.

9. SL1 The Civil Legal Services (Financial) Regulations (Northern Ireland) 2015

The Committee considered a proposal by the Department of Justice to make a Statutory Rule under powers conferred by the Access to Justice (Northern Ireland) Order 2003 to make provision for the Legal Services Agency Northern Ireland, the Legal Aid Assessment Office and solicitors to conduct financial eligibility assessments for legal aid applications for Advice and Assistance, Assistance by Way of Representation and Civil Legal Aid.

Agreed: The Committee agreed that it would consider the proposed Statutory Rule again when the results of the Department's targeted consultation are available.

10. Update on the Review of the Statutory Discount Rate

3.46 p.m. Mr Tom Elliott left the meeting.

The Committee noted an update from the Department of Justice on the current position regarding the Review of the Statutory Discount Rate.

11. Research Reports into the Experience of Families Bereaved through Murder, Manslaughter and Culpable Road Death with the Criminal Justice Process

The Committee noted the findings of two Research Reports commissioned by the Department of Justice into the Experience of Families Bereaved through Murder, Manslaughter and Culpable Road Death with the Criminal Justice Process and the Department's response paper and action plan to address the issues identified.

12. Correspondence

- i. The Committee noted correspondence from the Department of Justice advising that the estimated timescale for the introduction of the Mental Capacity Bill is now March 2015.
- ii. The Committee noted a copy of a response from the Department of Justice to the Committee for Health, Social Services and Public Safety regarding the powers

available to the PSNI in relation to the seizure of New Psychoactive Substances (NPS) from young people.

- iii. The Committee noted correspondence from the Department of Justice in relation to the impact of budget cuts on the Youth Justice Agency.
- iv. The Committee noted a response from the Minister of Justice in relation to the Committee's request for an update on the PSNI /NIO Civilian Staff Equal Pay Claim.
- v. The Committee noted a copy of the Minister of Justice's response to the Committee for the Office of the First Minister and Deputy First Minister's Inquiry into Building a United Community.
- vi. The Committee noted a response from the Department of Justice providing information in relation to an outstanding Post Project Evaluation on the Northern Ireland Prison Service buy out of annual leave scheme.
- vii. The Committee considered a response from the Department of Justice to issues raised by the Firearms Dealers Association and the Gun Trade Guild in relation to PSNI civilian staff being brought within the remit of the Office of the Police Ombudsman.

Agreed: The Committee agreed to forward a copy of the Department's response to the Firearms Dealers Association and the Gun Trade Guild for information.

- viii. The Committee noted correspondence from the Department of Justice in relation to the Analysis of Sick Absence in the Northern Ireland Civil Service 2013/14.
- ix. The Committee considered a response from the Committee for Social Development requesting a copy of any response received from the Minister of Social Development to issues raised by Lough Neagh Rescue in relation to alleged mistreatment by the Charities Commission for Northern Ireland.

Agreed: The Committee agreed to forward any response received from the Minister of Social Development on the matter to the Committee for Social Development.

- x. The Committee considered a response from the Committee for Social Development requesting a copy of any response received from the Minister of Social Development to issues raised by the Disabled Police Officers' Association NI in relation to the handling of an investigation by the Charities Commission for Northern Ireland.

Agreed: The Committee agreed to forward any response received from the Minister of Social Development on the matter to the Committee for Social Development.

- xi. The Committee noted correspondence from the Committee for Finance and Personnel providing a copy of correspondence from the Department of Finance and Personnel in relation to a proposed LCM for powers to prevent transfers of unfunded, public service defined benefit pension schemes to defined contribution pension schemes.

- xii. The Committee noted correspondence from the Committee for Enterprise, Trade and Investment providing a copy of the Year 2 Annual Monitoring Report for the Northern Ireland Economic Strategy.
- xiii. The Committee noted a copy of a news release from the Public Prosecution Service in relation to an Independent Review of prosecution cases by Sir Keir Starmer QC.
- xiv. The Committee noted the October Activity Report on the delivery of the Department of Justice capital projects as detailed in the ISNI Delivery Tracking System.
- xv. The Committee considered a copy of correspondence from KRW Law Advocates to the Department of Justice in relation to the Northern Ireland Civil Legal Aid Reform highlighting that the current round of public sector budget decisions is having a dramatic impact on policing the past in Northern Ireland.

Agreed: The Committee agreed to request a copy of the response from the Department of Justice to KRW Law Advocates on this matter.

- xvi. The Committee considered correspondence from a Mr Glenn requesting a meeting with the Committee in relation to concerns regarding the Police Federation of Northern Ireland and Department of Justice handling of proposed police pension changes in April 2015.

Agreed: The Committee agreed that an informal meeting with Mr Glenn and the Chairman and Deputy Chairman, to which other Committee Members would be invited to attend if available, should be arranged to discuss the issues raised.

- xvii. The Committee noted a copy of correspondence from a Mr J O'Boyle to the Public Prosecution Service in relation to the sentencing of an animal welfare case.
- xviii. The Committee considered a response from the Department of Justice in relation to the issues raised by the Disabled Police Officers' Association Northern Ireland (DPOANI) regarding the handling of an investigation by the Charities Commission for Northern Ireland, the impact on the Association's work and the service provided to disabled police officers, the role of the Department of Justice in accessing the Association's premises and potential breaches of data security.

Agreed: The Committee agreed to forward a copy of the Department's response to the individuals who had raised the matter for information.

- xix. The Committee noted a copy of correspondence from NIPSA to the Minister of Justice regarding the implications of the Department's funding cut to NIACRO and that NIPSA wished to meet with individual parties on the matter.

13. Chairman's Business

None.

14. Any Other Business

The Committee discussed a proposal to receive a presentation on the work of the Probation Board for Northern Ireland.

Agreed: The Committee agreed to include a presentation from the Probation Board in the Committee's Forward Work Programme.

15. Date and Time of next meeting

The next meeting will take place on Wednesday 12 November 2014 at 2.00 p.m. in Room 21, Parliament Buildings.

The meeting was adjourned at 3.56 p.m.

Mr Paul Givan MLA
Chairman, Committee for Justice