



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Anti-slavery Commissioner: Legislative
Consent Motion

30 April 2014

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Paul Givan (Chairperson)
Mr Sydney Anderson
Mr Tom Elliott
Mr William Humphrey
Mr Seán Lynch
Mr Alban Maginness
Ms Rosaleen McCorley

Witnesses:

Mr Simon Rogers	Department of Justice
Ms Julie Wilson	Department of Justice

The Chairperson: I welcome Mr Simon Rogers, deputy director of the protection and organised crime division, and Julie Wilson, head of the human trafficking team in the Department of Justice. You are both very welcome to the Committee. The meeting will be recorded by Hansard and a report will be published in due course.

Mr Simon Rogers (Department of Justice): Thank you. We are here to update the Committee on the Minister's proposal to extend the remit of the anti-slavery commissioner to Northern Ireland. As you mentioned, you have a paper setting out some of the background. The anti-slavery commissioner would be established under the Modern Slavery Bill, which the Home Secretary published in draft in December last year. The Minister's recent consultation on new measures to strengthen the response to human trafficking and slavery in Northern Ireland included a proposal to extend the commissioner's powers and jurisdiction into Northern Ireland. The consultation document highlighted the fact that this would require legislation in Westminster and, therefore, a legislative consent motion (LCM) in the Assembly. It also highlighted the fact that the commissioner needed to be considered in the context of Lord Morrow's Bill and his proposal for a local rapporteur. Our consultation closed on 15 April, and, as the Modern Slavery Bill is expected in early June and in light of the tight timescales involved in the LCM process, we have prioritised consideration of the commissioner part of our consultation. Obviously, we will come back to the Committee on the other elements of it, which are around consolidation etc.

Our paper summarises the responses to the consultation and the main issues raised, and you can see those in the paper. You will note that there was broad support for the extension of the commissioner to Northern Ireland. Our paper states that there 29 out of 33 respondents in favour, and another respondent has come in since then. So, 30 out of 34 respondents expressed a view in favour of the proposal. Four were opposed to the measure. Those in favour of the proposal highlighted the benefits of such an approach, including, for example, ensuring a consistent approach and uniformity of

purpose; providing oversight of devolved and non-devolved bodies working to combat human trafficking; and providing greater value for money when compared with a local rapporteur. The Department agrees with the view that the wider scope, consistency and economies of scale offered by the anti-slavery commissioner is likely to deliver benefits. The paper highlighted the need for Northern Ireland interests to be appropriately reflected in the draft Bill, and the majority of responses supported that view as well. They pointed to the need for the commissioner to be independent of government, for the Department to have a full role in appointment and for the reports of the commissioner to be laid before the Assembly. Some respondents argued that the commissioner's functions should include matters such as victim protection and support; data collection and analysis; and a power to require information and to initiate investigations.

Where respondents were not in favour of the proposal, this was generally because they were concerned that a commissioner operating at a UK level would not fully meet the requirements of a devolved Administration. Three of these responses argued that the rapporteur in Lord Morrow's Bill was a better alternative. Having considered the responses, the Minister remains of the view that the commissioner should be extended to Northern Ireland, although, in line with the views expressed in the consultation, this would be subject to agreeing measures to ensure that local interests are appropriately represented and covered in the Westminster legislation. The Minister has written to the Home Secretary setting out the key elements, and these are highlighted in the paper. We had hoped to have a response from the Home Office today, but, unfortunately, we do not have that yet. We will come back to that if you wish. It would be on the basis of the requirement set out by the Minister or equivalent being met that the Minister would intend to seek Executive and Assembly support for a legislative consent motion, as we have previously indicated.

Committee members may also be aware that the Westminster Committee that has been conducting pre-legislative scrutiny of the Modern Slavery Bill made some recommendations in relation to the commissioner's role. The Department is supportive of, effectively, most of these. Very briefly, it argued that the commissioner's role should extend to issues relating to victims, and the Minister has raised this with the Home Secretary and believes that the commissioner needs to have that role. He also agrees with the Committee that the commissioner should have access to data to fulfil the role. He does not believe, however, that it is necessary or appropriate for the commissioner to be the central hub for data collection analysis and dissemination, as has been suggested. Our view is that this would cut across and unnecessarily duplicate the work of the UK human trafficking centre. Its role is, of course, being reviewed, and the Committee has correspondence on that. We are continuing to engage with the Home Office on trying to secure a satisfactory outcome for this jurisdiction.

Committee members will be aware that agreement for an LCM would have an impact on clause 16 of Lord Morrow's Bill, which proposes a Northern Ireland rapporteur. Lord Morrow, as our paper notes, does not intend to withdraw this clause until there is greater clarity on the role and functions of the commissioner, and the Department is committed to continuing to engage with Lord Morrow.

Timings on this are tight. We need to get the Justice Committee's support and approval, and we also need to go to the Executive to get agreement in principle before the Bill is introduced at Westminster in early June. Although we do not have a response from the Home Office today, we would certainly welcome Committee members' views on the direction that I have just outlined.

The Chairperson: Mr Rogers, thank you. The key question that people will have is about the Department's view on whether the anti-slavery commissioner in the United Kingdom will be able to do an effective job or, indeed, a more effective job than a specific Northern Ireland rapporteur. On the matter of how the commissioner would function, what assurance can the Department give the Committee that it will be able to do all that a rapporteur would do and do it as well, if not better?

Mr Simon Rogers: First, I again highlight the fact that 30 of the 34 people who came back to us in the consultation felt that that would be the case. We think that, partly because a number of the bodies operating in the human trafficking arena here are UK-wide, there is a benefit in having a body that can take a grip of all those and look into their workings and report collectively. Human trafficking is not an offence that sits only in Northern Ireland. Even our internal cases will have had either European or UK-wide or ROI links. So, it is a global issue, and I think that we feel that someone taking that more — if I can put it this way — helicopter view across the jurisdictions would bring that benefit, not least because the bodies that they will be superintending then have jurisdictions coming from Westminster, if you like. Our local rapporteur would be able to ask them for views but would not be able to force them to give views. That is not to say that the national rapporteur would not be a good fallback, and I think that, if we find that the commissioner does not have the right make-up to have the clout that I

think you are asking me about, it might be better to fall back on a local arrangement and let the commissioner deal with the UK in the sense of national bodies and have a local rapporteur.

The Chairperson: Would a commissioner be more effective at engaging with the Republic of Ireland authorities than a Northern Ireland rapporteur?

Mr Simon Rogers: Neither would have any statutory reach across. Would it be more effective? I do not know.

Ms Julie Wilson (Department of Justice): Either would have a role in looking at the cross-border work that the Department is doing. In that respect, they would be looking at that cross-border element of what we are doing, but their statutory reach would be on us and not on the Irish authorities.

The Chairperson: Do any other members want to ask a question around this or are they content with where the Department is going?

Mr Elliott: Simon indicated that there was quite a pressure around the timetable. Why is that, at this stage?

Mr Simon Rogers: It is because we are trying to piggyback on Home Office legislation that it is introducing in June. If that is to include provisions that stretch into the devolved arena, the normal convention is that we approve it before introduction.

Mr Elliott: Has that been about for a while or have we become aware of it only recently? I am conscious that there is pressure now, and I am trying to establish whether we could have been doing something about it earlier to ease the pressure, so we had better opportunity to deal with it in more detail.

Ms J Wilson: I think that one of the things was that we were waiting for the outcome of our consultation. So, we have been aware of the need, but the convention is that the extent of the Bill needs to be established before it is introduced. Although we were, obviously, proposing this is in our consultation, we wanted to be informed by the issues that were raised in that. So, that is why it is at this point that we are coming with fuller information on how we would see the commissioner operating.

We have been aware of the compressed timescales; we have been working through that. We have also been working with the Home Office in the background on how the commissioner would operate, but we still do not have that pinned down at this stage. However, we have set out the measures that we think it needs to have.

Mr Elliott: OK.

Ms McCorley: I am just looking at what the implications would be and what difference it would make were there to be a separate rapporteur for the North. Concerns have been raised that we could be left out if it is a UK commissioner, in the way that is being recommended. Why should we not just have a separate commissioner or rapporteur for the North?

Ms J Wilson: Those are issues that we are working with the Home Office to resolve, to make sure that Northern Ireland is not left out and that its interests are properly met and covered. Over and above a Northern Ireland commissioner or rapporteur, a UK commissioner would give that wider vision of what is going on across all jurisdictions. They would also be able to make recommendations at a strategic level across these jurisdictions, and be able to identify and disseminate best practice while having oversight of the Northern Ireland operations of bodies such as the Home Office, the UK Human Trafficking Centre and the Gangmasters Licensing Authority. Those bodies would not be covered by the Northern Ireland rapporteur, who would just not have any remit over them.

Ms McCorley: Were there to be a local rapporteur, would it be possible for that person to hook up with an anti-slavery commissioner, so we would have the best of both worlds?

Mr Simon Rogers: Our concern is that it should be an either or, otherwise we are funding two bodies to do, in effect, the same job. The Minister's conclusion was that the bigger reach, covering all the organisations, would add more value than having a local rapporteur who would not be able to shine a

light into some shadows. There is also a cost issue; it is slightly more economical to have a UK-wide commissioner. The difference is not huge, but it is an obvious factor. The Minister takes the view that having the powers that are in place for the bigger commissioner is in the better interests. That argument was certainly accepted by 30 of 34 consultees.

The Chairperson: OK. Members have no more questions. Thank you very much for coming.