

NORTHERN IRELAND LAW COMMISSION

**MINUTES OF COMMISSIONERS' MEETING
15 FEBRUARY 2010 AT 12.30**

PRESENT: Bernard McCloskey (Chairman)
Venkat Iyer (VI)
Neil Faris (NF)
Bobby Hunniford (BH) (*minute taker*)
Judena Goldring (JG)

APOLOGIES: Sean Doran

1. Minutes of last meeting

ACTION BY

The minutes of the last Commissioners' meeting held on 11 January 2010 were agreed as an accurate account of the meeting.

2. Matters arising

The following matters were discussed:

(i) Law Society of Northern Ireland

Following an update from JG, it was agreed she would follow up the previous request for a meeting with the Law Commission.

JG

(ii) Protocol for approval of draft Consultation Papers by the Board

It was agreed that the protocol was more than adequate and may be refined over time and it was therefore approved, subject to review.

(iii) Draft letters to First Programme respondents

The Chairman reported that the final letters relating to the First Programme were to be sent out the same afternoon. He acknowledged the work of Patricia Sweeney, Legal Researcher, who had assisted in their completion.

(iv) Environmental Law Scoping Report

The Chairman reported that he had considered the Report and relevant communications relating to it. Following full discussion on the subject and the processes which had been followed to date, the Chairman confirmed he would prepare a draft letter, for transmission to the Department, which he would first circulate to Commissioners and the Chief Executive for comment.

Chairman

(v) Raising awareness of the Commission

JG reported that the political parties had been written to and various meetings had been arranged.

NF reported that a meeting had been arranged for Tuesday 16 February 2010 with Professor Monica McWilliams, the Chief Commissioner of the NI Human Rights Commission and Professor Chris Sidoti. Prof Sidoti had previously been a Commissioner with the Australian Law Commission and had also performed the role of Chairman of the Bill of Rights Forum in Northern Ireland.

Chairman

The Chairman reported he would be meeting with two other recently appointed Chairmen of Law Commissions (England and Scotland) and would circulate a report post the event.

3. CEO Report

There was detailed discussion of the written report furnished to Commissioners in advance of the Board meeting.

The following matter issues were highlighted:

- (i) JG reported there were very stringent monitoring requirements placed on the NILC budget and all expenditure had to be approved by the Minister.

An audit committee is required to be established and the membership has not yet been confirmed. JG will keep Board informed on progress.

JG

- (ii) Finance/Accounting

Following discussion it was agreed the costs involved relating to accounting fees were extremely high. JG confirmed the NIO had issued a practice direction specific to the NILC regarding accounting procedures covering both the external and internal audit.

JG is to provide a copy of this practice direction for the Chairman's attention.

JG

JG suggested that KPMG be tasked to complete the internal audit and look at governance issues relating to the NILC as part of its first years work. Considerable debate took place regarding this issue and agreed that action deferred pending consideration in more detail at the next Commissioners meeting under the governance concern raised by JG.

- (iii) Staffing/services

JG reported that Mr Ronan Cormacain had been successful in his application by tender for the provision of 6 weeks Pre-Drafting and Bill Drafting services up to 31 March 2010.

(iv) Calendar of Key Events

Following discussion the following dates were amended:

Board meeting March now to be held 25.03.10
May now to be held 17.05.10

Other Board dates will be agreed a month or two months in advance of meeting.

NF pointed out that the target dates for BTP and MUD will require revision following the revision of the PID for each project.

(v) Devolution

JG reported she continues to have discussions with the NIO regarding the possible implications of devolution on the NILC. JG to update the Board when issues are confirmed.

JG

4. Vulnerable Witnesses in Civil Proceedings – draft consultation paper for approval

VI confirmed that Commissioners' responses to the draft consultation paper had been received and had been actioned, where necessary. Some additional comments would be forthcoming before the cut-off point of Wednesday and would be addressed in a similar manner.

After discussion the Board approved the consultation paper subject to completion of that process

5. Governance Issues

JG raised the issue of Governance within the Commission and specifically the areas of procurement and allocation of duties. Following discussion it was agreed JG would draft a paper highlighting the areas of concern which would be discussed at the March Commissioners' meeting. The Chairman expressed concern about resources being devoted to this matter.

JG

6. Accommodation

Detailed discussion took place regarding accommodation and a paper outlining some suggestions to resolve this was presented by the Commissioners via the Chairman.

It was agreed, as a temporary measure, following a suggestion by BH that he and SD would share one office. Katie Quinn would move to the vacant Commissioner's office leaving her office available for the newly recruited senior lawyer.

In order to utilise the office space in a more efficient way, Joan

Kennedy will take Cathy Lundy's vacated space therefore allowing all four researchers to be located in one area.

7. Commonwealth Law Conference

VI provided an outline of the 17th Commonwealth Law Conference scheduled to be held between 5-9 February 2011 in Hyderabad, India. Discussion took place regarding the attendance of the Chairman at the conference to present two significant papers. VI outlined rough costs involved to include flights, registration and accommodation totalling approximately £4.5K. (**Update:** the flights may cost as little as £1,500, with an overall outlay of less than £3,000.) The Chairman and Commissioners are in favour of this.

It was agreed JG would clarify in more detail the costs involved regarding flights in order to provide a clearer outline of the finance which would be required. Following this, initial enquiries to be made with Carol Moore, NIO regarding seeking approval of the expenditure. If the response is positive then a formal request for approval will be sought. If not then the Board will consider the issue further.

JG

JG to report to Commissioners when additional information becomes available.

8. Second Programme

Discussion took place regarding the processes which should be decided by the Board to enable the second programme to proceed. BH is working on this.

BH and

The Chairman confirmed he wished to consider this issue further and would prepare and circulate a memo before the next Board meeting.

Chairman

9. Publicity/projection generally

JG outlined that the costs involved in placing adverts in newspapers, when a consultation paper is being launched, is prohibitive. It was agreed this practice should cease and other less expensive ways such as press releases, e-mail shots, etc should be utilised.

Chairman raised the issue of a proposed meeting involving Minister Sammy Wilson. An invitation had been sent by the NILC but no reply had been received to date.

JG to follow this up.

JG

10. NILC Conference

JG outlined the restrictions placed on the NILC re expenditure including requiring Ministerial approval and prohibition on charging for attendance.

Chairman outlined that there is the possibility of using the Inn of Court free of charge and it would accommodate 120 persons.

Agreed that the Chairman would clarify the availability of the Inn of Court for the date requested and would advise JG and Commissioners as soon as possible. Chairman

JG outlined the requirement, due to the limited expenditure, to contact four (4) companies who would be responsible for the necessary arrangements. JG

JG referred to doubts which had been informally expressed to her by NIO as to whether a conference was appropriate. The Board agreed that this is important as a key stakeholder event for the bail project and should proceed.

11. Date of next meeting

25 March 2010