

5. CONSIDERATION OF COUNCIL AMENDMENTS

**5.1. Domestic Abuse Bill 2019 –
Conference with the Council regarding amendments –
Motion carried**

The Hon. Member for Arbory, Malew and Castletown (Mr Cregeen) to move:

That the Keys request a Conference with the Council in respect of the amendments numbered 4, 6, 11 and 12 and concur with the Council in respect of the remainder, noting the deletion of Clause 38 from the Bill sent to the Council.

The Speaker: We turn to Item 5 on our Order Paper.

I just want to briefly explain the process here. The Hon. Member has moved the motion that the Keys request a Conference with the Council in respect of four of the amendments and concur with the remainder. Should any Member need clarification the House can agree with Council's amendments, disagree with Council's amendments, amend the amendments or disagree with Council's amendments with a view to a conference.

So with regard to the motion that we have before us today, subject to any amendments, I will put first that the Keys concur with the remainder and then secondly that Keys disagree with those specified with a view to a conference. So I hope that clears things up. We can take it as we move along.

I call on Mr Cregeen, the Hon. Member for Arbory, Castletown and Malew to move.

Mr Cregeen: Thank you, Mr Speaker.

This Bill was last in the Keys when it received its Third Reading just before Christmas 2019. This House, as Members will recall, gave serious and careful consideration to the issues surrounding domestic abuse. The Bill then passed to the Legislative Council where it received further comprehensive and independent scrutiny during the first quarter of this year.

Mr Speaker, that Chamber made 28 amendments to the Bill. The motion in my name invites the House to agree with the Legislative Council in all but four of them, where we request a conference with Council.

We are able to agree with most of the amendments because many of them make technical or proofing adjustments that enhance and improve the reading of the Bill. In the case of the other amendments, the Department has listened to the case made by Council and was prepared to accept the changes suggested and then made.

Members are invited to note that clause 38 was not moved in the Council and is removed from the Bill. This clause was in the UK Bill and on review it was concluded it did not add anything useful to our Bill.

Mr Speaker, it is only in relation to those amendments numbered 4, 6, 11 and 12 that amend age-related provisions that were previously agreed and with which the Department has concerns. So I invite this House to seek a conference with Legislative Council to explore further these small, but very important, areas of disagreement.

We do of course recognise a particular duty of care is owed to children and young people, that is to persons under the age of 18. However, that duty must surely include preparing children for adulthood by addressing criminal behaviour that amounts to domestic abuse. The Isle of Man Constabulary reports that they have had to deal with abusive situations where children and young people are the initiators of such abuse.

The charity SafeLives highlighted reasons from 2014 in the UK which found a third of adolescent girls and a quarter of boys reported sexual violence through pressure or physical force. The rates are higher for girls if only physical force is included in the definition. Between 50% and 70% of all young people reported experiencing abuse through new

technologies, most often controlling behaviour and surveillance through messaging and social networking sites, although pressured sexting was most commonly reported by girls.

The Domestic Abuse Protection Notice provision in this Bill gives the Police a power to impose conditions on an abuser in the short term to prevent further harm to the victim. This allows a longer-term solution to the abuse to be considered. Any conditions lasting longer than 14 days must be granted by a court. If the age limit is limited to 18 and above, the Police will not be able to effectively intervene in these situations.

In the United Kingdom, in two serious case reviews from 2016 looking at two separate deaths of two girls aged 16 and 17, both of whom were murdered by their partners, both reviews concluded professionals in both cases failed to see them as children requiring protection with significant risks in their lives, and instead positioned them as 'a difficult adolescent'.

If we leave the provisions as they are it is my view that we will be failing these young people. There are also incidences of adolescent-on-parent violence, a form of domestic abuse which often forms part of a more complex set of issues within the family.

The Department considered the views expressed in Legislative Council at a related briefing session, but would remind Hon. Members that 16 and 17-year-olds are legally able to marry, to form civil partnerships and to engage in intimate relationships in the same way as those 18 years and over. The Department believes the time is right now to address these issues and to do so by seeking a conference with Legislative Council, where we may discuss directly and try to reach a united position on the age when a person becomes liable to offences related to domestic abuse; or where the Police and the courts can take appropriate – and I do emphasise *appropriate* – measures to protect victims from domestic abuse and require perpetrators, whether adults or children, to address their behaviour. The sooner this behaviour is addressed the better, is surely the key. It is vital that we support an approach of early intervention rather than one which criminalises young people.

The Department's view is that by extending the use of Domestic Abuse Protection Notices and Prevention Orders to those under the age of 18 we are able to do this more effectively.

Mr Speaker, I beg to move the motion standing in my name.

The Speaker: I call on the Hon. Member for Douglas Central, Mrs Corlett.

Mrs Corlett: Thank you, Mr Speaker.
I beg to second.

The Speaker: No Member having indicated a desire to speak, I will put the motion; and, as I said, I will put the motion in two parts.

The first is that Keys concur with the Council amendments with the exception of 4, 6, 11 and 12. I presume that motion will be carried unless any Member indicates dissent, which they should do now.

That part of the motion being agreed, I will next put that the Keys *disagree* with those amendments numbered 4, 6, 11 and 12 with a view to a conference. Again, I will presume that the motion will be carried unless any Member indicates dissent, which they should do now. That part of the motion also then carries.

With that in mind, Hon. Members, I will arrange that the request be delivered by the Secretary to the Clerk of the Legislative Council.

We are now required to elect a deputation under Standing Order 5.2 to represent the views of the House. Traditionally this is a deputation of three Members unless anyone dissents.

The Deputy Secretary: Mr Speaker, I believe in Tynwald Standing Orders it must be three Members.

The Speaker: It must be three, yes; in which case I now call for nominations. I might also point out that again it is traditional that the mover of the Bill would be part of the delegation, but that is by no means necessary.

The Deputy Secretary: Mr Speaker, this is very confusing, are you taking the nominations from what people are typing or are you going to ask them to speak?

The Speaker: No, I am just going to ask them if they wish to nominate someone please just type in the person that you wish to nominate. We are only at nominations, not voting. If a name appears twice I will take that as a proposer and a seconder.

I have Mr Hooper proposed and seconded; I have Mr Cregeen proposed and seconded; I have Mrs Corlett proposed and seconded. Those are the only names that I am seeing. This could be easier than we thought. If there are no other nominations ...

I will give somebody an opportunity to second that if that is so wished.

Okay, in which case, I am going to take it that as Mr Hooper, Mr Cregeen and Mrs Corlett are the only ones who have been proposed and seconded, they represent your delegation to meet with Legislative Council. The delegation will be required to meet and elect a chairperson in the relatively near future. I do not have the exact date, but that will be set and advised by the Clerks.

Thank you very much.

We then turn to Item 6 on our Order Paper, Consideration of Clauses, Bank (Recovery and Resolution) Bill 2020 in the name of Mr Shimmins, and I call on Mr Shimmins to move.

Oh I am sorry, Mr Shimmins, before you do: I have just noticed Mr Robertshaw's motion to second Mrs Barber but I am afraid it is out of time. I did give what I thought was plenty of time for seconding, so I declare that the delegation is Mr Cregeen, Mrs Corlett and Mr Hooper.