

**REPORT OF PROCEEDINGS OF
HOUSE OF KEYS
(LEGISLATION AND OTHER MATTERS)**

**Douglas, Tuesday, 26th March 2002
at 10.00 a.m.**

Present:

The Speaker (the Hon J A Brown) (Castletown); Mr D M Anderson (Glenfaba); Hon A R Bell and Mr L I Singer (Ramsey); Mr R E Quine OBE (Ayre); Mr J D Q Cannan (Michael); Mrs H Hannan (Peel); Hon S C Rodan (Garff); Mr P Karran, Hon R K Corkill and Mr A J Earnshaw (Onchan); Mr G M Quayle (Middle); Messrs J R Houghton and R W Henderson (Douglas North); Hon D C Cretney (Douglas South); Hon R P Braidwood and Mrs B J Cannell (Douglas East); Hon A F Downie and Hon J P Shimmin (Douglas West); Hon J Rimington, Mr Q B Gill and Hon Mrs P M Crowe (Rushen); with Mr M Cornwell-Kelly, Secretary of the House.

The Chaplain took the prayers.

Leave of Absence

The Speaker: Hon. members, leave of absence has been granted by me to Mr Gelling, the hon. member for Malew and Santon and Mr Duggan, the hon. member for Douglas South.

Procedural

The Speaker: Under standing orders in relation to item 8, I have been advised by the mover, Mr Bell, that he wishes to defer consideration of the second reading of the Data Protection Bill until the next sitting of the House.

Bill to Amend the Criminal Justice Act 2001 — Leave to Introduce Granted

Item 1. Mr Houghton to move:

That leave be given to bring forward a Bill to amend the Criminal Justice Act 2001 (in respect of antisocial behaviour orders) which would permit the disclosure of information between relevant parties and provide legislation to permit the introduction of parenting orders which would make powers available to hold parents responsible for young people who are the subject of an antisocial behaviour order.

The Speaker: I therefore move on to our supplementary order paper and I call on the hon. member for Douglas North, Mr Houghton, to move.

Mr Houghton: Thank you, Mr Speaker. During the last parliamentary term, the Minister for Home Affairs moved the Criminal Justice Bill, which was subsequently enacted in 2001. This Act introduced provisions for courts in order to empower them to serve antisocial behaviour orders, or ASBOs, on offenders convicted where, in essence, they were a nuisance to the public and were upsetting the peace and tranquility of communities.

Antisocial behaviour orders would dictate where an offender may or may not frequent or would ban an offender from a particular area or street within set timescales. Therefore an antisocial behaviour order could be a useful tool to the courts and the order could be tailored to specifically deal with a particular offender's antisocial behaviour.

In order to specify an antisocial behaviour order, consultation with a number of agencies may need to be undertaken. These agencies would include the constabulary, social services, Department of Education and local authorities.

When the Criminal Justice Bill was proposed for consideration by Keys, virtually all of the components of the antisocial behaviour orders were simply lifted from the United Kingdom

Crime and Disorder Act. Unfortunately however, a vital component was not taken from the Crime and Disorder Act 1998 and included in the Criminal Justice Bill. This component sits in the form of section 115 of that Act and simply permits the disclosure of information between relevant parties. Without this component in the Criminal Justice Act the ASBO is completely unworkable because consultation between these agencies, as I have previously mentioned, is unable to take place due, of course, to the Data Protection Act, so the first part of my motion, hon. members, is to be given leave to introduce an appropriate clause so that the antisocial behaviour order can be permitted to become a useful tool for the courts when dealing with offenders in the future.

Turning to section 2 of my motion, another section wholly relevant to the effect of implementation of antisocial behaviour orders is that of parenting orders. Antisocial behaviour orders can be used to deal with offenders of any age. However, when dealing with youngsters the courts require the option of imposing a rather obvious measure on the parents so that they can be ordered to control their child who is the subject of an antisocial behaviour order. Parenting orders, which are a vital component of the Crime and Disorder Act, are not, unfortunately, evident in the Criminal Justice Act of 2001.

If hon. members approve my leave to introduce today, I would undertake to return to the House of Keys with a Bill as soon as possible so that the courts may impose antisocial behaviour orders on convicted offenders in appropriate circumstances, sir. I beg to move.

The Speaker: Hon. member for Douglas North, Mr Henderson.

Mr Henderson: Thank you, Mr Speaker. I beg to second and reserve my remarks.

The Speaker: Hon. member for Douglas East, Mr Braidwood, minister.

Mr Braidwood: Thank you, Mr Speaker. I am not one who would deny the right of any hon. member of this House leave to introduce a Bill. However, I have to make a few comments on the hon. member for North Douglas Mr Houghton's introduction. On the first part of his motion regarding antisocial behaviour orders, from the advice I have received from the Attorney-General's Chambers, if there is an antisocial behaviour order in place then there is a statutory obligation to consult between the agencies listed under section 28 (12) of the Criminal Justice Act of 2001; then they are not barred from consulting with the other relevant authorities. My understanding, therefore, is that there is no requirement for a provision to permit disclosure of information between relevant parties in respect of antisocial behaviour orders. However, my department has been considering the disclosure of information between parties with the Attorney-General to decide whether there is a requirement to undertake a study of multi-agency need for an inter-agency disclosure provision including all the necessary safeguards to ensure compliance with human rights, and this is not for the antisocial behaviour orders.

On the second part of the motion, when Mr Houghton, the hon. member for North Douglas, mentioned about parenting orders, I was not clear from what he was saying. He only seemed to say one part on parenting orders which was in the Crime and Disorder Act of the UK. Now, a parenting order can have two elements: firstly, the imposition of a requirement to attend counselling or guidance sessions where they would receive help in dealing with their children. Those attending such sessions would be able to learn, for example, how to set and enforce consistent standards of behaviour and how to respond more effectively to challenging adolescent demands. This element will last for a period not exceeding three months and shall require attendance no more than one session a week.

Secondly, a court may also impose requirements to exercise control over their children's behaviour. The duration of this part of the order may last for up to 12 months. The court will appoint a reasonable officer who will be a social worker or probation worker or a youth offending team member who will supervise the requirements of the order. Failure to comply with the terms

of the order will be a criminal offence. If convicted, the parent could be liable to a fine of up to £1,000.

My department, through the Criminal Justice Act of 2001, already has a plan to phase in the introduction of a number of additional orders over the next 12 to 18 months to provide courts with further powers to deal with offenders such as I have already mentioned - curfew orders, reparation orders, attendance centre orders et cetera, for which my department has sought and received Treasury concurrence to the additional staff and monetary resource required. From what the hon. member mentioned, I am just wondering how he thinks they will be operated and by whom. What are the implications for the parents if they fail to be responsible? Will they end up in prison if they cannot pay the fine? Will the children have to go into care? And what are the additional resources for this requirement? I have concern, particularly on the financial resources, which has happened in the UK for parenting orders, as my understanding from Treasury is that concurrence has not been sought under section 10 of the Treasury Act 1985 for this member's motion. However, I would say to the member that I have no objection for the leave to introduce, but I would like the hon. member to come to my department and to discuss the motion which he has in front of us today.

The Speaker: Hon. member for Peel, Mrs Hannan.

Mrs Hannan: Thank you, Vainstyr Loayreyder. If the members think that this is going to be a very simple thing to do, I think they have got another think coming. There are a number of issues which have been addressed over recent times, such as the Children and Young Persons legislation, which has come before the House; there is the Criminal Justice Act, which we are talking about now and which has been before the House; there is the disclosure of information which seems to be something at the root of issues with regard to this particular leave to introduce. I think, if we look at young people and the problems that these young people have, their parents might not be the sort of people that are able to help them. If we have got social workers, probation workers and youth workers who would be involved in some of these parenting orders and the work that would be carried out with the parents was helpful, I would have thought that that is something that we could work towards, but you cannot compel parents to be responsible even when you imprison them.

What we should be doing is looking at ways in which we can help and assist parents without necessarily bringing in legislation. Legislation is the sledgehammer, I would suggest, not necessary to crack a nut but not to solve this particular problem. Parents have difficulties themselves who then pass on their difficulties to their children. Their children then are expected to cope with them. We are expecting and saying that children should be able to and should be responsible like all of us, who are absolutely perfect members of the community. We have never ever put a step wrong, have we? We have never driven faster than 30 mph in a 30 mph area; we have never parked on double yellow lines - you could go on and on. We have never broken the law; we have always in every circumstance been responsible; we have never taken advantage of anyone; we have never abused anyone, so we are starting from this absolutely perfect plateau (**A Member:** Correct.) and everybody else is inferior to us. I suggest, if that is the case, that we have not had the problems that some of these children have got and some of these parents have got.

Maybe when we were at school it was not quite the same, but some children feel neglected because they have not got some of the designer clothes or designer sports equipment or whatever that their mates have got, and that can make them feel inferior. Now, you might think that that is a very simple thing, but children also get bullied at school because of that and so it goes on. We have got naughty children out there who this particular member just absolutely delights in and delights in getting the headlines in the radio and in the newspaper without consideration of these young people and the life that they have lived so far, a short life compared

with us, and we are expecting them when in some cases they have been neglected by their parents, and so bringing in a parental order is not going to solve the problems that the mover is suggesting with any sort of legislation such as this.

It is all very well suggesting that we should have antisocial behaviour orders. Some parents try very hard with their children and maybe they have gone wrong in the initial stages of bringing up their children, but later on they might be in a position where they can try and assist and help them, but that is not easy. Giving an antisocial order and applying that to local authorities, even if it is brought in within the Criminal Justice Act, I would hope that there are protections for people who live in local authority-owned properties or government-owned properties so that there could not be malicious complaints made by people that they did not like, and there was in place some sort of area where people can be helped and assisted.

If, as the mover is suggesting, it is so simple to bring forward a Bill to amend the Act in respect of antisocial behaviour orders, then I think it would have been done before now, as the Minister for Home Affairs has suggested, but my understanding is that the Criminal Justice Bill is due to be phased in over the next year and it contains the provision for a range of additional powers for the courts dealing with young offenders including curfews, new supervision orders, attendance sentence orders and antisocial behaviour orders.

Now, this means that a lot more people will have to be employed to assist in areas such as this, as the Minister for Home Affairs has said, and I would have thought, before we bring in legislation which brings in these particular parts of the Criminal Justice Bill, we look at ways of helping and assisting parents, of giving support to young people before they get into the situation that the member for North Douglas seems to thrive on. It is a bit like a torch that he is carrying, and it does not matter what because it gives him the oxygen of publicity that he seems to crave. While we are doing that, we are not helping and assisting young people.

I am on record as explaining a group that I work with in Peel; I am only there really to support people who are actually working with young people, and they tell me of the difficulties that they have and I think the police would also tell the difficulties that they have. If they bring a child back to their parents who is under the influence of alcohol, the parents do not think very much of it at all, and they are getting the same way when children are involved in some way with drugs: 'You were young once' and this sort of approach, and if parents are not going to be responsible, then I do not think that bringing in parental orders are going to get over that.

On the other side of the aspect there is concern, especially in schools, about parents not taking responsibility for their children with regard to many issues with regard to children being given a detention or whatever; the parents will go to the school and complain to the school. That area needs to be developed where we can work in partnership, the schools and the parents, to help and assist young people, not working against each other, and therefore I do not think legislation can change that. What we need to be doing is bringing in assistance and making sure assistance is provided. There are a lot of people out there who are working on parenting classes, helping in a voluntary way; the Manx Family Services, Priory Home Children's Centre - these sort of people are working with families, with parents to try and assist and help them. Bringing in legislation is not going to help in these circumstances.

I will not be supporting the introduction of this legislation. I think it is a publicity drive on behalf of Gauleiter Houghton and I do not think it should be supported in here. I think what we should be doing is helping and assisting in all the areas that the Minister for Home Affairs has suggested - social services, the police, education and youth workers and people like this - helping them to help parents help these children who have difficulties, and that means going back over maybe not necessarily the parents' lifetime but into their youth as well. How we are able to counter that sort of aspect of bringing up people when it goes back generations is not going to be an easy thing to do.

Legislation, putting people in prison, fining them up to £1,000, I would suggest, or even more if the member for Douglas North has his own way is not going to solve the problem that we have with a very small number of our children, and I think that to bring in this sort of legislation is counter-productive to helping these young people. When I think that the member for Douglas North, who has been on the Department of Social Services, knows some of the background of these young people, I think he does them and us a disservice. Thank you, Vainstyr Loayreyder.

The Speaker: Hon. member for Rushen, Mr Gill.

Mr Gill: Thank you, Vainstyr Loayreyder. I rise to support this motion both as a member of the Department of Home Affairs. As the minister has previously indicated, they are supportive of the measures once the necessary resource is in place to ensure that they are meaningful and relevant.

But I also rise to support measures as a former probation officer and a criminal justice social worker. I personally agree that we should be affording our criminal justice system the widest range of meaningful options and disposals possible, because these are issues that we all recognise require the widest responses that we can possibly achieve, and I endorse to a degree the previous speaker's comments that legislation in itself is not the answer. There is an amount of education and working with people on a voluntary basis, but I think from my own experience I would say that equally legislation has to represent the wishes and the desires of most members of society to live in peace and tranquility. (**A Member:** Hear, hear.) It is a measure of balance and I accept that and that is a personal view to determine.

As we have previously discussed in another place, we all accept our responsibilities to manage the problems of offenders and antisocial behaviour orders and parenting orders may prove to be useful in this. Really we should leave that as a matter for the courts and the professionals dealing with it to determine that. On that basis and with the rider that this motion represents part of a wider strategy designed to assist all those working in this area, I would support that motion. Thank you.

The Speaker: Hon. member for Middle, Mr Quayle.

Mr Quayle: Thank you, Mr Speaker. It is no exaggeration, I feel, to state that teenage tearaways are virtually terrorising our estates and ruining people's lives, particularly the elderly and vulnerable. Criminals of whatever age ought to be caught, convicted and stopped, and I believe the public have a right to be protected. I recognise that the solution is probably not to incarcerate them in secure homes or prisons as it will not reform them, but it would stop persistent offenders from carrying out more crimes, so it is a problem that we have to look at and go back to the root of it, as the children are not born bad - we obviously know that.

We have a responsibility, then, to encourage a change of attitude for the future, to ensure that parents accept their responsibility for their offspring, and we cannot continue to hope that the police can solve all our problems. Policing is no substitute for parental responsibility and guidance of children, which would avoid problems for society and the police in future. Members of the public must be more supportive of our police in their efforts to control the problems. The lack of provision of facilities for children of all ages is a breeding ground for vandalism and antisocial behaviour. So I believe we must provide for the modern needs of the youth of today. An investment in the Island's young people is an investment for the future. Education at an early age concerning drugs, alcohol and smoking supported by parents is one way of trying to shape a different attitude for the future.

I recognise that it is a difficult problem, but the answer is not to say that we can accept what has happened; what is going on is something that we can accept, and we should send out a

strong message that we are prepared to look at all options to address the problem and to shape different attitudes for the future.

I will be supporting the motion in the name of the hon. member for North Douglas and would encourage him to liaise with the Minister for Home Affairs and his officers as the Minister for Home Affairs appeared to give helpful assistance in his comments earlier. Thank you, Mr Speaker.

The Speaker: Hon. member for Onchan, Mr Earnshaw.

Mr Earnshaw: Thank you, Mr Speaker. I rise also to support the member for North Douglas, Mr Houghton, and I must say I do find rather inappropriate some of the comments made by the hon. member for Peel, Mrs Hannan, about Mr Houghton (**Mr Henderson:** Hear, hear.) who is a parent himself and, as far I am aware, is a good parent and has a caring approach towards children.

Now, some of the children that we are talking about here are not really children at all; they are not little boys in bow ties, they are not little girls with ribbons in their hair, these are youths and thugs who are causing a lot of problems around the Isle of Man, and I think action needs to be taken promptly. I support Mr Houghton for it and for his approach towards this.

Control and discipline are something we all know are sadly lacking, and I think we have got to have greater concern for the victims of crime. I would like to hear some of those who do not support Mr Houghton - I would like to hear the message that they have got towards the victims of crime, because I think there is scant consideration given to them. (**Mr Henderson:** Hear, hear.) I am quite happy to rely on the courts in appropriate cases to take into account family backgrounds, and I wish Mr Houghton well with his Bill.

The Speaker: Hon. member for Douglas North, Mr Henderson.

Mr Henderson: Thank you, Mr Speaker. I would just like to add a few words of support to this leave to introduce - not surprising maybe, but I would just like to put some focus back onto what the hon. member for North Douglas, Mr Houghton, is trying to achieve here and get some common sense on the situation.

He is attempting not to present a panacea to solve everything, but a small element in a larger picture, and I am sure he will say that in his summing up. It is a common-sense approach and it is an attempt to provide a backstop. I am sure Mr Houghton will agree with me that what he is not trying to do is to put all sorts of legislation forward as the first and foremost response but to provide a common-sense backstop to our community who have a right to feel safe and be safe, and I think that is not an unreasonable demand to make.

I would also like to point out that we are not talking about every youth of the Isle of Man, we are talking about a very small element that are very difficult to deal with (**A Member:** Hear, hear.) and that causes a whole range of elements to be brought into play, one of which Mr Houghton is presenting this morning.

He is not saying, as far as I see it, that that is the only method that should be employed, but one method to help, and I am sure he will be the first to advocate any sort of consultative process, meetings, anything really to try and get round this awful situation which we seem to have found ourselves in. The front page of today's *Isle of Man Examiner* could not give a more poignant message to anybody: our young people ram-raiding police cars.

The whole point of this particular measure that my hon. friend is trying to bring in and what he tried to do in Tynwald last week and I find it disgraceful behaviour to suggest that it is all done in the name of publicity. It is all done in the name of the fact that we might have another 14- or 15-year-old child dead; that is the reason it is here. The other reason it is here because of continual writing to all sorts and everybody all round departments, meetings, and this has been

going on for nearly two years. I know how hard the hon. member for North Douglas has been working on it and voicing his concerns privately to every member of this hon. House and of the hon. Court of Tynwald. If this was a publicity stunt, I am sure there are far easier and efficient ways of doing it, not trying to work up the sensible, measured and reasoned approach that we see here this morning. I find it a shambles that we should have had to have that piece of information put into this debate when, in fact, what we have is a genuine concern to provide a common-sense backstop. It is not saying it is the first and foremost, not by a long shot.

I would also like to put into this equation, because it seems to be portrayed by some of the hon. members that would like wayward children running willy-nilly all round the Island doing what they wanted and a particular opportunity, that Mr Houghton himself spends a considerable amount of his own private time - and I may risk embarrassing the hon. member - helping the youth of this Island in positive activities from support of music and other things that go on in the background, so it is not a case of locking parents up, locking children up - far from it. The point is, the situation is so serious now that we need to have a backstop in place as a safety measure to try and prevent what I can only see as the inevitable over the next few weeks if the momentum of actions by our young people continues.

There is no other way round it, but in the meantime - and I am sure the hon. member will be agreeing with me - it does not preclude other measures and he will be supportive of some of the softer approaches that the hon. member for Peel put into her debate, because they all go together and blend together but, at the end of the day, at the minute, the situation is so serious we do need a backstop and I fully and wholeheartedly support the measures and introduction to leave.

The Speaker: Hon. member for Douglas West, Mr Shimmin.

Mr Shimmin: Thank you, Mr Speaker. I shall be supportive but I do not believe it is going to actually achieve many of the things which the hon. member is portraying that it might achieve. The key three words to my reading of this motion are: 'make powers available' as it is not prescriptive; it is one which would actually be another piece in the armoury.

However, I am brought to my feet predominantly because of some of the comments that the previous two speakers and it is one where I, as a teacher, have always felt there were a number of parents who abrogated their responsibility, in that there was a requirement on those parents of delinquent adolescent children to take a responsible rôle in the care and upbringing of their children. But I, like many members, can be simplistic. When we are talking about thugs, when we are talking about ram-raiding, we are predominantly talking about those young people who have already failed to get the adequate basic education and societal requirements into place. The problem is then manifesting itself in an extreme manner which the care agencies and the police and the courts have found themselves unable to actually address. But what the mover of the motion is talking about seems to be making powers available to the courts.

Now, we are aware that four- and five-year-old children do not appear in front of courts because of their behaviour. By the time these young people hit the court judicial system their behaviour pattern is already well established and, if the judicial system cannot resolve those problems - and the care workers and the social workers are investing many hours to try and change the behaviours - what prospect of the parents who brought that child up got of taking the responsibility for that child's behaviour? They have already shown by the nature of the child's behaviour that they were unable or unwilling to fulfil that rôle, and I think it is a difficulty to actually consider that we might use a judicial system to force parents to take a responsible rôle on 13-, 14- and 15-year-old children when the reason that child is in court is probably because of failures in the parenting up to that date. We have often said - and I think it is the comment that the member for Peel makes - we need to get these children, younger; we need to work, not through the judicial system, but through the education system and the social services system at

a very young age. When we first start detecting signs that the child's behaviour is antisocial or unreasonable, then is the time that we would need parenting orders, and this is not going to be done through the courts but that is actually going to be done through the care services of education social services when we identify the problem at a young age. If anybody deludes themselves to thinking that the parenting orders of 14- and 15-year-olds who are by their nature described by members of this House and the public as thugs, the parents have already failed; it is too late. The judicial system is already in evidence of a failure for the system to control that young person's behaviour. As much as this may have a benefit for some parents, particularly those who abrogate responsibility by going out on a Friday night, getting themselves drunk and avoiding the care and responsibility we would expect to look after young children and therefore allowing their 10- and 11-year-old children to socialise with older young people, there may be a rôle for this sort of motion but this is not a solution; this is a recognition of failure that we need to address and put the resources in at a much earlier stage.

I will support the member because he is looking at making powers available. Do not give that to the courts; give that to the people who can do something about it - that is, the educationalists and social workers on this Island. Give them the support to work with parents and, if we need any legislation, then it is to empower them to have the right statutorily to deal with the parents rather than allowing the parent of a four- or five-year-old child to just tolerate poor behaviour and do nothing about it. If we fail to recognise it at that age, then we are merely replicating the problems we have experienced over recent years. So I will support, but please, do not consider that the courts have a rôle to really solve this problem. We have that within our own powers; we have that within our own system. As soon as these young people become known to the system, then is when we should be working with parents. If parents abrogate at that stage, then maybe that is where we need to be for the legislation. Thank you, Mr Speaker.

The Speaker: Hon. member for Rushen, Mr Rimington.

Mr Rimington: Thank you, Mr Speaker. Yes, I rise to support the leave to introduce because I think there are issues there that do need to be explored and I concur with the comments of the previous speaker, the hon. member for Douglas West, Mr Shimmin, on many of those issues. So, yes, that is important.

What brought me to my feet was, for the second time running in one week - and I am referring here to what was said in another place very recently - is this connection with death and fatality that is being made when we discuss this issue. We are unnecessarily and wrongly focusing on tragic events that have taken place elsewhere which may or may not have anything to do with our care services et cetera, and those should be focussed on in a completely different process; it is going to go through judicial process; it has to go through the necessary inquiries to look at those issues, and we as politicians should not be using that expression, 'death and fatality', when we are talking about antisocial behaviour and how we address the problems of our children. I find it extremely worrying that we are using those tragic events to steamroller, possibly, measures which are not related to those tragic events, but it is very easy to do so in the public eye.

The hon. speaker who has just resumed his seat has mentioned and talked about the number of institutions, the care services, education, et cetera which have always got to be a major part of any resolution of this problem, and I fully agree and support that. I think one aspect of this which we sometimes do forget and we should put out a strong message on is that it is the responsibility that lies with all of us in the community to confront such antisocial behaviour (**Mrs Crowe:** Exactly.) and not walk away from it and to do something ourselves as individuals, as individual members of the community, and not to turn around and complain, 'Where was the social worker, where was the education system, where was the government support' for this, that and the other? but to actually turn around and say, 'Well, where was your support? What did

you do as parents, as members of the community, as responsible members of society to help build your community, to help build your future and to provide something for the children?' No amount of legislation, no amount of money, no amount of government services can build what is in people's lives, in their community and in their strength. Thank you, Mr Speaker.

The Speaker: Hon. member for Douglas East, Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker. Well, I would start off by saying that we, as members of this hon. place and representatives of the people are wanting to do something about it and we are here today debating it, and we also debated similar issues in another place just a week ago.

I am in support of the hon. member's move for leave to introduce to provide a mechanism and also, in doing so, to provide a balanced approach. We have heard earlier on in the debate all that the communities, particularly the community in Peel, are trying to wrestle with at the moment, and I congratulate them for that; I have information on that initiative also and it is to be applauded, but what the department is trying to do, the Department of Social Security, Social Services, Department of Education, the youth centres, the Youth Workers Association - everybody is working to try to achieve a solution for our young people. People are trying to provide avenues for robust, energetic young people.

We heard about providing improved facilities for young people. They are forever telling us that we have not got the right facilities for them, and so there is a lot of effort and a lot of time spent in trying to achieve those ends and that is a good thing and that is to be applauded, and long may it continue. But on the other hand, of course, it needs to be balanced. It is a 'carrot on a stick' approach, isn't it? That is how I see it.

What the hon. member is trying to do today is to ask for our backing to bring forward a small Bill which could contain a clause which could then be attached to the Criminal Justice Act 2001 and which will provide the court to make a judgment as and when, or if, such an issue or such an event was to occur. I am not even going to contemplate how difficult or complex that might be for a deemster in a High Court; that is for the courts to decide. We are here to decide and to deliberate on what the laws of the land shall be, what kind of impact they would have on the public at large and to legislate for good and for bad. That is what we are here to do.

We need the flexibility, the courts need the flexibility, I would suggest, to make parents take stock of a situation. All too often I am involved in cases where a young person has been told that they are not allowed out after eight o'clock at night because they have been subject to criminal behaviour in the past, whether it be vandalism, whatever it is, and they have just gone out the house and the parent just could not give a toss where that child has gone.

I think this type of mechanism will make those parents, some of them - because we will not get all of them - take stock of the situation but, more importantly, in looking at the age of some of the young people that were out. Previous speakers have said four- and five-year-olds could not be hauled before a court and be subject to an antisocial behaviour order, and I would agree, but the very fact of having such an antisocial behaviour order mechanism within legislation will provide, in my view, a preventative measure for those parents who presently, with three-, four-, five-year-olds, are being a little bit lax in terms of their responsibility on the guidance that they need to be providing for and the necessary discipline that they need to provide for for the well-being and social development of that future child in society. I think it will make those parents take stock and say, 'Whoof, we had better do something more about this. If I am having problems with my young people I had better perhaps go in and attend the local parental class they have got running down in the town hall' or whatever. We have to have a balance of measures available and it is a carrot on a stick all too often.

Over the years I have seen young people out at all sorts of hours, and when I say 'young people', I am talking about five, six, seven, eight, nine, ten, eleven-year-olds and so on - little children out in bad weather, late at night with seemingly no shelter to go to. In one case fairly recently the children were out because the parents were in the local pub and they could not get back in the house, but we cannot tolerate that. That is what we are doing at the moment: we are tolerating that. Those parents need to take stock of the situation. They need to know that they could be subject to prosecution if they do not take their parental responsibility seriously. That was neglectful. As a consequence it was found to be neglectful and these particular young people are now in well-balanced homes, living with other people and so there is a chance for them, but I am thinking about the young ones coming up in this system.

All too much emphasis at times is based on the minority of young people that are causing social disharmony within the Island. What we have to be aware of as a responsible legislature are the children that are coming up, the children yet to be born. We have to, when we legislate or think about legislation, think medium to long-term. This is not an instant solution to a problem that is going to be wiped out overnight.

The Young Persons Committee that we spoke about in another place is looking at that and I applaud them for the work that they are doing, but again, that is not the forum for suggesting legislation; this is the place. We are the people that discuss proposed legislation and this is what we are here to do today.

I am concerned about the yobbos of today but I am more concerned about the yobbos of tomorrow. That is what concerns me. Outside of this place the public say, 'Where are the parents? Look at this young person, look at this child, look at the state of this child - where are the parents? I blame the parents.' And it is all so easy to say, 'I blame the parents' because the next question is, what is our parliament doing about it? How can we make the parents more responsible? I would suggest this is one of many measures that we can take and consider over the years, but it is an important first step. It is a balance we want and I believe this provides the start of that balance.

The Speaker: Hon. member for Douglas West, Mr Downie.

Mr Downie: Thank you, Mr Speaker. I will be supporting this motion which is before us today. There are a number of reasons for doing that, but I think the main reason why I want to support this motion is that a lot of debate goes on, a lot of talk in this House and in another place, but if you look at what is actually happening we are failing, miserably with young people. Whether it is an issue regarding parenting or juveniles getting into trouble, we are failing and if we think that we are failing here, go and have a look at what is happening in the UK. That is a total disaster over there when you see the scenes on the news on a regular basis of some young people totally out of control.

Now, we have got some very, very good kids on this Island. We have got some excellent young people (**Several Members:** Hear, hear.), but we owe it to them to do something about the element which are perhaps not so good, and one of the reasons for supporting the introduction of this Bill is to provide, in my view, the best range of opportunities available for the courts, or anybody else for that matter, who needs to get to the nub of a particular problem.

Now, some hon. members shook their heads in here when I said we are failing miserably. Juvenile crime in the Island is up 60 per cent, and they are the particular issues that we know about. There is an awful lot going on in the Isle of Man now that people are prepared to turn a blind eye to, morale in the police force is absolutely zero because it is just a paper chase or they just get the same old treatment. Unless they have got somebody on something particularly serious and it is an easy case to deal with, I am absolutely sure that the police are totally frustrated in not being able to move the system along.

We have talked about parents and the parents' wish to abrogate responsibility to society. It is very, very easy to do that at the moment because, let us face it, if the two parents are working and they are in good jobs and they like a great social life and, as somebody has said, their young children are walking around at one and two o'clock in the morning when mum and dad are out enjoying themselves, the child goes into care - great for them; it just means that they can stay out all night. I think what we have got to do is start to look at a system where not only the court can bring in certain measures for the protection of the child, but in my opinion what we are going to have to start to do is to say to the parent, 'If the state is going to accept responsibility for your child or it does have to go into care, you are both working so there is no reason why you should not be making a contribution to that child's upkeep', and, let us face it, the figures we are talking about in some of these instances are up to £3,000 a week, and I am told now, if a child does go into care and the parents have that 'couldn't care less' attitude, the only thing that happens is that they have the family allowance stopped. It is ridiculous. If you are going to have children I think you have got to accept responsibility, and if you will not accept responsibility we have to look at measures where we can bring some pressure to bear.

The other issue that I think is starting to get out of control is that there are a lot of instances where there are difficult families on housing estates, there is legislation that has been implemented in the UK and we have situations in the Island when I finished my time in DoLGE where we had the neighbours from hell and their children (**Mr Houghton:** Hear, hear.) and, in all honesty, decent people have the right to be protected from some of these individuals who have no sense of responsibility whatsoever. They let their children become completely out of control and then they have an influence on other children. I hope there will be a way of addressing that, and if a person does lose their house and be put out of an estate, well, tough, but you have to have some checks and balances. If they are properly behaved and they are reasonable neighbours there is no reason for them to go, but at the moment people just seem to adopt whatever attitude they want and they have no responsibility, no feeling of belonging to a particular area, nor any concern about their neighbours.

I had a very interesting discussion yesterday; another minister was in the same company that I was in where a person's daughter who was working as a care assistant in one of these care homes locally was beaten up by a 15-year-old boy and had been off work for nearly three weeks. The lad is just totally out of control, has no respect whatsoever and continually breaking curfew orders. Now, these are the areas that I see this legislation being able to help in when apparently at the moment there is no remedy at all.

So I think we have got to allow the hon. member to put what it is he wants together and then we will have the opportunity of knocking it down when it comes forward to us in the form of a Bill. (*Interjections*)

I think, hon. members, that this is an issue that is not going to go away. We are losing the battle outside. Our credibility in this Island is one where we had a strong law and order situation on the Island, we had good quality of life. It is suffering because of the actions of some of these individuals. I do not have the answers, I get very frustrated that I have not got the answers, but I think we owe it to members here if they want to bring private members' Bills before us and they want to have a look at other issues which may help the situation and, as I say, I have no problem at all in supporting the introduction. Thank you, Mr Speaker.

The Speaker: Hon. member for Onchan, the Chief Minister, Mr Corkill.

Mr Corkill: Thank you, Mr Speaker. We are, of course, this morning looking at a motion where the hon. member for North Douglas, Mr Houghton, is requesting leave to introduce a Bill. The debate has been very interesting from a number of points so far but I think we have moved away from that principle (**Mr Houghton:** Hear, hear.) about leave to introduce. My colleague, the member for Douglas East, Mr Braidwood, the Minister for Home Affairs, has already made

mention of this: I would urge the hon. member, Mr Houghton, to contact the Department of Home Affairs over issues to do with resources and costs. Certainly government Bills, in the explanatory memorandum, have resources issues identified so that members know what the resources are when in fact the Bill comes forward, and I am sure the Department of Home Affairs will help the hon. member in producing that information for him, and it would be, I am sure, in his interests to do that.

The hon. member is seeking leave to introduce. We are all looking for answers and this is the hon. member's way forward, in his view, to create a new option in our quest for answers. But we have not got any solutions yet; certainly mention has been made so far by one or two speakers about the Children and Young Persons Strategy which I chair, and can I just say, bearing in mind we have had a debate on a number of issues, that in fact this strategy is very much focusing on the early development states, the educational aspects, and trying to head off this type of situation sooner rather than later, and that is what the Children and Young Persons Strategy is trying to come up with primarily, although there are many other issues involved. That process is evolving, we have had that debate in another place and there is information coming to Tynwald Court on that scenario.

I am more interested today on the specific issue on the paper before us. Some members who have spoken so far have already said that they agree the principle. This morning I agree the principle of the leave to introduce and I reserve my comments for later when we have a proper second reading, Mr Speaker, (**Several Members:** Hear, hear.) because certainly I would expect the hon. member who is moving this to produce a certain amount of background research information and data, because I would certainly want to know what the impact of this measure will be, and I ask that on the basis that the one thing I have learned in life is that action and reaction are equal, and if the courts were to start implementing a measure such as is described here today, I want to know what the impact of that would be in terms of the solution or the answers or the situation that we are trying to improve. I would expect the hon. member to be able to explain at second reading where he feels that the defect is in the Criminal Justice Act 2001 and where he feels it can be improved, and these are the markers I am putting down for the second reading, assuming the hon. member gets leave to introduce; it would seem likely that he may.

I would ask him a question also: what his own view would be in terms of what the courts should determine in a situation where you have a low income, a struggling family with lots of social problems, the nightmare scenarios that we have been dealing with, that seem to turn up this hard core of difficult juveniles, and as to what the benefit would be of fining a family, fining the parents under those circumstances, that is a matter for the courts to determine and the argument has been put forward that this is an option for the courts under certain circumstances, but I have a feeling that those circumstances may be very few and far between. It may well be that the courts could determine where parents can afford the fine, but the situation I come across, as a constituency MHK, is usually when you are in the disaster zone, things are going wrong - and when I say about action and reaction, you have struggling families where parents are struggling, very often perhaps just a single parent, to keep control of a situation, to keep control of their children; there are problems. What would be the impact on that family at that point when a fine is delivered? I would imagine in certain circumstances it may be the straw that breaks the camel's back and that parent may actually at that point offload the responsibility to the care system, which is the very thing that we are trying to fight against. And so I come back to the point, really, that I would want some information, some data, some research background as to what the action and reaction would be.

It is very easy to say there should be better parental control. I think we can all agree with that straightforward statement, but I was really quite shocked when the hon. member for Douglas East mentioned the situation about little children out on the street and the parents

nowhere to be seen or in the pub, because there is already legislation in terms of child neglect. That description, certainly, was child neglect in my interpretation of the law, and action can already be taken against parents who effectively do not look after their children in the way that was highlighted.

The issue, really, which has been occupying everybody so much recently and particularly the media, of course, is adolescence, juveniles, teenagers, and the problems that certainly the hard core, the few, are creating for society at the moment.

So coming back to the point about leave to introduce, the Council of Ministers is relaxed about the member's wish to introduce this Bill but the second reading is crucial, because I will certainly want to know what the action and reaction equation is in this, because certainly I do not want to put my name to a piece of legislation where in fact the courts could, because it is an option available to them, make things worse, and that is a real fear that I have and I look forward to the member's comments.

The Speaker: Hon. member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, I will support the hon. member today. What concerns me is what I have heard in this debate from certain members, especially from ministers in this hon. House. The member for Douglas West talks about the issue about the UK, Mr Downie, and the issue that fortunately we should not have the sort of social problems that are in certain communities in the United Kingdom and maybe more through luck than good management when our educational system did not divide on social economic grounds, so we did not have the situation of the schools being on the basis that we put the deprived children in one school and the other, better-off children in the other. I believe that maybe we had that on religious grounds, and fortunately I am the first generation where that sort of nonsense has been stopped from happening nowadays.

But I think what the hon. member said about his concerns about the United Kingdom this House has got to recognise. If we allow a situation where we have council estate children all going to one school and private estate children going to another school, then we will end up with those sorts of problems. We saw in the Education Bill where we went with the trend of doing away with corporal punishment. I offered the opportunity of looking at trying to find some sort of way of dealing with the children that are disruptive in the education system; this is the all part of why I am going to support the hon. mover today, because of my frustration that we threw out the situation of bringing in something for disruptive children. At the moment they have an hour a week. We pay kids to be disruptive, and one of the concerns I have over this debate today is that it does actually engender more encouragement to that element within our society because they are deprived generally of the attention of good parents - not always.

But I think the hon. member, when he talks about the United Kingdom, needs to realise that we have got a wonderful opportunity with this legislative assembly here to legislate for the needs and requirements of this country and not just follow the United Kingdom, and I do hope, even at this late date, that he will go back to the Council of Ministers and he will look at those sorts of issues, because this is not going to sort out all the problems the hon. member mentioned. I do not care what he thinks or what people outside think; it might be, if it is lucky, one rung on a ladder that might help the present situation.

The other thing that I absolutely find appalling, I have to be honest with you: I depend mostly on the private sector to get elected in my constituency. My local authority housing estate is very small and very few of them actually vote in Onchan, so I might not have the same situation as the hon. member as far as having no local authority houses, but the local authority houses are not a big equation as far as my re-election situation is concerned, but I do take

exception when he says about these public housing estates and neighbours from hell; we have them everywhere and I believe that it is wrong for him to say that.

I must say that, going on to my colleague here from Onchan saying that, we do not want to be taking children in care, we do not take children in care willy-nilly, but I can tell you that I found it appalling, as the member for DHSS who struggled to try and get a social services going in this country, when I used to have statements from social workers, and I will give a classic case of where this couple said that if they did not get a house and they did not get financial support - and this is, what, 14 years ago - 'we will put the child on the steps of the corporation'. Well, quite frankly, if you are prepared to put your 18-month-old child on the corporation steps, then you are not fit to have kids and you would be better off with the child being put in care. The argument was, 'it would cost us a lot more money' and I said at the time it would be better to pay the money out now than pay the money out years later when the child is a complete social misfit in society because it has not had the foundation work that it needs.

I believe that we should support this Bill. I personally do not see it as a panacea for the ills of the Island. I believe that it might help some parents with their problems of children having all the pressures that we did not really have as children - peer pressures regarding fancy shoes; you were either the posh kids who had the leather shoes - they might be cheap leather shoes but they were leather shoes - or the other kids who went to school in the plastic shoes which we always wanted to be part of, but the plastic shoes were five bob, I think, and the leather shoes were something like a pound or so in those days.

I do think that the hon. member should be given the opportunity, but what does concern me about this debate is that it is yet another political compromise, a knee-jerk reaction. The most important thing that I hope comes out of this debate towards the Council of Ministers is, thank God we have got a remand centre going to open in the very near future. What we need to get is more facilities, homes with education like there used to be, not this Dutch option of 'I will hang them only two feet off the floor and then maybe the Douglas members will hang them four feet off the floor' -

Mr Houghton: You would need six-foot!

Mr Karran: Well, I know that; I know my popularity in this hon. House (*Laughter*). But the situation has to be that we do need to review the political compromises that have been done in the past over the fact that we had to keep certain buildings, we had to employ certain people who had no track record of doing things and I believe that we have got that door opened and we must make sure that we keep that door opened.

Please, I do hope that the Council of Ministers does take on board the frustrations in this hon. House: we do not want the UK scenario, a viewpoint being forced into this parliamentary assembly. We have something that is precious there in our society which we are losing, and I believe that the hon. member for Rushen, Mr Rimington, is right to a point: we are in a society where everybody believes that we should get away with doing the minimum in society and it is somebody else's responsibility. We are all part of society. Too many talk about freedoms and often do not talk about responsibilities.

I hope that we will see the issue addressed within the Council of Ministers when they are talking about this Bill of helping out, and I appreciate the help that I have had from the Minister of Education which now gives me a full-time youth leader for our café up in Onchan so that hopefully we can get on with providing somewhere for the children to go. They are maybe the less respectable members of their peer group, and so I think it would be wrong of me to just criticise out of hand. But one thing I would like the hon. mover to tell me: it really upsets me as a person that we were out repairing a window that was legitimately broken - and these accidents do happen - in our café the other night at 11 o'clock; does he intend to see a situation where for

children who are of a very junior age the parents will be reprimanded for allowing them to be wandering the streets at night? As much as I get concerned about other issues, it does frustrate me when I see young children of 11 and 12 out at night; you feel like wanting to go and throttle the parents - your frustration that these poor kids should be at home in a safe environment, and if his Bill does do that, then I would be very tempted to support it even though I do understand the frustrations of the hon. member for Peel as regards her concerns. But I do think there is a glaring omission there as far as our legislation is concerned, and it might help parents to stand up and take their responsibilities more strongly when they have their kids wanting to be wandering the streets at 12.00 and 1.00 o'clock in the morning. But I do feel that what we need from the executive government is not the dead hand as far as the hon. member's attempts to introduce this piece of legislation; what we need from them is a sincere commitment not to allow this section of the community to become a political football. Issues need to be addressed like the homes with education. We need to address the issue of having a proper constituted social services committee so that these issues are not allowed to become yet a political football so that the House here has not got the situation where we have got this section of the community just being used as a political football one way or the other way, either for the hon. member for North Douglas or the Council of Ministers.

I will support the leave to introduce and I just hope that the hon. House supports the proposal here and let us see a hit list of things that will come up from the Council of Ministers when the Bill comes back as far as the legislation is concerned. I do hope that we will not have the usual thing of having to shoot the messenger for the message that should have been listened to 12 or 14 years ago, just like I believe that with the drug situation we had that reaction, and let us look today at what the position has been, and yet it is another political compromise that we had where we had too little, too late looking at knee-jerk reactions and I believe that this hon. House deserves better treatment than that. I do hope that the Council of Ministers, when they come back when the second reading comes, come up with a hit list of what they feel is relevant and not just a matter of a dog-in-a-manger approach that we hear too often.

The Speaker: Hon. member for Douglas North, Mr Houghton, to reply.

Mr Houghton: Thank you, Mr Speaker. It has been a very enjoyable debate today, hon. members. There are an awful lot of good points as well as points really that I do not think are indeed worthy of consideration, but there was an awful lot of good input and I do value that very much and appreciate the input from the hon. members who participated.

If I may begin, I would like to thank my hon. colleague, Mr Henderson, for seconding this motion. Turning to the hon. member for East Douglas, Mr Braidwood, Minister for Home Affairs, I would be very pleased to consult with the department on the issues that the hon. member is indeed concerned about. I could possibly say at the outset of this, it is probably a bit of a shame that the hon. member has taken over from the hon. member from Ramsey, the Treasury minister, Mr Bell, at this point because obviously the hon. member has not got the depth of knowledge that the hon. mover of the original Bill had in so far as all I am trying to do here is simply put in those simple components to make antisocial behaviour orders work. That is all I am trying to do; I am not trying to reinvent the wheel. Parenting orders simply are a supportive measure of the antisocial behaviour order, and I am more than willing to discuss that in detail so we get it absolutely crystal clear, because I do believe there is a misunderstanding yet again with the Attorney-General's office, and I am getting tired of misunderstandings coming from that office - two different areas of advice (**Mr Henderson:** Hear, hear.) so that is something that clearly must be dealt with, not only on this matter but other matters also. (**Mr Henderson:** Hear, hear.)

The hon. minister, Mr Braidwood made, as I say, a number of very interesting points. One, of course, was that he cited the circumstance of the possibility of financial resources. Again, I

am sure the hon. Treasury minister would assist with this, but can I say that if this legislation makes it way and is approved by this hon. House and then eventually by Tynwald, there could be an appointed day order affixed which would then allow for the appropriate timings for any financial resources if those are found, indeed, to be applicable. So, as I say, this is not a new Houghton plan here, it is just simply getting the components to link the ASBOs with those requirements to put an antisocial behaviour order together.

If I can explain this, when you have a nuisance, let us say, who is riding a motorcycle over the greens near Onchan Youth and Community Centre, for instance, ripping up the grass, the local authority are going to have a severe concern. The constabulary is already involved - that is two agencies. Then that particular offender may have some element to do with Social Services, may or may not. So for the courts, when they are putting together their social report and when they adjourn the circumstance to allow for an antisocial behaviour order to be considered, consultation needs to be undertaken between all of those agencies. So as I say, the local authority, the constabulary, Social Services and of course, also I would consider that the Department of Education also would be party to consultation on appropriate occasions. It is their total and considered input which would come together to form a tailored order for that particular offender. So it is not a case of taking an order off the coat peg and slapping it on that offender and that will do Mr So-and-so; it is an order that will stop that offender behaving in that way in that area or street or what have you during certain times, whereas other times he may need to use that street to make his way to school if it is a young offender, and so on. So all this has to be taken account of.

Now, all I am trying to do is put in that little component that allows that to happen, because at the moment it is unlawful for that measure to happen and that I do hope answers the hon. minister's and many other points of the hon. members who spoke today. But I am more than pleased to liaise with the Minister for Home Affairs on this and indeed, if I am given leave to do so, I certainly will.

The hon. member for Peel - the only thing I can say is that the hon. member continues to propound herself as the advocate in the promotion of young offenders' rights, and if her constituents heard a lot of this diatribe that we heard today, I am pretty sure that they would be more than disgusted. We are not, hon. member, looking to lock up parents (*Interjection*); all we are trying to do, as many hon. members made the point today, is just simply put another rung in the ladder, another cog in the wheel and so on. I would close on the hon. member from Peel's opinions about parental orders. I am absolutely certain that her opinion would indeed differ from 98 per cent of members of the public, and also it would also differ from those people in the United Kingdom Parliament where these orders and parental orders et cetera are indeed in force and are working.

I thank the hon. member for Rushen, Mr Gill, for his very valued input. His previous past experience is good qualification that makes him well acquainted with the circumstances of what is going on today, and I would say that we do have a valuable new member here who is giving good, firm input from a professional background, and that is the point where we should value the hon. member Mr Gill's points: he comes from a professional background, one from the Department of Home Affairs in the probation service and the other as a social worker, so he has seen it right to the core, and if he supports this measure I am sure that hon. members should take notice of that, and I thank him for his input.

I also thank the hon. member, another new member, Mr Quayle, for his very valuable input and his accurate points that he made. He clearly understands the present situation and it was a pleasure to listen to his points and, as I say, they are valuable points and of course he did also make the comment that, needless to say, I need to liaise with the Department of Home Affairs, which I will do.

In fact, we have had good support from new members today and I do not take any issue with the hon. member for Glenfaba, Mr Anderson, for not inputting because he has had an input through valuable speeches in another place.

Turning now to the third member who spoke, Mr Earnshaw, he also showed very good, clear understanding that this is a situation of control and discipline. Neither exists on the streets of the Island these days and we must do something. Bit by bit we must do something about this, because it is not in case something gets worse; it could not be much worse than what it is now. So let us get on with it, and I do thank him for his very valuable points.

I thank my hon. colleague, Mr Henderson, too, for his very clear points, supportive of many other good points that have been made, and, of course - one clear message that he sent out to this hon. House today - the fact that the public do indeed have a right to feel safe and be safe. The other point he said was, 'It is the duty of this hon. House to make it so', and at the moment, by the liberal attitude that is coming from some of these hon. members, some of the speakers today, that is obviously not the case, and those people who think that way are simply betraying the requirements of the public and I can only leave them in the hands of their constituents to deal with them as they see appropriate in due course.

I thank the hon. member, Mr Shimmin, Minister for Transport, for his support but with reservations, and also I do have, of course, a high regard for his input, again, because he has been very close to this matter and we have had lots of conferences behind the scenes on this particular situation here and discussed it in depth and will continue to do so, but I am rather surprised with the hon. member for West Douglas's rather liberal view on this. I thought he would have a bit more of a staunch view on this particular issue here that is simply a cog in the mechanism of law and order. That is all I am asking for - just another cog in it, as I have explained. And also, as I continue to propound in my opening speech and my winding up thus far, this is simply supportive legislation to the legislation proper that already exists that was brought forward by the Department of Home Affairs, indeed, at the time when the hon. member for West Douglas was there and seconding the hon. member for Ramsey, who was the then Minister for Home Affairs, and his legislation. I remember it happening at the time. So why has he changed his view?

Mr Shimmin: Read *Hansard*!

Mr Houghton: I thank also the hon. member, Mr Rimington, for his support. He does make a good few points that the issue has to be explored and looked into. Of course, hon. members, that is a point for good legislation and I am here just for that and that alone. He also mentioned a connection that we should not concern this with deaths and fatalities et cetera, and I do agree with him on that point. This has no relevance in this particular small section dealing with antisocial behaviour orders and antisocial behaviour orders only, not very serious crimes as we discussed last week in another place. However, if antisocial behaviour orders are not appropriately implemented on those people who require them so to be, it could lead to tragedy and so one thing leads to another, as we can see. If anybody can see what is going on around this Island at the moment they can see just that. So curbing people, stopping them before they start, is what this particular area of legislation is all about.

I thank the hon. member for East Douglas, Mrs Cannell, for her support. She also makes a clear reference that the ASBO, the antisocial behaviour order, is a clear mechanism to make parents take stock of the situation. As she says, it is a preventative measure, and that is exactly what we want. We want them, if they continue to misbehave, in the home, not out on the street where they can reoffend time after time, and I thank her for that excellent point.

I also thank the hon. member for West Douglas, Mr Downie, for his very good and supportive points. Of course, hon. member, there need to be check and balances, and he made

a clear understanding, but he did not state it, that in fact the wheel is off at the moment. I do agree with him, and this is just simply, again, part of the way we need to control the circumstances, as I say, to get some law and order back on the streets with young people. But I keep on saying young people - remember, antisocial behaviour orders will also apply to adults as well, but I am pretty sure most of those who would fall into this category - criminal offences should be dealt with as a sanction because it is not an offence, this is a sanction for the courts to use - would indeed be young people, unfortunately - unfortunate but true. He did make valued reference to families on housing estates and the hon. member for Onchan, Mr Karran, took issue with him on that, but I do have to agree with the sentiments on that, (**Mr Karran:** Rubbish!) it is a situation that is going on on housing estates and so on, possibly more than anywhere else, but it is happening in our community and it needs to be stamped out as best we can stage by stage by good legislation as well as all the other support of agencies doing their part as well.

I thank the hon. Chief Minister, Mr Corkill, for certain clarifications of points that he made. He made some very important points and asked for certain areas of advice and also for some checks and balances. One of the questions that I can simply answer now - but I am more than willing to meet him if I get leave to introduce by this hon. House - is the fact that he would want some background research on data and, of course, it is a very, very valuable point. It is required to put an antisocial behaviour order together which, as I keep on saying, is already in law but it is disabled because of this component I wish to bring in by moving this Bill. But when he asks for this background research on data et cetera, I would have thought that that should be on file in the Council of Ministers' Office, brought forward by the Department of Home Affairs at the time as the reasons why and how antisocial behaviour orders work and so on, because as I keep on saying, that is already law, hon. member, so the thinking behind that is already in. I just want to put the component in to make the train run. That is all I wish to do, and I would be more than willing to discuss that with the hon. Chief Minister because it is a very serious issue and I have no problem with that.

He also asked a question: 'What courts should determine, and what reasons for determination are there, for consultation between agencies?' All I say about that is that of course this is just another option as a preventative measure, and it is another point that I would clearly explain when the appropriate time came forward for the hon. Chief Minister to move the Bill through the Council of Ministers' chamber before it comes to the proper chamber here.

I thank the hon. member, Mr Karran, for his support. He makes it quite clear; he sees the point quite clearly. It is one rung in the ladder only. It is not a panacea and I thank him for his points on that. He did ask, though, will the Bill deal with young people walking around the streets? I would say probably not, because if young people are walking around the streets even at midnight, they should not be, and that is possibly a matter for neglect that the hon. Chief Minister made that valuable point on, but I will investigate that matter and see. This is dealing with persistent nuisances, offences which are antisocial. Antisocial behaviour orders would then be put on them if the court saw fit so to do, but just young people walking home quietly, going on about their business, whatever time it is during the day or night, may in fact raise different issues but possibly not in this area, but I will make note of that and I will investigate that matter. I will be quite pleased to do that.

Mr Speaker, as I have said time and time already, this is simply supportive legislation to make the legislation proper work. I do not intend to reinvent the wheel. It is a simple lift of a clause to put the component together, as I have already said, to make the train run. That is all. Hon. members have concerns about parental orders, and indeed I will be pleased to investigate their points when I have a copy of *Hansard* to research that. But, we must, hon. members, halt those parents who are happy to leave it to government agencies to look after their children willy-nilly. We are not dealing now with care home issues and the crisis to do with care homes; this is a separate matter to deal with antisocial behaviour and parents just leaving it to government

agencies to get on with it. Parents are first and foremost responsible for their youngsters and they must be made responsible if they do not take that obvious point on board themselves. And of course parental orders are simply a supplemental issue to an antisocial behaviour order to make it work. It is no good putting an antisocial behaviour order on that child if the parent does nothing about assisting us. So the parenting orders support antisocial behaviour orders and indeed they were just simply, it appears to me, missed out of a very large Bill. The Criminal Justice Bill 2001 is an excellent Bill; I supported it. There are other issues which are simply missing. This Bill is simply to put those components in place to allow that legislation that is already in force to work. I beg to move, sir.

The Speaker: Right, hon. members, the motion before the House stands at item 1 on the supplementary order paper, Leave to Introduce, and it is that leave be given to bring forward a Bill to amend the Criminal Justice Act 2001. I will put the motion before the House. Those in favour please say aye; against, no. The ayes have it.

A division was called for and the voting resulted as follows:

For: Messrs Anderson, Cannan, Quine, Rodan, Quayle, Gill, Mrs Crowe, Messrs Houghton, Henderson, Cretney, Braidwood, Mrs Cannell, Messrs Downie, Shimmin, Bell, Singer, Karran, Corkill, Earnshaw and the Speaker - 20

Against: Mrs Hannan - 1

The Speaker: Hon. members, the motion carries at 20 votes for and 1 vote against.

Now, before I adjourn the House, can I just advise hon. members that the hon. member for Rushen, Mr Rimington, had sought leave to leave the House just prior to 12 noon, hence his absence when the vote was taken, just so hon. members are aware of that.

Private Members' Bills — Leave to Introduce — Clarification by the Speaker

The Speaker: The other issue I would like just refer to is that I think I picked up correctly from the Chief Minister in his comments an indication of concern regarding the basis of this debate this morning in relation to the leave to introduce. I would like to clarify my position in this matter as Speaker of the House so that everything is clear and it is a view I have always held and that is quite straightforward: that leave to introduce is not an automatic right that is given by the House. It is a very important stage in considering a private member's legislative proposal and therefore should not be treated lightly. As the hon. members understand, it is a matter for the house to be satisfied that leave to introduce a private member's Bill into the House is fully warranted, therefore leave to introduce, like any other motion put before the House, is subject to a full debate by the House before it makes a determination. I believe that the public, through the proceedings of the House, have a right to know members' views and members have a right within standing orders to express those views and their views. I am satisfied, therefore, that whilst the debate has been lengthy, in general it has not strayed from what is a broad motion. If it had, I can assure hon. members I would have pulled members into order. How long a matter is debated in this House is in the hands of the hon. members.

Hon. members, the House will now adjourn until 10.30 a.m. on 16th April in Tynwald.

The House adjourned at 12.05 p.m.