

Sunbeds Bill 2012
Council amendments considered

3.1. Mrs Cannell

The Speaker: We turn to Item 3, Consideration of Council Amendment, Sunbeds Bill 2012.
I call on the mover, Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

As Hon. Members will be aware, this Bill makes provision for the control of sunbeds, particularly in relation to persons under the age of 18 years. The proposed amendment, to change the wording of line 19 of the Bill, which is in terms of clause 3 under 'Interpretation' from 'an' to 'any' is not opposed. This change will extend the definition of sunbed to include such things as facial tanners and other electrical appliances, which use ultraviolet light to produce a tanning effect, so the Department does not oppose that particular amendment.

I would, however, seek today to reinstate clauses 15 and 16 of the Bill, which were removed in the Legislative Council. The removal of those particular clauses runs contrary to the fundamental principles behind the review of the criminal justice system, which promotes the ability for Departments, when dealing with enforcement matters, to impose fixed penalties for minor infringements of the law and I stress *minor* infringements of the law. This principle is aimed at reducing excessive costs in taking action through the courts, particularly for such minor infringements, and will enable officers of the Department to act reasonably when an offence occurs.

The intention in respect of the Bill is that fixed penalties would only be used for minor infringements, such as a failure to display a notice in a tanning salon required under the provisions of the Bill. Court action in this regard would be considered a sledgehammer to crack a nut. However, where an infringement was of a more serious nature, then a prosecution would be undertaken. We believe that, perhaps, there was a little bit of misunderstanding by the Legislative Council in respect of the interpretation of these clauses 15 and 16, which uses words such as 'may' - the Department *may* give the operator a fixed penalty notice.

The very use of the word 'may' suggests we may not, and in those cases, where a more serious infringement has taken place, such as a youngster receiving burns, etc. then, obviously, we would prosecute that case.

I would ask the House to please accept the minor amendment right at the very beginning on the Interpretation on clause 3 and to support the reinstatement of clauses 15 and 16 and I so move, Mr Speaker.

The Speaker: Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.
I beg to second and reserve my remarks.

The Speaker: Mr Watterson.

Mr Watterson: Thank you.

Just to come in on the back of that, I am somewhat surprised at the inconsistency of Legislative Council on this matter, having supported the Criminal Justice Strategy, not just by voting in favour of it, but speaking in favour of it in most cases.

These are fixed penalties for minor infringements, especially administrative infringements. So I would support the mover's intention to oppose Legislative Council's attempt to delete clauses 15 and 16 from the Bill, but would absolutely support in the same light as the Criminal Justice Strategy envisages that serious and persistent offenders would be taken through the courts. So, with that, I would support the move to support the first amendment made by Legislative Council on page 7 in line 19 – for 'an' substitute 'any' – but would also ask Members to reject the omission of clauses 15 and 16 from the Bill.

The Speaker: Mover to reply.

Mrs Cannell: Thank you, Mr Speaker.

I would like to thank my seconder and also thank Mr Watterson for his support. We share his concern about the inconsistency of late of the Legislative Council. I can assure him that, in fact, if there was a serious and persistent offender, then the Department would definitely consider taking formal action against that person.

Mr Speaker, I beg to move the small amendment be accepted and the reinstatement of clauses 15 and 16.

The Speaker: Hon. Members, just for clarity, as what Standing Order 4.13(3) has to say on this matter is that there are four options, basically. The House may agree with the Council's amendments; or disagree with the

Council's amendments; or amend the Council's amendments; or disagree with the Council amendments with a view to a conference.

The motion is that... it is really in two parts, we are dealing with, first of all, the House agrees with the Council amendment as set out in the Order Paper, and that is in respect of page 9, line 19 – for 'an' substitute 'any'.

Mr Watterson: Page 7.

The Speaker: Page 7. Agree Council's amendment.

Those in favour, please say aye; against, no.

The ayes have it. The ayes have it.

The second question is that the decision of Council to omit clauses 15 and 16 be disagreed with.

Those in favour, say aye; against, no.

The ayes have it. The ayes have it.

Thank you, Hon. Members.