

#### 4.1. Control of Employment Bill 2013 – Third Reading approved

Mr Shimmin to move:

*That the Control of Employment Bill 2013 be read a third time.*

**The Speaker:** We turn now to Item 4 in our Order Paper, Bills for Third Reading, Control of Employment Bill, and I call on the mover, Mr Shimmin.

**Mr Shimmin:** Thank you, Mr Speaker.

I would like to thank Hon. Members for their interest and support at the previous readings of the Bill and prior to that of the presentation in January. I also put on record my gratitude for those who attended my Department to clarify certain other points.

I would now like to briefly deal a number of points which were raised during the clauses stage. Firstly, as regards the status of voluntary workers under the Bill – a point raised by the Hon. Member for Ramsey, Mr Singer – I can confirm that such workers are one of the exempt categories under paragraph 7(6) of the schedule.

The Hon. Member for Onchan, Mr Karran, raised a point as to the hypothetical case of a person who is granted a Work Permit on the basis of a statement on an application form which turns out to be false or omits information, who then goes on to become an Isle of Man Worker. Prior to the person becoming an Isle of Man Worker, the Department has powers to revoke the permit under regulations, the following being grounds for revocation in the draft of 2014 regulations, and I quote:

‘The fact that the application for the permit includes a statement (whether relating to the holder, to his or her employer, to a relevant person or to any other person) which is false in a material particular, or omits to disclose a material particular, such that a true and complete statement would have caused the Department to refuse to grant or to renew the permit, as the case may be.’

Also under clause 15(4) of the Bill, the Department has powers to prosecute the individual who makes a false statement and this carries a maximum penalty of six months in prison for doing so or a fine not exceeding £7,500, or both.

Also under clause 16(3) of the Bill the time limits for a prosecution we have identified are three months from the date on which evidence sufficient, in the opinion of the Attorney General to warrant the proceedings came to his knowledge, but subject to an overall time limit of 12 months after the offence was committed. We do acknowledge that it is always possible that someone might lie on an application form, who then goes on to become an Isle of Man Worker five years later, and that in theory it would be too late for a prosecution to take place; however, in our view the existing sanctions are sufficiently dissuasive to deter people from submitting an erroneous application form.

Secondly, if an application form with false information is not discovered within the five years in which it takes to become an Isle of Man Worker, it is potentially unlikely that it would ever be discovered.

Thirdly, to the best of our Department’s knowledge, there is no case that is such and similar to that envisaged by the Hon. Member. We have sought legal advice on the point and the Department does not consider there is any need to amend the Bill to deal with this remote possibility.

Moving on to other points, while the Department supported some amendments and opposed others, we have listened carefully to some of the arguments put forward by Members. We note the comments on the potential difficulties of policing exempted employments, made by Mr Karran, and therefore we will consider moving an amendment in another place enabling the Department to obtain some additional information regarding persons who are exempt. We also take note of the comments on the administration of permits, made by the Member for West Douglas, Mr Thomas, and we will be reflecting as to how we might improve the way that Work Permits are administered.

In addition, the Hon. Member for Rushen, Mr Watterson, has brought to our attention a lacuna in one of the exemption categories, which we now believe can be dealt with by an amendment in another place.

Mr Speaker, before closing, I would like to extend the Department's thanks to Mr Ken Gumbley, who has drafted the Control of Employment Bill and worked with my Department on the project over a long period of time to produce what we consider to be a very internally coherent and well thought out Bill, which stand the Island in good stead for many years to come and which, taken with the new draft regulations, will be a great improvement over the existing legislation.

I would also like to put on record my personal thanks to the officer, Mr Jonathan Clague, who likewise has worked with this over many years and I believe has satisfied many Hon. Members' questions and queries on this item, as well as all other areas under his responsibility. He has my personal thanks.

I beg to move the Control of Employment Bill 2013 be read for a third time.

**The Speaker:** Mr Skelly.

**Mr Skelly:** I beg to second and reserve my remarks.

**The Speaker:** I put the question, Hon. Members, that the Control of Employment Bill be read for the third time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.