



Northern Ireland  
Assembly

Committee for Justice

# OFFICIAL REPORT (Hansard)

Justice (No. 2) Bill: Legislative Changes to  
Improve Online Protection for Children

7 January 2016

# NORTHERN IRELAND ASSEMBLY

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**Members present for all or part of the proceedings:**

Mr Alastair Ross (Chairperson)  
Mr Raymond McCartney (Deputy Chairperson)  
Mr Stewart Dickson  
Mr Alban Maginness  
Ms Bronwyn McGahan  
Mr Patsy McGlone

**The Chairperson (Mr Ross):** The Committee will now consider the proposed legislative changes to improve online protection for children that were suggested by Jim Gamble when he attended the meeting on 5 November. That followed the conference that we held in W5 on "Justice in a digital age". The relevant papers are in members' folders.

Mr Gamble made suggestions in three areas. The first was an amendment to the current law so that a child or young person under the age of 18 who takes, makes, distributes or possesses an image of themselves will commit no criminal offence unless it is done with malicious intent. The second was an amendment to existing law or the creation of a law to deal with the aggravated impact when an individual uses the anonymity provided by the Internet and/or the ability to create multiple online accounts with the intent to harass another person. The third was the creation of a law relating to circumstances where a person of 18 years or over masquerades as a person below that age and engages online with an individual they know or believe to be under the age of 18.

A summary of the views of the Department, the PSNI, the Public Prosecution Service and the Human Rights Commission on each of the proposals, together with an Assembly research paper that we commissioned, is in members' papers. Their responses, whilst supportive of some of the proposals in principle, state that these are complex areas of law and highlight a range of issues that would need to be taken into account if amendments were to be made to the Justice (No. 2) Bill to ensure that there were no unintended consequences.

The Minister is concerned that bringing forward amendments at this stage will result in changes being made to this important area of the law without the benefit of proper policy consideration and consultation. He has, therefore, asked the Committee to support the inclusion of the proposals in a policy consultation for future legislative change, as part of a wider review into a number of related areas covering certain sexual offences and child protection, rather than pursue them as part of the Justice (No. 2) Bill. To demonstrate that that work is being progressed, the Minister aims to brief the Committee more fully on the policy consultation in the early part of this year.

We have to decide whether we want to push ahead with any proposal or are content to let the Minister go out and consult on it. The point that we wanted to make was that we wanted to have some value from our conference and have an outcome from it. I think that we were sympathetic with what Mr

Gamble was proposing, although given that we spoke to people who would be dealing with the legislation and they have concerns, it may be prudent to allow the Minister to consult, if members are generally content with that.

I would add that we want to see this done pretty quickly. It is not one of those things that we say we will consult on and six or 10 months down the line nothing has happened. If members are content, we will tell the Minister that we are content to allow him to go out and consult but we want to see that happening pretty quickly. Are members happy enough?

*Members indicated assent.*