



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

EQUAL OPPORTUNITIES COMMITTEE

Thursday 25 February 2016

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EQUAL OPPORTUNITIES COMMITTEE

5th Meeting 2016, Session 4

CONVENER

*Margaret McCulloch (Central Scotland) (Lab)

DEPUTY CONVENER

*Sandra White (Glasgow Kelvin) (SNP)

COMMITTEE MEMBERS

*Christian Allard (North East Scotland) (SNP)

*John Finnie (Highlands and Islands) (Ind)

*Annabel Goldie (West Scotland) (Con)

*John Mason (Glasgow Shettleston) (SNP)

Drew Smith (Glasgow) (Lab)

*attended

CLERK TO THE COMMITTEE

Ruth McGill

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Equal Opportunities Committee

Thursday 25 February 2016

[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

The Convener (Margaret McCulloch): Welcome to the fifth meeting in 2016 of the Equal Opportunities Committee. I ask everyone to set any electronic devices to flight mode or switch them off. We have received apologies from Drew Smith.

Agenda item 1 is a decision whether to take in private item 4, which is consideration of a legacy paper. Are we agreed?

Members indicated agreement.

Petition

Access to Justice (Environment) (PE1372)

10:01

The Convener: At agenda item 2 we will consider petition PE1372. When we considered the petition last year, we requested information from the Scottish Legal Aid Board and the Scottish Government. Their responses, and an update from the petitioner, are included in the meeting papers.

We have to make a decision today on whether we would like to close the petition or include it in our legacy report. We can also ask the Scottish Government for an update on its plans for an options paper on an environmental court. Do members want to comment?

John Finnie (Highlands and Islands) (Ind): The petition has been about for a long time. I have been on this committee since its inception and I think that it was discussed at one of the early meetings, if not the very first meeting.

We have more information now but what we have not lost are the concerns of Friends of the Earth, which I share. I am grateful for the detailed letter it sent on 22 February, which highlights a couple of issues: the time restraints that are placed on applications for protective expenses orders and also for judicial review; and the view that legal action remains prohibitively expensive for most individuals, communities and non-governmental organisations—a view that many would share, not just those concerned about environmental matters. Also, we do not have the costs for community groups and NGOs, because they are not eligible for legal aid.

Very belatedly, with a matter of weeks to go before the election, the Scottish Government has announced that it will consult on the issue. For that reason, I think that the committee should keep the petition open and include it in the legacy paper. Friends of the Earth's view that the committee launches its own inquiry into whether Scotland complies is appropriate for discussion, but it is a decision for another day.

Christian Allard (North East Scotland) (SNP): I differ a little bit with John Finnie's tone, although I agree about what should happen. The reason I differ a little bit with the tone is that we talked about the issue at the Justice Committee and found that we were compliant. At that time the Scottish Government said that it would look at it at a later date, which it did. We can see from the minister's letter that he stated on 1 December that the Scottish Government will meet the commitment to publish an options paper on an environmental court. That is to be welcomed and

that is what the Justice Committee wanted the Government to do.

I think that we should keep the petition open and hope that we will see some light on this issue in the next parliamentary session. I reiterate the fact that the Justice Committee said that we are compliant.

John Finnie: I think that that remains to be seen. Certainly there is an open case for the United Kingdom, and Scotland has a separate legal system—although that is highlighted in the papers. For the avoidance of any doubt, I welcome the consultation—I would not want to give the impression otherwise—albeit that it has taken four years and several months.

Annabel Goldie (West Scotland) (Con): I have a technical question. What is the status of a petition at the end of a parliamentary session? Does the petition remain alive or does it fall?

Ruth McGill (Clerk): The standing orders are silent on the position of petitions at this point so it is open to interpretation. The latest advice is that both options are open to the committee—either close the petition or keep it open and carry it on through legacy.

Annabel Goldie: I infer from what the clerk has helpfully advised that to not actively keep the petition open would perhaps by default allow it to fall.

That would be unfortunate because it seems to me that there is a legitimate issue of concern here. As the environment becomes ever more prominent in our considerations, not just for politicians but for the public in general, there is a need to look at the issue. It would be unfortunate if the petition fell off this committee's radar screen by default.

Given what the Scottish Government is proposing to do, I am very much in sympathy with what John Finnie and Christian Allard are saying—that we should keep the petition alive in some form in this committee. There is probably not a lot that this committee can do, but our successor committee could certainly do something.

Sandra White (Glasgow Kelvin) (SNP): Everything that I was going to say has been said, and I think that we have a consensus here. In a previous life, I was on the Justice Committee when the petition was discussed and, like Christian Allard, I felt that the evidence was that basically we were compliant.

As John Finnie has said, however, we have carried forward the petition for a number of years. Like others on the committee, I would be happy to carry forward the petition to the legacy paper and await the minister's paper, which I presume will come to the committee and be added to the legacy paper. Will we also discuss the matter again when

we get the minister's paper or just add it to the legacy paper?

The Convener: The minister said in his letter to the committee:

"I stated on 1 December that the Scottish Government will, before the end of this Parliamentary term in 2016, meet the SNP manifesto commitment to publish an options paper on an environmental court."

There is no actual date as to when that paper will be produced but the minister adds:

"My officials are currently drafting that options paper."

We could write to the minister and ask him for the date that the paper will be produced. We could also include the petition in our legacy report and make recommendations for the successor committee to look at it.

John Finnie: I understand that the minister answered an oral question on the options paper the other day and that the paper is imminent, so I think that we could just include the petition in our legacy paper.

The Convener: Are members happy to include the petition in our legacy paper?

Members indicated agreement.

Annual Report

10:07

The Convener: Agenda item 3 is consideration of a draft annual report for the parliamentary year from 11 May 2015 to 23 March 2016. Do members have any comments on the annual report?

Annabel Goldie: I have a couple of points. Under the heading "Female Genital Mutilation", would it be appropriate to make reference to the members' business debate that our colleague John Mason secured and the meeting that we had thereafter with some representatives of relevant bodies?

The Convener: Yes, we can do that.

John Mason (Glasgow Shettleston) (SNP): It was the convener who secured the debate, not me.

Annabel Goldie: I beg your pardon.

The Convener: That is okay.

Annabel Goldie: I think that it would be appropriate to add that information because the debate was important. It enjoyed the unanimous support of the committee.

My second point is a tediously pedantic one on spelling. In paragraph 25, under the "Other activities" heading, the third line reads "this lead to visits". I rather suspect that that is meant to be "this led to visits". I point that out purely to confirm to everyone that I read the meeting papers.

The Convener: That error was put there deliberately to check that people read the report. [*Laughter.*] If no one else has any comments to make about the annual report, we will take on board those points.

That concludes the public part of today's meeting. Our next meeting will take place on Thursday 10 March.

10:09

Meeting continued in private until 10:59.

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