

# **EQUAL OPPORTUNITIES COMMITTEE**

Tuesday 22 January 2002  
*(Morning)*

Session 1

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# CONTENTS

Tuesday 22 January 2002

	Col.
ITEMS IN PRIVATE.....	1337
INTERESTS .....	1340
TAKING STOCK (DISABILITY ISSUES) .....	1340
CHHOKAR INQUIRIES (JANDOO REPORT).....	1341

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## EQUAL OPPORTUNITIES COMMITTEE

### 2<sup>nd</sup> Meeting 2002, Session 1

#### CONVENER

\*Kate Maclean (Dundee West) (Lab)

#### DEPUTY CONVENER

\*Kay Ullrich (West of Scotland) (SNP)

#### COMMITTEE MEMBERS

\*Mrs Lyndsay McIntosh (Central Scotland) (Con)

\*Mr Michael McMahon (Hamilton North and Bellshill) (Lab)

\*Mr Gil Paterson (Central Scotland) (SNP)

\*Cathy Peattie (Falkirk East) (Lab)

Tommy Sheridan (Glasgow) (SSP)

Elaine Smith (Coatbridge and Chryston) (Lab)

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

\*attended

#### CLERK TO THE COMMITTEE

Lee Bridges

#### SENIOR ASSISTANT CLERK

Richard Walsh

#### ASSISTANT CLERK

Roy McMahon

#### LOCATION

The Chamber



## Scottish Parliament

### Equal Opportunities Committee

*Tuesday 22 January 2002*

*(Morning)*

[THE CONVENER *opened the meeting at 10:03*]

#### Items in Private

**The Convener (Kate Maclean):** We will get started. I have received apologies from Tommy Sheridan and Jamie Stone.

The first item is to ask the committee to take items 5 and 6 in private. Item 5 is consideration of the draft report on the Public Appointments (Parliamentary Approval) (Scotland) Bill and item 6 is consideration of the draft report on the Land Reform (Scotland) Bill. The reason why we are to consider those items in private is that the committee has not discussed the reports yet. Are we agreed?

**Kay Ullrich (West of Scotland) (SNP):** Given that the Public Appointments (Parliamentary Approval) (Scotland) Bill is about openness and accountability, should consideration be held in private? What is the reasoning for holding the discussion in private?

**The Convener:** Every committee discusses draft reports in private.

**Mr Gil Paterson (Central Scotland) (SNP):** The Procedures Committee is taking evidence on the work of the Parliament. One thread that runs through the evidence is the idea that we are taking too many things in private. I agree with my colleague that the bill we are to discuss under item 5 is about accountability and openness. We would be foolish to take the item in private. We should hold our consideration of Alex Neil's bill in public.

**The Convener:** I am aware that the matter is under discussion in the Procedures Committee, as it is also under discussion in the conveners liaison group. At the group's discussion, the Equal Opportunities Committee came out rather well in comparison with many other committees, in respect of the amount of business that we hold in public. It was agreed at the conveners liaison group—I suspect that it will also be agreed by the Procedures Committee—that, when committees are discussing things such as draft reports and lines of questioning, it is perfectly acceptable for consideration to be held in private.

We should not pick out one bill. We should either decide to discuss all draft reports in public or stick to the procedures that are followed by all committees, which is to discuss all draft reports in private. I have no difficulty with discussing anything in public, but we should follow the protocol that there is at the moment. There is no more need to discuss in public a draft report on a bill about public appointments than there is to discuss a draft report on a bill about land reform or than there was, in the past, to discuss any other draft report. What do other committee members think?

**Mr Michael McMahon (Hamilton North and Bellshill) (Lab):** I agree. Just because the word “public” appears in the title of a bill does not mean that we have to discuss the bill in public. We are not discussing the subject; we are discussing our report on the evidence, which was heard in public. We have considered draft reports on every bill in the past in private. Other committees, including those that considered the Freedom of Information (Scotland) Bill, consider their draft reports on bills in private. Should the committees have done everything in public because the title of the bill included the words “Freedom of Information”?

Procedures exist for dealing with draft reports. The reason for that is good: it is so that we can discuss details of what will be contained in our report without worrying about the discussion being misconstrued before the report is put into the public domain. I hope that we stick to that position.

**The Convener:** The committee discussed its draft report on the Freedom of Information (Scotland) Bill in private. At that time there was no dissent.

**Kay Ullrich:** I am merely using the draft report on the Public Appointments (Parliamentary Approval) (Scotland) Bill as an example of something that could be discussed in public. As the bill is about openness and accountability, the question screams out: why are we are discussing it in private? The same is the case with other draft reports on bills.

**The Convener:** If members want to go to a division, we can do so. I suggest that, until such time as the Procedures Committee reports on the matter, we continue to discuss draft reports in private. Are we agreed?

**Mr Paterson:** No. In this instance, I move against that. We are to discuss something that, in its very title, suggests that we should be open and accountable. We should let the public know that we are willing to discuss things in an open forum.

I propose that item 5—consideration of the draft report on the Public Appointments (Parliamentary Approval) (Scotland) Bill—be taken in public.

**The Convener:** Thank you. Do other members want to speak?

**Mrs Lyndsay McIntosh (Central Scotland) (Con):** I want to intervene briefly. I take the point that is made by Gil Paterson and Kay Ullrich, but if there is a decision in the offing that might make us reconsider the issue, let us wait until we hear that decision.

**The Convener:** This is the first time that the Equal Opportunities Committee has had a division, so I have had to consult the clerk.

The question is, that item 5 be taken in public. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

#### **FOR**

Paterson, Mr Gil (Central Scotland) (SNP)  
Ullrich, Kay (West of Scotland) (SNP)

#### **AGAINST**

Maclean, Kate (Dundee West) (Lab)  
McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)

**The Convener:** The result of the division is: For 2, Against 3, Abstentions 0. The proposal is disagreed to.

That means that we will take item 5, as well as item 6, in private.

## **Interests**

**The Convener:** Item 2 was to be a declaration of interests by Tommy Sheridan, who is back on the Equal Opportunities Committee. He has told me that he has been unable to attend because the Glasgow stock transfer issue continues to run on. Once the issue is dealt with, he will be able to attend.

## **Taking Stock (Disability Issues)**

**The Convener:** The third item on the agenda is the taking stock exercise. Unfortunately, because of personal circumstances, Margaret Curran is unable to attend the meeting, which means that the item must be deferred until 5 February. Members should hang on to the papers because they will not be reissued. There are 29 submissions on the taking stock exercise. Members have a copy of them and a paper on suggested lines of questioning. Members should have a look at the suggested lines of questioning; other questions should be e-mailed to the clerks before the next meeting. Margaret Curran sends her sincere apologies for being unable to attend.

## Chhokar Inquiries (Jandoo Report)

**The Convener:** We agreed to have a meeting to discuss the Jandoo report, but it has not taken place. Item 4 on the agenda is an update on the situation from Michael McMahon, who has spoken to the Chhokars' representative.

**Mr McMahon:** The committee took the view that we should not proceed with our investigation of the Jandoo report until Mr Chhokar had undergone his chemotherapy treatment for cancer. I spoke to Aamer Anwar about the situation and he has advised me that Mr Chhokar received his final course of treatment in the first week of January. Although Mr Chhokar is mentally capable and is willing to attend the committee, he is not physically capable of doing so. He needs a few weeks to recover from the extensive treatment. Aamer Anwar has asked the committee to consider having the investigation some time in March. We are not time barred, so we can set the time scale. Given our commitment not to hold the investigation into the report until Mr Chhokar is available, I suggest that we accede to Aamer Anwar's request and, in the meantime, wish Mr Chhokar a speedy return to health.

**Mrs McIntosh:** Is the intention still to hold the meeting in Lanarkshire?

**The Convener:** The arrangements will be the same as those we discussed previously. The meeting will be held at the most convenient location for the Chhokars and simultaneous translation will be available. Given that the committee was keen for the Chhokar family to be involved in the evidence session, we should agree to leave it until March. If we later feel that we must go ahead when the Chhokars are not available, the decision will be made in consultation with the family and the committee.

We will leave it to the clerks to arrange the meeting for a time that is suitable to the Chhokars and their representatives. Is that agreed?

**Members indicated agreement.**

**The Convener:** Before we move into private session, I inform members that today's meeting is the final one for the clerk, Lee Bridges. I do not know whether he is moving on to better things, but he has another job in the Parliament. I am sure that members will join me in thanking him for the hard work that he has put in and the service that he has given to the committee. Members, including me, will miss having Lee as clerk.

10:14

*Meeting continued in private until 10:53.*





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