

JUSTICE 2 COMMITTEE

Tuesday 27 June 2006

Session 2

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JUSTICE 2 COMMITTEE **19th Meeting 2006, Session 2**

CONVENER

*Mr David Davidson (North East Scotland) (Con)

DEPUTY CONVENER

*Bill Butler (Glasgow Anniesland) (Lab)

COMMITTEE MEMBERS

*Jackie Baillie (Dumbarton) (Lab)

*Colin Fox (Lothians) (SSP)

*Maureen Macmillan (Highlands and Islands) (Lab)

*Mr Stewart Maxwell (West of Scotland) (SNP)

*Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD)

COMMITTEE SUBSTITUTES

Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

Carolyn Leckie (Central Scotland) (SSP)

Mr Kenny MacAskill (Lothians) (SNP)

Margaret Mitchell (Central Scotland) (Con)

Mike Pringle (Edinburgh South) (LD)

*attended

CLERKS TO THE COMMITTEE

Tracey Hawe

Alison Walker

SENIOR ASSISTANT CLERK

Anne Peat

ASSISTANT CLERK

Steven Tallach

LOCATION

Committee Room 4

Scottish Parliament

Justice 2 Committee

Tuesday 27 June 2006

[THE DEPUTY CONVENER *opened the meeting at 14:03*]

Petition

Justice System (Child Sex Offenders) (PE862)

The Deputy Convener (Bill Butler): Good afternoon, colleagues, and welcome to the Justice 2 Committee's 19th meeting of 2006. We have received no apologies. I will convene the meeting for agenda item 1, because the convener is attending the Local Government and Transport Committee meeting to discuss the proposed local government elections (Scotland) bill. He expects to arrive just before the end of item 1 or just after that.

Item 1 is the continuation from last week of our consideration of petition PE862, in the name of Margaret Ann Cummings. Members have the clerk's cover note, which includes a draft motion that proposes the remit, duration and convenership of the sub-committee. Members will see in annex A to the note that the remit of the proposed sub-committee is laid out in four bullet points and that the sub-committee is to complete its work by the end of December 2006.

Are members content with the motion's wording?

Jeremy Purvis (Tweeddale, Etrick and Lauderdale) (LD): I appreciate that, by and large, the remit reflects the petition. However, the proposal is for a properly constituted committee, so it could have a slightly wider remit. I would prefer the first bullet point to refer to "Whether information should be provided to communities, if any information is provided", rather than to "The extent of information", and I would prefer the sub-committee to make recommendations to this committee after doing work on that basis.

I would also prefer the remit to refer to "anyone on the sex offenders register" rather than to "sex offenders". That would mean that the sub-committee's work was a bit more consistent with the work that this committee has done and with some of the work that the deputy convener has done on people with a risk of sexual harm order and on DNA.

I would prefer to change the motion in those two minor ways but, other than that, I am content.

The Deputy Convener: I am sure that committee members will note that.

Mr Stewart Maxwell (West of Scotland) (SNP): I have a point of clarification. I think that the words "The extent of information" in the first bullet point cover Jeremy Purvis's first point. Implicit in that is the question whether no information or lots should be provided.

Maureen Macmillan (Highlands and Islands) (Lab): The wording could mean no information.

Mr Maxwell: The remit does not say that some information must be provided.

The Deputy Convener: I take that point.

Jackie Baillie (Dumbarton) (Lab): Like Stewart Maxwell, I confess that I think that the question whether information should be provided is implicit in the first bullet point. I would also be concerned about adding the words "if any", because that would presuppose the outcome of the sub-committee's deliberations.

However, that point is minor in comparison with the suggestion that we should widen the remit's scope. Not long ago, we had a serious discussion about the availability of resources, not just among the politicians on the committee, but among the clerks, to service such a piece of work. We have proposed a focused remit that is founded on the petition. The petition will be dealt with by a sub-committee rather than a primary committee of the Parliament, so I would be loth to expand its remit to the extent that it certainly would not conclude its work by December—I suspect that obtaining answers to some of the difficult questions would take considerably longer. I therefore suggest that we stick formally to the remit that is set out in annex A.

The Deputy Convener: No other members wish to speak; I take it that silence means assent from the member who has not responded.

The committee is minded not to accept Mr Purvis's amendments. First, to add the words "Whether information should be provided, if any information is provided" would presuppose a result. The purpose of adding "if any" is also covered by the words "The extent of information".

Jackie Baillie makes the point that to change the term "sex offenders" to "anyone who is on the sex offenders register" would run the risk of widening the scope of the proposed sub-committee's deliberations. Ms Baillie's point was that the remit is focused and founded on the particulars of the petitioner's reply to the Executive's response to the petition.

Jeremy Purvis: I thought that my suggestion would not extend the remit far and would be

neater, but I hear what members say. I wish the sub-committee well in its work.

The Deputy Convener: Do we agree to the remit as suggested in annex A?

Members *indicated agreement.*

The Deputy Convener: Our comments will be fed back to the Parliamentary Bureau at its meeting today, which will begin the process of establishing the sub-committee.

As it is proposed that the issues that the petition raises should be taken forward in an inquiry by the sub-committee, it is in order for this committee to consider concluding its formal consideration of the petition. Do members agree to close consideration of the petition?

Mr Maxwell: I agree, but I want to be clear that we are closing our consideration of the petition because we are transferring it to the sub-committee, which will report to us and whose report we will consider.

The Deputy Convener: That is correct—that will be the procedure. We felt that it was important to have a sub-committee of the Parliament, which would have the facility to report to us. If we felt that we should report to Parliament, the process would be transparent and meet the seriousness of the issues that the sub-committee will consider until December.

With that assurance, do members agree to close consideration of the petition?

Members *indicated agreement.*

The Deputy Convener: That is agreed unanimously.

The next item is consideration in private of the committee's draft stage 1 report on the Legal Profession and Legal Aid (Scotland) Bill. Before we go into private, I invite Maureen Macmillan to repeat the statement that she has made for some weeks while we have considered this putative legislation.

Maureen Macmillan: I refer members to the declaration that I made at the start of our investigation of the bill.

The Deputy Convener: The convener is not yet present, so I state for the record that we take as read the comments about the matter that he has made at previous meetings.

We now go into private. I ask the public and other people to leave the room, please.

14:11

Meeting continued in private until 15:52.

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