

# **PUBLIC PETITIONS COMMITTEE**

Wednesday 29 October 2003  
(*Morning*)

Session 2

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## PUBLIC PETITIONS COMMITTEE

### 6<sup>th</sup> Meeting 2003, Session 2

#### CONVENER

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

#### DEPUTY CONVENER

\*John Scott (Ayr) (Con)

#### COMMITTEE MEMBERS

\*Jackie Baillie (Dumbarton) (Lab)

\*Helen Eadie (Dunfermline East) (Lab)

\*Linda Fabiani (Central Scotland) (SNP)

\*Carolyn Leckie (Central Scotland) (SSP)

\*John Farquhar Munro (Ross, Skye and Inverness West) (LD)

\*Mike Watson (Glasgow Cathcart) (Lab)

\*Ms Sandra White (Glasgow) (SNP)

#### COMMITTEE SUBSTITUTES

Frances Curran (West of Scotland) (SSP)

Susan Deacon (Edinburgh East and Musselburgh) (Lab)

Phil Gallie (South of Scotland) (Con)

Mr Rob Gibson (Highlands and Islands)

\*attended

**THE FOLLOWING ALSO ATTENDED :**

William Burns  
Daniel Donaldson  
George Farquhar  
Jacqueline Hughes  
Ann Mallaby  
George Reid  
Duncan Shields (International Men's Organisation and Fathers Fighting Injustice)

**CLERK TO THE COMMITTEE**

Steve Farrell

**ASSISTANT CLERK**

Joanne Clinton

**LOCATION**

The Chamber

## Scottish Parliament

### Public Petitions Committee

Wednesday 29 October 2003

(Morning)

[THE CONVENER opened the meeting at 10:08]

### New Petitions

#### Divorce (Exploitation of Men and Children) (PE593)

#### Expert Witness System (PE625)

#### Sale of Heritable Property (Conflicts of Interest) (PE632)

#### Child Deaths (PE633)

#### Child Witnesses (Cross-examination) (PE635)

#### Justice 1 Committee Inquiry (PE672)

**The Convener (Michael McMahon):** Good morning, everyone, and welcome to the Public Petitions Committee's sixth meeting in session 2. We have a full agenda, as usual.

The first six petitions to be considered today are PE593, PE625, PE632, PE633, PE635 and PE672, from Mr Duncan Shields on behalf of the International Men's Organisation and Fathers Fighting Injustice. Each of the six petitions raises specific issues relating to certain aspects of the judicial system and, in particular, to alleged discrimination against fathers in divorce actions. The petitioner is present to give a 10-minute presentation to the committee in support of his six petitions. Mr Shields has decided to spend seven to eight minutes on his first five petitions before being joined by Ms Ann Mallaby and Mr George Farquhar, who will support him in giving evidence on the final petition, PE672, for the remaining two or three minutes.

At the end of the presentation, I will invite members to go through each petition individually and seek a resolution before moving to the next petition. Although Mr Shields will speak about the petitions collectively, we will take each petition individually. I remind the petitioners and members of the committee that the Parliament is unable to intervene in individual situations or in matters that

have been subject to court proceedings, which may be referred to in the presentation.

Mr Shields, you are welcome to the committee. You have 10 minutes in which to make your presentation.

**Duncan Shields (International Men's Organisation and Fathers Fighting Injustice):** We thank the committee for hearing the petitions, which were submitted by our organisations over a period of a year. However, we believe that trying to compress discussion of them into such a short time scale does not do justice to what are very serious issues. The petitions are all, in part, connected with discrimination against men.

Scottish social services have been shown to be not only incompetent but, we believe, riddled with fraud, corruption, gender discrimination and a strong Illuminati influence undermining the welfare of vulnerable children. That is at its worst during separation, mainly due to the large public moneys that the Legal Aid Board is freely allocating to opposing lawyers—in my child's case, for more than nine years—which leads one to believe that legal fraudsters assume that they are better at protecting children than the children's fathers are. Any suggestion from sources that are abusing those moneys that that practice is being curtailed is a blatant lie. Fathers do not require money to protect their children—their protection is free at source, 24 hours a day, seven days a week. However, that protection is unlawfully and criminally taken from the children, at the expense of their biological fathers.

Until that financial link is severed, children's safety will continue to be undermined, as any separated father knows who has tried to protect his children from the appalling gender fascism that is being perpetrated by lawyers, sheriffs, police court officials, the Legal Aid Board, social workers, doctors, teachers and myriad publicly funded hangers-on who exert a drain on public funds that makes the cost of the new Scottish Parliament building pale by comparison.

I am talking about a multibillion-pound fraud, on which the Scottish Executive has failed to put a lid. Many child deaths have occurred due to extreme prejudices while more public money is used to promote that prejudice. Those vast sums are being consumed by a lawless legal fraternity, supposedly to protect children. The way in which they use children in family courts leads to one of the most shameful experiences that men and children have to endure, the persecution of separated fathers being the main daily ritual of incompetent, corrupt and publicly funded legal practitioners. There are many females in the fathers' extended families who also suffer from the loss of contact with their loved ones.

Philip Yelland, the director of the Law Society of Scotland's investigations, states that the society has no remit to discipline lawyers for human rights abuses, despite his personal responsibilities under article 17 of the European convention on human rights. The legal profession inquiry, the legal aid inquiry and the Council of the Law Society of Scotland Act 2003 do not have and will not have any effect on the system and may make matters worse. Scottish children and parents will continue to face severe psychological trauma and, potentially, more deaths until the issues that we raise are taken seriously and the Scottish Executive takes immediate emergency measures to address them before any more tragedies occur.

We have provided evidence of child deaths where fathers have been separated from their children due to a system that compares to the race hatred that was promoted during apartheid in South Africa. In Scotland, however, it is gender apartheid that is largely responsible for the deaths of children who received no protection from incompetent agencies while they were separated from their biological fathers.

Our children are being robbed of their future inheritance by the wheeling and dealing of a corrupt system that is condoned by the upper echelons of the political and legal establishment, despite widespread evidence presented in the inquiries. We demand immediate action to ensure that rights under the ECHR are being upheld in Scottish civil courts. On many occasions, fathers and children face actions without legal representation or funding. There are no audio recordings of those hearings, despite the fact that the equipment is in place to record them. In many cases, there is a need for jury hearings, when large, fraudulent land and property transactions are being perpetrated, leading to the bankruptcy of fathers who face the injustices that flow from major failures within what is a despicable system.

Our organisations can state from evidence that has been gathered worldwide that Scotland's civil legal system is one of the most appalling anywhere in the world. Any suggestion by the legal or political fraternity that that is not the case is a blatant lie. The issue is not that family courts need more powers; it is that the abuse of those powers is oppressing and enslaving men. That oppression has reached unprecedented levels—marriage licences can be purchased for very little but there seems to be no upper limit on the legal costs of their removal.

The failure to cap the cost of the new Scottish Parliament building poses exactly the same dilemma that is posed to men by uncapped costs imposed by family courts, except that the sums in the latter are many times greater and are a major blight on Scottish society. There is grave concern

over the impartiality or otherwise of the Legal Aid Board as a tribunal. The majority of its members are members of the Law Society of Scotland and working sheriffs with potential links to the Illuminati, and they are wholly responsible for publicly funding large-scale male asset stripping while undermining children's human rights. The gender imbalance makes men easy pickings for the criminals operating within the system; there is no legal protection, because of the collusion between the Law Society and the Legal Aid Board.

Last month, Bob Geldof stated:

"Family law ... does not work."

He said that family law is absurd, blunt and outdated and stated:

"So many of us are hurting and yet the law will treat the man in court (if my case is typical) with contempt, suspicion, disdain and hostility."

He added that the law is

"unjustly weighted in favour of women."

Bizarrely, on the rare occasions when the situation is reversed, it is when the woman is married to a fighter pilot or the ex-husband is classed as landed gentry or is in the same Illuminati lodges as the judge who is hearing the case. That is why there is an urgent need for juries in cases involving expensive land and property divorce divisions. Juries are needed to ensure the impartiality that is required under article 6 of the ECHR and to ensure that justice is seen to be done. A separated man entering the Scottish court system feels like a Christian must have felt when they stepped into the Coliseum in Rome: unarmed, outnumbered and waiting to be eaten alive.

Sigmund Freud stated:

"I cannot think of any need in childhood as strong as the need for a father's protection."

Why is the devolved Scottish Parliament massively and publicly funding a system that leads to the exact opposite situation? The answer is that that is financially beneficial to all those who gain from the psychological torture and abuse of the children who are separated from the protection of their biological fathers by the ruthless use of outdated Scottish civil law. The situation is entirely incompatible with the rights that fathers and children have and demand under the ECHR—those rights are being undermined daily in our Scottish courts. Ultimately, any legal system that harms a father harms the children. When fathers are robbed, their children are robbed of their inheritance.

We have an Auschwitz on our doorstep where appalling human rights abuses of vulnerable children take place. I am talking about the Dungavel concentration camp. How long will it be

before the gas chambers are moved in? Our society has been cajoled into accepting human rights abuses as the norm, but they will never be the norm. As six supporters who are at the committee meeting today witnessed, one of our members is being forcibly injected with antipsychotic drugs without due process of the law being followed. The legal and political systems in Scotland are acting more like the fascism that led to the Holocaust. That situation is totally unacceptable.

10:15

The integrity and dignity of the judiciary are paramount in any society. The Scottish judiciary must be made to serve the interests of the people of Scotland. A flawed judiciary promotes insecurity and economic instability and ceases to serve the country's citizenry. The magnitude of the corruption in the Scottish legal system is now alarming. Separation of powers has never given courts an arbitrary and unaccountable authority.

The legal system is a corrupt monopoly, which needs to be broken up. It is holding the county to ransom. John Swinney MSP recently stated that, if this is the way in which everyone gets treated by the legal complaints system, there is a need for enormous change of practice and attitude. The separation of powers in the Scottish legal system of jurisprudence has never been an excuse for the Executive or legislators to ignore their constitutional and conscientious duties.

My final point on petition PE593 is that the judiciary and all who report to the courts on child custody issues should be properly accountable. There should be accurate audio recordings of hearings and social work interviews, as that would curb the widespread discrimination within the system. Fathers and children should have proper access to legal representation. That would ensure that a child's human rights are not undermined by lack of representation or of funding.

On petition PE625, I believe that there should be a full inquiry into the legal aid funding of expert witnesses to ensure that corruption is not tainting the evidence that is being provided to the courts. We raised that issue in March 2001 in petition PE352, but it was ignored. If that petition had been acted on, lives could have been saved.

On petition PE632, no lawyer who refuses to act for a client should be given authority through the courts to act to sell a client's heritable property. An investigation should be instigated into collusion in the legal fraternity and there should be laws to prevent fraud by those monopoly powers.

On petition PE633, biological fathers should not be prevented by bias and discrimination in divorce actions from protecting their children. The legal

system acts like a jackboot brigade in preventing that protection and causing the deaths of children who do not have that protection.

On petition PE635, judges have an appalling record of dealing with children. They cause children psychological trauma. My children faced the judges' wrath. Serious steps should be taken to prevent children from being traumatised by insensitive and bullying judges who are not fit to deal with child cases.

Finally, petition PE672 deals with the Justice 1 Committee's inquiry into the legal profession. That committee is wholly responsible for the due process of law being seriously undermined in a case concerning one of our members. The outcome was the forcible injection of antipsychotic drugs, against his human rights. The committee failed to ensure that the judiciary is fully accountable in our supposedly civilised society. Can the Justice 1 Committee convener, Christine Grahame, tell us whether any lawyer or judge was disciplined or struck off or whether any compensation was paid for the appalling damage that was done to people's lives by a corrupt legal system?

I am sorry, but I am having to squeeze everything that I want to say into a very short space of time.

**The Convener:** I will give you a bit more leeway, Mr Shields. You have a couple of minutes before you bring in your colleagues.

**Duncan Shields:** The last thing that I want to say, convener, is in respect of individual cases. We read in the Parliament's business bulletin about the motion that Frances Curran lodged on the case of Layla Zana, a Kurdish MP. If the Scottish Parliament can spend its time and energies on the human rights abuses of a non-United Kingdom resident, it is appropriate that it should take steps to address human rights issues on its doorstep. I thank the committee for its patience.

**The Convener:** Do you want your colleagues to join you at this point?

**Duncan Shields:** If that is okay.

**The Convener:** You have a further three minutes, Mr Shields.

**Duncan Shields:** Mr Farquhar would like to speak.

**George Farquhar:** My name is George Farquhar. I am the founder of Project Freedom—Child Rights Watch. I am an investigator, researcher and campaigner, dedicated to the mass public exposure of secret societies' child abuse networks and paedophile rings. For more than five years, I have been researching organised

child abuse by certain high-profile members of our social services, who hide behind their secret-society-backed positions of power within the police and justice system, child care and social services and the mass media and medical industries.

I have numerous examples of those networks of abuse and of the individuals involved, some of whom are publicly exposed on my website. Since I have been non-violently campaigning in and around Edinburgh against those crimes over the past two years, I have been arrested about eight times by Lothian and Borders police. Although I have been charged with breach of the peace and with failing to give a DNA sample on each of those arrests, I have been found guilty on only one charge of breach of the peace, about which I was later admonished.

The circumstances surrounding my last arrest were a little different. I was arrested for taking video footage of a corrupt police officer who had falsified criminal charges and blatantly lied in court in relation to my possible conviction and imprisonment. Having been arrested by the police officer for that action, I was remanded in jail before being taken in front of Procurator Fiscal Smith at Edinburgh sheriff court. Procurator Fiscal Smith immediately lied to the court by stating that I had a history of similar offences, conveniently omitting the fact that I had been found not guilty on all charges bar one. Then, the procurator fiscal, while mumbling under his breath so that I would not be able to hear him, suggested that, because of my history, I should be detained for psychiatric reports.

In addition to my trial, which was a kangaroo court, and that corrupt act to veil the truth, I am currently being detained in the Royal Edinburgh hospital, in a clinic for the criminally insane. Since my three months' incarceration as a political prisoner, I have been forcibly injected nine times against my will with high doses of antipsychotic drugs while being held down by numerous hospital staff. That major abuse of human rights for taking video footage of a corrupt police officer is just one of the numerous cover-ups directed against my dedication to expose Government child abuse. I should be out in the street, non-violently campaigning, not incarcerated and drugged up like an insane criminal. Please do whatever you can to rectify the matter—not for my sake, but for all the children, who deserve safety and justice for the crimes perpetrated against them.

**The Convener:** Thank you for that evidence. We will start with petition PE593, on which I invite any comments, questions or recommendations from members. I remind members that, in this instance, the petitioner is calling on the Scottish Parliament to ask the Scottish Executive to take emergency actions to address the alleged

discrimination shown by the judicial system in Scotland against fathers and their children in relation to divorce actions.

**Helen Eadie (Dunfermline East) (Lab):** I would be interested to hear if the petitioner can provide any evidence of such cases and thereby demonstrate the need for carrying out an investigation as he suggests.

**Duncan Shields:** I refer you to my evidence and statements. We have already provided numerous petitions with evidence and statements and we would not want to comment any further.

**The Convener:** I will explain why Helen Eadie asked that question. You suggested in your introductory comments that you had submitted evidence. The committee has to have some indication of what that evidence is before it can take a decision.

**Duncan Shields:** I refer you to our evidence and statements. We have proved today, in relation to a criminal charge, that the due process of law was undermined with respect to Mr Farquhar. We have six witnesses here today, and that is a common—

**The Convener:** With all due respect, Mr Shields—

**Duncan Shields:** Well, if they do it with a criminal charge—

**The Convener:** Could we stick specifically to—

**Duncan Shields:** You have asked me for evidence. It is evidence enough that the due process of law has been undermined.

**The Convener:** Mr Shields, you have made some claims; you have not provided any evidence, and I think that the committee—

**Duncan Shields:** I am sorry—I do not want to comment further. I refer you to our statements and evidence. I have given you notice of circumstances that are potentially leading to the abuse and deaths of children. I do not want to make any further comment other than what has been provided in our statements and in the petitions.

**Jackie Baillie (Dumbarton) (Lab):** Welcome to the committee, Mr Shields. I have listened very carefully to what you have said. I have read the papers that you presented—and, indeed, the previous petitions—very carefully. You obviously have strongly held views. A number of things that you have said today need amplification if the committee is to do you and the petitions that you have submitted justice. For example, you have talked about gender discrimination, gender fascism, fraud and corruption. Those are highly emotive terms. I have no doubt that you believe what you have said to be true, but we are looking

for evidence beyond your individual case and what is in the papers to show that the problem exists throughout the system. We are looking for that additional information with a view to trying to assist you in coming to a conclusion.

**Duncan Shields:** This is not only about me. I speak on behalf of organisations. The suggestion that we are talking just about an individual is common practice when we come to the Public Petitions Committee, but we are not. The problem is widespread. I refer you to the evidence and statements. I do not want to be pursued on that. We have given you sufficient evidence, including evidence that due process of law has been undermined.

The crux of the matter is the simple fact that, as clearly stated in the Justice 1 Committee's reports on its inquiries into legal aid and the regulation of the legal profession, due process of law has been undermined, particularly by the Council of the Law Society of Scotland Act 2003. That is where the discrimination stems from. We have shown, evidenced and proven to you today that due process of law has been undermined in Scots law.

That is sufficient evidence, as far as we are concerned, to show that an investigation is needed into how court staff, judges, lawyers and everybody connected with the courts conduct themselves in relation to the court process to the point where our member has been forcibly injected with antipsychotic drugs because of due process. We are all witnesses to the failures of the kangaroo court no more than 100yd away from this room.

**Jackie Baillie:** I am looking at petition PE593. The issue for me is the sufficiency of evidence that you say exists. That evidence is not necessarily sufficient in my or the committee's view to take matters further. What we are saying—at least, what I am saying—is that it would be helpful if you could provide us with more evidence that the problem mentioned in petition PE593 is systemic. As I understand it, the system as it is currently set up, which was outlined in the Executive's white paper on parents and children, makes explicit the fact that the principle that the courts have adopted is that the welfare of the child, rather than any consideration for the male or female parent, must be put at the forefront of their considerations. I would think that that is something to which we would all sign up.

**Duncan Shields:** Unfortunately, you still have to give us information as to why due process of law was undermined in our member's case, as in the cases of many fathers in civil actions. That is sufficient. We proved today that due process has been undermined. That has been shown to be widespread in Scottish courts. To us, that is sufficient evidence. We are giving you notice that

human rights are being undermined. It is up to the Scottish Parliament and its MSPs to rectify the situation.

**Carolyn Leckie (Central Scotland) (SSP):** I do not have any illusions about the judicial system. I am well aware that the law is not equal for poorer people, particularly women. You made serious allegations about cases in which children died. If you allege that those deaths are directly linked to civil proceedings on divorce and custody, there should be specific evidence on that. I ask you to provide it if you have it. I have seen the newspaper article that you have provided.

**Duncan Shields:** There are umpteen instances. In petition PE633, we have cited 10 cases of child deaths when fathers have been separated from their children. There was a recent case in Aberdeen—

**Carolyn Leckie:** To be frank, what I have read does not demonstrate that any inquiries found that any of the deaths were linked to custodial arrangements, so that allegation—

**Duncan Shields:** I am sorry, I disagree with you.

**Carolyn Leckie:** Will you let me finish, please? On that particular allegation, I would like you to provide specific evidence beyond what you have put in front of us today. I also have a factual question. How many members does your organisation have and how many people are you referring to when you say that the problem is widespread?

**Duncan Shields:** I do not want to get into that. As I said, we have already given sufficient evidence and statements, but you are trying to undermine that by what you are saying today. We have shown that at least 10 children, and potentially 15, have lost their lives because of separation from their biological fathers. That is from the national papers. If you are not prepared to take national newspapers as sufficient evidence of widespread deaths due to children being separated from their biological fathers, you should not be sitting as an MSP. You are trying to undermine—

**The Convener:** Mr Shields, the MSPs are asking you questions to try—

**Duncan Shields:** She is undermining evidence that there are widespread deaths of children due to separation from their biological fathers. What more evidence do you need than national papers? I do not understand why you are asking for more—

**The Convener:** Mr Shields, you have come before the committee this morning to ask for your views to be taken seriously and for the petitions to be resolved in your favour. In order to allow the committee to do that, it is legitimate that members

should ask questions on statements that you have made. You have made claims that require examination. It is only fair that members be allowed to ask questions. You may provide the answers as you see fit—that is your prerogative—but it is not permissible to challenge committee members in the manner that you have done so far this morning. If you continue to do that, I will curtail the process.

10:30

**Duncan Shields:** I am sorry, but I do not want to take any further part in the process if that is the concern. We are talking about widespread deaths of children—

**The Convener:** Mr Shields, if you believe that you will be allowed to sit here this morning and make the kinds of statements that you have to Ms Leckie, I can assure you that I will not permit that—

**Duncan Shields:** I am not prepared to sit here and allow MSPs to undermine important evidence about child fatality and psychological abuse—

**The Convener:** Mr Shields, the matter could be resolved if you allowed us to continue to ask you questions. If you want to continue with that attitude, you are free to leave at this moment.

**Duncan Shields:** I will do, given the attitude towards the petitions. We have been given 10 minutes to address six important petitions on very serious issues.

**The Convener:** Mr Shields, we have a busy agenda this morning and we want to get to the core of the issues. We are asking questions on those issues. If you provide answers in the way that you have done, that is your prerogative, but I will not allow you to challenge MSPs on the committee in the way that you have done this morning. If you are prepared to sit a bit longer and answer our queries, Sandra White will ask a question.

**Duncan Shields:** We refer you to the evidence and statements, but I am not prepared to say any more on the matter. Ann Mallaby and George Farquhar might want to answer your questions.

**The Convener:** If that is the case, we have no option other than to take a decision on the matter as it stands. Before I ask for recommendations from members, I ask Mr Shields to clarify that he is saying that he will not answer any more questions on the petitions this morning.

**Duncan Shields:** I would prefer to provide more evidence at a later date, given the manner in which I have been questioned this morning. That is no surprise, because since the devolved Parliament—

**The Convener:** Can I say—

**Duncan Shields:** Let me finish.

**The Convener:** Excuse me—

**Duncan Shields:** You are controlling this committee—

**The Convener:** Exactly. I am controlling the committee and I ask you please to leave the table. You are refusing to answer questions, so I ask you please to leave the table so that committee members can discuss the petitions.

I am sorry, but the situation is that Mr Shields is the petitioner behind all the petitions. He has refused to answer any more questions, so I cannot take any further evidence from the other two witnesses here this morning. I ask them also to vacate the chairs.

**Ann Mallaby:** I am here to say—

**The Convener:** Mr Shields is the petitioner and he has said that he is not prepared to answer any more questions. You were here to assist him but he has refused to answer questions. I am sorry, but I must ask you to vacate the chairs.

**Ann Mallaby:** I am quite willing to answer any questions.

**The Convener:** I am sorry, but we need to resolve the petitions. Mr Shields is the petitioner and he has refused to answer questions. We cannot discuss the issue further with Mr Shields. I ask you to vacate the chairs.

I intend to go through each petition and ask members for recommendations on how to proceed.

**Ms Sandra White (Glasgow) (SNP):** The petitions raise some valid points about legal aid on which I would have liked to ask questions. I am sorry that Mr Shields feels that he has to vacate the chair.

Convener, I think that you handled the meeting properly and well. Given that we cannot ask any further questions on the other petitions, we have no option but to take no further action on any of them.

**The Convener:** How do members feel about that recommendation?

**Carolyn Leckie:** I place on record my regret at not being able to elicit any more information about some of the allegations that have been made. If an inquiry has found evidence of a direct association between separation or divorce and child abuse or deaths, the Parliament should investigate the matter. As I said, I regret not being able to pursue that line of questioning. However, because we cannot get to the bottom of the matter, we are not in a position to take any action on the petitions.

**Helen Eadie:** I share Carolyn Leckie's view and regret that the petitioner called her abilities as an MSP into question. No member of the Parliament deserves to be challenged in that way.

I also regret the situation because one or two issues deeper inside some of the petitions are worthy of the committee's attention. Indeed, I have highlighted some of them in the past. However, I sincerely regret that we have reached the point this morning where the petitioner does not feel able to carry on.

**The Convener:** Helen Eadie and Sandra White have made the point that the petitioners have submitted certain information in support of their petitions. As a result, it would be appropriate to go through each petition under discussion to show that the committee takes seriously any petitions that come before it. It is unfortunate that Mr Shields does not want to answer any more questions, but that does not prevent us from considering each petition on the basis of the information that has been provided. That would allow Sandra White and Helen Eadie to make the points that they want to make about the petitions.

With the committee's approval, I ask for recommendations on petition PE593. However, I suggest that, given that the petition is on a very specific topic and that no information has been provided on it, there is really nothing more that we can do about it. Are members agreed?

*Members indicated agreement.*

**The Convener:** I ask for members' views on petition PE625, which calls on the Scottish Parliament to investigate the use of the expert witness system in Scottish courts.

**Ms White:** I was particularly interested in this petition. After all, everyone who has to go through court procedures should get some kind of help, whether it be financial help from lawyers—which is perhaps what Mr Shields wanted—facts and figures and so on. I feel that it would be wrong simply to dismiss this petition and that perhaps we should write to the Executive and the Law Society of Scotland to seek their comments on the issues that it raises. It might be possible to facilitate voluntary training or something of that ilk. The petition is very good and I wonder whether the petitioner can supply any further evidence in support of it. In any case, I recommend that we take the petition further, if the committee agrees.

**Helen Eadie:** Sandra White has made most of the points that I wanted to make. I simply add that we should ask the Executive whether it thinks that the current system of registration for expert witnesses is adequate.

**The Convener:** Are members happy with those recommendations?

*Members indicated agreement.*

**The Convener:** Petition PE632 calls on the Scottish Parliament to urge the Scottish Executive to take the necessary steps to ensure that lawyers cannot sell heritable property when authorised to do so by the courts if they have previously refused to act on behalf of the owners of such property; and to investigate whether the refusal of lawyers to act on behalf of individuals in such cases breaches article 6 of the European convention on human rights.

**Jackie Baillie:** It would have been very helpful if the petitioner had submitted additional information in support of this petition. From what I can see, the petition relates to the petitioner's own case, and it would have been helpful if we had been provided with other examples that indicated a wider problem in this respect. In the absence of such evidence, I feel that we can take no further action at this stage.

**The Convener:** Do members agree to that recommendation?

*Members indicated agreement.*

**The Convener:** We move on to petition PE633, which calls on the Scottish Parliament to urge the Scottish Executive to take the necessary steps to eliminate alleged discrimination against fathers by the courts, social services and others in relation to decisions that result in children being separated from their fathers. I welcome members' comments on this petition.

**Helen Eadie:** This is another petition in which the petitioner has failed to give details about the steps that he wants the Executive to take to eliminate alleged discrimination against fathers by the specified professionals. He has also failed to provide evidence to support his claim that the Scottish Women's Aid organisation fabricates statistics. It would have been helpful to substantiate that claim. I propose that we take no further action on the petition.

**The Convener:** I agree. Do members agree to that proposal?

*Members indicated agreement.*

**The Convener:** Petition PE635 calls on the Scottish Parliament to investigate and take action on alleged widespread perjury in child custody cases in Scottish courts. I invite comments.

**Jackie Baillie:** I suggest that the aims of the petition are covered in the Executive's Vulnerable Witnesses (Scotland) Bill. As a new member of the Justice 2 Committee, I know that that committee has taken evidence on the bill, which covers many of the comments that the petitioner has expressed. I suggest that we take no action, as action is already being taken.

**Ms White:** I agree with Jackie Baillie. I had wanted to ask whether the petitioners were aware of the Vulnerable Witnesses (Scotland) Bill and what they thought of it, but we cannot take evidence on that.

**The Convener:** Do members agree to the proposal?

**Members** *indicated agreement.*

**The Convener:** Petition PE672 calls on the Scottish Parliament to investigate whether the Justice 1 Committee's decision not to consider the judiciary as part of its inquiry into the regulation of the legal profession in the first session of Parliament contravened the Human Rights Act 1998.

**Helen Eadie:** It is regrettable that we could not ask the petitioner further questions this morning, because I would have liked to ask him to clarify his reasons for believing that the Justice 1 Committee's decision contravened the 1998 act. It would have been helpful to know those reasons. As the Justice 1 Committee may examine issues that relate to the judiciary at some stage, I propose that we take no further action on the petition.

**The Convener:** How do members feel? Is that agreed?

**John Scott (Ayr) (Con):** It is a great shame that we have not been able to hear from additional witnesses.

**The Convener:** Committee members and I take our jobs seriously. We want to do our best to enhance the reputation of the committee and the Parliament, but we cannot allow petitioners to make unsubstantiated comments then criticise the committee for not acting when the petitioners have provided no evidence on which we can base any action. I want to put that on the record, because I see no value in considering petitions from petitioners who have provided no evidence but who expect the committee to act purely because they have submitted a petition that makes allegations and claims that they cannot substantiate.

### **Cullen Inquiry (100-year Closure Order) (PE652)**

**The Convener:** Petition PE652 is from Mr William Burns, who is present. The petition calls on the Scottish Parliament to consider a range of issues, including initiating a new inquiry into events that relate to the Dunblane massacre; the 100-year closure order on some files that relate to the Cullen inquiry; and membership by the Scottish judiciary of the freemasons, the Speculative Society and other similar organisations. Mr Burns has supplied a considerable amount of material with his petition,

with the specific request that it be made available in full to all members of the committee. Accordingly, a copy of all the material provided has been issued to each member with their meeting papers.

Before we begin, I make clear that the committee has been advised by the Parliament's legal office that it would not be within the competence of the Parliament to overturn a court order, and that those sections of the full petition that call for such action are therefore inadmissible. The petitioner has been advised of that and has indicated to the clerks that he disagrees with the advice, which he has the right to do.

For legal reasons, the full text of the petition was removed temporarily from the Parliament's website. The clerks were advised that it could be argued that certain statements made in the petition are defamatory and that, because the petition has not yet been considered as part of the proceedings of the Parliament, the publication of the petition on the website could leave the Parliament open to defamation action. Guidance on the submission of petitions states clearly that petitions should not

"include language which is intemperate, inflammatory, sarcastic or provocative".

The petitioner has been advised of the reasons for the temporary removal of his petition and that it will be reinstated on the website immediately after the meeting.

10:45

**William Burns:** I do not think that anyone in Scotland now believes that the Cullen inquiry into the Dunblane massacre was anything other than a masonic whitewash. The 100-year gagging order on my correspondence with the inquiry confirms that. The committee has been provided with copies of my documents, so it cannot now ignore the solid evidence that exists.

At the time of the inquiry, Lord Cullen claimed that there was no evidence of child sex abuse in relation to Thomas Hamilton and his connections, but seven years later Lord Cullen uses the fact that there was such evidence to place a gagging order on the files, claiming that it was imposed to protect the names of victims, although most of the files that have been buried do not mention victims' names. My files fall into that category. It must be clear to the committee that my letters to Cullen were gagged only to keep the masonic implication of their content out of the equation and out of the public eye.

The Lord Advocate has stated:

"There is no statutory basis for the closure of records created by Scottish public bodies."

Those are his words, not mine. They were published in a news release of 18 March 2003, under the heading "Dunblane police reports released". That disclosure alone makes a mockery of the view of the clerk to the committee, Steve Farrell, that it is not within the competence of the Parliament to overturn or interfere with the terms of such an order. The Scottish Parliament is the only body with the power to create a framework for imposing closure orders, but it must do so in the public interest, not in the interest of collaborators in secret societies.

The Lord Advocate goes on to say:

"The Public Records (Scotland) Act 1937 ... makes provision for the preservation, care and custody of the public records of Scotland. The terms of the legislation are permissive."

That means that they are lenient, tolerant or liberal, reflecting a belief that there should be as few restraints as possible. Preservation, custody and care of records do not mean the exact opposite—smothering, stashing and snaring of public records.

The report continues:

"By contrast, in England and Wales the Public Records Act 1958 (as amended by the Public Records Act 1967) sets a statutory 'closure period' of 30 years after which records must, with limited exceptions, be made available to the public. The 1937 Act does not impose similar obligations on Executive departments, but in practice those procedures are followed in Scotland."

The phrase "in practice" means nothing and could be replaced with the words convenience, habit, obsession, fixation, weakness or a number of other meaningless slogans. Even tradition has no authority in law. The fact that something is widespread practice does not create a power that Parliament has denied or for which it has not legislated.

Because there is no framework for closure orders in Scotland, I call on Parliament to enact unequivocal legislation to prevent people with a vested interest from burying evidence and diverting the onus on to everyone from judges to procurators fiscal, the police, clerks and every Tom, Dick and Harry chosen for the purpose, so that the real culprits can distance themselves from their illicit undertakings. This closure order was enforced not to protect the names of the children concerned, who are now adults, but to protect the names of very high-profile masons and paedophiles.

**Helen Eadie:** In January 2003, the Justice 2 Committee agreed to take no further action on a similar petition, with the proviso that it would consider revisiting the issue if there were evidence of specific cases in which difficulties had arisen over judicial membership of the freemasons or the Speculative Society. The Public Petitions

Committee believes that it is one thing to make statements and allegations, but another to provide evidence. Do you have evidence that we could refer to the justice committees?

**William Burns:** The committee has my initial letters asking Lord Cullen whether he was a freemason, on which a 100-year closure order was placed. I know for a fact that it is a masonic ruse to get someone else to deny that you are a mason. It is another ruse that someone who is asked whether they are a freemason can say that they are not—they have to be asked whether they have ever taken the oath of an entered apprentice. Lord Cullen used the ruse of getting someone else to deny that he had been a mason when he got Glynis McKeand, the secretary to the Cullen inquiry, to telephone me to deny it. To my everlasting regret, I took that as read at the time. Later I found out that he is an extraordinary member of the Speculative Society, numbered at 1702. The Speculative Society is an offshoot of freemasonry; it was formed by masons in the Canongate Kilwinning lodge in Edinburgh. That is a fact; it is a masonic set-up.

**Helen Eadie:** I will press this issue a little bit further because it is one thing for you to give us hearsay, allegations and statements, but it is quite another to provide substantive evidence. I ask you again, do you have substantive evidence that can be referred to the Justice 2 Committee, which said that it would consider revisiting the matter if substantive evidence was provided?

**William Burns:** Are you asking for evidence of the Speculative Society?

**Helen Eadie:** Either.

**William Burns:** I have the list of members of the Speculative Society and Cullen is on it.

**The Convener:** I do not doubt that the list exists, Mr Burns. Helen Eadie is asking whether you have any evidence that connects members of that society to any decision that has been made and the impact of that decision, so that we can take the petition further.

**William Burns:** It was widely reported that Thomas Hamilton was in the freemasons. While evidence was being given, I was reading the papers on a daily basis and I asked Cullen to ask every witness whether they were in the freemasons. It looks as if there was a cover-up to protect Thomas Hamilton over many years. The evidence is in my submission and in the embargoed documents that have been put under the 100-year closure order. Why else would those documents have been put under a 100-year closure order? They do not mention one name of a child victim. I do not know the names of any of the child victims. The only thing I referred to was freemasonry and Cullen has embargoed my letters

to protect freemasonry. That is obvious if you read the letters—there is no other reason. It is the masonic implication that has been buried, as far as my letters are concerned. I am asking you why else Cullen would have buried the documents. He has done it because they expose the masonic connections.

**Jackie Baillie:** In your view, that is critical to the wider issue. From what the Lord Advocate has said about this matter, I understand that evidence of any child's name had been removed from police reports and they were ready to be released. The National Archives of Scotland is producing a full catalogue of all the material and submissions. As you will appreciate, there is a huge volume of material. The Lord Advocate has gone on record as saying that when that catalogue is complete, he will consider what material can be released and whether all the material should stay under the 100-year closure order. I would have thought that that would go some way to satisfying your concerns. Am I misreading the situation?

**William Burns:** You are not misreading it; I see where you are coming from, but it could take another 99 years to release material.

**Jackie Baillie:** I would hope not.

**William Burns:** So many high-profile people are involved that that could be another ruse to put the public off. It is the Parliament's duty to insist on having another inquiry so that we can be done with all this nonsense. It is just another stalling tactic. My correspondence with Cullen should be accessible right now because there is nothing in it about any children; it is about the masonic implication and that is the only reason why my correspondence has been buried.

**Carolyn Leckie:** I am particularly interested in the evidence that you provided to show the amendments that have been made to the archived references to your correspondence. It concerns me that they had to be amended. Your correspondence and some of the subjects that you raised were acknowledged as necessary for inclusion in the archive. If someone were to run a search relating to the material that you mentioned, your name would not be attached to them. I share some of your concerns about what evidence has already been placed in the public domain. Will you expand on any correspondence that you have had in relation to what is currently not in the public domain? What evidence do you believe is not already in the public domain?

I am a member of Unison, which asks in its application form, "Are you a member of the freemasons?" I agree that people have the right to ask that question. In the explanations that you have received, has it been explained why that question is not considered to be legitimate?

You have raised legitimate questions about the 100-year closure order and its relationship to the powers of the Parliament. I believe that the Parliament should consider investigating the matter and perhaps creating a framework to state how long a closure should last and what is acceptable and what goes a wee bit too far.

**William Burns:** I believe that there is to be legislation to compel MSPs to declare whether they are members of the freemasons. Is that true?

**The Convener:** I think that it is being discussed, but I do not know what stage it has reached.

**Carolyn Leckie:** I make it clear that I am not a mason—I am a woman and I would not be allowed anyway.

**William Burns:** If no one has anything to hide, they should state that. Members of the judiciary should declare whether they are freemasons, especially when they are judging civil cases. Freemasons take an oath of allegiance to one another so, if the judge and the plaintiff are both in the freemasons, they will protect one another, as the fifth of the five points of fellowship states that members must support a brother in his absence as in his presence. If that is the most important oath that masons take, how can such a judge be impartial? Even if the judge tried to be impartial, non-freemasons will perceive that he will be partial. Public perception is all-important.

There are more than 3,000 pages in the transcript of the Cullen inquiry. Three people who gave evidence mentioned Queen Victoria boarding school. Thomas Hamilton had access to the gun club in that school, where he also got a job for a teacher. He had a van from Central Regional Council to use for transporting children at the Queen Victoria school. However, there was not one mention of Queen Victoria school in Cullen's report. I have the transcript of the pages that it appears in. Ian Steven Boal was referred to on page 1803. He was a teacher; Thomas Hamilton got him a job. On page 286, Grace Jones Ogilvie, a neighbour, said that Thomas Hamilton used to get a van from Central Region for camps at Loch Lomondside and Queen Victoria school. Robert Mark Ure, an ex-husband of a friend of Thomas Hamilton, said that his estranged wife had been to the rifle range at Queen Victoria school with Thomas Hamilton. Thomas Hamilton had all that access to Queen Victoria school, but there was not one mention of the school in Lord Cullen's report. A schoolmaster, Glenn Harrison, wanted to give evidence at the inquiry. This is ultra important in calling for a rerun. He saw—

**The Convener:** I am trying to get—

**William Burns:** He saw high-profile people coming into the school.

**The Convener:** I fully appreciate that you want your statements to be factually accurate—

**William Burns:** They took children away for the weekend.

**The Convener:** What I am asking about is the relevance of the information to the petition and where it is taking us.

11:00

**Ms White:** Dunblane was a terrible tragedy. Nobody wants anything like that to happen again. My concern about the decision at the time—it did not arise just from the petition—related to the 100-year rule. I do not want to indicate to the petitioner that any decision that the committee makes may lead to a witch hunt of people who he may have named or who may not have been named. I am concerned about the 100-year rule.

This may be a hurtful question to Mr Burns, but it has to be answered. Is the reason that you have brought the petition to the committee to get to the truth of what happened at Dunblane, or is it a witch hunt of people who are members of a freemasonry lodge? I am concerned by some of the language that you use. I am not a member of any such organisation, but I do not think that we should carry out a witch hunt of people who are members of a union or any other organisation. I want a simple yes or no answer. Have you brought the petition to the committee to get to the truth and to prevent another Dunblane or to have a witch hunt of people who are members of secular societies, the freemasons or whatever?

**William Burns:** It is about the truth. It is not so much to get to the truth as to get the truth made public.

**Ms White:** So it is the 100-year rule that you have the problem with and you are looking for a new inquiry.

**William Burns:** Obviously I want the 100-year rule to be removed because that explains a lot on its own, but I want the truth about what happened in Dunblane. What is worse than the murders themselves is the cover-up after they took place. That is even worse because they could happen again and again.

**Ms White:** Are you saying that the evidence that came out in the Cullen inquiry is untrue?

**William Burns:** The truth was smothered. Not only was a gagging order put on the files, but a gagging order was put on witnesses. Glenn Harrison, a schoolmaster at Queen Victoria school, wanted to give evidence. He had been claiming for years that children were getting abused. He ended up getting moved away out. He

is now living on an island away up in the north of Scotland—he got taken right out.

**The Convener:** I am trying to keep the discussion focused on what the petition is asking for.

**Ms White:** I am trying to focus on that. Mr Burns asks for a new inquiry that also investigates the reasons for the 100-year ruling. I am trying to establish whether a new inquiry would satisfy what he wants.

**The Convener:** There is also the question of whether we can ask for such an inquiry.

**William Burns:** We need a new open and honest inquiry.

**The Convener:** Do members have any points or do they want to make recommendations on where we take the petition?

**Helen Eadie:** Perhaps we could write to the Lord Advocate to ask him to give an indication of the time scale for the publication of the catalogue that Jackie Baillie mentioned on the Cullen inquiry material and to inform us of any subsequent decisions on the release of material or any variations to the closure period. If we were to receive that information from the Lord Advocate I would be happy with that as a way forward on the petition.

**Mike Watson (Glasgow Cathcart) (Lab):** There is an issue to do with the 100-year rule, although I am not sure whether we would get all that much further forward if we asked for it to be rescinded, because I understand that the normal rule in such a situation is 75 years. That would still not serve anybody who is currently in the room.

It might be useful to get some answers to the points that Mr Burns has made. We have been told that the 100-year rule was brought in to protect the children and the children's children. Although that argument may have some resonance, Mr Burns has made the point that some of the information that is retained has nothing to do with children and does not mention them. We should query that, regardless of whether the Lord Advocate is the appropriate person to ask.

I was not happy that Sandra White equated being a member of a trade union, which everyone at work should be, with being a member of the freemasons.

I was a bit concerned about one of the comments that Mr Burns made in his opening statement. He felt that the freemasons were harbouring paedophiles, which is an extremely serious allegation to make. I am prepared to believe that it is likely that freemasons would help one another to get jobs or promotions, but I have

difficulty in getting my head round the idea that senior law officers, for example, would harbour paedophiles, who are among the most abhorred members of society. Unless Mr Burns has firmer evidence, that sort of allegation does not serve his case, but weakens it. The allegation that senior law officers would hide paedophiles simply because they were members of the masons or a similar organisation is so serious that very few ordinary people in the street would believe it. I do not want to sound patronising, but I do not believe that that allegation helps his case.

**William Burns:** That point needs to be answered right away. I have friends who are freemasons. I am talking about high-profile people—law lords and politicians—who are paedophiles and are being covered up.

**The Convener:** Mr Burns, you are again making allegations which, unless you substantiate them—

**William Burns:** If there were another inquiry, that would all come out and my allegations would be proved to be true.

**The Convener:** If you have evidence of that, you should not be talking to the Public Petitions Committee; you should be referring it to the police. To make such statements—

**William Burns:** Glenn Harrison, who was a schoolmaster—

**The Convener:** I counsel you not to use people's names unless you can back up your allegations with evidence. We are getting on to very dangerous ground. I am trying to be helpful to you.

**William Burns:** I will drop that for the moment. I know that Lord Cullen became Lord President, but his boss at the time—Lord Ross, the Lord Justice Clerk—was on the board of directors of Queen Victoria boarding school, as was Michael Forsyth.

**The Convener:** I fail to see how that is relevant. You are answering Mike Watson's point.

**William Burns:** Lord Ross is a member of the Speculative Society.

**The Convener:** I do not think that we need to have a roll-call of who are members of what organisations. I do not see how that serves your petition in any way.

**William Burns:** I am answering Mr Watson.

**The Convener:** I fail to see how your line of argument does that.

**William Burns:** Mr Watson said that he could not believe that freemasons would protect paedophiles. I know a prominent freemason whom members of the committee will probably all have met. He stands outside on the first Wednesday

every month. He is behind the exposure of any freemason who is the subject of the kind of allegations that I am making.

**The Convener:** I am asking you to be very careful. You are making allegations about a connection between an organisation and paedophilia. I am asking you not to go down that route. You are using people's names and accusing them—

**William Burns:** I am talking about high-profile freemasons, as opposed to freemasonry as a whole.

**The Convener:** Mike Watson made the point that it does not help for you to go on in the way in which you have done.

**William Burns:** I think that I am helping the cause; I want to get a rerun of the inquiry.

**The Convener:** We will have some more questions.

**Carolyn Leckie:** Such suspicions are inevitable when a gagging order is placed on evidence. There are legitimate questions to be asked about why certain evidence has not yet been put into the public domain. The reason that was given for that—to protect children—has not been substantiated. Whether or not the suspicions are true, their existence is inevitable. I also think that there is enough concern in society about organised child abuse for legitimate questions to be asked. I am of the view that people who abuse children exist in every layer of society. When there is secrecy, there is bound to be suspicion. The specific recommendations before us do not mention the wider implications of the ability to have a 100-year rule.

One of the justice committees should consider and pursue that. If the committee wishes to write to the Lord Advocate as well, I am happy for us to do that. If we could exert some pressure and get answers to questions about some of the evidence from the Cullen inquiry that has not yet been put into the public domain, perhaps the information and evidence would support demand for another inquiry. However, logically, getting to the bottom of what exists as a result of the original inquiry comes first.

**The Convener:** The difficulty is that the petition does not ask for that. That is not to say that we cannot—

**William Burns:** I am asking now.

**The Convener:** We have to be careful about how petitions are dealt with. If we consider a petition, we have to know what its aim is. The aim of petition PE652 gives us a couple of options. It has been suggested that we take the matter up with the Lord Advocate. That does not—

**William Burns:** The Lord Advocate has nothing to do with it.

**The Convener:** Mr Burns, excuse me.

Carolyn, the recommendation is that questions be asked of the Lord Advocate. Responses will come back, which will allow us to decide what further action we want to take on the petition. However, to agree to write to the Lord Advocate seeking an indication of the time scale for the publication of the full catalogue is a starting point for taking the petition further before we ask anybody else to consider the petition.

**William Burns:** The embargo is illegal. The Lord Advocate has nothing to do with it.

**The Convener:** Mr Burns, I am sorry. We are trying to agree some recommendations to act on the petition.

**William Burns:** There is no power to impose the 100-year closure rule.

**Helen Eadie:** Convener, you have summed up the views of other committee members. I would happily endorse your recommendation.

**The Convener:** Do members agree?

**Mike Watson:** Does that mean that we are delaying the question about the 100-year rule?

**The Convener:** No, we are asking about it. We are asking for a time scale. If the Lord Advocate replies on the time scale for announcing publication of the full catalogue, we can ask for more information on the 100-year rule and its use. That would be a legitimate part of pursuing the petition. Does the committee agree?

**Members** *indicated agreement.*

**The Convener:** Thank you very much for attending, Mr Burns.

### **Elections (Qualifying Age for Voters) (PE658)**

**The Convener:** The next petition is PE658, on a proposal to reduce the qualifying age for voting in Scotland. The petition has been submitted by the Scottish Trades Union Congress youth committee and ratified by the STUC and the STUC youth conference. The petitioners call on the Scottish Parliament to take a view on the reduction of the qualifying age for all Scottish Parliament and local government elections from 18 to 16 years and to make representations to the United Kingdom Parliament on the issue as appropriate.

Mr Daniel Donaldson from the STUC youth committee is here to make a brief presentation in support of the petition. You have three minutes, Mr Donaldson, then we will ask questions.

**Daniel Donaldson:** I have timed it. I was sitting up last night doing that.

**The Convener:** I will not be too strict. I should declare an interest as a former chair of the STUC youth committee, in case my leniency leads to an accusation against me.

**Daniel Donaldson:** Any bias will be welcomed, of course.

I thank the committee for the opportunity to speak today. I am the current chair of the STUC youth committee, which has a long-standing policy on reducing the voting age to 16. Along with our colleagues in the Scottish Youth Parliament, we believe that 16 to 18-year-olds should not be excluded from the democratic process. Increasingly, young people are finding themselves subjected to political debate concerning, for example, the national minimum wage or youth crime. However, 16 to 18-year-olds are denied the very mechanism by which they can defend themselves or state their opinions at the ballot box. Without that important defence, young people, to whom I refer when I talk about 16 to 18-year-olds, can find themselves as easy targets—which I would place in inverted commas—as regards political statements at election time.

At 16, people can do many things: they can get married; they can enter into contracts; they can pay tax and national insurance; and they can even join the armed forces. The age of 16 signifies the end of formal education for many young people. Although we in the STUC welcome lifelong learning opportunities, I point out that 16 is the age at which the state believes that citizens are able to function in everyday life. Despite the fact that people may be released from formal education at 16, the right to vote is not afforded to them until the age of 18. Even then, in the majority of cases that right is unable to be exercised until the age of 20. Following a recent pilot scheme in part of Germany, which extended the voting franchise to 16 to 18-year-olds for local government elections, it was found that more 16 to 18-year-olds took an interest in voting than those aged between 18 and 24. As I understand it, that pilot is now being extended to other areas of Germany.

11:15

The United Kingdom has an aging population, and the voting-age population is aging ever faster. Encouragement of young people to get involved in the political process is vital to ensure a healthy democracy and active citizenship. It is vital that politicians from all parties represent all the age groups whom they represent. It is unacceptable that many young people do not get their first vote until they are 20. As members will be aware, there is an old adage that there should be no taxation

without representation; I ask the committee to consider that. People aged between 16 and 18 are required to pay tax and national insurance, yet they do not have the right to decide how that money is spent. Does that sound fair to you?

**The Convener:** Thank you, Mr Donaldson. I invite members to ask questions.

**Helen Eadie:** I, too, was a chair of the STUC's youth advisory committee, so I would like to voice my support for the petitioners in making their presentation. I think you did really well.

Have you been involved in any consultation processes with central Government? Are there any major consultation processes that you would like to highlight? I am thinking in particular of the research undertaken by the Electoral Commission. Were you involved in that?

**Daniel Donaldson:** I have only just taken up the chair of the youth committee. Previous chairs and other members of our organisation have been involved in such consultation. I believe that a submission was sent to the Electoral Commission. I cannot remember with certainty, but I think that the closing date was some time last week. I do not have the full text of our submission with me today, but I am confident that former members of the youth committee and our secretary would be happy to supply the Public Petitions Committee with such documents, if desired.

**Mike Watson:** I thank you for your submission. My personal view is that, as a result of various duties and the ability to marry at the age of 16, for example, the logical position is that people should have the right to vote at that age. That is a bit of a Boston tea party approach—you mentioned the issue of taxation without representation.

I wish to probe you on a couple of points. First, you mentioned the German example of a pilot that extended the franchise to 16 for local government elections. I know that the Parliament's Local Government Committee recommended that that should happen in Scotland too, presumably as a first step. Would you find that acceptable as a first step, rather than our going the whole hog and allowing people to vote in Scottish, UK and European parliamentary elections?

Secondly, will you explain why lowering the voting age from 18 to 16 would engage more young people in the process? After all, I think that even though 18-year-olds have had the right to vote since the 1970s or so—I am not sure exactly when that was introduced—there is still evidence that young people between 18 and 24 are not heavily engaged in the political process or in voting. Why would reducing the voting age by a further two years engage 16 to 18-year-olds in the political process when that has not happened in the age bracket immediately above that?

**Daniel Donaldson:** Last night, I was thinking about all the possible scenarios that the Public Petitions Committee could raise and that was one of them.

I will take the second question first, because I feel more able to address it. A colleague suggested a solution to that very problem—it goes back to the question of active citizenship and involving and engaging young people in the political debate. I know that we now have the Scottish Parliament. Indeed, one of your colleagues who is no longer an MSP commented that even tabloid newspapers have filled up with political stories since the Parliament's creation. We in the STUC have discussed the matter with our colleagues in the Scottish Youth Parliament and think that there is a case for improving citizenship education in schools. Modern studies, which I did at standard and higher grade, is citizenship education in its basic form, and personal and social development classes can be taken as well.

The issue comes down to education. For example, everyone has seen how the programme "Newsround" runs mock elections at election time. Such initiatives should be encouraged in both primary and secondary education. If we want to ensure that young people and people who are not young—is "people who are not young" the correct way to describe people over the age of 25?

**Mike Watson:** Most of us here think that people over the age of 25 are still young.

**Daniel Donaldson:** You caught me out on that one.

Education is very important in that respect and should start young. We have to remind people that world wars have been fought over people's ability to vote and that people have given their lives for that right. The obvious example of that is the campaign for women's right to vote. If such important aspects are taught early enough, they should hold until later life.

**Mike Watson:** What about my first question about lowering the voting age for local government elections as a first step?

**Daniel Donaldson:** We appreciate that such a first step would provide an excellent opportunity to develop the policy.

**Ms White:** That was a nice compromise. I am sure that you will make a fine politician later on if you are quite happy now to compromise on local government elections in that way.

My party and other parties believe in giving 16-year-olds the right to vote. In fact, I was a member of the Local Government Committee that recommended such a right and also met

representatives of the Scottish Youth Parliament, who were very keen to lower the voting age.

You mentioned the Scottish Youth Parliament and the youth committee of the STUC and you also talked about taking the issue into schools, including primary schools. If the voting age was reduced to 16, would the Scottish Parliament have a role in involving youth committees in taking the issue into schools? How do you envisage getting the message across to younger people?

Furthermore, you said that, in the German pilot scheme, more 16 to 18-year-olds than 18 to 25-year-olds voted. If we look at the situation in Germany in five, six or 10 years' time when 16-year-olds will be 24 or 25, will we find an upsurge in voting among 18 to 25-year-olds? After all, they will have been used to voting since they were 16 and will have had more years of practice at doing so.

**Daniel Donaldson:** As far as schools are concerned, one of the traditions in the STUC youth committee is to receive invitations from individual high schools to speak to modern studies or history classes. We also speak to the odd geography class where the teacher is confused about modern studies.

We are more than willing to work with education providers, policy makers and teachers on that. For example, I and my colleagues from the youth committee are doing a schools visit in Chryston on 7 November. There will also be a schools visit in South Lanarkshire towards the end of November, although I cannot remember the exact date. We pay such visits regularly and have had those sorts of issues flagged up.

As members will know, there are 16 and 18-year-olds who want to raise issues with politicians. When I was that age, the first thing that annoyed me and got me involved with politics was local government reorganisation because it meant the end of free music classes in schools. We all got charged up about that. That happens from time to time.

It is important that we recognise that people under 18 have opinions. They often express those opinions, but sometimes they might not know how to do that. Through active citizenship in schools, organisations such as the STUC or the Scottish Youth Parliament are invited into schools. By inviting into schools MSPs, MPs and members of the European Parliament—I suppose that I could go through the whole list, from councillors up to the top—we could ensure that young people understand that politics is for them as much as for anyone else.

Does that answer your question?

**Ms White:** My only other question was about the German experience. Do you think that, in five or

10 years' time, a higher proportion of 18 to 25-year-olds will vote because they started voting a bit earlier at the age of 16?

**Daniel Donaldson:** This is a purely speculative opinion of my own, but I think that they would take voting more seriously. In 10 or 15 years' time, I am sure that those people would remember their first vote and would continue to exercise that right after it was granted.

**Carolyn Leckie:** I want to expand on Mike Watson's question, although this will probably respond more to what he said than ask any question. I am not aware of any proposals to remove the vote from people who do not use it, so there should be no argument about expecting 16 to 18-year-olds to demonstrate that they will use the vote before they are entitled to it—the question is about democracy. I remember that similar arguments were made during the women's fight for suffrage. It was said that women were not clever enough or responsible enough and that they would not know what they were doing. We are in the same scenario here.

To expand on Sandra White's point, there is an argument that could be explored—perhaps you could respond by letting me know whether you have considered this—that reducing the voting age to 16 would mean that many of those who would get the chance to vote for the first time would still be in full-time education. The experience of mock elections could be used directly to boost turnout among young people whenever that opportunity first comes around. It may be that the problem is that there is a gap between that first emergence of interest in political issues—I have two teenage daughters who are very opinionated—and the ability to express it. Perhaps the reduction of the voting age to 16 is necessary to harness that interest in political issues immediately. The gap itself may be a problem that leads to poorer turnout among the 18-to-25 age group. Will you expand on that?

Also, what plans do you have for your campaign to extend the voting age to 16 to 18-year-olds? Do you plan to take any historical tips on tactics from the women's suffrage movement?

**Daniel Donaldson:** Unfortunately, I am not a regular frequenter of racing tracks. I will be careful in saying that I would not advocate that any young person should break the law. If they were to do that to gain the vote, it would add to the calls against youth crime that see young people as trouble makers. It would only annoy the so-called grown-ups.

However, young people have the right to protest. It is a human right, and I encourage young people of over 18 or under 18—people of whatever age group—to take up that right, to organise their own

local campaigns and to gauge the opinions of their local authorities. They can approach the full spectrum of elected representatives. There is nothing to stop them lobbying their councillors, MSPs, MPs or even MEPs about the issue. To bring the issue before the Public Petitions Committee is my first step. From this point, we will take the issue forward with our colleagues in the Scottish Youth Parliament with a view to getting real action taken on it.

11:30

I did something else the other day. Perhaps members recall that there was an item on "Newsnight Scotland"—it was part of the opt-out—in which bias in the Electoral Commission's survey was discussed. As chair of the youth committee and as someone who did not get their first vote until they were 20, I got worked up about that, because it showed one side of the argument. It advocated such views as 16-year-olds' being unsuitable to have the vote, for example. The next day, I phoned up "Newsnight" and asked for an explanation. A complaint has gone into the BBC about the bias in that coverage. That is one personal thing that I have done to ensure that our opinions get press—there will be others in future.

I agree absolutely with harnessing the interest of those who are in full-time education. Politics is being discussed and debated increasingly, whether young people are aware of it or not. They might not think whether some of the issues that they talk about in the pub are political in nature, but they might be. Interest should be encouraged in schools. Teachers should sometimes stimulate and allow debate as opposed to saying, "We're not having that discussion. We can't talk about those things. That's not allowed", just because somebody in the Education Department does not like it.

More MSPs, MPs, MEPs and councillors should engage with people who are not of voting age. They should go out and speak to under-18s and acknowledge that under-18s are as much citizens of the United Kingdom as anyone else and that they have the right to be represented. Perhaps, through further engagement, further interest will be created in the subject and we will be able to make progress and overcome the bias and the objections that have so far been mooted.

**The Convener:** I draw the discussion to a conclusion. Can we get some recommendations about what to do with the petition?

**Ms White:** I would like to know what the Local Government and Transport Committee and the Executive have done with the previous Local Government Committee's recommendations regarding lowering the voting age to 16. Are they

going to take them on board? Daniel Donaldson has already said that the petitioners are happy to go along with lowering the voting age on the local government elections first. Perhaps we should ask about that.

**The Convener:** Are there any other views? Perhaps we could write to the Electoral Commission to ask for its views.

**Carolyn Leckie:** I agree with that, but—perhaps I have picked something up wrong—I support lowering the voting age for all elections: did the Local Government Committee consider only local government elections?

**Ms White:** Yes.

**Carolyn Leckie:** Can we make another recommendation to take the whole issue forward?

**The Convener:** The Scottish Parliament can recommend only that there be a change in the voting age for local government elections; the Westminster Parliament would have to recommend any changes for the Scottish Parliament elections.

**Carolyn Leckie:** How ironic.

**The Convener:** That is not to say that we could not take a view on it or that the Scottish Parliament could not take a view on it. The reason why Sandra White recommends that we ask the Scottish Executive what it is doing about the 16—

**Carolyn Leckie:** Can we also ask the Executive to express an opinion about all other elections?

**The Convener:** There is no problem with that. We should certainly get a response. If we are asking it what it did about the Local Government Committee's recommendations on lowering the age for local government elections we can ask what its view is per se, but we cannot ask it to take any action on that because it is Westminster that would change the voting age for the Scottish Parliament elections.

**John Scott:** It might also be worth writing to the Electoral Commission, as was suggested, for its views on the matter in relation to local government elections and we could see whether those views match its views on the Parliament elections.

**The Convener:** The Electoral Commission could cover all elections in its response. If we take that action it will provide us with answers on local government elections and on Scottish Parliament elections. That is the recommendation. Is the committee happy with that?

**Members indicated agreement.**

**The Convener:** I thank Mr Donaldson for lightening the mood in the room this morning.

## National Anthem (PE660)

**The Convener:** The next petition is PE660, on a proposal for a competition to compose a national anthem for Scotland. The petition is in the name of Mr George Reid, who asks the Scottish Parliament to take the necessary steps to organise a competition to compose an official national anthem for Scotland that reflects the character and aspirations of the Scottish people. The petitioner is at the committee to give a presentation in support of the petition. Mr Reid is welcome to speak for three minutes, after which we will ask questions.

**George Reid:** Thank you. I will not need three minutes.

If members of the committee were among the millions who watched Scotland play France in the rugby world cup match that was televised on Saturday they would have heard, as part of the preliminaries, one of the world's great national anthems, "La Marseillaise", followed by a ditty that belongs—if it belongs anywhere—in places of public refreshment. Many Scots cringe when "Flower of Scotland" is sung. It is, as my petition states,

"ungrammatical, backward looking and vindictive"

It is an embarrassment. To be fair to its author, I do not think that he ever intended it as an anthem, but whatever the case may be, Scotland deserves better.

This country of ours has a long and distinguished history, rich traditions and a distinctive culture. We have much to be proud of and we need to have an anthem that will say so to others and remind ourselves of that. We need an anthem that can be sung with pride on important occasions.

I want to make it clear that I am not suggesting that "God Save the Queen" should no longer be sung in Scotland. There would continue to be many occasions when that would be the appropriate anthem and there would be occasions when both anthems would be sung. They would not compete, just as "Land of My Fathers" in Wales does not compete. States in America, in Spain and in many other countries have anthems that take their place proudly alongside the national song of celebration.

The re-established Scottish Parliament is a focus for Scotland's heritage and aspirations. It would be fitting if the Parliament commissioned the composition of a Scottish anthem. I have suggested that a competition would be the appropriate way to bring that about.

I am grateful to the committee for successfully backing my earlier petition, which asked the Parliament to prescribe a background colour for the national flag. I now ask for that same support

so that we may have a Scottish anthem that we can be proud of.

**Jackie Baillie:** I was a member of the Education, Culture and Sport Committee that agreed that Pantone 300 should be the colour of the national flag, but I am not so sure that I can agree entirely with everything that George Reid suggests in this petition, unless he is suggesting that the national anthem could improve our sporting performance—I suspect that that might be a bit difficult.

My understanding of the position is that it is not a matter of according a national anthem official status. Unofficial anthems are sung and he has outlined some of those. Is the point that he wants there to be an official national anthem?

**George Reid:** Yes, I do. I say in passing that the chief executive of the Scottish Football Association described "Flower of Scotland" as a dreary dirge and said that if there was a better anthem, the team would do better. We now have a national Parliament. I think that we should have an official Scottish national anthem.

**Ms White:** I congratulated Mr Reid when he submitted his first petition PE512. I remember receiving letters from Mr Reid—

**George Reid:** I am sorry, but I do not hear too well.

**Ms White:** I congratulated you on managing to get the Education, Culture and Sport Committee's support for your proposal to use Pantone 300 for the saltire. I remember receiving many letters from you on the subject and I fully supported you. The point of your current petition PE660 is that there should be an official anthem.

As has been stated, the Parliament cannot ensure that. Even if we had the powers to do so, I think that you would find that pockets of people would sing their favourite song. For the record, I want to say that I like "Flower of Scotland"; it is a great song. When I watch people in kilts singing away to it at a football game, it certainly stirs my blood. Like a number of other people, I will probably continue to sing that song. You want to have an official anthem, but, as Jackie Baillie said, it is not possible to say officially that no other anthem can be sung.

If the Public Petitions Committee agrees to write to the Executive to ask for an official competition to be set up, what would you do if an official anthem was chosen, but "Flower of Scotland" or "God Save the Queen"—although I have not heard that sung much in Scotland—was also sung in other parts of a football ground? How could we stop people singing their preferred song rather than the song that has been given the so-called official recognition of the Parliament?

**George Reid:** Scotland boasts many poets and composers. There is no reason why we could not have an anthem that catches the public's imagination and catches on.

**The Convener:** The question that has to be asked is who is responsible for producing the anthem. If the Scottish Rugby Union wanted to have an anthem, it could commission one, as could the Scottish Football Association. If they did so, which one would be the official anthem? Regardless of what song might be chosen, the Scottish Parliament does not have the power to determine an official anthem. It is up to the individual organisations to say which anthem is used prior to a rugby or football match.

Scotland used to use "Scotland the Brave" and now uses "Flower of Scotland". Considering the number of times that the teams have been

"sent ... homeward  
To think again"

perhaps they should stop using it.

Given the difficulties involved, the committee must consider what it can practically do to progress your petition. We are struggling to find a way in which the Parliament could enforce an anthem and ensure that organisations would play it.

**George Reid:** I am disappointed by the convener's statement that the Parliament has no powers to do so. I thought that the Scotland Act 1998 did not preclude the Parliament from commissioning an official anthem. The subject of the petition ties in with all of the things that the Scottish Parliament stands for. I would have thought that a resolution of the Scottish Parliament would be sufficient, but I will be guided by the convener on the matter.

**The Convener:** The reality of the situation is that the Parliament does not have the power to give official status to an anthem.

**Helen Eadie:** I, too, liked the fact that the petitioner pressed the point about a Pantone colour for the saltire and got the Education, Culture and Sport Committee to support petition PE512. We have had other competitions in Scotland. The question is how to enforce the judges' decision. The Scottish public have grown to like particular songs. Does George Reid have a song that he suggests is forward-looking and fit for the new century that we are in? What anthem does he recommend?

I agree with the convener that, if the Parliament does not have the powers, the question needs to be directed elsewhere, to others in the United Kingdom Parliament. A song might be identified as a leading song, as happened in the case of "Land of Light", although that song did not capture the

imagination of Scots. How would that scenario be dealt with?

**George Reid:** In a number of ways. The schools would be quite important. In the United States of America, all school assemblies start with the singing of "The Star Spangled Banner". Scottish schools should have an appropriate anthem with which children start the day. Concert performances could start with the official anthem. I am thinking of what used to happen at picture houses when the national anthem was played. The idea of an official anthem has to be sold. It would have to be an anthem that had the quality to be sold and to catch on.

**The Convener:** The case is subjective. We must try to agree some recommendations.

**Ms White:** I have a final, serious comment. We know that the Parliament does not have the power to introduce a national anthem—that power is reserved to Westminster and the Home Office. Perhaps the committee should write to the Home Office and ask whether it would take on board the idea of an anthem for Scotland. That would be the legal way to do it. I have great sympathy with the petition, because, along with a Parliament, Scotland should have a national anthem. The only way forward would be through the Home Office because of the legalities. Perhaps the committee should write to the Home Office and ask whether it will commission a national anthem for Scotland.

11:45

**Carolyn Leckie:** I thought that Sandra White was going to say that the simple answer would be to have a Scottish republic, and then we could have an anthem. It is objectionable that Scotland is not able to declare an official anthem for itself. That goes to the heart of some bigger political questions.

What would happen if another competition was held and the petitioner did not like the winning anthem? Would he come back to the committee? Also, I would have serious objections to the idea of our children being forced to stand up and sing any anthem at the start of the school day, as happens in America.

**George Reid:** I would hope for something a little more dignified than the Eurovision song contest.

**The Convener:** You must remember that the British public voted for the British entry, which got no points.

We have a difficulty. The issue is serious and we have considered the petition seriously. It could have been ruled inadmissible because we do not have the power to deal with it, but we felt that it was important to take the opportunity to discuss it. However, I struggle to see what the Public

Petitions Committee can do with it other than suggest that, as the powers that be on the matter are at Westminster, you take it up with your MP. I am sorry, but the committee does not seem able to make any other recommendation.

**George Reid:** It is a matter of regret for the Scottish Parliament that it does not have power over something that should be well within its compass. However, I hear what you say.

**The Convener:** Thank you for coming this morning, Mr Reid.

### **Education (Additional Support for Learning) (Scotland) Bill (PE657)**

**The Convener:** Our next petition—PE657—is from Mr Maurice Frank, who calls on the Scottish Parliament to take the necessary steps to ensure that it takes into account all relevant evidence during its consideration of the Education (Additional Support for Learning) (Scotland) Bill.

The petitioner expresses particular concern that some nationally promoted educational methods can harm children. He claims that his previous requests to have the Executive, MSPs and others take into account what he considers to be important evidence on the issue have been unsuccessful. He requests that his evidence be considered fully during the Parliament's consideration of the bill and in the consultation on proposals to change the current system for recording special educational needs, which began in May 2001 and continued when the draft bill was published for consultation in January 2003.

The bill proposes to move away from the traditional concept of special educational needs to a wider concept of additional support needs, which is defined as applying to all children or young people who, for whatever reason, are unable to benefit from school education without the provision of additional support. The Education Committee is likely to be designated as the lead committee for the bill, which was introduced to Parliament on 28 October 2003, and has initially agreed that any open call for written evidence will be supplemented by a number of formal evidence-taking sessions.

Do members have any views on the petition?

**Helen Eadie:** I suggest that we take no further action on the petition ourselves but advise the petitioner that, given that the call for evidence will be open to any member of the public, he should submit any written evidence that he has to the clerks to the Education Committee.

**The Convener:** Is that agreed?

**Members** *indicated agreement.*

### **Violent Crime (Sentencing Policy) (PE659)**

**The Convener:** The final new petition, PE659, is in the name of Mr Graham Sturton, who calls on the Scottish Parliament to carry out a review of sentencing policy in relation to violent crime in Scotland. The lead petitioner's concerns regarding sentencing policy are promoted by his own experiences: the sentence given to the individual who was convicted of murdering his daughter has been the subject of various appeals over a four-year period and the matter is still not resolved. The petitioners are aware that the Parliament is unable to intervene in an individual case and have made it clear that they are not asking the committee to do so. However, they request that the petition be forwarded to the Justice 1 Committee as a demonstration of the strength of feeling on the general issue. Members will wish to note that 1,800 people signed the petition.

The Justice 1 Committee is to examine a related petition, PE347, in the context of its proposed consideration of sentencing policy. Do members agree to refer petition PE659 to the Justice 1 Committee?

**Members** *indicated agreement.*

## Current Petitions

### Landfill Sites (PE541 and PE543)

11:50

**The Convener:** The first current petitions are petition PE541, by the Roslin Community Action Group, and petition PE543, by Karen Whitefield MSP, on the development of landfill sites. Both petitions call on the Parliament to investigate the impact of landfill sites on the health and environment of surrounding communities and for the planning process to be amended to ensure greater community involvement when such developments are proposed.

On 25 June this year, we agreed to refer the petitions to the Environment and Rural Development Committee for further consideration. A memo has now been received from that committee explaining that, at its meeting on 24 September, it agreed to follow up the issues relating to waste management as part of its inquiry into the national waste plan and those relating to the regulation of noxious odours as part of its consideration of petition PE517. However, the Environment and Rural Development Committee also agreed that, despite its concerns about the planning and health issues raised, the Public Petitions Committee should be invited to consider re-referring the petition to the Communities Committee and the Health Committee.

If members are happy with that suggestion, is it agreed that we refer petitions PE541 and PE543 to the Communities Committee for further consideration of the planning issues raised, with the recommendation that it should obtain the views of the Health Committee on the associated health concerns?

**Members** *indicated agreement.*

### Scottish Prison Service (Staff Facilities) (PE557)

**The Convener:** The second current petition is PE557, by James McGarry, on Scottish Prison Service staff social and recreational facilities. The petition calls on the Parliament to encourage the Scottish Prison Service to continue to provide adequate social and recreational facilities for its staff and to avoid the closure of existing well-used and well-run facilities.

At the time of the petition's submission, in October 2002, the petitioners were concerned about the proposed closure by the SPS of the Polmont staff social club. The previous Public Petitions Committee agreed in December 2002 to defer further consideration of the petition following a commitment given by the SPS to meet

representatives of Polmont staff social club to discuss options that might allow the club to continue at Polmont.

The clerks have been monitoring discussions between the SPS and the petitioners. We now have before us correspondence that provides details of meetings held on 20 December 2002, 26 March 2003 and 6 June 2003 to discuss the various options available. That correspondence explains that only one of those options, involving the possible sharing of facilities in a new prison college facility, was considered worthy of further consideration. It appears that restrictions suggested by the SPS, from both staffing and financial perspectives, were considered prohibitive by the social club, which closed on 30 June 2003.

Members have been handed copies of a letter received from the petitioners within the past few days. Attached to that is a letter to them from the SPS, which confirms that they will receive no compensation for the closure of their club. The petitioners indicate that other prison officers' clubs have recently been given five years' notice of closure. They feel that the situation is unfair, as the Polmont club did not have the benefit of such advance warning, resulting in about £45,000 of expenditure on club improvements. They are of the view that, had they known in advance of the likelihood of the closure, they could have saved that money and might have been in a position to purchase new premises. The points seems to be valid.

**Mike Watson:** I agree that the point is a valid one. We should write to the Scottish Prison Service to ask why it is not acting consistently. We should ask it why the clubs that have been mentioned appear to have received considerably better treatment than the Polmont club did.

I should say that I am not sure who any compensation would be paid to, given that the club has closed. Has a body been constituted that could receive any compensation that might be paid?

**Helen Eadie:** I share that view. I remember this case vividly, particularly the long and detailed questioning session that we had with the petitioners. I suggest that we copy the correspondence and the report to the MSPs who were involved—a list of their names is attached to the correspondence—and ask them to comment on the Scottish Prison Service's response.

**John Scott:** I am not aware of the background to this petition. Did the prison officers make any investigations into the matter before spending the money? It is a one-year lease with a 40-day termination notice. Did they seek assurances from the SPS that there would be continuity of the lease?

**The Convener:** Their concern was not so much about the lease—I believe that the lease was extended to allow discussion to continue—but about the fact that they would not have spent £45,000 if they had known that support for the club would be withdrawn.

**Linda Fabiani (Central Scotland) (SNP):** That is the pertinent point. The letter from the Executive to Derek Green says:

“the letter that was issued in 1998 was merely seeking to establish whether or not you would have been interested in bidding to purchase the premises, should they have been made available for sale.”

I would say that, by asking that question, the SPS gave the impression that the premises would be made available for sale. It is disingenuous to suggest otherwise.

The petitioners have been hard done by. There is a case for following the suggestions made by Mike Watson and Helen Eadie.

**The Convener:** Are members happy for us to follow the suggested action and to canvass the opinions of the MSPs who supported the petitioners at the time?

**Members** *indicated agreement.*

### **Complementary Medicine (PE571)**

**The Convener:** The next petition, PE571, is from Ethne Brown and calls on the Scottish Parliament to introduce legislation to require health boards in Scotland to implement the recommendations of the 1996 report on complementary medicine in the national health service by the national medical advisory committee of the Scottish Office department of health.

The petition is prompted by the petitioner's belief that a statutory obligation should be placed on health boards to integrate complementary alternative medicine within the NHS. She also believes that health professionals should receive specified training and that further research should be conducted on the safety and efficacy of complementary alternative medicine.

On 11 March 2003, our predecessor committee considered responses from the Scottish Executive and the British Medical Association. The Executive response stressed the need for NHS boards to decide how best to deploy their resources to meet the healthcare needs of local populations and made it clear that it considers that it would be inappropriate to introduce legislation to introduce NHS board discretion in relation to the provision of complementary alternative medicine. The Executive also indicated that it was funding four current projects and one research fellow project concerning complementary alternative medicine.

The BMA stressed that the efficacy of complementary alternative medicine would have to be determined to justify any action being taken on the introduction of a comprehensive policy on provision or the implementation of compulsory training as part of the medical curriculum at this stage.

The committee agreed in March to put the petition on hold and to allow the clerks to monitor the progress of the Executive's current research projects. The committee also agreed to write to the General Medical Council seeking its views on the issues raised. A response from the GMC has now been received, as well as an update from the Executive on the status of its research projects and representations in support of the petition from the General Chiropractic Council and Sarah Mumford, who is a constituent of Jackie Baillie MSP.

It is clear from the GMC's response that it does not think that it has a role in determining what treatments, including complementary alternative medicine, should be provided by the NHS. The Executive is still awaiting the reports of two recently completed research projects concerning complementary alternative medicine. The two other research projects are still on-going.

We need to take a view on whether it would be appropriate to await the Executive's response to those reports or whether the petition should be referred to the Health Committee.

**Jackie Baillie:** I feel that I should speak about the issue because one of my constituents raised it with me. The key issue is whether integrating complementary alternative medicine into the NHS should be a statutory obligation. I note the responses that have been received in that regard.

However, as I believe in evidence-based policy making, I think that it would be appropriate for us to await the conclusions of the research before we consider how to progress the petition. That said, we have no time scale for the research and no indication of how long it will take. As I am loth to keep the petitioner hanging on, I wonder whether we could ask the Health Committee to examine the matter once the results of the research are available as well as informing the petitioner of the responses that we have received so far. After all, the responses contain some interesting stuff that advances the petitioner's cause.

12:00

**The Convener:** As well as sending the responses to the petitioner, should we send them to the Health Committee for its information?

**Jackie Baillie:** Yes.

**The Convener:** I do not think that there would be any harm in doing that, because the Health Committee is involved in the on-going process.

**Carolyn Leckie:** I back that suggestion. Indeed, there would be no harm in referring the responses to the Health Committee as soon as possible because they raise many issues. Making complementary alternative medicine a statutory obligation in NHS provision would throw up all kinds of regulation issues. The matter is quite complicated.

**The Convener:** It would be useful for the Health Committee to have the information.

**Helen Eadie:** I am a keen supporter of complementary alternative medicine and agree with the views that Jackie Baillie and Carolyn Leckie have expressed. However, the Executive says in its response that it is quite willing to support more research. That picks up Jackie Baillie's point about evidence-based policy making. I do not know the global name for the organisations that represent complementary alternative medicine, but perhaps it would be helpful if we could find out what the organisations are and make them aware of the Executive's suggestions as well as carrying out the other actions that have been recommended this morning.

**The Convener:** I am advised that those organisations probably receive such reports as a matter of course. I think that we should inform the Health Committee, Jackie Baillie's constituent and the petitioner of the steps that have been taken so far and then await the outcome of the Executive's research. Are members agreed?

**Members indicated agreement.**

### **Detoxification Clinics (Legislation) (PE585)**

**The Convener:** Petition PE585, from Mr Alan Corbett on behalf of residents of Reddingmuirhead, Wallacestone and surrounding villages, concerns the siting of heroin and detoxification clinics. The petition calls on the Parliament to take the necessary steps to review and revise legislation to clarify and establish the mechanisms and powers of control that regulate the siting of heroin and methadone clinics near local primary and secondary schools.

The petition is prompted by the petitioners' own experiences surrounding the location of a proposed Green Door heroin and methadone detoxification clinic in Reddingmuirhead within the grounds of a children's play park and in close proximity to the local primary and secondary schools. It was proposed that the clinic would open in premises that were previously used as a residential nursing home for the elderly.

The previous committee considered a response from the then Minister for Social Justice on 25 March 2003. The response made it clear that the provision and location of rehabilitation services is normally a matter for the local drug action team and statutory agencies, which would be the local authority and NHS boards. As a result, the Executive has no direct role in the siting of health facilities. The minister confirmed that there were no plans for an overhaul of the Town and Country Planning Appeals (Use Classes) (Scotland) Order 1997 but said that, in recognition of the particular issues raised in the petition, the Executive would invite planning authorities to consider whether there are any wider concerns about the order's provisions. The committee agreed to ask the Executive to report back once it had completed its consultation. A further response has now been received.

In that response, the Executive explains that it has now considered the responses from planning authorities and that some definite areas of concern have been identified. Although the Executive does not consider that those concerns highlight a need for a general review of the 1997 order, it feels that there is evidence of a need to consider whether it is appropriate for certain uses to be specified in the classes to which they are assigned. A summary of the responses shows that concerns were raised about the scope of class 8, which covers residential institutions and which includes the specific development at Reddingmuirhead that the petitioners are concerned about.

The Executive indicates that it now intends to consult further planning authorities and other interested parties on proposals for a minor revision of the 1997 order to establish whether there are any objections. Do members have any views on this correspondence? The matter is quite complex.

**Helen Eadie:** I suggest that, as a starting point, we should copy in Cathy Peattie, who was one of the MSPs in the delegation that presented the petition. Perhaps we should also write to the Executive to ask it to provide the committee with details of its proposals once they have been drawn up. That would be useful. It would also be helpful to ask about time scales, as the petition raises specific concerns. Those concerns are being addressed to some extent as part of the exercise that has been mentioned.

**The Convener:** That would be helpful.

**Ms White:** I agree with Helen Eadie. The matter might be complicated, but the Executive's response is positive and shows what the Public Petitions Committee can do. Planning legislation is complicated. If matters are clarified and more power is given to local communities, I would look at what has happened positively. The response is positive and I hope that we can follow it up by doing what Helen Eadie suggests.

**John Scott:** I, too, think that the response is positive.

**The Convener:** Occasionally, we question and criticise the Executive, but when we write to it this time, it would be worth saying that we welcome the fact that the Executive has moved on the petition.

**Carolyn Leckie:** I do not object to what has been proposed, which does not undermine my view of drug rehabilitation services. However, I want to record in the *Official Report* my support for drug rehabilitation initiatives, which are necessary. I would not want to think that the committee had taken the view that it has taken and will act as it proposes to act on the basis that the places in question are a problem.

**The Convener:** That is a good point, which I reiterate. We are not questioning methadone and detoxification policies. The issue relates to the location and siting of units and local communities' powers.

**Linda Fabiani:** I agree completely, but add that local people have the right to make such decisions. There should not be centralisation and we are not saying that there should be centralisation.

**The Convener:** Are members happy with what has been recommended? Is it agreed that we should await the outcome of the Executive's response?

**Members** *indicated agreement.*

### **Renewable Energy Projects (Funding) (PE615)**

**The Convener:** Petition PE615, from Peter Hodgson, is on the funding of renewable energy projects. The petitioner calls on the Parliament to ask the Executive to reconsider the funding of renewable energy projects to encourage the development of sustainable sources that contribute towards the Kyoto agreement. The petition is prompted by the petitioner's concerns about the manner of distribution of ROS—renewable obligation Scotland—certificates, which place an obligation on electricity suppliers to purchase green electricity.

On 17 September 2003, the committee considered a response from the Executive that appeared to counter claims that the petitioner made, particularly in relation to its support for less commercially viable alternative renewable sources. The Executive made it clear that support is available and that a wide range of renewable projects are encouraged and can be eligible for grants under the Scottish community renewables initiative. The committee agreed that it would be useful to obtain the petitioner's comments on the

Executive's response before reaching a view on whether any further action should be taken on the petition. A response from the petitioner has now been received.

The petitioner's letter makes it clear that he is disappointed with the Executive's response, which he thinks does not address adequately the issues that are raised in the petition. He thinks that the renewables policy that is being adopted by the Executive does not appear to recognise that only minor savings on greenhouse gas emissions are achievable when unpredictable energy sources such as wind and wave power are used, as those need to be backed up by fossil fuel resources.

The petitioner claims that developers will always choose wind farms as a renewable energy source, as they can achieve financial rewards for very little outlay, but that they will produce power that will ultimately be more expensive for the consumer and will provide little in the way of emissions reduction. He argues that, rather than making financial subsidies that are based on energy output using renewable sources available to developers, subsidies should be based on the reductions in greenhouse gas emissions that are achieved. He states that if that approach were adopted, technologies that genuinely contribute to Kyoto commitments would proportionately benefit and become more cost-effective.

**Linda Fabiani:** There are many concerns about the Executive's renewables policy. Probably because part of a wind farm is likely to be sited in an area that I represent, many people have written to me about various concerns. The petition sums up quite a few of those concerns. It would be worth while to send the petition to the Enterprise and Culture Committee, as I understand that because of concerns that have been expressed, that committee is to investigate the Executive's policy on renewables. It would be useful for that committee to examine the issues that are raised in the petition as part of its inquiry.

**John Scott:** I agree. The petition proposes an almost philosophically different approach to delivering a reduction in the level of CO<sub>2</sub> and it would be worth while to send it to the Enterprise and Culture Committee.

**The Convener:** Are members happy with that?

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** The first option in our briefing paper explains everything. We can adopt that.

**The Convener:** John Farquhar Munro refers to the proposal to refer the petition to the Enterprise and Culture Committee with the recommendation that it may wish to consider the issues that the petition raises as part of its forthcoming inquiry into renewable energy in Scotland. That would fit

in with that committee's work. Is everyone happy with that?

**Members** *indicated agreement.*

### **Education (Self-defence and Swimming) (PE626)**

**The Convener:** Petition PE626 is by Mr Frank Harvey and concerns self-defence for teenage girls. The petition calls on the Parliament to take the necessary steps to ensure that all teenage girls are taught at secondary school how to defend themselves from attackers and how to swim. It was prompted by the petitioner's concern about the increase in the number of attacks on teenage girls and young women in recent years and by his belief that politicians have a duty to take effective action to protect such groups. He argues that girls in secondary education should be taught how to defend themselves from attackers and how to swim.

Members will recall that we considered the petition on 3 September and agreed to write to the Executive. The Executive responded with details of a range of initiatives that aim to support the provision of swimming and physical education for all school pupils. It has said that it will prepare new guidelines for child protection in education that will recommend that all schools include in the curriculum opportunities for children to learn appropriate methods of keeping themselves free from harm. Are members satisfied with that response?

**Helen Eadie:** I am not satisfied with that response. I have read the Executive's letter, which clearly covers swimming lesson provision and personal and social development in the curriculum, but does not cover attacks on young people. That point applies not only to young girls, but to young boys. The petitioner talks about a concern that the public throughout Scotland highlight about how young people can protect themselves from violent attack. I would like people to focus a little more on that point. As a consequence, if other committee members agree, perhaps we could write back to ask the Executive to give more thought to that aspect.

**Carolyn Leckie:** I support that suggestion, although I am a wee bit reluctant to give any credence to the notion that the tabloid press sometimes advances that young women are somehow responsible for attacks on themselves and that it is their responsibility to defend themselves. My political emphasis is on the fact that it is society's responsibility to ensure that they are not attacked. The Executive's response does not address the petitioner's questions. The petitioner is really saying that young women have a right to such instruction through education.

Whether the response about swimming lesson provision stands up also needs further exploration, because many school swimming pools are having to close and I am not convinced that the alternative arrangements are adequate. That aspect has not been addressed.

**Linda Fabiani:** The situation is difficult, because we are going into the realm of whether committee members believe that such lessons should be provided in schools, which is not what we are here to decide. We cannot decide whether such physical education—I am talking about self-defence rather than swimming—should be part of mainstream physical education in schools, so we are really talking about whether we should pass the petition on to the relevant committee.

I would be worried about the provision of self-defence lessons in schools; it would send a message about crime and violence that would convey the idea that our children are likely to be attacked at any time. There is a big discussion there. We should either keep clearly to what Carolyn Leckie and Helen Eadie have been saying about the matter's not having been addressed by the Executive and pass the petition on elsewhere to be discussed, or we should decide that the petition has been dealt with adequately and that we will take it no further. I am a bit worried about the realms that we are getting into.

12:15

**Jackie Baillie:** I did not intend to say anything on the petition, but I have been driven to do so. I am satisfied that the swimming element of the petition has been covered. The matter now rests on whether self-defence has been considered adequately. I concur absolutely with Linda Fabiani's view; simply to suggest self-defence without reference to the wider pressures in society sends out the wrong message, so we need to be careful.

I am much more comfortable with the suggestion in paragraph 4 of the Executive response that there are national guidelines for five to 14-year-olds that cover personal and social development. The paragraph mentions the key aspect of personal safety and says that it is up to the education authorities to decide the way in which they implement the proposals. I would prefer to say that the petition has been dealt with and that it is a matter for local authorities, in implementing an agenda such as this, to do what they think is best for their school community. The issues have been dealt with, and I recommend that there be no further action.

**Helen Eadie:** Paragraph 6 of the Executive response talks about the active schools working group, which is the global working group

throughout Scotland. It says that the working group

“was set up in April 2003 to produce a school-policy driven implementation plan which responds to the recommendations made by the Physical Activity Task Force, the Physical Education Review and the Sport 21 strategy and targets.”

I would be interested to know whether there is any reference to self-defence in those documents or in the work in which those task groups have been involved.

I hear what Linda Fabiani is saying about sending out the wrong message to the public about the need to take steps to protect themselves. There is also the view that we already have the police and the military services; in other words that there are other people to protect us. However, the providers of education should take some responsibility for that in schools. It is important that a physical education strategy ensures that that facet—self-defence—is included in teaching practices in schools. We all know that if we shape people at the most impressionable stage of their lives it can help to make a difference. It is not only about expecting other people to consider an individual's welfare and defence; it is also about ensuring that individuals take responsibility for their own welfare and defence. That can happen in tandem with the authorities, which can help individuals to access support.

The petitioner has a point. Many people go to karate and judo. My researcher has been to karate; his name is Dan Wynn, but he has a dan in karate. He values how important such skills are for young people and he has promoted those skills among young people. I will dig my heels in a bit about this.

**The Convener:** You are more than entitled to do that. We have two different views, and it is clear that we are not going to achieve consensus. That is fine—it is legitimate for members to have different opinions.

**Carolyn Leckie:** We seem to have begun discussing the political merits of the petition rather than whether it has been dealt with. I am trying to be objective. From the facts that are before us, the petition has not been dealt with, but the political debate—on which I have my own views—should happen somewhere else.

**John Scott:** I have a deal of sympathy with what Jackie Baillie says and a deal of sympathy with what Carolyn Leckie says. So that a wider debate can take place, should we consider referring the petition to another committee? We cannot have the debate here, because that would not be within our remit. However, the petition should perhaps be referred to the Education Committee or to one of the justice committees.

**The Convener:** Perhaps we should send it back to the Executive and ask for more information on the points that have been made.

**Helen Eadie:** Yes, it would be good to ask for more information. Paragraph 6 of the Executive's response outlines all the work that is being done, but does not give any more information.

**Ms White:** There is one sentence in the Executive's response that sums up the important issue. Paragraph 3 on child protection in education talks about

“opportunities for children ... to learn appropriate methods of keeping themselves free from harm.”

If we write to the Executive, can we ask what that means?

**Linda Fabiani:** The petition is about self-defence lessons for female pupils. We all know that the Executive will not write back to us and say, “Yes, we are going to implement self-defence lessons for female pupils.” We have to decide whether such lessons are worth considering. If we think that they are worth considering, or if we do not feel qualified to make a decision, we have no option but to pass the petition on for others to make the decision.

**Jackie Baillie:** I think that the petitioner's main points have been addressed in the Executive's response. They have not been addressed fully in relation to self-defence for young women in schools, but paragraph 4 does address the points. If members disagree with that, that is another issue and there is a mechanism for pursuing it. However, because I feel that the points have been addressed, I propose that we take no further action. I was minded to compromise and say, “Yeah—let's give it to the Education Committee.” However, I now want to propose that we take no further action. We should just go to a vote on the matter, convener. It will be fun.

**The Convener:** I am happy to do that.

**Helen Eadie:** I want to make a counter-proposal, which is that we write back to the Executive and ask it to clarify what it means by “personal safety”. We should also refer specifically to paragraph 6 in its response.

**The Convener:** Jackie Baillie has made a clear proposal that we should accept that the issue has been dealt with. We will vote on that. If the proposal is defeated, the committee can then consider Helen Eadie's proposal.

The question is, that we take no further action on the petition. Are we agreed?

**Members:** No.

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

**FOR**

Baillie, Jackie (Dumbarton) (Lab)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Scott, John (Ayr) (Con)  
 Watson, Mike (Glasgow Cathcart) (Lab)

**AGAINST**

Eadie, Helen (Dunfermline East) (Lab)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 White, Ms Sandra (Glasgow) (SNP)

**ABSTENTIONS**

McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West)  
 (LD)

**The Convener:** The result of the division is: For 4, Against 3, Abstentions 2.

It is agreed that we take no further action.

**Dungavel (Detention of Children) (PE671)**

**The Convener:** We tried to avoid a split on the previous petition and I do not know whether we will manage to avoid a split on this one.

Fortunately, we received information on PE671 this morning, as we requested, although it would have been better if members had had more time to digest it.

**Mike Watson:** The correct thing to do would be to postpone our consideration of the petition until the next meeting. I have tried to read the information, but there are seven pages of very detailed legal arguments for and against. Unless we take a 15-minute break now for us all to absorb the information, we would be better to wait until the next meeting so that we can do the petition justice.

**The Convener:** I agree that we want to do it justice, but the separate issue arises of this information being made public.

**Linda Fabiani:** May I ask for clarification? We have stuff from the Executive; do we have stuff from the Parliament as well?

**The Convener:** Yes—it is all together.

**Linda Fabiani:** I see. I had thought that all the information had come from the Executive because it was all pinned to the back of the Executive letter.

**Mike Watson:** Margaret Macdonald is from the Parliament's directorate of legal services.

**The Convener:** We received the information late last night and it was all put together.

**Carolyn Leckie:** I have not read this in any detail and I am not in a position to express an opinion on it without consulting people and so on. It would be wrong to take a view on the future progress of the petition when we have not had enough time to digest the document.

**The Convener:** I am more than happy to accept your position. As I said, I did not expect to be given a seven-page document at quarter to 10 this morning. It would have been helpful to have it earlier.

We are in possession of the documents and we have to decide what we do in relation to them becoming public knowledge.

The petitioners are entitled to receive the information. I do not know whether it would be appropriate for us to possess this information for two weeks and not make it public. What do people think? We will still have to make a decision on the petition in two weeks' time. I am not concerned about the public having a debate about the information in that two-week period.

**Carolyn Leckie:** There is no way that we can keep this information under wraps for two weeks. The petitioners are entitled to it and they are entitled to let those who signed their petition know what the response has been. Why not just make it public?

**The Convener:** The information has not been given to us in the form of a public document; it comes in the form of advice. That is not to say that the Parliament could not find a way of getting the information into the public domain. I am just asking for guidance about how we might do that. The information is vital to the public debate, regardless of what view people take on the outcome of the issue.

I think that the Public Petitions Committee, having sought advice on behalf of the public, should make the public aware of the advice that has been received. That is my principled view, but I am not sure about the means by which we would get the information into the public domain.

**Mike Watson:** I have no problem with releasing the information. However, one of the reasons for not discussing this matter today is that the conclusion of Margaret Curran's letter seems to differ from the conclusion of the judgment—if that is what it is—of Margaret Macdonald.

Margaret Curran says:

"discussions between the Home Office and the Scottish Executive and South Lanarkshire Council and HMIE are underway."

However, Margaret Macdonald finishes off by saying:

"the education of such children ... is entirely a matter between the education authority and the Home Office ... in which neither the Scottish Ministers nor the Parliament have any powers to intervene."

That is a good reason for not discussing the matter today.

**The Convener:** That is a valid point, but I still believe that this committee has a responsibility to get this information into the public domain.

**Carolyn Leckie:** I agree. This matter has been the subject of much heated debate and differing opinion. The detail of the opinion provided by the Parliament will help to inform the discussion. It is important that the reasoning behind the argument is challenged and that will happen only if it is in the public domain. Is there a concern about to whom the document is attributed? Is there an issue about protecting the staff of the Parliament?

**The Convener:** No, the only concern is about the format in which the information is released. If a committee is to make information public, it should do so using an appropriate format. We should check what that format is rather than just handing documents out to the press and the public. It is probably just a technicality.

**Carolyn Leckie:** I see what you mean. The only caveat that I would add is that, regardless of the format in which it is placed in the public domain, the information should be complete. None of the information that is in the document before us should be left out.

**The Convener:** Every point that is covered in the letter and the document has to be made public. We are not trying to select which bits of information are released; we are trying to determine the technical means by which we release all the information.

**John Scott:** I believe that the committee is happy for the information to be placed in the public domain. I suggest that you and the clerks pursue the best way of doing so.

**The Convener:** Is everyone happy with that?

**Members** *indicated agreement.*

**The Convener:** I am happy with that. We shall deal with the petition at our next meeting.

## Inadmissible Petitions

### Plastic Bags (Tax) (IP46)

12:30

**The Convener:** The next agenda item is inadmissible petitions. Petition IP46, from Mr Duncan Wallace, calls on the Scottish Parliament to introduce a basic tax on plastic bags, particularly those that are used in supermarkets and grocery shopping. The issue is topical.

The petition asks for a tax or levy that the Parliament cannot implement. However, the issue has been addressed by Mike Pringle MSP, who has proposed a bill that would give local authorities the power to impose such a levy. The committee could suggest that the petitioner make an input into Mike Pringle's proposals and explain the logic and reasoning behind his petition. However, the petition is inadmissible as it stands, as it asks the Parliament to introduce a tax that we cannot introduce.

Do members agree with what I propose?

**Members** *indicated agreement.*

## Anonymous Submission of Petitions

12:32

**The Convener:** The next agenda item is consideration of anonymous submission of petitions. At the committee's previous meeting, I asked members to consider this issue. The clerks were also asked to produce a paper on possible ways to deal with the anonymous submission of petitions.

I remind members about what happened. A member of the public approached me and said that they had a genuine concern that would merit a petition. The clerks and I considered the matter and believed that what we had been told was accurate. The person told us that she did not want to put her name to the petition, although she was more than happy to identify herself to the committee and to provide all the evidence that would be required. She did not want herself or her family to be dragged into the discussion relating to the petition.

I thought that her concerns were legitimate. She had a proper petition and simply wanted to remain anonymous, although the petition itself would not be anonymous. We had to find out whether there was a mechanism by which we could get the petition into the Parliament so that only the committee would know who had lodged it. A precedent could be set for other people who find themselves in a similar situation. If a petition is legitimate, all the evidence is verifiable and the person is identifiable, can that person remain anonymous in any discussions about the petition? The clerks have produced a paper, which has been submitted to members. Do members have views on the paper?

**Linda Fabiani:** The paper is fair, particularly where it suggests that if the petitioner disagrees with the convener's decision, the case

"could be brought before the Committee for consideration."

I have a suggestion, although I do not feel particularly strongly about it one way or the other. Would it be possible to draw in the deputy convener at some point? Perhaps both the convener and the deputy convener could consider such petitions before they came to the committee. That could be another step.

**The Convener:** John Scott seems to be happy with that suggestion.

**Mike Watson:** My only concern is that anonymous petitions might be lodged more times than we think is appropriate. I do not doubt that we could consider individual cases but, by definition, they would be rare. There is a difference between

a petition that is submitted with no name on it, which should go straight in the bin—if it is anonymous, it should not even be considered—and a case being made for anonymity. I would not want anonymous petitions to be considered too often.

**The Convener:** I would also be wary of considering such petitions too often. That is why it is important that, if we want to set a precedent, we should not simply accept what has been suggested as a practice that could become standard. I had a lot of sympathy with the issue that was raised in the light of the information that I was given, and I thought that there were exceptional circumstances. The person who raised the issue with me said that she did not think that identifying herself or her family made any difference to the petition, which was a valid argument. Given such circumstances, I thought that we had to consider ways of dealing with such a petition. However, we should accept petitions on such a basis only rarely.

**Ms White:** There would have to be exceptional circumstances. Perhaps the convener and the deputy convener could consider such petitions. I can foresee difficulties—I am thinking of what happened this morning. Six petitions were lodged and evidence was not given. If the petitioner does not attend a meeting, how will we obtain further evidence? Basically, those six petitions were inadmissible as one of the petitioners decided not to take any further action and therefore the two people who were to give evidence could not give it, albeit that, to be fair, they were willing to do so. We should be aware of potential difficulties. Like Mike Watson, I would be worried if we received an increasing number of anonymous petitions. However, I would leave it to the convener's discretion to reach a decision if a petition was important.

**John Scott:** Mike Watson has hinted that what has been proposed could open up a whole new area of petitions from, for example, employees who are reluctant to make their names public, as their complaints are against employers. However, maybe that is a good thing.

**The Convener:** If we were to allow such petitions to come forward, we could monitor the process. If we felt that it was opening up difficulties, we could review it. I do not think that we are setting anything in stone, but we could test the possibility of handling such petitions.

**Carolyn Leckie:** We should do our best to facilitate that. I do not know the details of the specific request to which you referred, but I can think of situations in which there might be similar concerns. For example, a woman who has fled domestic abuse may submit a petition in relation to the service that she has received through local

agencies or social services, and she certainly would not want to be identified publicly to her ex-partner. It is important that we have that facility, but we should keep an eye on the situation.

**Linda Fabiani:** We should bear it in mind that we are not changing any rules. The rules that are already in place allow that to happen. What we may do is publicise the fact that petitions may be considered anonymously, and that is where Mike Watson's worry comes in. Perhaps it is more important that the deputy convener is also involved, because then the onus is not just on one person, who might be accused of making a decision that is not right.

**John Scott:** In general, we do not wish to consider petitions anonymously, but we would deal with each case on its specific merits.

**The Convener:** Are members agreed on that?

**Members** *indicated agreement.*

## Convener's Report

12:36

**The Convener:** The clerks circulated to all members a letter from the Deputy Minister for Environment and Rural Development, Allan Wilson, in response to a petition on Scottish Natural Heritage. I said that I would bring up the matter and allow everyone to discuss it under the heading of my report. Are members comfortable discussing it now or would they prefer to defer that discussion until another time?

**Helen Eadie:** Can we defer it to the next meeting?

**Carolyn Leckie:** I support deferring it to the next meeting. A number of MSPs with a constituency interest were here the last time the matter was discussed, and I think that they would want the opportunity to be here when it is discussed again.

**The Convener:** We asked for the letter and said that we would send it to the Finance Committee regardless, so we had already decided on a course of action for the response. Now that we have the response, I just wanted to give members the opportunity to discuss it. If members are happier to leave that discussion until a later date, I am relaxed about that.

**Carolyn Leckie:** I had forgotten that. Having been reminded of our decision, I am not so convinced that there is much value in our delaying passing it on to the Finance Committee.

**The Convener:** It has already gone to the Finance Committee. Everyone has seen the letter, and it has gone to the committees that we said should receive copies. If members want to make any specific points in respect of the minister's reply, I suggest that they indicate to me before the next meeting that they have comments to make so that I can include the matter under my report. That way, everyone will have a chance to give their input.

**Jackie Baillie:** That is eminently sensible. I believe that the Finance Committee considered the issue yesterday, so perhaps we could also have an update on those deliberations at our next meeting.

**The Convener:** Are members agreed?

**Members** *indicated agreement.*

*Meeting closed at 12:38.*



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