



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 12 May 2015

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PUBLIC PETITIONS COMMITTEE
10th Meeting 2015, Session 4

CONVENER

*John Pentland (Motherwell and Wishaw) (Lab)

DEPUTY CONVENER

*David Torrance (Kirkcaldy) (SNP)

COMMITTEE MEMBERS

*Jackson Carlaw (West Scotland) (Con)
*Kenny MacAskill (Edinburgh Eastern) (SNP)
*Angus MacDonald (Falkirk East) (SNP)
*Hanzala Malik (Glasgow) (Lab)
*John Wilson (Central Scotland) (Ind)

*attended

THE FOLLOWING ALSO PARTICIPATED:

John Buston
Neil Findlay (Lothian) (Lab)
Karen Gray
Jamie McGrigor (Highlands and Islands) (Con)
Gil Paterson (Clydebank and Milngavie) (SNP)
David Stewart (Highlands and Islands) (Lab)

CLERK TO THE COMMITTEE

Anne Peat

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Public Petitions Committee

Tuesday 12 May 2015

[The Convener opened the meeting at 10:07]

Decision on Taking Business in Private

The Convener (John Pentland): Good morning and welcome to the 10th meeting in 2015 of the Public Petitions Committee. I remind everyone to switch off their mobile phones and other electronic devices as they interfere with the sound system.

I have received no apologies for today's meeting.

The first item of business is a decision on whether to take agenda item 4, on external research, in private. Does the committee agree to take that item in private?

Members *indicated agreement.*

New Petitions

Local Authority Planning Appeals (PE1560)

10:08

The Convener: The next item of business is consideration of three new petitions. The committee will hear from two of the petitioners. The first new petition is PE1560 from John Buston, on local authority planning appeals procedure. Members have a note from the clerk, a briefing from the Scottish Parliament information centre and a copy of the petition. I welcome the petitioner, John Buston, to the meeting. I understand that you want to say a few words before we move to questions.

John Buston: I have one or two points that I want to make. Yesterday, I sent some diagrams to the committee—I believe that members have copies. I have set out the basics of the case on the three diagrams. The first flow diagram shows my recommendation. The council complaint procedure should be concluded and the inaccurate report of handling should be corrected right at the start of the process by the planning authority, before it is sent to the ward councillors. Something only becomes a decision by virtue of the fact that the ward councillors do not call it in—in effect, they take a decision before the appeal moves on.

There are two paths that can be taken. On my recommended path, a correct report of handling goes right through the whole system. If members look at the second flow diagram, which represents the current process, they will see that there are two procedures: the review procedure and the complaint procedure. The complaint procedure stops at the Scottish Public Services Ombudsman, because the SPSO cedes examination of the facts to the local review body.

The committee can see, on the second diagram, that the report of handling is corrected by the review procedure, which takes place after the decision has been made. When the report of handling, if it is called in, goes before the full council, it is possibly inaccurate—although I would expect the minister to correct it at the next stage.

The third diagram shows what actually happened in the planning application that I identified. It was inaccurate all the way through the process, because the local review body did not review the issue. I picked out one issue to make things simple—there were about 16 or 17—and to use as an example for the whole case that I am making.

I have summarised the situation on the last sheet:

“The LRB are only involved in the planning process by Ward Councillor determination and this involvement may not occur if an accurate ROH were available as a basis for decision. It is therefore inappropriate for them to be involved prior to the ROH being corrected.”

The other thing that I found a bit strange is that the LRB is professionally advised by the planning authority; there are doubts about whether the advice that is received on technical planning issues is sufficiently independent.

On the train coming down here this morning I noticed that members have a briefing paper that looks to be misleading as well, because it misses out the stage at which ward councillors are involved. It is not inaccurate, but it does not show the full picture. I would not expect SPICe to correct things, just as I would not expect the planning authority to correct a report that it has generated. That is the case that I am making.

I had a complaint, which I identified in the report, that was not examined. There must be something wrong with the system if a legitimate complaint is not examined. I am unsure whether it was a procedural or operational failure. I cannot get the answer to that; I cannot get the full picture from the local authority or the SPSO. I have set out the basic facts. If further facts could be obtained, I could comment more on whether the failure was procedural or operational.

The Convener: Thank you for your presentation, Mr Buston. We will move to questions.

Kenny MacAskill (Edinburgh Eastern) (SNP): Do you think that this is something that could be dealt with by guidance, as opposed to its requiring a change to primary or subordinate legislation? Could planning guidance from the Government negate the issue?

John Buston: Yes, it could. The situation would never have arisen if an answer had been provided straight away by the planning authority; I would not be sitting here, having followed the issue through for the last two or three years. To some extent, the way in which the thing was handled was poor. It would be fine if extra guidance were given to ensure that such matters were handled better.

John Wilson (Central Scotland) (Ind): I want to clarify the issue of additional guidance versus legislation. Additional guidance means just that—it is guidance that the planning authority can take note of and apply in the manner that it sees fit.

Part of the issue that you have raised with regard to the SPSO is that the local councillor element is not included. In the local authority that I served in when I was a councillor, the local councillor engagement in cases relating to delegated planning decisions involved the councillor getting a weekly list of planning

applications that had been submitted. Further information would be provided only if the councillor requested it. If that information was not requested, or if no request was made for the application to go to a full planning meeting, the application would be addressed by the delegated officer.

There is a need to address the issue that you have raised about local ward members being involved in a decision, and how that might fit into any additional guidance that was given to the local authorities. How do you see that working out?

John Buston: I would say that the ward councillors have to be involved if they are going to make a meaningful decision about whether to call in a case. They have to consider the facts of the case. I would not expect them to look just at a list before making a decision about whether to call in the report of handling. If that was all that they did, they would not have any idea what the background to the decision was.

John Wilson: As I said, my experience was that the local authority provided basic information to the elected members, and that is still the case—another member in this committee will be aware of the practice in that local authority. You get the planning applicant's name, the name of the officer dealing with the application, the reference number and a line that says, for example, “Extension to a dwelling house” or tells you that a garage is being added to the grounds. I would say that the majority of those descriptors are simply looked at. Unless one of them rings alarm bells, local elected members do not ask for more information.

Do you think that it is correct that we have delegated authority to officers to deal with planning applications and that they therefore do not have to go through the full planning process?

John Buston: I would have assumed that, because ward councillors have to make decisions about whether to call in a report of handling, they would want to have a look at the report. The bare bones do not tell you anything beyond the fact that there is, for example, a planning application for a three-bedroom house in a certain spot and that there have been no objections. I think that they have to go a little bit deeper in their capacity as ward councillors.

John Wilson: Just to correct you, I say that ward councillors can only request that the application be heard by the committee; they cannot make decisions on the merits of applications. As we all know from the history of planning applications in Aberdeenshire, localised planning hearings are held there to determine the planning applications, if they go through that process.

I am trying to work out a way in which we could deal with this petition so that we can satisfy you

and also bring about changes that might impact on other planning authorities in Scotland.

John Buston: It is a big decision. I would prefer my case to be heard by the minister, who could take an independent view. Planning advice notes are produced by the minister, but I think that in my case they were disregarded by the local planning authority. I would have got a better hearing on the opinions in my case if it had gone through the full council, which might have accepted it, and then moved up to the minister, because it would have been assessed professionally by people who issue the overall Scottish guidelines.

The Convener: Your petition calls for the Scottish Government either to eliminate or amend the notice of review period of three months. If we were to eliminate it, might there be concern about the impact of that on other areas, neighbouring properties or new developments?

John Buston: That would depend on the timing. My experience was that it took three months to get the council to see the case. In fact, the council response came after the application date for a local review meeting and the SPSO response came six months after the issue was raised. I think that the time that was taken was partly because it was a fairly unusual case. If there was a limit of a year or of six months with caveats, that would be fine.

The Convener: The planning system currently operates independent of local authority complaints procedures. Would you like to see them being linked?

John Buston: No—I think that there is a case for separation. I am asking for the integrity of the report to be examined by the council complaints procedure. If that were the case, it would go through the local authority, move on to the SPSO, which would give a decision and that would be fed in right at the start. The SPSO would say what it thinks is wrong or misleading and the local authority would then, I hope, amend the report of handling. The application would go back to the start and the planning process would continue with an accurate report of handling. I am not saying that the planning method should change; I am saying that it should start from an accurate base because the system is weak if inaccurate ROHs are getting right through the system.

The Convener: I take it from your answers that rather than see the process eliminated, you would like to see it amended. You mentioned an extension to between six and 12 months. Is there any area where you think that that might be a wee bit too long and where a four-week extension might be more helpful?

John Buston: I think that the period could be longer. There could be a caveat that there should

have been an application bid through the council complaints procedure, which should allow the council complaints procedure to finish. I understand your concerns about making the extension too long, because there would then be a backlog of business on the hands of the council.

The Convener: As there are no further questions, what action would the committee like to take on the petition?

Kenny MacAskill: We should write to the Government because I think that there is an issue. I find it very complex and technical and we are all keen to avoid a change that would then create more delays. It is about how the processes all work together. That is why I asked whether the issue could be dealt with without legislative change, which would be problematic. We should write to the Government to ask whether it thinks that there is an issue, because there seems to be something amiss and, if so, ask what plans it might care to draw up.

The Convener: We could also perhaps write to Heads of Planning Scotland to get a better feel for the situation.

John Wilson: I agree with those two recommendations. I suggest that we also write to Planning Aid Scotland and Planning Democracy, because those two organisations have an interest in the planning process, just to get an alternative perspective from those who are out there working and advising in planning.

The Convener: Does the committee agree with all those recommendations?

Members indicated agreement.

The Convener: I thank Mr Buston for attending. I suspend the meeting to allow the next petitioner to take a seat.

10:24

Meeting suspended.

10:26

On resuming—

Animal Welfare (Rabbits) (PE1561)

The Convener: The next petition is PE1561, by Karen Gray, on behalf of Rabbits Require Rights Scotland, on pet rabbit welfare. Members have the clerk's note and a Scottish Parliament information centre briefing.

I welcome Karen Gray to the meeting. I invite her to explain what her petition seeks in no more than five minutes, after which we will move to questions.

Karen Gray: First, thank you for having me here and for taking the petition seriously. I am not the most confident speaker, so I will try not to rabbit on too much.

I know that people's views of rabbits are not always great. We have seen a million recipes for rabbit stew; people hunt them; and they are a pest in the wild. However, domestic rabbits exist in large numbers, and the fact that there are no breeding controls has a knock-on effect on welfare standards. The breeders are unlicensed, and no one visits them to see what their set up is like or to ensure that they are providing a proper diet, veterinary treatment and so forth for the rabbits. Overbreeding and crossbreeding cause health problems; there is a lot of disease and there are even genetic defects, with dental issues, for example, becoming a big problem.

Although the European Union is introducing an animal health law that will ensure that breeders and sellers are registered from 2020, it does not mention rabbits. Scotland could set a standard by implementing new legislation or including rabbits in the existing legislation—the Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009—to give them welfare protection. There should also be a ban on pet shop sales similar to the ordinances that protect rabbits in northern USA and Canada. It is not that we want pet rabbits to disappear from pet shops, but the selling of them is out of control.

People view rabbits as cheap, easy, cuddly and child friendly, but they are far from that. They are one of the most difficult pets that I have ever had. They have needs specific to their species. They are neither cheap nor cuddly; in fact, they do not even like being picked up. Of course, they look cute but, to be honest, they are just like little furry monsters wrapped in fluff.

Basically, the pet industry is doing very little to change people's views of rabbits. Recently, a Kilmarnock pet shop has been using Facebook to advertise rabbits for sale—I have included a picture in my submission—and it is just one of many companies doing so. A lot of companies use Facebook and suchlike to advertise their businesses, but the owner of this pet shop is basically saying on his Facebook page, "Rabbits are great for kids. Kids would love a bunny for Easter." That is like advertising puppies for Christmas. Why is it still allowed? Such an attitude leads to high levels of neglect.

People do not realise that rabbits are driven by their need to breed; they are constantly breeding, because of the predators out in the wild, and domestic rabbits are no different. Depending on the breed, they can reach sexual maturity from around 16 weeks. In other words, you are taking a highly agile, active animal that is raging with

hormones and sticking it in a hutch. People say that rabbits are aggressive, but that is not the case; they are just being denied their natural behaviours. Basically, you are locking them in a prison. They are fearful of the humans that come near them and they get mishandled. Kids are noisy. As I have said, they make a good family pet, but they are not for kids—certainly not on their own.

10:30

It is estimated that there are about 1 million rabbits in the United Kingdom. According to the website Pet Business World,

"Rabbits ... have maintained their numbers at one million".

That figure comes from pet shop sales alone and does not take into account private adverts and online sales. If those are taken into account, we are looking at approximately 1.3 million rabbits.

There are a lot of surrenders, because people misunderstand what they are taking on, and pet rescues are struggling. The issue is not just the financial burden of taking the animals in; they also come with health problems, because they have been fed the wrong diet. They might have muscle wastage, they have not been to the vet or they have dental issues such as abscesses. The waiting lists are excessive. It is hard to find homes for them. Rescues have to ensure that people can provide the correct welfare and give the rabbit a good home; after all, they do not want to send it back to another situation of neglect. All the while, pet shops, online traders and so on are continuing to breed and sell rabbits or even give them away.

Around about last September, Pets at Home began a microchipping scheme; already, the Scottish Society for the Prevention of Cruelty to Animals is seeing microchipped rabbits in its care and assumes that they have been chipped at Pets at Home. In America, the House Rabbit Society believes that chipping works well and tackles the welfare issues, although the practice varies from state to state and from city to city. The society would like the practice to be spread out further.

As for the issue of minimum standards, I have a picture of a hutch that I bought not long ago in order to make a point. The company has ignored my complaints; the box was supposed to be 3 feet long but internally it is only 2.7 feet. Because it slopes down, it is 1.4 feet high at one end and 1.1 feet high at the other, and it is only 1.4 feet wide. I put one of my rabbits in it just to get a photo of him; even though he is of average size, he could not sit up properly. Your average-sized rabbit needs at least 2 to 3 feet to fully stretch out and lie down to rest, and 2 to 3 feet again just to stand up fully and stretch its body. Rabbit welfare studies

for the a hutch is not enough campaign estimate that about 6 to 7 feet is needed for one rabbit just to take three hops. It is cruel to confine such a highly agile animal.

We need to set standards. The minimum recommendation is a hutch measuring at least 6 feet long, 2 feet wide and 2 feet high that is attached to a run of at least 8 feet so that the animals can come and go as they please and carry out their natural behaviours. They are most active in the mornings and evenings, so it is not just a case of remembering to let them out to give them a wee run around. It is not enough just to give them a couple of hours of exercise.

Hutches can be even smaller than the one that I have described. Even if you buy one that is 4 or 5 feet, it is still not enough. Rabbits get lonely, bored and frustrated; in fact, they have been shown to develop osteoporosis after only six months of being kept in a small cage. Because of their light and fragile bone structure, they can get thinning of the bones, which can break and fracture more easily. Muscle wastage is another issue.

We need to improve welfare and ensure that good products are available, and the same goes for the dietary stuff. There is too much overfeeding on commercial foodstuffs. Rabbits' mainstay diet should be hay and grasses, but they are eating pellets and commercial food; because those things are soft, they are not wearing down their teeth, which grow unnaturally as a result.

People who go into pet shops see bad standards all the time. For them, such shops are supposed to be the main experts, and when people see the bad examples and products, they think that that is just normal. Basically, we are being sold neglect with regard to rabbits, because not enough knowledge is being passed on to customers. It comes down to the kind of licensing—

The Convener: Although I appreciate that you might have a lot more to say, I must ask you to come to the final point of your presentation. After that, we will move to questions.

Karen Gray: That brings us to the licence laws. The situation really varies between local authority areas. Licensing is based on the Pet Animals Act 1951, which is old and outdated legislation; moreover, the wording of the licences is pretty basic, and there is no actual enforcement. We are talking about a lack of knowledge, inadequate training and financial restraints. We have been complaining about the conditions that we have found, but nobody is really following up on them. For example, a rabbit that I bought at a pet shop—which is not something that I would condone—cost me £1,285 in veterinary fees over the following four months. South Ayrshire Council ignored the

complaint, but the fact is that I was sold a sick rabbit, against the terms of the licence.

The Convener: Thank you very much, Karen—you did really well. I invite questions from members.

Kenny MacAskill: You are referring to some form of regulatory regime with regard to sale and possession. Who would be best placed to carry out such a regime, with monitoring and guidance? Would it be the local authority or an animal welfare charity?

Karen Gray: When we recently met Mike Flynn and a couple of other people at the SSPCA who oversee the licence conditions in Inverness, they seemed to feel that the system worked well. It is for the SSPCA to decide if it is willing to carry out this work.

I complained to the licensing authorities and the SSPCA about the pet shop where I got my rabbit, and the licensing inspector went in with a vet. However, we do not know what the vet's background was—and that is another issue. As rabbits are an exotic species, vets might not have up-to-date training on their health problems. If I had left my rabbit with the vet, all they would have seen was a fat rabbit.

The licensing people said that there were no problems with the shop, but this is—I am sorry to say—one of the dirtiest, most horrible and most run-down pet shops. It is just dismal going in there. The licensing authority said that it could not find any problems, and the SSPCA inspector's hands were tied, so they could not really deal with the matter further.

Jackson Carlaw (West Scotland) (Con): You obviously have sympathy with and an affinity for the species. I have to say that I know really nothing about rabbits but, like everyone else, I see them.

That said, I am interested in this issue. I suppose that, in so far as I have ever known anybody to have a rabbit, your caricature of the appeal of rabbits and the way in which they are marketed to children has usually been the case: those people have had a rabbit because they have children. We might also include guinea pigs here. I am certainly far less aware of rabbits as pets in houses without children.

You said—or I understood you to say—that, in many respects, rabbits are not suitable pets. For example, they do not like to be picked up and cuddled and are intimidated by the presence of humans. What, then, is the appeal of a rabbit as a pet?

Karen Gray: I am fairly new to this. I have to admit that I got my first rabbit on a bit of a whim, and I did not realise what I was taking on. My

rabbits are all house rabbits, but that is only because I do not really have space out the back.

Rabbits are funny, active, cheeky and mischievous; I cannot eat a Hobnob without a rabbit hanging off the end of it. They are really affectionate. They will jump up and snuggle into you. However, they are a prey, and as soon as you pick them up off the ground, they are instantly in a state of fear.

Of course, an owner has to handle a rabbit in order to groom it and clip its nails, but it is necessary to get it used to being handled. Kids just want something to mollycoddle. I am not saying that rabbits do not make good family pets, but young children do not know how to handle them. It is different when children are older and more responsible. It is up to the adult to teach their child about the rabbit's welfare rather than get them a wee cute thing that they can put in a cage and—I am sad to say—terrorise.

Jackson Carlaw: Are there pet dealers who handle the sale and care of rabbits more appropriately? Is there a variable lack of awareness or is it universal?

Karen Gray: Do not get me wrong—I have come across a good few knowledgeable people in pet shops and so on. Largely speaking, though, I think that the situation is pretty poor. When you try to complain, people get defensive. That is fair enough, but you are simply making a polite complaint. I was told in a pet shop in Troon, "I am not listening to you. That man has money in his pocket—away you go." He had the rabbits in a tiny wee pen at eye level instead of their being in the big pen on the ground. That is against the rules on stocking density and the licence terms for the space that rabbits are allowed in a cage. I am sorry to say that that is the general attitude.

The Convener: Your petition seeks the introduction of measures to enhance the welfare of pet rabbits. I am sure that most people would agree that there should be minimum standards. Such standards are achieved for other animals through codes of practice, which apply to animals that are kept as pets and to animals that are used for meat production. Rabbits come under both those categories. How would that affect a code of practice? Should it apply in both circumstances?

Karen Gray: I am not saying that there is no place for a code of practice, but initially we need to set minimum welfare standards. Mike Flynn has said that it would be helpful for the SSPCA to have a clear code, so that it knew what checks to make and could enforce improvements that owners were required to make. As things stand, as long as a rabbit has food and water in its hutch, the SSPCA can do very little, unless there is cruelty or neglect. Unless the hutch is really tiny, the SSPCA cannot

say that the hutch is too small. If an SSPCA officer sees a hutch that measures 3 or 4 feet, and the owner says that they give the rabbit an hour out every day, their hands are tied.

A code of practice would be helpful for the SSPCA to enable enforcement, but the issue is to get the welfare standards for rabbits up to the same level as those for cats and dogs. Rabbits are the third most popular pet in the UK, but they are the most neglected because they are so freely available, people do not understand them and the products that people can buy are detrimental to their health.

The Convener: Given that the code of practice could cover pet rabbits and rabbits used for meat production, should there be a differentiation in it?

Karen Gray: I believe that there is a code for farmed rabbits but not for domestic ones. It is weird that better welfare standards are in place for farmed rabbits and laboratory rabbits than for domestic rabbits, which have none. Something should certainly be in place.

The Convener: I have a final question. You said that you have house rabbits. Do they prefer lettuce or a Hobnob?

Karen Gray: Unfortunately, the rabbits should not be eating my Hobnobs. They do not get fed lettuce, as it is bad for them. Their diet is about 80 per cent hay, as that is their mainstay, and they also get fresh greens, kale, parsley and watercress. They are better fed than me, that is for sure. However, given half a chance, they will try to pinch my dinner.

Hanzala Malik (Glasgow) (Lab): Once a pet has been sold to someone, how is the situation monitored and policed? As you have indicated, most of the rabbits that are sold are for children. The pet's lifetime will be spent with a child.

If that is the case, how do you suggest that the policy would be policed? The child will be the one who is with the pet most of the time, and I am sure that they will be unsupervised on many occasions. How would you protect the animal?

10:45

Karen Gray: I would do that by introducing ordinances similar to those in America to stop rabbits being sold as freely in pet shops. In America, selected pet shops—not all of them, obviously—work with rescue centres, which do the checks. People are given a cooling-off period to do research. They are given all the literature and then matched up.

It is a matter of reducing the numbers that are being sold. Rabbits will never disappear and we do not want them to disappear. We want them to

be protected and we want people to stop breeding them and selling them like sweeties, which is happening. Most independent rescue centres will work with owners to ensure that they have good welfare in place, have proper housing for the rabbits and understand the rabbits' diet and veterinary needs.

Hanzala Malik: I do not think that you answered my question, which is: how would we police the situation? The rabbits end up in households and with children most of the time. On many occasions, the children will be unsupervised. How do you propose that that situation would be policed?

Karen Gray: I suppose that it would be for the rescue centres to do a home check.

Hanzala Malik: We need to give people guidance. We cannot just throw the responsibility to somebody without advising them of the measures that are available to them. It is not like television licensing—it is not as if we can have a van outside to detect the presence of a rabbit in a house.

Karen Gray: Oh no—I did not mean that.

Hanzala Malik: We need to be practical and the question is serious. If a child has a pet rabbit, how do you propose to monitor their treatment of the animal?

Karen Gray: It is the adult's responsibility to teach the kid what good welfare is. We cannot monitor people with cats and dogs, either.

Hanzala Malik: So the situation is similar.

Karen Gray: Yes.

Hanzala Malik: You are not looking for anything different from what is already in place, with the exception of the measures on sales.

Karen Gray: As I said, reducing sales is about welfare.

Hanzala Malik: However, there is no guarantee that the sales would be reduced. That is the point that I am trying to make.

Karen Gray: Do you not think that they would be reduced?

Hanzala Malik: No. How do you propose to reduce them?

Karen Gray: By not having rabbits available in every pet shop.

John Wilson: Good morning. You have not asked in your petition for accurate information and advice to be given to potential owners. My daughter always wanted a rabbit, so we went to one of the rescue centres and got a couple of rabbits. The rescue centre told us the history of

those rabbits and their medical needs. Therefore, I know the issues. I also know about the inoculation regime that rabbits need, which many owners do not understand.

In the information with your petition, you referred to veterinary advice and making sure that rabbits get regular check-ups. You mentioned that, if they are house rabbits and are not outside, they need their toenails clipped regularly, because they do not have the natural instinct to scratch in the ground.

I was surprised that, as well as not asking for a complete ban on the sale of rabbits in pet shops, you said nothing about ensuring that appropriate advice, information and guidance are given. That would include advice on the health implications of maintaining a rabbit, which are particularly important, and on a rabbit's potential lifespan.

Many people think that, like cats and dogs, rabbits can last 10, 15 or 20 years. Unfortunately, they have a shorter lifespan than that, and we should try to get that message over. There is an issue with how that message is put across in the sale of a rabbit and with whether appropriate sales are taking place. You mentioned that one pet owner said, "That man's got money in his pocket—I'm going to sell my rabbit." How do we stop that?

Karen Gray: Within their licence terms, pet shops are supposed to provide people with care advice at the point of sale, whether it is on a sign, in a leaflet or given verbally. Advice is—allegedly—in their licence terms already, but there needs to be more education and awareness, because that is key. For example, Dobbies Garden Centres had a sign that said that rabbits have only a four to five-year lifespan, but rabbits can live up to 12 years and possibly more, depending on the breed. Even existing advice is not consistent. As I said, pet shops should be implementing their licence terms according to what is in the "Model Conditions for Pet Vending Licensing 2013", which has set requirements or conditions on how rabbits are handled, housed, fed and so on in the pet shop and on giving full and correct care advice.

The Convener: As members have no further questions, what action do they want to take on the petition?

Kenny MacAskill: I think that there is an underlying issue. I was taken by the comment about rabbits being classified as exotic pets. Having been round SSPCA welfare centres, I know that they deal with not only pets such as rabbits, cats and dogs but with chinchillas, salamanders and exotic birds—you name it. We now live in a globalised world in which exotic animals are openly traded and sold.

I do not necessarily know what the solution is, but I think that the petition raises a valid issue and that it is appropriate to ask the Government for its thoughts on pet rabbits and perhaps even the wider issue, although that is not part of the petition. We should certainly also raise the petition with the SSPCA and the Pet Industry Federation.

There is an issue, although I do not know what can be done about it. There is a difference between monitoring the conditions at the point of sale and monitoring how people look after their pets. I presume that the SSPCA can use statutory powers on animal welfare to flag up issues around the sale of pets, given that it seems to have become more commercialised and that it involves not only small firms but big firms.

The Convener: I wonder whether it would be more appropriate to write to the organisations that you mentioned before we write to the Scottish Government, because we could then give the Government a fuller picture of what the industry is saying.

Kenny MacAskill: That is sensible.

The Convener: Do members agree with the suggestion?

Members indicated agreement.

The Convener: Thank you, colleagues. I thank Karen Gray very much for attending and giving her presentation.

10:52

Meeting suspended.

10:53

On resuming—

Fatalities (Investigations) (PE1567)

The Convener: The final new petition is PE1567, by Donna O'Halloran, on investigating unascertained deaths, suicides and fatal accidents. Members have a note by the clerk and a SPICe briefing. The petitioner did not want to attend the meeting, so I invite the committee to say what action it wishes to take on the petition. The note by the clerk suggests a course of action and I understand that the petitioner is keen for the petition to be referred to the Justice Committee. What are members' views?

Kenny MacAskill: It would be sensible to refer the petition to the Justice Committee. That committee is considering the Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Bill, so Ms O'Halloran's petition is opportune. It would be inappropriate for us to do anything other than

refer the petition to that committee and ask it to consider the petition as part of its wider discussion of Lord Cullen's work on the issue, which has been outstanding for some time.

The Convener: Do members agree to take that approach?

Members indicated agreement.

Continued Petitions

School Buses (Seat Belts) (PE1098)

10:54

The Convener: Item 3 is consideration of nine continued petitions. The first is PE1098, by Lynn Merrifield, on behalf of Kingseat community council, on school bus safety. Members have a note by the clerk and the submissions. I invite contributions from members.

David Torrance (Kirkcaldy) (SNP): Convener, I am minded to close the petition, seeing as the Scottish Government has expressed its intention to bring forward legislation in the next session of Parliament.

The Convener: Do members agree on that point of action?

Members *indicated agreement.*

St Margaret of Scotland Hospice (PE1105)

The Convener: The next petition is PE1105, by Marjorie McCance, on St Margaret of Scotland hospice. Members have a note by the clerk and the submissions. I welcome to the meeting Gil Paterson MSP, who has a constituency interest in the petition. I invite contributions from members.

Kenny MacAskill: It seems that it would be inappropriate to close the petition at this juncture. Although progress has been made, which is very much welcome, there is still an underlying issue. Perhaps in these circumstances it would be appropriate to ask the Government to return to us once the forum that has been established has reached some firmer conclusions. We can then take a more informed decision with the full facts before us.

The Convener: Does any other member have anything to say?

John Wilson: Convener, perhaps we can hear from the local member who has come along to the meeting today before we take the issue further forward.

The Convener: Okay.

Gil Paterson (Clydebank and Milngavie) (SNP): I am grateful for that, convener. I hoped that I would hear today that the parties could agree to come together and secure an accountancy firm to take the matter forward. Of course, both parties would have to be comfortable with that.

I really feel that, if new eyes look at what is there and find something, the health board would respond positively. I think, to be frank, that the gap

between the parties is not that great. Sister Rita, who is the chief executive of the hospice, has already said that progress has been made prior to the suggestion being made that both parties should come together. I hoped, therefore, that I could sit quietly and hear that there had been a move towards that.

That is the crux of the matter. Someone has to measure in some way what happens between St Margaret of Scotland hospice and other establishments. Until that happens, there will always be a question. For my part, I think that there is a discrepancy. However, I believe that the health board does respond and has taken action when matters have been brought to it—indeed, I have been part of that process.

If, as I said, we can have new eyes looking at the matter to find out whether there are issues to be addressed, I think that the issue will be resolved. It is in the health board's interest that that happens, and it is just a matter of sitting down and looking at the situation to measure it before coming to a conclusion.

I hoped that the committee might have some information for me today in that regard.

The Convener: Unfortunately, this is not the forum for considering the issue that you have just raised. It is more of a specific issue. The petition has been on the table since 2007. We have heard about work in progress, but I think that that goes beyond work in progress. Somewhere down the line a resolution has to be found, but it appears to me, looking at the petition's original emphasis, that we have now come down to a specific issue that needs to be resolved between the health board and St Margaret of Scotland hospice.

There are two routes. First, we can continue to keep the petition open. As a constituency MSP, Mr Paterson, you know—as I do, as a constituency MSP myself—that, when there is a deadlock somewhere, the first thing that one must do is to facilitate a meeting between the relevant parties to see where the real problem is. You may want to take that up, and I encourage you to do so. The second thing is that, as Kenny MacAskill said, we should keep the petition open, and that will add additional pressure, as everyone will be aware that we are looking over their shoulders and that we expect a resolution.

I emphasise the fact that we should be doing something to progress the issue. The petition has been outstanding for eight years, and we have moved from the original issue to a single issue.

11:00

Gil Paterson: I appreciate the point that you make. However, after the previous meeting at

which the petition was discussed, the Public Petitions Committee wrote to the health board. The last thing that I want to do is interfere in the process. I hoped that, today, I would hear some feedback and that there would be some movement on the issue. I am more than happy to engage in the fashion that you have suggested, but I have to put my cards on the table and say that I would not engage in that process without the hospice asking me to do so. I think that, otherwise, I would be overstepping my authority.

The petition has been outstanding for some time. Some of the issues have certainly been cleared—there is no question but that we have made progress. The one stumbling block concerns the need to bring together both parties with an accountancy firm that both sides are comfortable with. After that, we will be at the endgame.

The Convener: Did you get a copy of the health board's response?

Gil Paterson: No, I have come here blind.

The Convener: We can certainly forward that to you.

Jackson Carlaw: I declare an interest, in that I have been involved in this issue for a number of years and support the hospice.

There is a question for the committee about whether the advances that are being made are facilitated by the petition being open, or whether we have reached a point at which the objectives of the petition have been secured and the detail of what is now under way is not materially affected by the petition being open or not. The petition cannot lie open for ever, but I believe that, at this stage, the committee is willing to respond to your guidance on the matter, Mr Paterson. Do you think that leaving the petition open is still productive? Your view would affect the judgment of most of us in coming to a conclusion.

Gil Paterson: I have always thought that the good work of the committee has been instrumental in keeping the momentum going. The hospice serves constituents of many of the members of the committee, whether they are religious or not—the hospice takes all comers, frankly.

I think that there is benefit in keeping the petition open. I listened carefully to what the convener said and I think that there is a danger that, if the petition is closed, the situation will seem to be a done deal, but I do not think that it is, at this stage. I am not one to overstate things, but I genuinely believe that we are close to the end of the process. If the situation is considered by an independent chartered accountancy firm, we will know exactly where we are. I believe that something good will be found in that way, and that the health board will respond positively, because

that is what it has done when things have been brought to its attention. Sister Rita is on record as saying that things have moved on, but there is just a little bit further to go. I ask that the committee keep the petition open.

The Convener: What action have you taken with regard to the issue, as the constituency MSP?

Gil Paterson: Well, I attend the meetings of the Public Petitions Committee at which the issue is discussed, and I also engage with the hospice all the time.

I estimate that I have had maybe 10 private meetings with the health board on this matter, but I have not had any meetings with the health board since the Government brought together the two parties and suggested that an independent company be brought in. I have not put anything in the papers and I do not use the issue for publicity reasons—it has been going on a long time and there has never been anything in the papers—or do it for myself. Since this is where we are at, I felt that it would be wrong for me to interfere in any way. It is not my purpose to interfere, unless I am specifically asked to do so by the hospice or health board.

I take the point that you make, convener, and I will ask the hospice whether it wants me to do that very thing. The solution is not Gil Paterson. The solution is both parties sitting down and reaching agreement. That is where we are: the agreement is that an accountancy firm would look at this and deliberate on it. If that happens, I do not think that I can come back here. We will get the answer that we are all seeking.

Hanzala Malik: My colleague Jackson Carlaw's line of questioning has been very helpful, as Gil Paterson's comments have been. I, too, am of the view that we want to keep the petition open. Another nudge would not go wrong in trying to get a response. We should encourage people to bring the issue to a speedy conclusion. The committee should write again to say that we are waiting for that to happen and that we would like some indication of when it might happen. That is important.

You are right to point out that this has been going on for a long time, convener. We need to bring the matter to an end and we need the Scottish Government to try to influence a speedy resolution.

The Convener: Are there any further questions?

John Wilson: I have a comment, rather than a question. The issue raised by Kenny MacAskill about the hospices forum is a good one. There is work still to be done there on the wider issues that the St Margaret of Scotland hospice raises.

Having sat on the committee the whole time that the petition has been under our consideration, and having visited the hospice, I think that there are issues that still need to be resolved.

I am glad that we have got to this stage, but Gil Paterson is right to say that we need to keep the petition open to keep the spotlight on the issue. If we close the petition, the issues that are being raised by the hospice might be lost because of a perceived lack of committee interest in the issue. Given that we have been dealing with the petition for eight years, it would be good to reach some conclusion.

Part of the conclusion that I seek is the agreement between the hospice and the health board, possibly along with the Scottish Government, to sit down and look at who the accountant would be. Clearly the hospice has raised issues about the appointment of Grant Thornton, but unless the hospice can come up with other suggestions, we need to go forward on that basis and reach a resolution soon.

As I said, I would be loth to close the petition at present. We should write to the Scottish Government, Greater Glasgow and Clyde NHS Board and the hospice to see whether we can encourage the two parties to sit down, with the Government acting as mediator, to get an appropriate accountant appointed to take forward the issues that have been raised and to reach a conclusion that satisfies everyone, particularly the petitioners.

The Convener: Do we agree to keep the petition open and take forward the action points that have been raised?

Members indicated agreement.

Judiciary (Register of Interests) (PE1458)

The Convener: The next petition is PE1458, by Peter Cherbi, on a register of interests for members of the Scottish judiciary. Members have a note by the clerk and the submissions. I invite contributions from members.

Kenny MacAskill: I think that it would be appropriate to hear from Gillian Thompson, the new Judicial Complaints Reviewer. She is a fresh pair of eyes and asking for her reflections in her new role may give us some insight.

The Convener: Does everybody agree with that? Are there any other comments?

Jackson Carlaw: I agree with Mr MacAskill. I understand that the Lord President is due to retire in due course, and we will wish him well. He will leave knowing that he has managed to protect all the vested interests that he has so assiduously sought to represent in the conduct of this petition.

As we will be hearing from Gillian Thompson, who is new to her position, it may even be that there will be more enlightened engagement with the Lord President's successor, so I am all for keeping the show on the road.

The Convener: As many people do, I recognise that the existing safeguards are robust, but are they sufficient? The problem is that the public cannot see that they are robust, even though that may well be the case. I think that inviting Gillian Thompson in to give evidence would be appropriate. Do members agree to take the action proposed?

Members indicated agreement.

Unmarried Fathers (Equal Rights) (PE1513)

Child Court Reform (PE1528)

The Convener: The next two petitions are to be considered together. They are PE1513, by Ron Park, on equal rights for unmarried fathers, and PE1528, by John Ronald, on child court reform. Members have a note by the clerk and the submissions. I invite contributions from members.

Jackson Carlaw: On this occasion, whatever sympathies we might have had initially for the petitions and the way in which they were raised, I think that it would be sensible for us to move to close them on the basis that there is very clear opposition to the principles that underpin them and there is no prospect of the legislative changes that are sought being enacted. With such a decisive position ahead as that, there is little further that the committee can do.

Hanzala Malik: I am of a slightly different mind. Petition PE1513 could have been put together somewhat differently. I am keen to ensure the rights of the child rather than those of the parents. I genuinely feel that a child should have the right to engage with both their parents. Therefore, if one parent decides that they are not going to allow access to the other parent, I think that that is wrong, because they would be denying the child their right to engage with that parent.

Although I do not want to make an issue of the petition, I genuinely feel that if a petition that was focused in a different way came in front of us, I would be persuaded to support it. I believe that the idea of equality is important, but the equal rights that I am concerned about are those of the child rather than those of the parent. It is important that every child should have an equal and fair opportunity to engage with both parents.

Kenny MacAskill: I agree with Jackson Carlaw. I think that we have come to the end of the road. It is quite clear that the Government is not prepared

to legislate, and I have to say that I have great sympathy with it on the issue. Equally, other organisations have made their views known. There are difficult cases, but the old adage that hard cases make bad law springs to mind when I listen to Hanzala Malik.

Tragedies happen and difficulties exist, but it seems to me that the matter is now down to a political battle. Once we come to a new parliamentary session, there may be another court reform or family law bill, but there are no plans or proposals before us for amendments to family law. The issue may recur post-2016, although I do not necessarily think that that is likely. At present, there is nothing that we can do. We have exhausted all channels, and we are at the end of the road.

The Convener: Does the committee agree to close both petitions?

Members *indicated agreement.*

Polypropylene Mesh Medical Devices (PE1517)

11:15

The Convener: The next petition is PE1517, by Elaine Holmes and Olive McIlroy, on behalf of the Scottish mesh survivors' hear our voice campaign, on mesh medical devices. Members have a note by the clerk and the submissions.

I welcome to the meeting Neil Findlay MSP, who has an interest in the petition, and I invite contributions from members.

Jackson Carlaw: This is an interim update on the petition, which we all regard as being of considerable importance. I know that the clerks have recommended a series of actions, which follow on from the direction that we have previously agreed. I am happy to accept the action points that have been identified. We are

"invited to note the revised timescale for publication of the Independent Review's report and agree that the evidence session with the Cabinet Secretary, Dr Wilkie and the European Commission be scheduled after the report has been published".

That recommendation is consistent with our previous view.

It is also recommended that the committee

"write to the European Commission's Scientific Committee on Emerging and Newly Identified Health Risks to make it aware of the Committee's interest and requesting an update on when"

its report on polypropylene transvaginal mesh devices will be published.

It is further proposed that

"as the Committee has not yet sought the views of the Royal College of Obstetricians & Gynaecologists or the British Society of"—

I am not even going to attempt to pronounce the next word—

"members may wish to consider seeking submissions from those organisations".

That seems perfectly sensible, too.

The committee is very much at the forefront in taking forward these issues. The extent to which public awareness is continuing to grow across Scotland and further afield is interesting. There is great interest in the committee's work to make progress on the matter. Throughout our consideration of the petition, we have been determined not to lose sight of the very considerable human consequences, to which we have borne witness, and I think that we should continue to follow that course of action.

Neil Findlay (Lothian) (Lab): I am merely here to observe proceedings. Jackson Carlaw is absolutely right that the eyes of the medical world are on the committee in relation to the petition and all that falls from it. I am very supportive of the proposals that have been put forward. As I say, many people are watching what is happening very closely.

Jackson Carlaw: I can now pronounce the name of the body in question: it is the British Society of Urogynaecology. My eyes were just not looking at the paperwork at the right moment.

John Wilson: I support Jackson Carlaw's suggestions on what actions the committee should take, but I want to strengthen them slightly.

I know that the Cabinet Secretary for Health, Wellbeing and Sport has written to the Commission to find out about the new timetable for the publication of the report. When the committee writes to the European Commission's scientific committee, we should stress the timetable issue, because we are keen to examine its report.

We should also refer the Commission to the evidence that we have heard. I have visited the European Commission as a member of other Scottish Parliament committees, and I know that it is interested in some of the Parliament's debates and that it is keen to hear about some of the evidence that we take so that it can add that knowledge to its own.

I am keen that the report takes on board the concerns, issues and problems that patients have identified. We have previously heard evidence from Adam Slater. It is incumbent on us to refer on some of the patients' evidence—that may be their articles or the website that has been developed—so that account is taken of their experiences. It

would be useful to add that information to our correspondence with the European Commission's scientific committee, so that it gets the whole picture of the debate that is taking place in our committee and in Scotland.

Neil Findlay: When Mr Slater gave his evidence, he agreed to forward us several pieces of documentation. I have not received those yet and I do not know whether they have been received by the committee clerks. If they have not, could we follow that up, because it is important?

The Convener: Okay, we will follow that up. I remember that being mentioned quite clearly. The interest in the petition is worldwide. What is interesting for me is that the number of mesh implants has reduced considerably since the issue was first raised here. I am very disappointed that the independent review has not been completed yet.

Taking on board the points that John Wilson and others have made, I suggest that we go forward with the action points and write to say how disappointed we are, given that there are women out there who are going through worrying times, and that any further delays in the independent review will not be helpful.

Do members agree to take forward the proposed action points?

Members indicated agreement.

Hanzala Malik: I have a point of information. The European and External Relations Committee also took evidence on the issue and there may be more information available from its clerks.

The Convener: We have agreed to take forward the action points. I thank Neil Findlay for attending the meeting.

Freedom of Information (Scotland) Act 2002 (Housing Associations) (PE1539)

The Convener: The next petition is PE1539, by Anne Booth, on making all housing associations subject to the Freedom of Information (Scotland) Act 2002. Members have a note by the clerk and the submissions.

As a firm believer in transparency and freedom of information, I am sympathetic to the aims of the petition. I note that the inclusion of registered social landlords within the scope of the legislation has been considered several times and has been broadly supported but never sanctioned. Therefore, I am keen to refer the petition to the Infrastructure and Capital Investment Committee. In doing so, we could draw attention to the willingness of the Scottish Information Commissioner to give evidence on the subject.

Angus MacDonald (Falkirk East) (SNP): I agree, convener. I would be loth to close the petition at this stage. There is merit in the petitioner's aims, and referring the petition to the Infrastructure and Capital Investment Committee is my preferred option.

The Convener: Do we all agree?

Members indicated agreement.

Dairy Farmers (Human Rights) (PE1542)

The Convener: The next petition is PE1542, by Evelyn Mundell, on behalf of Ben Mundell and Malcolm and Caroline Smith, on human rights for dairy farmers. Members have a note by the clerk and submissions. I welcome Jamie McGrigor and David Stewart to the meeting.

Jamie McGrigor (Highlands and Islands) (Con): Thank you, convener, for allowing me to make a short statement in support of my constituents in this long-running issue. I raised the issue of ring fencing in the recent dairy debate in Parliament, hoping that it might be dealt with by the cabinet secretary, but he did not mention it all in his closing speech. In that debate, other members correctly confirmed that producers in the area are caught in a monopoly position.

It is now five years since I first spoke to the Public Petitions Committee, and my view has not changed. It was unfair and disproportionate to expect constituents such as Mr and Mrs Mundell and other dairy farmers in Kintyre to forfeit their property and ruin their businesses in the name of supporting the wider community. Many of those businesses had been built up over generations—that is the nature of farming.

The Scottish Government should now accept that there is a human rights issue and that most of those whom it consulted would have no knowledge of human rights legislation. Individual dairy farmers themselves were not consulted. I believe that the petition should be continued and that further questions should be asked of the Scottish Government so that the genuine concerns of Mr and Mrs Mundell and others can be addressed.

I will read out a short statement from my constituents, who have travelled all the way to be here and are sitting in the public gallery. They say:

"We simply cannot understand why Government are not being asked to correct the factually incorrect statements they previously made to the PPC.

We believe, from the 12 Documents which we submitted to the PPC, that we have demonstrated that individual dairy farmers were not dealt with fairly regarding the Southern Isles Milk Quota Ring Fence. Consultations were not done correctly. Government knew for years that the milk price was below the cost of production.

This is a scandal on a par with the miss-selling of Payment Protection Insurance, except that for the individual victims concerned, the consequences were much more devastating.

It is now over 15 years since we first sought Justice and almost 6 years since we submitted the first Petition. This is completely the responsibility of the Scottish Parliament and we feel it is totally unfair to expect these widows and pensioners, as most affected now are, to take Government to Court to elicit Justice. If the PPC and Government cannot find a solution then we suggest there should be a Public Inquiry.”

David Stewart (Highlands and Islands) (Lab):

I thank the committee for allowing me to come to the meeting, along with Jamie McGrigor, to add a few points. I have been dealing with Mr and Mrs Mundell for three or four years and before that, my former colleague Peter Peacock was heavily involved with the case.

As Jamie McGrigor said, it is a complicated case and I know that members will have read all the background papers carefully. It is, of course, to do with the ring fencing of milk quotas, but there is a much wider issue here, too. The fundamental issue is about human rights and how people access human rights. SPICe has very helpfully provided me with a specific paper, which I have passed to Mr and Mrs Mundell, about the issues around legal aid and how people can access it.

I realise that, for someone to access their human rights under Scots law, they need to go through the various stages and levels of Scots law. I will not delay the committee by talking about the difficulties in getting legal aid, but I will make a couple of points. The family have been in touch with more than 50 lawyers, either in person or by phone. The vast majority of lawyers will not touch human rights cases. Those who do say that they would deal only with human rights cases of prisoners or those who have an immigration issue. To give just one example, one lawyer who agreed to take the case wanted £25,000 up front. There is a wider issue there.

As regards what action the committee could take, I know from my former role as the convener how important it is that petitions are moved on. The committee does not want to get a logjam of petitions, with a whole series of petitions that are there year after year.

As the committee would expect, I have a very specific suggestion. I suggest that the committee does a brief mini inquiry that looks at the circumstances of the former ring-fenced area—the ring fencing no longer exists, as milk quotas have ended—in the southern isles. The inquiry should look at the social and economic circumstances of the farmers in that area, because the case is not just about Mr and Mrs Mundell; it is about lots of other farmers who have found that their livelihood has, in effect, been killed off, as Jamie McGrigor

said. That is a breach of the European convention on human rights. A straightforward discrete inquiry into the effects on farmers in the southern isles area would be beneficial.

I know from previous experience about the fearless way in which the committee took on the judiciary over a register of interests and the great work that the committee has done on social issues in relation to child sexual exploitation. Holding an inquiry would be another piece in the armoury; it would be another excellent piece of work from the committee and it would be helpful.

The issue is not just about one family, much as the Mundells are in a terribly tragic position. There has been a major miscarriage of justice. What has happened is a tragedy, not just for Mr and Mrs Mundell but for scores of families who have had their livelihoods ruined because of what happened due to the ring fencing of milk quotas.

11:30

Angus MacDonald: That is a complete overreaction to the current situation from Mr Stewart. The salient point in this case is that the EU milk quota regime was abolished on 1 April this year, so it is unlikely that the Scottish Government would be willing to look at the matter retrospectively, particularly given its stance to date. However, the cabinet secretary has launched the Scottish dairy plan and acknowledged the challenges that face the islands and remote areas, including Kintyre.

The Scottish Government has advised that it does not accept the premise of the petition that the human rights of Mr and Mrs Mundell were breached. The Scottish Human Rights Commission has advised the committee that only a court could rule on the issue, and that should be taken on board. We should also take on board the fact that the petitioners have approached a number of lawyers to date.

I know that the petitioners feel passionately that they have been let down. In particular, they are disappointed that they were not consulted as part of the independent review of the ring-fence provisions in 2011. It might be worth highlighting their disappointment to the Scottish Government. In doing so, given what I have already stated, I would be minded to close the petition, as the Scottish Government does not accept the charge that the petitioners' rights were breached. However, we should place on record and acknowledge the petitioners' clear frustration in the past few years.

There is another option if that suggestion is not acceptable to the committee. Given that the Rural Affairs, Climate Change and Environment Committee is actively monitoring the current dairy

crisis, it may be possible to refer the petition to it. However, I think that a mini inquiry by the Public Petitions Committee would not address the fundamental issues that the petitioners seek to address.

Hanzala Malik: It is always an awful shame when citizens have to fight against the brick wall of the Government to get justice. It is even worse when we have put our citizens in a position in which they cannot stand up to our Government financially. The Government exists to serve the people fairly.

I know that the issue has gone on for a period of time, and I think that there is a case to be answered. Just because the petitioners are not financially able to get justice, that does not mean that they should be denied it. That is an awful sin.

If we carried out a mini inquiry, that might be helpful to both parties. I do not want to pass the buck. We need to ensure that we do our best for citizens when they come to us for help. It is clear that the petitioners came to us for help, and we need to go the extra mile, if need be, to ensure that they get as close to justice as possible. I genuinely believe that we should do more for the particular family and others who have suffered in those circumstances.

Kenny MacAskill: We have listened to Mr Mundell and we appreciate the difficulties that are involved, but I agree with Angus MacDonald. I would be deeply concerned about our conducting a mini inquiry.

It appears to me that the issue is deeply complex. From what has been said by Jamie McGrigor and David Stewart, who have made their points, we understand the complexities that arise, the difficulty even in getting lawyers to understand the matter and the view that the Scottish Human Rights Commission has taken in passing the issue elsewhere. It would be extremely difficult for us to write up terms of reference for a mini inquiry, and the complexity of the matter would make such an inquiry challenging. I have a background in law, but I would be very challenged by that, never mind the fact that I have little, if any, knowledge of rural affairs, agriculture and the specific issues relating to milk.

The challenges for the committee in carrying out an inquiry would be significant. Although I have the greatest sympathy for people who have clearly suffered, it is for others to pursue the matter through other channels. As with other petitions, we have come to the end of the road.

Jackson Carlaw: It strikes me that Mr MacDonald is asking us to hang Mr and Mrs Mundell and all the others who have similarly suffered out to dry. It appears that their recourse is the law, but we understand that human rights

lawyers are not interested in pursuing the matter and that anybody else who, it has been identified, might entertain the idea would not do so at a cost that anybody would judge reasonable.

Yes, the issues are complex, but I cannot believe that they are any more complex than those in the inquiry that we held into child sexual exploitation, which seemed to be as complex as any. I do not know whether Mr MacAskill is right. He may well be right, but I am reluctant not to allow the Parliament at least to demonstrate its ability to be fearless in the pursuit of the matter. It is convenient for the Scottish Government to use its opinion of its own conduct as a reason why the petition should be closed, and a committee of the Scottish Parliament should not surrender any further investigation of the matter simply in the face of that opinion. Therefore, I would be interested in seeking to establish whether Mr Stewart's proposal is feasible. If it is, the Parliament should be prepared to act in the matter and consider it further.

John Wilson: Mr Stewart is well versed in the workings of the committee, being its former convener. The difficulty that I have with his suggestion that the committee conduct a mini inquiry is the definition of what that inquiry would cover. When we took on the inquiry into child sexual exploitation, we pursued it over a period of time and went into the matter in some detail.

Angus MacDonald's first suggestion was that the petition could not go any further and that we should close it. He then suggested that, as per the recommendations in the committee papers, we could refer it to the Rural Affairs, Climate Change and Environment Committee. I do not want to close the petition. I would be keen to refer it to the Rural Affairs, Climate Change and Environment Committee for that committee to deal with the issue, because it is dealing with dairy quota issues and recently had a debate on the matter in the chamber. The petition is part of the wider debate and must be seen in that context.

Given that the Rural Affairs, Climate Change and Environment Committee is already carrying out that work, it would be appropriate for us to refer the petition to it for consideration as part of its wider investigation into milk quotas. I hope that, in that way, that committee will be able to take on the wider issues that we would have covered in an inquiry and address them using the knowledge and experience that it has of rural affairs.

David Torrance: I am happy to support John Wilson's and Angus MacDonald's recommendation that the petition be referred to the Rural Affairs, Climate Change and Environment Committee.

The Convener: Initially, I thought that we could invite the minister back. The remit for a mini inquiry would lie more with the Rural Affairs, Climate Change and Environment Committee, so I support the petition being referred to that committee for its consideration.

Do members want to raise any other points? Are we happy with the action that has been proposed?

Jackson Carlaw: I understand that the Rural Affairs, Climate Change and Environment Committee is undertaking no such investigation at the moment. The paper simply says that we “may wish to refer the petition to”

that committee

“to consider in the context of any future work it”

may undertake

“on the dairy industry.”

That does not advance the petition or address the petitioner’s difficulties in any way at all. If that is the recommendation, I oppose it formally, although that is unusual for me.

The Convener: Before we move to a decision for or against the recommendation, I would like to clarify whether, if we referred the petition to the Rural Affairs, Climate Change and Environment Committee, we could add to that referral that there has been a call for a mini inquiry into the issue. Would that make any difference?

Hanzala Malik: Convener, it would make a difference for me if you were assuring me that either we or that committee would carry out an inquiry. However, if you were not in a position to do that, it would not make any difference to me. Citizens come to us for support and help, and we must find a way of providing that if we can. We cannot allow the Government to ride roughshod over citizens who cannot afford to stand up to it—we just cannot do that. We live in a democracy, for God’s sake, and we are supposed to look after our people. We should not shy away from that.

The Convener: I do not think that I am in a position to give any such assurance.

John Wilson: Jackson Carlaw has commented on the uncertainty over whether the Rural Affairs, Climate Change and Environment Committee is going to conduct any further work on the dairy quotas issue. If we refer the petition, it goes out of our hands and over to that committee. I suggest—I am not sure how this suggestion will be taken—that, rather than do that, we ask the clerks to speak to the Rural Affairs, Climate Change and Environment Committee clerks to find out whether there is anything in the work programme of that committee that could cover the petition being raised. If there is not, we can reconsider how we, as a committee, can take the petition forward.

Kenny MacAskill: I take John Wilson’s point and would be comfortable with an approach being made to that committee, either through the clerks or directly, without our formally referring the petition. Equally, if the Rural Affairs, Climate Change and Environment Committee were not inclined to consider a mini inquiry, I would want to know why. That committee is better placed to do so and is more expert than we are. It might be that, instead of taking a decision to close the petition or to refer it formally, we could informally or “formally informally” inquire whether the members of that committee are prepared to carry out a mini inquiry, what their views are and, if they do not wish to carry out an inquiry, why not. I might then be in a better position to judge where I feel competent and capable enough to go.

The Convener: Can we agree that I will write formally to the convener of the Rural Affairs, Climate Change and Environment Committee with the points that have been raised on the issue? We will see what the response is and can move on from there.

David Stewart: I put on record my thanks to the committee for listening to Jamie McGrigor and me and for the understanding that the committee members have shown on the issue.

The Convener: Thank you. Are we agreed on the action that has been proposed?

Members indicated agreement.

Cancer Treatment (PE1552)

The Convener: The final continued petition is PE1552, by Peter Campbell, on the choice of treatment for cancer patients. Members have a note by the clerk and the submissions. I invite comments from members.

Kenny MacAskill: I do not think that we can take the petition any further. We have highlighted the case. It might be that we can provide some signposting for the petitioner. It seems to me, however, that this is really quite a complex position. The petitioner takes a view that is not orthodox, if I can put it that way. That is not necessarily a bad thing but, given the bureaucracy that we need for medical treatment, there is little that we can do beyond providing information on how he might be able to take matters further.

The Convener: Are we agreed to close the petition?

Members indicated agreement.

The Convener: The committee will now go into private session for item 4 on today’s agenda.

11:44

Meeting continued in private until 12:03.

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