

PROCEDURES COMMITTEE

Tuesday 11 December 2001
(*Morning*)

Session 1

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PROCEDURES COMMITTEE

13th Meeting 2001, Session 1

CONVENER

*Mr Murray Tosh (South of Scotland) (Con)

DEPUTY CONVENER

*Mr Kenneth Macintosh (Eastwood) (Lab)

COMMITTEE MEMBERS

*Susan Deacon (Edinburgh East and Musselburgh) (Lab)

*Donald Gorrie (Central Scotland) (LD)

*Fiona Hyslop (Lothians) (SNP)

*Mr Frank McAveety (Glasgow Shettleston) (Lab)

*Mr Gil Paterson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Steve Farrell (Scottish Parliament Directorate of Clerking and Reporting)

Andrew Mylne (Scottish Parliament Directorate of Clerking and Reporting)

WITNESSES

Allan Berry

Duncan Hope (Blairingone and Saline Action Group)

Councillor Charles Kennedy (East Dunbartonshire Council)

Agnes MacKenzie (Concern for Justice)

John McAllion MSP (Convener, Public Petitions Committee)

Mr John MacPherson (Killin Community Council)

Allana Parker (Epilepsy Action Scotland)

William Watson (Haddington and District Community Council)

CLERK TO THE COMMITTEE

John Patterson

SENIOR ASSISTANT CLERK

Mark MacPherson

LOCATION

Committee Room 2

Scottish Parliament Procedures Committee

Tuesday 11 December 2001

(Morning)

[THE CONVENER *opened the meeting at 09:33*]

The Convener (Mr Murray Tosh): Good morning everyone and welcome to the 13th meeting in 2001 of the Procedures Committee. The committee's work today is the continuation of its inquiry into the application of the principles of the consultative steering group.

Interests

The Convener: Before we move to our inquiry, we must welcome a new member to our committee. We are joined for the first time by Susan Deacon MSP, whom I invite to declare any relevant interests.

Susan Deacon (Edinburgh East and Musselburgh) (Lab): Thank you for the welcome, convener. I look forward to serving on the Procedures Committee. To the best of my knowledge, I have no relevant interests to declare.

The Convener: That is a great disappointment to us all.

Consultative Steering Group Principles Inquiry

The Convener: I welcome back John McAllion MSP and Steve Farrell, the clerk to the Public Petitions Committee. They have agreed to spend the morning with us and participate in the discussion. I also welcome a series of individuals who have submitted petitions to the Parliament: Agnes MacKenzie, Allana Parker, Duncan Hope, Allan Berry and Councillor Charles Kennedy. We were also to have been joined by Stuart Crawford and Averil Watson, but for various reasons they are unable to attend.

I have received apologies from Ken Macintosh, who hopes to join us later. One or two members have clashes of committee meetings this morning and may come and go. I ask members to bear it in mind that we need three members for a quorum. We are comfortably within that at the moment, because four members are here—sorry, I mean five. My arithmetic is better than that of Alex Johnstone.

Mr Frank McAveety (Glasgow Shettleston) (Lab): That would not be difficult, convener.

The Convener: I hope that the official report did not catch that comment.

We begin with John McAllion, who has provided us with a further statement in response to some of the questions that we put to him after the previous meeting.

John, I am happy to give you whatever time you consider necessary to convey those further points to us. We will ask questions afterwards.

Mr John McAllion (Dundee East) (Lab): Thank you for allowing the Public Petitions Committee to make a second submission to your inquiry on the consultative steering group principles. As the convener said, the Public Petitions Committee provided a written submission that addressed many of the issues that arose at our previous evidence session on 2 October. Therefore, I intend to make my introduction fairly brief, which will give us the maximum time for questions and discussion and for hearing the views of petitioners and any points that they might wish to raise in this forum.

The first section of our latest submission expands on our visit to Berlin and provides details of how petitions are handled by the Bundestag and the German Land Parliaments. The most striking impression that was left with the Public Petitions Committee delegation following its visit was the importance that the Bundestag attaches to petitions—clearly, it regards direct and genuine participation by the public in the parliamentary process as one of its priorities. Indeed, the right to

petition is enshrined in basic German law.

The Bundestag's Petitions Committee, which has existed for more than 50 years, deals with in excess of 20,000 petitions a year, has 29 members and is supported by more than 80 staff. It is a powerful committee, which conducts investigations and inquiries into petitions and produces recommendations on how the issues that are raised in the petitions should be dealt with. The committee does not refer any petitions to subject committees, although it involves those committees in its inquiries and takes their views into account when handling petitions.

The petitions committees of the Bundestag and the Land Parliaments have a similar objective—to ensure that petitioners' concerns are fully addressed and that a full response is provided to the concerns that have been raised. Importantly, the German people appear to view the petitions committee as one that gets things done and to consider the petitions system in Germany to be effective and worth while.

It concerns me, and the other members of the Public Petitions Committee, that the feedback from petitioners that has been received by the Procedures Committee flags up the view that, although the principle behind the petitions system in the Scottish Parliament is good, that system—unlike the German system—might not be delivering in giving adequate consideration to many of the petitions that are submitted to the Public Petitions Committee. However, many success stories have arisen from petitions that have been submitted, including full-blown committee reports, debates in Parliament and changes to legislation.

I understand why petitioners might take a somewhat negative view of the system and I appreciate the difficulties that are faced by colleagues in subject committees in allocating time in their increasingly heavy work programmes to dealing with petitions. However, if the petitions system is to be seen as a genuine opportunity for the public to participate in the work of the Parliament, the Parliament must do all that it can to address the petitioners' concerns.

In the submission, I suggested that, to allow the Parliament to deal more effectively with petitions, the Public Petitions Committee would welcome the opportunity to take on more of the detailed consideration of petitions and to conduct inquiries. However, a change in remit would be required if the Public Petitions Committee were to do such work.

The Public Petitions Committee, in suggesting an amendment to its remit, has no desire to interfere with the powers of the subject committees. Indeed, the committee suggested

that, in practice, subject committees would continue to have first option on petitions, which would allow them to pick up those petitions that raised major issues or issues that related to their current work. The Public Petitions Committee would then be able to pick up on those petitions that had merit, but that subject committees could not fit into their work programmes. We would also involve the subject committees very closely in any inquiry to ensure that their views were taken into account, thus minimising the potential for conflict between the Public Petitions Committee and the subject committees.

It is our view that such an approach would ensure that petitions were given full consideration where that is justified. That is important, because it would allow Parliament to deal more easily with any increase in the number of petitions submitted that occurred as a result of promotion of the petitions system. We have not done such promotion to date, for fear of flooding the system with petitions that we are unable to deal with.

I know that the Procedures Committee has canvassed the views of the subject committees on the matter and it will be interesting to find out what those views are.

If the remit of the Public Petitions Committee were to be extended, the staff resources that are available to the committee would clearly have to be reviewed. The paper provides details of the current clerking resources; as members will see, those resources amount to a full-time equivalent of 1.4 staff members.

A criticism of the system is that the Public Petitions Committee loses control of petitions once they have been passed to subject committees. That is indeed the case. When we refer a petition to a subject committee, that committee takes on full responsibility for its further consideration and for responding to the petitioner. The Public Petitions Committee, however, monitors the status of petitions that are going through the system until parliamentary consideration is concluded. We question any lengthy period of inactivity in the consideration of petitions. A copy of our monitoring paper is attached to our submission.

It has been suggested that a revised system, whereby the Public Petitions Committee would retain ownership of petitions and be responsible for the final reply, perhaps with subject committees reporting back to the Public Petitions Committee, would be sensible and would complete the loop. Such a system would help us to satisfy ourselves that petitioners' concerns have been addressed adequately, but I am not sure that the subject committees would be equally convinced of the merits of such an approach.

When I last gave evidence to the Procedures

Committee, I was asked to expand on my view that few people knew about the Parliament's public petitions system. As I said in the submission, my previous statement was perhaps taken out of context. As members, we try to promote the work of the committee at every opportunity. We also provide guidance, which is available on the Parliament's website and distributed via the partner library network and citizens advice bureaux. We intend to improve the content of our web page and to widen the circulation of our guidance in the near future.

We have not yet engaged in any large-scale publicity campaign to increase public awareness of the petitions system. That is partly because we suspect that such a campaign would result in a significant increase in the number of petitions being submitted. It is our view that the Parliament would find it difficult to cope with such an increase under the present arrangements. We must balance publicity against what we can reasonably handle in terms of the additional work load that more publicity might generate.

The Public Petitions Committee's submission also addresses a range of other issues on which further information was requested. Those include the committee's decision not to become involved in the decisions of other public bodies; the debating of petitions by the Parliament; the handling of inadmissible petitions; electronic petitions and equal opportunities issues. I do not propose to say anything further about those issues now, as I am keen to allow as much time as possible for discussion.

To sum up, the petitions system is acknowledged to be one of the Parliament's success stories, but we must work to address any deficiencies that may exist to ensure that the system operates effectively and is developed and improved as necessary. It is important that the public have confidence in the system and view it as a genuine opportunity to participate in the parliamentary process.

Potential petitioners will be put off by what they perceive as weaknesses in the process, or if they think that their petitions are not being treated seriously or that the committees are giving them low priority. Our principal aim should be to do all that we can to ensure that the concerns of the Scottish people are heard in the Parliament and that those concerns will be given appropriate consideration where they have merit. That is, after all, what the consultative steering group envisaged. If that means that the Public Petitions Committee should take on a greater role in the detailed consideration of petitions, we would be pleased to do so.

We have a clear opportunity to send a message to the Scottish people that public participation via

the petitions system is of fundamental importance to the Parliament and that we will do what we can to ensure the effectiveness of the system. The view of the Public Petitions Committee is that we should take that opportunity.

The Convener: Thank you, John. The committee has been given a paper from the Public Petitions Committee, which covers many of those points. The other witnesses are indicating that they have seen that paper. I will invite members to ask various questions arising from that paper.

I start with an area that might be of some difficulty. I have not yet received all the replies that I expect to my letter about the points that arose from the previous meeting, even though we gave a deadline of 19 November. One committee convener who wrote to me expressed quite strongly the view that committees should retain ownership of petitions that fall within their remits. Some reluctance was felt about the Public Petitions Committee undertaking an inquiry of its own. Do you have any reaction to that?

09:45

Mr McAllion: I appreciate that any subject committee would be concerned if any other parliamentary committee tried to interfere in matters that fell within its remit. However, if we are to take petitions seriously—as we should—a problem exists in subject committees, as many have heavy work loads. I am a member of the Health and Community Care Committee, through which major bills are—and will be, in the months and years ahead—working their way. The committee has only a small amount of time to deal with and investigate seriously many petitions from the Public Petitions Committee. It does not have enough time.

A problem exists. The Parliament must make up its mind whether having only a Public Petitions Committee is sufficient, or whether we should have a petitions system to which all committees are committed and which allows them to allocate sufficient time to give petitions serious consideration. The subject committees' work load is enormously heavy, and it is only natural that they will give less and less time to petitions. That means that petitioners will suffer.

The Convener: You referred to closing the loop and several procedural matters that would allow the better handling of petitions in the future. How would those proposals be developed? Does the Public Petitions Committee wish to raise them with subject committees, or would they be dealt with best by recommendations that arose from this committee's work?

Mr McAllion: The Procedures Committee is the best forum for the Parliament to address the

problems in the system.

The Convener: Thank you.

Mr McAllion: This committee can hear evidence not only from the Public Petitions Committee, but from subject committees and petitioners. It can reach conclusions about that. We have received several visits from provincial legislators from South Africa. Almost all the new democracies are establishing public petitions systems. Almost all have a petitions act that sets out the powers of petitioners, the right to petition, the powers of the petitions committee and its relationship to subject committees. The Scottish Parliament does not yet have anything remotely like that. We are very new and young. We should consider other systems, such as that in Germany, to find ways of strengthening our system.

Just two weeks ago, I attended a meeting of the Scottish Civic Forum. The new temper of people in Scotland is to be determined that the days when representative democracy was enough are over. People want to participate in the political and legislative process. A key method by which they can do that is a public petitions system, but only if the entire Parliament, and not just one committee, treats the public petitions system with the utmost seriousness.

Mr Gil Paterson (Central Scotland) (SNP): Many people consider the Public Petitions Committee a gateway to the Parliament for ordinary people in Scotland. I am interested in paragraph 5 of your submission, which talks about the Bundestag and the Länder. Discussion of them trails on to paragraph 8. Have we taken on board Germany's experience? Will you expand on your information about that? Germany seems to take an entirely different approach from ours. Are we reinventing the wheel? Should we consider other models that seem to work extremely well?

Mr McAllion: The German experience is different. It is much longer. The Bundestag's Petitions Committee has existed for 50 years and that has been built on. The citizen's right to petition and to have a petition dealt with seriously are enshrined in law there.

Our Public Petitions Committee always meets in public—I think that we are the only committee to have met in public for every meeting since the Parliament was established, and we have never had a closed session—and deals only with public issues. Unlike our committee system, the German system involves a mixture of a public petitions committee and an ombudsman service. People take individual problems to that committee, which is why the German system receives more than 20,000 petitions a year.

The German Petitions Committee mostly meets in private to deal with people's problems, but it

deals with them. That is the lesson that we must take from Germany. Giving people the right to petition Parliament is one thing; acting on a petition is something completely different. In Germany, that is done successfully, which is why the public petitions system is popular. That is a lesson that we must learn in Scotland. We are still young; we are just learning how to do this.

Mr Paterson: You said that some petitioners see no progress after the petition leaves your ownership. We should examine closely the idea of the Public Petitions Committee taking ownership of petitions in tandem with subject committees, to ensure the progression of petitions. We should also examine the idea of the Public Petitions Committee, rather than subject committees, overseeing the process, because it is clear that as time goes on, and the Government's programme kicks in, there might be even less time for committees to deal with petitions. That may result in more and more petitioners taking the view that petitions go as far as the Public Petitions Committee but nothing happens after that.

Mr McAllion: In particular, if we reduce the number of MSPs in this Parliament there will be a problem.

Mr Paterson: There is always that danger.

Mr McAllion: It would be a problem for petitioners to access committees. The convener hit on the problem, which is that subject committees will resist any increase in the right of the Public Petitions Committee to take ownership of petitions. Rightly, the subject committees will say that if a petition is about health it should be the Health and Community Care Committee's petition, or if it is about education it should be the Education, Culture and Sport Committee's petition, and that it is for those committees, not the Public Petitions Committee, to decide on petitions.

We could do with a process that would allow us to hold subject committees to account for the way in which they handle petitions. For example, we have received nearly 20 petitions on the third-party right of appeal, all of which have gone to the Transport and the Environment Committee, but that committee is not making a great deal of progress. There is not a lot that we can do about that, other than continually to write to the Transport and the Environment Committee asking what it is doing about the petitions and whether it is pressurising the Executive. We have no powers to make the committee do anything, and I do not know whether we should have that power.

Fiona Hyslop (Lothians) (SNP): You made an important point about the move from representative democracy to participative democracy. Evidence from witnesses suggests that accessing the power is easy, but sharing the

power is difficult. Do you agree that there is a danger that the petitions system is being viewed as an advanced lobbying system as opposed to a system that achieves change?

I am interested in the public petitions acts of other legislatures. Do individual members of the Public Petitions Committee track individual petitions as they are sent to committees and report on their progress? Subject committees often make recommendations on what should be done, but many of those recommendations are for the Executive to do X, Y or Z. What powers do the committees have to ensure that their recommendations are acted upon? Do you envisage a public petitions act giving committees some power over the Executive, to ensure that there is an end result to the petitions process, as opposed to the process being used as an advanced lobbying system?

Mr McAllion: First, there is a danger that, if the public is given access to the petitions system and the system fails to deliver fairly on what the petitioners are seeking, the system will be discredited. Eventually, people will lose faith in the system. It will be seen as just a front without any real power and it will wither away, which would be unfortunate, because participation in democracy is the big idea for the 21st century. People want to be involved. Just having somebody in Parliament to represent them is not good enough; they want to have a say in what happens.

Secondly, we do not have a system whereby individual members of the Public Petitions Committee track individual petitions. We have a system whereby a paper is provided at every Public Petitions Committee meeting, which details the progress that has been made on each petition so that we can monitor the system.

Thirdly, we have not seen how petitions acts work in other legislatures, but members of the delegation from the Mpumalanga Provincial Legislature in South Africa were surprised to discover that we do not have a petitions act, because all the powers of the Select Committee on Petitions and Private Members Legislative Proposals and the way in which that committee can act are defined in the Mpumalanga Petitions Act 2000. It is up to the Scottish Parliament to decide whether it wants to pass a petitions act and, if it wants to do so, what powers it should give to the petitions system.

Should it be possible for the Public Petitions Committee, or any committee, to force votes in the Parliament? I suspect that, because the Executive has a majority in the Parliament, it would get its own way anyway. It would defeat anything. That is what usually happens, but that is politics and there is not a great deal that can be done about that. We could give increased powers to committees to

ensure that the Parliament was forced to have a vote.

The Convener: On a related point, paragraph 29 of your submission states that you asked the subject committees to let you have a look at their responses to petitioners before they are sent out. The submission says that

"the majority of subject committees do not do this."

After the letters have gone out, is it standard practice for the subject committees to advise you of the responses that they have made?

Mr McAllion: Yes, generally, but some subject committees still do not tell us what has happened.

The Convener: Have you complained about that?

Mr McAllion: Unofficially. No official complaint has been made about it.

The Convener: That loophole ought to be closed.

Steve Farrell (Scottish Parliament Directorate of Clerking and Reporting): I will clarify that point. We tend to get the final decision letters for our files. There tends to be little difficulty with that. The difficulty is that, initially, we thought it would be a good idea if John McAllion were to see the response before it was issued to petitioners, so that he could flag up potential difficulties or the fact that the petitioners' concerns had not been addressed adequately. Some committees do that as a courtesy, but others resist it quite strongly. That is the clear distinction to make.

The Convener: Some committees resist it strongly?

Steve Farrell: They do not do it. They resisted the proposal strongly in the conveners liaison group and they have not adopted the practice. It is not an on-going debate; they just do not do it. Some committees are happy to let us see the letter before it is issued, but they are in a minority.

The Convener: Perhaps we should examine that matter.

Mr McAveety: It would be helpful to flag up that issue formally, because that would allow further discussion to take place.

Do you have the capacity, as convener of the Public Petitions Committee, to make a presentation to the conveners liaison group?

Mr McAllion: Yes.

Mr McAveety: Has that option been taken up?

Mr McAllion: Not so far. I am a member of the conveners liaison group and could put an issue on the agenda. The focus has been on the CSG inquiry, which has been seen as the way forward.

Mr McAveety: A discussion to clarify the relationship between the Public Petitions Committee and the subject committees would be useful. I can understand that resistance might emerge, but we should find a process for dealing with that.

What feedback process do you engage in to hear how those who have submitted petitions evaluate their experience? Such a process would inform your contributions today.

Mr McAllion: The only way in which we get feedback is if the petitioner comes back to the Public Petitions Committee. They can write to us about their disappointment. A problem is that, once the petition leaves us, it is no longer ours. The petitioners then deal with the subject committee; they no longer deal with us.

Mr McAveety: Has anyone written to you to express contentment and happiness about how their petition has been dealt with?

Mr McAllion: Surprisingly, yes.

We receive a mixture of letters. The content depends on the outcome for the petitioner. Some petitioners are disappointed and therefore make their great disappointment known. Others say that they are pleased with the way that the system works. They say that it has worked for them and that it is a big success.

Mr McAveety: Might joint reporters be a way in which the Public Petitions Committee could take the sting out of the subject committees' understandable nervousness about transferring back an issue? A member of the subject committee could be identified to work with a member of the Public Petitions Committee. A clear and coherent framework would have to be produced. Perhaps agreement might be required between the two reporters about the next stage and whether the petition should go forward.

Mr McAllion: There is tremendous potential. Most subject committees will appoint a reporter to consider a petition. A lot of useful work could be done between the Public Petitions Committee and the subject committee if somebody from the Public Petitions Committee were made a joint reporter on the petition. That member could feed back to the Public Petitions Committee about what was happening at the subject committee level. That would help us in our work.

Donald Gorrie (Central Scotland) (LD): If we want to take petitions more seriously—which I am sure everyone here wishes to do—there would seem to be various options, all of which have problems. The Public Petitions Committee could do more with petitions, but it would need more staff. The subject committees could do more with them, but those committees are all overloaded

with existing business and some would perhaps give that business higher priority than they would petitions.

10:00

The idea of debating petitions in the Parliament in the time that is allotted to members' business after 5 o'clock would—as Mr McAllion points out—not be popular, because members would lose opportunities for introducing debates. It would then be a question of finding chances to debate petitions before 5 o'clock. I think that that is worth considering.

Co-operative arrangements between the Public Petitions Committee and the subject committees seem to offer the way forward. Somebody must supply some energy, but that will not come from the subject committee; I think that it must come from the Public Petitions Committee. The subject committee would supply knowledge on the matter of the petition, however. If we can harness the knowledge and the energy, we might get somewhere. I want to know whether Mr McAllion has a clear idea about how that could be developed, and about how debates during parliamentary time on issues that are raised in petitions could be developed. There is quite a lot of dissatisfaction about the use of the Parliament's time before 5 o'clock. Perhaps Mr McAllion could put his tuppence worth in about that.

Mr McAllion: At the moment, a petition can force a debate in the Parliament through its being referred to a subject committee; the subject committee can carry out an inquiry and publish a report, which is then debated. That has happened on a number of occasions. The Public Petitions Committee could make a claim for committee time in the Parliament for such a debate, but the debate would have to be on one petition. As things stand, we would have the problem of trying to force such a debate before we had referred the matter to a subject committee.

There are flaws in the system that mean that we cannot debate a petition as we might want. Petitions are at the mercy of the subject committees; if they decide not to hold an inquiry based on a petition and not to force a debate, it does not happen. That is how the present system works. We do not have the power to debate petitions. I could, on behalf of the Public Petitions Committee, lodge a motion for debate, but it would then be up to the Parliamentary Bureau whether to select that motion for debate. The bureau does not have to do so; that is another weakness in the system.

Donald Gorrie: Do you think that there is a nice way in which you could twist the committees' arms in a comradely, co-operative spirit, rather than in a

nasty one. Somebody must gee them up a bit.

Mr McAllion: If that were to be done in a comradely fashion—it is nice to hear Liberal Democrats using such words—it would have to be through the conveners liaison group. As Frank McAveety suggested, we could perhaps raise issues through that group, although CLG meetings tend to last for just under an hour and to have very full agendas. It is difficult to have genuine debates about such issues in that group. The CLG is the only vehicle through which agreement could be reached in a friendly, unofficial manner. That would depend entirely, however, on the reaction of the conveners of the subject committees; not all of them are in favour of giving up anything to the Public Petitions Committee.

Mr McAveety: If the folk who have submitted petitions have different views on this, I would be happy to hear them, because that would clarify things. However, it strikes me that the benefit of petitions comes about largely because folk feel that they are able to articulate their perspectives on issues for which the opportunity to attract publicity or to express views has perhaps been denied them for a long time. Many of the issues that come before the Public Petitions Committee are intractable and, sometimes, hard to resolve, because they can relate to various agencies. They are about shining a light on agencies or on the work of the Parliament and decision makers.

Is there the space for parliamentary debates on petitions, bearing in mind the four or five that we have had in the Parliament because the bureau approved them? Perhaps there could be room for a public petitions debate once a month. The subject could be balloted for; it might be like a private member's bill debate at the Westminster Parliament. If that happened, there would be time once a month to air in the Parliament an issue that has been aired at the Public Petitions Committee. Is that an impossible suggestion?

Mr McAllion: Not for me. I would welcome such debates, but I do not know whether the Parliamentary Bureau would welcome that suggestion, because it decides what debates are held in the chamber.

Mr McAveety: It might take a while to convince members to have such debates; we are all in our subject committee bunkers. However, it might be helpful if certain issues were raised above that level and a debate was held in the chamber about how to express the will of the public.

Mr McAllion: It would be a useful additional tool for the Public Petitions Committee if we could allocate certain petitions every month for debate in the chamber.

The Convener: Is there anything in the dialogue that takes place between the petitioner and the

clerk to suggest that an issue could be ventilated if one of the eight members of the Public Petitions Committee were approached and asked to sponsor a motion for a debate? In members' business debates, we have discussed issues similar to the ones that are dealt with in petitions. Are members aware that that is an option?

Mr McAllion: Yes. Often, when we are discussing what to do with a petition, the point will be made that any member can lodge a motion for a debate on the subject. I think that, at the next meeting of the Public Petitions Committee, we will deal with a petition to stop the war in Afghanistan—which, of course, might well have stopped by then.

The Convener: That will be a success for the Parliament, John.

Mr McAllion: I do not think that I will claim responsibility for the success of that petition. The subject of that petition, however, is an example of an issue about which a member could lodge a motion for debate. As ever, of course, the Parliamentary Bureau decides which motions are chosen for debate, so we are at the mercy of its members.

Mr Kenneth Macintosh (Eastwood) (Lab): If there was a regular slot for petitions in the chamber, as Frank McAveety suggested, how would the Public Petitions Committee decide which petitions would be dealt with in that slot? Would you vote or would you decide which issues were priorities?

Mr McAllion: It is a brand new idea that no one has discussed so far.

Mr Macintosh: I know that it is a bit unfair to ask you at the moment.

Mr McAllion: I imagine that the petitions that would be debated each month would be chosen by the members of the Public Petitions Committee as a matter of judgment.

Mr Macintosh: Can you think of examples of petitions that you would have liked to debate in the chamber but which, after being sent to subject committees, were not debated?

Mr McAllion: There have, as I said, been a number of petitions about the third-party right of appeal in planning decisions. That is an issue that affects communities throughout Scotland—and on which petitions from many areas and constituencies have been received—but which is not being acted upon. It would be useful to have a debate on that subject in the chamber, to which the Executive would be forced to respond in public.

Susan Deacon: In your presentation, you rightly emphasised the danger of people feeling that the

petitions system has not delivered for them what they expected it to deliver. How can that gap between expectation and reality be closed? That theme runs through a number of the submissions from petitioners: they do not think that the system has failed, but it has not done what they expected it to do.

One of the petitioners said in his submission that the petition became "lost" for a considerable period of time and that he had to

"spend some time and effort asking what had happened to it and what the outcome was."

He also says that he is

"still not quite sure what the final decision was. Sadly, this is an experience I share with other petitioners in my ken."

Do you think that more could be done in various stages of the process simply to communicate to the petitioners what is happening to their petition at that time? I appreciate that there are administrative issues and resource problems relating to that, but it is a simple area that could be improved and would avoid people feeling that their petition was being lost in the system.

Mr McAllion: Yes, that is right. It is a resource issue. The Public Petitions Committee has only 1.4 full-time equivalent staff and petitions come in all the time. None of the staff works full time for the Public Petitions Committee—they all do other jobs as well. Keeping in touch with more than 400 petitioners is not easy and we do not really have the resources to do that. The Petitions Committee in Germany has 80-odd staff and makes a tremendous amount of contact and communication. The Petitions Committee of the Bundestag is by far its biggest committee; it has more members and staff than any other committee there. It also has the highest profile, because the German system gives it importance. In comparison, under our system, the Public Petitions Committee is one of the smallest committees and has the least staff. Our Public Petitions Committee's powers are among the weakest in the Parliament.

If we want to improve communications, we must improve the resources, profile and status of the Public Petitions Committee; that is, if we are serious about its role in relation to participation. The question is: are we serious or is the committee a token gesture towards public participation? If we are to facilitate that participation, we must give more resources, attention and power to the public petitions system.

Steve Farrell: Perhaps I can respond on the specific point about how petitioners are informed about what happens to their petition and the outcome. Having received copies of letters from subject committees, we have noticed that when they have concluded consideration of a petition,

they do not make it obvious that they have done so. The committee might say that it will deal with the petition as part of an on-going inquiry. In effect, that means that it has taken note of the substance of the petition, but that the petition itself is dead, although the subject committee will consider the issue in the light of a further inquiry. We have taken steps to encourage subject committees to make it clear to petitioners when no action will be taken. I hope that that will clear up a few difficulties.

In Germany, we were informed that letters on final action on a petition include a very full response and explain to petitioners why, when no action can be taken, that is the case. That is something that we could develop in the Scottish Parliament. We could explain to people exactly why no action is taken. In Germany, the Petitions Committee is very proud of the fact that some of its responses are almost like legal rulings in terms of the detail that is provided to petitioners.

Susan Deacon: I want to pick up on Steve Farrell's last point. Based on your experience here and your visit to Germany—which clearly had a big impact on your thinking—do you think that the principle of shaping people's expectations could be applied earlier? For example, if it were likely that a subject committee would not be able to find time in its work programme for some considerable period to consider a petition, could the petitioner be advised of that at an early stage? That way the petitioner would not feel that the petition had been forgotten. They would not be getting told months down the line that there is no time or that it is not possible to take any action.

Mr McAllion: It is very difficult for us to know the exact position of a petition in a subject committee. Unless we refer a petition formally, we do not get a response. I suppose that we could approach the committees informally to ask what the likelihood is of the committee considering the petition. We would then be able to tell the petitioner that there is no real prospect of their petition being considered for the next year, or whatever.

I am not sure whether that would be such a good thing. If petitioners come to the Scottish Parliament and are told that we are too busy to deal with their petitions, they will not have a good feeling about it. We must be very careful. Petitioners often ask the Parliament to do something that it should not do and there are disagreements with petitioners about that. We take a firm line; we do not get involved in the decisions of elected local authorities or even quangos, because they are answerable for their decisions in other ways, such as to ministers, the Parliament and so on.

We get involved in process. If a consultation process is not carried out properly, the Parliament

can get involved. A famous example would be the hospital at Stracathro. However, we cannot question the decisions of a health board and the Scottish Parliament should not interfere with that, although it can change the framework within which boards work. That would be the subject of a legitimate petition. We cannot get involved in authorities' decisions. Many petitioners hope that the Scottish Parliament can be used to second guess elected local authorities or quangos that are appointed by ministers, but we cannot do that and there is therefore much disappointment.

The Convener: Following up on that point about expectations, you will recognise Mr Guild's complaint. He wrote to me, as he wrote to the Public Petitions Committee, about his petition on Cramond and the archaeological site. The Education, Culture and Sport Committee had given a positive recommendation that involved action by the City of Edinburgh Council and Historic Scotland. However, Mr Guild was concerned that, a year after that recommendation, insufficient action had been taken. I note that paragraph 30 of your written submission states:

"It is arguable that we should also monitor action recommended by Parliament following consideration of petitions, to ensure that this is carried out."

10:15

In effect, that is what Mr Guild is asking for. The Parliament does not have the staff resources to monitor the activities of other agencies, and when we deal with agencies such as Historic Scotland or local authorities we are asking them to do things, not instructing them. Given that, is your suggestion realistic for the Parliament?

Mr McAllion: Action has often been recommended by the subject committees. Those committees might therefore resent the Public Petitions Committee's interference in monitoring what happens to their recommendations. They might feel that it is for them to do that monitoring. Again, they do not have the resources, but neither does the Public Petitions Committee.

It all comes down to resources. In Germany, petitions are treated seriously and resources are dedicated to ensure that every petition is treated seriously by the Parliament. With due respect to the framers of the CSG principles, it is one thing to write down a principle on public petitioning, but making it a reality is something completely different. Making it reality means allocating resources and money to make the system work. We have not done that as yet.

The Convener: I am talking about a different issue. I accept the argument about closing the loop with other committees, monitoring what those committees do and trying to create a better

mechanism for reporting back. However, I understood that paragraph 30 of your submission suggests that you should follow the petition beyond the Parliament, when the Public Petitions Committee has made recommendations or approaches to outside bodies. I gave the example of a gentleman who wrote to us suggesting that very course of action. Such action appears to involve a substantial allocation of resources and, perhaps, some interference with other bodies. I am trying to clarify exactly what paragraph 30 is seeking. Does it refer to monitoring within the Parliament or outwith and beyond the Parliament?

Mr McAllion: If petitioners were to flag up a failure of outside bodies to implement the recommendations of the Parliament, we could monitor that and perhaps use our influence with those outside bodies. However, we would not necessarily be able to monitor every petition, and how our recommendations were being implemented throughout Scotland. Perhaps petitioners should have the right to come back to the Public Petitions Committee and tell it when the Parliament's recommendations are not being implemented, and to ask us whether we can use our influence with Historic Scotland or whoever.

The Convener: Has that been happening?

Mr McAllion: It has not been happening, but it is something that the Public Petitions Committee thinks could happen in future.

The Convener: Would the Public Petitions Committee be pleased to encourage that?

Mr McAllion: I think so, yes.

Fiona Hyslop: There is a strong argument for closing the loop by informing petitioners about what is happening and by taking action on petitions. Murray Tosh makes a strong point to the effect that when recommendations are made, some of them and the responses to them are probably actions to be taken by the Government six months down the line or later. I know that from my experience of working on petitions. A good example is the petition on the conditions for asylum seekers in Sighthill, which the committee considered a year ago.

My concern is that things get lost and that does not happen only when the petition is responded to and there is a report, an inquiry and recommendations. The loop must be closed even further down the line, but that would mean the allocation of even more resources. However, there must be some kind of auditing, because that is the only way in which to access power sharing and accountability. I agree with Frank McAveety—some petitioners might just want to articulate an argument, but many of them will want action. There must be a closing of the loop on actions further down the line, but should that be the

responsibility of the Public Petitions Committee or a subject committee? Alternatively, should it be a joint responsibility if there are joint reporters on a petition?

Mr McAllion: I, as a member of the Public Petitions Committee, would be happy for that responsibility to be given to our committee, because our first concern is the petitioners; we have no other concern—unlike subject committees. We deal only with petitions; we do not have any kind of agenda. Therefore, it might be easier for us to close that loop. The subject committees are already hard pressed in dealing with other matters.

The Public Petitions Committee would not be aggressive or hostile in following up petitions with subject committees. We would undertake that task reasonably and in consultation with the subject committees. Members of the Public Petitions Committee are anxious not to interfere in the subject committees' domains. We just want petitioners to get a fair response. Petitioners will not always get the response that they want, but the Public Petitions Committee wants to ensure that the response is fair and has been considered seriously.

The Convener: That exhausts the range of questions. If John McAllion stays, he is welcome to make observations and contribute to the discussion later. I thank him for what he has done so far.

We now proceed to evidence from the other witnesses, for which I do not have preconceptions about time limits. Five petitions have survived the initial trawl. We have a reasonable amount of time available for the witnesses to outline what they want members to consider. I realise that each witness will refer to his or her specific petition and the issues that arise from it. We will try to negotiate that as best we can.

I think that you all understand that we cannot and will not reopen discussion of the petition. However, we hope to learn from your experience of what did or did not work for you, so that we can recommend improvements to the process, which might help you—if you return—or others who might come into the system in future.

I have no preconceptions about where to start, but if witnesses do not mind, I will start with Agnes Mackenzie—who is first on my left—and work my way around the table. I ask you all to ensure that you speak close to your microphones and, if necessary, to move your microphones closer to you.

Agnes MacKenzie (Concern for Justice): I speak on behalf of Concern for Justice and petition PE83, which was not included in the list that we received. We want to make the following

points.

The initial part of the petitioning process was not difficult. We found the Public Petitions Committee to be helpful and approachable in advising us how to prepare, frame and lodge a petition. Our petition went finally to the then Justice and Home Affairs Committee, but was quickly dismissed without any real discussion of the point at issue. Three members of our committee were present on the public benches at the meeting of that committee at which the petition was discussed, but were given no opportunity to speak. We were disturbed by the way in which the Justice and Home Affairs Committee dealt with our petition.

Because of our experience, we think it important that petitioners be invited to be present at every committee meeting that affects their petition. Petitioners should be allowed to comment on or clarify points that committee members raise, if only to correct any misunderstanding of what the petition is about. It can be frustrating to listen to committee members, when there is no opportunity to correct them, discussing a petition from a viewpoint that is not the petition's viewpoint.

We also believe that it is the convener's duty to ascertain each committee member's opinion on the matter that is under discussion before a final decision is made. Each member should explain why they accept or reject the petition. It is important that each committee member has input. If some members do not speak, the petitioner thinks that they do not understand the petition, or are not interested enough to form an opinion, or have not had the time to consider the petition—which is possible, given members' workloads. If a member does not take an active part in the discussion, their being there is pointless—they are wasting their time.

In addition, before the final decision is made the petitioner should be free to make additional points in support of the petition or to answer members' questions.

If the petition is referred to one of the justice committees for their advice and the relevant subject committee decides not to follow that advice—as happened in our case—the petitioner should be given the committee's reasons for not doing so. Where the convener asks the clerk to produce a fairly detailed background note on a petition, the petitioner should be given the detail of that report. Petitioners have no other way of checking the accuracy of such reports.

Committees should be accountable for their decisions. An appeals procedure should be set up to avoid possible unaccountable abuse of committee power or, just as important, the appearance of such abuse. An independent ombudsman might be required. Whatever the

method, an appeals system is necessary.

Our petition requested the Parliament to examine the law and to take account of an anomaly in criminal law that affects us all. About half the then Justice and Home Affairs Committee members did not speak during the time that the petition was being considered. The real point at issue was not discussed. It is a matter of concern that that can happen. Most members of the Justice and Home Affairs Committee who spoke completely missed the point of our petition. That said, I appreciate that MSPs are overloaded with work. I would like to know whether the Bundestag committee that deals with petitions is a full-time committee that deals with nothing other than petitions, or whether members of that committee also deal with constituency problems.

For the people of Scotland, the petitioning process is a step in the right direction. I do not doubt that, in time, the process will improve and adapt. We are also encouraged by the Procedures Committee's interest in hearing from parties who have experienced the petitioning process.

The Convener: Thank you.

My apologies to Mr Watson, whose arrival I had not noticed. I will call him later.

It occurs to me—as someone in the corner struggles frantically to switch off their mobile phone—that, rather than go round the table, it would be logical to follow the order in which the petitions appear in our committee papers. That would result in a logical sequence of questioning when we come to open discussion. The clerk advises me that the order was arrived at by petition order number. That means that the next petition on my list is from Mr Berry, so I will jump across to him.

I thank Mr Berry for the note of what he proposes to say. The note is substantial. If he could hit the high points, that would be appreciated.

Allan Berry: The notes are for background information. I have no complaints about the Public Petitions Committee's handling of the petition. The process was clear. I was able to lodge the petition directly, using instructions given on the Parliament website. The substance of my petition was to request an inquiry into a politically sensitive issue, which is important in Scotland, to do with the treatment of an industry that has developed over the past 20 years from almost nothing. I wanted to question the Scottish Executive's handling of the affair. The petition asked the Parliament to hold an independent public inquiry into the environmental damage that is caused by the sea-cage farming industry and the regulatory failure to recognise and prevent such damage.

It does not take much thought to realise that it is the Scottish Executive that is responsible for the regulatory failure. I petitioned the Parliament to hold an independent inquiry to examine the scientific competence, integrity and behaviour of the agencies throughout the industry that are responsible for the environmental damage. The sea-cage farming industry has created many jobs and much wealth for many people in Scotland. However, it has also caused considerable controversy. Serious questions arise as to whether the damage caused by the industry, as it began to grow, has been overlooked.

There was a parliamentary inquiry back in 1989, when the industry was producing about a quarter of what it is expected to produce this year. At that time, the minister, Lord Sanderson of Bowden, gave evidence saying that there was no damage to the environment or other interests. That was contradicted by evidence given by Highlands and Islands Enterprise. When I approached the minister on the matter, he said that he was only reading a brief produced by the Scottish Office and had no idea that damage had occurred. It is perhaps a great danger that such matters are left in the hands of the Executive because, as far as I know, the Executive is never questioned, held to account or examined publicly on any issue. That has gone on for generations in Scotland.

10:30

The petition was dealt with quite competently. It took some time, but these things do. A year after we submitted it, in February 2000, the Rural Affairs Committee and the Transport and the Environment Committee agreed to write to the Executive asking it to hold a public and independent inquiry. Five months later, the Deputy Minister for Environment and Rural Development wrote back to say that the Executive did not propose to hold such an inquiry because there was no need for it. The minister said that the Executive was already carrying out a complex and competent examination of the issues. The committees asked the Deputy Minister for Environment and Rural Development to come before them and give an account of the issues. She gave a list of work being done by the Executive and still refused to carry out an inquiry.

The convener of the Transport and the Environment Committee wrote and said that the committee was not happy with the Executive's response and asked it to reconsider. Since that date, there has been no response from the Executive. The Transport and the Environment Committee has agreed to carry out a rolling inquiry into aquaculture as a whole. That will be a scattergun approach, which will not focus on the important issues. It will be unable to consider the

science and the interpretation of it that underlies the decisions made by the Scottish Environment Protection Agency, Scottish Natural Heritage and the other agencies.

I have not been asked to give evidence to the Transport and the Environment Committee. Apart from written submissions, I have not been asked to appear before any committee until now. My submission on the proposed scheme of science that was set out by the Deputy Minister for Environment and Rural Development was critical of the whole approach. When I tried to examine the documents, I found that they did not exist. There was no costed or planned scientific approach; no real programme was evident. If a Government agency goes ahead with some research or project, it should have a plan, money to do it and some form of report in progress. I could not get details on any of those things and I have received nothing more from the Scottish Executive.

My main concern is how the Scottish Parliament can ever break into the monopoly of control that the Scottish Executive has over such issues. That is very important. We will never solve Scotland's problems until we learn how to control the Executive, which, in some form or other, has been in power for a long time.

The Convener: Thank you.

Allana Parker (Epilepsy Action Scotland): Our experience of the Public Petitions Committee is like everybody else's. We found it extremely accessible. Obviously all that it deals with is petitions. The procedure was informal and helpful, and the clerks were excellent. We had not taken advice on the wording of our petition beforehand, which might have made things simpler. The petition was processed quickly. We were encouraged to participate and were given the three minutes to explain the case. That was not long, but it was useful. It afforded us the opportunity to clarify the issues in the question-and-answer session and to help the Public Petitions Committee to determine the course of action that it wanted to take. The *Official Report* of the meeting showed that members of the committee suggested six different courses of action.

After that, the petition was referred to the Health and Community Care Committee. Our experience with the Public Petitions Committee was in marked contrast to the next stage, which I call the journey to the centre of the Health and Community Care Committee without a map. No guidance was given on what to do once the petition was referred to a subject committee. The process was more formal. We were corresponded with and told when the petition would be discussed and whether it was going to be reviewed but, 15 months on, we have

had no resolution to the petition that went to the committee last summer. We have been given no opportunity to participate.

Once the petition was referred from the Public Petitions Committee to the Health and Community Care Committee, the petitioner was not asked to come and give evidence or to be available to comment or to answer questions. With hindsight, unless every member of the Health and Community Care Committee is briefed on the issues, a group of MSPs who may have very little knowledge of the subject area make a decision.

That was frustrating in our case, because some members of the Health and Community Care Committee believed that there was going to be a review of epilepsy services and the committee decided to leave any further debate on our petition until the review was in the public domain. That was news to us—we did not know that there was going to be a review. We thought that it was good news and decided to find out when the review was happening. We ended up acting as detectives to discover whether such a review was going to take place. The truth was that there was not going to be a review.

We had to go back to the Health and Community Care Committee and ask the members to consider our petition again, because they based the decision not to consider it on some members' erroneous belief that a review was going to take place. That process took six months, during which our petition was sitting on the back burner while the Health and Community Care Committee waited for something to happen that was not going to happen.

It would be useful if a certain period of time—say nine months or a year—after a petition has been referred to a subject committee, the Public Petitions Committee could say, "What is the hold-up? What is happening? Why is it taking so long? Can something be done?" It would have been easier if the Health and Community Care Committee, when it first got our petition, had asked us to give the same three-minute presentation as we gave the Public Petitions Committee and there had been the opportunity to have a debate. We could have raised the issues and committee members might have had a clearer idea about what could be done next.

We were not afforded that opportunity. We did not get the chance to give evidence thereafter. That is the negative part of the process. You do not feel that you are getting a chance to contribute, unless you do so by writing to individual MSPs. That does not give you the impression of accountability.

The Convener: Thank you very much. I am sure that it was John McAllion who told the Health and

Community Care Committee that there was a review under way. Sorry, John. I could not resist making that comment.

William Watson (Haddington and District Community Council): Given the shortage of time, I will summarise the community council's written submissions of 20 July and 17 November. I hope that the 17 November submission has been circulated.

Our first submission reported on how effective we found the current petitions system. The second submission suggested possibilities for strengthening weaknesses in the current system. I also draw the committee's attention to the similarities and differences between our submissions and that of the Public Petitions Committee. We are in whole-hearted agreement with the Public Petitions Committee on the importance of the petitions system and agree that it should be reinforced. We believe that the clerk and the Public Petitions Committee conduct their business in an effective and fair manner, before and during consideration of petitions. However, a weakness in the system is the failure to deliver concrete results after the committee has considered a petition. That weakness is beginning to undermine the reputation of the system.

I was involved in two petitions. I was aware that there were different reactions to each of them, although both concerned a local authority. As the petitions system is novel, the first petition got quite far. By the time we lodged the second petition, the committee had learnt that bland answers produced no consequences. Some degeneration would appear to have taken place in the system.

We suggest strongly that it is not a viable option to leave the petitions system as it is. We support strongly efforts to strengthen the system and improve its effectiveness. In our second paper, we proposed that the petitions system be trickled down to local authorities and quangos. That would allow the burden of work to be shared. More important, that would establish a public connection between the petitions and the responses of those local authorities and quangos.

There are some echoes of our proposal in the German system, to which the Public Petitions Committee refers in its submission. However, the lack of a review of petition outcomes is a weakness. We suggest that the Public Petitions Committee could assist with such a review process. That suggestion is echoed in the Public Petitions Committee's submission, albeit that the committee suggests a different structure for such a review.

We have also suggested ways in which the petitions system could be toughened up, without the Public Petitions Committee becoming bogged

down in individual investigations. We recommend that petitions and their responses be published alongside one another on the internet, as well as in other print vehicles. It is more intimidating to authorities to know that information is out there on the internet than it is to know that information is buried in libraries.

The prospect of widespread public scrutiny will encourage public authorities to take great care to adopt robust and justifiable responses. We believe that that would be a logical development of a petitions system where openness and accessibility are used as the tools to promote accountability. By contrast, the Public Petitions Committee has suggested the German model of a petitions committee that pursues individual petitions in great depth. We find such a people's champion model acceptable but, as the Procedures Committee is aware, considerable resources would be required for that model to work effectively.

Although the Public Petitions Committee did not raise this issue, the petitions system can be truly effective only when there is a realistic possibility that those in authority may be thrown out of power if they continually ignore petitions. It may be contentious to say so, but electoral reform and ministerial responsibility for quangos are vital ingredients in any long-term engagement between the public and the system.

We also suggest that petitions could be managed in a more efficient manner. Groups of petitions with similar subject areas could be collected together for fuller investigation. It would be sensible to postpone some investigations until proper time for consideration becomes available or until the cycle of reviewing issues comes around again. One petition in which I was involved touched upon the five-year cycle of the structure plan in the planning system. It was clear that there was not time to consider the petition immediately. However, a satisfactory outcome would be to see, in five to 10 years, the proposals embedded in the foundations for the next structure plan. At present, there is an apparent desire to respond to petitions quickly rather than meaningfully. We would prefer that response to be reversed. As long as petitions do not disappear from the agenda, such a measured approach would be accepted and appreciated by the public.

I thank the committee for its time.

10:45

Duncan Hope (Blairingone and Saline Action Group): Good morning, ladies and gentlemen. As the committee is no doubt aware from my written submission to the inquiry, the Blairingone and Saline Action Group has been extremely successful in petitioning the Scottish Parliament

through the petition process and through the committees. To date, the Procedures Committee is the fourth committee with which I have had contact.

The Parliament is a learning process for us all. To witness at close hand MSPs from all parties working together for a common cause—something that is not often publicised in the media—and to take part in processes that may result in new regulations or legislation, brings petitioners such as us much closer to the wheels of government. It gives us the feeling of being partners in the parliamentary structure, rather than outsiders looking in.

If I have a criticism to make of the Parliament and the Executive, it is their apparent failure to get a loud enough message across to a wider section of the population about the procedures, facilities and avenues that are open for public participation and sharing power with the people. If the public are getting the wrong messages, we cannot lay responsibility at the door of the media, which only reports matters that the public have a right to know about. Public support and respect must be earned. Much wider participation in the procedures, facilities and avenues must be encouraged if the current trend of apathy towards politics, politicians, the Executive and Parliament is to be reversed.

The public must also be prepared to play a part. It is no good sitting at home like a bunch of moaning minnies or writing letters to newspapers criticising MSPs and everything that Parliament does or does not do. The only way things will change—for the better—is if the public get off their backsides, participate more and play an active role in how our country is run and governed. People will never have a finer opportunity to change the things that matter to them than that offered by our Parliament and its committee system.

The progress of the Blairingone and Saline Action Group petition is proof that the committee system works. It appears to be a far superior system for public participation than the one at Westminster. It will take much hard work and an almighty effort from all concerned but, given time, I have no doubt that the Scottish Parliament and its committees will succeed. The Parliament and its committees will be held up as an example to others and become the envy of Parliaments all over the world. It will be a Parliament of which all Scotland's people can be proud.

The Convener: You are welcome back any time, Mr Hope.

Our last petitioner is Councillor Charles Kennedy, who bears a famous name.

Councillor Charles Kennedy (East Dunbartonshire Council): I am the original.

Thank you for the opportunity to address the committee.

There is no more burning political issue north of the Clyde and certainly in East Dunbartonshire than the future of Stobhill as a general hospital and the future of health service provision north of the river. To date, I have chaired five public meetings, which have attracted turnouts of between 250 and 500 people. The petition that we submitted to the Public Petitions Committee attracted some 45,000 signatures. I understand that, at the time, it was the largest petition to have been presented to the Public Petitions Committee. We also launched a “send a postcard to Susan” campaign—I have to say that as Susan Deacon is here today. I wish her well in the future. I do not know whether Susan Deacon received the 10,000 postcards, but the Royal Mail's profits certainly improved.

I mention that because I want to emphasise the importance of health provision north of the river and the number of people who feel that the way in which the petition was handled is central to the future of participation in the democratic process. We are all concerned about low turnout. With respect, I must say that the way in which the petition was handled does not encourage public participation in local events.

As members know, the petition asked the Scottish Parliament to take a view on the proposals to remove acute medical and surgical services at Stobhill and to take further action as appropriate. I was very happy with the courtesy shown by the staff of the committee and the help that they gave me and others. I pay tribute to them. However, I was allowed to speak for only three minutes on a petition that had 45,000 signatures. We answered questions and that was it. The health board officials were invited to a further meeting. We were not allowed to cross-examine those officials. They made comments—I am sure that they were made in good faith—that we did not accept, but we did not have the right to cross-examine them and, as I said in the letter, we were stuck in a corner. Even the reporter from a local newspaper had to balance his notepad on his knee. That is not right.

The petition was then referred to the Health and Community Care Committee. Again, we had no right to speak to the Health and Community Care Committee to explain our concerns. The petition was just noted.

The general feeling in East Dunbartonshire, and I think elsewhere north of the river, was “What more did you expect?” I put it to the committee that those who want the Parliament to succeed expected something different from that. The bottom line is that the perception in our area is that it was a complete waste of time. That is not good

for democracy, nor is it good for the future of the Public Petitions Committee and other committees.

I was interested to hear what John McAllion said about what happens in Germany. I did not realise how few staff the Public Petitions Committee has.

I put it to the committee that when a petition with 45,000 signatures can be noted, sent to another committee and noted and that is it, something is wrong with the whole system.

The Convener: Thank you very much.

Many general themes have been discussed. We will explore general themes and put questions to individual petitioners about the points that they have raised.

I will kick off by asking about participation. Will John McAllion give us an idea of how he selects the petitioners to speak at the Public Petitions Committee, why there is a three-minute limit and what his view is of the involvement of the petitioners later in the process, as petitions go through the subject committees? That is a common area of frustration; it is felt that, somewhere along the line, the message is being lost.

Mr McAllion: No provision was made in the standing orders for petitioners to give oral evidence to the Public Petitions Committee. We decided to allow it and almost every petitioner wanted to speak to the committee. If 15 petitions were on the agenda, it would become a long meeting if every petitioner gave oral evidence and was then cross-examined by the seven members of the committee. The committee took the decision to limit the number of oral presentations to three at every meeting, although we will allow more than three if we think that four or five petitions merit the opportunity to give evidence. Usually, only three petitioners are allowed to give oral evidence to the committee.

Oral evidence is intended to help the committee to come to a conclusion about what to do with the petition, not to address the issue in the petition. As I have said, that is for the subject committees. Once the petition goes beyond the Public Petitions Committee, whether the petitioners are allowed to give oral evidence is entirely a matter for the subject committees. I take the point that all the petitioners this morning have made—it is a fair one—that when subject committees consider petitions, they should listen to what petitioners are looking for. It should not be beyond the means of subject committees when they consider petitions to allow oral evidence and to allow petitioners to be present and to answer questions.

The Stobhill petition is a classic example of a situation in which the Public Petitions Committee is over a barrel, because the petition was about

the decision of a quango, which was answerable to Parliament through the minister, who was then Susan Deacon. We were asked to take a view on the petition. With all petitions, we take a strong line that we will not become involved if the petition relates to a quango or a local authority. Because the petition was so big and important, we decided to call Greater Glasgow Health Board to give evidence, to reassure us that the consultative procedure that was being pursued in the north of Glasgow was sufficient to allow input from all the local elected people. Greater Glasgow Health Board assured the committee that a reference group, which involved MSPs, councillors, representatives of staff, trade unions and so on, had been set up and was considering the proposed closure of Stobhill. I understand that the group is continuing to examine the matter.

An issue that the petition raises, as did the petition on Stracathro hospital, is whether the Parliament should interfere with the executive decisions of other elected bodies and non-elected bodies, such as quangos. It has been suggested that we should, but that would be a whole new ball game. The Parliament would have to take a view on whether it should second-guess executive decisions that have been taken around Scotland. The Public Petitions Committee has taken the decision that we cannot and should not do that. We should ensure that, wherever executive decisions are taken, proper consultation takes place with local communities. Up until now, that seems to have worked reasonably well.

The Convener: Were the petitioners advised by the committee clerk of the relevant subject committee that their petition was due to be on the agenda the following week? Were they kept up to date?

Agnes MacKenzie: We were.

Councillor Kennedy: Yes, but that does not mean that petitioners are able to speak to petitions.

The Convener: At least the petitioners knew that the petition was up for discussion.

I should explain that the petitions were all picked because our adviser, Professor McCrone, and the clerks felt that they raised points that were worth discussing or because the people who lodged them had ideas and might make constructive criticisms. We picked out Mr Crawford's petition, which concerns East Lothian, because it raised the issue of monitoring. John McAllion and Steve Farrell also mentioned that.

I want to be clear about the Public Petitions Committee's monitoring of subject committees' progress on a petition. What would the Public Petitions Committee do if certain trigger points were passed? What action is taken at those trigger

points to try to accelerate or measure the progress of a petition?

Steve Farrell: We produce a fairly comprehensive paper for our meetings, which happen once a fortnight, to update on action on current petitions in the system. Where it is clear that no action has been taken or where a significant length of time has elapsed since action was taken, we will approach our colleagues on the subject committee to establish why that is the case. We accept answers such as the fact that the committee is awaiting a response from the Executive or that the committee's work programme dictates that it has had to put back consideration of a petition as being reasonable.

The Convener: Do you pass explanations to the petitioner? Is the petitioner aware that you have asked questions of the subject committee and that you have received answers?

Steve Farrell: The petitioner will not be aware of that because, as John McAllion pointed out, when the petition is passed to the subject committee, that committee takes responsibility for contact. On occasion, we have recommended to subject committee colleagues that they explain to petitioners about the lack of progress or clarify matters in that regard. Under current procedures, that is all that we can do. We advise subject committee colleagues of procedures to keep petitioners better informed. We are doing our job in that respect and it tends to work.

The Convener: As no other member wants to follow up on that last point on Mr Crawford's petition, we can move on to Agnes MacKenzie's petition. Members should understand that we can pick up general points on the way through. It is clear that many of the themes that are emerging are common.

Mr Macintosh: One of the points raised in relation to Agnes MacKenzie's petition is the fact that the petitioner should be invited to be present and to speak at any meeting. Once the petition left the Public Petitions Committee and went to the Justice and Home Affairs Committee, who was her main point of contact?

Agnes MacKenzie: I think that it was the Public Petitions Committee that kept us in touch with when meetings were to be held.

Mr Macintosh: When the petition was debated at the Justice and Home Affairs Committee, was it the Public Petitions Committee clerk who phoned or wrote to you to let you know that was happening?

Agnes MacKenzie: Yes, I think it was.

Mr Macintosh: What was your dealing with the subject committee? Did the Justice and Home Affairs Committee clerk speak to you, phone you

or write to you?

Agnes MacKenzie: No, not at all. We sat at the back of the committee room. Half of the committee members made comments and the other half said nothing. It was over in a matter of five or 10 minutes. They did not acknowledge that we were there, although we were sitting in the public seating.

Mr Macintosh: Did you speak to the Public Petitions Committee clerk or did you try to make contact with the Justice and Home Affairs Committee clerk to find out whether you were able to give evidence?

Agnes MacKenzie: No, we did not. We assumed that we would be advised if that was the procedure. We were not advised that we could give evidence to the Justice and Home Affairs Committee.

Mr Macintosh: That point is crucial and I would like us to focus on it.

The Convener: I want to pick up on the last point. Did the Justice and Home Affairs Committee clerks and its convener know that you were there and who you were? If I look at the people in the public seating, I see three people in the back row whom I do not know. I also do not know why they are here. It did not occur to me to ask them to speak, but they might be here in support of the petitioners. Perhaps we should invite members of the public who come to meetings to identify themselves and to make the committee aware of their presence. That brings us back to the point about closing the loop. If any of the people in the public seating would like to speak, please pass the clerk a note and we will consider the request. I make that point for the record.

Agnes MacKenzie: I agree. We got tickets for the Justice and Home Affairs Committee meeting at the public information desk and sat in on the meeting to see what was happening.

11:00

Mr Macintosh: Although all the cases are similar, Mr Berry's petition caused a lot of activity—two committees took up the petition and several reporters were appointed. There was a great deal of involvement in the petition. I ask Mr Berry, given that the outcome was not what he wished it to be, whether the relationship between him and the subject committees was maintained by the clerk to the Public Petitions Committee after the petition left that committee?

Allan Berry: No. The clerks worked for a number of committees. It was the clerk who worked for the Rural Development Committee and the Transport and the Environment Committee who contacted us. The committee reporters did

not contact me. In the summer, I made contact with the reporters, although I was not invited to do so, and went to meet them.

It is unfortunate that changes in the committee membership—which I understand are normal—meant that only two members of the Rural Affairs Committee, as it was at the time, were still there at the end of the two years. It is doubtful whether any of the other members were aware of the material that was considered before they became members of the committee. Apart from an invitation to prepare a written submission, I had no opportunity to influence the course of events once consideration of the petition was under way. I was also not given an indication of whether my written submission was considered fully.

Mr Macintosh: You touch on a number of interesting points, including whether MSPs should become experts in an area, whether they should stay on committees and whether you should have been called to give evidence to the subject committee.

I want to explore the procedure that is used to maintain contact with petitioners throughout the process, as that is what establishes the relationship between the petitioner and the Parliament. After the clerk to the Public Petitions Committee passed you on to the subject committee, was there a formal process by which the clerk to the Transport and the Environment Committee took over your case? Was it you who made contact with the clerk? From then on, did he become your point of contact?

Allan Berry: The clerk sent me copies of the minutes of some of the meetings. That is all that happened, apart from one request to comment on the Executive's research programme. I was unable to obtain any detail from the Executive and that continues to be the case.

Mr McAllion: Everyone around the table has made the same point that, when petitions reach the subject committees, petitioners are not given the opportunity to give evidence or to become involved. That is true of all 400 petitions that have been lodged so far.

Steve Farrell and I cannot recollect a subject committee asking a petitioner to give evidence. That is a problem. It highlights the fact that the system for petitions in the Parliament is not defined clearly. It is left to the judgment of individual subject committee conveners to decide what to do. We do not have a petitions act that spells out how petitions should be dealt with.

The Convener: Mr Hope had quite extensive contact with a committee reporter, so his experience might be different.

Duncan Hope: We worked closely with MSPs. It

might be of interest to the other petitioners to know that, because of proportional representation, we had 8 MSPs—including list MSPs—all of whom we consulted. The subject of our petition was described as an issue of national importance. All parties in the Parliament gave us tremendous support. Right from the start, we had George Reid's participation and guidance. We worked closely with George Reid and with other MSPs, including Scott Barrie and Richard Simpson. The Public Petitions Committee referred our petition to the Transport and the Environment Committee, which unanimously agreed to hold an inquiry in our community. The reporter on that inquiry was the Transport and the Environment Committee's convener, who came to our community and took evidence.

The Convener: Presumably you were able to put points directly to him when he took evidence.

Duncan Hope: Yes. We took him, other committee members and the committee clerk on a conducted tour to meet local people, to see the sights and to discuss the local issue raised. The reporter has finalised his report and has presented it to the committee. We hope that a debate will be held on it in the new year.

We are fortunate to have been guided by MSPs, who know the ropes better than we do. Had it been left to us on our own, it is questionable whether we would have got so far.

The Convener: I was anxious to establish that the existence and operation of the reporter system allowed a degree of flexibility and contact that was not there in other cases. I think that we should reflect on that in the recommendations that we make. It is easier for one person to see various people and hear different points of an argument than it is to shoehorn all that into a committee meeting.

Duncan Hope: I must say that the report by Andy Kerr MSP was excellent.

Fiona Hyslop: It would inform our view to know how many of the petitions that have been referred to subject committees were supported by oral evidence from the petitioners and how many resulted in a site visit or an inquiry.

The Convener: We can guess that, in the case of the latter two, the answer is very few.

Duncan Hope: When our petition was passed to the Transport and the Environment Committee, we were not allowed to speak to it, but an MSP was allowed to speak on our behalf.

The Convener: Did the reporter make contact with you and request a visit and evidence?

Duncan Hope: It was the clerk to the committee who telephoned, suggesting several dates.

The Convener: So it was the committee that took the initiative.

Mr McAllion: We have had complaints from petitioners that a reporter published a report on a petition without even talking to or consulting the petitioner. The reporter system does not always guarantee that petitioners will be involved, but it is a possible method of proceeding.

The Convener: I think that that relates to good practice, which might realistically be built into guidance, so that the member who is appointed as a reporter has an idea of what is expected. I have never volunteered to be a reporter, but quite a lot of colleagues have. I am not aware of the guidance on being a reporter that is offered. There is a general point about how the system works. It was helpful to hear about that.

Mr Macintosh: Does the size of a petition—by which I mean the number of signatures—make any difference to the Public Petitions Committee's recommendations or thinking?

Mr McAllion: Not in theory. We always say that every petition will be treated with the same seriousness. Technically, a petition with 45,000 signatures gets treated with no more attention or seriousness and is considered over no longer a time than a petition with one signature. However, the judgment that is taken on a petition will obviously be affected if it carries 45,000 signatures.

The Convener: The issue of an appeals system arose out of Agnes MacKenzie's comments. I think she spoke in favour of an ombudsman system to follow through the consideration of petitions.

Agnes MacKenzie: I was not able to give any evidence or to correct any wrong impressions on the part of the Justice and Home Affairs Committee, to which the petition was referred. The process just came to an end—that was it. At the end of the day, presenting the petition seemed to be a pointless exercise. We were not happy and wondered, "Where do we go from here?" We feel that a breach of human rights is involved. Do we now go somewhere else? We were never asked to participate in the Justice and Home Affairs Committee's discussion.

The Convener: There are two issues: participation, which we have been discussing, and the idea of having a second bite at a petition. John, you must have thought about that. Have you any idea how we can cope with a petitioner who feels that they have had a bad experience and not been listened to? Is there any way that you can see to build in a second go at it?

Mr McAllion: We do try to respond to complaints. If a petitioner comes back to the Public Petitions Committee with a complaint, we

examine it, but somebody could complain about us, which would make that difficult for us.

Agnes MacKenzie: We have no complaint about you.

Mr McAllion: Maybe there should be an independent authority to deal with appeals against decisions, but it would have to be clear who that would be. The person who comes to mind is the Scottish parliamentary commissioner for administration, but whether he would be the appropriate person to appeal to on a matter about public petitions—

The Convener: There must be scope to build in some kind of "Ah, but" mechanism in cases where the committee has missed the point of a petition. Can a button be pushed to make a petition come back for consideration?

Mr McAllion: Absolutely.

The Convener: That is qualitatively different from the system giving an answer that a petitioner does not like.

Mr McAllion: It is easy to submit a second petition. That has been done once. Somebody made the point that their petition had been misunderstood by the subject committee, so they submitted a second petition, which went to the subject committee with guidance from us on what the petitioner was really getting at.

The Convener: Does the guidance leaflet on petitions and the information on the Public Petitions Committee website point that out as an option when someone's petition does not get them anywhere? If not, perhaps you could act on that.

Mr McAllion: Yes, that information should be incorporated into the guidance and put on the website.

Convener, I must apologise; I have to go because I am meeting the chief medical officer at St Andrews House at half-past 11. Steve Farrell will stay.

The Convener: Mr Berry wants to make a point.

Allan Berry: If one feels that one's petition has not been properly dealt with procedurally, for instance if it is dropped without evidence of contact having been made with the relevant subject committee—which in my case was the Rural Affairs Committee—who does one go to? Does one go to the Public Petitions Committee or to the Procedures Committee to complain about that failure in proceedings?

The Convener: You would not come to the Procedures Committee, because we do not sit in judgment on specific instances. You might usefully ask the clerks to the Public Petitions Committee whether the mechanism affords an opportunity for

further discussion in such circumstances.

Donald Gorrie: I have a related point. The Public Petitions Committee seems to get petitions on a number of different areas. For example, there are people such as Agnes MacKenzie and her colleagues who are complaining that the law has a serious fault in it that should be put right and with which we as a Parliament are able to deal. There are other complaints about local authorities, quangos and so on, which John McAllion explained the Public Petitions Committee does not deal with. That is reasonable if the petition is about a local planning issue, but if the petition is about the closure of a hospital and it has 45,000 signatures, the Parliament should not leave the issue to the relevant health board. That is a fault in the system, which should recognise the magnitude of an issue. There are also petitions on issues that the Executive can deal with under its own hand, for example altering the way in which sewage sludge is spread on fields. There are other matters, such as the saving of Pictish rock carvings in a cave, that should be dealt with by the Executive and the relevant local authority.

We must examine those different categories of petition and perhaps have different systems for different types. For example, if people are appealing for a change in the law and they feel that a committee has entirely misunderstood the issue, there should be a vehicle for them to pursue the matter. A small local issue might not normally be pursued, but if it is a big local issue that ceases to be a local issue, perhaps we should pursue it. We should think about how we can get the Executive to pursue issues. While it can pursue issues—such as the sewage sludge issue—well, it does not always do well. We must explore the different categories of petition and develop different systems for each one.

The Convener: Was that an observation, Donald, or was it directed at somebody?

Donald Gorrie: It was an observation. My question is whether Agnes MacKenzie feels that she got an unfair deal and, if so, what we should recommend be done about that.

The Convener: Would it be fair to say, Agnes, that you did not appreciate that there is an opportunity for a second bite at submitting a petition?

Agnes MacKenzie: Yes. We would like a second bite. We would be prepared to answer questions if a committee wanted to ask any. The issue affects everybody.

11:15

Fiona Hyslop: I will pick up on what Donald Gorrie said. All the petitioners have now heard

about each other's petitions. Should you all be treated in exactly the same way or do you agree with Donald Gorrie's suggestions that we should have different systems—for example, for a petitioner to be able to give evidence or to have access to a reporter's inquiry—depending on the nature of the petition?

Duncan Hope: At the moment, petitions go to various committees.

Fiona Hyslop: Sometimes they do. Sometimes a petition just goes to one committee.

Duncan Hope: There is a series of committees to which a petition can go.

Fiona Hyslop: Should your petition be treated in the same way as the one that is concerned with a legal point, such as Agnes MacKenzie's, or one that is an articulation of strength of feeling, such as Councillor Kennedy's Stobhill hospital petition?

Duncan Hope: Everybody should have the same opportunity.

Councillor Kennedy: I support what Donald Gorrie says. There must be horses for courses. That must be considered. Fundamentally, there must be some accountability in the final decision-making process. Consider my petition, which has 45,000 signatures. There must be some way in which the public can regain confidence in the system and not simply think that faceless people have rubber-stamped and filed their petitions. Rightly or wrongly—rightly, in my opinion—the approach that is used for a petition that clearly galvanises a huge number of people should be different from that used for people who have an important and pertinent point to make on a specific issue. I am attracted to what Donald Gorrie proposes.

Steve Farrell: The Public Petitions Committee's line on that is basically that local decision-making processes, whether a local planning matter or a decision on the siting of a hospital, should properly be made by the body that has executive responsibility for doing that. It would be wrong for the Public Petitions Committee or any other committee to take that decision for that body.

The Public Petitions Committee takes the view that it can examine the framework of the decision-making process and whether it works adequately, whether in terms of the public consultation processes or how the decision is made further down the line. We make that clear distinction. The Parliament should not become involved directly in making a decision that should be made by the responsible body.

Councillor Kennedy: On that point, our petition asked the Scottish Parliament to take a view, not to go in and hit the health board over the head—although we would have been happy with that. It

did not take a view. The reply to the people of East Dunbartonshire was, "Your petition is noted." If we take a view for or against, we can argue and debate. That is the essence of politics. Simply noting a petition really turns people off.

The Convener: That might have been an occasion on which, because of the huge range of views that would have existed, there might have been some merit in having a debate, perhaps without a resolution, so that the issues could have been aired in Parliament. That is a philosophical point.

The schoolteacher in me says that it is 11:15 and that we should have a break of a few minutes. Coffee is set out at the back of the room for the committee and the witnesses. I am not sure that I can extend the offer to the audience, unfortunately.

Mr McAveety: It is Christmas.

11:18

Meeting adjourned.

11:29

On resuming—

The Convener: I asked whether anyone in the audience wanted to speak. As a result of that, I invite Mr MacPherson to come to the table. That is a lesson to the convener never to say anything unscripted. Mr MacPherson will have to sit in the seat that Mr McAllion has vacated. Mr MacPherson has been involved with two petitions and he has some comments to make on the progress of one of them. He should be sure that his office allowances are in good order.

Mr John MacPherson (Killin Community Council): Thank you, convener, for giving me the opportunity to speak to the committee. I wish that all committees were like the Procedures Committee. This is the fourth time that I have been a member of the audience at a committee. It can be frustrating to hear people discuss an issue when one knows that they are coming at it from the wrong angle.

I will be brief. I know Mrs MacKenzie as I am a member of Concern for Justice and I was involved with her petition. The other petition I was involved with concerned the proposed Loch Lomond and the Trossachs national park. I am a member of the community council in Killin in west Perthshire, which was excluded from the park. We lodged with the Public Petitions Committee a petition that was eventually passed to the Rural Development Committee. Like Allan Berry, we had the support of our MSP and our MP and the petition sailed through with no bother. We are waiting for the

minister's decision on the petition, but the Rural Development Committee backed the petition 100 per cent.

I—and others such as Mrs MacKenzie and some of the witnesses—received 100 per cent assistance from the committee clerks. It was no problem to pick up the phone and contact them, particularly Steve Farrell. I had a lot of contact with him, although this is the first time that I have met him face to face. We received help from him and the clerks of the Rural Development Committee and the Justice and Home Affairs Committee.

I want to mention Mrs MacKenzie's point about members of a committee having their say, which depends a lot on the convener of the committee. I congratulate you, convener, on being probably the first to invite a member of the public from the audience to speak. I hope that you do not regret it.

The Convener: This is the second time that I have done it.

Mr MacPherson: I was in the public gallery when the Justice and Home Affairs Committee discussed Mrs MacKenzie's petition. One member pointed out that the committee appeared to be missing the main point of the petition, but the convener appeared to overrule that and carried on; no more was said about the matter.

It appears to me to be a little intimidating for private citizens to approach a committee. When people get to know Mr Farrell or other clerks, they get on better. However, for single private individuals, it is intimidating to approach a parliamentary committee. The backing of MSPs and MPs makes a big difference to people and it is great if their MSP speaks for them.

I will not take up any more of the committee's time. I thank the convener again for giving me the opportunity to speak.

The Convener: The point about referring petitioners to their elected representatives as potential allies or supporters might be worth reflecting on. That might not be appropriate in every case, but it might be helpful in some cases. We must reflect on the way in which we involve petitioners in the progress of petitions. Your points were pertinent.

In the time left, I propose to continue through the rest of the petitions. You will appreciate that many general points have already arisen so I will take each petition in turn and ask members for specific points. That is not to say that we cannot develop further general points from the petitions, but I will try to concentrate on the individual petitions.

Mr McAveety: Are we talking about individual petitions rather than general points?

The Convener: We are talking about the issues

that arise from the individual petitioners' submissions rather than from the petitions themselves.

Mr McAveety: I have a couple of points and anyone can respond to them if they think it is appropriate.

It is important that the Public Petitions Committee clarifies for any prospective petitioners the decision-making responsibilities of the committee or any subject committee. The responsibilities of any other bodies should also be separated out. Reference has been made to a lot of issues that could have arisen from experience of local authorities or public bodies and quangos. That is the case with the issue that Charles Kennedy has raised about the role of the health board, its processes and deliberations.

I am wondering whether you would welcome the idea of a public petitions committee at local government level. My experience of disagreeing with a decision-making process was in Glasgow when we had to go through the difficult process of making a 25 per cent reduction in secondary school provision. To be fair, many of the issues that have come up in your contributions—and particularly in Charles Kennedy's contribution—were criticisms levelled at that type of process. I would challenge some of those criticisms because of the eventual outcomes, but people feel frustrated if they are losing something or something is being altered in their area. That is difficult to deal with.

Should there be some type of process that separates local issues from legislative matters or Executive or ministerial decisions?

Secondly, do we accept that some folk eventually have to make decisions and are accountable for their decisions? That is true whether they have a public appointment role or an elected role. The wider electorate can then judge those decisions based on the eventual outcomes. People can use their judgment as to whether the course of action taken was the most appropriate and the decision can stand or fall on that judgment.

William Watson: I strongly support the idea of the petitions system trickling down to other bodies, particularly local authorities and quangos. The purpose of the petitioning system is not to get decisions overturned, *per se*. In my view, the purpose of the petitions system is to ensure that those who are responsible for making decisions are fully exposed to all points of view. There will be arguments for and against all decisions. If those who are responsible for making decisions are seen to be exposed to those arguments and they make a different decision, that is fine.

In dealing with public authorities, it is frustrating

to feel that the authority has only half the argument when you believe that there is something else to the argument. Public authorities have to make their own decisions and then take responsibility. In due course, that decision will be judged by the electorate. I am content for that to happen.

Steve Farrell: I want to pick up on the point that Frank McAveety made about petitions committees at local government level. At our last session, I made the point that there is a petition calling for petitions committees to be introduced. The Local Government Committee did not take that petition any further.

Another interesting point arises from our wonderful trip to Germany and the models of efficiency in Germany. The Bundestag has a petitions committee, as does each Land Parliament. Local authorities also have petitions committees. Each government structure in Germany has a petitions system.

Councillor Kennedy: From his years of experience in local government, Frank McAveety knows as well as I do that there is a procedure to bring petitions before a local authority. However, I agree with what he has said.

Ultimately, a decision has to be taken by someone who, to put it crudely, you can get rid of every three or four years. If I am a councillor in East Dunbartonshire, I am accountable to my electorate every three or four years. The electorate can tell me, "You have done a good job" or, "You have not done a good job".

The frustration that many people feel is that it does not matter whether you are elected to the Scottish Parliament, the House of Commons or a local authority; you are not taking the decisions. Somebody else—perhaps a quango such as the health board—is taking the decisions. That is the general feeling. That percolates down to election time, when people say, "What is the point of voting?" That is the cancer that will kill democracy. I agree with Frank McAveety, but the point that I would make to the committee is that somebody who is elected should make the decision. The nature of the game is that we have all had to make difficult decisions that the public did not like.

The health board is made up of unelected people, who are responsible to the minister. It is not a personal thing. The point is that, as a member of the public, I cannot influence their decisions. Provided that somebody is accountable to the electorate, I see a great deal of merit in Frank McAveety's suggestion.

One of the things that you pray against every night is the single-person issue. We all have that in our wards. A lady in my ward is convinced that a 3ft deep dam half a mile away from her is going to

burst and that her house will be flooded. People who I, as an elector, can get rid of, or people such as me, who the electorate can get rid of, should take a decision. Public accountability is important.

The Convener: In the case of your petition, is it not clear that the closure of a hospital or the development of a new hospital are Executive decisions, which are taken within the framework of budgets and powers that are conferred by Parliament? Ultimately, the minister would take that decision. The minister is answerable to Parliament. What is our interest in that? Is it not to ensure that the health board consults, that the consultations are reported, along with all the other material, to the minister and that the ultimate decision takes all the issues into account? I assume that a petition of 45,000 people would weigh quite heavily as a material consideration. Nonetheless, executives must execute. They will take decisions; that is what they are for.

Councillor Kennedy: I do not think that the public in my area would go along with that. Perhaps this is the cynicism that is creeping into local decision making. We believe, rightly or wrongly, that ministerial decisions will be taken, but that they will tend to go along—this may be unfair, but it is a perception—with what the “experts” recommend.

Donald Gorrie: This is probably not an issue for today, but I disagree with the convener. The minister might get involved in a really big decision, such as on the closure of a hospital or the development of a new one. Susan Deacon has personal experience of that. Quangos make a huge number of decisions on which the Government and the Parliament do a Pontius Pilate and say, “It wisnae me—it’s that lot over there who made the decision.” The accountability of quangos is a major issue. Petitions could perhaps play a small part in that.

Mr McAveety: I want to ask Steve Farrell to provide information about Germany—do not go too far back in history as it would be too frightening. I would find it helpful if he could provide information on the local government issues. That model would take out a lot of the criticisms that come in at local government level when you are making decisions.

If there were a review process, we could take out almost four fifths of the opposition on a couple of issues in my constituency. You could then engage the community in a much more serious debate rather than approach it from behind opposing fences. The process has not been helped by the absence of a third party to resolve the matter. A petitions process, or something similar, would help. I would be happy to receive information about the German model.

Allan Berry: My petition was a roaring success, up to a point. A year after I lodged it, the Rural Affairs Committee and the Transport and the Environment Committee unanimously voted for the substance of the petition, which was that there should be a public and independent inquiry. They both agreed on that. That is where the problem arose: the committees then had to ask the Executive to do something. That appears to be the rock that we founder on.

If there is a guilty party, it is the Executive. Asking the presumed guilty party to carry out an investigation into itself is perhaps not the best way forward. Is that all that the committees can do? Are they stuck with being unable to do anything themselves? Must they hand the conduct of an independent inquiry over to the Executive? The committees even handed over the selection of an independent scientific adviser to the Executive.

11:45

In my view, the Executive should be treated as any other organisation. Members of the Executive are, after all, hired hands. I have asked a lot of civil servants whether they have ever known of a minister who has gone against the advice of expert advisers. The only one anyone could tell me about was Heseltine, who went against expert advice over licences for Iraq. Other than that, no one can recall such an occurrence. It is a bit savage to say that they are glove puppets, but what can ministers do? They depend on their advisers. It is their advisers who really rule the roost. I wonder why the Scottish Parliament is stuck at that point.

The Convener: I think that it is because the Executive has the staffing and resources to do those things, while the Parliament has resources to run only its own business. I do not think that we could set ourselves up as a sort of parallel Government.

I was a member of the Transport and the Environment Committee when your petition kicked off. That committee did not feel that it was remotely equipped to handle the complexity of most of the science that was being run in front of it by a range of people who bombarded individual committee members, often daily, with e-mails containing vast numbers of attachments. I am not referring to you, Mr Berry: I am referring to a chap called Dave Conley. You have probably heard of him. Committee members understood the broad issues and believed that the matter should be examined, but they felt that the level of detail and complexity involved went beyond the committee’s competence. That is why they wanted the Executive to conduct the independent inquiry. It is difficult to know what the committee could do beyond that.

Allan Berry: How do you inquire into the Executive?

The Convener: That is something that you must continue to discuss with the Transport and the Environment Committee. The committee is now doing its best to conduct a rolling inquiry within the resource and time constraints that it has to deal with. I think that the committee is struggling very well to try to give you the kind of response that you want, although we must recognise that it does not meet the aspirations, which the committee shares, for a proper public and independent inquiry. That is the decision that ministers took. Unless the Parliament decides to censure them, ministers have executive power given by the Parliament. Within the ambit of that power, ministers will take decisions.

Susan Deacon: I am aware that I am a gamekeeper turned poacher, or perhaps a poacher turned gamekeeper—one or the other.

The Convener: Gamekeeper turned poacher.

Susan Deacon: I shall resist the temptation to disagree with some of the points that have been made—that is not what I am here to do—but I would like to ask Allana Parker some questions in my gamekeeper-turned-poacher role. It is interesting for me to look at the Epilepsy Action Scotland petition from the other end of the telescope now, compared with the end that I would have viewed it from when it first came to the Parliament.

The aims and aspirations of the organisation were certainly not at variance with the views of the then minister—I can say that with impunity—or of the Health and Community Care Committee. For one reason or another, the process has not reached an end point and the organisation feels that it has not moved the issue on. I welcome the opportunity to reflect further on how the petition could be used as a vehicle for making greater progress if we had that time over again.

I am struck by the fact that the committee spent a great deal of time deliberating on where the petition could be referred to. Issues of substance were raised that could have been commented on there and then, perhaps directly to the Executive. That might have moved the discussion on a little more. I do not say that as a criticism of anyone, but because I think that it is important that we use this opportunity to reflect on the way in which petitions are handled. With the benefit of hindsight, how does Allana Parker think the whole body politic could have worked more effectively to make progress on that issue, which I regard as important?

Allana Parker: We were keen for the petition to highlight the misdiagnosis rate for epilepsy in Scotland, because we did not think that MSPs

knew that it was as high as 30 per cent or that there were such variations across Scotland in waiting times for diagnosis. Although Epilepsy Action Scotland has been campaigning for better services, we thought that the petition would help to highlight that issue and make health boards realise that we take it seriously. We thought that anyone who knew about the petition would be keen for it to be advanced.

We were happy for the petition to be referred to the Health and Community Care Committee, as we thought that the committee was the proper place for it to go to. We were making our own representations to the health department, but we also wanted the Parliament to take up the issue of epilepsy services. The fact that some misleading information was given that held up consideration of the petition until this summer was a cause for frustration. Then the members of the Health and Community Care Committee decided that they would ask the Scottish Executive to comment on care standards for people with epilepsy before deciding what to do with our petition. There was a further four-month delay before a response was obtained from the Scottish Executive. About 10 months has passed without the petition being moved forward in any way.

In May 1999, a parliamentary debate was held on epilepsy. After that debate, we obtained signatures and decided to present a petition, which MSPs could support, to the Public Petitions Committee. Our aim was to find out what the Executive could do about epilepsy services in Scotland. Now we have been asked whether we would like to comment on the Scottish Executive's response to the Health and Community Care Committee, a process that will take another three or four months. We do not know what will happen after that. Will the Health and Community Care Committee give us a chance to present evidence on what we have said in our letter, or will this simply be a paper exercise with no opportunity to explore the issues that have been raised?

We would like the petition to be concluded, but we would also like to know that it has been given proper consideration. We do not believe that that has happened yet. The Health and Community Care Committee relies on what the Scottish Executive says because its members are not experts in epilepsy and do not know the issues. Epilepsy Action Scotland can tell the committee what the issues are and represent people with epilepsy and their families. However, we have not been given a chance to say why we are asking the committee for help and why the petition is so important.

Susan Deacon: Do you think that the petition was or should be an effective vehicle for making progress on this issue? Let me clarify what I mean

by that. I am struck by the fact that there is a difference between issues on which there are very different, often polarised, views, and issues that people can broadly unite behind, even though it is not simple to make the improvements and changes that people would like to see made. In the latter case, the situation is much less adversarial than when one is dealing with some of the issues that have been raised around the table.

I have a sense that your petition reinforces differences, instead of emphasising the common ground between different arms of the Parliament, among which I include the Executive. Do you think that the petition process, if developed better, could act as a vehicle for bringing people around the table and adding to their thinking on an issue, or do you think that it forces them into formally defending their corners?

Allana Parker: Earlier it was suggested that if there was common ground on an issue the Public Petitions Committee could propose a debate on it in Parliament. If the committee felt that such a debate would be useful, that would be quite significant. It does not matter whether we are talking about epilepsy services, asthma or diabetes: there is common ground on the fact that there are disparities in access to services across Scotland and that not all people have the same chance of getting a correct diagnosis. If it is not a priority condition, the Scottish Executive will not look at it. Equally, health boards and local authorities will not pick up on something that is not one of the top three priorities.

By raising the issue, we hoped that the Health and Community Care Committee would say, "Yes, this is important and should be given greater priority. What are our policies and how can we adapt them or make them better?" Although we hoped that that would happen through a discussion or debate, we have not had the opportunity for either. The system just carries on, and it is as if we are gradually chipping away at it in order to highlight the issue. We are not necessarily getting any action on it.

Mr McAveety: What you say is interesting. I just want to pick up on some points that you and Allan Berry have raised. There is a myth that some great superpower is knocking about the Scottish civil service with a lot of experience and ideas that none of the rest of us can understand. However, when I was a minister, I found that such a myth was often destroyed before my very eyes. Susan Deacon can speak for herself on this matter, but I think that both of us were able to challenge some of the perspectives that civil servants offered.

I have a genuine respect for what civil servants do, but the ones that I knew had developed a certain mindset after 20 years in the field of local government, and I used to sit there saying to

them, "I think you're missing the point about what we should do on this matter". Many civil service attitudes towards local governance still need to change. However, as I also have major criticisms of how local governance is organised, I can see the matter from both perspectives.

Allan Berry asked how we can challenge the Executive. I think that a number of people inside and outside the system do so. The system has an immense capacity to continue even when it is no longer very effective, which is why the former Soviet Union took a long time to crumble. Once it did, it was a remarkable sight. We need to listen to not only the voices of our parliamentarians, who perhaps come from a wider spectrum of life than those in previous Parliaments, but independent voices that can provide advice and support to committees.

If I were ever asked what I would do if I had the chance again—not that such a thing happens in this game—instead of working from the assumption that there is antagonism between the Executive and the Parliament, I would try a different trick. I would now say "We're in this together" and try to find strategies—no matter how painful—for sharing knowledge and experience. I have learned a few lessons from being part of the process, and now realise that there are two or three things I would not have done if I had sought someone else's advice instead of trusting my own instinct or hunch.

That said, there is a real question about how we can share such knowledge and experience. Some committees are capable of doing so, while others have not felt confident enough to develop their own issues. However, that must happen to ensure that people like Allana Parker do not find themselves in a grey area where a fog of uncertainty lies over what is going on. Although epilepsy is not one of the Executive's three big priorities, it is a critical health issue that affects people. We need to puncture the myths that I have mentioned to ensure that you do not have to keep beaver away at 25-page documents to us, thinking that there is a conspiracy. At the same time, we can have an open discussion on these matters.

The Convener: Unfortunately, such perspectives are available only to ex-ministers.

As we have been discussing this matter, I have been looking at the *Official Report* for the Health and Community Care Committee. It seems that your petition is still active as the Executive continues to reflect on its policy. If policy is evolving, the whole field becomes the subject of huge debate. In the light of that, do you want an answer at the moment? Do you not want to be part of the continuing and evolving debate?

Allana Parker: By making our own direct representation to the Scottish Executive, we already are part of the debate. However, we are saying that we know what the problems are and we have offered solutions to them. We would be quite interested to find out whether the Scottish Executive would like to back our solutions and put its money where its policies are. We are happy to engage at any time directly with the Executive, the Health and Community Care Committee, the Public Petitions Committee or whatever, as long as we can move the issue forward.

The Convener: The academics and researchers who cluster round the Parliament and its workings would probably class you as an insider with good contacts and a high chance of influencing policy. You should feel privileged. You are probably bracketed in a group that we like to call the usual suspects.

We will move rapidly through the remaining petitions.

12:00

Donald Gorrie: I want to pursue a similar point to the ones made by Susan Deacon and Frank McAveety. Most people who have appeared before the committee thought that they should have had a chance to speak to the relevant subject committee. There is a problem in that. If I were a member of the Health and Community Care Committee—which I am not—and a bunch of people came along and said that X, Y and Z should be done about epilepsy, how would I know that they have got hold of the right end of the stick? Members can be just as wrong as civil servants can.

There is scope in the point made by Susan Deacon and Frank McAveety. A better way of working could be evolved. That should not be a confrontational way, but could arise out of the petition. If, for example, the petition is about a flaw in the legal system, the petitioners and perhaps the excellent lady who is our Solicitor General could appear at the relevant committee. A health minister and the petitioners on epilepsy could appear before the Health and Community Care Committee for a serious round table discussion about the problem and how to proceed. A petition could be a sort of seed that produces a good, consultative flower. We should consider that.

The Convener: Mr Watson has skilfully taken the specific local issue of Briery Bank in Haddington, about which decisions have been taken by the local authority after the local plan inquiry, and raised a general issue about procedures, human rights and the role of petitioning at all levels. John McAllion said that he thought that there were about 20 petitions on

issues such as third-party appeals and presumably related planning issues. I know why the Transport and the Environment Committee has not acted. When it raised the issue with the Executive, it was advised that the Executive would bring forward legislation at some stage to implement changes in a wide number of planning areas. Currently, there is a consultation about public involvement in planning.

Given the huge number of petitions on that subject, there might be merit in the petitions being considered as a group and an overall view presented to the Transport and the Environment Committee. Mr Berry picked out the turnover of members as a significant point, so such a presentation may be illuminating. Perhaps there should soon be a dialogue between the Transport and the Environment Committee and the Executive on some of the implications of the petitions. Perhaps the issue is about the Public Petitions Committee getting back more control over the process and considering petitions strategically.

William Watson's paper made some very good points. Does anyone have any other point that they want to raise about Mr Watson's petition?

Fiona Hyslop: Mr Watson, you refer in the paper to a people's champion. Will you expand on that, following the comments that have been made?

William Watson: That picks up on John McAllion's report on his German experiences. I am not necessarily advocating a people's champion as the optimum solution, but it would be an acceptable, although expensive, option. The public could see an independent body—the Public Petitions Committee—pursuing particular issues in parallel with the subject committees. I think that the convener said that we do not want that, but it is a potential model. The Public Petitions Committee could become a quasi-independent, parallel organisation and take a bottom-up view of affairs as opposed to the Parliament's top-down view. Members of the public could see the Public Petitions Committee as a means of sharing their experience with the Parliament.

Fiona Hyslop: I ask the other witnesses whether they would want the expert committee in the subject area, whether transport, justice or health, to consider their petitions. Alternatively, how would they feel about the Public Petitions Committee carrying out the inquiry into their petitions? Although some of the committees seem to want to possess the petitions on their subject area, that does not mean that that is what should happen. If the Parliament is about power sharing, perhaps the public should have a separate system if they want one.

Allana Parker: I would be quite happy if the Public Petitions Committee were to take ownership of the petition from the start to the conclusion. It might ask the subject committee to provide a report or ask the minister for the subject area to give evidence. The process would be made quicker, but the Public Petitions Committee would require extra resources to even think about tackling that. It would take the committee a lot more time to investigate as many as 400 petitions and get all the information together.

When the original system was designed it seemed safer to send the petitions to a subject committee, which could ask the minister for the subject area to come and give information. A part of me thinks that, from the general public's view of what is happening, the Public Petitions Committee should have sole ownership. The Public Petitions Committee should continue to monitor the petition, whether or not the subject committee does the work and grind. The Public Petitions Committee must be seen to have a responsibility for the conclusion of the petition after it has gone through the process.

The Convener: If nobody else has any points to raise in relation to Mr Watson's paper, we will turn to Mr Hope. Mr Hope has had a fair crack and he might have raised all his points. He gets the gold star.

Duncan Hope: We have been fortunate. People on the inside have helped us.

The Convener: Councillor Kennedy's points have been well ventilated. I do not know whether any member wishes to raise points with him at this stage.

I thank all the witnesses. We have found the evidence extremely helpful. There are clear examples of all sorts of ways in which the procedure might be tightened up. We have heard about how the response rates and the follow-up might be improved. There are big philosophical issues about the point at which the Parliament takes control of the Executive. In the area in which we are working, there is plenty of scope for improvement. Resource issues have also been flagged up.

There are also big issues about the relationship between the Public Petitions Committee and the subject committees. The evidence that the witnesses have given has been helpful and it will inform the discussion that we will have and the recommendations that we will make to Parliament some time next year. I thank the witnesses for taking the time to come in this morning and give us the benefit of their experience. I thank Mr MacPherson.

Bills (Amendments)

The Convener: The third item on the agenda is a paper on the timing and deadlines for amendments to bills, which Andrew Mylne is here to talk about. The committee has discussed those issues previously at various stages. I ask Andrew Mylne to give us a run-through of the principal points and highlight the recommendations.

Andrew Mylne (Scottish Parliament Directorate of Clerking and Reporting): Thank you, convener. I am sorry to have brought quite a lot of material to the committee, as I usually do. I hope that most of it is self-explanatory. The main paper deals with two issues that the committee has considered before. There was a commitment to come back to the committee with further thoughts on both those points.

The first of those issues is manuscript amendments at stage 3. In the paper I have tried to emphasise the balance that needs to be struck in relation to the procedure for manuscript amendments between the two slightly competing priorities of the flexibility of the process and the importance of giving notice. After that discussion, the paper recommends that, on balance, a procedure for manuscript amendments at stage 3 would be helpful.

The paper also considers whether there should be an earlier deadline for the lodging of Executive amendments. The committee has considered the issue before, but the paper uses more information that we have gathered. Members will recall that when the committee last considered this issue, it agreed to review it after six months. In October, once the six-month period had expired, we collected statistics, which we have presented in the shorter of the two papers. Drawing on that new information, the longer paper pulls together the issues and suggests that there might be a useful trade-off between manuscript amendments and deadlines. If adopted, the manuscript amendment procedure might help to take the sting out of the deadlines issue and provide an alternative method for dealing with one of the reasons why that issue was raised in the first place.

I hope that that brief description gives an overall picture. Obviously, the detail is in the paper, on which I will be happy to answer questions.

The Convener: I am quite happy with the recommendations in paragraph 28 of the report, which accepts the principle of manuscript amendments at stage 3 and deals with related issues. I agree with the recommendation that we accept manuscript amendments up to the latest possible stage. The only experience that we have had of the Presiding Officer having to improvise on

such an issue was during a stage 3 debate, when the Parliament was allowed to do something that it would not otherwise have been able to do. Members seem happy with paragraph 28.

The second set of recommendations relates to the setting of an earlier deadline for Executive amendments. The evidence that is presented in the table in the shorter paper is instructive. It indicates that the system can operate perfectly well. An interesting question is raised over the timetabling of the Housing (Scotland) Bill. It is clear that the timetabling of that bill, rather than any deadlines, was the real issue. People with influence on the Parliamentary Bureau may care to raise that point the next time that the Parliament deals with a substantial piece of legislation.

I accept that the manuscript amendment procedure would allow difficulties to be overcome. I can give a pertinent recent example. On the final day of stage 2 of the Protection of Wild Mammals (Scotland) Bill, Lord Watson lodged an amendment by voicemail at 5 to 2. The amendment replaced one lodged earlier, and would have knocked out some counter-amendments that had already been lodged. The convener of the Rural Development Committee accepted manuscript counter-amendments and I think that the lead member was perfectly happy with that. With a bit of good will, co-operation and overtime by the clerks, everything was smoothed out.

With the manuscript amendment facility in place, the concerns over securing an earlier deadline for Executive amendments evaporate a little—as long as conveners are aware of the power and use it when a genuine late amendment arises. We should keep this issue under review. If we find that the Executive is not able to reach the high standards that it has reached in recent bills, we can revisit it.

Fiona Hyslop: I sat through the marathon of the Housing (Scotland) Bill. At the end of the shorter paper, it says:

“95% of amendments were lodged at least 4 days in advance of Committee consideration.”

However, the table that follows tells a story that better reflects my experience. In the table, the deadline has been changed to a five-day deadline and the percentage is considerably lower.

I am reasonably relaxed that the Executive made every effort to lodge amendments as early as it could and that the option of being able to lodge a manuscript amendment at stage 3 would allow a final cut if there were significant problems.

However, I cannot underestimate the problems that we had during the Housing (Scotland) Bill, which were raised when the bill was timetabled.

Problems arise when a committee meets twice a week, which means that members must lodge amendments that anticipate decisions that have not been taken. That creates an absolute mess. The problems that we experienced with the Housing (Scotland) Bill will have to be revisited. I doubt that even Executive-inspired amendments at stage 3 could have dealt with those problems, some of which had still to be uncovered.

Although I am relaxed about the situation, I am concerned about the anomaly in the report between the 95 per cent success rate for the lodging of amendments four days before consideration and the rates of 40 and 60 per cent for non-Executive amendments that were lodged before the five-day deadline at stages 2 and 3 respectively. Late lodging of amendments can make a difference, particularly for Opposition members who have to deal with the volume of amendments that were lodged during the processing of the Housing (Scotland) Bill.

12:15

The Convener: What the new First Minister said on his appointment about doing less, but doing it better was very promising. We have written to ask whether he would be interested in a meeting to discuss some of those points. It is clear that the whole juggernaut of the Executive machine at stage 2 is a problem for us all. If the First Minister means what he said to apply to the stage 2 process, we could obtain a significant improvement in the way in which we handle that.

Fiona Hyslop: I want to ask Andrew Mylne about the surprise at the sheer volume of bills that has come through in some of the evidence. It is also apparent that the Executive has not taken on board the fact that the programme is four years long and that it does not have to do everything in one year, which results in the jamming together of many stage 2s in the spring. That means that committees have to meet twice a week. It might help the process if, instead of everything having to get through by the end of June, bills could be started before the summer and continued after the summer.

Andrew Mylne: Those are political matters. The rules allow members to introduce bills on any sitting day. It is up to the Executive when it introduces the bills in its programme. It is up to the Parliamentary Bureau to timetable each bill. The decisions that go into that are obviously political as well as practical, so it is difficult for me to comment on them to any great extent.

There is a tendency for the Executive to set an end date for the enacting of a bill and to work backwards from there. The difficulty is that sometimes not enough time is left to

accommodate all the parliamentary stages and things inevitably become a little squeezed. As I said, such matters are political and in that context it is for the bureau to take decisions that allow enough time for the various parts of the process to unfold. My concern is with the procedural framework, but that framework is not a substitute for political decisions that need to be taken.

Susan Deacon: I am generally comfortable with the views and recommendations in the paper, but I voice a concern about the sheer pace and volume of what the Parliament is attempting to do. I appreciate the Executive's end. Running through our discussion is a presumption that the Executive has all the time, resources and capacity to cope with everything, but there are huge pressures at that end as well. None of us wants a situation in which the Parliament passes flawed legislation. I do not believe that it has done that. Everybody in the process has been working hard and well. I simply note a concern that there is a range of stages in the process when something could slip. All of us should be vigilant in that respect. It is worth trying to focus on fewer things and do them better, wherever that drive comes from.

Donald Gorrie: As one might expect, I was one of those who was unhappy about the Executive's performance on lodging amendments at a late stage, but the tables at the back of the paper suggest a distinct improvement, for which due credit must be given.

I will pursue Susan Deacon's point. I go along with the proposals, but we should consider other ways of slowing the juggernaut, especially at stage 2. Might we not do as much business over the same period if committees had alternate meetings—one to deal with a bill and the next to deal with whatever consultation or examination is being conducted? At present, committees whizz through bills—boom, boom, boom. Members are totally exhausted, and then they whizz through their investigation—boom, boom, boom. If booms were alternated, committees would do better, especially if a member is an 11th hour person, as I am—in fact, I am a 12th hour person.

I have found being involved in a bill difficult, because on leaving one meeting I must write my amendment for the next meeting. The process could be slowed a bit and yet allow committees to do the same amount of work over six months or a year. That should be considered, but that is, in a sense, irrelevant to today's discussion.

The Convener: However, that issue arises from the paper. I realise that Andrew Mylne cannot comment, but I wonder whether we could approach the Executive on what Susan Deacon described—a concern among ministers and officials about the rate at which they must work. That contrasts with the face of the Executive that

parliamentarians see—the Minister for Parliamentary Business's office, which wants to meet the deadline. I suspect that the Minister for Parliamentary Business's office might have been the common enemy. Would the Executive or civil servants be prepared to discuss their concerns about the pace of stage 2 and the volume of amendments? I do not know whether there is a way round that, but perhaps Andrew Mylne could reflect on that and the clerks could explore the issue. Perhaps Susan Deacon might also give it some thought.

The issue is serious. In the Parliament's first year, we all felt bad that so much was being hammered through before the summer. It was understandable that, for political reasons, people wanted to show that the Parliament had achievements. However, the process was not good. It is far more important that we discuss matters thoroughly and are clear about what we are doing than that we worry about deadlines that we have set ourselves.

Do members accept the recommendations in paragraph 55 of the paper, which repeats recommendations from the first section of that paper and makes recommendations about Executive amendments?

Members indicated agreement.

The Convener: I thank Andrew Mylne and members for attending.

Meeting closed at 12:22.

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