

PUBLIC PETITIONS COMMITTEE

Tuesday 14 December 1999
(*Afternoon*)

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PUBLIC PETITIONS COMMITTEE 6th Meeting

CONVENER :

*Mr John McAllion (Dundee East) (Lab)

COMMITTEE MEMBERS :

Helen Eadie (Dunfermline East) (Lab)

*Phil Gallie (South of Scotland) (Con)

*Christine Grahame (South of Scotland) (SNP)

*Pauline McNeill (Glasgow Kelvin) (Lab)

Mrs Margaret Smith (Edinburgh West) (LD)

*Ms Sandra White (Glasgow) (SNP)

*attended

COMMITTEE CLERK :

Steve Farrell

ASSISTANT CLERK :

Jane Sutherland

Scottish Parliament

Public Petitions Committee

Tuesday 14 December 1999

(Afternoon)

[THE CONVENER *opened the meeting at 14:06*]

The Convener (Mr John McAllion): I welcome everyone to the sixth meeting of the Public Petitions Committee. As we have about 15 petitions to get through, we will move on.

Petitions

The Convener: Petitions 31, 34 and 35 from Helen Mackenzie, Peter Norris and Marion Reynolds call on the Scottish Parliament to conduct a review of its obligations under international law regarding the presence of Trident nuclear weapons at Faslane nuclear submarine base, which are under Scots legal jurisdiction.

The weapons system was the subject of a decision by Sheriff Margaret Gimblett at Greenock sheriff court on 20 October. Before we discuss the petitions, I should inform the committee that we have received legal advice that the case is sub judice, as the Crown Office is actively considering making a Lord Advocate's reference on it. As a result, committee members should not refer to details of the case in their consideration of the petitions.

The petitions as drafted are admissible, as they ask the Parliament to review its obligations in relation to nuclear weapons under international law. Although nothing can prevent the Parliament from conducting such a review, there would be little point in doing so, as the matter is reserved to Westminster. However, it is possible to argue that the Scottish Executive has a direct interest; even though the legal basis of the policy is reserved, it still has the power of criminal prosecution. The petition could be referred to the Executive, which could then respond directly to the petitioners. The Justice and Home Affairs Committee may also want to take a view, so it may be advisable to refer the petition to the Executive via that committee. However, it is open to members to make suggestions of their own.

Ms Sandra White (Glasgow) (SNP): Do we have to declare an interest if we are members of the all-party Campaign for Nuclear Disarmament group?

The Convener: I hope not, because I am a member of the all-party CND group. [*Laughter.*]

However, if we do, I declare it now.

Ms White: Me too. Now that that is out of the way, I accept what you were saying. I have spoken to members of the Justice and Home Affairs Committee and they feel that these petitions would be ideal for them to discuss. They said—and Christine Grahame may want to come in on this—that the Minister for Justice may also want to discuss them. If the Justice and Home Affairs Committee or the minister is to look at this, I wonder whether it could be pointed out that some members' motions relate to this matter and that it would be useful if the committee or the minister could report back to us and not just to the petitioners.

Christine Grahame (South of Scotland) (SNP): As my name has been used—though not in vain—I should say that the only problem that I have with this going to the Justice and Home Affairs Committee is that, in that committee, we are so up to our necks in work that we may not be able to give a quick response. The situation may improve if we move to having two meetings a week.

You said, convener, that the Lord Advocate was actively considering making a reference. I suggest that, to expedite this matter, we ask the Minister for Justice to clarify what that means and how long it will take. If the Lord Advocate decides not to make a reference, the matter is no longer sub judice.

We should also ask the Minister for Justice to respond directly to this committee, so that we can decide whether to send the petitions, with the minister's response, to the Justice and Home Affairs Committee. By then, I hope that we will be having two meetings a week, which would enable us to put the matter on our agenda.

Pauline McNeill (Glasgow Kelvin) (Lab): For the record, it has not yet been agreed that the Justice and Home Affairs Committee will meet twice a week—and I will have something to say about that when it comes to be discussed.

Even given the work load of another committee that Christine Grahame and I happen to be on, my feeling is that this issue is so wide that I do not think that the Justice and Home Affairs Committee is the right place for the petitions. The petitioners are asking us to refer this matter to someone who can consider what the implications might be, so I think that it has to be referred to the Executive and probably the Minister for Justice for a first response. I propose that we go to Jim Wallace for a comment, and not to the Justice and Home Affairs Committee at all. After hearing his response, we could decide what to do thereafter.

Phil Gallie (South of Scotland) (Con): First, I declare that I am not a member of the CND group,

but I am a member of the Justice and Home Affairs Committee along with Pauline McNeill and Christine Grahame.

This matter is currently sub judice; moreover, it is a reserved area. The Scottish Parliament has many important matters in front of it on which it can deliver and I feel that these petitions should be put on hold until the sub judice matters are resolved. After that, we can consider them again and pass them on as appropriate.

Christine Grahame: I feel that we should ask the Lord Advocate what he intends to do. It is all very well to say that he is actively considering making a reference, but he has had quite a while to do so.

Phil Gallie: I can live with that, convener—it is a fair question to ask.

Christine Grahame: I am glad that I have said something with which you can live, Phil.

The Convener: It is nice to see Phil, for once, agreeing with CND.

Phil Gallie: Has Christine got new initials?

14:15

The Convener: Two courses of action have been suggested. First, we write to the Lord Advocate, asking him for information on when he will reach a decision and whether he will appeal the sheriff's decision. Secondly, we also refer the petitions to the Minister for Justice, asking for the Scottish Executive's view; depending on what that view is, we reconsider what we will do with the petitions. The Minister for Justice will come back to us so that we can decide whether we refer them to the Justice and Home Affairs Committee or deal with it in some other way.

Christine Grahame: We should advise the minister that we have written to the Lord Advocate.

The Convener: Yes. It is not for the Minister for Justice to say whether the Crown will appeal.

Phil Gallie: If we do that we will put the Minister for Justice in a difficult position. If we make contact with the Lord Advocate and ask him a perfectly reasonable question, as Christine Grahame suggested, we should wait until we have an answer before deciding what to do. It would be wrong to take parallel action, particularly when the Lord Advocate and the Minister for Justice may be operating separately. I accept Christine's point, but I would rather pursue half the proposal.

Christine Grahame: May I clarify what I meant, as I was completely misunderstood? We should tell the Minister for Justice that we have written to the Lord Advocate simply as a matter of courtesy, not as a threat.

Phil Gallie: You are asking for his opinion.

Christine Grahame: No, I am not.

The Convener: Try to speak through the chair.

Ms White: It makes sense that we take both actions in tandem. It is the Minister for Justice's job to reply either to us or to the petitioners, and I do not see any harm in asking him, and the Lord Advocate, to do so. That is part and parcel of Parliament. I second what John McAllion said.

The Convener: I get the feeling that the majority view is that we write to the Lord Advocate and the Minister for Justice asking for the Scottish Executive's position, and that we hold this matter over until we have replies from both. We have never gone to a formal vote, Phil, and I think that you would lose anyway. Are we agreed on that course of action?

Christine Grahame: Can we place a time limit on a response?

The Convener: We can ask for a response as soon as possible, but we cannot demand that the Lord Advocate makes a decision within a specific time scale. We can stress that we want this matter to be dealt with and that we would appreciate a reply within a reasonable amount of time. Are we agreed?

Members indicated agreement.

The Convener: The next petition, PE32, comes from Gavin Cleland and is supported by the Scottish Trades Union Congress. It calls for the prosecution of the Occidental oil company for its part in the Piper Alpha disaster. In particular, the petitioners are asking the Scottish Parliament to declare that the Lord Advocate should initiate a prosecution against Occidental for the alleged negligence that led to the disaster. It also asks the Parliament to resolve to seek a change in the law, if it is required, to enable the Lord Advocate to proceed with such a prosecution.

The report that was issued to members does not say this, but we have been given legal advice that this issue, too, is sub judice, and that an appeal is pending in the courts. Again, that means that we cannot refer to the substance of the case against Occidental regarding the Piper Alpha disaster. However, it is within Parliament's powers to ask the Lord Advocate to initiate a prosecution against Occidental, as requested by the petitioners. We have to consider whether it is advisable for us to do so at the moment.

The suggested action is that the clerk writes to the petitioner explaining that this matter is reserved. Schedule 5 of the Scotland Act 1998 says that

"the application of Scots law and the jurisdiction of the Scottish courts in relation to offshore activities"

is reserved. We should write to the petitioner explaining that that is the case and that he can take up the matter either with the UK Parliament through the Secretary of State for Scotland or through the Scotland Office. However, it is open to us to write to the Lord Advocate to find out his views on the matter. It is also open to us to refer the petition to the Secretary of State for Scotland, indicating our support for action to be taken.

I am not sure what the best course of action would be. I am concerned that, for a long time, people have campaigned unsuccessfully to have this issue addressed through the Westminster Parliament. I hope that the committee will be able finally to deal with the issue, either through the Lord Advocate or, if necessary, through the Westminster Parliament and the Secretary of State for Scotland. What do other members think?

Christine Grahame: I am beginning to think that I am becoming a pen pal of the Lord Advocate. I suggest that we write to the Lord Advocate, asking him whether he intends to initiate a prosecution against Occidental and, if not, why not.

The Convener: That is one course of action.

Ms White: I echo that suggestion. This issue has been around for a long time. It is a shame that we cannot discuss various aspects of the matter. I do not see any point in sending the petition to Westminster. People have been doing that for nearly 10 years and have got nowhere. They have come to us because some action might be taken.

Pauline McNeill: We have discussed the role of this committee many times when we have come across difficulties. I thought that it was not for us to decide whether we support a petition or not, but to decide whether the petition should be referred on. This petition does not fall naturally under the remit of any committee, although if it came under any, it would be that of the Justice and Home Affairs Committee, which deals with matters of criminal law. I am not against sending a copy of the petition to the Lord Advocate, but we must be careful about what we do. We cannot pick something out from a petition and say that we want that point to be addressed. I propose that we write to the Lord Advocate with a copy of the petition asking him to comment on the petitioners' request.

The Convener: This committee does not dispose of petitions. It recommends that a petition be dealt with by whatever authority—a committee, a minister, the Lord Advocate or whatever. It has been the committee's practice in the past to indicate its support for certain petitions by asking committees or ministers to pursue requests with some enthusiasm. We should write to the Lord Advocate, as suggested, asking for his views. We can then reconsider the petition, based on the reply that we receive, to see whether there is

something that we can do at that stage to dispose of the petition properly.

Christine Grahame: Perhaps I can rephrase that. We should ask the Lord Advocate to consider the terms of the petition. If he forms the view that he will not prosecute, it would be helpful for him to indicate why not. We can soften that—it does not have to be put as bluntly as that—but we need some guidance. We do not want simply to hear that he does not intend to prosecute. It is part of the Parliament's role to be open. People want to know why crimes are not prosecuted. There may be very good reasons why they are not, so that is not a trick or a hostile question.

The Convener: It is perfectly in order for us to write to the Lord Advocate with a copy of the petition to ask him to consider the petition's terms and to indicate the position of the Crown Office on prosecuting Occidental. On the basis of that information, we will be able to decide the best thing to do.

Ms White: We all have views on any petition and on any matter, but as professionals we need to take all the aspects on board. People have been trying to get information on this issue for 10 years but have not been able to. We are taking on board only the clerk's advice, which is that it would be within the Parliament's powers to do what you suggest. I see no harm in doing that.

The Convener: I think that we have agreement. We are in danger of wandering into discussion of the details and we do not want to get into trouble.

Phil Gallie: I have a point to make.

The Convener: It is not about the detail, is it?

Phil Gallie: No. I fully back Christine's proposal. However, time and again we ask the Crown Office to tell us why prosecutions are not taken forward and time and again the Lord Advocate refuses point blank to give that information. I am totally behind the idea of asking him about his intentions, but—with respect—I am sceptical about our getting any reasons from him.

The Convener: I have been involved in a number of cases where the Crown Office has refused point blank to give reasons for a decision. Nevertheless, the Lord Advocate may write to tell us what the decision is. That would be useful information for the committee. Is that course of action agreed?

Members indicated agreement.

The Convener: Petition 33 is from Mr Stuart Crawford and calls for the clearance of litter and rubbish from roadsides and other public areas. In particular, it asks for the implementation of the "adopt a highway" scheme, which is currently used by some states in the USA. The scheme involves

local community groups and voluntary bodies adopting a stretch of roadside and undertaking to tidy it up regularly. It is probably more difficult to implement such a scheme in Scotland than in the USA, and not just for cultural reasons. Here there is a split between responsibility for trunk roads and responsibility for non-trunk roads. However, I suggest that we pass the petition to the Transport and the Environment Committee for further consideration.

Pauline McNeill: That seems a sensible way forward.

Christine Grahame: For efficacy's sake, it might be worth sending it to the Minister for Transport and the Environment before we send it to the Transport and the Environment Committee, to ascertain whether any thought has already been given to this proposal. That is sometimes a quicker way of doing things.

The Convener: It is for the Transport and the Environment Committee to decide how to proceed. This issue may involve the Local Government Committee as well. I am not greatly fussed, but I would be happier if we let the Transport and the Environment Committee decide.

Christine Grahame: I am happy to go along with that.

The Convener: The next petition, PE36, is from the Dundee Royal Neurosurgical Unit Fund. Perhaps I should declare an interest—not only am I the local MP but I support the campaign. The petition calls on the Scottish Parliament to conduct a debate on the proposed closure of the neurosurgical unit at Ninewells Hospital in Dundee. At the moment, there is no proposal for closure, but the acute services review that is reporting next week may include such a proposal. The suggestion is that we pass this petition to the Health and Community Care Committee for further consideration.

Phil Gallie: Given that the petitioners want the Parliament to debate this issue, perhaps the petition should be e-mailed to all members, with the suggestion that someone lodge a member's motion, which I would expect to get all-party support. In that way, there would almost certainly be a debate, which would meet the petitioners' requirements.

The Convener: I have already lodged a member's motion. If members are anxious to sign it, they can do so.

Pauline McNeill: Phil Gallie is absolutely correct. It is not for the Health and Community Care Committee to conduct a debate, as it has no power to do that. The correct forum for a debate of this kind is members' business, and I do not see any difficulty in getting people to sign up to a

motion. We can refer the petition to the Health and Community Care Committee to do with it as it wishes, but we need to be clear that only members can initiate a debate.

The Convener: That is a fair point. However, the committee can consider how such a debate may be progressed, because health comes within its remit. Perhaps it could reply to the petitioners along those lines.

Phil Gallie: Are we in a position to suggest to the Parliamentary Bureau that we have received a petition on this matter and that it should take that into account when considering whether John McAllion's member's motion should be debated?

The Convener: Clearly, this petition should be referred to the Health and Community Care Committee because it falls within that committee's remit. However, some of the petitions that we will be considering later raise the issue of whether this committee ought to be recommending debates on particular matters in Parliament. We need further guidance on that, because we cannot say that there should be a debate in Parliament on every petition that we receive. The bureau would have something to say about that, as it would take up all Parliament's time.

Christine Grahame: It would also bypass the other methods of arranging members' debates. That, again, is a matter for negotiation. Referring the petition to the Health and Community Care Committee would give it more momentum.

The Convener: That is agreed.

The next petition, PE37, is from Cecil Ritchie and calls on the Parliament to implement nationally the pass plus scheme of additional driving tuition for novice drivers. All matters relating to drivers licensing and qualifications are reserved, so the Scottish Parliament could not introduce legislation of the type proposed; the petition is technically inadmissible in that respect. It is recommended that the clerk write to the petitioner explaining that and suggesting that he take up the matter either with his UK member of Parliament or with the relevant UK minister. We may also refer the petition to the Local Government Committee, asking it whether it wishes to encourage local authorities to co-operate in such schemes, which seem to be very worth while. Do members have any views on this matter?

Christine Grahame: I endorse what you have said, convener.

The Convener: Are we agreed that we will write to the petitioner in the terms suggested and refer the petition to the Local Government Committee, asking whether it wishes to encourage local authorities to support such schemes?

Members indicated agreement.

The Convener: The next petition, PE38, is from Glen Oaks Tenant and Resident Association, which calls on the Parliament to request Scottish Homes to take a number of steps in relation to the organisation and improvement of tenants and residents organisations. The petition arises from the Scottish Executive's green paper "Investing in Modernisation—An Agenda For Scotland's Housing". We know that, next year, a housing bill will be introduced in the Scottish Parliament, which will be aimed at enhancing tenants' rights, although it may not contain the specific detail that is requested in the petition. In the circumstances, we should ask the Social Inclusion, Housing and Voluntary Sector Committee to consider the petition, to respond to it and to take it into account when it examines the housing bill.

14:30

Christine Grahame: I agree with that suggestion. It might also be useful if the petitioners were encouraged to contact the Justice and Home Affairs Committee when the bill comes before that committee. Sometimes so many submissions come in that they can, for the best reasons, get lost.

The Convener: Perhaps when we refer the petition to the Social Inclusion, Housing and Voluntary Sector Committee, we can ask it to liaise with the Justice and Home Affairs Committee.

Christine Grahame: Yes, in case parties raise issues that the Justice and Home Affairs Committee might want to consider when it examines the housing bill.

The Convener: We should draw that to the attention of the Social Inclusion, Housing and Voluntary Sector Committee.

Pauline McNeill: Is it in order for this committee to copy a petition to the local MSP?

The Convener: Yes. Where is Glen Oaks?

Pauline McNeill: It is in Glasgow Pollok.

The Convener: I see no problem with that. Are members agreed?

Christine Grahame: On a point of information, surely these petitions, once submitted, are in the public domain.

The Convener: That is correct—anyone can access these petitions.

Petition 39 is from Mr George B Anderson, who calls on the Parliament to debate section 87 of the Environmental Protection Act 1990 and to make mandatory the serving of fixed penalty fines on littering offenders. He is slightly wrong, as it is

section 88, rather than section 87, of the act that deals with the use of fixed penalties and whether they should be made mandatory. We should refer this petition to the Transport and the Environment Committee, as it falls within that committee's remit.

Ms White: Would it fall within the remit of the Local Government Committee?

The Convener: We can ask the Transport and the Environment Committee to consult the Local Government Committee about this petition.

Ms White: Local government would deal with mandatory fixed penalties, if such penalties were ever imposed.

The Convener: The clerk will check with the clerks of the Local Government Committee and the Transport and the Environment Committee to establish to which committee this petition should be referred. Is that agreed?

Members indicated agreement.

Christine Grahame: Extra penalties should be imposed for those who litter crisp bags.

The Convener: The next petition, PE40, is from the World Development Movement, which calls on the Scottish Parliament to debate the implications of the ministerial meeting of the World Trade Organisation—the petitioners refer to the recent, unsuccessful meeting of the WTO in Seattle. International trade and foreign affairs are reserved matters, but issues such as the health service, public-private partnerships, education, local government, transport and housing are all affected by WTO decisions. We should write to the petitioners to explain that international trade and foreign affairs are reserved areas and that we cannot act on the petition—the meeting in Seattle is already past, in any case.

We should write to the Presiding Officer and the Parliamentary Bureau to ask what they think the criteria should be for this committee to call on the Parliament to have a full debate on matters raised by petitioners. Although this committee should decide whether to take such action, it would be interesting to hear the views of the bureau and the Presiding Officer. We could use this petition as an example.

Pauline McNeill: That is a key point. This committee receives calls for the Parliament to debate issues, but there is no provision that allows the committee to take such calls further. That is a matter for the Parliamentary Bureau.

Linda Fabiani has lodged a motion to which a lot of people have already signed up. We could perhaps mention that the Parliament has already agreed to the principle of forming a view on the matter. I agree that we have to sort it out because we do not have the right to call for a debate on the

issue. There is a question of whether we should call for a debate and, if we do, of how we then sort it out. It is really the Parliamentary Bureau's job.

Although it is for members to put in their bids for debates according to what they think is important, it would add a dimension and public interest to this committee if there was even a minor provision for us to have a say in that process, if the committee feels strongly about a particular issue. We will still have the job, when we get 15 or 16 petitions, of deciding which of the ones that we have been asked to debate would form a priority for us.

Christine Grahame: Could I have some information? I do not have the standing orders before me, but I do not think that the standing orders pertaining to this committee allow us to call for debates. We would have to seek change in the Parliament's standing orders.

On a second point of information, have we made plain on the Parliament website what the disposal of petitions by the Public Petitions Committee consists of? Is it mentioned that we, regrettably, are unable to initiate debates?

The Convener: On your second point, Christine, that is mentioned on the website. It has a full explanation of the limitation of the power of this committee in calling for and trying to arrange debates.

On your first point, we can call for a debate to be considered by the bureau.

Christine Grahame: And change the standing orders—the parliamentary rules about the remit and operation of committees—of the Parliament if necessary?

Pauline McNeill: It is quite right that, under the rules, we have no rights. However, if the will were there, I do not see why we could not ask to make a direct input to the Parliamentary Bureau. It is a mechanical issue that we need to sort out.

The bureau might say that it does not think that we have any role in selecting the issues that should be debated, and that it is a matter for them. If the bureau is prepared to listen to what the Public Petitions Committee has to say, it would then just be an issue of sorting out the mechanics of how to do that.

The Convener: We could perhaps read from the standing orders about the powers that we have. Rule 15.6.2 states:

"When the Committee has considered the petition it may—

(a) refer the petition to the Scottish Ministers, any other committee of the Parliament"

and so on, or we may

"(b) report to the Parliamentary Bureau or to the Parliament; or

(c) take any other action which the Committee considers appropriate."

It is open to us.

Christine Grahame: So initiating a debate could come under

"any other action which the Committee considers appropriate"?

The Convener: It is open to us to raise the question with the Parliamentary Bureau. Let us agree the criteria. If this committee feels that it is justified, we could recommend that a debate be held in the chamber. I am not suggesting that every petition warrants that, but let us agree what the criteria for having debates on petitions might be between this committee and the Parliamentary Bureau. If a petition has a sufficient number of signatures, we could certainly say that it should be debated, and that this committee recommends to the bureau that it is debated. We should correspond with the bureau to clarify that situation.

Christine Grahame: Could I therefore ask that, once you have had your correspondence, convener, the committee has a debate to formulate its criteria? If necessary, we could then seek a change in the rules. As was correctly pointed out earlier, this is an embryonic committee. We want the embryo to grow to be a big, strong baby, and our suggestion will let it become that.

The Convener: Absolutely. It has been suggested to me by the clerk that he prepare a paper for the next meeting, and that we pursue it then.

Phil Gallie: As I was saying earlier, I do not think that we really need to recommend a petition in some cases. If we pass it to the Parliamentary Bureau, it can see the motions that have already been submitted and can take a decision. If we feel strongly about it, okay: we make a recommendation. I cannot see anything anywhere that stops us simply passing on a petition to the bureau.

Pauline McNeill: Phil is right but, as Christine Grahame said earlier, we will need some criteria at some stage. Otherwise, we will get bombarded with petitions to deal with.

The Convener: Okay, but it is agreed that the clerk in consultation with the Parliamentary Bureau will prepare a paper for the next meeting at which we can discuss this further.

Petition 41 is from the Glasgow Campaign Against the Housing Stock Transfer, and calls on Parliament

"to declare a Moratorium on Stock Transfers in Glasgow until the Social Inclusion, Housing and Voluntary Sector Committee has examined all aspects of Public Sector Housing in Scotland."

The Glasgow Campaign Against the Housing Stock Transfer has given evidence to that committee, of which I am a member, in its current investigation into stock transfers. I suggest that this petition should be referred to that committee to be considered as part of its investigation. Are there any other views on this?

Pauline McNeill: I am happy with that, but I want to point out that we do not have the power to declare anything. The petition says:

"we are petitioning The Petitions Committee as a Campaign comprising 50 Tenants Associations to declare a Moratorium on Stock Transfer in Glasgow".

It is not for us to declare anything.

The Convener: However, it is important for the Social Inclusion, Housing and Voluntary Sector Committee to recognise that this view exists among tenants organisations. We can ask that committee to reply to the petitioners, while keeping us informed, on Pauline McNeill's specific point and to say that, although the committee may not have the power to declare a moratorium, it will take on board the view of tenants.

Ms White: Pauline pointed out that the petition calls on this committee to declare a moratorium. That is just the wording of such petitions—the group is not asking us, no matter what our personal views are, to declare a moratorium. It is up to us to decide to which committee we send the petition. You are right, convener, that it has to go to the Social Inclusion, Housing and Voluntary Sector Committee, because it has to know how people feel about housing stock transfer. It is our job to sift through petitions and submit them to the most appropriate committee.

The Convener: It is agreed to refer petition 41 to the Social Inclusion, Housing and Voluntary Sector Committee.

Petition 42, from Mr Hutchens, calls on the Parliament

"to discuss ways in which human rights education can be incorporated into all aspects of the Scottish educational, civic and public life."

Mr Hutchens has given us a copy of a leaflet on the universal declaration of human rights. It is suggested that we send this petition to the Education, Culture and Sport Committee and the Enterprise and Lifelong Learning Committee for their further consideration, and that we ask those committees which of them should take a lead in the matter. I am not sure which would be most appropriate. Are there any other views?

Christine Grahame: That seems reasonable.

The Convener: Is that recommendation agreed?

Members indicated agreement.

The Convener: Petition 43, too, is from Mr Hutchens. It calls on the Parliament

"to ensure that the scientific, cultural and education community in Scotland are informed of the 'Manifesto 2000'",

which was developed by the United Nations Educational, Scientific and Cultural Organisation. A copy of a leaflet about Manifesto 2000 is attached to the petition. Again, it is suggested that we send this petition to the Education, Culture and Sport Committee and the Enterprise and Lifelong Learning Committee and that we ask them which of them should take the lead.

Christine Grahame: I nodded agreement about petition 42, but I wonder whether petitions 42 and 43 should be referred first to the Minister for Children and Education to say how the matters covered by these petitions are addressed in education policy. There may be something in education policy of which we are unaware.

The Convener: Would that not be for the committees dealing with the petitions to ask about?

Christine Grahame: Committees may have to remit petitions that we send them to the minister because they do not know what the position is. In certain cases, where matters of policy are involved, it might be quicker to send petitions to the minister. If the minister says nothing, the petitions can go to the committees.

I know that the Justice and Home Affairs Committee has received petitions that we thought should have gone to the minister before coming to us, because all that we did was ask the minister about them.

The Convener: It is perfectly reasonable for us to go through the minister before we send a petition to any committee, and then decide what to do on the basis of the minister's reply.

Christine Grahame: Does anyone else feel that that is sometimes more efficient?

The Convener: We can go down either road, but we cannot do both. Should we send these petitions to the minister or to the committees?

Ms White: I think that they should go to the committees.

Pauline McNeill: I am easy on this, but I would like a reason for sending these petitions to the minister.

Christine Grahame: We should know whether there are ways in which human rights education is incorporated into Scottish education, and whether steps have been taken on Manifesto 2000. There may be nothing on that in education policy, in which case a simple answer to that effect can be

given. If the petitions are referred to the committees, the committees will have to ask the minister.

Pauline McNeill: Would it go to both the committees and the minister? Could one not say that, in every case, the petition should go to the minister?

Christine Grahame: Not in every case. In this case the matter may already be addressed in the education programme. I am not making a big issue of it.

Phil Gallie: I am glad that Christine has raised the matter—she is right. In this case, it should go to the minister. It seems pointless to lumber the Education, Culture and Sport Committee with this if something is already under way. We can revisit the petition depending on the minister's response.

14:45

Ms White: We are going to pass the petition on the minister, for information. Once we have that information we can decide whether to send it on to the committees.

The Convener: We would be doing the work that would otherwise be undertaken by the committee. Ultimately, it is up to us to decide what happens to the petition.

Christine Grahame: If the minister says that there are no plans for this matter and nothing is under way, could he pass it on to the committee? That would be a more efficient way of doing it.

The Convener: I am not happy for ministers to be dealing with petitions; the committee must deal with petitions. We will send both of Mr Hutchens's petitions to the minister and wait for his response. Is that agreed?

Pauline McNeill: Another suggestion was that we would refer it to the Enterprise and Lifelong Learning Committee.

The Convener: That was the same issue.

Christine Grahame: I raised it again after having seen the second petition.

The Convener: Is that agreed?

Members indicated agreement.

The Convener: Petition 44 is from Mr Archie MacAlister, calling on the Parliament to reconsider section 17 of the Abolition of Feudal Tenure etc (Scotland) Bill. The bill comes before the Parliament this week. I suggest that we pass the petition on to the Justice and Home Affairs Committee as part of its consideration of the bill. Is that agreed?

Members: Yes.

The Convener: The final petition, PE45, is from Mr P Ferguson, asking the Parliament to hold an independent inquiry into hepatitis C and other infections of people with haemophilia. This is a matter on which groups have been lobbying MSPs and the Minister for Health. The minister was considering some form of internal inquiry, but the petitioner is very anxious to have an independent inquiry. I know that several members have signed a motion in support of such an inquiry. I suggest that we refer the petition to the Health and Community Care Committee. Is that agreed?

Members: Yes.

Progress

The Convener: The next item on the agenda is consideration of the progress of current petitions. Before I ask members if there are any issues that they want to raise on specific petitions, I should say that we have information on petition PE30, on heavy traffic on Almondell Terrace in Livingston, West Lothian.

We agreed to write to East of Scotland Water, West Lothian Council and the local chief constable about the matter. We have had a response from Stirling Water, which is part of East of Scotland Water. It has been involved in discussions with the local councillor, a representative of local residents, the local MSP, Bristow Muldoon, and officials from West Lothian Council. Stirling Water has agreed to implement speed restriction measures as soon as possible. It will keep in touch with residents and continue to monitor the situation. The local authority will consider the long-term suitability of the road for such traffic and we are awaiting a response on that. That is a minor success.

Christine Grahame: One of those consumer programmes would call it a result.

The Convener: Do members have any more issues that they wish to raise? If there are any other issues that members would like to raise later, they should contact the clerk after the meeting so that they can be put on the agenda for the next meeting.

Phil Gallie: It has been concluded that the demands of PE2 have been met, up to a point, by their inclusion in the strategic roads review. However, that does not clear until work has been achieved. I would therefore like an assurance that the matter will remain on file and will not just disappear.

The Convener: That is a fair point.

Christine Grahame: A large number of the petitions that this committee considers are sent to the Scottish Executive for a response. It might be appropriate in some cases to refer petitions to

ministers, as I suggested earlier. I am happy that the Justice and Home Affairs Committee took evidence from the Carbeth hutters. That showed that petitions can make an impact, are considered seriously by committees, and contribute to the democratic process.

The Convener: That is an important point. I know that that is not the case with petitions to the Westminster Parliament, which tend to disappear from sight. I am glad that committees are taking seriously the petitions referred to them, taking evidence and making progress on those matters. That is encouraging for the work of the Parliament.

Forward Programme

The Convener: Members will see from the document before them that our programme up to June 2000 has been laid out. The clerk tells me that bids have been invited from committees to meet outside Edinburgh as part of a four-week pilot scheme. One committee would sit each week on a Monday afternoon, commencing Monday 17 January 2000. Possible venues are the Geoff Shaw room, Charing Cross, Glasgow, which is the old Strathclyde regional building, and the council chambers in Stirling.

Two committees have already indicated that they would like to meet in Glasgow. The Local Government Committee will meet there on 17 January, and the European Committee will meet there on 24 January. We have a meeting scheduled for 18 January, but we could bring it forward to 17 January, if members have strong views about meeting either in Glasgow or in Stirling. It is intended that only one committee should meet in each venue on each Monday, but we could explore the possibility of a short Public Petitions Committee meeting taking place before or after the Local Government Committee meeting on 17 January.

The problem with such an arrangement would be that petitions may dry up over the festive period.

Christine Grahame: We may get a festive petition.

The Convener: Perhaps someone who is the worse for wear on the morning of 1 January will decide to petition the Scottish Parliament. However, if we held a meeting outside Edinburgh when there were only two or three petitions to consider, in contrast to the 15 that we have dealt with today, it may send out the wrong message.

The Parliamentary Bureau is of the view that committees travelling outwith Edinburgh should have strong reasons for doing so, such as direct local relevance. It may be best to arrange a

meeting elsewhere later in the programme. Advance publicity may encourage petitions from the local area. I know that Christine had a suggestion along those lines.

Christine Grahame: I know that a non-party political petition about the Borders railway line is going round the Borders at the moment and will be sent to this committee in due course. I anticipate that it will arrive in January or February, so I suggest that we meet in the Borders, perhaps in Galashiels. The Tweed Horizons conference centre would be suitable for committee meetings, and there is also room for the public to attend. I suggest that the Borders rail link is just the kind of high-profile local issue that the Public Petitions Committee should be considering moving outside Edinburgh for, especially as it is outside the central belt.

Pauline McNeill: Which petition is that?

Christine Grahame: It is a petition to restore the Borders railway line. It is local campaign, not a party political petition.

The Convener: I note from the conveners liaison group meeting that there is a budget for committees to travel outside Edinburgh. The conveners group certainly thinks that it is important to meet elsewhere in Scotland, to show the people that the Parliament and its committees belong to them. It is an opportunity that we might not get again for the rest of the Parliament—we should seriously consider it.

Christine Grahame: How soon do petitioners have to put in a bid? Are we talking about informal—

The Convener: It is not so much that the petitioners invite us; we decide whether to go to them.

Christine Grahame: The Borders railway line could be the kind of issue that would attract hundreds if not thousands of petitioners. Taking the committee to the Borders would be a good example of the committee's democratic progress.

The Convener: We would have to apply for permission from the bureau and the conveners group for the expense of moving the committee to the Borders, which would give us time to publicise it in the area. People would have to submit petitions relating to that area.

Pauline McNeill: I would have to consider that in relation to my other work at the time. I am not against going to Glasgow or Stirling. Glasgow is quicker for me and Stirling makes no difference, but the Borders might be a much longer trip.

Ms White: Everybody else seems to be battling. As one of the people who said that the committee should go round the country if an item was

important enough, I am all for travelling through. If the pensioners who came through to Edinburgh a fortnight ago had had a petition in, we could have met them in a more suitable area for them to travel to, rather than having them stand in the cold. That is what this committee is for. I am not bothered about whether we go to Glasgow or Stirling, as long as the issue is big enough that enough people would turn up. We should go to the petitioners, rather than them always having to travel to Edinburgh.

The Convener: I have a note here that members do not have. I suggest that the clerk circulates it to members and that we put this on the agenda for the first meeting after the festive period. People can bring concrete proposals to the committee at that stage. The whole committee does not have to travel. The conveners group has made it clear that the quorum is three. If three of us go, that would be a sufficient number for the clerks and so on to go too.

Phil Gallie: The purpose of this is to publicise the activities of the Public Petitions Committee, the right of people to submit petitions and the value of petitions in various areas. To be honest, while I am happy to go to Galashiels, the people who come to that meeting will not be fully satisfied with what they hear, because their petition will be referred on, with little debate by ourselves. It might be a bit over the top for the petitioners to expect a debate. However, even if they get a result in the longer term, that could well do a lot for this committee, its petitions and the Scottish Parliament, in the Borders.

Christine Grahame: This does not just pertain to the Borders. I understood it, John, that if we went out and about, you were quite happy that we should invite the petitioners to speak to us about the content of their petitions. It is important that we directly engage the petitioners with the members of the committee and the Parliament. I do not know if you have ever been to the Borders, Pauline, but it does not take very long to get there. It takes only about three quarters of an hour by car to Gala, which is no big deal.

Pauline McNeill: I understand where you are coming from. [*Laughter.*]

Phil Gallie: Are you saying, Christine, that those individuals would speak in support of their petitions during the committee meeting, or before and after it?

The Convener: I have checked with the clerk—it is perfectly in order for people to speak to their petitions, as long as it is not sub judice. Local members or members of the public can speak in support of petitions; it is up to us to invite them. If we decided to go somewhere to discuss petitions, we would have to indicate to the petitioners that

they had the right to speak to their petition. I do not imagine that we would go anywhere unless that was what we were going to do. If we get this paper back to the next meeting, we can make a final decision on this.

Convener's Report

The Convener: The only thing that I have to report on is that the conveners group, in response to a request by the committee, has agreed that, as a matter of courtesy, any committee that deals with a petition will show me a copy of the response to the petitioner before it is sent out. If I see anything that might remotely affect the rights of this committee, I will bring it to your attention.

Christine Grahame: That is excellent.

The Convener: That completes the committee's business. Thank you for your attendance.

Meeting closed at 15:00.

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