

PUBLIC PETITIONS COMMITTEE

Tuesday 4 December 2001
(Morning)

Session 1

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PUBLIC PETITIONS COMMITTEE

15th Meeting 2001, Session 1

CONVENER

*Mr John McAllion (Dundee East) (Lab)

DEPUTY CONVENER

*Helen Eadie (Dunfermline East) (Lab)

COMMITTEE MEMBERS

*Dorothy-Grace Elder (Glasgow) (SNP)

Dr Winnie Ewing (Highlands and Islands) (SNP)

*Phil Gallie (South of Scotland) (Con)

*Rhoda Grant (Highlands and Islands) (Lab)

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

*attended

THE FOLLOWING ALSO ATTENDED:

Paul Allison

Mr Duncan Hamilton (Highlands and Islands) (SNP)

David Young

CLERK TO THE COMMITTEE

Steve Farrell

ASSISTANT CLERK

Ruth Cooper

LOCATION

The Chamber

Scottish Parliament

Public Petitions Committee

Tuesday 4 December 2001

(Morning)

[THE CONVENER *opened the meeting at 10:04*]

The Convener (Mr John McAllion): I welcome everyone to the 15th meeting in 2001 of the Public Petitions Committee. I give a particularly warm welcome to the delegation from the Mpumalanga Provincial Legislature in South Africa. The delegation is headed by the chairperson of the Select Committee on Petitions and Private Members Legislative Proposals, Mr Fish Mahlalela. We hope to meet our guests later for discussions about how the Scottish Parliament's Public Petitions Committee operates and how their committee operates.

New Petitions

The Convener: The first item on our agenda is new petitions. I ask members to agree that the first petition, PE421, from Alasdair Nicholson, calling for a trial on road equivalent tariffs, be dealt with last. Mr Nicholson had hoped to make a presentation this morning, but his travel arrangements have been completely disrupted by the closure of the ferries and planes from the Western Isles. Duncan Hamilton wants to come along to speak to the petition, so I suggest that we move discussion of it to the bottom of the agenda. Are we agreed?

Members indicated agreement.

The Convener: Can we also agree to hear the last petition under this agenda item first? It is the only petition whose petitioners are present and we like to deal first with petitioners who are present. Do we agree to bring petition PE424 forward and deal with it first?

Members indicated agreement.

Protection of Wild Mammals (Scotland) Bill (PE424)

The Convener: I welcome the first petitioners. Paul Allison and David Young are here to speak to petition PE424 on the Protection of Wild Mammals (Scotland) Bill. The usual procedure in the committee is that petitioners have three minutes to address the committee on the substance of the petition. Thereafter, the discussion is open to questions from members of the committee.

Paul Allison: Thank you for giving me the opportunity to come here this morning and give you an insight into the farrier's trade. I am a farrier. I have shod horses for 26 years. The job description of a farrier is that he is a person who is highly trained in the trimming and shoeing of horses. Horses need to be shod at regular intervals throughout the year; some need to be shod more often than others, depending on the amount of work that they have done. The farrier's skills come from a long training process. It takes four years and two months to become a farrier. Many exams and assessments have to be passed during that training.

We believe that we are being victimised by the bill, as it will have a direct effect on our livelihoods. The farriers in the Borders will bear the greatest brunt of a ban on mounted fox hunting. Those farriers are mainly self-employed. A few are employees, but we are mostly people who have chosen our profession and made a considerable commitment of time and money. Most of us have families, houses, mortgages and bank managers

to support.

Following the dreadful situation in the Borders brought on by foot-and-mouth disease, the trade has had what is probably one of its worst ever years in terms of turnover. If the area recovers from foot-and-mouth disease, which it will, business will also recover, given time and resources.

If hunting is banned, our businesses will not be able to recover because that will remove part of our winter income. In winter, the majority of our income comes from shoeing hunting horses—they are shod regularly throughout the winter. We have a completely different circle of clients in winter. They are people who go hunting as opposed to those people who go to the agricultural shows.

No business can continue if such a large part of its income is removed, especially in the fragile winter months in the Borders area. Employment is difficult at the moment. You just have to consider the electronics and textiles industries and the general state of Borders towns, with all the empty shops, to see that opportunities are becoming fewer and fewer.

As self-employed people, we contribute greatly to the system by paying our taxes and running successful businesses. We have chosen this career and we are committed to it. If our business becomes uneconomic, we will have to rely on the Government to finance us in other ways, for instance by giving us handouts or some form of income support or by paying for retraining. That is not why we went into the trade. We are fully committed to farrier work and we intend to defend it to the hilt.

We work under the Farriers (Registration) Act 1975 as amended by the Farriers (Registration) (Amendment) Act 1977. The act is a piece of animal welfare legislation that includes equal opportunities policies to the effect that no approved training farrier or apprentice in a farrier apprenticeship scheme should be discriminated against, harassed, victimised or disadvantaged on the grounds of age, disability, marital status, religion, sexual orientation, colour, ethnic or national origin, race, sex or special training.

In the Borders, the farriers are a minority, but a determined one. The Scottish Parliament tries to cater for minorities and we demand the right, as a minority, to be allowed to continue the way in which we work.

In the past 12 months, I have been involved in meetings with various MSPs. It worries me greatly that, of the original 11 members of the Rural Affairs Committee, only four serve on the current Rural Development Committee. I understand that the committee's membership is about to be changed again.

Through my meetings with MSPs, I have discovered that some members display a total lack of knowledge and understanding of the situation within a rural economy and the factors that affect our livelihoods. At a meeting not many weeks ago, Lord Watson accused us of painting too black a picture and of over-exaggeration. To him I would say that we are the people at the sharp end of his proposed legislation and that we have balance sheets to prove what we say about the problems. So poor was Lord Watson's understanding of the situation that he suggested that, given that I come from the Borders, I should perhaps diversify into knitwear. That highlights why the situation that I am talking about is worrying. One day, we were asked what a hunter is. For those of you who are not aware, I should say that a hunter is a horse, from the shoeing of which we make our living.

The Convener: Before I open up the discussion to members of the committee, I should explain that the petitioners are asking us to send the petition to the committee of the Parliament that is dealing with the Protection of Wild Mammals (Scotland) Bill. Unfortunately, the Rural Development Committee will finish its stage 2 consideration of the bill this afternoon, so there is no time for us to do what is asked of us. However, a copy of the petition has been passed to the clerks of the Rural Development Committee, who have promised to bring it to the attention of the committee when it considers other petitions that we have referred to them, particularly petition PE419 from a group of groom girls. The clerks have also said that any member of the Public Petitions Committee who wants to speak at this afternoon's meeting of the Rural Development Committee would be welcome to do so. Of course, any MSP may submit amendments in the spirit of the petition at stage 3.

Phil Gallie (South of Scotland) (Con): To an extent, Mr Allison, you have answered the point that I wanted to ask about. The Scottish Parliament has debated many of the issues that you have addressed today and members—particularly the mass of the members who come from the urban central belt—have said that those who have submitted petitions on the issue and people like them are over-exaggerating and that there is no threat to jobs in the Borders or the rest of rural Scotland. As those members are as interested as anyone else in creating jobs—so we believe—why do you think that they are taking that attitude towards the people from the countryside who have made quite legitimate representations?

Paul Allison: Urban MSPs take the view that the problem is not on their doorstep. That means that they are perhaps not as concerned as they would be if it were on their doorstep. We have to remember that the greatest percentage of hunting takes place in the Borders, so the problem is larger there. We are aware of the situation that

foot-and-mouth has caused. We are not shoeing the horses at the moment, because the access ban means that there is no hunting. We are not doing anything like the amount of work that we should be doing at this time of year.

10:15

Phil Gallie: Do you think that there are opportunities for you in other places? For example, I do not think that the Irish are as likely to go ahead with a ban on hunting as we, sadly, are. Would there be an opportunity for you and your colleagues to take off to Ireland, where, no doubt, the business will go, to further your trade there?

Paul Allison: That is an interesting point, but why should we move away to countries such as Ireland when we have established a perfectly good business and social system with family and contacts in the Borders? We have family and children at school in the area. Members should not be happy for people with highly specialised skills—make no mistake, the farriery trade is highly specialised—to be exported from the Borders.

Phil Gallie: You spoke about persecuted minority groups. Tomorrow, the Parliament will debate the lot of the Gypsies. There seems to be a great deal of support from members from the central belt for improving the lot of Gypsies. Do you agree that one of the pursuits of genuine Travellers is keeping dogs and hunting and chasing rabbits with those dogs? On that basis, do you think that the Protection of Wild Mammals (Scotland) Bill could persecute those Gypsies whom the Parliament seems set to protect?

Paul Allison: I think that the bill will probably affect their rights.

Dorothy-Grace Elder (Glasgow) (SNP): I am an urban MSP for Glasgow. I have always been anti-hunting, having been brought up in part in the Borders. We did not like the hunts there because they mucked up the fencing and the fields. However, I recorded no vote at stage 1 of the bill, because I thought that I had no right, as an urban MSP, to stick my nose into the affairs of the country at such a critical time, given all the recent horrors.

You sell yourself a wee bit short on the animal welfare scene because you did not mention that farriers are often in the forefront of spotting what is wrong with a horse, long before a vet is involved. Indeed, horses are injured through hunting. One point that is always missed in arguments on this topic is that drag hunting could sustain employment. No doubt you heard all that before and are weary of it. However, drag hunting involves no killing of anything. It is safer for horses, because the trail is laid and it is not too

dangerous. It would keep people, horses and dogs in full activity. Do you have any comment on that?

Paul Allison: I am not sure what the situation would be in terms of farmers granting access. Part of the reason why farmers allow hunts access is to control foxes. The other point to consider with drag hunting is that, once the trail is laid, it becomes a route between point A and point B. The hunt takes off at considerable speed; obstacles are jumped or crossed. Some members of the field are very young and some are very old. In a drag hunt, it would not be possible for some of those people to keep up or to enjoy that type of sport safely.

Dorothy-Grace Elder: What happens to those people in a real fox hunt?

Paul Allison: In those hunts, they can go at their own speed.

Dorothy-Grace Elder: Surely they go at the fox's speed.

Paul Allison: If you observe a hunt, you will see that many people take their own route at their own speed and cross the ground depending on what obstacles come in their way.

Dorothy-Grace Elder: Do you think that drag hunts would not find favour because the average hunting person wants to kill something?

Paul Allison: I do not think that the average hunting person wants to kill anything.

Dorothy-Grace Elder: Do you see no hope of employment being preserved because drag hunts have caught on?

Paul Allison: Drag hunting is not a realistic option in the Borders.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): Good morning, gentlemen. The issue about which you seem most concerned is the possible loss of jobs. Do you have any accurate figures on the current job situation and the residual job opportunities if the bill is implemented in the near future?

Paul Allison: The farriers who service the horses are looking at a loss in turnover of some 60 per cent. No business can withstand such a reduction. The situation in which we find ourselves through no fault of our own, because of foot-and-mouth, has unbelievable financial implications for many farriers. Some have been getting financial assistance from the Royal Scottish Agricultural Benevolent Institution; others are having to work on building sites. I know one farrier who has to work in a supermarket. Our businesses cannot withstand such pressure in the long term.

We are a highly skilled profession. We have an obligation to the horses and their owners. It is not realistic to expect us to take such a cut in turnover;

if we do, our businesses will become uneconomic. I have spoken to several farriers in the past few weeks and there is no doubt in my mind that many of them will have to consider closing down and moving away. Surely that is not the object of the bill.

John Farquhar Munro: I appreciate what you say and I understand your sentiments. You say that 60 per cent of business will be lost. What is that in terms of numbers of farriers?

Paul Allison: Farriers will lose about 60 per cent of their business turnover. In the Borders, more than 30 farriers service hunt horses. That does not include farriers who come into the Borders from other areas to work—many farriers come from across the border.

David Young: Most farriers are one-man businesses. It is not as though the farriers can pay someone off and keep going on their own—they are only looking after themselves anyway.

Dorothy-Grace Elder: I want to ask about village schools. We are talking about 30 farriers, a fair proportion of whom will have children. How narrow is the margin for a village school closing in relation to the family circles of farriers? Do you have any knowledge of that? The Borders has been hit heavily by school closures over the past 20 years or so.

Paul Allison: I do not know what the position is. Many farriers have children who go to rural schools. However, because of the widespread area that they cover, I cannot answer that question in full.

Dorothy-Grace Elder: Have you been offered any alternative by local or Government-backed organisations? I am thinking of increased hacking and trekking, for example. Is that realistic?

Paul Allison: We have not been offered any alternatives. I have a client with a long-established riding school and tourist facility that provides holidays for children. Because of the foot-and-mouth crisis, that client has put their property on the market and is relocating to France. The company was successful and provided many children with riding holidays. It is one of two such companies that have closed down and moved out of the area in the past three years.

Dorothy-Grace Elder: Is there any possibility of subsidies to encourage riding holidays in the Borders? The terrain could not be better for all age groups.

Paul Allison: The weather conditions in the winter are an issue. It is not really feasible for children to come for tuition when the days are short and the weather is inclement. It would be difficult to get the sufficient volume of children for riding holidays—many of the children come from

the towns and cities.

Phil Gallie: You have spoken for the farriers. Last week, the grooms attended the committee and we have previously heard from other people employed in the hunt trail. You said that some farriers have looked for jobs in supermarkets or on building sites; if the hunts disappear from the Borders, is it not likely that there will be less business for supermarkets and less demand for construction work?

David Young: No, not directly. Our one-man businesses are being affected by the situation with the hunt horses.

Phil Gallie: Yes, but I was suggesting that, although farriers are one-man businesses, many other people carry out work associated with the hunt. Presumably your overall objective is to protect the hunt. If the hunts disappear from the Borders, will that not affect the area's economy? More jobs than farriers' jobs will go.

Paul Allison: That is very much the case. Removing hunting from the equation is like taking one domino from the whole set. Last year, through purchasing goods and services in the Borders, I contributed to the employment of 194 people. However, my account with the local garage is currently 50 per cent of its usual amount, which is having an effect on the garage. Many of our tools and materials are highly specialised and are used for one particular activity. Because of the nature of the farrier business, we depend on one another. When the sector is buoyant, we spend money, expand our businesses and build workshops, and the rest of the economy benefits considerably from that.

David Young: The local hotel next to me will suffer if there is no hunting, as visitors who come for the hunt keep the hotel going throughout the winter.

Phil Gallie: I thought that that was the point you wanted to make.

David Young: Everyone in the area, including hoteliers, saddlers and vets, is affected.

The Convener: If there are no other questions, I thank Mr Allison and Mr Young for their evidence. They can now listen to our discussion on what we should do with the petition.

As I said at the beginning, it is no longer possible to refer the petition formally to the Rural Development Committee as it is winding up its stage 2 consideration of the Protection of Wild Mammals (Scotland) Bill this afternoon. However, any member of this committee can attend that meeting. Furthermore, as the petition will be brought to the Rural Development Committee's attention this afternoon, that committee will address the impact of the bill on farriers. It is also

likely that the petition will be addressed at stage 3. With that in mind, I suggest that we take no further action, other than what the clerks have already done. Is that agreed?

Phil Gallie: I recognise that we can do nothing further about the petition. However, what good will our attendance at this afternoon's Rural Development Committee meeting do? That committee has reached the closing stages of the bill. Indeed, its previous judgment that the bill should not be progressed has already been ignored. It will do no good to attend the meeting and highlight information about job losses and so on that the committee has already received and which has been almost wholly ignored in any case.

The Convener: You will have to raise that matter with the Rural Development Committee. However, I understand that committee members will discuss an amendment about compensation for those affected if the hunting of wild mammals is stopped. As the impact on farriers should be considered in any discussion of that amendment, it would be well worth while to draw the information that we have received this morning to the Rural Development Committee's attention.

Dorothy-Grace Elder: In the time that is available, would it be possible for us to send bullet points about the evidence given to us this morning to the Rural Development Committee? Although the petitioners have made excellent points in their written submission, even more information has come out this morning, such as the fact that one business person is having to move to France, the 60 per cent turnover loss and the number of families involved in one relatively small area of the Borders. Could those bullet points be sent to the Rural Development Committee? It is only fair that it should hear about the evidence that we have received today, if that is feasible.

The Convener: It would be perfectly possible for any member of the committee to go along to the Rural Development Committee this afternoon and make these points.

Dorothy-Grace Elder: Could we send it in writing to that committee?

The Convener: We will not have time to do that. The clerks have said that they can report verbally to the clerk of the Rural Development Committee on the issues that have been discussed at this committee today. We would not have the time to send it in writing.

Dorothy-Grace Elder: Could Steve Farrell write out a few paragraphs?

10:30

The Convener: I am being told that an attempt could be made to write the points out, but there is

no guarantee as we have to meet a visiting delegation immediately after this meeting.

Dorothy-Grace Elder: The timing is unfortunate. I thank Steve Farrell for offering to try.

The Convener: Is it agreed that we can take no further action other than what the clerks have already done?

Members indicated agreement.

The Convener: I thank again the petitioners for the evidence that they have given this morning.

David Young: I appreciate what Dorothy-Grace Elder said. She is a city MSP. She voted no in the vote on the bill in Parliament, because people know nothing about the issue in the cities.

Dorothy-Grace Elder: I did not vote.

David Young: If you want to do something in the countryside, come to the countryside and see what goes on. Members are invited down to spend a night or a couple of days in the countryside to see what hunting is about.

Paul Allison: Helen Eadie took the opportunity some time ago to have a day's hunting with the Jedforest hounds, in the company of Mr Charlie Douglas. She would have been made aware of the type of people that followed the hounds. She may have been surprised that they were not all toffs, as the media and the public would have us believe. She would have met the farming community and various local people, even down to the local dustman.

Thank you very much for giving us the opportunity to present the case today.

The Convener: Thank you. The points that you have made will be passed on to the relevant committee.

School Playing Fields (PE422)

The Convener: Petition PE422 is from Mr James Docherty and is supported by 1,260 signatures. It calls on the Parliament to take the necessary steps to implement a similar protection for school playing fields in Scotland as is already provided in England under the School Standards and Framework Act 1998.

The petition has been prompted by a proposal by Stirling Council to amend the Stirling local plan to rezone two areas of playing fields to allow houses to be built. One of the areas is owned by the council and is currently used as a school playing field. Section 77 of the 1998 act in England, which does not apply in Wales, states that local authorities may not—except with the consent of the secretary of state—dispose of playing fields that have been used by a school either immediately before the date of disposal or

for a period of 10 years beforehand.

Local authorities in England must obtain similar consent for a change of use in playing fields, but that does not apply when such change of use results in the land being used for other educational or recreational facilities. The secretary of state may give consent for disposal or change of use in relation to a specific proposal or in relation to disposals or changes of use of a particular type. Any consent that is given may also be subject to conditions.

It is suggested that we agree to seek the views of the Executive on the issues raised by the petitioners. We should specifically ask for details of any legislative protection for school playing fields in Scotland and how that compares with what exists in England. Is that agreed?

Members indicated agreement.

Water and Sewerage Services (PE423)

The Convener: Petition PE423, from Mr Terry O'Donnell, is backed by almost 3,000 signatures. It calls on the Parliament to take a series of steps: to return water and sewerage services to unitary authority control throughout Scotland; to continue the water rates relief for churches and voluntary organisations; and to reject proposals for fluoride to be added to the Scottish water supply. We have dealt with several petitions recently on the restructuring of the water industry in Scotland. We have previously referred all of them to the Transport and the Environment Committee, so that it can take them into account when it considers stage 2 of the Water Industry (Scotland) Bill.

However, two further issues are raised in the petition: water rates relief and fluoridation. During the committee's consideration of a previous petition on fluoridation, it emerged that the Executive was to carry out a consultation on that matter. As stage 2 of the Water Industry (Scotland) Bill will not take place until after the recess, it is suggested that, in the interim, we should ask the Executive to provide an update on its position on fluoridation and for its comments on water rates relief. Once we receive a response from the Executive, we will be able to determine whether further action is required on those issues. We could then consider whether to refer the petition to the Transport and the Environment Committee with the recommendation that the issue raised in the petition about the restructuring of the water and sewerage services be taken into account when that committee considers stage 2 of the Water Industry (Scotland) Bill.

Do members have any comments? I call Flora—I mean Rhoda Grant. I have fluoridation on the brain.

Rhoda Grant (Highlands and Islands) (Lab):

Could we copy the petition to the Transport and the Environment Committee as well as writing to the Executive? That would show the issues that the petition raises to that committee for its consideration of the bill at stage 1.

The Convener: We could do that. When Steve Farrell addressed the clerks of many of the policy committees earlier this week, it emerged that, when we refer petitions to those committees for information only, we should refer them to the clerks. The clerks will then consult the conveners on whether to bring the petition to the attention of the full committee. A lot of confusion is caused because committees often start to consider petitions before we have decided officially to refer them on. However, we could pass on this petition for information.

Rhoda Grant: I hope that the Transport and the Environment Committee is considering water rates relief during its consultation at stage 1 of the bill.

The Convener: It is no problem for us to pass on the petition.

Road Equivalent Tariff (PE421)

The Convener: The final current petition is from Mr Alasdair Nicholson on the road equivalent tariff. As I said at the beginning of the meeting, Mr Nicholson hoped to be here, but could not make it because of the disruption to his travel arrangements. Duncan Hamilton is here to speak in support of the petition.

Mr Duncan Hamilton (Highlands and Islands) (SNP): Thank you for your courtesy in allowing me to address the committee. The fact that Alasdair Nicholson cannot be here because of the breakdown of ferry and air links makes the point about the remoteness of some of the areas in the Western Isles and the west coast.

I will make some suggestions on why the petition is particularly important. I remind members of the economic fragility of the Western Isles. In his petition, Alasdair Nicholson highlights the age profile of the population and the number of people on low incomes, on whom the effects of high transport costs are all the more damaging. The area suffers, as does much of Scotland, from some of the highest petrol prices in Europe.

I have watched the progress made by the many petitions that the committee has received—indeed, I have been part of some of those petitions. Sometimes, petitions have fallen by the wayside because they have not contained a clear definition of the problem or a suggested solution. PE421 is a good petition for the opposite reason. It clearly identifies the problem that exists in the Western Isles and throughout the Highlands and Islands,

and the solution of the road equivalent tariff could not be clearer. The policy is obvious: there should be equivalence between the cost of transport by road and the cost of transport by sea. That approach would also get around one of the principal problems facing the ferry network in Scotland—the lack of transparency in Caledonian MacBrayne—and would allow us to investigate the allegations that routes are subsidising one another. For example, is the Oban to Mull route subsidising the route to Coll? One of our problems is that we cannot get a route-by-route analysis from what is a publicly owned company.

The road equivalent tariff gets around that problem by clearly specifying the cost of each route, with the result that the local population is able to understand exactly what is going on. On the benefit that would accrue, members will see from the table that is before them that there would be a substantial reduction in costs of up to 80 per cent on some of the routes. I can think of no greater thing that the Parliament or this or any other committee could do to link transport development to economic regeneration than by supporting the petition and encouraging a pilot RET scheme.

The committee might find it useful to note that the argument has been going on for some time—I know that John Farquhar Munro has been involved in it. Each of the councils that are most closely affected by the problems of transportation have been approached about the RET. The transport committees of the Western Isles Council, Argyll and Bute Council and Highland Council all support the idea of having a pilot scheme. That raises arguments about whether the RET would be right for every route.

The point of a pilot scheme would be to work out whether the RET would be appropriate or of benefit to communities and, if so, to encourage that development. The scheme exists in Norway. There are alternative routes to go down; for example, if we want to consider reducing ferry fares there is the situation in Canada. However, if we believe that there should be equality between communities throughout Scotland, the current position is unsustainable. As a starting point for an investigation and as a clear and concise policy initiative that the Executive or the Parliament could consider, I commend the petition to the committee in the highest terms.

The Convener: For the record, I remind members that Mr Nicholson has provided members of the committee with a copy of the presentation that he would have given. Although it has been difficult for me to read it, as I received it only this morning, it will form part of our consideration of the petition. Are there any questions?

Rhoda Grant: You said that the road equivalent tariff would give details of the cost of running the ferry network. I can understand how it could give details of the cost of going on the ferry, but I do not understand how it could compare the costs of running different ferry services.

Mr Hamilton: I welcome the chance to clarify that. As you know, there is real concern among the communities served by the current ferry network, but they have no idea what the route-by-route analysis would be within the network. At least this system provides a formula for working it out so that people can understand why they are paying what they are paying to get to where they live. One of the principal attractions of an RET system is that it provides the element of transparency that does not exist at the moment.

John Farquhar Munro: I am glad that we are discussing this, because there is a long history of trying to achieve road equivalent tariff for ferry routes throughout the Western Isles. Way back in 1970, Hamish Gray, the member for Ross and Cromarty at the time, said that it would be implemented within a matter of months. There is a lot of support for the idea within the island communities, where people depend on lifeline ferry services. Mr Hamilton is right to point out that the local authorities most directly affected—Highland, the Western Isles and, I think, Argyll and Bute—have supported the concept of the RET. The petition suggests that a study should be carried out on a particular route, which would be subject to the RET formula and would indicate the social and financial benefits that would accrue from such an exercise. That is fair and reasonable at this stage.

I am sorry that the petitioners were unable to attend this morning. There was quite a severe gale in the Minch last night, which stranded them. As Mr Hamilton pointed out, it highlights the vagaries of trying to live in those communities. It is suggested that we pass this on to our colleagues in the appropriate committee, and ask the Executive for a response. That would be the most appropriate action at this stage.

Mr Hamilton: With the reshuffle of responsibilities, there is some merit in the committee considering to whom the petition should be sent. Transport and enterprise are now grouped under one minister, even though the committee structure has not changed. However, if there was ever an issue that linked transport and economic development, it is this one.

In response to John Farquhar Munro, I point out that 1,500 signatures from the Western Isles is a remarkable proportion of the people in that community. A pilot scheme would mean that arguments could be based on fact rather than supposition. The cross-party and cross-council

consensus may mean that a pilot scheme is less likely to be postponed. That was perhaps the reason why such a scheme did not happen in 1970. However, it could happen in 2001 or 2002.

Phil Gallie: Duncan referred to cross-party consensus. A number of years ago, there was cross-party consensus with respect to the Clyde ferries. People on the Clyde have the perception that their ferries already subsidise to a degree the ferry services to the Western Isles. Why have the petitioners settled for pushing the road equivalent tariff for the Western Isles and ignored other parts of the CalMac services?

10:45

Mr Hamilton: I fully understand Phil Gallie's point. Anyone who represents both Dunoon and Stornoway is in a difficult position, because Phil Gallie is right that there is a suggestion that one route subsidises the other. The problem is that people proceed on the basis of total ignorance. We do not know whether it is true that one route subsidises the other. I emphasise that the petition suggests a way of putting those communities more at ease so that they understand more about why they have to pay what they pay.

The petition selects the routes in the Western Isles because the petitioners are from the Western Isles. Also, as the Western Isles routes are most suited to show the diversity of routes that could come under the RET, the Western Isles presents an excellent opportunity for a pilot scheme. There is no attempt on the part of the petitioners to restrict the RET to the Western Isles. If the Parliament and the Executive were to accept the principle, the RET could be rolled out for the benefit of all communities.

The point is sometimes made that not every community would benefit from lower fares as a result of the RET. That is why we want a pilot scheme. The petition does not call for the immediate uniform application of a rigid system of tariffs. We need to consider what will most benefit the communities. The RET would certainly benefit the Western Isles. If the RET were to be of benefit to the people on the Clyde as well, there is not the slightest attempt from the petitioners to hinder that progress.

Phil Gallie: I agree with most of the points that you have made and understand why the petitioners have settled on the Western Isles routes. It is their initiative—good luck to them. Do you agree that if the RET were introduced simply in the Western Isles without considering other parts of Scotland, there would be a national uprising in the Highland areas that did not receive the benefits?

Mr Hamilton: I am sure that those of us who

campaign for the RET would be delighted if the issue was so emotive that a national uprising would be the result. That might be some success.

As I said, the petitioners make no attempt to restrict the benefits of the RET. However, they were aware that their petition needed to be focused if it was to be successful and that they needed to make the case for specific routes and a specific area to be used as a pilot to show what benefits would come from such a scheme. I think that Phil Gallie, John Farquhar Munro and I would all agree that the advantages of such a scheme should be rolled out to all Scots.

Dorothy-Grace Elder: I know that the RET is mainly the concern of businesses, but the petitioners may be interested in studying the benefits systems of certain other EU members. For instance, the Republic of Ireland enshrines the right to free or cheap transport to remote areas for certain categories of people, such as pensioners. For one or two of the islands, that includes free air travel. Perhaps if the petitioners were to examine the republic's benefits system—more benefits were announced only about six months ago—they could back their case from a different angle.

Mr Hamilton: I shall certainly pass that information on to the petitioners. I feel certain that, with that knowledge, they will be back with a new petition very shortly.

Dorothy-Grace Elder: We should not encourage you.

John Farquhar Munro: The specific route is a question for debate. I offer the petitioners a simple solution: why not pilot the RET on the physical structure of the Skye bridge?

The Convener: I am sure that there would be broad support for that. I thank Duncan Hamilton for giving evidence.

Duncan Hamilton made a good point about the recent changes to portfolios. The fact that transport has been put in with enterprise and lifelong learning is significant. I suggest that we accept the recommendation that we write to the Scottish Executive in the first instance to find out what the new minister has to say about the issue. Is that agreed?

Members indicated agreement.

Current Petitions

Employment of Teachers (Religious Discrimination) (PE269)

The Convener: The first of two current petitions to be considered today—one which we delayed from our previous meeting—is from Mr James Nixon and calls on the Parliament to repeal sections of the Education (Scotland) Act 1980 that, according to the petitioner, give local authorities the right to discriminate against Scottish primary school teachers on the grounds of religious belief and practice. The petitioner seeks the repeal of those sections of the 1980 act that enable religious discrimination in the employment of teachers. He claims that the act is in contravention of the European convention on human rights. In addition, he calls for the end of separate denominational and non-denominational schools.

At a meeting more than a year ago, we copied the petition to the then Minister for Children and Education, asking him to comment on the requirement for teachers to hold certificates of approval in denominational schools and to set out the Executive's views on the compliance of that practice and the relevant sections of the act with the ECHR. At our meeting on 6 November, we agreed that I should write to the then Minister for Education, Europe and External Affairs, highlighting our concern about the unacceptable delay in the Executive's response. A response has now been received from the Executive—a copy has been circulated to members—and the minister has written to me separately about the delay in the issuing of that response.

The Executive's response points out that the certificates of approval that are provided in law for denominational schools are part of the agreement under which denominational schools were transferred to local authority management back in 1918. They are

“designed to confer and preserve the religious or denominational character of a denominational school.”

The Executive's response also states that the 1980 act does not breach article 14 of the ECHR, as that article does not confer any substantive right to employment and therefore does not come into play in the situation that is raised in the petition. It also points out that the framework directive and the directive implementing the principle of equal treatment do not apply either, as member states are allowed

“to maintain legislation for the benefit of religious organisations to enable those organisations to recruit employees of the same faith, in order to maintain their ethos.”

Finally, the Executive points out that it values the role and contribution of denominational schools and has no plans to introduce legislation relating to the appointment of teachers in such schools.

We must decide what to do with the Executive's response. Clearly, the Executive takes a firm line on the petition and does not intend to act on it. If we think that the Executive's response and its interpretation of the ECHR is reasonable, we should agree to take no further action and inform the petitioner of that. We could suggest that, if he disagrees with the Executive, he could perhaps raise the point about ECHR compatibility through the Petitions Committee of the European Parliament, which may have a view on that. Alternatively, if we think that the Executive is wrong and that the petitioner is right, we could refer the petition to the Education, Culture and Sport Committee for further consideration. Whether that committee would be prepared to take up the matter, in the light of the Executive's response, is a matter for discussion.

Helen Eadie (Dunfermline East) (Lab): I am not expert enough to know whether the Executive is right in its interpretation, but it seems reasonable to say that the practice fits the legislation as it stands. However, it would be reasonable to suggest to the petitioner that he test the matter out by submitting a petition to the European Parliament. That would be interesting for us, as it would be the first petition to go to the European Parliament from a petitioner to the Scottish Parliament. I do not think that a similar petition has come to us before. If he gets a response from the European Parliament, the petitioner can be satisfied that he has done everything possible and that every stone has been turned over in his search for equity.

Phil Gallie: I agree with Helen Eadie but have a further suggestion. The European Parliament's Petitions Committee visited us recently, and we visited Germany to see the German system. It is common practice for petitions committees to pass such a petition on from one committee to another. It would be of great credit to the committee if, after receiving the minister's comments and still having a query in our minds, as might the petitioner, we passed it directly on to the Petitions Committee of the European Parliament.

The Convener: The clerk was making exactly the same suggestion in my left ear as I heard you making that suggestion in my right ear.

Phil Gallie: The clerk is on my side.

The Convener: If the committee so decides, we could refer this petition to the Petitions Committee of the European Parliament and ask that committee to address the response that we have

received from the Executive. Shall we try that?

Members *indicated agreement.*

Civil Service Jobs (PE383 and PE401)

The Convener: We now move to consideration of petitions PE383 and PE401, from the Dundee and Tayside Chamber of Commerce and Industry and the Perthshire Chamber of Commerce respectively. I have to declare an interest: I belong to the campaign group that both the petitioners belong to and I have been campaigning for the relocation of civil service jobs to Tayside.

Members will recall that we agreed to pass the first petition to the Executive. When the second petition came in, we agreed to wait for the Executive's response and deal with both petitions together. We have since received the Executive's response and it has been included among members' papers. The Executive has taken a number of significant steps—not least of which is the relocation of the Scottish commissioner for the regulation of care and the Scottish Social Services Council to Dundee, bringing lots of jobs to that area. Other areas have benefited as well. The Office of the Public Guardian has been relocated to Falkirk and the Scottish Public Pensions Agency to Galashiels.

The Executive seems to be making progress in implementing its relocation policy. It has taken decisions to locate several bodies outside Edinburgh and it is considering seven other bodies for relocation. It is suggested that we copy the Executive's response to the petitioners and take no further action, on the basis that, as the Executive continues its review of possible locations, the Parliament would not want to be seen to be favouring one area of Scotland over another.

Rhoda Grant: I know that most of the petitioners do not come from the Highlands and Islands, but I have a concern. The Highlands and Islands, my area, covers possibly half of the geographical area of Scotland, but none of the civil service jobs that have been relocated has gone to that area. I appreciate that we should be fair to the whole of Scotland, but, as I read through the list of places in our papers, I feel that we are not being fair to the whole of Scotland.

The Convener: We could write back to the Executive and make that point clear.

Rhoda Grant: I would appreciate that.

Dorothy-Grace Elder: The Executive response indicates encouraging progress. Nowadays, with information technology and so on, there is no excuse for jobs not being relocated to anywhere in Scotland. However, I object to an expression in our papers that refers to the enterprise and lifelong

learning department now being wholly established in Glasgow and to the relocation of 166 jobs. The papers say nothing about new jobs, and it is new jobs that we are desperate for—and, of course, white-collar jobs. We want those jobs to be in the schemes, where there is the least activity on the white-collar job front.

The Convener: That is a fair point. It is not what the petitioners were concerned with, but it is a fair point. Do members agree with the suggestion that I made a moment ago?

Members *indicated agreement.*

The Convener: Members have a paper outlining the progress that has been made on six petitions since our previous meeting. If there are no comments on those, we move to the next agenda item.

Visit to Berlin

The Convener: The draft report of our visit to Berlin has been circulated to members. We could go through it paragraph by paragraph, although that would take a long time. Do members wish to raise any points on the paper?

Helen Eadie: Phil Gallie has spoken about the visit and I wondered whether those who went wanted to add anything to what is in the paper, to embroider it at all, or to highlight any points.

Phil Gallie: The point that I raised last week has been covered. It may be worth mentioning that a minister was being interrogated on our morning visit to the Bundestag.

The report is thorough and excellent, but there are a couple of small annoying points. I know that it is easy for such things to happen in a long report, but paragraph 25 says that the delegation

“also had a helpful session with officials”,

and paragraph 32 says—although I will not even try to say the German word—that the delegation

“also visited ... the Berlin House of Representatives or Senate”.

Paragraph 40 also uses the words “also visited”. A little tidying-up of the words is required to demonstrate that we did not do everything in one day. We could start off by saying that, from the airport, we went directly to the petitions committee.

The Convener: That will be no problem.

Phil Gallie: I like the report, but I would make those minor changes.

Dorothy-Grace Elder: It was a very valuable visit. Going on such visits gets us out of our wee shells and allows us to see what they are doing in Europe. We saw a country that was about 50 years ahead of us in the democratic stakes—Germany obviously had to start from scratch after the war. The petitions committee there seemed to be doing a very good job, and the value of the petitions system’s being in-built in Germany—which is possibly the dominant force in Europe, apart from France—was demonstrated. As far as I understood, every Land in Germany has a petitions committee. The public appreciate that. We should also consider the number of staff—about 80 clerks are involved in the work of the Bundestag’s directorate of petitions and submissions—although we need to bear in mind that Germany’s population is about 85 million.

11:00

We were ahead of the Bundestag’s committee on one or two points, however. Petitioners come

before us, whereas the Germans have always thought that petitioners might not want to do that. They were very interested in what we had to say about that. We are also ahead of its committee as regards e-petitions. We pointed out that we have only one and a half full-time clerks. Indeed, many thanks go to Steve Farrell for arranging our visit and for drawing up the detailed, valuable report on top of all his other work.

I think that we should keep in touch with the people whom we met in Germany. They have been in touch with us since our visit and have been in touch with me about one or two of the subjects of interest to me, such as the cow burner in Carntyne and the protection of children—in a European sense. They are anxious to be friends, and we received a wonderful welcome in Berlin. I thought that the work that we did there was very valuable.

The Convener: Well done, Dorothy. I was wondering how you were going to get the cow burner in Carntyne back on to the agenda. You manage it every week.

Dorothy-Grace Elder: Do you want me to go on to Paterson’s dump? [*Laughter.*]

The Convener: I agree that the report is excellent. I was at a Scottish Civic Forum meeting on Saturday, at which the theme was “Participation matters”. It became clear that the days when democracy was just about representation in Parliaments are over. People now want to participate in political decision making, and I think that petitions committees are one of the key ways in which people may do that in future. The report will help this young committee to grow and develop, as long as we can convince the rest of the Parliament that that is what is required.

Helen Eadie: Visiting Parliaments such as the Bundestag has enriched our knowledge and experience. Together with the visit here of the European Parliament’s Petitions Committee, our visit highlighted how valuable it is to get an insight into what happens in other Parliaments. In time, when the clerks are not overburdened with all the other work that we keep giving them—I know that they are understaffed and under-resourced; I hope that someone is listening to that comment and will attend to that soon—we could consider pursuing further investigations into the work of other Parliaments.

Last week, I was involved in a visit from the Russian State Duma. Delegates had come here with the Britain-Russia Centre, and were telling us about how they deal with petitions. It can only help all of us to copy examples of best practice elsewhere. We do not necessarily have to go to the countries concerned. When visitors come

here, we could have them visit the Public Petitions Committee.

The Convener: That is a fair point. Indeed, we have a visiting delegation from South Africa this morning. The more exchanges we have the better.

I wish to add my congratulations to Steve Farrell. As everyone knows, we are still understaffed, and Steve is basically on his own. He is doing a wonderful job, considering the amount of work that he is getting through. I think that that should be acknowledged by the committee. [*Applause.*]

Convener's Report

The Convener: Steve Farrell and I intend to highlight many of the conclusions contained in the report on the Berlin visit when we give further evidence to the Procedures Committee for its inquiry into the consultative steering group principles on Tuesday 11 December, when we will present the submission that we agreed. A number of petitioners will appear at that meeting and express their views about the operation of the Public Petitions Committee. It will be interesting to hear what they have to say about us.

The only other matter in the convener's report is to say that I was given the award for committee member of the year at last Thursday's ceremony sponsored by *The Herald* and Zurich Financial Services. I realise that that has nothing to do with me and everything to do with the success of the Public Petitions Committee. That should be placed on record. At long last, we have got some recognition by the outside world. Well done to everyone on the committee.

Dorothy-Grace Elder: Well done to you, convener.

Helen Eadie: Absolutely.

Dorothy-Grace Elder: We were absolutely delighted about that. Some of us were cheering at that moment. You made a very gracious reply, convener, saying that you were accepting the reward on behalf of the best committee in the Parliament. I must say that I find this a thoroughly enjoyable and energising committee because of the sort of people who appear in front of us, quite apart from the excellent staff.

As we all know, our big problem is that, unlike the Germans, we do not have enough people or the remit to investigate things ourselves. We have to depend on passing things on to other committees, which are themselves overburdened. Something must be done about that, because I think that we are the open door or shop window for the Parliament. The Public Petitions Committee is possibly one of the few things that the general public like about the Parliament. The public must get results in the long term, but we do not have the people to do that. We should not overburden the civil service as we do now. We need more real people, instead of spin doctors. Anyway, I will keep my comments to that.

The Convener: I think that we all say amen to that.

Meeting closed at 11:04.

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