

and property rights in respect of Scotland's fish stocks. Do members want to refer that petition back to the Public Petitions Committee?

**Members** *indicated agreement.*

### **Judiciary (Freemasons) (PE306)**

**The Convener:** Petition PE306 is on freemasonry and the judiciary. The committee decided that it did not want to take further action, but invited the petitioner to provide more information, which has now been provided. What is the committee's view on whether the petition should be referred back to the Public Petitions Committee?

**Mr Hamilton:** I am content that the issue has been exhausted.

**Bill Aitken:** I concur.

**The Convener:** Unless any other member is otherwise minded, I do not propose to refer the petition back to the Public Petitions Committee.

There is one question that I need to put to the committee on this issue, which is whether the committee is minded to publish Mr Minogue's evidence, given that we invited him to submit it. I have been advised that our legal department has some concerns about the contents of that evidence. The petitioner is pressing for his evidence to be made available on the web, but, having read through the evidence, the committee might want to take a view on that.

**Stewart Stevenson:** On whose shoulders would the liability lie in law if we were to publish the evidence in its entirety?

**Gillian Baxendine:** My understanding is that a number of issues arise, one of which is possible defamation. The Parliament is protected in relation to that. Nevertheless, it would be for the committee to decide that it was happy to publish. There is a separate issue to do with the Data Protection Act 1998. My understanding is that the Parliament will be liable if it publishes something that breaches that act, and that there would need to be some editing of the submission to comply with that act.

**Stewart Stevenson:** I therefore propose that, based on the legal opinion, the evidence be edited or those parts that relate to potential breach of the Data Protection Act 1998 be excised, but that otherwise it be published. If the petitioner, having been apprised of the legal opinion that there may be defamation, persists in wishing to publish the  
Col 2624 evidence, it is for him to consider the consequences. I propose that we publish.

**Gillian Baxendine:** To be clear, my understanding is that if the evidence is published as a parliamentary proceeding, the protection extends to the petitioner as well.

**Stewart Stevenson:** In that case, I recommend non-publication.

**Mr Hamilton:** We have to be careful about this. My take on it is that to publish half the paper would be to stoke the fire still further. I suspect that we should simply say that if the petitioner wishes to publish the evidence, distribute it or put it on his own web page, so be it, but it is not something with which the Parliament should be associated.

**The Convener:** I am sympathetic to the principle of the petition, but the committee decided that it was not, and that is the status of the petition at the moment. We invited the petitioner to produce information. I have an open mind on that, but the evidence that has been produced is not the kind of information that I was looking for. I was quite surprised to read some of it.

**Mr Hamilton:** The point is that if we make an active choice to extend parliamentary privilege to something that we are sceptical about, we do a disservice.

**The Convener:** So the committee is agreed that we will not publish the evidence.

In closing our last meeting, I wish to put on record my thanks to all members of the committee. I have enjoyed my time here. I know that you have all worked really hard and have really thought about all the pieces of legislation that have been before us. It has been a small committee. It has been a bit hairy at times, in terms of getting everybody here. I know that tremendous pressures have been placed on members, because we have met twice a week at times—we have done so more than any other committee—but it has worked well.

It goes without saying that I speak for all the committee in thanking the staff and the clerks.

**Stewart Stevenson:** Hear, hear.

**The Convener:** They have managed to do the impossible sometimes in deciphering all the decisions that we have made. I thank them very much. Perhaps when the meeting closes we will discuss when we can show our appreciation to them over a drink. I wish them all the best of luck for the future. They have all done a great job.

**Bill Aitken:** Before we close the meeting, it would be appropriate to associate myself with your comments. This has been a tremendously good committee. We have frequently disagreed—that is political life—but no one could doubt the

Col 2625 commitment of individual committee members to apprising themselves thoroughly about what they are doing. Every member of the committee has made significant input into every matter that has come before the committee. It has been a personal pleasure for me to work with you all.

In conclusion, some word of praise inevitably is due to you, convener, for the way in which you have conducted proceedings. You have done