The Committee will meet at 10 00 in Committee Room 1.

1. **Declaration of Interests:** Alasdair Morgan MSP will be invited to declare any registrable interests.

2. **Items in private:** The Committee will consider whether to take items 4 and 6 in private.

3. **Complaint against Kenny MacAskill MSP and Tricia Marwick MSP:** The Committee will take evidence from—
   
   Dorothy-Grace Elder
   
   John McAllion

4. **Complaint against Kenny MacAskill MSP and Tricia Marwick MSP:** The Committee will review the oral evidence and consider lines of questioning for witnesses.

5. **Complaint against Kenny MacAskill MSP and Tricia Marwick MSP:** The Committee will take evidence from—
   
   Tricia Marwick MSP and Kenny MacAskill MSP

6. **Complaint against Kenny MacAskill MSP and Tricia Marwick MSP:** The Committee will review oral and written evidence received in the course of its investigation.

Dr Sam Jones
Clerk to the Standards Committee
Please find attached papers on the following:

Complaint against Kenny MacAskill MSP and Tricia Marwick MSP; Written evidence received from George Reid MSP and Mary Spowart
Dear Sam,

I refer you letter of 15 July about the complaint against Kenny MacAskill MSP and Tricia Marwick MSP.

1. I worked closely with the Blairingone and Saline Action Group in the last Parliament, assisting the villagers in their campaign to have an investigation into the environmental and health aspects of spreading non-agriculturally derived waste to land.

2. As part of my initial research in 2000, Ms Spowage compiled for me a list of regulations and legislation governing such spreading activity. This was in her official capacity, at the time, as the environment researcher to the SNP Group.

3. When the dispute occurred towards the end of the last Parliament between Mr MacAskill and Ms Marwick on one side and Dorothy-Grace Elder on the other, the latter asked me to use my good offices to try and secure the release of documentation.

I did so informally, not in my capacity as DPO but as the MSP primarily involved in the Blairingone petition and as a member of the same party group. My conversation with Mr MacAskill and Ms Marwick was perfectly amicable but very brief, since it was clear that they did not intend any immediate release of the papers.

I hope that these notes are helpful.

Yours sincerely,

GEORGE REID
STATEMENT TO STANDARDS COMMITTEE INVESTIGATION

To whom it may concern.

This is my statement in answer to the questions I have been asked by the Standards Committee. I have endeavoured to answer all the questions as fully as possible to the best of my recollection. However, I do feel very sad that the fact that I willingly carried out a piece of statistical work for the benefit of the Blairstone villagers has been subject to so much negative criticism.

When I was initially approached by Ms Elder to look over the Blairstone papers it should be clarified that I was happy to do so having worked on the issue previously for Mr George Reid MSP. I was unaware that my actions could be misconstrued in any way, but felt that as a member of staff working in the Parliament it was only right to help in any way on an issue for the public just as I had for Mr Reid. I was aware that Mr Reid had recommended Ms Elder as Reporter to the Committee and also that he had told Ms Elder of my previous work on this issue, which is why Ms Elder approached me in the first place. In the years prior to that, there had been no working or social contact between us. It emerged that I was the only person with previous knowledge that Ms Elder could check over her work with, as under the restrictions in her role as a Reporter, she was prevented from showing her work to Mr Reid or other MSPs.

How long did I have the material?

I had the complete Blairstone papers for long, possibly a week or under. I had seen some incomplete papers earlier in January. I cannot remember precisely how long, as Ms Elder needed them returned to her as soon as possible to complete her report, as she had a very short deadline.

How many were originals?

As far as I can recall approximately a quarter of the medical questionnaires were originals, and the rest were photocopies. Of the other material, the background documents on planning permissions, EU Directives and letters etc some were photocopies and some originals like letters. However, the photocopies were, as far as I am aware, the only copies Ms Elder had of these documents and as such I do remember Ms Elder stating at the time she did not have copies of these papers.

When did I carry out this work?

Initially Ms Elder asked me to look over the documents to check to see if she was covering the same the ground as the work already carried out by Mr Reid MSP and myself or to see if this was really moving the issue on. I suggested compiling a
spreadsheet of statistics from the health returns she had done. This work was carried 
out in my own time mainly at home but also in the Parliament in bits and pieces of my 
own time. I initially composed a spreadsheet at home which I put on disc when my home 
computer proved to be less adequate than the Parliamentary equipment.

The working atmosphere with Mr MacAskill and Ms Marwick was very relaxed with no 
strict division of labour between the two and there was no strict time keeping in the 
office. As long as work was done correctly and on time both Mr MacAskill and Ms 
Marwick allowed their staff to organise their own days. I often worked longer hours than 
I was contracted to do and carried out a variety of duties involving both Party and 
Parliamentary tasks which wasn’t a problem as it was all considered part of the job. 
Within that atmosphere however, this meant that there would be time I was due and this 
was the time that I spent working on the Blairingone material at odd times so that 
although I worked on some of the Blairingone material within the Parliament, it was as 
far as I was concerned my own time, e.g. I would sometimes take a late lunch break or 
not take other breaks at all and I regarded this as my time as did the MSPs, and it was 
this time I spent on the Blairingone papers. Ms Elder had no knowledge of my working 
practices I told her it would be done in my own time and it was. All contact with her was 
via my home phone and e-mail. At no time did either Mr MacAskill MSP or Ms Marwick 
MSP complain to me that any work for them had not been dealt with.

How many hours did I work on behalf of Ms Elder?

I was not working “on behalf of” Ms Elder as an MSP but in her capacity as the 
Reporter to the Petitions Committee. I am unsure of exactly how long I worked on the 
Blairingone papers as I did not keep a record - it was time here and there. Having 
worked on the issue before for Mr George Reid MSP, I knew that there were still some 
questions that remained unresolved and I hoped that her report would answer those questions.

Were the papers your property or Ms Elder's?

The papers were entirely Ms Elder’s property and her work in her capacity as Reporter 
to the Petitions Committee, and in the case of the health questionnaires clearly 
identifiable as hers as they carried Ms Elder’s name and Glasgow office address on 
every one. It was Ms Elder that had written out the questionnaire and she sent me an 
initial blank questionnaire she had written to look over. The other background papers on 
EU directives and planning issues etc regarding the issue had also come from Ms 
Elder’s office.

How much of the draft report was my work?

None of the draft report was my work it was all Ms Elder’s. I only compiled statistics from 
the health returns. I made some suggestions during the time I looked over the papers 
for Ms Elder but she did not use these. Later, after the papers were removed by Mr 
MacAskill and Ms Marwick, I went to her office and helped her gauge what was missing 
and what she had to fix-up. It was very stressful as the deadline for the report had been 
short before that. The report is very extensive and although the health questionnaires 
and other material Ms Elder had scoured me were essential, she was also pursuing other 
lines of investigation.
Would the lack of these items hamper Ms Elder’s production of a useful report?

These papers were absolutely vital for Ms Elder’s work. These papers held the information that was at the very heart of the issue. The papers had only ever been loaned to me to look over and make suggestions about, they had to be returned to Ms Elder as soon as possible to allow her to compile the finished report. The lack of these papers would, in my opinion, have made the completion of the report extremely difficult and laborious. There was also the issue of the confidentiality of the health questionnaires which Ms Elder had stressed to me, stating that these could not to be shown to anyone else.

During the time I carried out the statistical work, this did not interfere in any way with my ability to carry out my duties for Ms Marwick MSP or Mr MacAskill MSP. I was also unaware that my carrying out this work would have posed any problems as the work was carried out for Ms Elder in her capacity as a Reporter to the Petitions Committee and not as an MSP, and also as I had previously worked on the issue for Mr George Reid MSP. The work was carried out in a voluntary capacity as this was an issue in the public interest. I was unaware that as an employee of an MSP, I was not allowed to cooperate with a Parliamentary Committee Reporters in their work that was not party work but for the public wellbeing. During my time in the Parliament I was under the impression that staff were expected to be helpful to the Committees.

When I was working on this issue previously for Mr Reid MSP it was for a considerably longer time. This was in 2000, when my husband had just been diagnosed with terminal cancer, despite this, I had undertaken this work in my own time and remained with what I saw as a duty. My husband died in April 2001. However, I retained an interest in the issue and was only too happy to be asked to contribute further to the work on the Blairingone issue.

Mary W Spowart