

# **PUBLIC PETITIONS COMMITTEE**

Wednesday 25 May 2005

Session 2

£5.00

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## PUBLIC PETITIONS COMMITTEE

9<sup>th</sup> Meeting 2005, Session 2

### CONVENER

\*Michael McMahon (Hamilton North and Bellshill) (Lab)

### DEPUTY CONVENER

\*John Scott (Ayr) (Con)

### COMMITTEE MEMBERS

Jackie Baillie (Dumbarton) (Lab)

\*Helen Eadie (Dunfermline East) (Lab)

\*Rosie Kane (Glasgow) (SSP)

\*Campbell Martin (West of Scotland) (Ind)

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

\*Mike Watson (Glasgow Cathcart) (Lab)

\*Ms Sandra White (Glasgow) (SNP)

### COMMITTEE SUBSTITUTES

Frances Curran (West of Scotland) (SSP)

Susan Deacon (Edinburgh East and Musselburgh) (Lab)

Phil Gallie (South of Scotland) (Con)

Rob Gibson (Highlands and Islands) (SNP)

\*attended

### THE FOLLOWING ALSO ATTENDED :

Chris Ballance (South of Scotland) (Green)

Kayleigh Boyd (St Ronan's Primary School)

Dennis Canavan (Falkirk West) (Ind)

Christine Grahame (South of Scotland) (SNP)

Alexandra Gill (Clyde Valley High School)

Eilidh Hughes (St Ronan's Primary School)

Samantha Mungall (Clyde Valley High School)

Iain Scherr (Clyde Valley High School)

Stewart Stevenson (Banff and Buchan) (SNP)

Robbie Stoddart (St Ronan's Primary School)

### CLERK TO THE COMMITTEE

Jim Johnston

### ASSISTANT CLERK

Richard Hough

### LOCATION

Committee Room 2



# Scottish Parliament

## Public Petitions Committee

Wednesday 25 May 2005

[THE CONVENER *opened the meeting at 10:02*]

### New Petitions

#### Sports Academy (Scottish Borders) (PE849)

**The Convener (Michael McMahon):** Good morning everyone, and welcome to the ninth meeting in 2005 of the Public Petitions Committee. We have received no apologies for absence, but Jackie Baillie has said that she has to attend another committee meeting before she is able to join us.

The first new petition is PE849, from Kayleigh Boyd, on behalf of St Ronan's Primary School, calling for the Scottish Parliament to urge the Scottish Executive to establish a sports academy in the Scottish Borders. Kayleigh Boyd, who is a pupil at St Ronan's Primary School, is here to make a brief statement to the committee in support of the petition. She is accompanied by her fellow pupils Eilidh Hughes and Robbie Stoddart. Welcome to the committee. You have a couple of minutes to make a presentation to us, after which we will ask you some questions.

**Eilidh Hughes (St Ronan's Primary School):** Good morning. My name is Eilidh Hughes and with me are Robbie Stoddart and Kayleigh Boyd. We are primary 6 and 7 pupils at St Ronan's Primary School in Innerleithen. We thank you for having us here and we would like to present some ideas to you about the sports academy. Primaries 6 and 7 have been busy working on ideas. As I am speaking, Kayleigh will flick through our drawings.

A sports academy would be good, as sporting talent in Scotland is at a low. We would like young pupils to learn and progress at sport in the academy and become great sporting champions like Eric Liddell. The sports academy would provide sports education in pupils' chosen sports. It would also provide an academic education as normal. The age group for the sports academy would be 13 to 26. We think that children younger than 13 would not be able to cope with staying away from their families for so long a time.

I now hand over to Robbie, who will explain who, what and when about the academy.

**Robbie Stoddart (St Ronan's Primary School):** First, what? We think that there should be a sports academy with instructors in all sports

to coach young sporting talent to the highest level in pupils' chosen sports. The academy should have the very best facilities in order to set those high standards. Here is a list of sports that we would like to include in our academy: football, tennis, rugby, athletics, gymnastics, swimming, equestrianism, canoeing, cycling, hockey, cricket and netball. We would also like to tell you what we think the letters of sports academy stand for.

**Kayleigh Boyd (St Ronan's Primary School):** S is for sport; P is for performance; O is for Olympic champion; R is for respect; T is for talent; S is for spirit; A is for achievement; C is for confidence; A is for amazing; D is for determination; E is for encouragement; M is for magic; and Y is for young sportspeople.

**Robbie Stoddart:** Secondly, where? We think that the academy should be in the central Borders, as the Borders would be a great location for a sports academy, the biggest reason being the easy access from central places such as Edinburgh.

Thirdly, why? We should have a sports academy so that people can realise their own and others' sporting potential and so that more talent from this area can compete at the highest level. An academy would also attract more attention to the Borders sporting-wise. Our area would be a great training environment for young hopefuls.

**Kayleigh Boyd:** We hope that you have taken in all that we have said today and have given it a lot of thought and consideration. Thank you for listening to our speech. We are now ready for some questions.

**The Convener:** Thanks very much for your presentation. Given how good it was, I am sure that you are ready for questions.

**Helen Eadie (Dunfermline East) (Lab):** I agree that the presentation was excellent. What gave you the idea of a sports academy?

**Kayleigh Boyd:** We feel that Scotland's image is poor and we would like standards to improve in order to give Scotland a name in sport.

**Helen Eadie:** Does anyone else want to say something about that?

**Robbie Stoddart:** I agree with Kayleigh.

**Helen Eadie:** How did you come up with the idea of bringing a public petition to the Scottish Parliament?

**Kayleigh Boyd:** Jenni Campbell came and helped us. She gave us the options of what we could do. We had a vote and the petition won.

**Helen Eadie:** Good. Well done.

**The Convener:** Petitions always win.

**John Scott (Ayr) (Con):** Where would you like to locate the sports academy? I presume that it would be in Innerleithen, or do you have somewhere else in mind?

**Kayleigh Boyd:** We were thinking more of Gala, because it is near the centre of the Borders. Netherdale is trying to do a project with the rugby and we are hoping to link in with that.

**John Scott:** Good. Have you done any research on the demand that there would be from the Borders people? It does not matter if you have not. Have you had expressions of interest from the rugby clubs or the soccer clubs, for example?

**Robbie Stoddart:** We have not done anything like that yet, but that is something that we could look into.

**John Scott:** What was the alternative way of getting the academy built? You considered approaching the Public Petitions Committee. What other approach did you consider? You said that you had a vote on it. What did you vote on?

**Eilidh Hughes:** We had the choice of a leaflet campaign or the petition. More people voted for a petition, so that is what we decided to do.

**John Scott:** That is great. Thanks very much. Good luck.

**Rosie Kane (Glasgow) (SSP):** Hi there. That was an excellent presentation and the petition is very good. Thanks very much for that. Can you imagine yourselves being at a sports academy and what that would mean for you personally?

**Kayleigh Boyd:** As Eilidh said, we thought that the academy could be for people who are between the ages of 13 and 26. Up in Perth, there is a rugby club that some Scotland rugby players help out with in the summer. We hope that there could be similar clubs when training is not happening.

**Eilidh Hughes:** As Kayleigh said, rugby clubs and football clubs could help young people to learn about the sport and get better at it, even when there is a holiday.

**Rosie Kane:** Robbie, can you see yourself at a sports academy? How would that benefit you?

**Robbie Stoddart:** It would let us concentrate on things like our diet, which would be good.

**Campbell Martin (West of Scotland) (Ind):** Thank you very much for making such a good presentation. You mentioned that you envisaged that the academy would be residential. In other words, people would stay there to work on their sports. How would people get to go to the academy? Would they already have to be junior champions in their sport or could local authorities or schools put them forward for a place at the academy?

**Kayleigh Boyd:** We hoped that we could get former sportsmen or experienced sportsmen to act as scouts. They could go to Border games and watch the running or the football. They could pick out people to look into and just see how they got on.

**Campbell Martin:** In other words, you hope that someone could spot a child's potential to be good and put them forward on that basis.

**Kayleigh Boyd:** Yes.

**Ms Sandra White (Glasgow) (SNP):** Thank you for your excellent presentation, which you must have put a great deal of work into. My question follows up on Campbell Martin's. You mentioned that the academy would be for 13 to 26-year-olds, that it would be residential and that people would scout for potential athletic excellence. You have referred to a range of sports, not just rugby and football. Would it be a good idea if people who were champions in school sports, such as the 100m or the long jump, could be admitted to the academy? How would the residential arrangements work?

**Kayleigh Boyd:** When they go to university, people pay the university to have a flat, for example. Perhaps the sports academy could pay for students to stay in a hotel or somewhere and they would pay the sports academy.

**Ms White:** You mentioned that you intended that the academy would link up with Netherdale. If the academy is built in Gala, do you envisage that there would be residential accommodation on site?

**Robbie Stoddart:** As there is already a university at Netherdale, I think that we could perhaps put people in accommodation there.

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** Good morning. You look so professional and so charming that I am sure that you will manage to charm the birds out of the trees. It is a great honour to the Parliament and to you that you have chosen to present your petition to the Parliament. That speaks volumes not only about you, but about the Parliament's accessibility. I am sure that we all welcome that.

My question is simple. Your petition is presented in such a professional manner that I am sure that it will achieve the degree of success for which you had hoped. You make a plea on behalf of all potential athletes and other sportspeople. What sports do you participate in? I invite Robbie to answer first.

**Robbie Stoddart:** I do a bit of running and a lot of mountain biking and I play football and rugby.

**Kayleigh Boyd:** I used to play for the Borders girls football team. I play netball and am going to start hockey. I have also played in a rugby team.

10:15

**John Farquhar Munro:** I think that I saw that Eilidh has a sports injury. What sport do you participate in, Eilidh?

**Eilidh Hughes:** I play netball, like Kayleigh. I have joined a hockey club and I sometimes play football as well.

**John Farquhar Munro:** You have done an excellent job. We are pleased to see you and I am sure that your school colleagues will be proud of the presentation that you made this morning. Thank you for coming.

**The Convener:** We are joined this morning by Christine Grahame and Chris Ballance. I ask them whether they want to ask the students anything or make any comments.

**Christine Grahame (South of Scotland) (SNP):** I have a question for the petitioners. Do you know that Heriot-Watt University and Borders College are going to build on the site that you mentioned? Have you thought of contacting the heads of Heriot-Watt University in the Borders and Borders College about your idea while they are developing the site?

**Eilidh Hughes:** We have not done that yet, but it is a good idea, so we could look into doing it.

**Christine Grahame:** It is a serious point, because they are going to build residential units.

How would students at the academy of sport do their school lessons?

**Eilidh Hughes:** It would be a mixture of sports education and academic education so that students could receive an academic education as well. For one lesson, they might do maths and then they could do a lesson of football, for example.

**Kayleigh Boyd:** We could ask the schools to give the students a set amount of work to get through each day or week. If they did that, the students would know what they would have to do each week and would not fall behind.

**Robbie Stoddart:** That is a good idea because in high school—where we live, anyway—the pupils already have a timetable and periods to work to.

**Christine Grahame:** Thank you and well done.

**Chris Ballance (South of Scotland) (Green):** Congratulations to the petitioners and their class. Ought Scotland's sporting achievements to be better at the moment and would a sports academy help them? The same goes for the health of young people: could it be better and could a sports academy help in that?

**Kayleigh Boyd:** Yes. At least we are good at curling, but we could be better at football, rugby and the sports that Robbie mentioned. We are

quite an important country, but our sporting image is not very big, so we hope to build on it.

**Eilidh Hughes:** As Kayleigh said, we want to build on our sporting image with a sporting academy. Our champions are good at their sports, but they are not practised enough, if you see what I mean, so a sports academy would help them to practise and get better at their sports.

**Robbie Stoddart:** A lot of people who could be good with a lot of practice go unrecognised, so the sports academy could help with that as well.

**The Convener:** In my area in North Lanarkshire, we have a sports comprehensive, Braidhurst High School. It is a school that specialises in sports and, if students from other schools are good at sports, they can go to the sports comprehensive and get additional teaching in the sports that they are good at. Is there any school like that in the Borders at the moment?

**Kayleigh Boyd:** Not that I am aware of.

**The Convener:** I wondered whether that was the case.

I ask committee members for suggestions on what to do with the petition.

**Helen Eadie:** I suggest that we contact the Scottish Executive and, perhaps, sportscotland to ask for their views on the petition.

**The Convener:** Do members have any other suggestions?

**Rosie Kane:** If we were to send the petition to another committee, would it be the Enterprise and Culture Committee?

**The Convener:** It probably would, but we will have to wait and see what the Executive's response is before we send the petition to another committee to consider.

**Ms White:** To pick up on what Christine Grahame said, would it be worth while writing to Borders College and Heriot-Watt University?

**The Convener:** Do you mean to see what their plans are?

**Ms White:** Yes.

**The Convener:** That would not do any harm.

**John Scott:** Given Scotland's memorable win last night over the Barbarians, for a bit of fun it might be nice to contact the Scottish Rugby Union to see whether it has a view.

**The Convener:** We are contacting sportscotland, but given that the petitioners mention rugby as a focal point for the academy, I see no harm in finding out what options are available for the proposal that Christine Grahame has brought to our attention. Do members agree that we do that?

*Members indicated agreement.*

**The Convener:** Thanks all of you for coming this morning and well done again for your presentation. Once we receive responses from the people whom we write to, we will let you know what they tell us.

### **Public Holidays (PE847)**

**The Convener:** Petition PE847, by Iain Scherr, on behalf of Clyde Valley High School, calls on the Scottish Parliament to consider and debate making more public holidays available to celebrate days of importance, such as Burns day on 25 January and St Andrew's day on 30 November.

Iain Scherr, who is a pupil at Clyde Valley High School, will make a brief statement to the committee in support of the petition. He is accompanied by his fellow pupils Samantha Mungall and Alexandra Gill. Welcome to the committee. I point out that Dennis Canavan is with us this morning. He recently introduced a member's bill to establish St Andrew's day as a bank holiday. We will give you an opportunity to contribute later, Dennis. First, we will hear Iain Scherr's contribution and discuss the points that he raises.

**Iain Scherr (Clyde Valley High School):** Ladies and gentlemen, my name is Iain Scherr and I am a first-year pupil at Clyde Valley High School in Wishaw. I thank you on behalf of my classmates for inviting us to this magnificent new building to air our views on why Scotland should have its own national holiday.

The United States has independence day, France has Bastille day and, just over a week ago, Norway celebrated its own constitution day, but what about Scotland? According to the First Minister, we are the best wee country in the world, but surely the best wee country deserves a national holiday for being just that—the best.

Scotland has the potential for a national holiday. We could be like the Irish and celebrate our patron saint St Andrew, or we could celebrate Scotland's national bard Robert Burns—or we could be optimistic and go for both. What sane person would give up the chance of an extra day or two off work, no matter which great Scot we are celebrating? We could have parades in the street, the saltire flying high and Scots all over the globe celebrating at the same time. A national holiday would boost the self-esteem of the Scottish race and make us feel justly proud of ourselves. Here's tae us! Wha's like us? Ladies and gentlemen, that is why Scotland deserves a national holiday.

My classmate Alexandra will share her views with you.

**Alexandra Gill (Clyde Valley High School):** Ladies and gentlemen, did you know that Scotland

is the poor European neighbour as far as public holidays are concerned? Just like Dundee Football Club, we are at the bottom of the league. While the average number of public holidays in Europe is 12, we poor Scots have to make do with just eight.

In case you think that all we are after is another day off school, let me clear up that misunderstanding. We are after not just any holiday, but a national holiday—one that is unique to the people of Scotland. After all, of the 46 countries in Europe, 43 have an official national holiday. Why, even Slovakia has joined the club, with the anniversary of the Slovak uprising day. Surely a country with a history as old as Scotland's deserves a day when its people can reflect on their past and focus on their future.

Ladies and gentlemen, it has been an honour to address you in this wonderful building. The new Scottish Parliament deserves such a gracious home, but do you not think that just one little thing is missing—a day when the whole country can feel proud to be Scottish?

Thank you for your time. My classmate Samantha Mungall will conclude our presentation.

**Samantha Mungall (Clyde Valley High School):** Ladies and gentlemen, Scotland may be a very small nation, but it is still very important in world history. Just think what we have contributed to the world over the centuries. Would the world not be a different place if it were not for Scots such as John Logie Baird, Alexander Graham Bell, James Watt, Alexander Fleming, Charles Rennie Mackintosh, Robert Burns and—to bring things up to date—J K Rowling? Those are just a few of Scotland's famous sons and daughters.

If we were like any other nationality, we would march up and down Princes Street, banging drums and telling the world how wonderful we are. However—the modest Scots that we are—we tend to let others do that for us. Take tartan day in New York, for example. Is it not ludicrous that pipe bands, kilts, heather and everything else that is Scottish are given such a special place on a special day halfway around the world?

Ladies and gentlemen, I am sure that you are all aware of the bill that Dennis Canavan MSP has introduced to make St Andrew's day a public holiday. I will end by quoting him. He has said:

“People want to see Scotland have a national day like most other countries in the world. Clearly St Andrew's Day is the most appropriate day for that ... It would be a celebration of the nation, and of its diversity of cultures and religions.”

Thank you for listening.

**The Convener:** Thank you for lodging your petition. As with the students who spoke to a petition earlier, I just wish that some of the adults



who present petitions could be as succinct and articulate as you have been in making your case. Well done. Thank you for presenting your case so well to the committee.

**Rosie Kane:** I echo what Michael McMahon said. It is the second time this morning that I have felt like applauding at the end of a presentation. I thank the petitioners for that. I have come over all patriotic since you spoke. For an independent socialist Scotland, I add John Maclean to your list of good names to celebrate.

You talked about cultural and historical events that are connected to days. How would the people of Scotland react to that? What positive message would a special day for Burns, for example, send through Scotland?

**Iain Scherr:** Such a day would make people feel happy about themselves and give them a chance to go out on the streets to celebrate something instead of being locked up in the house or going to work, without anything to celebrate all through the year, apart from Christmas and new year, which are national events. There is nothing just for Scotland to celebrate.

**Rosie Kane:** You said that you would like the day to be celebrated throughout the world.

**Iain Scherr:** All Scots throughout the world could celebrate their home country.

**Mike Watson (Glasgow Cathcart) (Lab):** I was impressed by the presentation. Samantha said that a national holiday would enable us all to reflect on the past and focus on the future, which struck a chord.

**Samantha Mungall:** Alexandra said that.

**Mike Watson:** I apologise. That would be an appropriate slogan to attach to a national day, of which I am in favour. I debate with people the day that we should choose. I welcome what the United States has done by choosing to celebrate tartan day, but that has slightly confused the issue.

I take on board your point about the argument that a day's production would be lost if we had another holiday. That does not hold much water with me, because we have fewer public holidays than most other European countries, as has been said. We are well able to accommodate another holiday.

Whatever day we chose, would we celebrate it whatever day of the week it fell on? If St Andrew's day fell on a Saturday or Sunday, would it be important to have a holiday on the Friday before or the Monday after, or would you just say that, in those years when St Andrew's day falls on a weekend, we accept that, on the basis that it is the day that is important, rather than the holiday? We would then celebrate that and forgo having a day off. Do you think that that would be workable?

10:30

**Alexandra Gill:** That would be quite good. I like that idea.

**Mike Watson:** Do you have a preference for which day is taken? St Andrew's day and Burns day are the most obvious ones. Do you or your classmates have a preference?

**Iain Scherr:** The preference is for St Andrew's day, mainly.

**Campbell Martin:** Thank you for your presentation, which you did very well. If you ever decide to stand for Parliament, I will vote for you. I particularly liked your suggestion of a Scottish uprising—perhaps that is something that we can work on. I was in New York for tartan day this year and I can assure you that it was a great day to be Scottish in New York. As you have mentioned, however, the Americans tend to focus on what they think of as Scotland—the tartan, the heather, the Highlands and so on. How do you see the national day of Scotland? What do you think that the day would entail, other than its being a holiday?

**Alexandra Gill:** There would be celebratory parades on the street and people would have saltires in their hands, and so on.

**Campbell Martin:** I agree with Rosie Kane that the ideal day would be independence day. Rather carelessly, however, Scotland lost its independence some years ago. Perhaps with your help, we will get it back and celebrate independence together one day.

**Ms White:** I think that there is great hope for the future when we have talent such as yours and that of the other kids who were here earlier. The presentation was fantastic and brilliant. I am all for St Andrew's day or, preferably, independence day. It was great to see the looks in your faces when you were presenting your petition. You are so proud of your country, which I think is absolutely fantastic.

The e-petition that you submitted carried 336 signatures. Did you petition anywhere else? Did you gather signatures at school? How did you form the idea of sending an e-petition?

**Iain Scherr:** We thought that e-petitioning would be easier than going around with pieces of paper and trying to gather everyone's signature. We could instead tell people where they could sign the petition and encourage them to tell their friends about it. We could e-mail people. For example, we e-mailed a number of MSPs, some of whom signed the petition.

**Alexandra Gill:** Mr Bruce e-mailed his fellow teachers, some of whom also signed the petition.

**Ms White:** That just shows us about the new technology—some of us are not all that familiar

with it, but school kids are well familiar with it. I was saying that you got 336 signatures for the e-petition. I hope that the petition will go forward. Dennis Canavan will shortly be explaining his bill, the St Andrew's Bank Holiday (Scotland) Bill. You hope that we will have a St Andrew's day holiday, rather than a Burns day holiday. Is that correct?

**Iain Scherr:** Yes.

**The Convener:** Just for information, the petition was lodged on the e-petitioner system and attracted 336 signatories. Of those, 327 came from Scotland; there were two each from Canada and England; and there was one each from Jamaica, Russia, Wales and Bavaria, with another one from elsewhere in Germany. You got a good spread of people showing an interest. Well done for that.

As there are no other questions, we will now have to decide what to do with the petition. First, however, we will hear from Dennis Canavan.

**Dennis Canavan (Falkirk West) (Ind):** I will keep my comments brief, as the presentation was so excellent that I do not need to add much. I congratulate Iain, Alexandra and Samantha on the way in which they have presented the petition and I thank them for the support that they have expressed for my bill.

As the petitioners said, Scotland is at the bottom of the European league in terms of the number of public holidays. The policy memorandum that is associated with my bill points out that the average number of public holidays among countries in the European Union is 12. While we languish at the bottom with eight, Cyprus and Slovakia have 15 public holidays a year and Austria has 14. My bill would help to create a fairer deal for Scottish workers and it would make St Andrew's day a national day; it would give Scots the opportunity to celebrate our patron saint, our national identity and our cultural and ethnic diversity.

As you may know, convener, yesterday the Parliamentary Bureau decided to recommend that my bill be referred to the Enterprise and Culture Committee. I do not know whether the Public Petitions Committee can express support in principle for my bill or for the petition, but I would be grateful if the petition could at some stage be drawn to the attention of the Enterprise and Culture Committee.

I have one question for the petitioners. Did you come up against any opposition to the petition and, if so, did people give any reasons why a national holiday on St Andrew's day would not be a good idea?

**Iain Scherr:** I asked a lot of people, but I did not come up against any opposition.

**Alexandra Gill:** Neither did I.

**Samantha Mungall:** Only one or two people were opposed to the idea, but they had lived in America for a few years and then come back—they thought that we get enough holidays.

**Dennis Canavan:** So the vast majority of the people whom you asked to sign the petition did so.

**Iain Scherr:** Yes.

**Dennis Canavan:** I had a similar response during the consultation exercise that I conducted for my bill. That reinforces the case for my bill to become legislation.

**The Convener:** I, too, think that a national day is a good idea; I just wish that Burns day and St Andrew's day were not in the middle of winter and that we could find a day in the middle of summer. That would allow us to have street fairs and parades and would give at least a decent chance of good weather. I endorse the sentiments that have been expressed about the need for a national day for Scotland.

When the committee considers a petition that relates to a bill that is going through the Parliament, it is our normal practice to refer it to the committee that is considering the bill. Therefore, I recommend that we send the petition to the Enterprise and Culture Committee, along with a copy of the *Official Report* of our discussion, which will allow that committee to consider the evidence that has been given this morning, in conjunction with any other evidence that Dennis Canavan produces. Do members agree to send the petition to the Enterprise and Culture Committee in support of Dennis Canavan's bill?

**Members indicated agreement.**

**The Convener:** I thank the petitioners. I hope that they will keep an eye on the progress of Dennis Canavan's bill to see whether it achieves what the petition asks for.

I suspend the meeting for a couple of minutes to allow the petitioners to leave.

10:38

*Meeting suspended.*

10:40

*On resuming—*

### **Gaelic Language Teachers (PE857)**

**The Convener:** Our next new petition is PE857 from Mrs C A Jackson, on behalf of Bowmore Primary School, which calls on the Scottish Parliament to urge the Scottish Executive to take urgent action to ensure adequate provision of Gaelic language teachers. In support of the petition, the petitioners have submitted the text of

a song by pupils of the primary school, which has been circulated to members. Members have also viewed a video of the children singing the song, which they will agree is a novel and innovative way of presenting a petition.

The petitioners believe that, to keep the Gaelic language alive on Islay, children must be taught Gaelic in primary school. Although Bowmore Primary School has a Gaelic-medium unit, it does not have a primary 1 to primary 3 Gaelic teacher, and the petitioners are concerned that the post will not be filled until August 2006. In February, the Scottish Executive announced that an action group would be set up to tackle the need for more Gaelic teachers. Do members have any comments on the petition?

**Mike Watson:** I have a particular interest in the subject because I was, for a while, the minister with responsibility for Gaelic. The Islay connection, which the petition deals with, was highlighted by the establishment of Ionad Chaluim Chille Ìle, the college and cultural centre, which I had the privilege of opening in August 2002.

I am concerned that, although a number of primary and secondary teachers were put in place at that time, they have not begun to affect the situation. I note the number of graduates that are due to come through in the next month or two. Although that is helpful, I am concerned that many of the people who have qualifications are not using them at the moment. There have been attempts to target as assistants qualified women whose children are perhaps at an age that would allow those women to return to the workforce. It is a matter of great regret that parents who want to have their children educated in Gaelic are not able to do so. Of course, the problem is not confined to Islay; it is an issue in other parts of Scotland.

The bottom line is that we cannot force teachers to go to a particular area. People who go through teacher training college very often want to go to the cities instead of staying in the rural areas where they are needed. I do not know how we can get over that problem other than by ensuring that the Executive encourages increased numbers of people to become qualified to teach in Gaelic and then perhaps considers ways of incentivising them to go to the schools where they are needed. I know that that is being considered in the new Ardnamurchan High School that was opened two or three years ago, and it might provide a way forward for the future.

Bowmore Primary School has raised a specific issue. We should ask the Executive to give us an update of the current figures and tell us how it plans to ensure a more comprehensive spread of Gaelic-medium teachers than we have at the moment.

**Ms White:** I know that the petition is from Bowmore Primary School but, as Mike Watson has said, places such as Glasgow, which has the largest Gaelic-speaking population in the country, have problems with Gaelic-medium education. I am concerned to find that 233 primary school teachers are able to teach Gaelic but only 152 are doing so. The figures for secondary education fall to 101 teachers who are able to teach and only 26 who are doing so. We must write to the Executive to find out why teachers are not teaching in Gaelic. The Gaelic Language (Scotland) Bill has been passed and people are very interested—I know that in areas of Glasgow people must go through certain stages in primary school before they can go on to the Gaelic school. The lack of teachers is preventing that from happening. We must find out why qualified teachers are not using their talents. The Executive says that it is setting up a working group. When that group examines the matter it should ask specific questions about uptake. That is my main concern.

10:45

**John Farquhar Munro:** This has been a problem over many years. We hear constantly from the Gaelic world that there are not enough teachers in Gaelic-medium education. The main reason for that is that until very recently there was no guarantee that Gaelic-medium education would continue within the education system. Teachers thought that it was likely to end early in their professional career; they were concerned that if they jumped ship to go into Gaelic-medium education, the authorities would eventually stop Gaelic-medium education in schools and they would be out of a job and find themselves in difficulty. However, the situation has changed considerably over the past two years, particularly since the Gaelic Language (Scotland) Bill was passed and Bòrd na Gàidhlig was established with a remit to promote Gaelic-medium education. There has been an increase in the number of graduates who are now coming into Gaelic-medium education because there is far more confidence that it will continue.

Several people have taken advantage of distance-learning courses. I understand that this year a number of graduates who come on stream will participate in Gaelic-medium education, so the situation is not all doom and gloom—great strides have been made. I am sure that there will be steady, if slow, progress to ensure that there are sufficient staff in Gaelic-medium education. We are fortunate that there seem currently to be sufficient staff in primary education who are capable of teaching in Gaelic, but provision falls down in secondary education, in which there is a shortage of such staff, which is being addressed.

I hope that in the not-too-distant future students who have an interest in Gaelic will be able to complete their primary, secondary and graduate-level education through the medium of Gaelic, particularly as the Gaelic college in Skye and Lews Castle College provide courses to assist students to graduate in Gaelic. Progress is encouraging but, as I say, the onus now rests with Bòrd na Gàidhlig to bring initiatives forward.

**Rosie Kane:** I agree with the previous speakers. The promises that Parliament has made must be lived up to and the efforts that are being made must be speeded up.

I do not know whether a great deal of thought has been given to Gaelic immersion courses. I understand that in the Basque Country and Catalunya such courses have been provided extensively with a great deal of success, although it has been costly. Teachers who are currently teaching but who would like to teach Gaelic could be taken for two or three years—perhaps one or two years—and taught the language before they go back into teaching. How much thought has been given to that option? Is that possible?

Someone mentioned to me the idea of golden hellos as opposed to golden handshakes. Incentives such as housing and so on could be offered to encourage people to go to areas that are seen by many folk as being not very sexy. A wee bit of help is often what is required.

Paragraph 3 of the clerk's note on the petition mentions that Bowmore Primary School does not currently have a Gaelic teacher for primary 1 to primary 3. Can we find out what is happening and when the school is likely to get such a teacher? The petitioners are concerned that the post will not be filled until August 2006.

**The Convener:** I, too, am concerned about that. The petitioners know that it will be more than a year before children in P1, P2 and P3—the key years when children are first at school—have access to the teaching that is fundamental for children of that age. That is a problem. If we are to ask a specific question, we should ask why those classes will not have a teacher, given that the absence of a teacher might have a more detrimental impact on children in that age group than it would have on older children. I agree with Rosie Kane on that. Should we write to the Executive to ask how implementation of its plans is going?

**John Scott:** Another fundamental problem is that people who can teach in Gaelic choose not to do so. That is crucial. I do not know what procedures are in place to encourage people to use Gaelic; perhaps people need to be incentivised.

**John Farquhar Munro:** There are plenty of people who could teach Gaelic, but there are not

teachers with the professional skills to teach other subjects in Gaelic, which must be examined. We should follow the recommendation in our briefing paper—that would be sufficient.

**The Convener:** Are members happy for the committee to write to the Executive to ascertain how the work of the Gaelic-medium education teacher recruitment and supply action group is progressing?

*Members indicated agreement.*

**Ms White:** Can we ask about the problems that Bowmore Primary School is experiencing, as Rosie Kane suggested?

**The Convener:** We could try to get an answer on that.

**Rosie Kane:** Can we also write to Comann Luchd-teagaisg Àrd-Sgoiltean na h-Alba, the Gaelic secondary school teachers association—John Farquhar Munro will be able to pronounce its name—and to Comann nam Pàrant and Comhairle nan Sgoiltean Araich, the Gaelic pre-school council?

**The Convener:** There would be no harm in seeking the opinions of those organisations. We look forward to the Executive's response.

### **A90 Trunk Road (Upgrade) (PE856)**

**The Convener:** PE856 calls on the Scottish Parliament to urge the Scottish Executive to upgrade as a matter of urgency the A90 trunk road between Tipperty and Balmedie in Aberdeenshire, in the interests of safety and the environment. Before the petition was formally lodged, it was hosted on the e-petition site, where it gathered a total of 2,606 signatures. The e-petition briefing has been circulated for members' information. Do members have comments?

**Rosie Kane:** Unfortunately, I have no local knowledge of the area—I wish that I did. I phoned around this morning, to Friends of the Earth Scotland for example, to try to get an environmental handle on the matter. Car traffic in the area has increased by 30 per cent in 13 years, which is a great leap. As the e-petition briefing indicates, there has been new build in the area and most people in the newly built homes have cars, so the road is very busy and potentially dangerous. I suggest that we ask Friends of the Earth Scotland and other organisations about the environmental benefits of upgrading the road. It is possible and probable that there would be such benefits in this case, as many people have claimed. We should try to find out about that.

**Helen Eadie:** An answer to a parliamentary question that was asked by Stewart Stevenson indicated that a decision on the upgrading of the

Tipperty to Balmedie stretch of the road is imminent. It might be reasonable to write to the Minister for Transport to ask him when an announcement will be made and, indeed, when work will start, given that the Executive seems to have acknowledged that there are problems on that stretch of the road.

**John Farquhar Munro:** My colleague Nora Radcliffe, who has an interest in the petition, sent her apologies because she had to attend another meeting this morning.

I note the significant strength of feeling that is expressed in the petition. I also note that the Minister for Transport has stated that he will

“make a positive announcement about the improvement of the Balmedie-Tipperty section of the A90 as soon as possible.”—[*Official Report*, 11 May 2005; c 16762.]

I suppose that we will need to wait for the minister's statement to hear his proposals, but the people in the area clearly desire improvements. Do we have more information on the current position?

**The Convener:** No, but it will be worth our while to try to find out.

**John Scott:** I apologise on her behalf for the absence of my colleague, Nanette Milne, who secured the members' business debate in which the Executive gave the response that was quoted.

Given that we previously considered a petition on the A90, would there be any virtue—I seek the convener's advice on this—in linking the two petitions so that we could consider the total upgrade of that road?

**The Convener:** I do not know. The other petition on the A90 concerned a different stretch of the road and it raised different issues, so I am not sure whether we can easily link the two petitions.

**Mike Watson:** I think that the other petition was about the A90 south of Aberdeen.

**The Convener:** It may well have been. I think that that other petition raised different issues, but there may be no harm in linking the two petitions. If we write to the minister, we will know from his answer whether the issues are similar.

**John Scott:** To write to the minister is the obvious thing to do.

**The Convener:** We have been joined by Stewart Stevenson. Which petition are you here for?

**Stewart Stevenson (Banff and Buchan) (SNP):** I am here for the petition on the A90.

**The Convener:** You have arrived just in time.

**Stewart Stevenson:** I apologise. I was in another committee meeting, so I have had to do some juggling of balls this morning.

I want to make a general point about the need to increase the proportion of the A90 that is dual carriageway. The committee may not have heard this before, but the prospective changes to the European working time directive could adversely affect communities that the single carriageway A90 connects to the rest of Scotland, the United Kingdom and Europe. Given that the speed limit for commercial vehicles on a single carriageway is 40mph, as against 60mph on a dual carriageway, the law will force journey times to the north to be longer. Therefore, the upgrading of the A90 involves not only road safety but the wider effects of European legislation.

PE856 seeks only to close the gap in the dual carriageway that exists south of Ellon—which is an important and heavily used part of the road—but, in the longer term, there will be wider issues associated with parts of the A90 further north. However, I am sure that the committee will want to take into account the range of issues that exist in relation to the A90.

On behalf of other colleagues who cannot be present today, I should say on a non-partisan basis that the petition has attracted widespread support, except perhaps from our Green Party regional colleague, although—in all fairness—I did not ask him for his view. However, everyone else is pretty clear about the need to address the matter.

**The Convener:** Members have indicated that they would like more information from the Executive. Rosie Kane also asked that we take cognisance of the views of environmental groups such as Friends of the Earth. We will write to find out what the environmental take is on the issue. When we consider all the responses, we can decide what else we will do with the petition.

**Ms White:** Did you say that we will write to the Minister for Transport or just to the Executive?

**The Convener:** I said that we will write to the Executive, but any such letter would go to the relevant minister.

**Ms White:** The minister's answer suggested that a statement is imminent, so we should find out exactly when that statement will be made.

**John Scott:** We want a timetable from the Executive.

**The Convener:** We can point out that we are looking for a timetable and for a speedy response.

### **Freemasons (Membership) (PE848)**

**The Convener:** PE848 from Hugh Sinclair is on behalf of the movement for a register of freemasons. The petition calls on the Scottish Parliament to urge the Scottish Executive to

introduce legislation requiring the Scottish Episcopal Church to bar all its clergy from membership of the freemasons or any other society having a secret oath-bound membership.

Technically, Parliament could seek to regulate the internal affairs of the church to prohibit members of its clergy from being freemasons. However, drafting of any such law would need to meet the usual legislative competence requirements, including requirements in respect of the European convention on human rights. In addition, a move to bar certain occupations—in this case, the clergy—from being members of particular organisations might fall under employment law, which is generally reserved to Westminster. Do members have any views on the petition?

11:00

**Rosie Kane:** You say that the matter may fall under employment law. Can we find out whether it does or does not?

**The Convener:** I will ask Jim Johnston to comment. He has looked into the issue.

**Jim Johnston (Clerk):** We would know that only once we had seen draft legislation. We could not judge its impact until we had seen that. It would depend on what proposals were put forward.

**Ms White:** I sometimes question the validity of petitions, and I go by what the clerk says to get a wee bit of clarification. Is it proper or within the power of the Scottish Parliament to bar any group in this way? The petition asks for legislation

“requiring the Scottish Episcopal Church to bar all its clergy from membership of the Freemasons”.

If we start doing that kind of thing, anybody could come along and ask the Scottish Parliament to bar such and such.

**The Convener:** That is the very reason why the petition is competent—the Scottish Parliament has that authority. Whether we want to single out any individual church or organisation is a different matter. The competency of the petition is not in doubt; it has been checked and it is admissible. We could consider legislating on the issue, but whether we would want to support a petition that asked for such legislation is a different matter.

**Ms White:** I will go by what the clerk and the convener have said. The petition is competent, but I do not think that it is right. I would not make the decision to tell one group what to do. It is up to such groups to make up their minds what they want to do, whether they be a church or anything else. I would not support the petition.

**Helen Eadie:** I will not support the petition, and I move that it be closed. Over the years, there have

been several attempts to bring disrepute to freemasons in Scotland. The fact is that there are organisations throughout the world that have codes and practices that people are asked to respect. For that reason, it is just not practicable and it would be wrong to single out any one organisation. I move that the petition be closed.

**Mike Watson:** I believe that the petition should be closed, but not for the same reasons as Helen Eadie. I think that freemasons who seek public office should be required to declare that they are freemasons, although I am not in line with the movement for a register of freemasons and the tactics that the petition suggests.

I think that the petition is ill-advised to target one specific church on the basis of what Mr Sinclair, who is a confirmed Anglican, says. It seems to be a personal issue for him, although I do not doubt that he has wider concerns about freemasons, as have I. In this case, the proposal is inappropriately targeted. Although Parliament may be able to legislate on the matter, I do not think that the suggested action would be appropriate. To legislate for a specific church would be to look at the issue from the wrong angle. The broad issue is about freemasons as an organisation—it is not about any religious organisation.

**The Convener:** The Justice 1 Committee has already considered the issue, and we have had a series of petitions on it. We are still in dialogue with people who are concerned about the outcome of that committee's deliberations.

The Public Petitions Committee should not be surprised when it receives petitions from organisations that have an agenda to pursue. That happens all the time, and no one issue should be singled out for specific criticism when the petitions system is used in that way. All that we can do is consider whether a petition is competent and decide whether we want to do anything to assist the petition. We have to decide this morning whether we think collectively that the petition requires us to take any action in support of it.

**Campbell Martin:** If Parliament was to legislate as it is asked to do by the petition, that could contravene the European convention on human rights. Whatever freemasons are, they are not a proscribed or illegal organisation. It would be a retrograde step if the national Parliament was to start telling sections of the population that they could not join a particular organisation. That would be a wrong move, and I agree with other members that it is probably right to close the petition.

**John Scott:** I agree with all that has been said, especially what Mike Watson said. We must separate out the two issues. Whether freemasons should need to declare that as an interest is one thing; what the petition asks for is completely

different. This is about an individual's right to join an organisation if they wish to do so. We are not in a position to forbid anybody to do that, nor should we be. I agree that we should close the petition.

**Helen Eadie:** If we were to do what is suggested in the petition, we would have to be even-handed and consider organisations such as the Knights of St Columba and the Eastern Star. We could not just choose one organisation but would have to call for declarations of membership of all other such organisations. That is not to say that Mike Watson and others do not have a point, but there are all sorts of such organisations all over the world. We should close the petition.

**The Convener:** Are members happy to close the petition?

*Members indicated agreement.*

### **Harbours (Public Finance Legislation) (PE854)**

**The Convener:** Our last new petition under agenda item 1 is on Scotland's harbours. PE854, which is by Robert Stephen, calls on the Scottish Parliament to urge the Scottish Executive to pass equitable public finance legislation in respect of all Scotland's harbours, whether they are trust or council owned. The petitioner previously submitted PE716 relating to the funding of harbours in Aberdeenshire. In its initial response to PE716, the Executive stated:

"local authorities are free to allocate the vast majority of their income from non-domestic rates, council tax and the Scottish Executive revenue grant support to their local spending priorities as they determine. The Executive has no plans to amend or replace the Grampian Regional Council (Harbours) Order Confirmation Act 1987."

**Stewart Stevenson:** I will be brief. My constituent Robert Stephen represents quite a wide range of opinion in the north-east of Scotland and has also talked to people in other parts of Scotland. The background is that much of the legislation for the kind of harbours in which Robert has a particular interest is 19<sup>th</sup> century legislation. Today we are legislating to allow railways and tramways to be built and in the 19<sup>th</sup> century harbours were dealt with in a similar way. The use to which the great majority of small harbours are put has changed dramatically in the 150-plus years since the various original pieces of legislation were passed. However, there has not been a corresponding national consideration of how we can have a fair and equitable way of dealing with the financing and support of harbours around Scotland for the very different purposes that they serve, which are predominantly leisure and tourism purposes and civic amenity purposes.

Robert Stephen and his cosignatories seek simply to broaden the terms of their previous

petition, which followed a similar track, in the hope that they might yet persuade the Executive that harbours are a suitable subject for it to consult on and, in due course, to legislate on. He is not asking for a particular timetable for that, as he acknowledges the heavy legislative workload that the Executive has in prospect. I encourage the committee to carry forward the petition in the hope that we might consider more broadly something that has not been considered in any meaningful way for well over 100 years and probably nearer 150 years.

**The Convener:** I hear what Stewart Stevenson is saying, but the difference is that we have already looked extensively at the harbours issue and received a response from the Executive that made clear its view. The petition asks for legislation to be changed and the Executive has told us recently that that is not going to happen. Whether we could usefully take the petition forward is a real issue for us.

**John Scott:** I hear what Stewart Stevenson is saying, but we have already had an answer from the Executive about its position on the specific issue raised in PE716. PE854 broadens the issue out, but the Executive has made its position abundantly clear. If you are looking for legislation to be changed, Stewart, perhaps you or others might consider introducing a member's bill. I am not here to defend the Executive, but I am keen not to waste time and public money on providing answers that we already have. I see no particular need to take forward the petition.

**Helen Eadie:** I support that view. The Executive response made it clear that any local authority in Scotland has the right to spend its budget as it wishes. If Aberdeenshire Council chooses to spend its budget in a particular way, it has never been this or any other committee's position to try to suck that power away from the local authority because its people are best placed to determine the needs of their areas.

Many harbours throughout Scotland are privately owned. I am sure that Rosie Kane would welcome their renationalisation, but that would be an issue because one would then have to take in the harbours of Lord Wemyss and Lord Elgin, for example, and that would create a different debate that Rosie Kane would not push to one side. The sheer pragmatism of what is proposed does not stack up. I was here when the petition was raised and a lot of work was done on it. Doing more work would take us no further forward.

**Stewart Stevenson:** I am entirely in the hands of the committee—that is a fact, of course. If the view of members is what I think I see emerging, I would be perfectly happy to speak to my constituent about John Scott's suggestion that other means could be pursued. My constituent

would suggest that the focus of the Executive's previous responses related to Aberdeenshire's policy, but I hear that members believe that the Executive made its view clear on a broader basis and that that is why you are not likely to take the petition further. I shall wait to hear how committee members sum up the petition and make their decision and then I will communicate with my constituent accordingly.

**John Scott:** Could we perhaps make the correspondence that we have received on the previous petition available to Stewart Stevenson?

**The Convener:** Anything that is public would be fine, but it would set a dangerous precedent if we started to give MSPs documents that we would not otherwise give them.

**John Scott:** I do not suggest that we should do anything in any way improper.

**Stewart Stevenson:** If I require assistance in that regard, convener, I will approach you, but I suspect that I will be able to track down what is required.

**The Convener:** Do members agree to close the petition?

*Members indicated agreement.*

### **Scottish Economy (Income Tax) (PE835)**

#### **National Health Service (Mediation for Claims) (PE843)**

#### **Council Houses (PE844)**

#### **Housing (Planning Permission) (PE845)**

#### **Problem Debt (PE846)**

#### **Roads (Safe Condition) (PE851)**

#### **Private Medical Insurance (PE852)**

**The Convener:** We will diverge from normal practice for the next petitions, which are all new petitions, but were lodged by the New Party. For that reason, I ask for agreement to consider them all together.

*Members indicated agreement.*

**The Convener:** The New Party lodged the petitions separately over a few weeks—I received a couple of them in the Parliament building. All the petitions are considered to be competent.

The fact that the petitions were presented by a political party requires us to look at them slightly differently than we might do had they come from a community group. However, during the general election campaign, it was my experience that a

community group that lodged a petition subsequently used a picture of the person who handed over the petition in an election leaflet. At least the New Party was honest and said that what it was doing was on behalf of a political party. Other people have used the committee to gain publicity in a more underhand way.

I am happy to hear from members about what they think we should do about the issues that have been raised.

**Ms White:** I recommend that we note the petitions and then close them. However, other members might have other ideas. I congratulate the New Party on a very good way of getting publicity during the general election. Did any candidates stand?

**The Convener:** The party had no candidates.

**Ms White:** I do not remember seeing any. It was a clever way of gaining publicity at no cost and getting some nice pictures of representatives with the convener.

**Campbell Martin:** Perhaps the party is so new that it has not realised that political parties normally try to get elected to a Parliament instead of petitioning it. We should note the petitions and close them.

**Helen Eadie:** That says it all. I agree.

**The Convener:** Are members happy that we accept the petitions as competent but close them, as no action is required?

*Members indicated agreement.*



## Current Petitions

### Institutional Child Abuse (PE535)

11:15

**The Convener:** Our first current petition, PE535, calls on the Scottish Parliament to urge the Scottish Executive to inquire into past institutional child abuse, in particular of those children who were in the care of the state under the supervision of religious orders, to make an unreserved apology for those said state bodies and to urge the religious orders to apologise unconditionally.

At its meeting on 16 March 2005, the committee considered a response from the Catholic Church and agreed to invite the views of the petitioner on that response. The committee also agreed to write to the Scottish information commissioner, seeking an update on his examination of the Scottish Executive process to trace and open up files that relate to abuse in children's homes and residential schools.

The responses that we received from the petitioner, the In Care Abused Support/In Care Abuse Survivors group—INCAS—and the Scottish information commissioner have been circulated to members. Does any member have a view on PE535?

**Helen Eadie:** The e-mail that we received this morning from John Deighan gives a full response, in which he says explicitly what Cardinal O'Brien did. On the basis of that response, it is reasonable to close the petition.

**Rosie Kane:** Chris Daly called me this morning before I came to the meeting to say that he had received by post to his home a letter from John Deighan. He told me that he was not happy with the content of the letter and attempted to e-mail it to me so that I could distribute it. However, I did not receive the letter so I cannot distribute it.

**The Convener:** What we have is a copy of the contents of the letter—John Deighan has advised us of what he put into his letter to Chris Daly.

**Rosie Kane:** It is an extract.

**The Convener:** I think that Jim Johnston, our clerk, will be able to help us.

**Jim Johnston:** Sorry, Rosie. I spoke to John Deighan this morning. He said that the e-mail that he circulated, which has been tabled for members, is a copy of what he sent to Mr Daly.

**Rosie Kane:** Okay. Although I could not look at the whole letter, I know that Chris Daly is not content with it. Chris Daly, David Whelan and many others are having difficulty in getting access to the records to which they were promised

access. They have been told on numerous occasions that there were fires or that records were lost in transit, but that has not been proven; they have seen no record of a fire.

Is it possible for Kevin Dunion, the Scottish information commissioner, to meet Chris Daly, David Whelan and others around a table so that he can reassure them on the issue? Chris Daly, David Whelan and others feel as if they are banging their heads off a brick wall. They are happy about how far things have gone and about how much they have achieved, but they are struggling. INCAS has very few resources. They have made a monster; they are a victim of their own success.

A discussion between Kevin Dunion, Chris Daly, David Whelan and others would help to get some answers to the question of what is happening about the files. We do not want to have what in Australia is called "shredgate", with files going missing willy-nilly. In that meeting, Kevin Dunion could allay concerns and explain where the files have gone. If there was a fire, surely a fire alarm would have gone off. If Chris Daly and others could be shown a record of that, it would help them to deal with the loss.

**The Convener:** The first thing that strikes me about what Rosie Kane is asking for is that an independent commissioner would not take kindly to an instruction from us for him to do one thing or another. We would have difficulty if we were to get into that line of debate with him. From what we see from the correspondence, the issues have not been addressed. If we are to ensure that the questions are answered, we have to go to the Executive, as it was the Executive that set up the format under which the information was to be sought. If there are problems, we have to find out from the Executive what is going on.

There is another, separate issue, which is whether the Public Petitions Committee or the Parliament can instruct an external organisation on the format of an apology that it is to give to an organisation. Chris Daly may well be unhappy with the apology that has been offered to him through John Deighan, but I do not know whether we can sit in judgment on whether the apology is acceptable.

If the wording that I have seen this morning is what was sent to Chris Daly, that seems to me to be an unreserved apology, but it is for Chris Daly to judge whether or not he accepts the apology, and I do not know that we can go to the Catholic Church and say, "Chris Daly doesn't accept your apology so we want you to change the wording so that he is prepared to accept it." We asked for the church to issue an apology. It has tried to clarify that it issued an apology and it has reiterated that apology. I do not know that this committee can say

whether that apology is suitable or not. We have to accept the fact that Chris Daly says that it is not suitable, but that is a matter for Chris Daly, not for us. We have to keep the two things separate. We can consider what we can do in terms of getting information, which INCAS and Chris Daly think is not forthcoming, but that is a separate matter from our examining the apology that is being offered by the Catholic Church.

**Ms White:** I have the e-mail in front of me, and if you read just the one sentence it looks like an apology, but if you read it in the context of the whole letter it is perhaps not so apologetic, as Chris Daly has pointed out. However, that is a different issue, as the convener said. I am concerned about the progress that is being made. I think that the committee did a fabulous job in getting people in and holding a debate in Parliament, and we were assured by the minister that the ball would start rolling and that people would be interviewed and would be able to get their records. However, it appears from speaking to people that there has been no movement on that. We had people from INCAS here just a couple of weeks ago, and there had been no movement and we were no further forward.

I would like to write to the minister and get an update on progress, if there is any, and find out exactly what is happening. I see nothing happening at all. I think that it was only last week that Linda Fabiani asked a parliamentary question of Peter Peacock and the answer was that something would happen in a couple of weeks' time, or something like that. I cannot remember the exact words, but certainly nothing was happening, as far as I can recollect. I would like to write to the minister for an update on progress.

**John Scott:** I support your view, convener. There are two definite issues that need to be addressed. We are beginning to lose sight of the real issue in worrying about whether or not the quality or level of apology from Cardinal O'Brien is sufficient. That is not the issue. In my view, he has apologised. The real issue is that which the minister undertook to address. I am disappointed to hear Sandra White saying that, despite the undertakings given in the debate last year, the minister has not progressed those matters further, as he promised. That is something that we should be much more outraged by. That is what we should address and it is also much more within our remit to tackle that problem.

**Campbell Martin:** I have not spoken to Chris Daly, but I think that what is bothering him is the context in which the cardinal's apology was given, as it was given as part of a general television interview. If we consider the apology that was given on behalf of the nation by the First Minister, what was happening there was unmistakable. The

First Minister made a clear apology about the issue, and the Catholic Church has it within its power to do that too. It could come out and make a specific, distinct and unmistakable apology. Its press department, or whoever was appropriate, could do that, rather than the apology being made as part of a television interview about other general issues.

It is true that there are two specific issues involved. One is the issue of apology, which has been addressed partly by the First Minister and which should be addressed by other organisations. The other is about closure and what happened to those people so many years ago. That is where the minister comes back in and that is why we should seek an update from him on what has happened since the debate in Parliament.

**The Convener:** I appreciate the point that you are making. I spoke to John Deighan about that point myself, because I was interested in the interpretation given in the letter from INCAS, which said that the original highly publicised apology was that of Father Gilhooley, and that there was an add-on apology to all other victims. That is one aspect of the petitioner's concern. They then went on to say that the subsequent apology was not covered very well in the media, and was therefore not so publicly recognised as the original apology. However, John Deighan assures me that both apologies were put out to the media in the same way, and that it transpired that the media chose not to cover them to the same extent. You cannot hold the Catholic Church responsible if the media do or do not cover an apology prominently. For INCAS to say that the apology is not sufficient because the media did not cover it is not the same as saying that the apology was not publicised. I do not want to sound as though I am defending what the church is doing, but I spoke to John Deighan and got from him answers to the questions that I put, which were the same as those that you posed, Campbell. His response to me was that the apologies were put out through the same sources, and that the church was not responsible for the subsequent media coverage.

**Campbell Martin:** I think that it is in our notes that INCAS asked for a meeting with the Catholic Church or John Deighan and got no response. If they had a meeting, perhaps that would be the time and place for the Catholic Church to make an unequivocal apology.

**The Convener:** I do not disagree, but are we on this committee capable of saying whether they should or should not have a meeting? We have no authority over the church to order it to conduct any meeting, although I would encourage it to do so. I have spoken to John Deighan and encouraged him to do other things, but it is for the church to

decide what it wants to do. However, John Scott is right that we must stay focused on what we can do.

**Helen Eadie:** I agree. The last time that we discussed an apology from the church our concern was that it was not made by the most senior cleric in Scotland at the time. However, the letter that we have received from John Deighan, which was addressed to Jim Johnston, states unequivocally that a clear and specific apology was made. The petition is in two parts, and as an apology has been made we should lay that part to rest. It is right that Michael McMahon and others are making representations in the background to encourage other actions that will help to bring comfort and closure to the individuals concerned. However, for the purpose of the committee, the call for an apology has been satisfied.

With regard to Cardinal O'Brien, we need to think about the sense of the man, who would be very genuine in his response. There is no doubt whatsoever that the apology was sincere and unequivocal on behalf of the Catholic Church. I am not a Roman Catholic, but I say that because I know him and his connections with the constituency that I have the privilege of representing.

I was unaware of the points that Rosie Kane raised. She has brought new information to the committee and on that basis I withdraw my support for closing the other part of the petition, because it is entirely reasonable to maintain pressure on the Minister for Education and Young People, Peter Peacock, to ensure that the assurances that he gave to the committee and the Parliament are fulfilled.

**Rosie Kane:** To be clear, convener, it is not only the Catholic Church that has not come through, it is Quarriers and others. We have focused on the Catholic Church, but that is a slight smoke screen, because other organisations were involved.

As you can imagine, there has been a big reaction and people are contacting INCAS. I do not know what I am asking for. We need to resolve the problem of accessing the files, and address the resources that INCAS needs for the professional scrutiny that it is involved in, but in which its members are not trained. I wonder where dialogue can take place. I do not know whether it should involve the forthcoming reporter.

**John Scott:** When the debate took place in November the files were not available, and they were not subject to the Freedom of Information (Scotland) Act 2002, which came into force at the beginning of January. I am sure that INCAS will have considered that, but if it has not it certainly has new rights to request information under FOI that it did not have before.

**Rosie Kane:** I said in that debate that it would be good if Peter Peacock or the Parliament were able to say that from this day on it would be illegal to get rid of files or to lose pocket-money books and anything else that might assist the journey of children through different organisations. We have done so well that it would be a shame to thwart that amazing work. I am just wondering whether anyone knows where the final bits of the jigsaw fit in.

11:30

**The Convener:** I agree entirely. We have to start asking questions about that, to get those final pieces to come together and to get some satisfaction for those who need that information. Apologies have been issued by the First Minister, by Quarriers and by the Catholic Church, and it is down to those who were affected whether they accept those apologies. I do not know that there is any more that we can do in that respect. There are more questions that we can ask about the information and about the work of the group that is considering the issue. Do members agree that we should write to the minister?

*Members indicated agreement.*

### **Disabled People (Local Transport) (PE695)**

**The Convener:** The next petition is PE695, which calls on the Scottish Parliament to ensure that local authorities have affordable, accessible local transport available to disabled people who cannot use public transport and to provide ring-fenced funding to allow local authorities and/or community groups to provide dial-a-ride projects for that purpose.

At its meeting on 21 January 2005, the committee agreed to write to the Minister for Transport asking for an update on the Executive's assessment of improved public transport concessions for people with disabilities and whether that would include consideration of the proposals raised by the petition. The committee also agreed to write to the Community Transport Association, seeking its comments on the issues raised by the petition.

**Ms White:** I see that there is a letter from Nicol Stephen, but I just wondered whether we could pass the papers on to the Equal Opportunities Committee, which is doing a disability inquiry. The issue of transport, and people being unable to access work and leisure, has figured largely in that inquiry. Could the Executive provide us with an update on its assessment of improved public transport concessions for people with disabilities?

**Mike Watson:** I note from the papers that Jan Goodall has asked for an opportunity to comment on the responses. I assume that we should wait

until we hear her response before we decide what further to do.

**The Convener:** That is right. I am not sure whether the Equal Opportunities Committee's inquiry is considering this specific issue, but we might want to ask it to consider it. However, as Mike Watson says, we have to wait until we get a response from the petitioner, so that we know all the concerns in respect of the responses.

**Ms White:** We have to wait for the petitioner to come back to us with her thoughts. The inquiry concerns anything that affects disabilities. We have been to Dundee and other places, and transport has come up constantly. It would be a good idea to give the papers to the Equal Opportunities Committee. As I am on that committee, I will mention it to the clerk and take the papers along with me.

**John Scott:** Is there anything that precludes us from doing both those things? We could ask the petitioner to comment on the progress thus far while at the same time passing the information that we have so far to the Equal Opportunities Committee, given that its investigation is on-going. We will pass the papers for information rather than to add to that committee's workload.

**Ms White:** The clerk and Cathy Peattie, the convener, would be interested.

**The Convener:** If we sent the papers for information, that would allow us to wait for a response from the petitioner. We can add information as it becomes available.

**John Scott:** We have moved the discussion forward. We have to acknowledge the positive letter from the minister, which means that we are doing our work. We should do both those things.

**The Convener:** Are members happy with that?

*Members indicated agreement.*

### **Travelling Show People (PE698)**

**The Convener:** Our next petition is PE698, which calls on the Scottish Parliament to urge the Scottish Executive to introduce a national policy for travelling show people. At its meeting on 19 January 2005, the committee noted a response from the petitioner, which said:

"We have asked for a meeting with the new Communities Minister ... as a matter of urgency, but have been advised this is unlikely to take place until after the New Year."

The committee therefore agreed to invite the minister to provide an update on progress following his meeting with the petitioner. Responses from the minister and the petitioner have been circulated to members. Do members want to express any views or ask any questions?

**John Scott:** Given the positive responses from the minister and the Showmen's Guild of Great Britain, I suggest that we close the petition. We have done our job.

**The Convener:** Are members happy that we close the petition?

*Members indicated agreement.*

### **Independent Special Education Advice (Scotland) (PE717)**

**The Convener:** Our next petition is PE717 on independent special education advice. It calls on the Scottish Parliament to urge the Scottish Executive to provide adequate funding to allow organisations such as Independent Special Education Advice (Scotland) to continue its essential work across Scotland.

At its meeting on 5 October 2004, the committee agreed to seek the views of the petitioners on a response from the Scottish Executive. A response has now been received from the petitioners and circulated to members. Do members have any comments on that response? The difficulty that we had with the petition is that it is not for us to instruct the Executive to pay any group a certain amount of money. The issues raised by the petition were about how organisations can access funds that may be available, but I do not know what we can now do with the petition.

**John Scott:** The Executive has announced that it will make available a further £250,000 for advocacy services for parents. That is a positive step and I am sure that ISEA will get its share of the money. If the petitioners are content, I think that we should close the petition.

*Members indicated agreement.*

### **Scottish Legal Aid Board (PE751)**

**The Convener:** PE751 by Ronald Mason calls on the Scottish Parliament to initiate an inquiry into the procedures and practices of the Scottish Legal Aid Board and to amend the rules on eligibility for legal aid so that they include an automatic right for the disabled.

At its meeting on 2 February 2005, the committee agreed to seek clarification from SLAB in relation to

"evidence of the existence of discrimination."

The committee also agreed to establish whether SLAB had had any discussions with the Disability Rights Commission and to write to the DRC inviting its comments on SLAB's response. Responses have been received and circulated to members. Do members have any suggestions?

**Mike Watson:** I notice from SLAB's letter that it was meeting the DRC on 24 March. Do we know

how that meeting went? If not, it would be useful to find out, so that we can decide whether we need to do anything more.

**The Convener:** We have had no feedback at all.

**Mike Watson:** The meeting was more than two months ago. We could ask each of them how it went—and see whether we get the same response, as there might be different versions. But seriously, could we write to both organisations, not just about the meeting but about how they think things stand as a result of the meeting?

*Members indicated agreement.*

**The Convener:** We will write to both organisations and put the petition back on the agenda when the responses are received.

### Screening (Heart Disorders) (PE773)

**The Convener:** Our next petition is PE773 by Wilma Gunn, on behalf of Scottish Heart at Risk Testing, calling on the Scottish Parliament to introduce the necessary legislation to ensure that provision is made to offer screening for cardiomyopathy and all heart disorders to all people of 16 or over who are embarking on strenuous competitive sports, and to all families with a history of cardiac problems.

At its meeting on 2 March 2005, the committee considered a number of responses and agreed to write again to the Minister for Health and Community Care regarding the provision of defibrillators at sports venues across Scotland. The minister has now written back to us and members have a copy of his letter.

**Helen Eadie:** Should we write to the petitioners to ask for their views on the minister's letter? I was interested to note in the letter that the minister is

“keeping under review the emergent evidence from England and further afield.”

I hope that we will be able to get some kind of feedback from that. The petitioners might know what is happening in that regard; it would be interesting to find out their views.

**The Convener:** Are members happy that we do that?

*Members indicated agreement.*

### National Anthem (PE788)

**The Convener:** Petition PE788 by George Reid calls on the Scottish Parliament to legislate for the introduction of a national anthem for Scotland. At its meeting on 24 November 2004, the committee agreed to seek the views of the Executive. A response has now been received. Do members have any comments?

**Chris Ballance:** It is significant that the Executive has called this an “interesting” proposal. It is now up to the Public Petitions Committee to build on that interest, and I hope that we will be able to take the matter further.

**Rosie Kane:** I would like to nominate the song from Bowmore Primary School as a possible runner.

**Helen Eadie:** I suggest that we close the petition. The matter of which song is chosen will be controversial throughout Scotland. The people of Scotland have chosen their own song.

**Campbell Martin:** I find it a wee bit strange that the Executive has said that it finds the proposal “interesting” but that it is not going to do anything about it. It might have been helpful if the Executive had said why it was not going to pursue the matter. However, we cannot force the Executive to come up with a new national anthem or take the matter further so, unfortunately, we will have to close the petition.

**The Convener:** Yes. Much as I would like the Executive to come up with something better than “Flower of Scotland”, I think that we are stuck with it.

**John Scott:** It takes us back to what was said to Stewart Stevenson. A member could lodge a member's bill to suggest one song or another if, after consultation, they were satisfied that a certain song was the best one. That could be a way for the proposal to proceed, if the petitioner could get a member to do that.

**Ms White:** I got slated in the newspapers because I like “Flower of Scotland”. I seem to remember that I got bad publicity because I said that it was a good song. I also received various letters.

It is rather sad that the Parliament, which has the legislative power, is not going to legislate to create a national anthem. The decision could be put out to the public at large, through an e-petition or whatever, and the Parliament could legislate for it. I wonder what the vehicle could be to force the Executive to decide that we are going to have a Scottish national anthem. It could ask everyone in Scotland for suggestions, with the best song winning, or it could just say, “This is going to be our national anthem.”

**The Convener:** An election might be the way to do it.

**Ms White:** I find it rather sad that we do not have a national song. Everybody has their own idea of what a national song is and the Parliament could legislate for something. I do not know what we could do other than lodge a member's bill.

**John Scott:** As things stand, we have a national anthem: it is “God Save the Queen”.

**Ms White:** That may be yours, John, but it is not mine. It is not the national anthem of anybody I know, either.

**The Convener:** In all seriousness, that was the conclusion of the debate that we had before. It is established that we have a national anthem; yet, at sports grounds in Scotland, that national anthem is not played. Even if we legislated to have a national anthem, we could not force the organisations that play a tune before a football tournament to play it. They would not have to play the national anthem.

**Ms White:** No, they would not have to play it, but things grow. Somebody has to start the ball rolling and the Parliament would have the legislative ability to do that. I wonder whether the Enterprise and Culture Committee would take the matter on board and push it forward.

**Helen Eadie:** But could that not be perceived as the politicians pushing something on to the public, who would want to choose a song that was relevant to their own circumstances? As the convener said, the organisers may choose to play a certain song at football matches, but at other events people do other things. There are times when we should not legislate but allow people to do what they feel most comfortable doing.

**Ms White:** I am looking at this from a positive angle. We had the kids in earlier on with their petition. We saw in those kids' faces that they were happy and proud to be Scottish and it was great to see them.

**The Convener:** The matter that those children's petition raised has been dealt with by a member of the Parliament pursuing a member's bill. The Executive did not support moves for a national holiday, but an individual member used what powers he had to take the issue forward with the support of many of his colleagues. It may well be that we can address the issue of a national anthem not by tying up a committee in that work because we want to find something to do with the petition, but by telling any member of the Scottish Parliament who feels strongly enough about it to lodge a proposal for a member's bill.

11:45

**Rosie Kane:** Perhaps, if Dennis Canavan's bill is successful or if the children who came to the committee had their way and there was a national holiday, a tune would arise. It might be about taking an anthem rather than being given it.

**The Convener:** That is a good way of looking at the matter.

Are members happy that we close the petition? There does not seem to be much more that we can do with it.

*Members indicated agreement.*

## Wind Farm Construction (Public Inquiry) (PE800)

**The Convener:** Our next petition is PE800 by William Robert Graham calling on the Scottish Parliament to urge the Scottish Executive to conduct a public inquiry into wind farm construction and, in the meantime, to introduce an immediate moratorium on further wind farm developments. At its meeting on 19 January 2005, the committee agreed to seek an update from the Scottish Executive. That update has been received and sent to members.

**Mike Watson:** I do not support the petition because I do not believe that a moratorium is appropriate. The Enterprise and Culture Committee, of which I am a member, held an inquiry into renewable energy, which concluded that wind farms will be an important factor in achieving the Executive's targets on renewables. They will not be the only factor, but they will be important, so there should not be a moratorium.

I notice that, in the response from the Executive, Debbie Sheldon—I am not sure whether she is the minister's private secretary or a civil servant's private secretary—says:

“Forum members have been asked to provide views on the issues that they believe need to be addressed. We are currently considering their responses.”

I would be interested to know what issues the members of the forum to which she refers believe need to be addressed. Perhaps we could ask for that information to be made available to committee members.

**John Scott:** To be fair to the petitioner, we should at least give him the opportunity to respond to the responses that we have received before we consider closing the petition, whatever our views on the merits or otherwise of a moratorium.

There is a typo in the covering note. At the top of the note, we should also add today's date to the dates on which the petition was considered.

**The Convener:** Are members happy to do that?

**John Farquhar Munro:** Do you mean to close the petition?

**John Scott:** No, we are not closing the petition.

**The Convener:** We need to keep it open to get a response to Mike Watson's request for specific information and because of John Scott's point. We need to get more information before we can close it. Are we agreed?

*Members indicated agreement.*

**The Convener:** That is our last petition. I thank members for attending.

*Meeting closed at 11:47.*

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