

# **PUBLIC PETITIONS COMMITTEE**

Tuesday 12 March 2002  
(*Morning*)

Session 1

£5.00

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## **PUBLIC PETITIONS COMMITTEE**

### **5<sup>th</sup> Meeting 2002, Session 1**

#### **CONVENER**

\*Mr John McAllion (Dundee East) (Lab)

#### **DEPUTY CONVENER**

\*Helen Eadie (Dunfermline East) (Lab)

#### **COMMITTEE MEMBERS**

\*Dorothy-Grace Elder (Glasgow) (SNP)

Dr Winnie Ewing (Highlands and Islands) (SNP)

\*Phil Gallie (South of Scotland) (Con)

\*Rhoda Grant (Highlands and Islands) (Lab)

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

\*attended

#### **THE FOLLOWING ALSO ATTENDED :**

Dereck Fowles (Association of Community Councils for the Loch Lomond and Trossachs National Park)

Rozanne Foyer (Scottish Trades Union Congress)

Catherine Harper (Scottish Women Against Pornography)

Robin Harper (Lothians) (Green)

Anthony Jackson

Linda Martin

Paul Martin (Glasgow Springburn) (Lab)

Tricia Marwick (Mid Scotland and Fife) (SNP)

Nigel Mullan

Mr Gil Paterson (Central Scotland) (SNP)

Linda Shanahan (Scottish Trades Union Congress)

Joan Skinner (Scottish Women Against Pornography)

Elaine Smith (Coatbridge and Chryston) (Lab)

#### **CLERK TO THE COMMITTEE**

Steve Farrell

#### **ASSISTANT CLERK**

Joanne Clinton

#### **LOCATION**

Committee Room 1



## Scottish Parliament

### Public Petitions Committee

*Tuesday 12 March 2002*

*(Morning)*

[THE CONVENER *opened the meeting at 10:01*]

**The Convener (Mr John McAllion):** I welcome everyone to the fifth meeting this year of the Public Petitions Committee. We have apologies from Dr Winnie Ewing. I give a warm welcome back to Helen Eadie, who has been off ill for some time—it is great to see the deputy convener back.

### New Petitions

#### School Meals (PE468)

**The Convener:** The first petition is from Rozanne Foyer on the subject of free nutritious meals. The petition calls on Parliament to take the necessary steps to make provision for free nutritious meals, including the reintroduction of free milk, in Scottish local authority schools.

Linda Shanahan and Rozanne Foyer are here on behalf of the Scottish Trades Union Congress women's committee. I ask them to come forward. I think that Linda Shanahan is making the opening statement. Is that correct?

**Linda Shanahan (Scottish Trades Union Congress):** Yes. That is right.

**The Convener:** The usual rules are in place. You have three minutes in which to make an opening statement. Thereafter, the meeting is open to questions from members. Just go ahead.

**Linda Shanahan:** Thank you. First, the issue of free school meals, like many others, is misconstrued by a great number of people, so I want to be clear about the facts before we begin.

One in three of the children who officially live in poverty in Scotland is not entitled to a free school meal. For a child to be in receipt of a free school meal, their parents must be on income support. Children in Scotland have no entitlement to a healthy nutritious meal. One in five of the children who are entitled to a free school meal does not claim it, because of poor standards or the perceived stigma.

Even in some areas with better provision, it is common for schools not to provide drinking water for pupils, but to encourage them to buy sweet, sugary drinks, which are not included in free school meals. During our research, many

schoolchildren told us that they could not afford bottled water and either went without water or bought the available sugary drinks.

When collecting the 10,000 signatures for our petition, we became acutely aware that there is a clear problem with the current provision—or lack of it, I should say. Some areas have worked hard to maintain standards, for example, by providing breakfast clubs, but provision of nutritious school meals is a postcode lottery.

Two weeks ago, I read in a newspaper that children in Scotland were being admitted to hospital suffering from malnutrition. That is happening in Scotland in 2002. I read in the same newspaper of the trend—which is similar to trends in America—for other youngsters, because of bad eating habits, to suffer from what were previously considered adult forms of diabetes.

It is our view that we need to adopt a long-term view on the health of our children and our nation. The provision of universal free school meals is not about—as I have heard said—providing free school meals for the rich. It is about preparing our country for the future and providing our children and young people with the right to a nutritious diet. In addressing dietary deficiencies, we can provide children with the opportunity to function in a learning environment and to achieve to their highest potential, free from stigma. The long-term benefits for the state do not end there. We will also remove the burden that the NHS will surely suffer if we do nothing. This is a long-term strategy about building a Scotland that we and the generations after us will be proud of. The provision of universal free nutritious school meals is not a solution in itself but the beginning of a radical change in how we value our society.

**The Convener:** Thank you very much. Before we move on, I should declare an interest, as a co-sponsor and supporter of Tommy Sheridan's member's bill, the School Meals (Scotland) Bill, which would introduce free nutritious meals for all schoolchildren in Scotland.

Elaine Smith is here to speak to the petition as well.

**Elaine Smith (Coatbridge and Chryston) (Lab):** Most of the points that I would wish to make have been made. It has been suggested that free school meals would feed rich kids. I dispute that, because I do not think that many children are rich in their own right. Just because children come from better-off families does not necessarily mean that they are accessing healthy nutritious meals.

The health of our children and our nation has become a major concern. A comprehensive food and nutrition strategy needs to become part of the school culture. Providing free nutritious school meals would greatly help towards that aim. The

short-term costs would be outweighed by the long-term benefits for individuals and society.

I understand that the cost might be equivalent to about £1.68 per child per day. I see that as a real investment in the future health of our children. The historic situation is that, as a result of the Education (Scotland) Act 1980 and the Social Security Act 1986, minimum nutritional standards and the national fixed price were abolished. Unless someone is on income support, they are charged. I have heard evidence from children who get free school meals and have smart cards instead of tickets, which I have heard helps to take away some of the stigma. However, the children have said that they only have enough on the smart card to cover the amount that they are given for free school meals, so people can still tell with smart cards which children have access to more. In addition, if the children turn up late or there is no food left, they sometimes go without food.

It is important that we take this matter forward in Scotland because if our children are to access education and make the most of their opportunities it is important that they have a healthy nutritious meal in the middle of the day. I should also declare an interest, as I have signed the School Meals (Scotland) Bill.

**The Convener:** I think that the MSPs who are not members of the committee are here to speak on other petitions. Members of the committee may now ask questions.

**Dorothy-Grace Elder (Glasgow) (SNP):** I am an MSP for Glasgow, where the need is particularly great. I declare an interest, as I signed the original motion on this matter.

Are you also concerned about a point that is missing from your submission—although you have made many excellent points—which is that some secondary schools currently make money out of the kids by having huge vending machines that sell only sweets and sugary drinks? That is the American principle of Coca Cola highs. The schools can make £450 a week more on that, so children are being exploited. Do you want to incorporate that into your submission? Extremely poor food is being opened up to the kids with the approval of the school. No matter what the parents are saying, by having vending machines in the front hall the school is saying that it is okay if kids spend all day eating sweeties instead of decent food. Is that a valid point to add to your argument?

**Rozanne Foyer (Scottish Trades Union Congress):** That is a very valid point. If we start to look at high standards of nutrition in schools and universally free provision, we could go some way towards tackling what is in effect the commercialisation of our schools and our education system. We see food and nutrition as an

integral part of the education system. It is vital that children get the nutrition that they need if they are to be educated to their potential—they need good nutrition to make their brain cells work to their best.

Many fast food shops are springing up in and around schools—the number of snack vans that sit outside schools is growing. We are in a spiral of decline and a vicious circle. The smaller the take-up of school meals, the lower the standard of school meals becomes and the less space is provided for children to sit down and eat a meal around a table, which involves a lot of social skills. Until we tackle the deterioration of the situation, I do not think that we can tackle commercialisation because they are part of the same problem.

**Dorothy-Grace Elder:** Do the petitioners think that it would be relevant to conduct some historical research into the situation? When the second world war broke out, Britain did not hesitate to improve the standard of child nutrition by providing free school meals. However, the real, cynical reason for that improvement was the replacement of members of the population who were killed. Those who have conducted research into the situation would agree that, with free milk and orange juice, children were in a better physical state at that time. Churchill declared that there was no finer purpose in politics than putting milk into children, but Mrs Thatcher reversed that policy by becoming the milk snatcher during the late 1970s. Do the petitioners agree that there is an historical setting for the national movement to improve child nutrition?

**Rozanne Foyer:** Yes, although some people have asked us, “Where did this come from? What is this new concept? This is not something that we have ever thought about before.” We believe that the provision of free nutritious meals in schools is a key principle of universality. We expect to feed someone who has to go into hospital, and education provided by the state to its citizens is just as vital a service as the health service. Education is an excellent vehicle for getting nutrition into all our young people. The issue is also completely tied up with the rights of the child. The provision of free meals would be a way of providing a good service to all our people.

**Phil Gallie (South of Scotland) (Con):** Are you concerned about the level of Government and other public expenditure in areas of social deprivation?

**Rozanne Foyer:** The Government has many difficult spending choices to make—such choices will always exist. One could never say that enough is spent in areas of social deprivation. However, if the Government were to juggle its priorities, I would refer it to the principle that lies behind our petition and say, “This is a worthwhile priority that

would tackle public health in a holistic way and that would raise education levels." We believe that providing free nutritious meals should be a key part of the Government's social inclusion agenda and that it would have a high impact on socially deprived areas.

**Phil Gallie:** In Linda Shanahan's opening remarks, she mentioned that one in three children who live in poverty is not being given access to free school meals. Is the issue not one of targeting? Should we not put the interests of those children first, bearing in mind the fact that many people can well afford to provide for their children's eating habits? Parental discipline should ensure that children eat the right things.

**Linda Shanahan:** I disagree with Phil Gallie. It is true that one in three children who live in poverty is not entitled to free school meals, but it is dangerous to make the assumption that, because a family lives in an affluent area or is seen to be affluent, the children in that family eat nutritious food.

If Phil Gallie does not mind my saying so, it is easy to argue that nutritional problems are down to parental influence, but we know from our research that some parents may not view the matter in that way. As Rozanne Foyer so eloquently pointed out, there are all sorts of initiatives in schools to get pupils to spend money on products that I categorise as rubbish. Pupils eat food that is not nutritious because their parents live on the edge of their earning capacity, even though their homes are in affluent areas. That means that those parents have to make judgments about the kind of food that they buy. Those families may not live in poverty in a deprived area, but that is not to say that they live in affluence in an affluent area. Universality means that all our children, wherever they are born and whatever circumstances they are born into, have the right, as citizens, to a nutritious meal.

**Phil Gallie:** I have some sympathy with a couple of the points that were made—perhaps surprisingly—on the issue of milk for children. However, I am most concerned about the availability of water in schools. The Parliament has water dispensers scattered all over the campus, and most office blocks and factories have water dispensers all around the workplace. Why on earth is the provision of water in schools not a priority?

**Linda Shanahan:** I could not agree more with Phil Gallie. In my workplace, there are water dispensers on every level of the building. Nowadays, it is common for people to want to drink water and it is disgraceful that children have to pay for water in school, irrespective of whether they are poor or rich.

**The Convener:** I thank Phil Gallie for his

reference to free school milk, which is the closest that he has come to criticising Mrs Thatcher.

10:15

**Helen Eadie (Dunfermline East) (Lab):** I could not agree more with what Phil Gallie said. I have tried to push that point. My family makes a joke of it, because I tell everyone in my family that they should have a minimum of eight glasses of water per day. Schoolchildren, however, must put their hand up to be excused from class so that they can go out into the corridor and get water from a faucet. I agree that it is vital that, in every classroom, children have the possibility of having plain, good Scottish water, because it is a proven fact that water helps children's concentration levels.

I am privileged to have had much involvement with Norway, Finland, Sweden and Denmark. Finland provides free school meals and in some areas of the country is moving on to providing free school breakfasts. I do not know whether other Scandinavian countries have such provision. Do you know whether any Scandinavian or other European countries provide free school meals?

**Rozanne Foyer:** I do not have that information here. Finland is not the only country that provides free school meals, but it is the most popular example to quote. Many of the Scandinavian countries have gone much further than we have in providing free school meals and have derived clear health benefits from that.

**Helen Eadie:** I believe that an expert from John McAllion's part of the country—a professor in Dundee—has done much work on the issue. Can you enlighten us with her name for the record? I would like to contact her.

**Rozanne Foyer:** Her name is in the book that I hold in my hand: "Even the tatties have batter!"—Free nutritious meals for all children in Scotland." I will pass the book to you and you can get her name for the record.

**Helen Eadie:** Thank you.

**The Convener:** I have a copy of the book that I can give to Helen Eadie.

You stress the shocking information that children in this country are admitted to hospital because of malnutrition. There is also the problem of obesity among children. Is that linked to the standards that are applied in school meal services nowadays?

**Linda Shanahan:** Absolutely. I believe that obesity in children is created by bad diet and by everything that is wrong with the provision of school meals in some areas. I stress that there are other areas that work hard to provide nutritious school meals, despite the fact that no regulation

forces them to do so. However, encouraging children to eat fatty foods and drink sugary drinks encourages obesity.

Another specialist from the University of St Andrews, who is mentioned in “Even the tatties have batter!”, has done much work on diabetes, particularly in America. His research shows that we are following the American example, as children, because of poor diet and lack of exercise, are developing adult forms of diabetes. Nearly every state in America has reported increases in the incidence of diabetes. Scotland—and the United Kingdom—has gone some way along that road. Bad diet and lack of exercise are inextricably linked to diabetes, but we will go some way to solving that problem by providing nutritious food.

**Rozanne Foyer:** The most popular school meal in Glasgow is pizza and chips. That is a stark illustration of the high fat content of the meals that we are currently providing.

**The Convener:** I remember being appalled by seeing a snack van outside Celtic Park selling chips and cheese.

**Elaine Smith:** Continuing that theme, I think that breakfast in Coatbridge seems to consist of rolls and fried tattie scones.

Before asking a question, I wish to point out, if I may be so bold, that I have lodged a motion asking for water for children in schools. If members feel inclined to sign it, they may do so.

I hope that you agree that this is a question of changing attitudes and habits at an early age. I have heard many arguments against the proposals, to which I am happy to listen. Indeed, I think that many more such arguments will be voiced at stage 2 of the School Meals (Scotland) Bill, which is a healthy thing. One of the arguments against the bill is that parental choice would be taken away. I do not believe that anyone would be forcing parents to make their children opt for school dinners, even if they were free and nutritious. Nobody would force-feed cabbage to children if their parents did not want that. Parental choice would still apply. What are your thoughts on that?

Given what John McAllion said about obesity and what has been said about heart disease and other problems, do you think that this is primarily a health issue, or do you see it more in terms of social justice and education?

**Rozanne Foyer:** It is primarily a health issue, but I should add that we are taking an holistic approach to health now. Health, social justice and education are inextricably linked. It is a long-term issue. I do not think that providing free school meals of a good nutritional standard would change

everything overnight, but it could shift the culture. Such a move would provide parents with a positive choice. If people are provided with a good, high-quality choice—if meals are being provided and are being paid for—logically, they will gravitate towards that choice.

I do not think that we are providing parents with a very good choice if that choice is of the current low standard. We do not even have nutritional standards in Scottish schools; it has been shown that the standard of school meals in England, where there are nutritional standards, is much higher. The package of improvements that our petition calls for and that is provided for under the School Meals (Scotland) Bill, would bring long-term benefits.

**Robin Harper (Lothians) (Green):** Before making any comments, I indicate that I am also a signatory to Tommy Sheridan’s School Meals (Scotland) Bill.

You talked about time and space. It has always occurred to me that there will be a real problem in secondary schools with design and timetabling. Have you managed to do any research into how such problems might be overcome?

**Rozanne Foyer:** That was debated at some length at a free school meals conference that was held by the Scottish Trades Union Congress. That involved a lot of teaching professionals, among a range of other people. It was stated at that conference that we should consider getting a wee bit more creative with our timetabling. It is important that children should be able to sit at a table and have sufficient time to consume and digest their food in a civilised manner. Because of the current lack of provision, that is not always happening. Is there any reason why the younger children in, say, years 1 to 3 should not have their lunch at a different time from the older children? That would allow the necessary time and space. With a bit of creativity, there are many ways of getting round these issues without too much outlay or cost.

**Dorothy-Grace Elder:** Thank you for bearing with us. First, I want to ask you whether you mean to be adaptable in your proposals. Perhaps you are not concentrating entirely on what we used to call school dinners, and you could be meaning free breakfasts in some cases. You could be referring to the reintroduction of free school milk or a small, healthy mid-morning snack to pick up kids who have not had breakfast.

Secondly, although we seem to be concentrating on criticising the quality of school meals, in many cases we are talking about kids who are not even eating school meals. It is not just a question of pizza and chips being pretty bad—that is not the worst, as we all know—because some kids are



surviving a large part of the day solely on sweets. The school dinner service in Scotland might be serving some decent stuff, but the kids are eating total rubbish—often encouraged by the provision of vending machines in schools. It is not just the lunch that is the problem; is that correct?

**Linda Shanahan:** The short answer to that is yes. At the moment we are aiming for a free school meal in the middle of the day; children will benefit from that and will be able to study in the afternoon. Many children tell us that they are still hungry after they have had their school meal. That must affect their ability to study. We want to change the culture and encourage children to eat food that has nutritional value. Children will always want to eat chips and pizza, but they should not necessarily eat them at school. We want to be adaptable and to encourage more progressive attitudes to children being fed more nutritious food in school.

**Helen Eadie:** Would you comment on the possibility that children can become hyperactive if they eat food that does not agree with them? We all remember the issue about E additives going into food. Parents and teachers often get flak because children are said to be misbehaving as a result of a lack of discipline. Do we pay due regard to the possibility that such behaviour is caused by the fact that some foods that children eat do not agree with them?

**Rozanne Foyer:** That is a good point and forms part of our argument. Many behavioural problems have been linked to drinks and foods that are very high in sugar—just the type of thing that is found in school vending machines, as Dorothy-Grace Elder mentioned. If we improve the standards of nutrition that are available to young people at school, we will improve their chances of accessing a good education.

**Helen Eadie:** Apart from Phil Gallie, no one has said very much about the school milk issue. When I was on sick leave, I read various documents that had been lying on my desk waiting to be read. The Scottish community diet project sent out a good summary of the situation across Scotland, which showed stark differences in the approaches of local authorities. I am pleased to say that Fife Council came out well, but some local authorities have very poor provision and subsidy of free school milk.

**Linda Shanahan:** We were all schoolchildren once. I was a baby boomer and went to school in the late 1950s. My mother used to give me my school dinner money and say: "They're providing a dinner for you at the school—you'll have it." As I got older, I realised that I could be a bit clever and keep some of my school dinner money and buy sugary drinks and so on instead—it was not pizzas in those days. I was not particularly clever as a

nine-year-old and I am sure that there are kids of that age at the moment who are thinking the same as I thought and who are drinking sugary drinks. The problem of hyperactivity is related to that; by providing universal free nutritious school meals, we will do away with that problem.

As Rozanne Foyer said, parents will gravitate to thinking that if the school provides free meals, their children should go and eat them. I hope that there will be support for the measure when it is introduced.

10:30

**The Convener:** Thank you for your evidence. The committee will now discuss what to do with the petition. You are free to stay and listen to the discussion.

Members will see from the suggested action on the petition that the School Meals (Scotland) Bill has been introduced, but that the timetable for consideration of the bill has still to be finalised. The Education, Culture and Sport Committee will probably be the lead committee on the bill. It is suggested that we agree to refer the petition to the Education, Culture and Sport Committee for further consideration. We should also recommend that the petitioners be invited to give evidence to that committee. Is that agreed?

*Members indicated agreement.*

### **Civic Government (Scotland) Act 1982 (Obscene Material) (PE476)**

**The Convener:** The second petition is PE476, from Catherine Harper, which relates to indecent displays in corner shops. The petition calls on the Parliament to take immediate steps to ensure that the Civic Government (Scotland) Act 1982 is enforced fully and effectively in relation to the display of obscene material and to review the legislation to determine whether it is adequate or whether it requires amendment. The principal petitioner, Catherine Harper, is here on behalf of Scottish Women Against Pornography. She is accompanied by Joan Skinner. Catherine Harper has three minutes and members will then ask questions.

**Catherine Harper (Scottish Women Against Pornography):** I speak on behalf of Scottish Women Against Pornography. We are a group of women who are concerned about the harm done by pornography. Recently, we have been particularly concerned about the growing amount of pornographic material that is on public display in our local stores. Not only is there more pornography, there has been an increase in the graphically explicit, humiliating and sometimes violent images and messages within and on the front covers of magazines. SWAP is not in any

way opposed to sexual material that is based on equality, such as erotic or sexual material for educational purposes. We want the Parliament to take action on material of a pornographic nature. For the definition of pornography, I refer the committee to our information pack.

I will speak briefly about the evidence on the harm of pornography. We make our request in the knowledge that a substantial body of internationally based research evidence on the harm of pornography is available. Research shows that pornography subordinates, degrades and dehumanises women. There is evidence of a link between such material and violence against women and children. Victim testimony, sex offender testimony, the evidence of sexual violence in the production of pornography and crime reports all corroborate the research.

Of particular concern is the research evidence that shows that pornography desensitises consumers to the meaning and effect of violence against women and children in real life. That dynamic makes it even harder for women to address, socially and legally, all forms of violence against women and children. For more detailed evidence of harm, I refer the committee to our information pack.

We are here because we are deeply concerned that the legislation that is meant to address pornography is inadequate and does not acknowledge the harm of pornography. There is no specific legislation on pornography, but there is legislation—including sections 51 and 52 of the Civic Government (Scotland) Act 1982, to which our petition refers—that restricts the publication, distribution and display of material that is regarded as obscene and indecent.

However, legal definitions of obscenity and indecency are vague and subjective and are always defined in terms of morality, which means that obscenity is relative to the variable and undefined moral standards or tastes of individual judges, sheriffs and jurors. The legal profession has acknowledged that by stating that the obscenity legislation is unworkable, untenable, unscientific and illogical and that it provides unpredictable and often conflicting results. In the words of a law lord, the obscenity legislation provides a formula that cannot be applied in practice.

Our opinion, which is the opinion of many groups and people who have contacted us, is that the material that is on sale in our local shops and garages constitutes a breach of sections 51 and 52 of the Civic Government (Scotland) Act 1982. The act is either not being enforced or is so weak and ill defined as to be unenforceable.

From talking to people, we have learned that many are appalled by the display of this offensive

material. They are also concerned that children spending their pocket money are exposed to that material on a daily basis. I would like to cite a statement by one local newsagent, Mr Dickson, in which he indicates why he has chosen not to stock adult titles. Mr Dickson says:

"I have owned and managed my retail newsagent business in Liberton, Edinburgh since November 1988. For the first two to three years of trading I did stock adult titles, but around 1991 I made a conscious decision to cease selling such products.

The decision was made for the following reasons:

I wanted to make all my customers, particularly women and children, feel comfortable entering my shop and to ensure that they did not feel embarrassed by facing explicit images.

I wanted to create a 'family newsagent' environment.

I can say with all honesty that this decision has not adversely affected my sales or profit margin. In fact, magazine sales have increased dramatically over this period."

I will now hand over to my colleague.

**Joan Skinner (Scottish Women Against Pornography):** Although we urge that in the short term Parliament should take steps to ensure that the Civic Government (Scotland) Act 1982 is enforced, we also request that it takes steps to review that legislation and considers introducing a harm-based definition of pornography.

Over the past three decades, Scotland has made significant efforts to confront the reality of rape, violence and sexual abuse of women and children. Given the evidence that exists for the harm that pornography does, do we not risk a failure of joined-up thinking if we do not act now? To address the issue of violence against women and children, the role that pornography plays in contributing to that violence must be understood and addressed through new legislation.

Some countries have accepted the evidence that exists for the harm that pornography does. In the 1990s, Canada introduced an amendment to section 163 of the Canadian Criminal Code that provides Canada with a legal definition of obscenity and addresses the issue of the harm that pornography does to women and children.

Although we are opposed to censorship, we urge the Parliament to take a lead in changing attitudes to pornography in Scotland. It can do that by introducing legislation that effectively addresses the issue of pornography and by developing a strategy for raising throughout the country public awareness of the harm that pornography does.

To date, the petition has received the support of 19 organisations from throughout Scotland. We also have the support of many hundreds of individuals, for which we thank them.

To make this presentation as comprehensive as possible, our intention was to show members of the committee examples of the pornographic magazines that are available. It is telling that we have been advised that that is not possible. However, anyone wishing to view or to buy those magazines need walk only 300 yards from the Parliament to do so.

I will finish with the testimony of one woman in 1989 at a public hearing in Minneapolis on ordinances to add pornography to discrimination against women. In our opinion, this statement describes the reality of pornography as eloquently as anything else that we have read. The witness said:

"Every time I walk into a neighbourhood grocery store or drug store I am reminded that if I don't watch my step, do what I'm told, keep silent or stay in my place, I could end up like one of the women in that pornographic material being sold in those stores.

Pornography makes a mockery of the torture, beatings, rapes, mutilations, degradations and killings that I and other women have suffered all for men's sexual gratification. I believe what those magazines say because it has happened to me.

I am not saying that pornography caused that man to do those things to me and other women and children, I am saying that pornography is an extension of the violence and hatred against women that already exists in this society. To get rid of pornography is to get rid of part of the violence against women that permeates this society.

The last statement I have to make is a political one. If someone wants to study the condition of women in this society, all that person has to do is to view a pornographic book, magazine or movie. Pornography is an example of a picture of a diagram of how to degrade a woman. It is a blueprint of the state of women's conditions in this society. Pornography tells the truth about women's conditions. But pornography lies about how we think and feel about our conditions."

**The Convener:** The suggestion that examples of pornography should not be provided to committee members was based on a desire not to cause offence to those watching the broadcast or reading the *Official Report* of the meeting. I advise members that the information pack that has been supplied to each of them, which is very helpful, contains graphic and harrowing material. We are advised that, although we can refer to it in a general way, because people are watching the broadcast and will read the *Official Report* of the meeting, it would be better if we did not mention specific examples provided in the pack, as that might cause offence.

Two members wish to speak in support of the petition. I call Elaine Smith, to be followed by Gil Paterson.

**Elaine Smith:** I will expand on what has been said. I believe that structural inequality at social, cultural and political levels serves to privilege men over women and can create the conditions for

violence. The continuum of male violence against women and children includes domestic violence, rape, sexual assault, child sexual abuse, sexual harassment, prostitution and pornography. Male violence against women is premised on women's inequality and subordination within society.

To date, only some forms of male violence have been recognised as causing harm. Attempts have been made to tackle such violence, especially domestic abuse, and I commend the Executive on the work that it has done. However, other forms of male violence, such as pornography, have not been addressed. Indeed, they seem to be more publicly acceptable. The fact that you can see pornography for sale in corner shops indicates that it is more publicly acceptable. Let me quote Andrea Dworkin:

"Pornography depends for its continued existence on the rape and prostitution of women".

The evidence of harm to women from some forms of male violence has been well documented, but what has not been recognised is the underlying connection between all forms of male violence against women and children. Acts of child sexual abuse and rape are used to produce pornography. Acts of domestic violence are also used to produce pornography and to coerce women into prostitution. There is a high prevalence of rape within prostitution and pornography. Male violence against women is a widespread manifestation of gender discrimination. Pornography plays a large part in that by allowing gender discrimination to continue in our society.

In my view, it is unacceptable that people who walk into corner shops with their small children to buy a loaf of bread or a pint of milk should be confronted with magazines with explicit covers. Even some supermarkets have those magazines on the shelves for all to see. I shall not mention the name of the shop, but I had to make an issue about that in a local supermarket. I support what the petitioners have said.

As the gender reporter on the Equal Opportunities Committee, I have been working on the wider issues of male violence and of women in the justice system. Last year, our committee agreed that we would take evidence this year on pornography, but we have not as yet done so. I have not seen the convener's briefing paper, so I do not know to which committee the petition was to be passed. I suggest that it be passed to the Equal Opportunities Committee because of the real equalities issues and gender discrimination issues that the petition highlights.

**Mr Gil Paterson (Central Scotland) (SNP):** I thank the convener for allowing me to attend today's committee meeting. I declare an interest

as the convener of the Parliament's cross-party group on men's violence against women and children.

I want to talk about some research that has been done, although very little of it was carried out in the United Kingdom. I will not bore members with the details, but there are two examples from Australia. During the 13 years between 1964 and 1977, when South Australia liberalised its laws on pornography and Queensland maintained its conservative policy, the number of rapes in Queensland remained at the same low level, while South Australia's showed a sixfold increase. That is a fairly dramatic increase.

Important research on child molesters, rapists and sexual offenders has been published by Dr William Marshall and Dr Gene Abel. Dr Abel's research indicated that more than 50 per cent of sex offenders used pornography and that such offenders were less able to control their behaviour than those who did not use pornography. Those are fairly significant pieces of research, but I have a whole lot of research available.

I am concerned about how pornography that is available in corner shops impacts on sex crimes such as rape and child abuse. With your permission, convener, I want to put a question—

**The Convener:** You can do that later.

**Mr Paterson:** I will say no more at present.

**Tricia Marwick (Mid Scotland and Fife) (SNP):** I just want to ask—

**The Convener:** Do you have only a question? Committee members have the first chance to ask questions.

**Tricia Marwick:** I have only a question.

**The Convener:** Committee members have first option on questions.

10:45

**Phil Gallie:** I disagree with little of what has been said and I will expand on the presentation. In general, the media seem to lack censorship. That applies not only to the written word, but to television and radio. Does that affect the material that is being accepted as suitable for presentation in corner shops?

**Catherine Harper:** There is a connection. The boundaries are being pushed and we are seeing programmes on terrestrial TV—particularly Channel 4 and Channel 5—that we would not have seen several years ago. Sky satellite television shows much pornographic material. That has contributed to desensitisation. We are becoming more used to such pornographic images. They are used in media advertising. The more that they are in our shops and the more that

we face them, the more that we will start to accept them.

**Joan Skinner:** Such material is being normalised. Those who object to it are considered pruders and are told that it is all harmless fun, but evidence exists for the harm that it causes. I agree with Catherine Harper that it is being used more generally.

**Phil Gallie:** You were right to put your finger on a definition. Have you seen the material that the Scottish Executive has recommended for sex education in schools? If so, how would you classify it?

**Catherine Harper:** I have not seen that material, but I know a little about it. I have been involved in sex education in schools for several years. As we said, we oppose censorship. Sex education material is vital and we would not want anything to impact on it. We are talking about pornography. Sexually explicit material that is used for sex education is not pornography.

**Phil Gallie:** You talked about a definition of pornography. Do you suggest that if such material is simply branded as being for sex education, it is not pornographic?

**Catherine Harper:** It does not work like that. The definition of pornography is clear. Material for sex education certainly does not constitute pornography. It may be sexually explicit material, but not all sexually explicit material is pornography.

**Phil Gallie:** I take the point.

Given the nature of your organisation, you have concentrated on women and children. Are you concerned about the level of gay material that is appearing in corner shops and its possible effect on high levels of violence with young men?

**Catherine Harper:** I am not sure how to answer that. The percentage of gay material is small. Most material uses very young women and children. Any material that objectifies, dehumanises and degrades is wrong and unacceptable, whatever gender is involved, but those who are involved are predominantly women.

**Dorothy-Grace Elder:** I thank the petitioners for appearing. Just over 20 years ago, I wrote for what was then the *Glasgow Herald* a series on pornography that was being seized by the police in Glasgow. The police showed me the stuff, which was stacked in cells. That stuff was no worse than what is being displayed now in a corner or garage newsagent. Do you agree that we are not even talking about what used to be called top-shelf porn? It is now on the middle shelf—it is in your face. If a small child goes into a newsagent, it stares at them from the shelf just above *The Dandy*, the *Beano* and *Twinkle*.

Have you tried to obtain a voluntary agreement with newsagents and garages not to stock such stuff? You referred to a valiant newsagent in Liberton. It is obvious that your resources are limited. Thank goodness that the City of Edinburgh Council is giving your organisation something. Has an attempt been made to obtain newsagents' agreement not to sell such material?

**Catherine Harper:** We have spoken to many newsagents and are aware that the important element that must be highlighted in this respect is the profit margin. The profits that can be made on such material are almost limitless. We were told about a shopkeeper in Glasgow who has a tiny shop, but a huge amount of pornographic material. When he was asked why he stocked so much, he replied that he could make £4,000 from pornography in one week alone. We have some sympathy with the owners of small shops who do not wish to stock the material but who, because they are having a tough time, bring in some pornographic material to increase their profits. However, that was not the case with the shopkeeper whom I mentioned.

The industry brings in millions of pounds—more than the music industry and the film industry put together. However, that profit is made at the expense of women and children.

**Dorothy-Grace Elder:** I accept what you say. I find it hard to understand how people are bold enough to go into respectable family newsagents and buy that stuff. There used to be a clandestine element—such material was sold only in the occasional dirty wee shop that your mother told you to hurry past when you were a kid—but now people are bold enough to buy it in normal shops. Is that an indication of the brutalisation of people through constant exposure?

You will have sussed the irony in the fact that the convener has, quite rightly, instructed us not to quote the magazine headings with which you have supplied us because they are too appalling and would shock the public. Members of the Scottish Parliament cannot say them aloud but a child can see them in a newsagent.

**Catherine Harper:** That is a good point and I am glad that Dorothy-Grace Elder raised it. The words are so offensive and unacceptable that we cannot repeat them here today, although it is okay for magazines with those words in them to be sold in our community shops and for us to have to witness them every day. Therein lies the problem.

The content of the middle-shelf magazines, such as *FHM* and *GQ*, is the same as the content that used to be in the top-shelf magazines. Those magazines have on their covers virtually naked women in lewd poses. That has made it easier for the top-shelf magazines to be more prominent. It

has helped them to be seen as acceptable and cool and, as Joan Skinner said, it can make people think that those who object to them are prudish, humourless or anti-sex.

**Joan Skinner:** There is a process of normalisation and brutalisation. People ask, "What's your problem?" but we are being denied the freedom to live in a pornography-free environment when we want a pint of milk or want our children to go to the corner shop on their own. Our environment has become sexualised by the fact that children's sweets are displayed just below pornography. My children are grown up now, but I do not know how happy I would feel about that if they were younger.

**Rhoda Grant (Highlands and Islands) (Lab):** One of my concerns is the amount of pornography that is available on the worldwide web, particularly as we encourage children to use websites for educational purposes. There seems to be little that we can do to control the availability of pornography on the web, because it is a global network. Have you given any thought to what we could do to control the material that is available?

**Catherine Harper:** That is a big issue. People say that the web is too difficult to police, but I think that that could be done if the will to do it existed. However, because of the profit, much is invested in keeping the material available. Internet service providers advertise methods for parental control of the parts of the net that children can see, but those are probably the same ISPs that host the websites that have pornographic content. The situation is difficult. Because of the work that I do, I am sent pornography every day.

**Helen Eadie:** Rhoda Grant's point about internet service providers is important. Could national Government intervene and license internet service providers so that ISPs that provide pornographic materials would not get a licence? That could be a way forward. Internationally, technology enables Governments to trace individuals who have sent e-mails. Television documentaries have dealt with the subject—a person who has committed a criminal act can be traced. If that can be done, Governments can certainly track down internet service providers who provide pornography.

**Catherine Harper:** I agree. Setting standards in respect of what is not okay or acceptable must start at Government level and if terms and conditions are breached by those who provide and host internet services, those people must be penalised. We are swamped by pornography through the internet, on television and in shops. That makes no sense when we want equality and an end to sex discrimination. As long as such material exists, we are starting at the wrong end and such aims are impossible.

**Helen Eadie:** Yesterday, I read a Church of Scotland board of social responsibility document, which discussed the point that Phil Gallie made about sex education in schools. I also read a leaflet that the church is issuing. The leaflet was extremely good. At first, I thought that I would not be pleased about it, but I read it closely and I was pleased because the leaflet draws a distinction. The Church of Scotland says that there should be warm, loving and caring relationships between human beings and that people should have regard for sex. However, pornography and materials about brutalising, abusing, harming, offending, making a mockery of, demeaning and debasing women carry a different message and we do not want to go down that route.

**Catherine Harper:** Absolutely. We are aiming for respect for one another through, for example, the Zero Tolerance respect campaign. How will young people grow up and develop respect for one another in relationships if such material is everywhere? It incites sexual hatred. We have a lot of evidence on young people's confusion about trying to deal with pornography in the media—even in teen magazines—while we are trying to instil respect and teach values.

**Tricia Marwick:** Are you opposed to pornography? Do you want pornography to be banned or are you opposed to such material being on public display in shops, garages and supermarkets?

**Catherine Harper:** There are two issues. We are anti-censorship—bans do not help. However, we are asking for legislation to deal with the matter. We accept legislation against incitement to racial hatred and we need similar legislation for pornography. The two issues are interlinked. We are challenging the current legislation because it patently does not work. If it did, we would not be here today.

**Joan Skinner:** We would also like a public awareness campaign. People are completely unaware of the harm that is caused by pornography; as pornography becomes more normalised, there is no campaign that will draw people's attention to that harm. If there is a social and legal campaign, people will begin to feel that such material is unacceptable, or to question whether it is acceptable. Currently, we are not even at that point.

**Mr Paterson:** I am afraid that I am losing my quotation. I used to say that high shelves are for low life, but it is evident that such material is starting to appear on lower shelves. I want to comment on the legitimising effect of that process, particularly in respect of children. If a young girl is told that it is okay for ladies to do certain things in pictures and she is then approached by an older person, that is halfway to opening the door to

abuse.

I have a pertinent question. You mentioned 19 organisations that have supported you. Will you name one or two of those organisations to give the committee a flavour of the professional people who support you?

**Catherine Harper:** I would be pleased to. The 19 organisations that support us so far—signatures and support are still coming in—are Shetland Women's Aid; Women's Support Project (Glasgow); Midlothian Women's Aid; Fife Women's Network; Ross-shire Women's Aid; Glasgow Rape Crisis Centre; CHANGE in Grangemouth; Shakti Women's Aid in Edinburgh; CARE for Scotland; East Renfrewshire Women's Aid; YWCA Scotland; East Kilbride Women's Aid; Edinburgh Women's Rape and Sexual Abuse Centre; Greater Easterhouse Women's Aid; Routes Out of Prostitution in Glasgow; Womanzone in Craigmillar, Edinburgh; ENACT for Women; Cranston Street Hostel in Edinburgh; and East Ayrshire Women's Aid.

11:00

**Mr Paterson:** It would be safe to say that we are talking not only about people who are at the sharp end of child abuse, domestic violence and rape but about people who take care of victims across the spectrum. Thank you for that information.

People have said that is difficult to police the worldwide web, yet we are able to regulate the interaction that takes place across the world between companies and individuals in respect of coffee, money and insurance. Despite that, we turn our backs on something that damages our children. Perhaps I am making a statement rather than asking a question, but I do not think that regulation of pornography on the internet is impossible.

Big money and big companies are involved. Some of those companies are well respected, but they nevertheless turn their backs on harrowing scenes in which children are murdered on screen by males—I should not call them "males", because they are not human; they are lower than that. The Parliament and everyone who is involved in tackling such pornography should not say that regulation is impossible. Do you agree that something should be done soon?

**Catherine Harper:** Absolutely—I could not agree more.

**The Convener:** Gil Paterson managed to get his question out in the end.

The Civic Government (Scotland) Act 1982 made it an offence to display obscene material in public. The Indecent Displays (Control) Act 1981 also made that an offence, particularly in relation

to children. Are those pieces of legislation simply not good enough, or are they not being implemented? Who is causing the problem? Is it the police or the procurators fiscal?

**Catherine Harper:** That is a complicated question. We would argue that the answer is a combination of the law's not being enforced and its being inadequate. Even if the law were enforced, it would be inadequate because it does not define obscenity in harm terms. Obscenity is a moral standard—one person's obscenity is another person's harmless fun. We could argue about that until the cows come home. We must consider enacting new legislation. Canada has done that boldly in a way that addresses the harm of pornography.

**The Convener:** Are the police trying to implement the law? Is the problem that procurators fiscal are not prosecuting cases?

**Joan Skinner:** The problem for the police is that they cannot be proactive in dealing with cases—they must react to complaints from the public. In fact, most people say to us, "Well, it was up there, so I assumed that it was legal. I hate it, but I believe that it must be legal." Although few complaints were made in the past, more complaints are being made now because people are beginning to realise that they should question the material, which is becoming more explicit.

If a complaint is referred to the police, they can act, but only in relation to the store in question. If no complaint was made about a store down the road, it could sell the same material the next day. When such matters go to court, the police run into prosecution problems relating to the definition of obscenity.

**Catherine Harper:** The procurator fiscal may decide not to run with a complaint.

**Joan Skinner:** However, fiscals in other areas, such as Fife or Edinburgh, might run with other cases because they think that the material mentioned in those cases is obscene. The legislation is a tangled web.

**The Convener:** The Scottish Executive published an action plan, "Preventing Violence Against Women", which says that the Executive will

"consider the links between pornography and criminality".

Obviously, you would like to go much further than that—you would like the Executive to introduce new legislation, rather than consider links.

**Joan Skinner:** We welcome the Executive's commitment to considering the links between pornography and criminality, but we are not sure how that work is being progressed. We would welcome someone asking about it. The action plan

was published eight months ago and we are not sure what stage the investigation has reached. You are right, convener, to say that we would want to take the matter further than that.

**Dorothy-Grace Elder:** You referred to the police. Obviously, they are not proactive because they have a thousand other things to do. It seems to be normal for the police to ignore such matters. Have the police tried to deal with the people concerned under, for instance, race relations legislation? There are grotesque and appalling references that aim to degrade Asian women in particular. Have the police tried to use anti-paedophilia legislation? I do not want to quote the stuff entirely, but the sort of thing that is mentioned in headlines is

"100 per cent tiny young girls".

**Catherine Harper:** I cannot comment on what the police have or have not done. We showed the magazine to which Dorothy-Grace Elder referred to a police officer in Edinburgh, who was visibly shocked and asked where on earth we had bought it. He was even more shocked when we told him that we bought it in Marchmont. It clearly makes reference to child sex.

**Dorothy-Grace Elder:** What did he do?

**Catherine Harper:** The police's hands are tied. They must get a warrant before they can raid a shop to take material. It would aid the police if they could deal with the matter without going to the procurator fiscal to get a warrant. Last August, we made a complaint about a publication. We went to the police and signed a complaint procedure form, but we are still waiting for a response.

**Dorothy-Grace Elder:** Did the police take action in the case involving children that you mentioned?

**Catherine Harper:** We believe that they did take material from a shop. However, the shops that were mentioned still carry exactly the same material. The police face an impossible task because of ineffective legislation and the fact that they must get a warrant each time. The police do not have adequate resources; their priorities are murders and more serious crimes. They told us that they do not have enough police officers to deal with the matter. Something is done only when members of the public make a complaint.

**Dorothy-Grace Elder:** Distributors withdraw material when legal cases—such as defamation or criminal libel—are involved, which happens every so often. It is marvellous how the system kicks in in such situations.

**Catherine Harper:** Pornography is well protected.

**Joan Skinner:** The headline to which we referred—

“100 per cent tiny young girls”—

is in a magazine that calls itself 18. I have never heard of a 16-year-old or 18-year-old described as a tiny young girl. Such magazines do not carry a publication date, which means that if action is taken, it can be claimed that the magazine has just been published. There are an amazing number of sophisticated ploys and manipulations.

**The Convener:** I thank the witnesses for their evidence, which was comprehensive and harrowing. They are free to stay and listen to the discussion on the petition.

The suggested action is that we write to the Scottish Executive to seek its views on the issues that the petition raises. In particular, we should ask the Executive whether it plans to review the relevant sections of the Civic Government (Scotland) Act 1982, with a view to determining whether they are adequate. We should also request that the Executive update the committee on its actions in considering the links between pornography and criminality, as the petition suggests.

We should seek the views of the Parliament's cross-party group on men's violence against women and children. I ask Gil Paterson whether it is worth while seeking the views of the cross-party group on the survivors of childhood sexual abuse.

**Mr Paterson:** That would be worth while.

**The Convener:** We will also ask the cross-party group on the survivors of childhood sexual abuse. We should also pass the petition to the justice committees and to the Equal Opportunities Committee for their information while we await a response from the Scottish Executive.

Do members want to take any other action?

**Dorothy-Grace Elder:** Perhaps we could write to the Association of Chief Police Officers in Scotland to seek its view on action or inaction.

**The Convener:** Yes. We could seek the police's view on the adequacy of the existing legislation and ask for recommendations.

**Dorothy-Grace Elder:** Yes, we should ask what they would like to be done.

**Phil Gallie:** I agree with the recommendations. Dorothy-Grace Elder's idea is good because, as far as I can see, the police are not at fault. The procurator fiscal system means that there is no chance that many cases will go to court, because of other pressures and the lack of definition in the legislation. That lack of definition is the issue that we must ask the Scottish Executive to address. We must ask whether the Executive should contact the people south of the border who are charged with determining levels of censorship.

Gil Paterson spoke about the large amounts of money that are linked to the pornographic trade; we must also examine levels of Government support for it. I realise that it is somewhat controversial, but we must consider the levels of support that are given to some so-called art forms in Scotland. I believe that there are base levels of pornography in that sector that could be said to be Government-supported. I would like some reference to be made to that in any submission to the Scottish Executive.

**The Convener:** We could certainly ask the Scottish Executive to state what the definition of obscenity is under current legislation and how that is applied. I am not sure about including art—the petitioners are not calling for that. If that is Phil Gallie's view, he may get somebody to petition the committee on the issue.

**Phil Gallie:** What I said arises from our discussions. I ask you to cast your minds back to a so-called art exhibition that displayed parts of dead children's bodies. If that does not conform to the levels of abuse that children suffer according to the law on pornography, I find it difficult to understand what can.

**The Convener:** We can draw the Executive's attention to Phil Gallie's comments and ask it to comment on what he has said.

Is the proposed course of action agreed?

**Members indicated agreement.**

### Genetically Modified Crops (PE470)

**The Convener:** Petition PE470, from Mr Anthony Jackson, is on the subject of farm-scale evaluations of genetically modified crops. It calls on the Parliament to take the necessary steps to end immediately the farm-scale evaluations of GM crops and to debate the future handling of GM crops in Scotland. As well as Mr Jackson, Linda Martin and Nigel Mullan are at the meeting. I think that Linda Martin will speak to the petition.

**Linda Martin:** Ninety-two per cent of the population of Munlochy opposes the GM trials because of the harm that the farm-scale evaluation could cause to health and the environment. When the experimental crop flowers, villagers have no option but to inhale the pollen, which makes them part of the experiment. There is also major opposition to the farm-scale evaluation programme in Aberdeenshire and Fife, where public anger is vocal and widespread. Concern and outrage motivated the Highland community to establish and maintain a vigil beside the crop. Overwintering beside the crop evidenced the level of public concern. The number of people who have signed the petition is 4,114, which is equivalent to the population of the Black Isle.



The issue is about science, democracy and economics. People live close to the crops and must suffer the untested effects on their health and livelihoods. Their actions as consumers, communities and businesses have demonstrated that they want neither farm-scale evaluations nor products made from GM ingredients.

Charles Saunders, chairman of the British Medical Association's Scottish committee for public health medicine and community health, declared that the Scottish Executive is taking a gamble with our health. He stated of the trials:

"We simply don't have enough scientific evidence on their safety to be able to make a valid decision as to whether there are potential health effects or not."

No testing has been carried out on the health of the people of Munlochy, Daviot, Rothienorman or Newport-on-Tay. No baseline has been set, which leads to a complete lack of confidence in the trials. Until reliable and valid evidence provides evidence that the trials are safe, the Scottish Executive should invoke the precautionary principle and comply with European Union directives 90/220/EEC and 2001/18/EC.

The limitations of the trials and the concerns over their monitoring and overall conduct call into question their validity and reliability. One example is the use of different varieties and ever-changing sowing rates. The rate is currently 250 seeds per square metre; it was originally 120 per square metre. That compares with 60 seeds per square metre for a good commercial crop. Those figures question strongly the validity of the science, as do the differing growth habits and weed numbers in the trial and control crops at Munlochy. The trial crop's genetic stability and its resistance to glufosinate ammonium have been questioned, as has the associated run-off into the village and the Munlochy bay environmentally sensitive area. In connection with the trials, GA is licensed only for winter use, and a court case is pending over that consent.

According to the science editor of *The Sunday Times*, the preliminary results show that the trials are damaging the environment. In an answer to a written question, the Executive stated that it understands that no interim results yet exist. If there is such evidence, it should be in the public domain, as stipulated in article 8 of the relevant EU directive, and it should be acted on, in accordance with article 4. Mr Finnie has repeatedly said that, if there was evidence of a threat or risk to the environment, he would stop the trials.

11:15

Supermarkets do not use GM produce in their own-brand goods, 79 per cent of Europeans do

not want it and there are serious international concerns over the adequacy of the safety-testing procedures for GM foods. The demand for genetically modified produce has collapsed, so why are we risking people's health and the environment for a product without commercial prospects?

Scotland has an opportunity to listen to the public and to reinforce its environmental assets. It must seize that opportunity and act now, rather than dealing with the aftermath, as was the case with BSE and foot-and-mouth disease. GM produce will not restore public confidence in the food chain or in the farming industry. The trials must be stopped immediately. Parliament must have a full debate—with a free vote in order to reflect cross-party support and political concern—to give the issue a democratic hearing.

**The Convener:** Before I invite Robin Harper and Tricia Marwick to speak, I inform members that we have received a large number of letters in support of the petition. Many of the letters are from local residents—those are the ones in the box that is before us. There are also letters from local MPs, MSPs—Rhoda Grant and Maureen Macmillan—Highland Council representatives, five local businesses and a range of environmental organisations. All that material is available to committee members who wish to see it.

**Robin Harper:** I am a signatory to the petition as well as a long-time supporter of the cause. What comes to mind immediately is the latest news from Canada that genetically modified oil-seed rape is now cross-pollinating with related brassicas in the wild. That is a matter of great concern to me. Do our witnesses agree that that suggests that what was originally mooted as a possibility is now a fact and that the crop should not be allowed to flower?

**Anthony Jackson:** Absolutely. The—

**The Convener:** I am sorry to interrupt, but, technically, Robin Harper is meant simply to make a statement in support of the petition. However, please continue—you may answer the question.

**Anthony Jackson:** The problem lies in something called gene stacking. Oil-seed rape has been genetically modified to be used with a particular herbicide, which is produced by the same company that produces the seed. That company therefore has a monopoly. If commercialisation happened in Scotland, Aventis would grow only some crops and Monsanto would grow others. There would be tolerance to two herbicides. Therefore, once the crop cross-pollinated with wild brassicas, the only way in which volunteers in the field could control it over a period of years would be by using such herbicides as Paraquat and 2,4-D, which is derived from

Agent Orange. That is the level to which we will go.

**Tricia Marwick:** I am here to support the petition. I apologise on behalf of my colleagues Fergus Ewing and Bruce Crawford, who have to attend other committee meetings this morning. I know that they would want to be here.

I support the petition's call for a debate in the Parliament, but my main concern is the situation in Newport-on-Tay. Trials are proposed there for the next few weeks, if the Minister for Environment and Rural Development gives the go-ahead. There were two public meetings in Newport-on-Tay last week, one of which was organised by the Executive and the other by the community. I spoke at the second meeting—I have rarely seen such anger from a community as I saw on Friday night in Newport, where a steering group has been set up.

What makes people so angry is the fact that the communities have to prove that there is a risk, whereas the seed manufacturers do not have to prove the product's safety. The minister has made it clear that, unless risk is proved, trials will go ahead. I reiterate the fact that there is no onus on the seed manufacturers to prove that the product is safe before the trials are carried out. That places communities in an appalling situation.

I hope that the Public Petitions Committee will support the petitioners' call. We must adopt the precautionary principle that the trials should be halted until the seed manufacturers and the Executive can convince people in the areas where the trials are to take place and, more important, people throughout Scotland that there is no risk to their health and the health of their children or to the health of future generations.

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** Good morning. The advice that was given when the issue was first debated in the Scottish Parliament was that, because of a European Union directive, the Executive had no locus to do anything other than to approve the GM crop trials. Since then, I have received information that the type of trial that we are discussing is of little concern to our friends in Europe and that the responsibility for approving or rejecting such a trial is vested in the Scottish Executive. Will you give us information on that?

**Anthony Jackson:** Absolutely. There are two kinds of consent for trials. Part B consent is for experimental releases and part C consent is for commercialisation. The oil-seed rape in question does not have part C consent, so it cannot enter the food chain. However, birds such as pheasants are wandering over the crop and have been doing so since the seeds were sown. Part B consents are entirely in the hands of the Scottish Executive.

The Executive is classed as the competent authority, so it can do what it likes—it could halt the trials tomorrow.

**John Farquhar Munro:** I am sure that, as a group, you have made that information known to the Executive and others. What sort of response have you had?

**Anthony Jackson:** Mr Finnie's response is that, unless he has evidence of a threat to the environment or to human health, he can do nothing. However, evidence of environmental damage can be found. *The Sunday Times* article declared that the preliminary results for the first two years of the trials showed that that was the case. I ask the committee to try to get hold of that information and to put it in the public domain. If the evidence exists, Mr Finnie must act—that is a legal requirement. Linda Martin spoke about health. Charles Saunders, the chairman of the BMA's Scottish committee for public health, said that there is no health testing, so how can anyone prove that there is a risk? The situation is outrageous.

**Nigel Mullan:** I reinforce that point. Members might have seen the *Sunday Herald* article by Rob Edwards, in which he made the commercial complaint that no insurance companies are willing to assist any liability schemes for farmers who are conducting the trials. An organic farmer who is five miles away from a trial site suffers a real risk of contamination and hence of losing Soil Association accreditation. There is no insurance to help such farmers if their businesses go down the tubes. The fact that commercial companies have picked up those signals is a sure-fire indication that concern is not just coming from environmentalists or loonies, but is reflected in hard banking terms.

Syngenta, a large biotechnology company that has been heavily involved in genetic engineering and has a large genetic engineering capacity, has not been involved in any European trials. It is trying to push something through in the south of India, but that is another story. It is moving away from involvement in GM food or seed. It is going for zero tolerance on contamination. Syngenta is a big producer of oil-seed rape. Five years ago, it had about 1 per cent of the market share of oil-seed rape; this year, it will have about 50 per cent of the market share. It produces non-GM oil-seed rape using a new technique—marker-assisted breeding—that does not involve interference with the genome. Even if we leave aside the insurance angle, that is an instance of a significant biotech company backing down from field-scale evaluations and the commercialisation of GM food and seed.

**John Farquhar Munro:** I read the article with a great deal of interest. In the past, it was generally

known that it was not possible to insure against contamination of or damage to crops or the environment. You make the point that that could be detrimental to organisations that are peripheral to the crop trial. It also has a significant effect on the trial site—on the owner or the promoter of the scheme. I am sure that any claims against them would not be insurable either. That fact is well established, although it is now in the public domain and available to everybody.

**Rhoda Grant:** I am concerned that there was a lack of consultation on the scheme before the crop was planted. The local community got together and held meetings, but those had little or no effect. I understand that the EU directive that was in place at the time—which, according to the Scottish Executive, did not allow it to prevent the trials—was being amended to enable consultation to take place and to ensure that the consultation was meaningful. Do you know whether that has made any difference to the current set-up?

**Linda Martin:** The new directive does not come into force until October. At the moment, we have a crop on top of a hill; that crop will flower. There are serious concerns about that. An entire village is terrified about what will happen when the crop flowers.

I take the committee back to what John Farquhar Munro said about the Executive. Under the precautionary principle, the Executive has a duty to act. If I provide members with a definition of the precautionary principle, they will be able to see why it is easy for the Executive to pull the trial. The definition states:

“Where an activity raises threats of harm to human health or the environment, precautionary measures should be invoked even if some cause and effect relationships are not established in scientific fact”.

We do not even need scientific fact to pull the trial. However, as Robin Harper said, we have scientific fact. Why are crop trials going ahead anywhere when we know that they are damaging the environment? The herbicide that is being used causes reproduction problems in rats and problems with the nervous system in humans. We know that that herbicide is coming down the hill towards us. How would members feel in that situation?

**Helen Eadie:** During the previous round of debates on the issue, we received advice that the Scottish Parliament was unable to impose a blanket ban on the GM crops. Given that there is now new evidence, do you think that we should redirect the petition to the European Parliament Petitions Committee? If GM is an issue in Scotland, it must be an issue throughout Europe. Given that the directive was issued by the European Union, it may be appropriate for us to send the information that Robin Harper provides in

his letter to the European Parliament Petitions Committee.

**Linda Martin:** Would that halt the FSEs now, or would we have to wait for the European Parliament Petitions Committee to deal with our petition before that happened?

**Helen Eadie:** You could ask for a moratorium on current trials to be introduced, on the basis of the information that you have supplied.

**Anthony Jackson:** A moratorium in Europe?

**Helen Eadie:** A moratorium in Scotland.

**Anthony Jackson:** The farm-scale evaluations are an entirely Scottish issue. The Scottish Executive is the competent authority for dealing with part B consents.

**Helen Eadie:** When Ross Finnie spoke in the debate in the Scottish Parliament, he said that he was acting on the legal advice from Europe that the Scottish Executive had at that time. As a European member state, we were bound by that legal advice.

**Anthony Jackson:** A blanket ban on growing GM crops is different. A part C consent is a commercial licence under European legislation. There is no commercial licence for the oil-seed rape that is grown in Scotland at the moment; there are only part B consents, which are in the hands of the Scottish Executive. The Scottish Parliament information centre literature states that the Scottish Executive is the competent authority for part B consents.

**Helen Eadie:** I will leave the thought with you.

11:30

**Dorothy-Grace Elder:** Are you aware of the carelessness that has occurred every so often in relation to GM crops? I dare say that you are better informed than almost anyone in the country. Do you recall that Mr Finnie admitted in May 2000 that seeds had been planted illegally and that fields had to be pulled up? There had been almost a month's delay in Westminster's letting the Scottish Executive know that it had heard from Advanta Seeds in Canada that rogue seeds had got through. Mr Finnie did not admit that at the time but the answer that I received to a question a week later stated that an illegal harvest had taken place in 1999, the products of which were in the food chain. Apart from having the terrible site on your doorstep, which you do not want, do you have any indicators of carelessness in the handling of the project?

**Anthony Jackson:** Indeed. An authority, if I can use that word, called SCIMAC—the supply chain initiative on modified agricultural crops—designates the guidelines for the planting of the

crops. Given that SCIMAC is a biotechnology industry body, the industry decides the guidelines for the planting of the crop.

The farmer—farmer Grant—has broken the guidelines on numerous occasions, not least when he planted winter wheat within three days of harvesting last year's oil-seed rape trial. There is supposed to be a three-week gap so that any seeds that are shed in harvesting can regenerate themselves and be ploughed back in. That way there are fewer so-called volunteers—the oil-seed rape coming back through. Volunteers are coming through because Mr Grant left only three days between harvesting the trial crop and planting winter wheat. It is all very well to say that the fields have been sprayed, but we noticed the volunteers and pointed them out to the Scottish Agricultural Science Agency, which is supposed to be the regulatory authority. SCIMAC's response was that things were different in Scotland. If that is the case, why was Mr Grant still planting cereal crops in October and why are the consents not different in Scotland? The system is shambolic.

**Phil Gallie:** I refer back to Helen Eadie's point that the Scottish Executive cannot impose a blanket ban. That suggests to me that it can impose a ban where circumstances are such that it is reasonable to do so.

My concern with GM trials is the irreversibility of their results. Containment must be the basis on which any trial should go ahead, although I acknowledge how difficult that is.

We seem to have taken a general approach to petition PE470. I know that that is the Public Petitions Committee's usual approach. However, given that the Government cannot deal with the matter in general terms and impose a blanket ban, do you agree that the petition should concentrate on the Munloch scheme? If it did, the committee could make a judgment on a response from the Scottish Executive based on that scheme only.

**Linda Martin:** The problem does not apply only to Munloch. Every mother has a child. I do not want a GM trial site next to my village, but I do not want it next to anybody else's village either. We have severe problems with the site. When the oil-seed rape flowers, we are worried about what it will do to people's health. We know that there are problems with herbicides as well.

If the trial is not good for Munloch, why would a trial be good for Newport and Aberdeen? The site at Munloch is close to a population centre—it is less than a mile away. It is also in the middle of three sites of special scientific interest. However, that is not to say that there are not similar problems in Newport or Aberdeen.

The science is untried and untested. The risk assessment has not been correctly done. There is

no testing on human health. None of the local doctors has been involved. We have no baseline study. We do not even know the effects that GM foods are having on Americans, because no testing has been done in America, either.

Because no baseline study has been done, if there was a huge incident in five years' time, we could not even track it back to GM. There is no risk assessment, but—let us be perfectly honest—risk should be assessed as new evidence comes in. To say that a risk assessment was done two years ago—or whenever it was that Ross Finnie first looked at the issue—is not good enough. Information comes in daily. In the past fortnight alone, three or four scientists have said in the press, "We don't want this. We don't want it because it is not science." That is the problem that I have. How do I know the effects that GM crops will have on people's health?

I admit that Munloch is where I come from and that I cherish it, but I care about other human beings as well, and I do not see why Newport or Aberdeen or anywhere else should have to put up with a trial. If it is not good enough for me and I do not want it, why should somebody else get it?

**Phil Gallie:** I accept all those arguments and I understand the way in which you are looking at the issue. However, you have rejected Helen Eadie's idea of taking the matter to Europe, where a wider range of issues would be considered. I have been looking at letters, which even I—and I live far from the area—have received about Munloch. The letters say that the specific geographic conditions in the area are certainly not suitable for the GM trials that are going on.

You cannot win the battle overnight. We are told by Ross Finnie that he cannot impose a blanket ban but that he can impose a local ban. If you nip away at the issue, site by site, you may achieve your aims. That is what I suggest.

**Nigel Mullan:** If you read what Ross Finnie said during the parliamentary debate when he was pushed on whether he could impose a ban, you will see that he hedged slightly. He did not want to be pushed into a legal situation. It is worth while having a look at that debate. When the Transport and the Environment Committee discussed pulling trials under part B consents, it, too, was of the mind that the matter was properly one for the courts. What was so encouraging about the debate in the Scottish Parliament and the subsequent discussions in the Transport and the Environment Committee was the level of genuine concern. There was almost a feeling that, if there had been a little more political will, the trials could have been pulled.

I support what Linda Martin said about health tests, which are very important. We can do

environmental tests and all that kind of thing, but tests for human health are very important. The Transport and the Environment Committee recommended that far more research should be done. I urge this committee to consider that.

**Helen Eadie:** It is grossly unfair to say that Ross Finnie haved in any way. He was abundantly clear about where he stood and he was abundantly clear that, because of an EU directive, he did not have the power to impose a blanket ban. However, that does not mean that people around this table will be unsympathetic to the petitioners' views if there is new evidence. If you have a door that you need to unlock to solve a particular problem, you need to knock on the appropriate door. If what you are saying is accurate and correct, and can be scientifically proven, a challenge must be made—and not just here in Scotland. Pollen knows no boundaries. If a problem arises in Scotland, it will also be a problem in England and other countries. You will have to find the right door and knock on it, so it is grossly unfair to attack the minister.

**Nigel Mullan:** I was not attacking the minister; I was saying that the discussions in the Parliament, across the parties, have been encouraging and that we would like to encourage more discussions now.

**The Convener:** We have all been guilty of hawering at one time or another.

**Tricia Marwick:** Heaven forfend that any of us should haver, John. I certainly do not—not often, anyway.

Helen Eadie is right to say that the problem goes wider than Scotland, but the petitioners are right to say that the problem has to be resolved in Scotland. We have a Scottish Parliament and Ross Finnie is the minister responsible for the trials. He was responsible for agreeing to the trials that are taking place in Munlochy and he will be responsible for the decision on whether trials will go ahead in Newport.

Although Helen Eadie's suggestion about going to the European Parliament Petitions Committee is a good idea, it does not affect the immediate problems that need to be resolved in Scotland. I see heads nodding, so I will not put that as a question, because I think that the petitioners agree with me.

Linda, you quoted Dr Charles Saunders, who said that the Executive is gambling with our health. Dr Saunders is not only a member of the BMA; he is a public health officer in Fife, where the Newport trials are destined to start within the next few weeks. When you spoke about the precautionary principle, you read out a quotation saying that the minister has to believe only that there might be some risk and that that would be sufficient to halt

the trials. Do you think that the fact that someone from public health in Fife, where the next trials are to be held, is talking about gambling with public health is sufficient reason for the Executive to stop the trials?

**Linda Martin:** Yes.

**The Convener:** Would a ban on the farm-scale evaluations at Munlochy and in Aberdeenshire and Fife constitute a blanket ban as referred to by the Executive?

**Anthony Jackson:** No. The issue of a blanket ban comes back to the part B and part C consents. We are not talking about commercialisation. The trials are an experimental release and, as far as we are aware and as far as the parliamentary documentation makes out, the Scottish Executive is the competent authority for part B releases. We are not talking about a blanket ban on commercial crops. Once a crop has a commercial licence in Europe, it can be grown anywhere by any farmer in Europe. That is a separate issue.

**The Convener:** When the Transport and the Environment Committee published the findings of its inquiry, did it address the issue of a possible ban on the three sites?

**Anthony Jackson:** The Transport and the Environment Committee discussed all GM organism releases. That would involve part B and part C releases. We are talking about part B releases.

**The Convener:** The Transport and the Environment Committee did not address exclusively the issue of part B consents.

**Anthony Jackson:** No.

**The Convener:** Since that committee published its report in January 2001, all kinds of new information have emerged.

**Anthony Jackson:** Absolutely, as well as public outrage and protest. The trials started in January 2001 and we have seen what a shambles they are and what people think of them. There has also been plenty of new research.

**Dorothy-Grace Elder:** We should note the date that the convener mentioned—January 2001. We had first notification of foot-and-mouth disease in February 2001. I am not defending the minister in any way, because I have urged him to use the precautionary principle in other matters. However, I suggest that, from the moment that foot-and-mouth disease was announced, the minister became totally absorbed in that crisis, which is only now receding. Unfortunately, the plantings took place during that period. The issue of GM crops has definitely taken a back seat because of all our other appalling agricultural problems. It is

now time to get back into the fray—I do not need to tell you that. Ministers should be getting back into the fray.

I urge you to accept the advice to go to the EU. The process is extremely easy. You can submit an electronic petition and one of you can go over to the European Parliament—the trip will be paid for if the petition is accepted.

The minister certainly has powers under the precautionary principle. Phil Gallie raised an important point and I note that you are being extremely noble, proper and correct in not wanting other areas of Scotland to be infected. However, environmental matters are sometimes a bit like guerrilla warfare. If you deal with the issue in your area, that will help people in the next area—such as Tricia Marwick's area—and you can keep up a running battle to drive the GM experiment right out of Scotland. I do not see what anyone is getting out of it, especially the minister. He would be enormously popular if he declared against the GM experiment and stopped the trials. No one can understand, except perhaps, we suspect, certain supermarket chains.

**Linda Martin:** Multinationals.

**Dorothy-Grace Elder:** Quite.

11:45

**Robin Harper:** It is important to remember that the Transport and the Environment Committee report was, in some respects, a majority report. Three members of the committee seriously disagreed with some of the report's findings, particularly the failure to recommend a ban on farm-scale evaluations. The three members who disagreed with that point felt that we had not heard any evidence to support the continuation of the trials and that we had heard enough evidence to convince us that our initial conviction that such trials should be stopped was correct.

I agree that the issue should go to Europe. The subject is being discussed and has already been discussed in the European Parliament, which is in continuous dialogue with the Commission on revising the rules on GM research and planting. It would not do any harm, although it would be a diversion, to consider sending the petition to Europe as the result of today's meeting. We are discussing part B consent. It is perfectly clear that the Parliament should consider on the narrow basis of part B consents whether the minister should reconsider his original decision. I strongly recommend that the petition be sent to an appropriate committee to look again at the position.

**The Convener:** It is obvious from the last two sets of comments that the committee has run out

of questions. However, I have one final question. The suggested action before the committee is that we pass the petition to the Transport and the Environment Committee because it has already produced a report on the issue. Would the petitioners support that action?

**Anthony Jackson:** Yes. However, as Charles Saunders has spoken out about the uncertainty of the health effects, would it be possible for the Health and Community Care Committee to speak to some health experts about the lack of health monitoring? That issue is vital.

**The Convener:** We shall discuss the recommendation.

**Robin Harper:** In a sense, the petition also raises local government and human rights issues because it calls into question the whole function and purpose of local consultations. So far, only one view has been expressed during the local consultations and that view has been completely ignored.

**The Convener:** Are such consultations carried out under the auspices of local authorities?

**Tricia Marwick:** No. The event in Newport was organised by the Scottish Executive. It was not a consultation evening, but an information-giving evening. That is the extent of the consultation that communities have been offered—not consultation, but information giving.

**The Convener:** Robin Harper seemed to be suggesting that the petition should go to the Local Government Committee.

**Robin Harper:** No, I was thinking of one of the justice committees.

**Linda Martin:** What happens to FSEs in the meantime? Do we have to sit there, watching the thing growing and breathing it in? Is that okay with the Scottish Parliament? Is that what we are being told?

**The Convener:** That is a matter for the Scottish Executive. If the Scottish Executive can maintain its support in the Parliament, it can certainly say that there is nothing that it can do about FSEs. However, the Executive must maintain support in the Parliament. That is why the petition should go to the appropriate committee—the Transport and the Environment Committee—to address the issue of what happens to farm-scale evaluations in the meantime and what action the Parliament can take in relation to what the Executive intends.

If the questions to the petitioners are finished, we can move on to discuss what we should do with the petition. The suggestion is that we refer it to the Transport and the Environment Committee with the recommendation that it addresses the new issues that the petition raises.

**Dorothy-Grace Elder:** I was going to suggest that this might be the right time to send a copy of the petition to the First Minister, given his recent speech on environmental justice—that is a good phrase. He may wish to collect examples of environmental injustice, where a local community has had something to which it is totally and utterly opposed forced on it. I see no harm in sending him a copy of the petition. It is unusual for us to refer a petition to the First Minister but, in view of his speech and commitment, it might be helpful to do so in this case.

**The Convener:** We can copy the petition to the First Minister for his information when we pass it to the Transport and the Environment Committee.

**Phil Gallie:** I apologise for returning to the issue of Munlochy. I wonder what the minister considers before he authorises trials of genetically modified crops. I would like the committee to write to Ross Finnie, asking him what consideration is given to protection for communities and risk. We should also ask what liaison he has with those who are responsible for health matters. If we get information from the minister, it will help to clarify matters in the many future arguments that we will have on these issues.

**The Convener:** The problem is that the Transport and the Environment Committee will be dealing with the petition, so it is for that committee to do what you suggest. We can recommend that the Transport and the Environment Committee look into the part B consent procedures and in particular at the assessments that ministers make of the risk of damage to health and the environment. However, the petition is the Transport and the Environment Committee's property once it leaves this committee. The Transport and the Environment Committee has already carried out an inquiry into the issue and it is better versed than we are in the ins and outs of the subject. We should draw those points to the attention of the Transport and the Environment Committee and say that they are the recommendations of this committee.

**Phil Gallie:** I acknowledge what you are saying, convener, and it is probably correct in the context of the niceties of the Parliament, but the people in Munlochy feel a sense of great urgency. We all know what happens when petitions are passed on to other committees; they tend to go on the back burner, for good reasons in many instances. We have spent a lot of time this morning—the best part of three quarters of an hour—on PE470. It is only right and courteous to the people to whom we have listened that this should be one occasion on which we stretch out a little. I do not see that we will do any harm to anyone by writing to Ross Finnie.

**The Convener:** If we write to Ross Finnie, that will delay the petition's referral to the Transport and the Environment Committee and it will delay any action being taken—it will further delay the process.

**Phil Gallie:** We could do both.

**The Convener:** We cannot—once the petition goes to the Transport and the Environment Committee, under the Parliament's rules, it is no longer our property and we can no longer act on it, because it has been formally passed to the Transport and the Environment Committee for action. We can draw that committee's attention to the need for urgency and ask it to address the issue as a matter of urgency because of what the petitioners have said this morning, but it is for the policy committee, not us, to address the issue.

**Robin Harper:** I realise that it is not normal practice to refer a petition directly to a minister, but I do not see that it would slow down the process.

**The Convener:** We can refer the petition and even a copy of the *Official Report* to the First Minister and to Ross Finnie, the Minister for Environment and Rural Development, for their information, but the action on the petition is now for the Transport and the Environment Committee to take.

**Robin Harper:** I understand that, but I agree strongly with what Phil Gallie said—I ought to have said it first. Given the urgency of the issue, the petition should go to Ross Finnie in the hope that he might do something.

**Helen Eadie:** In support of the convener and in answer to Robin Harper's point, I should add that it is not at all unusual to refer matters to the Scottish Executive, but the practice is that we always wait for a reply before we decide what to do. If the decision is to send the petition to a committee, that is what we do. That is what the convener is saying. He is correct.

**Phil Gallie:** Could we have a compromise, convener? Could we write to the Transport and the Environment Committee and say that with many apologies we have taken the matter into our own hands by making inquiries of the minister? I am sure that that would satisfy the niceties of Parliament.

**The Convener:** I am advised that we must do one or the other. We cannot do both.

**Phil Gallie:** The clerk is a hard man.

**Rhoda Grant:** I suggest that we send the petition to the Transport and the Environment Committee and mark it as urgent. We should draw attention to the petitioners' point that the crop is about to flower and to their other concerns and we should ask that committee to consider whether the

precautionary principle can be exercised. Underlining the urgency of the issue and including a copy of the *Official Report* of our meeting might be the fastest way of dealing with the petition.

**The Convener:** We can also recommend that the Transport and the Environment Committee consider referring the petition to the Health and Community Care Committee, because of the health implications.

**Phil Gallie:** If that is what people want to do, I will not cause division. It would be in order for every MSP who has a constituency interest to write to the minister to ask for the information that we have discussed. That might be a way ahead for those who have a specific interest.

**The Convener:** It is also in order for every committee member to so write, as an individual MSP.

Is the proposed action agreed?

**Members** *indicated agreement.*

### **Loch Lomond and the Trossachs National Park (PE471)**

**The Convener:** Petition PE471 is from Mr Dereck A Fowles and is on the Loch Lomond and the Trossachs national park. It calls on the Parliament to examine the cost of establishing a national park, its running cost and whether the sum that has been allocated should be increased in line with what Scottish Natural Heritage has recommended. The principal petitioner, Mr Fowles, will make a brief presentation. He has three minutes.

**Dereck Fowles (Association of Community Councils for the Loch Lomond and Trossachs National Park):** I thank the convener for allowing me to speak to the petition, which has been partly overtaken by events in the past few days.

Following many letters of support from MSPs, I received a letter from Mr John Nicolson of the Executive's countryside and natural heritage unit, which said that funding for the national park for 2002-03 was increased to £4.8 million, which is £1.9 million more than had been proposed. I am sure that the revision of the figure is due in no small measure to the MSPs who supported the claim for the original sum that Scottish Natural Heritage had advised the Scottish Executive to provide.

However, the figure still falls short of the sum that Scottish Natural Heritage recommended. The interim committee is happy with the figure, as it is an improvement, but the Association of Community Councils for the Loch Lomond and Trossachs National Park remains concerned that Scotland's first national park is being downsized

and, perhaps more important, that the sums that have been allocated for the next three-year cycle will not meet the needs of the new national park board. The amount should not be less than that recommended by SNH, which was the same as the 2000-01 level.

Moreover, by the end of the year, the Cairngorms park should approach an operational state and will require a similar sum for its operation. I fear that the Scottish Executive may therefore decide that a smaller sum is appropriate for the Loch Lomond and the Trossachs national park.

Scottish Natural Heritage has reviewed what the park will have to undertake. There is a considerable list and that has implications for staffing, accommodation, infrastructure and meeting the growing demands of the community futures programme.

I will give a flavour of some of the undertakings that the park will have to make. The emphasis is on developing a strong visitor management capability, which involves countryside recreation, rural tourism and environmental enhancement schemes in Loch Lomond and the Trossachs. The national park board will be responsible for many matters. When I submitted the petition, I attached Scottish Natural Heritage's advice to the Scottish Executive. I hope that everyone has had a chance to read it. SNH says that the figures that it established for the park have been overtaken by the large number of tasks that the interim committee will have to do. Page 4 of that advice gives a list of a dozen or more items that SNH advises the national park will have to do.

I ask the committee to petition the Scottish Executive to reconsider the sum that it has proposed to the interim committee—£4.8 million—and to ensure that, in the next three-year cycle, the figure that Scottish Natural Heritage recommends is maintained for the Loch Lomond and the Trossachs national park board and for the Cairngorms national park board.

**The Convener:** Thank you. Committee members may now ask questions. I will start.

We have been informed that the figure that Scottish Natural Heritage first supplied was for year 3 of operation. We should not compare the year 1 figure with the year 3 figure. It was always the Executive's intention to hit the year 3 figure that was recommended by Scottish Natural Heritage. In fact, the year 3 figure has increased since the initial figures were released.

12:00

**Dereck Fowles:** I accept that the Scottish Natural Heritage figure referred to year 3, but that



has been overtaken by events. First, the increased cost of living has altered the original figure. Secondly, increased demands have been placed on the interim committee by things such as the community futures programme, which is a programme to regenerate all 44 communities in and around the national park, but which is dependent on money from the interim committee. It will be dependent for its income on the national park board when that is set up. If the amount available to the national park board is restricted in years 1 and 2 because of financial considerations, the community futures programme may not meet the aspirations that it has engendered in the communities.

I contend that the Scottish Natural Heritage figure is as relevant for year 1 as it is for years 2 and 3. A budget of £5.3 million to £5.8 million is considerably less than that of the national parks in England and Wales, where the national parks have budgets and staffing levels that are commensurate with what is required. Those national parks have something like 110 staff. Although SNH talked about a figure of £5.3 million to £5.8 million for year 3, the needs of the national park demand that that figure be brought forward to years 1 and 2.

**The Convener:** The information that has been provided to the committee is that the national parks of England and Wales receive on average £4.6 million a year. That is less than the figure for the Loch Lomond and the Trossachs national park. The information appears in the Scottish Natural Heritage budget figures, which you provided. The figures are given in table 7.1, "Cost comparisons of the proposed National Park with other National Parks in the UK".

**Dereck Fowles:** Is that on page 5, which compares the £6.6 million budget for the Lake District national park with the suggested £5.3 to £5.8 million for the Loch Lomond national park? It also gives the budget for the North York Moors national park as £5.7 million and the budgets for the two smaller national parks in Dartmoor and the Broads as being £3.2 million and £3.5 million. Is that the table that you refer to?

**The Convener:** I am referring to the table that sets out the comparison between the national parks in Loch Lomond and the Trossachs, the Cairngorms, the Lake District and Snowdonia. The table also gives the average cost of the national parks of England and Wales.

**Dereck Fowles:** The only table that I have is on pages 4 and page 5.

**The Convener:** The table that I refer to is on page 80.

**Dereck Fowles:** The table on page 4 also details the number of full-time equivalent staff.

**The Convener:** I think that your basic point is that there is a shortfall in the year 1 and year 2 budgets.

**Dereck Fowles:** Yes. It is unlikely that the Scottish Executive will be able to increase the amount that it has already allocated to the interim committee. Although the interim committee is happy with the amount that it has received—and although I accept that the Scottish Executive has increased the sum offered—I am concerned that the increased demands on the Scottish Executive that will result from the Cairngorms national park will mean that the Executive will decide to downsize the allocation in the next three-year cycle. I ask the committee to petition the Scottish Executive to ensure that the sums allocated to the national park for the future are in accordance with the recommendations in "National Parks: Scottish Natural Heritage's Advice to Government".

**The Convener:** The Rural Development Committee has offered to consider the petition at its next meeting on 26 March, when it considers two draft instruments on the designation of the national park boundary. We could pass the petition to the Rural Development Committee.

**Dereck Fowles:** Would that fulfil my request?

**The Convener:** The Rural Development Committee would consider your petition when it considers the draft instruments on the park.

**Dereck Fowles:** I would be very happy indeed with that.

**The Convener:** I have also been informed that the minister will be present at the committee meeting and that members will have a chance to question him specifically on the points that you have raised.

**Dereck Fowles:** Are you saying that I can be present at the meeting?

**The Convener:** It is a public meeting, so you can certainly be present on the back benches. I am not sure that you will be able to question the minister, but the committee members will have your petition and a copy of our comments, which will allow them to raise with the minister the issues that you have raised. You can sit and watch.

**Dereck Fowles:** Okay. Thank you.

**The Convener:** As I say, the Rural Development Committee has offered to consider the petition in the light of the draft instruments that it will consider on 26 March. Do members agree to send the petition to the committee for its consideration?

**Members indicated agreement.**

### **Adoption Procedures (Black and Ethnic Minority Children) (PE472)**

**The Convener:** The next petition is PE472, in the name of Narinder Singh Sahota, which calls on the Parliament to investigate current practice in assessing adoption procedures for black and ethnic minority children and whether local authority social work departments are meeting their obligations in this area under the Race Relations (Amendment) Act 2000 and the Human Rights Act 1998.

The petitioners are concerned that black and ethnic minority children who are adopted into white Scottish families might be denied access to education about their ethnic and religious background. Furthermore, they cite laws such as the Race Relations (Amendment) Act 2000, the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002 and the Human Rights Act 1998 that local authorities and social work departments might be in breach of by not making provision.

The petitioners also point out that there have been a few attempts to carry out research into this issue, including the Scottish Executive's "Audit of Research on Minority Ethnic Issues in Scotland from a 'Race' Perspective", which was published in 2001. The report suggests that issues of heritage and racism were not being adequately addressed in Scotland. Similarly, a study that was undertaken in 2000 by Children in Scotland identified a lack of acknowledgement of the needs of those with minority religious beliefs within mainstream services, specifically with regard to adoption, fostering and education, and a failure to meet those needs. Furthermore, in a parliamentary debate on adoption and looked-after children in April 2000, the Executive announced its intention to commission a review of adoption policy in Scotland. The review is to focus on adoption within the range of services delivered by local authorities and the relevant specialist agencies, and is likely to cover the provision of post-adoption support and the rights of birth parents.

Therefore, it is suggested that the committee agree to seek the Executive's views on the issues raised in the petition and to request an update on the adoption policy review and an indication of whether the review is likely to cover such matters. We might also wish to copy the petition to the clerks to the relevant justice committee and the Equal Opportunities Committee for their information.

**Phil Gallie:** When will the matters be considered? As far as I am concerned—and I speak with some emotion on this issue—once a child has been adopted, he or she is as much a

child of the parents as would be any natural-born child. On that basis, the child becomes the responsibility of the parents.

I acknowledge the issues that lie behind the submission of the petition, although I would have thought that such matters would be considered carefully before a child is placed with adoptive parents. From a pre-adoption viewpoint, I have no difficulty with agreeing to the suggested action on the petition. That said, once a child is adopted, what happens is the responsibility of the parent.

**The Convener:** I think that the petitioners take a different view. As the Executive is carrying out a review of the whole issue, it is important to find out about how the review is developing and any likely results that might arise.

**Helen Eadie:** I agree. I am sorry, but I have to disagree with Phil Gallie. The petition raises deep philosophical issues about who we are, where we come from and all the rest of it. The whole function of education is to give people options and choices. It is important to ensure that children—particularly those from a different ethnic minority background—have those options, so that, when they come to make their own choices in life, they will be well informed. That is why I agree with the petition and with the action that the convener has recommended.

**The Convener:** We can revisit the petition when a response is received from the Executive. Is that agreed?

*Members indicated agreement.*

### **Sewerage and Industrial Waste Water Industry (PE473)**

**The Convener:** The next petition is PE473, from Mr Brian Turner, on airborne bacteria contamination. He calls on the Parliament to hold an inquiry into bio-aerosol and pathogenic problems relating to sewage and sludge in the sewerage and industrial waste water industry in Scotland, and to carry out an extensive study of the long-term effects of airborne contaminants on human health. He also asks whether existing legislation is adequate, given the changing nature of the sewerage and industrial waste water industry.

The petition was prompted by claims that high levels of airborne bacteria, exceeding the safe levels that have been laid down, were recorded on various dates in 1998 at the Edinburgh sewage treatment works at Seafeld. The petitioner details various types of harmful bacteria that East of Scotland Water recorded following background sampling on those dates. It is claimed that the bio-aerosol problem may have been further compounded by the introduction of recycled

sewage water by the water authorities and water companies as a much cheaper alternative to normal tap water. The petitioner goes on to confirm evidence from local witnesses of discharges of hazardous substances between 1986 and 1998.

The petitioner points out that various bodies are meant to monitor the situation. The water industry commissioner provides high-level advice to the Government on environmental matters. The Scottish Environment Protection Agency is the designated waste regulation authority in Scotland, and has a duty to ensure that waste management is carried out in compliance with the law. In fact, SEPA recently published a national waste strategy report.

It is suggested that we write to the Scottish Executive, SEPA and East of Scotland Water, seeking their comments on the issues raised in the petition. In addition, the committee may wish to request an update from SEPA regarding the relevant area waste strategy. We could pass a copy of the petition to the Transport and the Environment Committee for information only at this stage. Is that agreed?

**Members indicated agreement.**

### **Heavy Metal Poisoning (PE474)**

**The Convener:** The next petition is PE474, from Mr James Mackie, on heavy metal poisoning. At a previous meeting, we dealt with a petition from Mr Mackie on autism. Petition PE474 calls on the Parliament to take urgent steps to recognise the seriousness of the threat to children of heavy metal poisoning, and to appoint a non-medical controlled scientific review group to study all available relevant material on heavy metal poisoning and its link to childhood conditions.

As members will see from their papers, Mr Mackie believes that heavy metal poisoning is related to autism, attention deficit hyperactivity disorder, obsessive compulsive disorder, Tourette's syndrome and anorexia—each of which he deals with in turn—and the increased number of cases of those conditions in recent years. He claims that the symptoms of those conditions resemble those of heavy metal poisoning, and argues that a study of the composition of all vaccines should be conducted to determine whether they contain any non-medical components that may induce symptoms of heavy metal poisoning. In recent years, some evidence has emerged to support his claims.

It is suggested that we write to the Scottish Executive, seeking its views on the issues that are raised in the petition and to ask, in particular, whether any research of the nature that is proposed in the petition is under way or planned.

Is that agreed?

**Members indicated agreement.**

## Current Petitions

### Green-belt Development (PE435)

**The Convener:** The first current petition is PE435, which deals with policy and guidance on green-belt development. We dealt with this petition at our meeting on 15 January. It calls on the Parliament to investigate the Executive policy and guidance on green-belt development, whether it is sufficiently firm, and whether it is being upheld by local authorities. The petition was prompted by concern about the building of a new stadium for Aberdeen Football Club on land that is currently designated as green belt.

We wrote to the Executive and it has responded in detail to the points that we raised. On whether the Executive is content with the application of current green-belt policy by planning authorities, it obviously is. We asked whether the Executive has any plans to update the current guidance on development in the green belt, to which the answer was no, it has no immediate plans to do so. We asked if any exceptions to green-belt policy are likely to be made to allow developments relating to Scotland's bid to hold the Euro 2008 football tournament. It appears that the answer is yes. Under national planning policy guideline 11, on sport, physical recreation and open space, exceptions will be made for football stadiums, although they will be made within current planning procedures, which allow individuals to object and local public inquiries to be held in relation to any site that is selected.

We must remind ourselves that it is not appropriate for us to become involved in the planning proposal that has prompted the petitioner's concerns. Indeed, it would appear that the issue is being dealt with through the established planning process, because the structure plan has been modified in line with established procedure and objectors' concerns have been responded to. Objectors will have a further opportunity to have their concerns addressed should any particular site be identified as part of the local planning process.

On the more general issue raised by the petition—the need to review the green-belt policy—it appears that the Executive does not consider that such a review is necessary at present. In addition, the concerns raised in the petition relate to a particular development proposal in the petitioners' area. It is suggested that those concerns do not demonstrate sufficiently the need for a review of national planning policy on green-belt development. It is therefore recommended that we agree to advise the petitioners to continue to voice their concerns as part of the established planning process. It is also recommended that the committee take no further action other than to

copy the Executive's response to the clerk to the Transport and the Environment Committee for information.

12:15

**Phil Gallie:** I am not happy with the Executive's response. The words are fine but, quite honestly, the Executive is not practising what it preaches. I have a few illustrations of that.

In Ayr, a football ground in the green belt was cleared recently by the local authority to make way for a housing development. In accepting the situation, the Scottish Executive stood back and clearly went against guidance on green belts. Again in Ayr, a planning application was made for a football stadium—strangely enough—on a brownfield site. In line with the Executive's statement, the local authority made the point that the principle of the planning system is that decisions should be taken locally. A local planning decision that was accepted unanimously by the councillors who attended the meeting has been called in and blocked for almost two years by the Scottish Executive.

I read the words of the Executive's response, but I do not believe them. I would like a letter to be sent back to the Scottish Executive to say that it is not practising what it preaches.

**The Convener:** I see no reason why the committee cannot write to the Executive indicating the two examples given by Phil Gallie and asking it to comment. They obviously conflict with the information that the Executive has provided to the committee.

**Phil Gallie:** I am happy with that and grateful, convener.

**The Convener:** In the meantime, is the committee agreed that we will wait for further comments from the Executive before dealing with PE435?

*Members indicated agreement.*

### Advocacy (Mental Health) (PE436)

**The Convener:** The next petition is from Ms Marcia Ramsay on access to independent advocacy. The petition calls on the Parliament to take the necessary steps to ensure that, in the development of the proposed mental health bill, access to independent advocacy by individuals is implemented and a duty is placed on health boards and local authorities to make provision for collective advocacy in hospitals and communities.

The Executive has written back and confirmed that in its mental health policy statement for the first time there will be a legal duty on both NHS boards and local authorities to ensure that

independent advocacy services are made available for users of mental health services. That acknowledges the fact that users of such services are people who might particularly need advocacy services.

The Executive makes it clear that the proposed bill will support the petitioner's aims in improving access to independent advocacy. It explains that it will do that by the creation of a statutory duty on services to ensure that advocacy is generally available rather than by creating a right to advocacy.

The Executive also addresses the request made in the petition that there should be a legislative requirement for collective advocacy in hospitals and communities. It goes on to say that that form of advocacy is still in its infancy and should be allowed to develop through local negotiation and discussion rather than in response to statutory imposition.

The Executive also addresses the call in the petition for adequate resources for the development of advocacy services by confirming its previously announced position that the necessary resources will be made available for the implementation of the reforms. A mental health bill will be introduced in the Scottish Parliament later in 2002. That will provide the opportunity for the Parliament to consider those issues.

From the Executive's response, it appears that the aims of the petition are being met. However, further discussion and Parliamentary scrutiny are still to take place. It is suggested that we agree to copy the Executive's response to the petitioners to establish whether they are content with the current proposals and with the promise of continued dialogue in the time up to the introduction of the new bill.

**Dorothy-Grace Elder:** If you read the current annual report of the Mental Welfare Commission for Scotland, you will be struck by the need for independent advocacy. There are one or two cases of alleged rip-offs of vulnerable patients but not by staff. The first contact with someone who might be an independent advocate should come from the staff in an institution, who should be vigilant and should refer the patient who might not be capable of seeking out such a service.

**The Convener:** We are asking the petitioners first whether they are content with the response from the Executive or whether they have any issues, but we can raise the point that you make when we get their response.

**Helen Eadie:** We should approve the action that has been proposed.

**The Convener:** Is that agreed?

**Members** *indicated agreement.*

## Gaelic Language (PE437)

**The Convener:** The next petition is from Mr John Macleod on a Gaelic language act. We dealt with this petition at our meeting on 15 January. We have received a response from the Executive that refers to the response that it gave us on PE385, in which it provided details of the support that it provides to local authorities in respect of expenditure on Gaelic-medium education. The response to PE437 updates the details on the growth in the number of primary schools that offer Gaelic-medium education, which is up from 45 to 59, and the number of pupils who benefit from the service, which is up from 1,080 to 1,859.

From their papers, members will see the various steps that the Executive has set out. The Executive has given details of the progress that it is making on moving Gaelic-medium education forward. For example, from the 32 education authorities, the Scottish Executive education department has received 20 improvement plans, of which 12 mention plans for Gaelic-medium teaching. The minimum education authority response has been:

"no target has been set in relation to Gaelic medium education as there has been no demand at this stage".

Other authorities have included feasibility studies on the provision of Gaelic-medium teaching, while others have undertaken to maintain, extend or review existing standards of provision. One council has extended its remit to the promotion of the Gaelic language to adult learners.

A list of councils that mention Gaelic in their improvement plans and a list of councils from which no plans for Gaelic-medium education have been received are provided in the briefing paper. The briefing paper then deals with the targets for a dramatically increased number of Gaelic-medium pupils and learners, targets for increasing Gaelic-medium teachers, the promotion of Gaelic in the public services, the development of statutory state Gaelic education where there is a reasonable demand, funding and so on.

A key point is that the Executive has asked the ministerial advisory group on Gaelic to prepare a plan for Gaelic by the end of March. The group has been asked to advise on the effectiveness of the Executive's existing Gaelic programme, and to include recommendations on funding.

It appears that the Executive is satisfied with its current approach to the provision of Gaelic-medium education. It has given details of financial support that has been provided for Gaelic-medium education, Gaelic organisations and Gaelic broadcasting. It also makes clear that future funding for Gaelic and the co-ordination of public support for the language will be considered in light of the recommendations in the advisory group's report.

It is suggested that we agree to take no further action on the petition, on the basis that the advisory group's report will take into account the issues that the petition raises. It is suggested that following the publication of the report and the Executive's response, it would be open to the petitioners to submit a further petition if they are of the view that the report does not satisfactorily address the issues that the petition raises. In the meantime, we should copy the Executive's response to the clerk of the Education, Culture and Sport Committee for information only.

**John Farquhar Munro:** The Executive's response is fairly extensive, and contains a number of encouraging points. My concern, which is shared by the petitioners, is that everything is dependent on the whims and fancies of the Executive, albeit that its response to the petition suggests that it is supportive. The Executive is waiting for the advisory group's report, which is due by the end of March. That is to be welcomed, but our documents say that

"support for the language will be considered"

in light of the recommendations. That implies that the recommendations may not be as helpful as the Executive would hope. If that is the case, the language will be in a vulnerable position.

The petitioners' view is that a language act—the original suggestion was that we should have secure status for Gaelic, which has still not been achieved—would ensure permanent security for Gaelic. That is the petitioners' concern, although I am sure that they, like many of us, welcome the evident support in the Executive's response. In the interval before the advisory group's report comes to us, should we make the Equal Opportunities Committee aware of our concerns?

**The Convener:** Do you mean that we should pass the information that we have to the Equal Opportunities Committee and ask for its comments? Any committee of the Parliament—not necessarily the Equal Opportunities Committee—has the power to introduce bills of its own. It would be open to the Education, Culture and Sport Committee to introduce a Gaelic language bill, if it so desired. The petitioners could pursue that avenue if they are not happy with the report of the advisory group that will be produced at the end of March.

**John Farquhar Munro:** If the committee considers that to be the appropriate course of action, I am happy to accept it, as we have to wait only a few weeks for the report. However, I would like the Equal Opportunities Committee to be aware of the continuing debate about the language.

**The Convener:** It has been suggested that we hold back the petition until the end of March, when

we will have the advisory group's report—if it comes out at the end of March. That is the problem—the report has been promised for the end of March, but that does not mean that it will come out then.

**John Farquhar Munro:** That is just a couple of weeks' away, so the suggested course of action might be appropriate.

**Rhoda Grant:** I suggest that we send the Executive's response to the petitioners—there is not much point in our holding on to it. We should ask the petitioners to come back to us if they are not happy with the report that is published at the end of March. We could keep the matter pending until we hear back from the petitioners and then refer the petition to the Education, Culture and Sport Committee, if need be.

**The Convener:** That is fine—it would keep the petition alive and we can return to it. It would also give time for the report to be published. I thank Rhoda Grant. Are members agreed with that course of action?

*Members indicated agreement.*

### **Greater Glasgow NHS Board (Consultation) (PE453)**

**The Convener:** The final petition is from Father Stephen Dunn on the proposed secure unit in the Greater Glasgow NHS Board area. At our previous meeting, we agreed to postpone consideration of the petition until this meeting to give members time to consider its contents.

Greater Glasgow NHS Board's response defends its procedures in respect of the second consultation and tries to answer the various criticisms that were made of the process by the petitioners and Paul Martin, who is the local MSP.

Before we consider the suggested action, does Dorothy-Grace Elder wish to say something?

**Dorothy-Grace Elder:** The response is a classic fudge. Paul Martin and Fiona McLeod would be the first to agree with that. The board's line is that elements of the local community vehemently opposed the proposal, but there was massive opposition by a huge part of the community, stretching from the north of Glasgow down to Bishopbriggs. Father Stephen Dunn is concerned not just about the secure unit, but about its effect on the future of Stobhill as a major hospital. People continue to be outraged about the matter.

I was one of the MSPs who simply gave up on the scoring process. It was an effort to make the process look democratic when it was not. Indeed, from the start, the so-called consultation was not consultation at all. We were told what was being

done in the north of Glasgow. The public is still highly dissatisfied. There is about £12 million to spend on the unit and every occupant will cost about £100,000 a year. In that part of Glasgow, people are being denied medicines as a result of postcode prescribing. There is still public fury about the issue and consideration of the petition must continue.

**The Convener:** It is suggested that we cannot interfere in executive decisions of Greater Glasgow NHS Board—those are its responsibility and not the Parliament's. However, we could consider the petition as a test of the recommendations for improved consultation by health boards that were made by the Health and Community Care Committee following its consideration of the original petition about the siting of the Stobhill unit. It is suggested that the committee could agree to refer the petition and associated correspondence to the Health and Community Care Committee with a recommendation that that committee further consider the more general issues that the petition highlights in the context of its previous recommendations. In other words, did the consultation live up to the standards set by the Health and Community Care Committee in its original report?

**Phil Gallie:** I apologise in advance for levity on a serious subject, but the financial figures that Dorothy-Grace Elder gave pale into insignificance in comparison to those relating to the Scottish Parliament building.

**Dorothy-Grace Elder:** I am against that too.

12:30

**Phil Gallie:** That aside, other health authorities, particularly Lanarkshire NHS Board, Argyll and Clyde NHS Board, Ayrshire and Arran NHS Board, and—I think—Dumfries and Galloway NHS Board—have started in the right way by opening up their consultations. It might be worth while keeping them abreast of the situation that has developed and underlining the importance of continuing their good start to their consultation processes.

**The Convener:** The clerk has informed me that west of Scotland health boards will be conducting a consultation on future proposals and will be assessing what went wrong with the Stobhill one in order to learn from it.

I am sorry to tell Paul Martin, who has just arrived, that we are nearing the end of the discussion on PE453. However, as we have not finished, he will be able to speak on the matter. I will summarise for him what we have discussed.

As ever, we cannot interfere in the executive

decisions of Greater Glasgow NHS Board. However, we consider the matter to be a test of the recommendations on how consultation should be conducted that the Health and Community Care Committee made following the original petition about the Stobhill site. We are recommending that PE453 be referred to the Health and Community Care Committee, in the context of its previous recommendations, to ask that committee to consider further the more general issues that PE453 highlights.

**Paul Martin (Glasgow Springburn) (Lab):** I apologise for being late. I thought that the committee would discuss other petitions before discussing PE453. I waited across the road for that reason.

My first point is that there were inaccuracies in the board's response. I know that the committee has had a long morning and perhaps does not want me to discuss each of those inaccuracies. However, an important inaccuracy in the board's response is the claim that I was the only MSP who boycotted the scoring event. Dorothy-Grace Elder, who is present, is also a Glasgow MSP and I think that she will confirm that I was not the only MSP who boycotted that event. Correspondence that I received from Brian Fitzpatrick will also confirm what I say.

Misinformation has been provided to the Public Petitions Committee. The committee should pursue that important point. I will pursue the issue, because the correspondence that I have and which I should provide to the Public Petitions Committee, makes it clear that I was not the only MSP who decided not to take part in the final event, which was scoring option number 3. The Public Petitions Committee should pursue the fact that it has been provided with misinformation.

There are other inaccuracies in the board's response, particularly about the transport study that must be carried out in relation to the proposed closure of a hospital facility, such as the closure of east end mental health services at Parkhead hospital. As members will be aware, the legislation is clear that, prior to the closure of a hospital facility, a transport study must be carried out. The board says in its response that the transport study will take place later, although it has already decided to close the Parkhead facility. That is a serious discrepancy in the implementation process. The petitioners made the point that that decision about the transport study was pointing a loaded gun to ensure a decision in favour of the Stobhill site.

My final point is about the board not wanting to hold an event at which we would disagree with each other. The board did not want to have mixed scoring groups that consisted of MSPs, councillors and community representatives because it claimed

that we would not reach a consensus. On that point, I remind the convener that he and I are members of a parliamentary party that disagrees on many issues, but that does not mean that we are forced to join other parties. As much as some people might often want that line to be followed, we are not herded into separate political parties in which we all agree with each other. I have made the point on several occasions that the design of the scoring process was carefully manipulated to ensure that the outcome would be the choice of Stobhill.

A much broader issue for the Health and Community Care Committee to consider, beyond the consultation process—as members will know, I have raised that issue in my member's bill proposal—is the broader issue of misinformation that has been provided to the Public Petitions Committee. That is a serious issue for Parliament and this committee. However, there is also the issue of how the consultation process was designed to ensure that the Stobhill site was chosen. The Health and Community Care Committee should consider that issue—not to change the decision, but to look at the way in which it was made.

**The Convener:** It strikes me that if the Public Petitions Committee challenges the board on what you said about misinformation to the committee, the process will be delayed. If we pass the petition to the Health and Community Care Committee, it can start work immediately. We would have to wait for the board's response, which we would eventually send to the Health and Community Care Committee, so the petition would just be delayed from going to that committee for weeks.

**Paul Martin:** I appreciate that, convener. I must raise one point with you, and perhaps with the Presiding Officer. The board's response is misinformation. The board shows contempt of the committee by advising it that I was the only MSP who did not participate in the event.

In fact, neither Dorothy-Grace Elder, who is a committee member and an MSP for Glasgow, nor Fiona McLeod, who attended the meeting at which the petition was first discussed, participated. I have correspondence from Brian Fitzpatrick and letters that I sent to the board to advise it on behalf of my fellow Labour MSPs who represent Glasgow that we would not participate in the event because we were concerned about the design of the scoring groups. That makes it clear that we would not participate in the event.

Misinforming the committee is serious. The committee and the Parliament must pursue that issue. Unelected quangos cannot provide the Parliament with inaccurate information. We must take a stance on that.

**Rhoda Grant:** I suggest that we refer the petition to the Health and Community Care Committee and refer Paul Martin's other points to the Standards Committee. It is important not only for this committee, but for every committee, to ensure that information is accurate. That small part of the matter should go to the Standards Committee, while the petition should go to the Health and Community Care Committee.

**The Convener:** That is helpful. We could refer the petition to the Health and Community Care Committee to consider the process and whether it met the standards that have been set. We could give the board a chance to respond to what has been said before we consider whether to refer some issues to the Standards Committee. The board must have the chance to respond first.

**Dorothy-Grace Elder:** We might delay the process and go over the top by referring issues to the Standards Committee. Writing to the board first might be enough to obtain an admission and an apology. The *Official Report* of Paul Martin's comments should be given to the Health and Community Care Committee, along with the other paperwork that we pass on. That will make clear his and all our positions.

**The Convener:** I am advised that it is better procedurally if we give the board a chance to respond before we go further. Do we agree to write to the board first for its response?

**Paul Martin:** Will the committee ask the board to say whether it received correspondence from my colleagues, including Brian Fitzpatrick and Fiona McLeod? The board has made a serious suggestion in its letter. If the board did receive correspondence from my colleagues, the Parliament will have to consider what further action it will take in relation to a health board that has misinformed a committee and had information at its disposal that contradicted what it was saying.

**The Convener:** We will ask the board whether it received correspondence from Fiona McLeod and Brian Fitzpatrick. Is there anyone else?

**Paul Martin:** I have also sent correspondence about a member of the board's staff against whom I have made a formal complaint. I do not want to give the committee that information, unless it wants me to. The complaint has not been dealt with. In that correspondence, I said that my colleagues and I would not participate in the event, because mixed scoring groups were not being used. I will provide that letter if the committee wants me to, but it relates mainly to my complaint against a senior member of the board's staff. I would like that complaint to be concluded before I provide the information, but if the committee wants me to provide the letter, I will do so.



**The Convener:** It has been suggested that we ask the board whether it has received that correspondence. We do not need to see the correspondence at this stage.

**Dorothy-Grace Elder:** Could we also ask the board which groups and councillors allegedly agreed with its plans?

**The Convener:** We have that information—the clerk can provide it.

**Dorothy-Grace Elder:** I met only very angry councillors from outside Glasgow, who did not agree with the way in which the process was being handled.

**The Convener:** Any member who wants the information can just see Steve Farrell.

**Dorothy-Grace Elder:** Thank you.

**The Convener:** Are the proposals agreed to?

**Members** *indicated agreement.*

## Convener's Report

**The Convener:** Members will remember PE428, which related to Binny House. We have dealt with the petition, which is no longer current, but we have received helpful and comprehensive information from NHS Lothian about its attempts to save Binny House. That is available to any member who is interested. We will send the information to Bristow Muldoon, because he was the most active member on the issue, and to the petitioners.

I thank members for their patience and forbearance during a long morning.

*Meeting closed at 12:40.*



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