

PUBLIC PETITIONS COMMITTEE

Tuesday 24 September 2002
(*Morning*)

Session 1

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2002.

Applications for reproduction should be made in writing to the Copyright Unit,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by The
Stationery Office Ltd.

Her Majesty's Stationery Office is independent of and separate from the company now
trading as The Stationery Office Ltd, which is responsible for printing and publishing
Scottish Parliamentary Corporate Body publications.

CONTENTS

Tuesday 24 September 2002

Col.

NEW PETITIONS	2226
“A Fresh Start for Gaelic” (PE 540).....	2226
Alcohol and Drug Misuse (PE 531).....	2257
Landfill Sites (PE 541 and PE 543).....	2265
Scottish Airports (Access to Public Roads) (PE 528).....	2277
Civil Law Enforcement System (PE 529).....	2277
Title Conditions (Scotland) Bill (PE 532 and PE 533).....	2278
CURRENT PETITIONS	2280
Food Premises (Licensing) (PE 446).....	2280
Educational Provision (Children with Special Needs) (PE 516).....	2281
Criminal Memoirs (Publication for Profit) (PE 504).....	2283
Commissioner for Bullying (PE 412).....	2284
Telecommunications Developments (Planning) (PE 425).....	2287
Gaelic Language (PE 437).....	2288
Wind Farms (North Argyll) (PE 493).....	2288
Fife NHS Board (Right for Fife Business Plan) (PE 498 and PE 499).....	2290
Digital Hearing Aids (PE 502).....	2292
Scottish Judiciary (Public Register of Interests) (PE 519).....	2293
INADMISSIBLE PETITIONS	2295
Low-flying Jets (IP 27).....	2295
West Dunbartonshire Council (IP 28).....	2296
Yangtze Incident (Memorial) (IP 29).....	2297

PUBLIC PETITIONS COMMITTEE

14th Meeting 2002, Session 1

CONVENER

*Mr John McAllion (Dundee East) (Lab)

DEPUTY CONVENER

*Helen Eadie (Dunfermline East) (Lab)

COMMITTEE MEMBERS

*Dorothy-Grace Elder (Glasgow) (Ind)
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)

COMMITTEE SUBSTITUTES

Irene McGugan (North-East Scotland) (SNP)
Mrs Lyndsay McIntosh (Central Scotland) (Con)

*attended

THE FOLLOWING ALSO ATTENDED :

Dr James Buchanan (Roslin Community Action Group)
Rob Dunbar
Murdo Fraser (Mid Scotland and Fife) (Con)
Robin Harper (Lothians) (Green)
Cathaidh Màiri Nic a' Mhaoilein (Strì nan Oileanach)
Maureen Macmillan (Highlands and Islands) (Lab)
Iain MacLeòid
Iain M Macleòid
Ian Robinson

CLERK TO THE COMMITTEE

Steve Farrell

ASSISTANT CLERK

Joanne Clinton

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Tuesday 24 September 2002

(Morning)

[THE CONVENER *opened the meeting at 10:03*]

The Convener (Mr John McAllion): Welcome to the 14th meeting in 2002 of the Public Petitions Committee. We have received apologies from Winnie Ewing. I give a warm welcome to Maureen Macmillan, who is at the committee because of petition PE540 on Gaelic; Murdo Fraser, who is at the committee because of PE531 on alcohol and drug dependency; and Robin Harper, who is at the committee because of a petition on I do not know what—I understand that it is PE541 on landfill sites.

New Petitions

The Convener: Members will see on their agendas that the first petition should be PE531 from Mr and Mrs Robinson, calling for adequate funding for local agencies to support and treat those suffering from alcohol and drug dependency. Unfortunately, Mr and Mrs Robinson have not arrived yet so, if members agree, we will move on to the second petition, on the need for a Gaelic language act, and return to Mr and Mrs Robinson's petition when they arrive.

Members indicated agreement.

“A Fresh Start for Gaelic” (PE540)

The Convener: PE540 is on the implementation of the recommendations in “A Fresh Start for Gaelic”. With us we have Ms Cathy Mary MacMillan, on behalf of—I will not say the Gaelic name, but I believe it translates as “students’ struggle”. We also have Mr John M Macleod, Mr Rob Dunbar and Mr Iain MacLeod.

I understand that Ms MacMillan will make a presentation in Gaelic. If members wish to use their headphones, they should press the green button. Channel 2 will already have been preset, which will allow us to listen to the interpretation.

The usual rules apply: Ms MacMillan will have three minutes to make her formal presentation, after which I will open the meeting up for questions from committee members.

Cathaidh Màiri Nic a’ Mhaoilein (Strì nan Oileanach): Tha e mar dhleastanas air Riaghaltas na h-Alba a bhith a’ seasamh còirichean na Gàidhlig—cànan a bhuineas do dh’Alba agus mion-chànan Eòrpach. Tha ceartas air taobh na Gàidhlig. A bheil i nas lugha luach na cànan na Cuimrigh? A bheil na Gaidheil nas lugha cudthrom na tha na Cuimrich?

Tha a’ Ghàidhlig air a bhith air a bruthadh agus air a mùchadh tro eachdraidh. Thog i a guth a-rithist an dèidh uachdranas nan Lochlannach. Tha gach Riaghaltas bho àm Chùil-lodair air a ceusadh. Ged nach deach spiorad na Gàidhlig a bhriseadh, tha i an-diugh a’ laighe air leabaidh a bàis. Mo nàire mhòr air Riaghaltas na h-Alba, ma chithear e tro shùilean an t-saoghail a’ bualadh nan tàirghean deireannach na ciste-laighe, gus a tiodhlaiceadh ann an uaigh an duine bho chd—*a pauper’s grave—gun urram.*

Tha luach sònraichte aig a’ chànan anns an là-an-diugh. Tha seachdnar chloinne agamsa a tha air an oideachadh tron Ghàidhlig. Tha mi-fhìn a’ dèanamh cùrsa ceum ann an cànan agus cultar na Gàidhlig aig Colaiste a’ Chaisteil ann an Steòrnabhagh. Sin agaibh meud a’ chreideimh a tha agam anns a’ Ghàidhlig. Tha an dualchas agam mar fhuil mo chridhe.

Tha guthan às gach ceàrnaidh de dh'Alba—chan ann a-mhàin às a' Ghaidhealtachd—a' glaothaich tro dhuilleagan athchuinge Strì nan Oileanach. Tha daoine ag iarraidh an cothrom airson an cuid chloinne cànan nàiseanta na h-Alba ionnsachadh. Tha guthan às gach ceàrnaidh den t-saoghal a' seasamh còirichean cànan nan Gaidheal agus a' gabhail uabhais nach eil uail aig ar Riaghaltas fhìn anns a' chànan.

Tha fiosrachadh a tha mì-chothromach gu tric a' nochdadh anns na meadhanan agus bho mhinistear na Gàidhlig fhèin. Cha deigheadh a' Ghàidhlig a sparradh air duine sam bith, agus bhiodh e mar uallach air saoghal na Gàidhlig fhèin ùidh an t-sluaigh a thogail. Sin a rinn an athchuinge. Chan eil sinn ag iarraidh ach an ceartas air a bheil sinn airidh—inbhe thèarainte dhan Ghàidhlig tro achd Phàrlamaid airson Alba air fad agus molaidhean aithisg Mheek gun dàil.

Tha mi ag iarraidh oirbh comhairle a thoirt air an Riaghaltas gun a bhith a' tomhais chosgaisean achd Gàidhlig ann an airgead a-mhàin, ach beachdachadh air a' chall, nach gabh a thomhais, ma bhàsaicheas an cànan urramach, uasal seo. Tha mi ag iarraidh air an Riaghaltas cuimhneachadh gun robh uail gu leòr aig Alba innte fhèin is gun do dh'iarr sinn fèin-riaghlaidh. Nach bu chòir dhuinn a bhith pròiseil gu bheil cànan nàiseanta againn ann an Alba, a bha againn ron Bheurla?

Tha sibh air aithisg Mheek a leughadh. Tha sibh air aithisg Mhic a' Phearsain fhaicinn. Tha sibh uile eòlach agus fiosrach air còirichean a' chinne-daonna. Fàgaidh mi sibh le facail Alasdair Mhoireasdain nuair a bha e na mhinistear airson na Gàidhlig. I shall revert to the lesser language:

"Gaelic is a precious jewel in the heart and soul of Scotland. It is not constrained within strict boundaries or herded into tight corners. Gaelic is national, European and international. It is fundamental to Scotland; it is not on the periphery or on the fringes. It must be normalised and its rights must be secured."—[*Official Report*, 2 March 2000; Vol 5, c 388.]

Tha gach facal fìor agus ceart. Tha mòran ghuthan gan togail a' toirt taic dhan Ghàidhlig agus is ann nas làidire a dh'fhàsas iad.

Following is the simultaneous interpretation:

Thank you, convener and committee members. The Scottish Executive has a responsibility towards the Gaelic language—a language that belongs to Scotland but is a minority language within Scotland. Gaelic has rights. Is Gaelic less worthy than Welsh? Are the Gaels less important than the citizens of Wales?

Gaelic has been suppressed and silenced through history. Gaelic was heard again following Viking rule, but every Government since Culloden has crucified the language. Although the spirit of

Gaelic was never completely wiped out, Gaelic is now on its deathbed. The Scottish Executive should be ashamed of itself if it is seen, in the eyes of the world, to be hammering the final nails into Gaelic's coffin, for it to be buried in a pauper's grave and given no respect.

Gaelic is of special worth these days. I have seven children, all of whom are being taught through the medium of Gaelic. I am studying for a degree in Gaelic language and culture in Lews Castle College in Stornoway. That is how much I believe in this language of mine. My heritage and culture flow through my veins.

Voices from all corners of Scotland are being heard through the petition of Strì nan Oileanach—the voices of people who desire to give their children the opportunity to learn Scotland's national language. They are not just in the Highlands and Islands: people throughout the world strive to uphold the Gaelic language and find it incredible that our own Government does not see the worth of the language.

Inaccurate information often appears in the media—even from the minister responsible for Gaelic. Gaelic would not be forced on anyone. The Gaelic community itself would undertake the responsibility of raising awareness. That is what this petition has done. All we ask is the justice that we are due—secure status for Gaelic throughout Scotland through an act of Parliament, and the implementation of the recommendations of the Meek report without delay.

I would ask the committee to ask the Executive to avoid measuring the cost of a Gaelic act exclusively in financial terms, and to concentrate on the immeasurable loss it would be if this worthy language were wiped out. I would remind the Executive that Scotland was proud enough of herself to request devolution; should we not be proud that we have a national language in Scotland, which we had long before we had English?

Members will have heard of the Meek report, and will have seen the Macpherson report. You all know about human rights.

I will end with a quotation from Alasdair Morrison when he was the minister with responsibility for Gaelic. I shall revert to the lesser language:

"Gaelic is a precious jewel in the heart and soul of Scotland. It is not constrained within strict boundaries or herded into tight corners. Gaelic is national, European and international. It is fundamental to Scotland; it is not on the periphery or on the fringes. It must be normalised and its rights must be secured."—[*Official Report*, 2 March 2000; Vol 5, c 388.]

Every word of that quotation is right and true. Many have spoken to support the Gaelic language, and those voices will become stronger.

The Convener: That was very eloquent. Before the committee asks questions, Maureen Macmillan will speak in support of the petition.

Maureen Macmillan (Highlands and Islands) (Lab): That was a powerful message from Cathy Mary MacMillan. I support the idea that too many delays have occurred. The Executive has progressed Gaelic through Gaelic-medium education and so on, but not quickly enough for many Gaels who feel that time is running out.

The board for Gaelic in Scotland has been given the go-ahead, but still has no members. Many of us are concerned that the process is too slow. We would like the board to be in place quickly, so that work can begin on the Gaelic language and progressing the Gaelic language—particularly through a Gaelic language act, on which the board should lead.

We are nearly at the end of the Parliament's first session, and I emphasise that many people feel that not enough has been done. I hope that the Parliament will make a strong commitment to progressing the language in the near future.

The Convener: Before the meeting, I wrote to the Minister for Tourism, Culture and Sport, Mike Watson, to ask for his position on a Gaelic language bill and on the member's bill that Mike Russell might introduce. We received a reply from the minister this morning, which has been circulated to committee members. For everyone else's information, I will read the ministers' letter into the *Official Report*. The letter says:

"The Report, published on 22 May, was produced by the Ministerial Advisory Group on Gaelic, chaired by Professor Donald Meek. The Group was set up in December 2000 to advise Ministers on the preparation of a strategic plan for Gaelic.

The Group recommended that a new Gaelic development agency should be established as soon as possible to plan for Gaelic across Scotland in co-operation with other public bodies. In speaking to the Comunn na Gàidhlig congress on 14 June I announced that the Executive would set up the agency later this year. Advertisements for the Chair and other Board members of Bòrd Gàidhlig na h-Alba have been placed, and the applications are now being considered; other arrangements for the new public body are going ahead.

The Report also called for a Gaelic Language Act to give effect to the proposals for Secure Status for Gaelic set out in Comunn na Gàidhlig's paper in December 1997. Some of the proposals have already been adopted, such as bilingual signage in the Scottish Parliament, while one (the reference to the Race Relations Act 1976) is outwith the competence of the Scottish Parliament. Overall, progress in Gaelic has been made, consistent with the aims of Secure Status.

The advocates of Secure Status, including the Petitioners, are calling for legislation to give recognition to Gaelic as a language valid for public business in Scotland. As we are setting up a new public body for Gaelic, it would be appropriate to seek its advice on the terms of such legislation, in particular on what would best support the

Executive's policy intentions and on what should be permitted that is not administratively possible at present.

The Executive has increased its support for Gaelic in a programme of over £13m a year. I will shortly announce the outcome for Gaelic of the recent Spending Review ...

In these circumstances one option would be a short Gaelic Language Act which would reflect the progress that has been made. As you noted in your letter, the Member's Bill lodged by Mike Russell might be a suitable way of marking the status which Gaelic now has. However, I will naturally have to see the terms of the Bill before I can advise my colleagues on the position which the Executive should take."

We understand from the non-Executive bills unit that Mike Russell's bill is likely to be introduced some time between October and Christmas.

I open the meeting to questions in Gaelic or English, but I suspect that few of us can ask questions in Gaelic.

10:15

Rhoda Grant (Highlands and Islands) (Lab): The petitioners have heard the response from the minister, who says that he is not against a Gaelic bill, although he would want the board to consider the terms of such a bill before it was introduced. Do you agree with that, or do you want something now, even just looking at the retrospective changes that have been made?

Rob Dunbar: Tha mi a' strì às leth na Gàidhlig ach tha mi cuideachd nam eòlaiche-lagha aig Oilthigh Ghlaschu. Anns a' phrìomh rannsachadh a tha mi a' dèanamh, tha mi a' coimhead air laghan nam mion-chànan agus air suidheachadh nam mion-shluagh air feadh an t-saoghail. Dh'aontaich a h-uile duine a thug sùil air an t-suidheachadh gu ruige seo gu bheil cruaidh fheum againn air achd Gàidhlig, stèidhichte air molaidhean Comunn na Gàidhlig. Tha aithisg Mhic a' Phearsain, a thàinig a-mach bho chionn bliadhna no dhà, agus a' bhuidheann aig Dòmhnall Meek ag aontachadh gu bheil cruaidh fheum againn air achd Gàidhlig stèidhichte air na molaidhean sin.

Tha na molaidhean stèidhichte air best practice—mar a chanas sinn anns a' Bheurla—a tha sinn a' faicinn air feadh na Roinn Eòrpa agus air feadh an t-saoghail. Tha mi fhìn a' coimhead air dìreach mar leisgeul eile. Tha fios aig a h-uile duine a tha an sàs ann an leasachadh na Gàidhlig gu bheil cruaidh fheum againn air achd Gàidhlig stèidhichte air na molaidhean aig Comunn na Gàidhlig. Is e an aon duan a tha aig a h-uile eòlaiche a thàinig dhan dùthaich, nach biodh e comasach ath-bheothachadh a thoirt air mion-chànan sam bith gun achd a tha stèidhichte air còirichean daingeann agus poileasaidhean làidir. Is e sin an aon teachdaireachd uair is uair. Tha mi a' tuigsinn gu bheil na h-oileanaich ag ràdh gu

bheil an t-àm seachad airson beachdachadh air rud a tha cho follaiseach ri grian an làtha. Sin an teachdaireachd a bhiodh agam dhan mhinistear agus dhuibhse cuideachd.

Following is the simultaneous interpretation:

I am fighting for Gaelic, but I am also a law expert in the law department of the University of Glasgow. My primary research at the moment is the law relating to minority languages and the situation of minority peoples throughout the world.

It is agreed by all those who have considered the situation that we desperately need a Gaelic language bill based on the Macpherson report and the Meek report. The Macpherson report stressed that we need a Gaelic bill, and Donald Meek's group has also admitted that we need such a bill based on its recommendations and on best practice in Europe and throughout the world. However, I see that as just another excuse. All those who are involved in Gaelic development know that we desperately need a Gaelic bill based on Commun na Gàidhlig's recommendations. All the experts who have come to this country have agreed that it is not possible to revitalise a language without its having secure status based in an act. The students have said that the time for talking about it is past and that we now need to work on the bill and act on those recommendations. That is the message that we have for you and the ministers today.

Iain M Macleòid: Bu mhath leam dìreach cur ris na thuirt Rob Dunbar. Bu chòir ar n-aire a tharraing gu na thachair bho chionn ghrunn bhliadhnaichean nuair a dh'iarr Calum Dòmhnallach, a bha na mhinistear sa Riaghaltas, gun deigheadh dreachd de dh'achd Gàidhlig ullachadh. Chaidh sin a dhèanamh agus chaidh a chur chun an Riaghaltais. Tha grunn bhliadhnaichean bhon uair sin, ach cha do thachair càil. Thathas a-nis ag ràdh gum feumar comhairle fhaighinn bho bhòrd Gàidhlig na h-Alba. Mar a thuirt Rob, chan eil càil ann an sin ach dìreach dàil eile sa ghnothach. Tha am fiosrachadh aig an Riaghaltas a fhuair a bha chionn ghrunn bhliadhnaichean.

Following is the simultaneous interpretation:

I would like to add to what Rob has said. We should focus on what happened a few years ago, when Calum Macdonald, who was a minister in the Government, said that a draft of a Gaelic bill would be prepared. That draft was sent to the Government many years ago, and nothing has happened since then. We have been told that the Government must take advice from bòrd Gàidhlig na h-Alba but, as Rob Dunbar says, that is just another excuse to delay the bill. The Government already has the information that is needed, which was given to it many years ago.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): Madainn mhath, a chàirdean, agus fàilte oirbh uile chun na coinneimh. Mar a thuirt sibh, tha iomadh aithisg air tighinn a-mach thairis air na bliadhnaichean agus iomadh moladh airson adhartas a dhèanamh ann an saoghal na Gàidhlig, ach is e glè bheag a tha a' tachairt. Tha sin a' cur dragh air mòran air a' Ghaidhealtachd, gu h-àraidh feadhainn aig a bheil meas air a' Ghàidhlig.

Bho chionn dà bhliadhna air ais, bha buidheann ag obair airson adhartas a dhèanamh, a bha fo stiùir Sheonaidh Ailig Mhic a' Phearsain, agus cha robh an Riaghaltas toilichte leis an sin. Dh'iarradh an uair sin sgrùdadh a dhèanamh a-rithist agus fhuair sinn na beachdan aig buidheann Dhòmhnail Meek. Mar a tha mise a' tuigsinn, chan eil mòran a' tachairt a dh'aindeoin an sgrùdaidh. Dè bhiodh sibh airson tachairt anns a' chiad àite? Tha fios agam gu bheil mòran air a' Ghaidhealtachd agus buidhnean mar sibh fhèin ag iarraidh inbhe thèarainte airson na Gàidhlig, ach am bu chòir dhuinn ceumannan a ghabhail roimhe sin airson gum bi a h-uile rud deiseil agus freagarrach mas tig inbhe thèarainte a-staigh?

Following is the simultaneous interpretation:

Good morning, and welcome to the meeting. As you say, many reports have been submitted to the Government over the years, all recommending progress on Gaelic. However, we have seen very little progress. That bothers many people in the Highlands, especially those who are interested in Gaelic.

About two years ago, a group led by John Alick Macpherson was working to make progress on the issue. The Executive was not happy with that group's report, so it asked for another report, which we got from Donald Meek. However, there is still little happening. What do you want to happen in the interim? Many people in the Highlands and groups such as yours are looking for secure status for Gaelic. Are there any steps that we should take before secure status is granted, to ensure that everything is in place?

Iain M Macleòid: B' urrainn dhuinn aon rud a dhèanamh nach cosgadh mòran a bharrachd— barrachd cloinne a thàladh dhan t-siostam foghlaim tro mheadhan na Gàidhlig. Aig an ìre seo, chan eil ach 300 leanabh a' tighinn a-steach gu clas a h-aon sa Ghàidhlig gach bliadhna air feadh Alba, agus tha 1,500 duine le Gàidhlig a' bàsachadh a h-uile bliadhna. Mar sin, tha ar cànan a' seargadh a h-uile bliadhna. Nam biodh fìor iomairt ga dèanamh airson barrachd cloinne a thàladh a-steach dhan t-siostam, bhiodh luchd-labhairt againn am measg an òigridh a chumadh ar cànan beò agus fallain san àm ri teachd.

Dh'fhaodadh iomairt dhan t-seòrsa a dhol air adhart, eadhon aig an ìre seo, ach dh'fheumadh taic fhaighinn bho na comhairlean airson an t-siostam a chumail a' dol agus a neartachadh. Roimhe seo bha duilgheadas ann, oir cha robh na comhairlean deònach airgead gu leòr a chur a-steach dhan t-siostam. A chionn 's nach eil tèarainteachd aig a' chànan, chan eil còirichean aig pàrantan foghlam Gàidhlig fhaighinn far a bheil iad ga iarraidh.

Following is the simultaneous interpretation:

One thing that we could do quickly, which would not cost much, would be to have more children taken into the Gaelic-medium education system. At this stage, only about 300 children come into primary 1 in Gaelic-medium education every year throughout Scotland. On the other side of the coin, 1,500 Gaelic speakers die every year. That means that our language keeps dying every year. If more was being done to attract more children into the Gaelic-medium system, we would have more Gaelic speakers among the youth, which would keep our language alive and healthy.

That kind of initiative could be implemented, but we would need support from the local authorities to maintain and strengthen the system. That is where we have failed in the past. Because the councils are not willing to pump money into the system, we have no security and are not able to give parents the right to have their children educated in a Gaelic-medium system, where that is desired.

John Farquhar Munro: Tha mi ag aontachadh, ach tha mi a' tuigsinn gu bheil duilgheadas ann cuideachd, a chionn 's nach eil gu leòr luchd-teagaisg againn airson a bhith a' teagasg tro mheadhan na Gàidhlig. Tha fios agam gu bheil sgoiltean air a' Ghaidhealtachd anns a bheil iad deònach a bhith a' teagasg Gàidhlig, ach chan eil cothrom aca sin a dhèanamh air sgàth gainnead luchd-teagaisg. A bheil beachdan sam bith agaibh mu dheidhinn sin? Dè bu chòir tachairt? Tha fios agam gum biodh oileanaich no luchd-teagaisg a tha anns an dreuchd an-dràsta deònach gu leòr a dhol dhan oilthigh agus cùrsa a dhèanamh nam biodh iad a' faighinn beagan taice airson sin a dhèanamh.

Following is the simultaneous interpretation:

I agree with everything that you said, but I understand that there would be difficulties with the fact that there are not enough teachers willing or able to teach through the medium of Gaelic. I know that there are schools in the Highlands that are willing to provide Gaelic-medium education but cannot do so because there is a dearth of teachers. Have you any ideas as to what we can do to solve that problem? I know that there are some people who are in teaching posts who would

be willing to go to university to study Gaelic if they were given support.

Iain M Macleòid: Dh'fhaodadh sgeamaichean sònraichte a stèidheachadh—incentive schemes, mar a chanas sinn sa Bheurla—airson barrachd tidsearan a thàladh gu bhith a' teagasg tro mheadhan na Gàidhlig. Tha e comasach iomairtean dhen t-seòrsa sin a chur air adhart, agus cùrsaichean bogaidh agus an leithid a stèidheachadh, airson barrachd a thoirt a-steach dhan t-siostam. Aig an ìre seo, chan eil gu leòr ga dhèanamh airson barrachd luchd-teagaisg a thàladh gu bhith a' teagasg tro mheadhan na Gàidhlig.

Following is the simultaneous interpretation:

Incentive schemes could be established to attract more teachers into Gaelic-medium education. It is possible that initiatives such as immersion courses would bring more people into the system. At this stage, however, not enough is being done to bring teachers into the Gaelic-medium system.

Iain MacLeòid: Is mise Iain MacLeòid bho Chomunn Gàidhlig Lunnainn. Tha mi a' cur mo thaic ris an rud a thuirt an t-Iain Macleòid eile. Air feadh Bhreatainn, ma tha cuspair anns a bheil duilgheadas aig an Riaghaltas luchd-teagaisg ùr a tharraing a-steach, thathas a' cur barrachd airgid a-steach dhan ghnothach. Shaoilinn gum biodh e freagarrach sin a dhèanamh dhan Ghàidhlig cuideachd. Mas e nach eil luchd-teagaisg gu leòr ann, bhiodh e furasta an aon rud a dhèanamh, agus bhiodh sin na thaic cuideachd. Feumaidh dòchas a bhith aig daoine òga gum bi e gan soirbheachadh fad am beatha a bhith a' bruidhinn agus a' cleachdadh a' chàinain. Ma chì daoine gum bi cothroman aca tro bhith a' teagasg no tro obraichean eile ann an Gàidhlig, is e rud mar sin a chumas a' Ghàidhlig beò.

Nuair a thòisich Pàrlamaid ùr anns na togalaichean brèagha agaibh ann an Dùn Èideann, feumaidh mi aideachadh gu robh sinne ann an Lunnainn làn dòchais. Feumaidh mi ràdh gu bheil sinn uabhasach tàmailteach nach eil gnothaichean air gluasad. Tha cuid againn ann an Lunnainn air aontachadh gu bheil sinn a' dol a thòiseachadh a' ceasnachadh carson a tha Pàrlamaid ann an Alba mur a bheil i a' dèanamh rudeigin airson ar càinain. Tha mi a' smaointeachadh gu bheil e ceàrr gu bheil Pàrlamaid ann an Alba, ann an dòigh, nas slaodaiche na Pàrlamaid ann an Lunnainn.

Following is the simultaneous interpretation:

I am from the Gaelic Society of London and I support what John M Macleod said. I know that, throughout Britain, the Government pumps money into places in which it has difficulty attracting new teachers. It would be suitable to do the same for

Gaelic. If there are not enough teachers, it should be simple enough to raise the numbers by putting more money and incentives into the system. Young people need to be encouraged to speak the language and need to know that it is a lifelong language. If young people know that there will be opportunities to teach or work with Gaelic in later life, they will continue to learn it. We need to give them hope.

In London, when the Scottish Parliament opened in these lovely buildings in Edinburgh, we were full of hope about what would happen with regard to Gaelic. I have to admit that we are disappointed that things have not progressed as far as we would wish. Some of us in London have agreed that we will begin to question why there is a Parliament in Scotland if it is doing nothing for our language. It is wrong that there is a Parliament in Scotland that, in a way, moves more slowly in relation to Gaelic than the Westminster Parliament ever did.

Rob Dunbar: Tha mi a' dol air ais gu na molaidhean aig Comunn na Gàidhlig, agus aig Meek agus Mac a' Phearsain, airson achd Gàidhlig. Tha an suidheachadh foghlaim a' sealltainn dhuinn dìreach carson a tha còirichean lagha cho cudthromach. Chan eil prìomhachas sam bith aig foghlam tro mheadhan na Gàidhlig san t-siostam. Airson chomhairlean ionadail, is e am prìomhachas mu dheireadh a th' aig a' Ghàidhlig, mar is trice. Tuigidh tu carson, oir tha an t-uabhas aca ri dhèanamh.

Is ann à Canada a tha mise. Bho chionn còrr is 20 bliadhna, bha coimhearsnachdan Frangach taobh a-muigh Quebec a' sìor-dhol sìos, agus gu math luath. Mhothaich iad an uair sin gun robh feum aig na coimhearsnachdan air còirichean lagha. Mura robh còirichean lagha aig daoine airson seirbheisean fhaighinn tron chànan aca fhèin, cha bhiodh dòigh sam bith aca a bhith a' toirt air Riaghaltasan prìomhachas a thoirt dhan chànan. Mar a mhinich Iain M Macleòid agus Iain Fearchar Rothach, tha a h-uile rud a tha sinn a' faicinn an-dràsta stèidhichte air dìth dìon lagha.

Tha leasan an rin ionnsachadh bho dhùthchannan eile, mar Chatalonia, dùthaich nam Bascach, Canada agus taobh tuath na h-Eadailt. Ann an àite sam bith far a bheil cothrom na Fèinne aig mion-chànan, tha còirichean stèidhichte anns an lagh a tha a' toirt chòirichean do luchd-bruidhinn a' chànan agus a tha a' cur dleastanas air Riaghaltasan nach gabh seachnadh. Sin leasan cho soilleir 's a ghabhas, agus gus am bi aire againne air na leasan bho thall thairis, chan fhaic mi fhìn mòran a' tachairt a thaobh leasachadh na Gàidhlig san dùthaich seo.

Following is the simultaneous interpretation:

With regard to the recommendations of

Commun na Gàidhlig, Meek and Macpherson for a Gaelic bill, the education system shows us why legal rights are important. We are not a priority in the education system for local authorities. That is understandable, as they have a lot to do.

I am originally from Canada. Over 20 years ago, the French communities outside Quebec were decreasing all the time. They noticed that they needed a legal status and legal rights to have services provided through their own language. If they did not have those legal rights, there was no way that they could make the Government make their language a priority. Every difficulty in the situation that John M Macleod and John Farquhar Munro have outlined is based on the lack of legal status for the language.

If there is any lesson to be learned from other countries, it is that, in any place where a minority language is given any rights—such as Catalonia, the Basque country, Canada and the north of Italy—that happens because it has some kind of legal status. The speakers have some rights, which makes the Government take responsibility for the language. Until we acknowledge such lessons, we will not make much progress.

Rhoda Grant: I understand that the availability of teachers is a big problem. We have some Gaelic-medium teachers in primary education, but we have none in secondary education. The children have to change over and cannot go through their whole education using Gaelic. There is a problem in recruiting and training teachers. A lot of non-Gaelic-speaking teachers would be keen to teach in Gaelic-medium education, but that would mean time away from their work and families, which can be a huge barrier to their taking part in immersion courses, for example. On the other side, there are people who already have degrees and speak Gaelic, but who need a teacher-training qualification. To have to leave home would be a barrier for those people if they are already settled and have a family. What are the answers to those problems?

Iain M Macleòid: Tha mi a' smaoineachadh gu bheil tòiseachadh air a thighinn air an seo le na cùrsaichean faisg air an dachaigh anns na h-eileanan agus ann an sgìrean iomallach. Bhiodh e glè mhath nam biodh barrachd chùrsaichean dhan t-seòrsa sin ann. A bharrachd air an sin, tha mi a' smaoineachadh gum biodh e na b' fheàrr nan robh suidheachadh luchd-teagaisg na Gàidhlig na b' fheàrr, nan robh goireasan matha aca agus nan robh iad a' faighinn taice tron t-siostam. Tha taic cheart do luchd-teagaisg a dhìth ann an iomadach àite far a bheil luchd-teagaisg a' faireachdainn gu bheil iad air an iomall an àite a bhith sa mheadhan. Bu chòir barrachd airgid a thoirt dhaibh gus aithneachadh gur e tàlant sònraichte a th' ann a bhith a' teagasg chan ann an aon chànan

ach ann an dà chànan, agus gu bhith a' cleachdadh ghoireasan agus eile ann an dà chànan. Dh'fhaodadh rudan dhan t-seòrsa sin a thoirt a-steach airson beatha luchd-teagaisg a dhèanamh nas fheàrr, nas goireasaiche agus nas socaire.

Following is the simultaneous interpretation:

We have already started on the road to a solution by establishing courses closer to home in the Western Isles and rural areas. For more such courses to be established would be great. More Gaelic-medium teachers would be available if they were given better facilities and support through the system. Such support is desperately needed in many places. Gaelic-medium teachers feel isolated rather than in the midst of support. They should be given more money as a recognition that, because they are able to teach and to use facilities and resources not only in one language but two, they have special skills and talents. Such measures could be introduced to make teachers' lives more bearable.

Phil Gallie (South of Scotland) (Con): Iain MacLeod made the point that Westminster seems to treat the language better than the Scottish Parliament does. Will you expand on that?

10:30

Iain MacLeòid: Tha sinn air a bhith a' coimhead ri cùisean bho chionn fhada. Dh'fheuch Dòmhnall Stiùbhart, am ball Pàrlamaid nach maireann bhon a' phàrtaidh nàiseantach, ri bile prìobhaideach a chur tro Thaigh nan Cumantan. Bhon uair sin, bha sinn ag aithneachadh gu robh an t-uabhas de bhuill Pàrlamaid ann an Taigh nan Cumantan agus Taigh nam Morairean a' moladh gum bu chòir dhan Ghàidhlig a bhith aig an aon ìre ri Cuimris.

Tha e gu math duilich a-nis. Chan eil buill air a bhith againn ann an Taigh nan Cumantan no ann an Taigh nam Morairean a bha fileanta ann an Gàidhlig agus aig an robh taic bho bhuill eile a bha fileanta ann an Gàidhlig. Tha sinne air mothachadh gu bheil an t-uabhas de Chuimrich anns gach taigh Pàrlamaid a bhruidhinneas a' chànan sin. Tha sin air diofar mòr a dhèanamh, agus tha iadsan air gluasad air adhart. Tha iad ann am premiership ball-coise an taca ris na mion-chànanan eile. Ann an Taigh nan Cumantan, tha sinn air mothachadh gun robh faireachdainn ann airson adhbhar ceartais ach chan eil an cothrom air a bhith ann.

Bha daoine le fios gun robh Pàrlamaid gu bhith ann an Alba a' feitheamh agus a' feitheamh gus tachradh a' Phàrlamaid sin. Bha iad a' smaoineachadh gum biodh e na bu fhearraiche nan tòiseachadh gnothaichean ann an Alba. Bha sinn làn dòchais gun tachradh rudan agus bha

sinn a' cluinntinn rudan ro làimh bho fheadhainn de na buill. Bha sinn uabhasach toilichte gu robh ministear ann airson na Gàidhlig a bhruidhinneadh Gàidhlig. Is e rud gu math annasach a bha sin dhuinne agus bha sinn a' smaoineachadh gun tachradh rudan ach, gu mì-fhortanach, cha do thachair.

Chan eil geallaidhean gu leòr ann. Ma bhàsaicheas a' Ghàidhlig, bidh an fheadhainn a sgrìobhas eachdraidh anns na bliadhnaichean ri thighinn ag ràdh gur e tàmailt a th' ann gun do thòisich Pàrlamaid an dèidh 300 bliadhna ann an Alba, ach gur e a' Phàrlamaid sin a chuir às dhan Ghàidhlig. Tha e a' dèanamh dragh dhòmhsa nach eil gealltanais gu leòr ann. Feumaidh rudan tachairt agus feumaidh iad tòiseachadh a' tachairt an-dràsta—chan ann an dèidh bòrd Gàidhlig a stèidheachadh no an dèidh aithisg eile. Tha sinn seachd sgith a' feitheamh agus tha sinn seachd sgith ag èisteachd ri leisgeulan. Tha cus leisgeulan air a bhith ann.

Thathas ag iarraidh air daoine gum bi iad a' cur tòrr saothair a' sgrìobhadh aithisgean agus a' dèanamh rannsachaidh, a tha a' faighinn a-mach gu bheil clann a tha a' faighinn foghlam tro mheadhan na Gàidhlig no Cuimris ag ionnsachadh nas fheàrr na clann a tha a' faighinn ionnsachadh tro mheadhan na Beurla. Tha iad nas fheàrr ann an cunntas; tha iad fada nas fheàrr. Is dòcha gu bheil seo na adhbhar nàire dhuibh ann an Alba, ach tha sinne a' smaoineachadh gum biodh clann ann an Alba fada na b' fheàrr dheth leis na cuisteanan aca ann an Gàidhlig. Chan eil sinn ag ràdh gu bheil sinn ag iarraidh sin. Tha am fiosrachadh ann, ach tha daoine an uair sin a' coimhead air falbh bhuaithe. Chan eil iad ag èisteachd. Is e tàmailt mhòr a tha sin.

Following is the simultaneous interpretation:

We have been examining the situation for a while. The late Scottish National Party MP Donald Stewart tried to secure the passage of a private member's bill on Gaelic through the House of Commons. Since then, we have realised that many members in the House of Lords and House of Commons were seeking rights for the Gaelic language. They wanted equality for Gaelic and Welsh.

That is difficult because no members in the House of Commons or the House of Lords have been fluent Gaelic speakers or supported by Gaelic speakers. There are many Welsh speakers in both houses, which has made a big difference. Welsh has progressed because of that and is in the premiership of the football league in comparison to other minority languages. In the House of Commons, there is a feeling that it was because of rights that Welsh got where it is.

Those who knew that there was going to be a Parliament in Scotland left the matter of Gaelic to the Scottish Parliament and thought that things would start moving when the Parliament came to the north. In London, we hoped that more would happen. We were happy to hear beforehand that there was to be a minister with responsibility for Gaelic, especially one who spoke Gaelic. That was unusual. We thought that something would happen, but nothing has happened.

There have been no promises. If Gaelic is allowed to die, the history books in years to come will say that it was a tragedy that the Scottish Parliament was re-established after 300 years, but that it let Gaelic die. We have not been given any promises. Something must happen, and it must start now, not after another report or another bòrd Gàidhlig na h-Alba. We are tired of waiting and of listening to excuses—there have been far too many excuses.

The people who are asked to write reports put a lot of hard work into researching and writing them. For example, it has been discovered that children who learn through Gaelic-medium or Welsh-medium education have better English than those who are educated in English. It has also been found that such children are much better at mathematics. It might be an embarrassment to some people in Scotland, but we think that Scottish children would be better off if all their subjects were taught in Gaelic, although I am not saying that we want that. Information exists, but people walk away from it and do not listen, which is a tragedy.

Cathaidh Màiri Nic a' Mhaoilein: Ma choimheadas sibh air na soighnichean a tha aig dorsan na Pàrlamaid air feadh Dhùn Èideann, bidh sibh a' faicinn gu bheil Gàidhlig orra fon Bheurla. Cia mheud agaibh a tha gan tuigsinn agus gan leughadh? Sin rud ris an can sinn lip service. Tha sibh ag aideachadh gu bheil cànan ann a tha a' dol fon Bheurla ach cia mheud agaibh a tha gan cleachdadh agus gan leughadh?

Bheir mi dhuibh eisimpleir a tha a' dol caran air ais ann an eachdraidh. Tha mo mhàthair na mo chois an-diugh. Chan eil Gàidhlig aice, ach, nuair a bhiodh i a' dol gu ceann a tuath na h-Alba air làithean-saora, bhiodh i a' gabhail uabhais nach b' urrainn dhi tuigsinn nan ainmean a bh' air gach cnoc, gach abhainn is gach loch. Is ann sa Ghàidhlig a tha iad. Tha sin fhèin ag innse dhuibh gu bheil an cànan air a bhith stèidhichte anns an dùthaich seo bho chionn fhada. Nach bu chòir uail a bhith againn innte? Uail. Coma leibh le cosgaisean—uail. Tha cànan aig Alba dhi fhèin.

Mar a thuirt mi, chan ann ga bruthadh air daoine a tha sinn, ach bheireadh sibhse do dhaoine an cothrom a h-ionnsachadh agus a bruidhinn. Bidh sibh a' seasamh os cionn iomadach dùthaich eile

airson bidh ur cànan fhèin agaibh. Bheireadh sin an cothrom dhan a h-uile duine ann an Alba a fàgail no a h-ionnsachadh. Ach tha i ann. Chan eil e gu diofar cia mheud sgillinn airgid a thèid a thoirt dha gach buidheann Ghàidhlig. Chan eil sibhse gu bhith maireann gu bràth, dìreach mar nach eil mi fhìn.

Chan eil còirichean sam bith aig a' Ghàidhlig mar a tha i. Faodaidh an ath Riaghaltas a thig a-steach a h-uile sgillinn a thoirt air falbh bhon Ghàidhlig mar a thogras iad. Ma tha na còirichean aice stèidhichte ann an achd Gàidhlig airson nan ginealaichean ri teachd, bidh i na cànan luachmhor. Tha i na cànan luachmhor.

Mar a thuirt Iain MacLeòid, tha fiosrachadh ann gu bheil a' chlann a' coileanadh nas fheàrr na tha clann a tha a' bruidhinn Beurla a-mhàin. Tha fios agam air. Tha clann agam a tha eadar aoisean 21 agus còig bliadhna. Chan eil mi a' dol a ràdh gu bheil iad sònraichte, ach tha iad math air Beurla agus air Gàidhlig agus air cunntas. Cha do chuir i maill orra riamh agus cha chuir i maill orra. Biodh uail agaibh innte. Coma leibh le cosgaisean.

Following is the simultaneous interpretation:

The signs on the doors to the Scottish Parliament contain Gaelic, but how many people understand them and read them? That is paying lip service to Gaelic. Members admit that there is a Gaelic language, but it is beneath English.

I want to mention history again. My mother, who does not speak Gaelic, is with me today. When she went to the north of Scotland on holiday, she was amazed because she could not understand the names of the hills, mountains, rivers and lochs, which are all in Gaelic. That shows that the language was established in Scotland many years ago. We should be proud of our language. Who cares about costs and finances?

Gaelic is a language of its own. We do not want to force it on people, but people should have the opportunity to learn and to speak it. Having our own language would allow us to stand high above other countries. Everyone in Scotland should have the opportunity to take it or leave it, but the opportunity should be there. It does not matter how much is spent on Gaelic organisations. None of us will be here for ever.

If Gaelic has no rights, the next Government will be able to take every penny away. Gaelic should be given rights in a Gaelic language act for the generations to come. Gaelic is a worthy and priceless language and should continue to be so in the future.

As Iain MacLeod said, information suggests that bilingual children achieve more at school than those who speak only English. I have children aged between five and 21. They are not special

but they are good at English, Gaelic and maths. Being bilingual has never held them back and it never will. People should have pride in the Gaelic language, irrespective of the finances.

Phil Gallie: It is always hard to compete with an emotive argument. However, legislation can be restrictive and have many burdens. Education is a local authority's responsibility. If there were a Gaelic language act, I suspect that you would want it to be geared towards ensuring that every parent has the right to have their children taught in Gaelic in school. As a lowlander, my presumption is that a Gaelic act would not promote teaching in Gaelic in every school, but would concentrate on parental choice, which might ultimately mean inconvenience for parents if their children had to travel. Would that be right?

Rob Dunbar: Bhiodh sin ceart. Cha robh duine sam bith ann an saoghal na Gàidhlig ag iarraidh a bharrachd. Anns na molaidhean a chuidich mi fhìn ann a bhith gan sgrìobhadh bho chionn còig bliadhna, bha sinn a' moladh còir laghail a bhith aig pàrantan stèidhichte air iartas reusanta ann an àite iomallach. Chan eil ceist ann gum bi clasaichean ann airson aon neach no dithis. Dh'fheumadh barrachd a bhith ann. Tha sgoil Ghàidhlig ann an Glaschu a tha a' dèanamh glè mhath. Tha mi a' smaoinichadh gu bheil cuid de na h-oileanaich anns an sgoil sin a' tighinn bho astar, ach tuigidh tu sin. Gabhaidh na duilgheadasan sin fhuasgladh.

Carson a tha a' chòir cudthromach? Is e an rud a tha a dhith oirnn nach eil poileasaidh Gàidhlig aig an Riaghaltas no aig gin de na buidhnean poblach. Tha sin anabarrach neònach. Tha an Riaghaltas a' cosg airgid air cuspair às aonais poileasaidh. Nam biodh tu a' coimhead air bochdainn ann an Glaschu, mar eisimpleir, bhiodh tu a' faighneachd dhut fhèin dè bha thu ag iarraidh agus an uair sin dè na ceumannan a dh'fheumadh tu a ghabhail, bliadhna às dèidh bliadhna, gus an suidheachadh a chur ceart. Chan eil fhios agam dè am poileasaidh a th' aig Riaghaltas na h-Alba no aig Pàrlamaid na h-Alba. An e am poileasaidh a' Ghàidhlig a shàbhaladh? Gu dè tha sin a' ciallachadh? A bheil sinn a' bruidhinn air na h-àireamhan againn dìreach a stèidheachadh, no àrdachadh? Gu dè am poileasaidh a th' ann? Nam biodh poileasaidh ann, mar a bhios aig buidheann phoblach sam bith eile, bhiodh dòigh againn bruidhinn air ciamar a thèid againn air am poileasaidh a choileanadh. Is e beàrn gu math mòr a th' ann.

Canaidh mi dìreach facal beag air cosgaisean. Cluinnear an t-uabhas bhon mhinistear mu chosgaisean. Chaidh aithisgean a chur a-staigh le Comunn na Gàidhlig bho chionn còig bliadhna a' moladh achd Gàidhlig, agus cha d'fhuair Comunn na Gàidhlig riamh freagairt fhoirmeil bho

Riaghaltas sam bith. Cha tuirt an Riaghaltas rinn gun robh sinn ag iarraidh cus, no gun robh sinn ag iarraidh rudan nach robh ciallach. Thuirt am ministear aig còmh-dhail ChNAG am bliadhna gun robh cosgaisean ann, ach cha b' urrainn dha innse dhuinn dè na cosgaisean a bhiodh ann.

Tha mi fhìn air a bhith a' bruidhinn ri fear de na h-eòlaichean as ainmeil air feadh an t-saoghail an-dràsta, François Grin. Is e fear-eaconomachd a th' ann agus anns an rannsachadh a tha e a' dèanamh tha e a' sealltainn gu soilleir nach eil mòran chosgaisean a bharrachd ann a bhith ag ath-bheothachadh nan cànanan beaga. Carson? Chan eil sinn a' bruidhinn air a' Ghàidhlig mar a bhios sinn a' bruidhinn air foghlam tro mheadhan na Gàidhlig. Tha sinn a' bruidhinn air foghlam. Tha tidsearan an sàs ann. Tha sgoilearan an sàs ann. Is e an cànan a tha iad a' cleachdadh a tha air leth. Chan eil sion sam bith a tha air leth mun fhoghlam aca. An àite a bhith a' coimhead air foghlam tro mheadhan na Gàidhlig mar taic a thoirt dhan Ghàidhlig a-mhàin, feumaidh sinn coimhead air mar fhoghlam agus brosnachadh na Gàidhlig.

Nuair a choimheadas tu air seirbheis phoblach sam bith anns an t-seagh seo, chì thu nach eil sinn a' bruidhinn air mòran chosgaisean a bharrachd. Tha sinn a' bruidhinn air na h-aon chosgaisean a tha sinn a' cosg an-dràsta fhèin. Sin leasan bho thall thairis a-rithist. Bidh beagan chosgaisean aig toiseach a' ghnòthaich. Mar eisimpleir, ann am foghlam, tha siostam trèanaidh a dhith oirnn agus tha leabhraichean riatanach agus iomchaidh a dhith oirnn. Bidh cosgaisean a bharrachd ann airson na nithean sin a chur air dòigh. Aon uair 's gu bheil iad againn, cha bhi cosgaisean a bharrachd againn idir.

Following is the simultaneous interpretation:

That would be right. Nobody in the Gaelic world wants anything more than that. In the recommendations that I helped to write about five years ago, we recommended that parents should have a right in law, for their children to be taught in Gaelic in school, especially in rural areas. That should be based on reasonable demand. There would be no question of having classes for only one or two children. We would need significant numbers. What you said about travelling is true. For example, there is a Gaelic school in Glasgow, which is doing well. Some of its pupils come from a great distance, but we can accept that. We can work on such difficulties.

Why is a Gaelic language act right and important for Gaelic? It is strange that the Executive and public bodies do not have a Gaelic policy. The Executive is spending money on a subject without having a policy for it. If the Executive had no policy on an issue such as poverty in Glasgow, it would not know what to do about the problem or what

steps to take, year after year, to remedy the situation. I do not know the policy of the Executive or the Parliament on Gaelic. Is there a policy to save Gaelic? If so, what does that mean? Does it mean maintaining the number of Gaelic speakers or increasing it? What is the Government's policy on Gaelic? If it had a policy, we would have a way of talking to the Executive about how to fulfil that policy. The Executive having no policy on Gaelic is a big gap.

I have a brief comment on costs. We heard much about costs from the minister. Five years ago, Comunn na Gàidhlig submitted reports that recommended a Gaelic act but was never given a formal response from the Government. The Government did not say that we wanted too much or that we were making unreasonable demands. At CNAG's conference this year, the minister said that costs were involved but could not tell us what they would be.

I have been talking to one of the world's experts, François Grin. His research shows clearly that there are not that many extra costs involved in revitalising minority languages. Why is that? We are not talking about Gaelic-medium education; we are talking about education in general. We are talking about teachers and pupils. The language that they use might be special, but there is nothing different about the education. Instead of considering Gaelic-medium education as giving support exclusively to Gaelic, we must consider it first as education and then as a way of pushing Gaelic up the agenda.

The committee will see that we are not talking about much more cost. We can learn that lesson from abroad. There may be a little extra cost at the beginning—for example there is a teacher training system for books and resources within schools and costs will be involved in getting those. However, once we have them, there will not be much more to spend money on.

Maureen Macmillan: Can we consider the kind of Gaelic language act that you seek? Much of what has been said today has been about secure status for Gaelic, but Rob Dunbar mentioned legal status for Gaelic. Those are possibly two different things. Are secure status and legal status interchangeable terms? I am not sure that they are interchangeable. I want to be sure about what you want a bill to include.

Rob Dunbar: Chaidh mi fhìn an sàs sa ghnothach bho chionn còrr is còig bliadhna. Thàinig daoine bho Chomunn na Gàidhlig thugam. Bha faclan aca aig an àm sin ach cha robh mi fhìn an sàs ann. Thuit iad gu robh iad ag iarraidh inbhe thèarainte; cha robh iad ag iarraidh inbhe laghail no sìon sam bith eile. Mar fhear-lagha, chan eil ciall sam bith anns na faclan. Is e sin an teachdaireachd a tha uabhasach fhèin

cudthromach. Bu thoigh leamsa a bhith a' seachnadh fhaclan mar "inbhe thèarainte" no fiù 's "seasamh oifigeil" no "inbhe oifigeil". Chan eil ciall laghail sam bith aig gin de na faclan sin. Ann an iomadh dùthaich air feadh an t-saoghail, tha cànanan oifigeil aca, ach tha sin a' ciallachadh diofar nithean ann an diofar shuidheachaidhean anns gach àite.

Mar sin, an àite a bhith a' bruidhinn air inbhe thèarainte, seasamh laghail no seasamh oifigeil, b' fheàrr leamsa a bhith a' bruidhinn air dè bu chòir a bhith ann an achd lagha. Is e sin a' chomhairle a thug mi do Chomunn na Gàidhlig, an dèidh dhuinn bruidhinn ris a' choimhearsnachd agus ri eòlaichean thall thairis. Tha prionnsabalan agus structuran, stèidhichte air cuid den rannsachadh a' rinn mi fhìn agus Wilson MacLeòid, a tha còmhla rinn an-diugh, air am mìneachadh anns na molaidhean aig Comunn na Gàidhlig air inbhe thèarainte. B' fheàrr leamsa a bhith a' bruidhinn air gu dè bhiodh ann an achd an àite foirm àraid de dh'fhaclan a nì daoine a bhith a' dol troimh chèile—agus tuigidh tu carson. Anns an lagh, chan eil ciall àraid sam bith air faclan mar "seasamh oifigeil" no "inbhe oifigeil", agus b' fheàrr leamsa an seachnadh.

Tha e a' cur dragh air mòran anns an dùthaich gum bi sinn a' faicinn anns na pàipearan naidheachd a h-uile seachdain gum biodh na Gaidheil a' sparradh na Gàidhlig air a h-uile duine nan robh Gàidhlig na cànan oifigeil. Chan eil sin anns na molaidhean agus chan eil an ciall sin anns an lagh idir. Ann an Èirinn, tha Gaeilge na h-Èireann na cànan oifigeil, ach tha na h-Èirinnich a' beachdachadh air bile—a tha gu math coltach ris na tha sinne a' moladh anns na molaidhean airson inbhe thèarainte—airson achd eile ann an Èirinn. Tha iad a' mothachadh, a dh'aindeoin 's gu bheil seasamh oifigeil ann an Èirinn aig a' Ghaeilge—is i a' chiad chànan oifigeil agus cànan nàiseanta na dùthcha—nach eil sin a' ciallachadh sìon sam bith a thaobh chòirichean, agus tha an cànan aca a' dol sìos cho luath 's a tha an cànan againne. Tha iad ag amas air na tha a dhith orra ann am foghlam, ann an craoladh agus ann an seirbheisean poblach. Tha sin anabarrach cudthromach. Tha na nithean sin air am mìneachadh anns an dà aithisg aig Comunn na Gàidhlig airson inbhe thèarainte.

Tha mi duilich gur e sin freagairt fhada do cheist ghoidid—is e fear-lagha a th' annam.

Following is the simultaneous interpretation:

I became involved about five years ago. Comunn na Gàidhlig came to me. At that stage they said that they wanted secure status for Gaelic; they did not want legal status. As a lawyer, I know that words such as secure status are meaningless. That is the important message. I would like to leave aside words such as secure

status or official status. They do not have any legal meaning. Many countries throughout the world have official languages, but that means different things in different places.

Rather than talking about secure status and legal status, I want to talk about what should be in an act. That is what I advised Comunn na Gàidhlig to do. I have spoken to experts from abroad and Wilson McLeod—another lawyer who is with us today—and I have conducted some research. The principles and the structures recommended in Comunn na Gàidhlig's recommendations are based on that research. We would rather talk about what would be in an act than about the specific words that should be used. People will be confused but, in law, secure status means very little. I would rather leave words such as official status aside.

We read in newspapers throughout the world that Gaels will be forcing Gaelic on everyone if it becomes an official language. That is not the case and that is not in the recommendations. That is not what we are saying that we want to be in an act. Although Gaelic is an official language in Ireland, the Irish are seeking to introduce a bill with very similar aims to those that we proposed in our recommendations on secure status. They recognise that, despite the fact that Gaelic is their official and national language, it means very little as far as rights are concerned. The language is still dying. As a result, the Irish want to examine what is needed in education, broadcasting and public services. That is a much more important matter. The issue is explained in the two Comunn na Gàidhlig reports on secure status.

I am sorry that that was a long answer to a short question—I am a lawyer.

The Convener: I want a short question and a short answer this time.

10:45

Dorothy-Grace Elder (Glasgow) (Ind): I have a couple of shorties, convener.

It has been mentioned that children who are taught in Gaelic are better at maths and other subjects, including English. Is that connected to the way in which the English language has been adulterated by massive external cultural influences? Why should children be better at maths if they are taught in Gaelic?

Iain MacLeòid: Feumaidh mi aideachadh nach eil mi eòlach air ciamar a tha foghlam ag obrachadh. Is e an t-Ollamh MacIain a sgrìobh an aithisg air a bheil mi a' bruidhinn, a bha a' coimhead ri cloinn a tha ag ionnsachadh tro mheadhan cànan eile ann an dùthaich far a bheil barrachd air aon chànan. Tha feadhainn de

dhùthchannan san Roinn Eòrpa far a bheil trì no ceithir phrìomh chànanan agus mion-chànanan cuideachd—an Eilbheis, mar eisimpleir. Mhothaich e gu bheil eanchainn chloinne le barrachd air aon chànan ag obair ann an dòigh eadar-dhealaichte, a' bogadh an àird foghlaim ann an dòigh nas fheàrr; chan eil mi a' tuigsinn carson.

Shaoilinn-sa gum biodh Riaghaltas a thàinig a-steach airson turas eile as dèidh dha a bhith a' bragail air bòrd ag èigheadh, "Foghlam, foghlam, foghlam," a' feuchainn agus a' faicinn an robh seo a' dol a dh'obrachadh, ged nach dèanadh e càil a bharrachd. Tha sinn a' leughadh anns na pàipearan nàiseanta gu bheil am ministear Estelle Morris a' smaoineachadh mu dheidhinn atharrachadh A levels. Tha sinne a' moladh gum feuchadh sibh cothrom a thoirt dhan chànan, feuch an obraich e.

Following is the simultaneous interpretation:

I must admit that I do not know enough about education, so I am quoting from Professor Richard Johnstone's report. He carried out a study of how children are educated through other languages in European countries that have more than one main language. For example, some European countries such as Switzerland have three or four main languages, with a minority language on top of all that. They say that the brains of children who have experience of more than one language work in a different way and are able to absorb education better. I do not understand why.

I would have thought that a Government that shouts "Education, education, education" should at least try out such an approach to find out whether it works. We read in the national papers that the Secretary of State for Education and Skills, Estelle Morris, is thinking about changing things again. As representatives of a minority language, we recommend that she try that approach to see whether it works.

Dorothy-Grace Elder: Among all the devastating evidence that we have heard this morning, there was one devastating statistic. Only 300 children are entering primary 1 to learn Gaelic, whereas every year 1,500 Gaelic speakers—throughout Scotland, I assume—are being lost. Aside from legislation, do you need more publicity for that powerful argument? Do you also need international help? After all, one of the witnesses has a Canadian background and another is from the Gaelic Society of London. We have also received evidence from Australians and so on. I take it that you have international backing from Gaels all over the world.

Iain M Macleòid: Tha sin fìor gur e timcheall air 300 leanabh a tha a' tighinn a-steach dhan t-sìostam gach bliadhna. Bu mhath leinn sin àrdachadh gu ìre far am biodh e na b' fhaisge air

1,500. Tha e comasach. Mar eisimpleir, anns na h-Eileanan an Iar, far am bu chòir dhan Ghàidhlig a bhith nas làidire na àite sam bith eile, chan eil ach 30 leanabh sa cheud a' tighinn a-steach do dh'fhoghlam tro mheadhan na Gàidhlig. Tha feum air obair leasachaidh anns na coimhearsnachdan agus anns na dachaighean. Tha feum air siostam foghlam Gàidhlig a bhrosnachadh aig ìre ionadail agus nàiseanta.

Dh'fhaodadh an Riaghaltas agus a' Phàrlamaid mòran a dhèanamh airson sin a leudachadh gus an t-eòlas feumail à aithisg Mhiclain a chleachdadh airson a bhith a' tàladh barrachd chloinne gu bhith dà-chànanach tro siostam foghlaim. Tha feum air fiosrachadh mar sin a chur a-mach, agus is dòcha gu bheil feum air barrachd dhaoine a bhith ag obrachadh sna coimhearsnachdan, a' tadhal air pàrantan anns an dachaighean agus a' cur ìmpidh orra an cuid chloinne a chur a-steach dhan t-siostam a tha air leth math.

Following is the simultaneous interpretation:

It is true that only about 300 children enter the system each year. We want to increase that number so that it is closer to 1,500, which would be possible. For example, in the Western Isles, where Gaelic should be stronger than in any other place in Scotland, only 30 per cent of children enter Gaelic-medium education. There is a need for development work within communities and within the home. There is a need for a system whereby Gaelic education can be advertised throughout the country. The Executive and the Parliament can do much more to develop that.

The Johnstone report has been mentioned and the findings of that report were important. They should be used to attract more people to Gaelic-medium education and to make them bilingual through the education system. Information like that needs to be broadcast. We need more people working within communities—visiting homes, talking to parents and making them think about the system.

The Convener: I have one final question. Mike Russell's bill is currently being drafted. Are you giving him any advice on the drafting of that bill and is it likely to represent your views on what should be in a Gaelic language bill?

Rob Dunbar: Aig toiseach gnothaich, thàinig Micheal Ruiseal thugam leis mar a bha fios aige gun robh mi an sàs ann a bhith a' dealbhadh nam molaidhean aig Comunn na Gàidhlig airson inbhe thèarainte. Bha mi toilichte sin a dhèanamh—chan ann air sgàth gu bheil mi na mo nàiseantach; chan eil fhios fiù 's aig mo bhean ciarar a tha mi a' bhòtadh. Is e Canèidianach a th' annam agus cha robh fios agam gun robh cead bhòtadh agam. Bha mi toilichte taic a thoirt do bhuidheann sam

bith no duine sam bith airson na molaidhean a choileanadh. Bha Iain Fearchar Rothach an sàs anns an iomairt aig toiseach gnothaich cuideachd. Bha mi a cheart cho toilichte cuideachadh a thoirt dhàsan, oir tha mi measail air mar dhuine a tha a' seasamh còirichean nan Gaidheal.

Chan eil mi air a bhith a' bruidhinn ri Micheal Ruiseal bho chionn fhada, ach ged a bha esan agus Iain Fearchar Rothach agus daoine eile airson achd a bha stèidhichte gu h-iomlan air na molaidhean aig Comunn na Gàidhlig a thoirt a-staigh, thuirt e rium nach robh na comasan aca sin a dhèanamh, leis mar nach eil ach trìùir no ceathrar ag obair a' sgrìobhadh nan laghan aig a' Phàrlamaid. Tha ceudan dhiubh aig an Riaghaltas ach chan eil ach corra dhuine aig a' Phàrlamaid. Bha iad ag ràdh gum biodh am pròiseact ro mhòr. An uair sin dh'fhaighnich e dhòmhsa am bithinn deònach, ach chan eil na comasan agam sin a dhèanamh. Is e sgil gu math àraid a th' ann a bhith a' sgrìobhadh nan laghan agus tha mi cinnteach nach fhaighinn cead bhon roinn agam an obair làitheil agam aig Oilthigh Ghlaschu a sheachnadh fad sia mìosan airson achd Gàidhlig a sgrìobhadh. Tha mi duilich mu dheidhinn sin, ach sin mar a tha cùisean.

Tha Micheal Ruiseal ag aideachadh nach eil an achd aige math gu leòr ach bha e airson rudeigin a dhèanamh. Bha agus Iain Fearchar Rothach. Tha mi a' smaoineachadh gum bu chòir dhuinn a bhith cothromach an seo agus a ràdh gun robh Iain Fearchar an sàs anns a' ghnòthach bho toiseach agus gun do chuir esan ainm ris a' mholadh anns a' chiad àite. Chan e dìreach Micheal Ruiseal a tha a' putadh seo, mar a tha mi fhìn a' tuigsinn a' ghnòthaich. Tha mi a' smaoineachadh gu bheil e mothachail air cho lag 's a bhiodh bile sam bith aige-san, leis mar nach eil comas aige achd cheart a sgrìobhadh. B' fheàrr leis-san, agus le Iain Fearchar Rothach cuideachd, tha mi cinnteach, bile a tha stèidhichte air inbhe thèarainte fhaicinn.

Mar sin, tha mi a' smaoineachadh gun cuireadh duine sam bith a tha airson a' Ghàidhlig a bhrosnachadh fàilte air iomairt sam bith a thogadh inbhe agus ìomhaigh na Gàidhlig, ach cha bu chòir dhuinn a bhith air ar mealladh gum biodh an achd a tha fa-near do Mhicheal Ruiseal math gu leòr no faisg air na molaidhean a dh'fheumas sinn a thoirt a-staigh. Bha Micheal fhèin, mar a tha mi a' tuigsinn a' ghnòthaich, ag ràdh gum biodh e na bu thoilichte nam biodh an Riaghaltas fhèin airson achd Gàidhlig stèidhichte air na molaidhean. Tha mi a' smaoineachadh gu bheil a h-uile duine ann an saoghal na Gàidhlig a' faireachdainn rud beag cugallach a-nis. Tha amharas aig cuid gun tig achd a-staigh ris an cuir a h-uile duine taic, agus an uair sin, an ceann bliadhna, bidh a h-uile duine anns an Riaghaltas—agus is dòcha ann am pàrtaidhean eile—ag ràdh gun do rinneadh achd

dhan Ghàidhlig mar-thà agus gum feum sinn a bhith toilichte le sin. Is e sin an cunnart.

Tha muinntir na Gàidhlig cho beag ann am misneachd a-nis agus tha iad air a bhith a' stri cho fada 's gu bheil iad ceart a bhith an-shocrach mu na tha fa-near dhan Phàrlamaid agus dhan Riaghaltas. Mar sin, chanainn gum feum sinn faicinn dè tha sa bhile. Chan eil fhios agamsa dè tha gu bhith anns a' bhile ach tha fios againn uile gu bheil sinn feumach air rudeigin a bhiodh a' dol mòran na b' fhaide. Tha mi cinnteach gun aideachadh fiù 's Micheal Ruiseal sin nan cuireadh a' cheist air.

Following is the simultaneous interpretation:

Initially, Michael Russell came to me because he knew I was involved in writing up Comunn na Gàidhlig's recommendations for secure status. I was happy to help him, but not because I am a nationalist—even my wife does not know how I vote. I am Canadian and did not know that I had the right to vote so I have no political background. I was happy to support Mike Russell and am happy to support any organisation or party that is looking to fulfil those recommendations. John Farquhar Munro was also involved at the beginning and I was just as happy to help him because he is someone who stands for Gaelic.

The difficulty that Mike Russell had—although I have not spoken to him for a while—was that although he and John Farquhar Munro and others sought to establish an act based exclusively on Comunn na Gàidhlig's recommendations, they did not have the power to do that because only three or four people are involved in writing the legal papers—hundreds work at the Executive but only a few work in the Parliament. Therefore, they thought that the project would be too big. I then said that I would do the work, but I cannot do that. Writing laws and acts is a special skill, and I do not think that I would be given permission to do that and I do not think that the University of Glasgow would let me off work for six months to write a Gaelic bill. I am sorry about that, but that is the way it is.

Michael Russell admits that his bill is not good enough, but he and John Farquhar Munro want to do something for the language. We should be fair and say that John Farquhar Munro has been involved in the process from the beginning and he put his name to the recommendations. As I understand it, it is not just Mike Russell who is pushing the bill. There are others behind him. He is aware that any bill would be weak because he cannot write a proper bill. They would prefer the bill to be based on secure status.

Anyone who is looking to revitalise Gaelic would support an initiative such as Mike Russell's. However, we should not be misled into thinking

that Mike Russell's bill will be good enough or anywhere near as good as the recommendations that we need to implement. As I understand it, Mike Russell said that he would be more than happy if the Government were willing to write a bill based on the Comunn na Gàidhlig recommendations. Those in the Gaelic development field would feel uneasy if a bill were written and supported and then they were told, a year later, that they had to be happy with the bill that had been written. That is the danger that we face.

Gaelic-speaking people are losing faith. They have fought for so long that they are right to be uneasy about what the Parliament and the Executive have in mind. As yet we do not know what is in the bill—we will have to see what it contains. We know that we need something that goes a great deal further than what we have at the moment. Even Mike Russell would admit that, if asked.

The Convener: So the aims of your petition would not necessarily be achieved if Mike Russell's bill were published and supported by the Parliament.

Rob Dunbar: Cha chreid mi gum biodh. Mar a thuirt na h-oileanaich, is ann stèidhichte air inbhe thèarainte a tha e—chan ann air na faclan sin ach air na molaidhean a bh' aig Comunn na Gàidhlig. Nuair a chì thu inbhe thèarainte ann an aithisg Mhic a' Phearsain no aithisg Mheek, chan eil iad a' bruidhinn air faclan aig nach eil ciall sam bith. Tha iad a' bruidhinn air pasgan mholaidhean a chaidh a chur chun an Riaghaltas ann an Westminster bho chionn còig bliadhna agus gu Alasdair Moireasdan ann an 1999, dìreach mìos an dèidh dha tighinn a-steach mar mhinistear na Gàidhlig.

Mar sin, tha na molaidhean gu math fada agus bhithinn toilichte tilleadh uair sam bith gus mineachadh a thoirt air na tha fa-near dha na Gaidheil, dha Comunn na Gàidhlig agus dha na h-oileanaich. Is ann stèidhichte air na molaidhean sin a tha an athchuinge a tha sinn a' faicinn an-diugh. Gus am bi a leithid ann, tha mi a' smaoineachadh nach bi mòran ann an saoghal na Gàidhlig, a tha airson Gàidhlig fhaicinn a' tighinn air ais gu slàinte, toilichte no buileach riarachta le achd a tha mar shamhla air an sin.

Following is the simultaneous interpretation:

I do not think so. As Cathy Mary MacMillan said, any bill must be based on secure status—not on the words “secure status”, but on the recommendations of Comunn na Gàidhlig. When the Meek and Macpherson reports refer to secure status, they are not talking about words without meaning; they are talking about a folder of recommendations that were made to the Westminster Government five years ago and to

Alasdair Morrison a month after he was appointed as Deputy Minister for Highlands and Islands and Gaelic—in 1999.

The recommendations are long. I would be happy to return to them or to explain what the Gaels, Comunn na Gàidhlig and Strì nan Oileanach are looking for. The recommendations and PE540 are based on Comunn na Gàidhlig's proposals for secure status. People in the Gaelic world will not be happy until they have a strong act.

John Farquhar Munro: Tha mi toilichte leis cho làidir 's a bha an fhianais a thug sibh seachad air sgàth na Gàidhlig. Tha mise a' faicinn gu bheil bacadh a' tighinn oirbh a-nis bhon a tha molaidhean a' tighinn thugainn gum bu chòir bòrd na Gàidhlig a bhith againn. Tha sin a' gluasad air adhart agus tha buill airson na comataidh gan taghadh. A bheil sibh den bheachd, a dh'aindeoin an adhartais a rinn sinn suas chun an seo, gun tig a h-uile rud gu ceann an-dràsta agus nach gluais dad sam bith air adhart gus am bi bòrd na Gàidhlig air a stèidheachadh agus na beachdan aca a' tighinn air beulaibh na Pàrlamaid? Is dòcha gun cuir sin èis air cùisean airson treis mhòr a-rithist.

Following is the simultaneous interpretation:

I am happy with the strong evidence that the witnesses have given today on behalf of Gaelic. I think that we are being restricted. It has been recommended that there should be a Gaelic board, and members are being elected to that board. Despite the progress that we have made, do the witnesses believe that nothing further will happen until a Gaelic board is established? Will there be further delay while we wait for its views to be presented to the Parliament?

Iain M MacLeòid: Tha mi a' smaoin eachadh gu bheil sin ceart. Tha dàil a' tighinn a-rithist. Tha sinn cleachdte ri dàil, ri bhith a' feitheamh bho aithisg gu aithisg. Chaidh aontachadh gum biodh bòrd Gàidhlig na h-Alba air a stèidheachadh. Is dòcha gum bi toiseach na h-ath bhliadhna mus bi am bòrd sin deiseil airson a dhol air adhart leis an obair. Bidh taghadh Pàrlamaid ann beagan mhiosan an dèidh sin. Bidh e furasta gu leòr a ràdh nach urrainnear mòran a dhèanamh gus an tig an ath Riaghaltas a-steach. Nuair a thig an ath Riaghaltas a-steach, is dòcha gum bi ath-sgrùdadh eile air ionmhas agus poileasaidh anns a' chiad bhliadhna. Mas tig sin gu crìch, cha mhòr nach bi sinn dà bhliadhna sìos an rathad a-rithist. Tha sinn cleachdte ri leisgeulan den t-seòrsa seo a bhith air an cur far comhair.

Chan eil càil a dh'fhiosrachaidh air an Riaghaltas an-dràsta. Mar a mhinich Rob Dunbar, dh'fhaodadh an Riaghaltas a dhol air adhart le na molaidhean a fhuair e bho chionn ghrunn bhliadhnaichean. Tha an Riaghaltas dìreach a' cur

dàil an dèidh dàil. Chan eil an suidheachadh sin math gu leòr.

Following is the simultaneous interpretation:

We anticipate that there will be a further delay, but we are getting used to delays. We are getting used to waiting for one report after another. It was agreed that the board should be established. It may not be ready to begin its work until the beginning of next year. An election will take place a few months after that. It will be easy enough for the board to say that it cannot do anything until the new Parliament is elected. In the first year of the new session, there may be a re-examination of finance and policy. It may be two or three years before that is complete. We are getting used to excuses.

The Executive and the Parliament do not lack information. They could proceed with the recommendations that were made many years ago, as Rob Dunbar explained. They are seeking to delay matters as much as possible, which is not good enough.

John Farquhar Munro: Bha mi a' faicinn anns na pàipearan a thàinig thugam bho chionn latha no dhà, gun tug an Riaghaltas lagh ùr a-mach taobh a-staigh seachdain airson dìon nan ròn, ach tha sinn air a bhith a' bruidhinn air lagh airson inbhe thèarainte dhan Ghàidhlig airson bhliadhnaichean is cha do ghluais sinn air adhart air sin fhathast. Feumaidh sinn a bhith a' cumail a' dol.

Following is the simultaneous interpretation:

I read in the papers that in the past couple of days legislation has been introduced to protect seals. We have been trying for a long time to secure Gaelic's future. We have not made any progress, but we must keep going.

Cathaidh Màiri Nic a' Mhaoilein: Cuimhnichibh, mar a thuirt Iain M MacLeòid, tha sinn a' call còrr air 1,500 duine le Gàidhlig a h-uile bliadhna. A h-uile bliadhna a tha sibh a' dèanamh dàil, tha sinn a' call sluagh na Gàidhlig.

Following is the simultaneous interpretation:

The committee should remember that each year the Parliament delays, we lose 1,500 Gaelic speakers.

Phil Gallie: John Farquhar Munro's point was that we need a seal of approval. [*Laughter.*]

The Convener: Thank you for speaking to the petition. Before we move on, I should say that Michael Hance, the director of the Saltire Society, e-mailed us to indicate his society's support for the petition. I ask members to unplug their headphones, which are interfering with the microphones.

Cathaidh Màiri Nic a' Mhaoilein: Could we keep the headphones for a translation into English, please? [*Laughter.*] Sorry.

11:00

The Convener: I invite members to turn to the proposed suggestions for action, which are outlined in our papers. The first recommendation concerns PE437, which was lodged much earlier on and which is also on the need for a Gaelic language act. It is suggested that from now on we deal with the two petitions together. Do members agree?

Members indicated agreement.

The Convener: Two scenarios are set out in the suggested action. The first is that the minister, Mike Watson, gives his formal support to the member's bill that Mike Russell is drafting. If the minister does so, the committee may wish to agree to take no further action, on the basis that the Executive is addressing the petition's primary aims through the medium of that bill.

The second scenario is that the minister does not support Mike Russell's bill. We must decide what we should do with the petitions in those circumstances. At this stage, we could refer the petitions to the Education, Culture and Sport Committee for that committee's consideration. Alternatively, we could wait for the publication of Mike Russell's bill and for an indication from the minister of his position in relation to that bill. Which do members think is the best course of action?

Phil Gallie: We heard in evidence today about the difficulties that Mike Russell faces in introducing his bill. We must be realistic about that. The minister says in his letter that he is putting all his faith in Mike Russell's bill and that he will make a judgment when the bill comes before him. At the least, we should send a letter back to the minister to emphasise the points that were made in evidence about the difficulties that Mike Russell faces in putting together the bill. That would be worth while. I leave other members to comment on whether we should take any further action.

The Convener: It was news to me that proposals for a Gaelic language act had been prepared and passed to Calum MacDonald in the House of Commons and Alasdair Morrison in the Scottish Parliament. It would be interesting to know what happened to them.

Rhoda Grant: Could we write to the minister again? He wants the board to consider possible legislation, but that is creating the delay that concerns the petitioners. Would there be merit in the Executive publishing a consultation? It is obvious that consultation must take place before a

bill is drafted. The Executive could kick things off quite quickly, particularly if the proposals for the bill that Calum MacDonald was dealing with still exist. The Executive could start to consult on a draft bill and on the recommendations. Thereafter, the board could consider the responses to the consultation and how best to make progress. In that way, some of the legwork that would otherwise create a delay would be tackled before the board comes into existence. That could speed up matters a little.

The Convener: Are you suggesting that we should write to the minister to indicate that, in the light of the petitions, the committee's view is that the Executive should publish a draft bill for consultation as soon as possible?

Rhoda Grant: Yes. The board could look at the responses to that consultation. I am not proposing that we should go against what the minister wants. That course of action would simply speed things up a little.

John Farquhar Munro: The last time that we debated the issue was when a group of petitioners brought their petition to the committee. At that time, we suggested that the matter should be spread out to the wider parliamentary community—that is, to the Equal Opportunities Committee. I do not think that we have received a response from that committee to date, at least not to my knowledge. Perhaps this is an opportunity to get the Equal Opportunities Committee's views.

The Convener: We cannot do both: if we decide to write to the minister, making requests for more information, we keep ownership of the petition in this committee; if we transfer it to another committee, it comes out of our ken and goes to that other committee.

John Farquhar Munro: I think that the response that we would most likely get from the minister would simply be that the Executive is establishing a board for Gaelic and that, until the board meets and comes to some conclusions, the minister will not be in a position to make any useful judgment.

The Convener: A voice in my left ear has said that we can write to the Equal Opportunities Committee, asking for its views, but without formally referring the petition to it, so we could do both things.

Helen Eadie (Dunfermline East) (Lab): Having heard what has been said this morning, I am optimistic that progress is being made on the Gaelic. In their written evidence, the petitioners cite Wilson McLeod of Sabhal Mòr Ostaig, who says:

"Over the course of the last fifteen years, Gaelic in Scotland has benefited from an unprecedented programme of public investment, transmitted through a wide range of

initiatives across a number of fields, notably education, the media, and the arts."

The report goes on to say that what is lacking is a co-ordinated strategy and a plan for action. It encourages me to know that the board is now being established and developed. I have a sense of optimism that what the petitioners aspire to achieve will begin to happen. I support Rhoda Grant in saying that we should write to the Scottish Executive, asking about the course of action to be taken. John Farquhar Munro's view is that we should consult the Equal Opportunities Committee. I take it that the Equal Opportunities Committee has the same powers as the subject committees, in that it can initiate legislation. I wonder whether it could initiate legislation on this matter.

The Convener: I am not sure. We would usually refer such a petition to the Education, Culture and Sport Committee, although we might ask the Equal Opportunities Committee for its views. Essentially, that question is for the Education, Culture and Sport Committee.

Helen Eadie: I am happy with the suggestions of Rhoda Grant and John Farquhar Munro, and believe that it is right to keep ownership of the petition in this committee.

The Convener: For the moment.

Dorothy-Grace Elder: The main point of contention vis-à-vis a member's bill is that the petitioners want legal status for the language, and not secure status or other, lesser names, which are absolutely meaningless. Mike Russell and John Farquhar Munro, who are backing a proposed bill, might be thinking that, in order to get the Executive to accept it, they will have to settle for a halfway house.

I do not understand the difficulties with drafting such a bill. There is a non-Executive bills unit—NEBU—in the Parliament, and I know that it is hard-pressed, but one of the petitioners has offered to draft the bill. I would have thought that, if the petitioner is kind enough to do that, it could then be shown to NEBU, whose staff could run their eyes over it.

I certainly agree that we write urgently to the minister and the committees that we have mentioned. Helen Eadie refers, correctly, to new investment in Gaelic over many years, but the petitioners are still extremely frustrated. I have heard the same argument in various forms over the past 20-plus years. Bills have been attempted in the House of Commons, but nothing has happened. Of course the petitioners expected such a bill to be introduced in their Parliament. Something should really have been done about it during the first session, but we have been dealing with other things—sometimes of lesser value, I

think. The tremendous frustration of the petitioners has come across this morning, and I think that we need to give the Executive quite an urgent prod.

The Convener: I am informed that the non-Executive bills unit is supporting Mike Russell in drawing up the terms of his bill. Not only is it open to the minister and the Executive to indicate their support for Mike Russell's bill, they could also take over the bill if they so desired and turn it into an Executive bill. That would follow the terms that the petitioners would like to see happen.

Various suggestions have been made. Are we agreed that we will keep ownership of the petition for the moment and write to the minister, as suggested by Rhoda Grant?

Members indicated agreement.

The Convener: Are we also agreed to ask the Equal Opportunities Committee for its views on PE540 and the Executive's position on the proposition for a Gaelic language act? At this stage, we could also refer the petition to the Education, Culture and Sport Committee. Further action will have to await the publication of Mike Russell's bill.

Dorothy-Grace Elder: One of the petitioners mentioned how deeply embedded the Gaelic language is in the map of Scotland. Are children taught in geography lessons to pronounce the Gaelic names of our mountains? That did not happen in my time. Does it happen today? Even Shettleston in Glasgow is based on a Gaelic name. We could ask the Education, Culture and Sport Committee to pass on that sort of issue.

Those of us who live in the Lowlands sometimes forget that the Gaelic language runs right through the fabric of the places in which we live—at least in terms of their place names. Are kids being taught about that? Why should we have to stumble for the rest of our lives, unable to pronounce the name of some hill?

The Convener: We have agreed to write to the minister indicating the committee's view that the Executive should publish a draft bill for consultation. We will ask the Executive to advise us as soon as possible, once Mike Russell's bill is published, what its view is of his bill and what it intends to do about the bill. We will also ask the Equal Opportunities Committee for its views. We have further agreed to refer PE540 to the Education, Culture and Sport Committee, for information only. I cannot see that we can do anything else at the moment unless members want to transfer PE540 to the Education, Culture and Sport Committee.

John Farquhar Munro: We should keep control of the petition.

Rhoda Grant: In our letter to the minister, can we point out the Calum MacDonald bill, which fulfils more fully the aims of the petitioners. The minister should have a copy of that bill. Given that that bill is already drafted, it could be used for the basis of consultation. That would cut down the amount of work. The Executive does not need to reinvent the wheel and we all know that things can change considerably following consultation. Even if the Calum MacDonald bill was not up to the standard of the Executive's draftspeople, it would make a starting point.

The Convener: We could ask the minister about the information that was passed to it by Commun na Gàidhlig and for its response to the information.

John Farquhar Munro: I understand that the Mike Russell bill, in its draft form, has been scrutinised more than once. It is almost ready to be launched.

The Convener: Are we agreed on the steps and actions that I outlined?

Members *indicated agreement.*

The Convener: I thank the witnesses for their attendance at the committee this morning. I am sorry that we had to use headphones. It shows how pathetic we are.

Alcohol and Drug Misuse (PE531)

The Convener: Members will remember that the first petitioners were not here at 10.00 am. I understand that Mr Robinson is now with us. We will return to PE531, which is on the subject of the support and treatment of those suffering from alcohol and drug misuse. I thank Mr Robinson for his patience and advise him that he has three minutes in which to make a presentation before the meeting is opened up to questions from members.

Ian Robinson: My wife sends her apologies. She cannot attend today as she is ill.

I thank the committee for the opportunity to address this extremely serious problem. Our petition sets out the fact that there are four times as many deaths in Scotland each year from the effects of alcohol dependence as there are from drug abuse. However, the political eye is on drug abuse, not alcohol dependence, which has been around for a very long time. You may or may not realise that, because of alcohol dependence and drug abuse, the professionals admit that we have already lost two or three generations. Can Scotland afford to ignore the loss to its future and its future prosperity?

Mary Mulligan has stated that alcohol problems are costing Scotland at least £1 billion a year. What practical solutions has she instigated or

completed? Despite the number of deaths and all the known associated health and social costs of alcohol abuse, little is done in the community, as the Deputy Minister for Justice, Richard Simpson, stated at a recent conference. Unfortunately, few areas in Scotland can boast the range of services that are needed. Services are under-resourced and do not have the support responses available.

11:15

Alcohol dependence is regarded as a self-induced condition and part of the Scottish culture. The condition is especially problematic in women. There are more than 1,000 women with alcohol dependence in Perth and Kinross alone. Young women are particularly at risk—more so than men. Mary Mulligan has stated that more women are drinking to excess; that a Scottish health survey suggests that one in four women is drinking more than twice the daily benchmark; and that, given the fact that women are more sensitive to alcohol than men, that is very worrying. Of course she should be worried—everyone should be. As with drug addiction, nobody sets out to become dependent on alcohol. However, for whatever reasons, certain members of the community appear to have a disposition towards alcohol dependence. The condition is worse in women because, unlike men's consumption, women's consumption of alcohol is more in the home, unseen by family members and others until it is too late.

Upon someone's accepting that they have a problem—and that takes courage—they will find great difficulty in obtaining help, especially professional help. Unlike those who are addicted to tobacco, those who are addicted to alcohol cannot put a patch on their arm to overcome the problem. As Richard Simpson has stated, we must do more to reduce—and reduce substantially—the scale of misery and wasted lives that these stark statistics only hint at. To do that, we need a pool of trained counsellors, both professional and voluntary, in whom the patient can have faith and with whom they can develop a bond of trust and respect. Unfortunately, such requests to local authorities have invariably been dismissed out of hand. Why was £130 million not allocated to tackling alcohol abuse as well as drug abuse? By dealing with the problem more effectively, we would reduce the cost to the national health service and the social services and help to stabilise families, especially where children are involved.

Unfortunately, I do not have the time to cover all the relevant points, such as what should be done about television advertising and the issue of double addiction. However, I ask the committee to remember that it could be them, a member of their

family or their whole family who may need help. No one is exempt from the problem of alcohol or drug abuse.

The Convener: Thanks, Mr Robinson. Murdo Fraser is here to support the petition. Before I open the debate to questions, I invite him to speak.

Murdo Fraser (Mid Scotland and Fife) (Con): It is a pleasure to be here this morning, to lend my support to the petition. Since Ian and Joan Robinson first came to me some months ago, I have been looking into the question for them.

I want to make two brief points. First, some parliamentary answers that I have obtained show the scale of the alcohol problem, in particular as it affects women—which is, I think, very much a hidden problem in society. In 1999, the instance of death among women directly from an alcohol-related disease was 302; in 2000, it was 338; and in 2001, it was 358. That pretty startling 20 per cent increase over two years demonstrates the scale of the problem.

Secondly, if I may echo what Ian Robinson said in his presentation, we often hear in the media and in discussions in the Parliament and elsewhere about the problem of drugs in society, but we hear much less about the problems connected with alcohol. We hear much about drug addiction, drug abuse and drug-related crime, but little about alcohol abuse, alcohol addiction and alcohol-related crime. However, alcohol abuse is a far more prevalent and far greater social problem. We need to look again at our priorities to consider whether we are giving the problems with alcohol the prominence that they deserve.

The Convener: Do members of the committee have any questions?

Rhoda Grant: I am interested in the part of the petition that talks about support for carers, which is something that can be quite hidden. For instance, young people and children whose parents are involved in alcohol abuse may not know that they could get support from social services. I think that there is a great fear amongst children that, if they ask for help, it may lead to the break-up of their families. They therefore shy away from the agencies and support services that would be available if their parents had, say, a recognised disability.

From my experience of being involved with and speaking to a group in Skye that supports young carers, I know that those young people get support without the fear that their family will be broken up. They get support in doing the things that fall to them. That group includes carers who are involved in dealing with alcohol and drug abuse as well as other types of illness. Do you have any experience of similar groups that support young carers?

Ian Robinson: My wife and I attended a conference in Glasgow for family help groups that deal with drugs, but there is nothing of that sort in Perth and Kinross.

For a carer to get any form of information, never mind help, you have to knock down more doors and brick walls than you know what to do with. There are brochures that give information on the problem, but try putting your hands on them. They are nicely displayed in certain offices, but the public are not allowed to get to them. To start off with, you need to find a general practitioner who is sympathetic and who will give you a referral. It is difficult for carers—not many are like me—to get help in getting that information. Organisations such as Al-Anon can help a lot of people, but their way is not suitable for me and for many carers like me. Let me state clearly that there is no practical help that is easily available for carers, never mind the person who has the problem.

Dorothy-Grace Elder: Is the problem particularly bad in Perth and Kinross? Have you any information about other parts of Scotland? For instance, you mentioned that the very basics, such as finding a leaflet, were difficult. That is quite shocking. Has your petition been prompted by the fact that your area is particularly bad or are you thinking on a national scale as well?

Ian Robinson: Let me make two points, the first of which is perhaps facetious. As far as Perth and Kinross is concerned, Perth and Kinross does not have a problem.

Dorothy-Grace Elder: That is the worst possible attitude.

Ian Robinson: Yes.

Secondly, the whole thing in Scotland is so disjointed that it is unbelievable. If it was a business, it would be bankrupt. The Forth valley and Bannockburn area has a system of 36-hour detox; if someone has a problem, they go straight in. Dr Peter Rice's Tayside alcohol problems service does that once a patient is in the system and in after care. Each system would like to do what the other does. The systems need to be brought together, with a holding department in the middle, until everything gets sorted through. People have to have constant help and reassurance.

Dorothy-Grace Elder: Are you saying that Perth and Kinross and Tayside areas are in denial that they have a large problem?

Ian Robinson: Ask any of the local politicians, for example, or other parts of the population, and they will deny that the problem is there. There are no unmarried mothers, there is no drug abuse, there is no alcohol abuse, and there is no animal cruelty. It is unbelievable. I have travelled most of the world and I was shocked by that attitude.

Dorothy-Grace Elder: We admit our shortcomings in Glasgow.

The Convener: I am a local politician from Tayside and I acknowledge that there is alcohol abuse.

Ian Robinson: You might be one of the few that admit it.

The Convener: It is widespread.

Ian Robinson: It is not just a question of admitting that the problem exists. It is about getting people off their backsides and doing something about it.

The Convener: The Executive's official position is that it has published an action plan to deal with alcohol abuse.

Ian Robinson: The Executive has published so many reports that you could put together another Amazon rainforest.

The Convener: The Executive claims that it has alcohol action teams operating throughout the country and that it is going to set up a women and alcohol network.

Ian Robinson: Do not get me wrong. I have no gripe against the grass-roots people who work their guts out daily, face-to-face. It is the people above them who will not account for the money, and will not secure the money that is needed. Ask the people who are working at the grass roots what is needed. They will tell you and make no bones about it.

The Convener: There is a framework, but there is no money.

Ian Robinson: There is a basic framework. I was talking to Dr Peter Rice and Elizabeth Hill yesterday. Dr Rice is one of the top three psychiatrists in Scotland. They know exactly what has to be done. They have had the plans put together for 15 years. However, the money has never come up.

Phil Gallie: What role do you see the general practitioner playing?

I also have a point about accident and emergency units in hospitals. Anyone who works in those units recognises the full extent of the alcohol problem in Scotland.

Thirdly—this is perhaps contentious—you mentioned that one prevailing attitude is that people have real illnesses so why should we spend money on those who choose to abuse? What is your opinion of GPs being able to prescribe alcohol to patients who have been diagnosed as alcoholic?

Ian Robinson: I will take each point in turn. First, you asked about the attitude of GPs. From

the information that I have collated, I think that most GPs are becoming more sympathetic. My GP practice would love to have the money to employ a special nurse to deal with alcohol abuse, because it sees so much of it. However, there are still GPs who will turn around and say, "Stop it. Get on with your life and stop it." There is still that underlying thought in many people's minds.

Could you repeat your next point?

Phil Gallie: I said that accident and emergency departments recognise the scale of the problem. My next question was about GPs being able to prescribe alcohol to individuals whom they determine to be alcoholics.

Ian Robinson: They need a specialist in the practice, such as a community psychiatric nurse who can deal with the problem. We are not just talking about alcohol. Do you realise that we are talking about a dual addiction?

Phil Gallie: I recognise that in many instances that is the case.

Ian Robinson: Do you know what I mean by dual addiction?

Phil Gallie: Absolutely.

Ian Robinson: I am talking about depression plus alcohol—not drugs plus alcohol.

Phil Gallie: In that case, I misunderstood what was meant.

Ian Robinson: So did I the first time that I heard the term.

Depression hits people with alcohol problems hard and puts them on a merry-go-round. They drink to get rid of their depression. They get depressed because they drink. We have to break the cycle somehow. The committee should have a word with Dr Peter Rice, who is more of a specialist than I will ever be and who works in Sunnyside. He will explain exactly what I mean—I may have a copy of his speech in my briefcase.

11:30

I return to the issue of accident and emergency departments. Unfortunately, the figures for deaths from alcohol are muddled—ironically, for the best of reasons. Doctors will put heart or liver failure on death certificates to spare people's relatives. The fact that the deaths were the result of alcohol abuse is not recorded. The figures are false. All that they do is show an upward trend. They are only the tip of the iceberg.

Helen Eadie: You say that you have collated information. I take it that that information relates not only to Perth and that you have contrasted the policies that are adopted in Perth with policies from other areas. There is an alcohol concern

group in Fife that has done a great deal of work on the issue, although there is always scope for more. What best practice have you identified in other areas?

Ian Robinson: Because practice varies, we have talked to many people—including a professor at the University of Bristol who is collating all the information from Salvation Army hostels up and down the United Kingdom. The biggest problem in Scotland is that the system is fragmented. People get different treatment in different areas. The system must be flexible—that is common sense.

Have members read Iain McKinney's report? I suggest that they do so, as it makes for very interesting reading. Tayside would love to have the system that exists in Forth valley and Fife. Iain McKinney would love to have the system that exists in Tayside. We cannot bring the two systems together because there is no money to do that. We would like to know where all the money that is allocated disappears to. No one accounts for it. We are told that there is not enough money. When we ask where has it gone, people reply, "It went over there."

Members may recall that, at the beginning of the year, Richard Simpson and some other MSPs—perhaps including members of the committee—went up to Aberdeen. Aberdeen had been given £5 million to deal with drug problems, but the money had not been spent on that. Dr Simpson gave me to understand that the sum would rise to £10 million, but that if it were not spent on drugs it would be ring fenced. Why can you not ring fence the money for dealing with alcohol problems, to ensure that it is used where it is supposed to be used, rather than siphoned off elsewhere?

The Convener: Thank you for your evidence. You are free to listen to our discussion of what to do with the petition.

The Executive has an official position. It argues that it is funding alcohol and drug prevention services through its alcohol and drug action teams. It has recently announced that it intends to set up a women and alcohol network.

The question that has become clear from the petitioner's comments is how much money is allocated through that framework to ensure that the services are on the ground? It is suggested that, initially, we write to the Executive for its comments on the petition. We could ask for details of the Executive's position on the funding of local agencies that provide support and treatment for those suffering from alcohol and drug dependency—we want to know how much money is going to whom.

We could also ask whether the Executive plans to provide a properly funded network of support groups for carers, as proposed by the petitioners;

for an update on progress on establishing the women and alcohol network, including details of the support that is to be provided for families through that network and of any similar support that is available to families of male victims of alcohol abuse; and whether the Executive is meeting the objectives outlined in its "Plan for Action on alcohol problems" and in its drug strategy.

Rhoda Grant: I ask for an addition to the second point about carers. Can we ask for young carers to be considered? People consider carers groups to be adult support groups and we need a distinct group to deal with young people in that situation. The problem is hidden.

The Convener: We will ask about young carers.

Helen Eadie: When the Executive comments on whether it is meeting the objectives, I presume that it will tell us that it has not met some objectives. Can we ask for a time scale for the Executive to meet some of those unmet objectives?

The Convener: We will ask for a time scale for the full implementation of the Executive's plan.

Given some of the evidence that we have heard, we could ask the Executive how money is allocated and accounted for through the action teams. That is important. If money is being channelled into such agencies, how are they held to account for how they spend it? We could ask for details on that.

Dorothy-Grace Elder: Could we ask the Executive for an approximate breakdown of the moneys that it puts into clear-cut drug programmes and clear-cut alcohol programmes? Before the petitioner articulated the case so well today, concern had been expressed that the traditional but increasing problem of alcohol abuse is rather downplayed. That is how it seems in the media, which gives drug abuse more publicity.

Is it worth writing to Perth and Kinross Council or to the Tayside health authorities to ask about their provision for women and for carers and to state the petitioner's concern about the lack of publicity? I am still not sure whether the issue is a local problem about a lack of information or an attitude problem. The petitioner raised the national problem of the possible downgrading of the alcohol situation in comparison with drugs.

The Convener: We could ask the council and the health authorities for their positions, but I suspect that the situation will be similar throughout Scotland.

Dorothy-Grace Elder: We could ask those authorities what they provide for carers and for women.

Unlike the convener's constituency of Dundee East, Perth and Kinross contains relatively affluent areas. Alcohol is often associated with the reverse situation—the human misery of unemployment. The unemployment rate in Perth and Kinross is not high.

Phil Gallie: In relation to Dorothy-Grace Elder's comments on health and the petitioner's requirements, we should examine the overall targeting of the Executive's spending and how to get the best value from that money. I am not sure whether this is a reserved matter, but in my constituency, much anxiety is expressed about the allowance that is paid to people who suffer from alcoholism, which allows them to purchase more alcohol. That cuts across what we are trying to achieve. If we will be in touch with ministers, it might be worth while asking them to evaluate the success of that scheme and whether it adds to or lessens the problems.

The Convener: Are you talking about people who are receiving incapacity benefit because they have problems with alcohol?

Phil Gallie: Yes. They receive an additional payment. I am not sure whether it is a reserved matter.

The Convener: I am not sure that everyone who receives incapacity benefit records why they do so. I do not think that those kinds of statistics are kept.

Phil Gallie: I stand to be corrected, but I am pretty sure that an additional payment is made in that respect.

The Convener: We can certainly ask the Executive whether people are paid additional benefits because of alcohol problems and, if so, whether it can provide us with figures.

Are those all the additional questions that members want to ask?

Members *indicated agreement.*

The Convener: Thank you very much. When we receive the Executive's response, the petition will return to the committee.

Landfill Sites (PE541 and PE543)

The Convener: We move on to PE541, from Dr James Buchanan on behalf of the Roslin community action group, which relates to the development of landfill sites. Robin Harper is also present in support of the petition.

Dr Buchanan, the usual rules apply. You have three minutes to make an opening statement, after which I will open it up to questions from committee members.

Dr James Buchanan (Roslin Community Action Group): Good morning. Our petition has been submitted on behalf of the communities of Roslin, Auchendinny and Bilston, which have formed themselves into an action group in protest against a developer's plan greatly to enlarge the size of a landfill that is within 400m of Roslin.

The petition falls into four parts. First, we request that the Scottish Parliament investigates the impact of landfill sites on the health and the environment of surrounding communities. There is much published evidence of the adverse health effects on communities of living close to municipal and hazardous landfill sites. The health impacts of the mixtures of active and hazardous materials in landfill require much more research and monitoring. Recent statements by the UK Department of Health have highlighted statistical evidence in relation to congenital defects in babies born to mothers who live within 2km of landfill sites.

Previous, current and future landfilling will leave a legacy that will last more than 35 years. As a result, any proposal to enlarge an already vast landfill site so close to a village and to continue blindly to dispose of up to 2,000 tons of domestic and industrial waste a day is not acceptable.

We are also concerned by past poor landfill practices by operators in engineering design. For example, the polythene liners that are used at the Roslin site have a manufacturer's guarantee of only five years. Our local community general practitioners have written to Midlothian Council to protest at the total folly of extending an already vast landfill site so close to human habitation.

We have concluded that landfill development should be led by the precautionary principle. Further epidemiological research is required and an environmental impact assessment should be compulsory for landfill extensions. Any process that effectively excludes those that are harmed by such development is an infringement of human rights.

The second part of our petition requests that the Parliament investigates the rationale behind the proposed expansion of landfill sites such as the one at Roslin, given requirements under the new European Union landfill directive. The third part stresses the need to encourage more sustainable solutions to waste management. Both of those aspects speak for themselves.

Waste planning decisions are being made without the informed guidance of policy, which is still in the making. Draft local waste strategies lack serious and direct consultation with local communities. Given the introduction of the EU landfill directive and the fact that other waste legislation is pending, opportunities exist for wider

consultation with all communities with the aim of encouraging the search for more effective, sustainable solutions. There should be a moratorium on landfill planning decisions until the area waste plans have been collated into a revised national waste plan. The Scottish Environment Protection Agency website says that a national waste plan might require modification of the area waste plan, which is another reason for delaying decisions on extending existing landfills. Although the Scottish Executive's television adverts tell us to reduce, reuse and recycle, the Executive itself seems impotent to talk to and consult local communities on addressing such issues.

The last part of the petition refers to the

"process whereby all consultees become more proactive in encouraging developers to incorporate features reinforcing sustainable development policy objectives".

There has been a lack of proactive engagement in the development process by consultees such as SEPA, which seems to prefer to regulate rather than to engage with all the stakeholders to encourage more sustainable solutions.

We want better development frameworks that actively involve affected communities. At present, local communities are excluded from the planning process. The only course of action that is left to us is to object and to become a nuisance. Local council planning committees must make clear judgments on future developments. Such developments often claim to address Scotland's national waste policy, but how can those committees make such decisions when the policy is still at a formative stage?

11:45

We lack confidence in the planning system because the consultation process is ineffective. Planning permission for projects that might harm communities is likely to be granted, but we can object to contentious developments only from outside the planning process. We feel strongly that urgent changes to the planning process are required to bring real democracy at a community level. Communities are hurt and angered by such development proposals. They have been effectively disenfranchised.

There is a feeling of unease and disempowerment in my community. Fear and stress about waste sites causes hostility and divisions in the community and there are feelings of mistrust and loss of control. Members, as our elected representatives, have the opportunity to change the planning process and to return real democracy to communities in Scotland. We strongly urge members to take that opportunity.

Robin Harper (Lothians) (Green): My concern is not only with Roslin. For around three years, I

have been involved in helping small communities to defend themselves against large landfill developments. It can often take one or two years, or longer, for a small community to defend itself against the noise, pollution, smell and other problems that are attendant on landfill sites and opencast coal mining, which is another big player in the area. A further concern, on which I am sure Dr Buchanan will expand when questioned, is the disempowerment that small communities feel when they try to prevent such developments.

The Executive is considering a revision of the planning system, but it strenuously resists the idea of a third-party right of appeal, which would assist small communities by allowing them to draw on a third party's expertise, where necessary.

Given that, in the new year, the Transport and the Environment Committee will consider area waste plans, the petition is particularly timeous. I hope that the Public Petitions Committee will recommend that the petition be passed for consideration to, among others, the Transport and the Environment Committee. If it is not too late, the issues in the petition will be taken on board in January and February, if not before then. I hope that my general concern will form part of our deliberations in the new year.

The Convener: Before we move to questions, I ask members to agree to take PE543, from Karen Whitefield MSP, in conjunction with PE541, because it calls for almost exactly the same action.

Members indicated agreement.

The Convener: Karen Whitefield's petition arrived too late for the clerks to prepare a briefing, but she has written to me, as the committee convener, to say that she shares the substantial concerns of the Roslin Community Action Group about the impact of a large landfill site at Roslin. She is also concerned about the proposals for Greengairs, which is in her constituency. She has received many complaints from the people of Greengairs along the same lines as we have heard. They are concerned about highly noxious odours, heavy vehicles passing through small villages, damage to roads, the shedding of waste and noise pollution.

Karen Whitefield is concerned about the expansion of landfill sites around those communities and the fact that some sites have been picked out as proven viable sites. She claims that developers are manipulating the planning laws in order to ensure that they get their own way with local authorities. She welcomes the Executive's commitment to developing the use of sustainable and more environmentally friendly waste solutions and urges the Public Petitions Committee, the Scottish Parliament and the

Scottish Executive to ensure that that commitment becomes a reality sooner rather than later.

Helen Eadie: This issue chimes with one in Westfield in my constituency. I am pleased to say that the local people won against the developers in that case.

You spoke about SEPA and its part in the affair. Are you aware—I do not think that the Scottish Parliament is—that SEPA has no access to the health impact assessment prior to the application going to the planning committee?

Dr Buchanan: We visited SEPA headquarters to talk to Ken Collins and his colleagues and were told that SEPA cannot interfere with the planning process. Instead, once planning permission has been given to extend a landfill site, for example, SEPA licenses the process and polices the operators and developers through regular inspections, to ensure that they operate within the terms of the licence. I was shocked that SEPA is not becoming involved at an early stage of the planning process, in order to insist on more sustainable development. SEPA's documents stress that that is the organisation's role, but it does not seem to use its powers at an early stage.

Helen Eadie: Did it shock you to find that SEPA has no powers to see the health impact assessment before it goes to the planning committee? If SEPA has to regulate and monitor the process after planning permission has been granted, it must be in everyone's interest for it to have access to the health impact assessment before a decision is made, so that it can comment meaningfully on any concerns that it might have prior to permission being given.

Dr Buchanan: In the case that I am talking about, no health impact assessment or environmental impact assessment has been done, at any time. We are calling for an environmental impact assessment at the least and, as SEPA is the guardian of the environment, we would expect it to push for that. However, we are told that it will wait until it knows what the planning people decide before setting conditions. That is not good enough.

Dorothy-Grace Elder: I take it that SEPA was not one of the objectors at the planning stage.

Dr Buchanan: That is correct.

Dorothy-Grace Elder: I take it also that your frustration with SEPA is that it will administer something that it could have prevented in the first place.

Dr Buchanan: That is exactly correct.

Dorothy-Grace Elder: Do you think that what SEPA told the public in advance was truthful? Were the public meetings useful?

Dr Buchanan: David Campbell from SEPA came to the second of the two public meetings

that we held. The feeling was that SEPA's hands were tied. It was unable to interfere at an early stage of the planning process.

Dorothy-Grace Elder: That is what SEPA states, but it is not official that its hands are tied. It is quite free to make a statement. Did you realise that?

Dr Buchanan: I did not think that that was the case. SEPA said that it could not do anything to interfere at this stage, and could not do so until—

Dorothy-Grace Elder: Until the thing happens?

Dr Buchanan: At which point, SEPA would set conditions.

Dorothy-Grace Elder: So SEPA has not requested, or made any progress with, an environmental impact assessment or a scientific impact assessment?

Dr Buchanan: We asked for a proper hydro-geological survey and a proper environmental impact assessment. The site at Roslin has been running for several years. It has grown and grown, and now the operators want to grow it by another 25 per cent—which represents 500,000 cu m. However, at no time has there been an environmental impact assessment, which seems extraordinary.

Dorothy-Grace Elder: When you put those points to SEPA, how did it reply?

Dr Buchanan: My written requests were met by a list of the fly control measures that are being used at that particular site, but SEPA said verbally that it could not interfere until after the planning department had met. We think that that is far too late.

Dorothy-Grace Elder: Of course it is. You may have guessed that I have had bad experiences with SEPA, as have a number of other MSPs. In my area within the Glasgow boundary, an old toxic dump is allowed to take up to 500,000 tonnes a year. That means 4,000 lorries a year. SEPA has also allowed a cattle incinerator to open in a heavily populated part of the east end of Glasgow. It made no objections at all at the beginning. Is your problem really that you do not find the environmental watchdog to be a watchdog at all?

Dr Buchanan: That is what we say. I cut this out of my introduction, but SEPA has said that it can engage in the planning application process only once permission has been granted. That cannot be right. SEPA appears impotent to see through the changes that are required by its own national waste strategy. That must be questioned.

Phil Gallie: I accept that we are considering the issue in general, not only the situation at Roslin, but does the Roslin dump serve a wide area, or just the local area?

Dr Buchanan: It gets all the domestic waste from Edinburgh and the Lothians, but we also see wagons coming from the Borders and from Lanarkshire. The dump can take waste from anywhere; it is not restricted. However, it is principally the site for domestic waste from Edinburgh.

Phil Gallie: As Karen Whitefield and others have suggested, part of the environmental pollution that results from the existence of landfill sites is to do with the transportation of waste. I understand that the Scottish Executive has a policy that waste disposal should take place as near as possible to the waste's point of origin; but is there more that the Executive should do?

Dr Buchanan: I understand that the policy you mention is known as the proximity principle; I am not an expert on domestic waste disposal and I have been on a steep learning curve since I got sucked into this business. According to the proximity principle, a waste site should take local waste. However, there are very few sites in the Lothians. I believe that Dunbartonshire takes quite a proportion of Edinburgh's waste. The Drummond moor site is very close to the Oatslie tip, which is only 400m away from Roslin's boundary and 500m from the school. However, because there is no let or hindrance, we know that waste can come from anywhere within a wide area, so the proximity principle does not apply.

Phil Gallie: I can give you another example. In Ayrshire, we have a dump that takes waste from Northern Ireland. However, that is another matter.

You talk about sustainable solutions. There are plans for waste recovery units that would provide for sustainability. The one in Fife to which Helen Eadie referred was knocked out. It was not a landfill; it was a waste recycling—

Helen Eadie: No. It was predominantly landfill, but a proportion of it was recycling.

Phil Gallie: A waste recovery unit that is supposed to be 60 per cent recycling is planned for Ayrshire. That is producing massive levels of protest, but it is based on the proximity principle. Traffic from all over the country will probably come to it. Do you have any answers to that? Should we set up a network of such recycling plants or should we depend on one or two large ones?

12:00

Dr Buchanan: In the case of the Oatslie site, which I have been able to examine closely in the past month, there is a proposal for a civic amenity site to which people can bring paper, glass and tins. We thought that that would be the start of recycling. However, when we examined the proposal more closely, we found that, unless

someone purchases the glass or paper and it therefore has a value, it will be landfilled. At present, there is no market for such civic amenity sites. That is a farce.

A lot more input is required for recycling to work. Practically everybody to whom I speak in England and Wales has three bins and recycles different materials in differently coloured bins. That does not happen in the Lothians. I understand that something like 2 per cent of waste is recycled. The First Minister set a target—without a time limit—of 25 per cent recycling of domestic waste. To get people to accept that will need a lot of education. It will also be expensive. However, if we do not accept it, we will be submerged in waste in no time. We must tackle that. We all produce waste. The problem is education.

All kinds of disturbing things are happening. For example, sites are being licensed because they deal with industrial waste, which is largely outside the area waste plan. However, most of those sites actually have mixed waste, because the majority of domestic waste is added to industrial waste landfills. That seems to be a loophole that is being exploited.

The area waste plans give only aspirational targets. They present options for waste management but do not say which options will be followed. I have a whole briefcase full of documents. I know that the committee does not have a lot of time, so I cannot go into them all. How can planning decisions be made without clear, mandatory targets, including final goals, intermediate targets and clear mechanisms to rectify management if the intermediate targets are not met? Many of the draft plans have only a range of options and do not state which will be adopted. We are in limbo. We do not have a national waste plan at present.

Phil Gallie: Communities elect councillors, who have a direct impact on planning decisions. However, all planning consents on such issues can be referred to the Scottish Executive, so there is ultimately a centralised aspect. How do we achieve real community involvement in planning decisions?

Dr Buchanan: That is a good question. When we speak to our local councillors at public meetings they say, "We are not allowed to speak about the matter because we happen to be on the planning committee." We say, "But you are our elected representatives." They reply, "We hear what you say, but we are banned from talking about it, because if we did, we would be banned from being on the council's planning committee." That is a strange and circular situation.

Helen Eadie: I understand your last point. I should declare an interest, because my husband

is on a planning committee in Fife. Members of his committee were told that the European convention on human rights meant that they were legally prohibited from giving a view prior to a planning committee meeting. The Parliament should be aware of that and should think about it.

Earlier this year, Professor Bob Ballard came to visit us from America. He made the point that black America was being dumped on. In our country, the poorest communities are being dumped on. Developers throughout the country always consider development plans that would require landfill in the poorest communities. To what extent is that an issue in your area?

Dr Buchanan: I do not think that it is. I am aware that according to the terms of the Public Petitions Committee, we should not speak about specific examples, but the Oatslie site started out as a sand and gravel quarry and, without any objections from the communities, it quietly became a landfill site. The site expanded and we are now faced with a further expansion by 25 per cent—another 500,000 cu m—which will mean another 2,000 tonnes a day.

Last year, our community suffered from tremendous problems of noise, smell and fly plagues. That was enough. Things seemed to have developed in the way that I described. We are not being dumped on because we are a poor community. The developers have brought about a creeping spread. Their company is enormous—its waste recycling group turned in £20 million in profits last year. It is part of the Hanson plc group and is a huge enterprise.

We realise that the waste has to go somewhere, but the latest development was a bridge too far so we had to protest. When we started to protest, however, we found out what we were up against. The problem is enormous. The meeting is on 10 October and we must submit our objections in plenty of time. We have a 35-page document, which we will send to all the councillors and the planning officer this week. I do not have the document with me, because it is being printed at the moment. It has taken our community hundreds of hours to prepare the document, which will be free. If we had commissioned it from a consultancy company, it would have cost at least £20,000. We have produced a very professional document, which I hope will change the planning committee's mind about the extension.

Dorothy-Grace Elder: I agree with Helen Eadie that, in general, the poorer communities have been dumped on, including my area. The fact that Roslin happens to be a beauty spot shows that the developers are reaching out to dump on other areas, because they are running out of poorer folk to dump on. The situation is scandalous.

You mentioned that the school had been invaded by flies and that other problems had occurred. Problems with flies are common near landfill sites. The Executive admits that one of the many problems with the present legislation is that it is not a case of "so many strikes and you're out" as applies, for example, to a person who burns a bonfire in their back garden. If a neighbour complains about that more than twice, the police are called in. How often is, or was, the fly invasion of the school happening? How often were the nuisances of the site, such as the smell, apparent?

Dr Buchanan: At the most recent public meeting, the nuisance that is caused by smells created a great deal of passion. People who live at the end of the village closest to the dump say that they have to keep their windows closed all the time. The prevailing wind happens to be from the west and we are downwind of the site. Last year, the school had to be closed down for fumigation because of the fly problem.

Dorothy-Grace Elder: How near is the school to the dump?

Dr Buchanan: It is only 500m away.

Dorothy-Grace Elder: Did the council unanimously grant planning permission?

Dr Buchanan: The council has not yet met to grant planning permission—it will meet in two weeks' time.

The Convener: I thank you for giving evidence. You are free to stay and listen to our discussion about what we should do with the petition. The issue is important and the committee takes it seriously.

There are a number of proposals in the covering note to the petition. The small area health statistics unit—SAHSU—has published a major study into possible health risks for populations that live near landfill sites. The study was not conclusive, but recommended that further research is required into health risks from landfill sites. Last month, the Executive launched a consultation on improving standards at landfill sites throughout Scotland. Robin Harper said that the Transport and the Environment Committee will not consider waste strategies until the new year, so the Public Petitions Committee has time to work on the petition before we pass it on. I suggest that we get the basic work done, then pass the petition to the Transport and the Environment Committee.

It is suggested that we agree to write to the Scottish Executive and SEPA to seek information on the issues that are raised in PE541 and PE543. For the benefit of the *Official Report* and those who are listening, I will quickly go through what the paper suggests we should ask them.

It is suggested that we ask the Scottish Executive and SEPA whether the proposals in the Executive's current consultation are likely to address the concerns that the petitioners have expressed about the possible health and environmental implications of the proposed expansion of the Oatslie and Greengairs landfill sites. We should also ask whether any further research is planned by the Scottish Executive, as SAHSU recommended. It is suggested that we ask the Scottish Executive and SEPA to comment on proposals to expand landfill sites—which we have heard about this morning—that appear to contrast with the intention behind EU landfill directives and the Executive's policy on sustainable waste management. It is suggested that we ask them for details of measures that they are currently taking to try to encourage local authorities to adopt more sustainable solutions to waste management, and for comments on the call in PE541 that SEPA's role be extended to include overseeing and guiding sustainable development policy in relation to the planning process.

Finally, it is suggested that we should ask the Executive and SEPA for their views on the petitioners' suggestion that mechanisms in the planning process could be improved to allow consultees to become more proactive in encouraging developers to incorporate features that reinforce sustainable development policy objectives.

Do members have any suggestions to add?

Helen Eadie: I agree with all those suggestions, but request that we write to the Executive and SEPA to ask for their comments on why health impact assessments cannot be made available to SEPA so that it can comment meaningfully on health implications prior to approval of planning applications. We should also write to public health consultants in Scotland to ask for their views. In Fife, public health consultants expressed strongly the view that there is no meaningful way in which to influence policy prior to planning permission being granted. All GPs in my west Fife local health care co-operative were concerned about that.

The Convener: We should ask why SEPA and public health consultants are not consulted about health impact assessments for local landfill sites prior to planning applications being dealt with.

Helen Eadie: Yes. Robin Harper's point about third-party planning appeals should also be picked up. I have read the consultation paper. Consultation is now closed on that issue, but the Executive is not planning to move from its stated position on third-party rights of appeal. I read the document and related documents; I know that New Zealand and Ireland allow third-party rights of appeal.

The Convener: We know the Executive's position, because it gave its views to the committee in respect of a previous petition. Therefore, there is no point in asking it for its views—it will simply tell us again that it is not in favour of third-party rights of appeal. However, we can ask about consultation of public health consultants and SEPA.

Dorothy-Grace Elder: I do not think that it would matter if SEPA saw material first—it would pass the buck by saying that health is not primarily its responsibility. I feel nothing but despair about SEPA, but we could ask questions of it. Can we, please, ask SEPA why it does not take action or make any comment or intervention prior to planning decisions being made? There is nothing in law to stop it from doing so as an environmental watchdog. Why is it not proactive one way or another, at least in expressing its view prior to a planning decision? Why, in this case, did not it insist on environmental and scientific risk assessments? I know that SEPA does not assist in health assessments, but it can in those two types of risk assessment. It might have slipped up on an EU directive. Part of SEPA's funding comes through dump owners paying for inspections. As a body, SEPA continues because of those payments. Dumps are making people millionaires—where there is muck there is money.

The Convener: Okay. We will ask those questions of SEPA.

Dorothy-Grace Elder: I do not mean that there is anything improper going on, but SEPA gets the money to run itself from the sites that it inspects, so I think that there is a conflict of interests.

The Convener: Is it agreed that, with those additions, we write to the Executive and SEPA in those terms?

Members indicated agreement.

The Convener: Thank you. We will take a break for five minutes.

12:15

Meeting suspended.

12:20

On resuming—

Scottish Airports (Access to Public Roads) (PE528)

The Convener: We are still dealing with new petitions, and the next is PE528, from MacRoberts Solicitors on behalf of Glasgow Airport Parking Association Ltd. The petition calls on the Parliament to conduct an inquiry into the consequences for the transport infrastructure in Scotland of competition in on-site and off-site car parking at Scottish airports and to amend such legislation as it considers appropriate.

The solicitors' client—Glasgow Airport Parking Association Ltd—is concerned about the relationship between NCP Flightpath and Glasgow Airport Ltd, which they believe is anti-competitive and biased against its members. Although matters that arise under the Airports Act 1986 are reserved to Westminster, the byelaws that Glasgow Airport Ltd intends to change will have to be approved by the Scottish Executive. The petitioners want the Parliament to intervene in the situation.

It is suggested that the committee agree to write to the Executive to seek its formal views on the issues that are raised in the petition. It is also suggested that we request an update on the progress of the airport's application to enact byelaws under the Airports Act 1986, as well as the Executive's comments on the petitioners' claims that the proposed changes to the byelaws are ultra vires under the 1986 act. It is further suggested that we ask for the Executive's position on the airport's apparently exclusive relationship with NCP Flightpath, which appears to restrict competition in relation to on-site and off-site parking at the airport, and to ask whether the legislation that allows airports to enact byelaws with a view to enhancing commercial interests is likely to be reviewed. Finally, it is suggested that the committee ask the Executive for confirmation of the extent to which it has responsibility for the issues that are raised in the petition. For example, has it responsibility only for the byelaws or does it have responsibility for other issues that have been devolved? In addition, it is suggested that we pass the petition to the Transport and the Environment Committee for information only at this stage. Do members agree?

Members indicated agreement.

Civil Law Enforcement System (PE529)

The Convener: The next petition is from Mr Horace Jann and is on the reform and unification of the civil law enforcement system. Mr Jann calls on the Parliament to take the necessary steps to

create a civil law enforcement office to replace all sheriff officer commissions and to ensure that, in future, officers are properly trained and supervised at all levels and that fees in the table of fees of sheriff officers are standardised. Mr Jann, who is a retired sheriff officer, is concerned about the operation of the sheriff officer system in Scotland. He is concerned partly because of the inconsistency in training of sheriff officers, and partly because he perceives a conflict in the fact that sheriff officers advertise professional investigation and debt collection services in addition to their role as sheriff officers of the court system in Scotland.

It is pointed out that the Debt Arrangement and Attachment (Scotland) Bill covers many of the concerns that the petitioner expresses. In particular, the consultation paper, "Enforcement of Civil Obligations in Scotland", which was published with the bill, sets out proposals to set up a Scottish civil law enforcement commission. The committee may wish to write to the Executive to seek confirmation that it is seeking to address the issues that the petitioner raises through the proposals that are outlined in the consultation paper and the bill. We could also ask the Executive to indicate whether, following its recent consultation, it is likely to recommend to ministers that the measures that are proposed should be introduced and, if so, what the time scale for that will be. We could also pass a copy of the petition to the clerk to the Social Justice Committee for information while we await a response from the Executive. Do members agree?

Members indicated agreement.

Title Conditions (Scotland) Bill (PE532 and PE533)

The Convener: PE532, from Mr Ronald Smith, is about the Title Conditions (Scotland) Bill. Mr Smith is concerned about the provisions in part 2 of the bill, which will allow voting on community burdens such as shared maintenance and repairs to be exercised on the basis of owned units, rather than on the basis of resident proprietors. He is concerned that a landlord who might own eight or nine units in residential accommodation could therefore have a block vote, which could outvote resident owners in these areas. He wants the issue to be addressed through the Title Conditions (Scotland) Bill. The Justice 1 Committee is currently considering that bill at stage 1, although the call for written evidence has closed. It is suggested that we refer the petition formally to the Justice 1 Committee and that it consider the petition in the context of the bill.

PE533 is also from Mr Ronald Smith. It is on the implementation of the Title Conditions (Scotland) Bill. He is concerned about how long it will take for

the measures in the bill to be implemented after it is agreed by the Parliament. The explanatory note for the bill states quite clearly that the Abolition of Feudal Tenure etc (Scotland) Act 2000 and what will be the Title Conditions (Scotland) Act are likely to be implemented about 18 months after the enactment of the Title Conditions (Scotland) Bill to allow the necessary working arrangements to be put in place. However, the committee may wish to write to the Executive to request more details about the working arrangements that are to be introduced as a result of both acts, and to confirm that it will take 18 months to put the arrangements in place. If we do not want to do that, we could agree to take no further action on the petition, on the basis that the Executive has provided within the bill's explanatory note sufficient information about the expected delay. Which of the two actions does the committee want to take?

Phil Gallie: The petition should go to the Justice 1 Committee. When that committee is scrutinising the Title Conditions (Scotland) Bill, it will get a chance to consider the section that refers to the time for implementation.

The Convener: Although it is strictly a matter for the Executive, we could refer both petitions to the Justice 1 Committee. Is that agreed?

Members indicated agreement.

Current Petitions

The Convener: We move on to current petitions. Two petitioners are in the public gallery, so does the committee agree that we should deal with items 4 and 9 first, because petitioners are present who would like to hear what is going on in relation to those petitions?

Members indicated agreement.

Food Premises (Licensing) (PE446)

The Convener: PE446 is from Julia Clarke, on behalf of the Consumers Association. The petition calls on the Parliament to take the necessary steps to protect the health and safety of all consumers by extending to all food premises the food licensing that applies to butchers' shops.

We agreed to write to the Food Standards Agency Scotland and the Executive on the issue. We have received a response from the Food Standards Agency Scotland, a copy of which is attached to the committee papers. The Executive has recently confirmed that it has no additional comments to make over and above those that have been made by the Food Standards Agency Scotland. We have also received a letter from Mr Andrew Blake—a former environmental health officer from West Lothian—a copy of which is in the committee papers. The views of the Food Standards Agency Scotland and Andrew Blake are set out in the committee papers.

The Food Standards Agency Scotland welcomes the licensing proposals that are contained in the petition, but wishes to consider those as only one possible way of developing its wider policy of implementation of hazard analysis and critical control-point systems. The agency is also awaiting an assessment of the Scottish butchers' licensing scheme before it moves forward on the issue. The agency promises to consult stakeholders, including the Consumers Association, closely as part of the process. If members agree that that represents a reasonable way of progressing the petitioners' proposals, the committee could agree to take no further action. The committee could consult the petitioners on the FSAS response before reaching a final view. Alternatively, the committee may wish to consider referring the petition to the Health and Community Care Committee for further consideration.

Helen Eadie: I suggest that we refer the petition to the Health and Community Care Committee. I was alarmed when I saw how many cases there were. I liked the example that was given by Mr Blake, who is a former environmental health officer. A lot of what he said chimed with me and he suggests a reasonable way forward. The Food Standards Agency Scotland is not saying that it

will not support that way forward; rather, it is saying that it is only one of the possible ways forward. It would be quite reasonable to press the Health and Community Care Committee to take on board the petition.

The Convener: Does anyone have a different view?

Dorothy-Grace Elder: I compliment Julia Clarke and the Consumers Association for the vast amount of work that they have put into the petition over a long time.

The Convener: Should we send the petition straight to the Health and Community Care Committee without asking the Consumers Association for its views on the Food Standards Agency Scotland reply?

Helen Eadie: We could wait.

12:30

The Convener: Shall we pass the Food Standards Agency's reply to the Consumers Association and ask for a response? That would put us in a better position to decide what to do with the petition. Is that agreed?

Members indicated agreement.

Educational Provision (Children with Special Needs) (PE516)

The Convener: PE516 is from Ms Sara Craig and is about educational provision for deaf children. The petition asks the Parliament to examine and identify the optimum methods of management and delivery of educational provision to deaf children and other children who have special needs. It asks the Executive and Parliament to direct local authorities to consult openly and publicly parents and children requiring special needs on the level and quality of peripatetic support that can be delivered in schools. Finally, it also asks the Executive and the Parliament to ensure that there is no diminution in the level of provision to any such children in any local authority area.

We agreed to ask for comments from the Scottish Executive and from Renfrewshire Council where the Gateside School in Paisley is located. That was the object of the petitioner's concern.

We have now received detailed responses from the Scottish Executive and Renfrewshire Council. In its response, the Executive makes it clear that it is for local authorities to develop and manage education services, including services for those who are hearing impaired, in the light of local needs and circumstances in their areas. The Executive provides support and guidance to assist local authorities in the provision of such services,

but it is essentially a matter for the local authority.

Renfrewshire Council has responded with full details of how it conducted its review of the peripatetic services in line with statutory requirements. It acknowledges that although certain parents have reservations about the restructuring proposals, the consultation process was "exhaustive". The council is clearly of the view that the proposals will not reduce the quality of specialist services that are available to deaf children in its area.

The responses appear to be reasonable and seem to address the concerns that were expressed in the petition. It is suggested that the responses should be passed to the petitioners and that no further action be taken. We could also agree to pass for information only copies of the responses to the clerk of the Education, Culture and Sport Committee and the cross-party group in the Scottish Parliament on deafness.

Helen Eadie: Those are acceptable recommendations.

Phil Gallie: I think that the Executive has a responsibility to ensure that there are adequate networks, particularly for children who are profoundly deaf or blind. I recognise that there is always a tendency for the Parliament to drag away powers from local authorities and take over responsibilities. It concerns me that, to some degree, my feelings about the issue go against everything that I have said in the past about taking such action. At the end of the day, local democracy is such that parents can take their revenge on the councillors who make decisions with which they do not agree. Other than that, it seems that there is not a lot that the Public Petitions Committee or the Executive can do about the situation. It comes down to local democracy.

Dorothy-Grace Elder: Does the petitioner have a comment to make?

The Convener: Before making a final decision, we can ask the petitioners for comments. We cannot ask them at this meeting because to do so is not allowed under standing orders. We can ask them to comment particularly on the response from Renfrewshire Council, which was so full that it is difficult to go against it.

Phil Gallie: That is a good idea because the petitioners will have more knowledge of the accuracy of the council's comments.

The Convener: Is it agreed that we pass the Executive's responses and Renfrewshire Council's responses to the petitioners and ask for their comments before deciding what to do with the petition?

Members indicated agreement.

Criminal Memoirs (Publication for Profit) (PE504)

The Convener: I am advised that another petitioner is present for PE504. The petition is from Mr and Mrs James Watson on the subject of convicted murderers profiting from their crimes by selling accounts of their crimes for publication.

Members will recall that the petitioners called on the Parliament to take the necessary steps to prevent convicted murderers or members of their families from profiting from their crimes by selling accounts of them for publication. In particular, they call for a special court to be set up, with the powers to enforce legislation preventing convicted murderers or members of their families from so profiting.

We asked the Executive to comment on a range of specific issues that were raised in the petition and in the presentation that the petitioners made. We have received the Executive's response, which is before us. It would appear that there is a delay in progressing the issue in England and Wales. The Home Office study that everyone has been waiting for seems to be in a bit of a mess and people do not know what to do about the issue. The Home Office still has to publish details of what will happen in England and Wales. The Executive's view is that it would not make sense to take any action in Scotland until the Home Office has completed its work.

It is not clear how prisoners are able to have criminal memoirs published when existing regulations prohibit them from sending material relating to their crime or past offences from prison. We could seek clarification from the Executive on that point.

The alternatives are to take the view that the Executive's response is reasonable and to take no further action on the basis that the issue will be further addressed following the completion and publication of the Home Office work, or to take the view that there is merit in the Parliament's investigating the matter at this stage and to refer the petition to one of the justice committees for further consideration. The Executive takes the view that it should not do anything until the Home Office publishes its report. I am not sure that that is necessarily the case.

Helen Eadie: We could write and ask for clarification on how prisoners are able to have criminal memoirs published. We could decide what else to do after we have received the Executive's response.

Rhoda Grant: One would assume that prisoners can do that when they are freed on licence but not when they are still in prison. One would imagine that that is the answer.

Phil Gallie: Will Rhoda Grant say that again? I think that she was saying what I, too, was thinking.

Rhoda Grant: One would assume that the convicted people are writing their memoirs when they have been freed on licence, rather than when they are in prison. That gets over their problem of not being able to have their memoirs published when they are in prison. When they are freed and licensed, they can make their memoirs ready for publication.

Phil Gallie: I was wanting to pick up on that point—I am sure that what Rhoda Grant says is absolutely right. Perhaps the Executive could do something in that regard. The Executive says that it must be careful with respect to the ECHR. With life sentence prisoners, I would have thought that release on licence or parole could have a condition built into it that would bar prisoners from making such use of their experiences.

The Convener: We can ask the Executive to clarify the issue and to establish whether what Rhoda Grant has said is the case and, if it is, why a condition cannot be attached to a release on licence that would prevent the prisoner from selling their accounts. I think that we should challenge the Executive's suggestion that we await the outcome of the Home Office report. That report should have been published a long time ago and has obviously been botched to a degree. I do not see any reason why the Scottish Parliament and Scottish Executive cannot take an initiative in relation to Scotland.

Phil Gallie: I agree.

John Farquhar Munro: Could we not opt for the second suggestion in the paper, which is that we refer the matter to one of the justice committees?

Helen Eadie: Shall we wait until we have had a response first?

The Convener: I think that we should write to the Executive first. Depending on the response, we could then refer the matter to one of the justice committees to consider. We will state that it is the committee's view that the Executive should be taking the matter forward, rather than waiting for the Home Office report to be published. We would like to know why the Executive takes the position that it does. Is that okay?

Members indicated agreement.

Commissioner for Bullying (PE412)

The Convener: PE412 proposes to establish a commissioner for bullying in Scotland. We initially agreed to write to the Executive and to the anti-bullying network, asking for their responses. Having considered their responses, we took the view that the Executive had misunderstood the

main purpose of the petition and had not addressed the issue of adults being bullied by youngsters in the community.

We agreed to write to the Executive again and have since received a further response. That response is in the committee papers for everyone to see. The Executive appears confident that the wide range of initiatives that are already being taken to tackle youth crime will help to address the specific issue of intimidation of adults by children and young people. The Executive made it clear in its previous response that it considers the current initiatives to be the way forward and does not support the petitioners' suggestion that a commissioner for bullying be introduced.

The Executive response appears to be reasonable and it is therefore suggested that there would be little merit in giving further consideration to the petitioners' proposal. It is recommended that we should agree to copy the most recent Executive response to the petitioners and take no further action.

Phil Gallie: I have a personal interest in the matter, because the petitioners have approached me. They are constituents of Irene Oldfather and they certainly have a problem. One of the difficulties that they have come across is that videoing children's behaviour is discouraged, even if the children are misbehaving. I understand the arguments to do with paedophiles, but the only way in which people can prove to the police what is happening is by demonstrating it. They never get the chance to do so. They can report what is happening, but they can give no real evidence. The people have been told not to video what is happening. The problems that people can face when they are being bullied by children are significant.

The Convener: My one concern is the advice from the Scottish Children's Reporter Administration that the bullying of adults by children is not a formal ground for a referral to the children's panel. Because such behaviour goes on, I wonder whether we should seek clarification on that point. If people in communities are being terrified by young people, a system that exists to deal with young people should be able to deal with that offence. I do not see why it is not a statutory ground for a referral.

Phil Gallie: Could we ask for clarification on videoing?

The Convener: From the Executive?

Phil Gallie: Yes.

The Convener: So you are suggesting that, rather than just leaving the matter, we should write to the Executive to ask why video evidence of such bullying is inadmissible.

Phil Gallie: Such evidence is actively discouraged because it involves the filming of children.

The Convener: All right, we can ask why videoing is actively discouraged and why such behaviour is not a statutory ground for a referral.

Helen Eadie: The letter from the Scottish Executive talks about cases where an offence has not been committed but where behaviour is unacceptable and anti-social. In such cases, the young people can be dealt with on different grounds. The letter talks about young people falling into bad associations or moral danger, or being beyond parental control. It seems that there are ways of dealing with such issues, but not everyone may be making use of them. There may be different practices in different parts of Scotland.

The Convener: When things are left in an uncertain state, there is bound to be inconsistency. Either this kind of behaviour should be a ground for a referral to a children's panel or it should not. The Executive should take a view. If that view is that it should not be a ground for a referral, the Executive should say why.

Helen Eadie: I do not dispute that.

Dorothy-Grace Elder: I am astonished by what I have heard. People may ask, "What is an adult?" We could be talking about a 16-year-old being bullied by a 12-year-old or a 13-year-old. This is a serious problem. If we were talking about adults bullying adults, that would come under breach of the peace, at least.

Phil Gallie spoke about discouraging the videoing of children. I do not think that it is discouraged, if people are genuinely behaving badly. I know the case that he is talking about. I will not go into details, but in that case a video was taken to a newspaper, which was daft enough to print the kids' faces.

Phil Gallie: No, that was not the case.

The Convener: I do not think that we can refer to such details.

Dorothy-Grace Elder: I did not know that videoing was discouraged by the police if people see children doing anything bad. In the case that Phil Gallie is referring to, they were not doing anything that bad.

Phil Gallie: I want to clarify this. I mentioned that the case was in Irene Oldfather's constituency, but I did not refer to Irene Oldfather herself—that is a totally different case.

Dorothy-Grace Elder: She and her kids were innocent—

Phil Gallie: That was a totally different situation. I am talking about two old ladies who have been

absolutely terrified. I want that to be clear on the record.

Dorothy-Grace Elder: I am sorry for my mistake. I apologise, Phil.

The Convener: What shall we do with the petition? Shall we write back to the Executive on those two grounds to ask for further clarification?

12:45

Dorothy-Grace Elder: I think that the petitioners' proposal for an anti-bullying commissioner is very good and fresh. Perhaps it could be extended to include workplace bullying, which is an enormously serious problem throughout the country. Although there is a workplace bullying network, there is nothing official as yet. Many people want a children's commissioner, but the whole subject of bullying should be taken separately.

We have had too many suicides and terrible tragedies through children bullying other children. However, the problem is endemic in society. Perhaps if the proposal had not been made in connection with children bullying adults, we could have had a different push for an anti-bullying commissioner overall.

The Convener: Are members agreed that we take the suggested action?

Members indicated agreement.

Telecommunications Developments (Planning) (PE425)

The Convener: PE425, from Anne-Marie Glashan, is on the siting of mobile phone masts. We considered responses from the Scottish Executive and the Transport and the Environment Committee. Given the Transport and the Environment Committee's response, we agreed to seek further comments from the Executive on the three major issues that were raised. We have now received the Scottish Executive's response to those questions and it is suggested that we write to the Transport and the Environment Committee asking whether it is content with the Executive's response and whether it wishes to have the petition referred back to it for further formal consideration.

Helen Eadie: I concur with that suggestion. However, I should tell members and the Transport and the Environment Committee that I met representatives of the Scottish Advisory Committee on Telecommunications. We discussed the Scottish Executive's point that it always intended that local authorities in Scotland should formulate development plans in their area and that those plans should be rolled out with developers. I am concerned by the fact that that does not seem

to be happening across Scotland.

Although I love new technology in all its forms, I am extremely concerned about the health aspects. As a result, we should push forward with erecting masts in areas where they have not proved to be contentious with the local community, but highlight areas where such masts are a bone of contention. Perhaps we could suggest that some compromise and negotiation should take place in those areas, because Scotland is being badly held back by the lack of action on the issue. I want the Transport and the Environment Committee to be made aware of my suggestion that someone somewhere along the line should discuss the matter with SACOT and take its views on board.

The Convener: When we refer the Scottish Executive's response to the Transport and the Environment Committee, we will draw its attention to your comments. Are members agreed?

Members indicated agreement.

Gaelic Language (PE437)

The Convener: PE437, from Mr John M Macleod, concerns the creation of a Gaelic language act. Do members formally agree to link the petition with PE521, on which we heard evidence this morning, and to take both forward on that basis?

Members indicated agreement.

Wind Farms (North Argyll) (PE493)

The Convener: The next petition is PE493 from Ms Marilyn Henderson on behalf of Avich and Kilchrenan community council, which calls for an end to the installation of wind farms in north Argyll. We agreed to seek the views of the Scottish Executive, VisitScotland and Argyll and Bute Council on the issues raised in the petition. We have received responses from all those organisations and we have also received comments from Scottish Power and from Mr Adrian Shaw, who is a resident of Dalavich in north Argyll. All the responses are set out in the papers.

It seems evident that the Executive is committed to its renewable energy policy, including the installation of wind farms. From the responses that we have received, the clear view appears to be that the established planning process is the most equitable way of dealing with applications for renewable developments. The responses make it clear that dialogue and consultation with local people is important to and influential on that process. Scottish Power highlighted that point by indicating that it had reduced turbine numbers from 38 to 22 as a result of such consultation.

VisitScotland indicated that it intends to

undertake research into the impact of such developments on tourism. In due course, the research will further inform the development control process. It is not appropriate for the Parliament to interfere or seek to intervene in any proposed planning application for a wind farm in north Argyll or anywhere else in Scotland. The petitioner has asked us to do that, but we cannot take any action unless the case is made for a more general investigation of wind farm development in Scotland. The recommended action is that we agree to take no further action in relation to PE493.

Helen Eadie: I suggest that we await the outcome of the VisitScotland research. I am concerned about the situation, especially since reading the letters from Adrian Shaw and Avich and Kilchrenan community council. Although it seems that the Avich and Kilchrenan community council responded to the structure plan consultation, it did not receive a response other than an acknowledgement that its comments had been noted.

The convener rightly said that the Public Petitions Committee should not intervene in a local planning application. However, we have to be concerned about situations in which a local authority puts its structure plan out for consultation and does nothing other than note the views of the local community council. The convener rightly pointed out that the committee cannot suck up that power.

We may not be able to do anything other than note our concern, but I repeat that I am concerned about the community council's comments. The community council might be small, but the local authority should do more than simply note its views. As I said, I hope that we can defer our consideration of PE493 until we have heard the outcome of the VisitScotland research.

The Convener: Do we know when the research is to be published? The question of time scales arises.

Phil Gallie: I suspect that VisitScotland can take its time.

Helen Eadie: No, the paper states that the research is to be completed by mid-September.

Phil Gallie: In that case, that is fine.

The Convener: I suggest that we defer our consideration of PE493 until the VisitScotland research is published. Is that acceptable?

Members indicated agreement.

Fife NHS Board (Right for Fife Business Plan) (PE498 and PE499)

The Convener: PE498 was lodged by Ms Letitia Murphy and deals with Fife NHS Board's plans to centralise services, with health board membership and with fire safety issues in hospitals. Although we did not formally refer the petition to the Health and Community Care Committee, that committee held an evidence session with the petitioners, Fife NHS Board and the Minister for Health and Community Care. That evidence session covered the first part of petition PE498 and possibly the second part that deals with unelected health boards, but did not cover the issue of fire safety. The Health and Community Care Committee is to return to the subject of the petition in the near future. The recommended action therefore is that we refer petition PE498 to that committee and ask it to take account of the petition in its consideration of the issue. We should draw its attention to the issue of fire safety, as that has not formed part of its consideration to date.

Helen Eadie: I agree with the recommended course of action. I attended the Health and Community Care evidence-taking session last Wednesday. A full and frank debate was held on the issue and I was grateful to have been allowed to attend. However, I am concerned about the issue of fire safety. I have a copy of a Scottish Office press release from 2 December 1997. It said:

"Fire safety legislation is currently fragmented into over 60 different Acts - sometimes making it inconsistent and difficult to understand. It tends also to be prescriptive rather than goal-based and so to be out of line with current approaches to health and safety."

The report on the petition sets out that the NHS Scotland property and environment forum is not unduly concerned about fire safety. Members should note, however, that something like 2,200 fires in Britain are hospital fires. If people do not regard that with concern, I will be surprised. I certainly regard it with some concern.

Last night, I spotted on the BBC website that doctors in one of our university hospitals in Glasgow have their windows barred. That is presumably to prevent burglary, but it also prevents them from escaping in the event of a fire. I have serious concerns.

The Home Office and the Department for Transport, Local Government and the Regions produced a report entitled "Research and case studies on fires in high occupancy buildings" in 1997. No thought has been given to that. Also, a Swedish academic, Fredrik Olsson, drafted a report called "Tolerable Fire Risk Criteria for Hospitals", which was published by the department of fire safety engineering at Lund University in Sweden. He talks about fire

protection in hospitals, about the ideal hospital and about the planning process for hospitals, and he gives a set of criteria for what the guidelines should be. In this country, we have only just achieved the acceptance of sprinklers in our hospitals, but there are many other concerns that must be taken on board.

I am advised by one of the consultants at Guy's hospital in London that, when that hospital was built, it was not given a fire certificate to enable it to house patients above six floors, which is what Fife NHS Health Board is proposing to do. That causes me serious concern. I hope that that will be in the *Official Report* that is passed to the Health and Community Care Committee when it considers the petition. We have a big hospital in Fife. I want equity between the two hospitals in Fife—I do not want one to have more investment than the other. We are not getting that equity in Fife. That is a big cause for concern.

The Convener: That is obviously important. We will now refer the petition to the Health and Community Care Committee, which is already dealing with it anyway. We will draw your comments to the attention of that committee and ask it to address them. The petition is in three parts. The fire safety issue is added on at the end, after the concerns about the move to a single site in Fife and unelected boards.

Phil Gallie: I go along with everything that Helen Eadie said. She has explained the situation brilliantly. The NHS property and environment forum's response sends shivers up my spine. Its view is based on the low number of fire incidents. What is it doing? Does it want to see a few more fires before it can establish a view? It says that the statistics show that compliance is "reasonably high". What does "reasonably high" mean? We could also say that non-compliance is reasonably okay. The forum has sent a chilling response.

The Convener: It is unfortunate that fire safety is linked to the other issues in the petition, as it probably deserves a petition in its own right. Such a petition could have been dealt with separately, but because it is one of three parts of the same petition, we have to deal with them together.

Helen Eadie: Is it reasonable to ask for a view from Her Majesty's inspectorate of fire services in Scotland before we send the petition to the Health and Community Care Committee? I would like to be informed on the inspectorate's perspective on the fire safety aspect of the petition.

The Convener: The only problem is that if we ask for more information at this stage, we cannot refer the petition on to the Health and Community Care Committee. We could ask that committee to consult the inspectorate.

Helen Eadie: It would be best to get the petition

to the Health and Community Care Committee. If it has already started to inquire, it should have the information.

The Convener: As well as drawing the Health and Community Care Committee's attention to what we have said this morning, we will draw its attention to the suggestion that it consult the inspectorate to check the advice from the NHS property and environment forum.

Helen Eadie: Will the Health and Community Care Committee also check out the report "Tolerable Fire Risk Criteria for Hospitals" from Lund University in Sweden and the Home Office and DTLR report "Research and case studies on fires in high occupancy buildings"? I presume that "high occupancy buildings" does not mean only flats. Any reasonable interpretation of that phrase must include buildings such as hospitals.

The Convener: If you give details of those reports to the clerks, they will pass on that information.

Dorothy-Grace Elder: Particular types of hospitals may be at particular risk—for instance, mental health hospitals. The risk is not only in the height of the building. Some hospitals are on the flat. There is a considerable risk—this is a quite horrid tragedy waiting to happen.

13:00

The Convener: Do members agree to pass the petition to the Health and Community Care Committee, along with our comments and our suggestions for further inquiries?

Members indicated agreement.

Digital Hearing Aids (PE502)

The Convener: PE502 is from Ms Fiona Stewart on behalf of the Royal National Institute for Deaf People and calls on the Executive to show a firm commitment to the provision of digital hearing aids and the modernisation of audiology services in Scotland. We sought the views of the Executive, which has responded in the terms indicated in members' papers. The Executive acknowledges that the approach that it is taking in Scotland is different from that taken in England and Wales. It is clear that the Executive is against the ring fencing of funding, which is a feature of the approach taken in England and Wales. The Executive also indicates that it is awaiting the recommendations of the review group on audiology services, which, although delayed due to the amount of work involved, will be reporting this autumn.

We must take the Executive's response into account together with the strong presentation that was given by the petitioners at a previous

committee meeting. It is suggested that we have two alternative courses of action. First, we could agree that the issues raised in the petition require more detailed investigation at this stage and that the petition should be referred to the Health and Community Care Committee for further consideration. Secondly, we could agree to await the Executive's response to the recommendations from the review group on audiology services before taking a final decision on what, if any, further action is necessary.

Phil Gallie: We should pass the petition on.

The Convener: I am particularly concerned that the Executive seems to be saying, "This is a matter for local health boards—it has nothing to do with us. We are not going to ring fence the money." In England and Wales, the Government has taken the opposite view by saying, "This is a matter for us", ring fencing the money and instructing the establishment of a national service.

Dorothy-Grace Elder: It should be national policy.

The Convener: We will pass the petition to the Health and Community Care Committee and let that committee get on with it.

Scottish Judiciary (Public Register of Interests) (PE519)

The Convener: The final current petition is from Mr Duncan Shields on behalf of Fathers Fighting Injustice. Mr Shields calls for consideration to be given to the creation of a register of interests for the Scottish judiciary. We sought the comments of the Minister for Justice and the Lord Advocate. The Minister for Justice wrote back to say that this is a matter of policy for him rather than for the Lord Advocate, who will therefore not respond to the committee's letter.

The Minister for Justice says that, in his view, the petition is without merit and the petitioner's claims of

"ASSET stripping on a grand scale within the judicial system"

are entirely without foundation. All sheriffs in Scotland take an oath to be fair to all who come before them in the courts. Sheriffs must also declare any conflict of interest in any case that comes before them and to decline jurisdiction if such a conflict exists. Even where a sheriff does not declare an interest, the parties to a case may request that the sheriff decline jurisdiction. If a sheriff does not comply with that request, the parties could appeal to a higher court.

The minister believes that the existing safeguards are adequate and work well. Primary legislation would be required to require the judiciary to participate in a register of interests as

proposed in the petition. He does not consider that such a proposal is appropriate or necessary. Given the minister's response, it is reasonable for the committee to take no further action other than to copy that response to the petitioner. Do members agree?

Members indicated agreement.

Inadmissible Petitions

Low-flying Jets (IP27)

The Convener: We have three inadmissible petitions to deal with today. The first is IP27, which is from Mrs Margaret MacDonald and which calls on the Scottish Parliament to take action to reroute low-flying jets away from Tain Fearn and surrounding districts. Obviously, the matter raised in the petition is reserved to Westminster and, on that basis, the petition is inadmissible. However, the committee may wish to agree to refer the petition directly to the relevant UK Government minister for further consideration. It is further suggested that the committee could agree to pass a copy of the petition to the Scottish Executive, with a recommendation that it may wish to raise the issue during future discussions with the UK Government under the defence concordat.

Dorothy-Grace Elder: We should also pass the petition to the Scottish Executive environment and rural affairs department, because animals as well as humans are affected. One often has to slide round the rigidity of the system that determines what is a reserved issue and what is not by mentioning the impact of such issues on wildlife or animals rather than their impact on poor human beings. It is terrible that we cannot deal with the petition simply because it raises a matter that is totally reserved to Westminster. Those planes are flying low and annoying people and animals in Scotland. They are not being reserved to any other part of the country. I register a protest about that.

The Convener: I see what you mean but, strictly speaking, I think that the only people who can do anything about the matter are at the Ministry of Defence, which is responsible for low-flying aircraft.

Dorothy-Grace Elder: We could still refer the petition to the Rural Development Committee, if there are cases of stillborn lambs or disturbance to flocks. It is terrible to go along the lines of asking questions about animals, but that must be done. I have had to do that before with Cape Wrath, as the convener knows. I asked about wildlife, not human beings, because the Executive would not give an answer about American shelling.

The Convener: We are trying to be helpful.

Dorothy-Grace Elder: I know.

The Convener: We are not resigning from dealing with the petition. We are referring the petition to the minister as the Public Petitions Committee of the Scottish Parliament and the minister will have to respond to us. In a sense, we keep some ownership of the petition. The Rural Development Committee would probably say that

it did not have time to look into such issues.

Dorothy-Grace Elder: Perhaps that committee has heard other complaints. I know that it is difficult for all committees to examine matters. The petition could be passed to that committee for information.

The Convener: The issues could be raised with the petitioner's local member of Parliament.

We could pass the petition to the Rural Development Committee for information.

Dorothy-Grace Elder: There will be more low-flying jets if the military is preparing for war, and we will have to suffer that here.

Phil Gallie: People throughout the country must put up with low-flying jets. The problem exists south of the border. My experience—it was once a direct experience—is that care is taken and that local communities are respected. Some blocks can be established. The fact is that people do not like low-flying jets, which are a necessity of life. With the greatest respect to Mrs Margaret MacDonald, I say that she raises a point of annoyance to her, but if we went down that line, we could have a letter from everybody in every area where low-flying jets operate.

Dorothy-Grace Elder: Good.

Phil Gallie: That is a political issue on which Dorothy-Grace Elder and I will always disagree. If we want servicemen to be reasonably well trained, we must put up with some inconveniences.

The Convener: Leaving the politics aside, we can agree to refer the petition to the relevant UK minister and to the Scottish Executive.

Dorothy-Grace Elder: Please could we refer the petition to the Rural Development Committee, purely for information?

The Convener: We will refer the petition to that committee to note.

West Dunbartonshire Council (IP28)

The Convener: The second inadmissible petition is from Mr James Kelly and calls on the Parliament to seek the suspension of West Dunbartonshire Council, pending a full independent inquiry into alleged malpractice. The accusation of malpractice relates to the council's refusal to replace Mr Kelly's full electric central heating system with a gas system and to his claim that the same electric heating system in a neighbouring property was replaced with a gas system. The council maintains that the neighbouring property was eligible because it had only a partial system, rather than a whole system.

Mr Kelly submitted his correspondence with all the elected members and officials of the council,

his local MSP and Scottish Executive ministers. He has been in contact with Annabel Goldie, who is a list member for his area. It would be inappropriate for the Parliament to interfere in the individual executive decisions of Scottish local authorities. On that basis, it is recommended that we agree that the petition is inadmissible. We may wish to suggest that the petitioner considers submitting a complaint to the local government ombudsman about his allegations of maladministration by West Dunbartonshire Council or pursuing the matter through the courts. Is that agreed?

Members indicated agreement.

Yangtze Incident (Memorial) (IP29)

The Convener: The third and final inadmissible petition is from Mr William Leitch and calls on the Parliament to take the necessary steps to facilitate the erection of a monument in Pan Yu park, near Shanghai, in memory of those from both sides who died during the Yangtze incident in 1949. Mr Leitch asks the Parliament to recognise the valour of the Royal Navy and Royal Marines personnel who died in April 1949 during the shelling of HMS Amethyst, HMS Consort, HMS London and HMS Black Swan in the Yangtze river. The petitioner disputes the Prime Minister's claim that the Hung Jao cemetery, where 23 of those who died during the Yangtze incident were buried, was redeveloped during the 1960s. The petitioner has supplied photographs that were taken in 1998 that show the cemetery in a derelict and overgrown condition, but do not show redevelopment. Memorials for those who were involved in the Yangtze incident can be found at HMS Drake, HM Naval Base Portsmouth and the British embassy in Peking.

The issues and actions that the petition calls for relate to foreign policy, which is a reserved matter and the responsibility of the UK Parliament and therefore outwith our competence. On that basis, it is recommended that we agree that the petition is inadmissible. We may wish to suggest to the petitioner that he may pursue the matter with the relevant UK Government minister, perhaps via his local MP. Is that agreed?

Members indicated agreement.

Helen Eadie: I have a query relating to the progress report on PE320. I am about to attend a meeting of the European Committee. One of the papers for that meeting relates indirectly to this item. It indicates that a meeting of the internal market, industry and research council is due to take place on 30 September. Item 4 on the agenda for that meeting is the

"Commission's report on barriers to an internal market for services",

which is very relevant to PE320.

Our Executive briefing states:

"The Commission's report 'The state of the Internal market for Services' published on 30 July 2002 marks the end of the first stage of its original two-stage Internal Market Strategy for Services. It is a comprehensive account of the difficulties encountered both by providers and recipients of services across the EU according to the consultations carried out by the Commission and Member States or which have been identified by complaints, written and oral Parliamentary questions, petitions, studies and surveys.

The Commission will present the Report at the Competitiveness Council on 30 September 2002. There will not be a substantial formal discussion amongst Member States at this meeting but at one of the subsequent Competitiveness Councils, either 14 to 15 November or 26 November, Member States are expected to endorse Conclusions on the Services Report. This Report will serve as a basis of work for actions to be launched as a second stage of the Services Strategy in 2003."

The Health and Community Care Committee is producing a report that is very relevant to the petition. I am worried that we will miss a trick in ensuring that the appropriate voice is heard at the appropriate time.

The Convener: Shall we ask the clerk to the European Committee to copy the relevant papers to the Health and Community Care Committee and to me, as the reporter on this issue, so that we can follow up the matter?

Helen Eadie: That would be fine. This is an urgent matter. Before we know it, it will be November. After ministers have made decisions and signed off documents at European level, we will be powerless to do anything.

The Convener: We will ensure that the clerks to the European Committee copy the relevant material to the Health and Community Care Committee and to me. I will inform the Health and Community Care Committee of the implications of what is taking place.

Thank you for your attendance this morning. I am sorry that the meeting was so long—that seems to be becoming a pattern.

Helen Eadie: That is good—it shows that we are doing something.

Meeting closed at 13:12.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, 375 High Street, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Tuesday 8 October 2002

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Central Distribution Office, the Document Supply Centre or the Official Report.

PRICES AND SUBSCRIPTION RATES

DAILY EDITIONS

Single copies: £5

Meetings of the Parliament annual subscriptions: £350.00

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WHAT'S HAPPENING IN THE SCOTTISH PARLIAMENT, compiled by the Scottish Parliament Information Centre, contains details of past and forthcoming business and of the work of committees and gives general information on legislation and other parliamentary activity.

Single copies: £3.75

Special issue price: £5

Annual subscriptions: £150.00

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at the Document Supply Centre.

Published in Edinburgh by The Stationery Office Limited and available from:

The Stationery Office Bookshop
71 Lothian Road
Edinburgh EH3 9AZ
0131 228 4181 Fax 0131 622 7017

The Stationery Office Bookshops at:
123 Kingsway, London WC2B 6PQ
Tel 020 7242 6393 Fax 020 7242 6394
68-69 Bull Street, Birmingham B4 6AD
Tel 0121 236 9696 Fax 0121 236 9699
33 Wine Street, Bristol BS1 2BQ
Tel 01179 264306 Fax 01179 294515
9-21 Princess Street, Manchester M60 8AS
Tel 0161 834 7201 Fax 0161 833 0634
16 Arthur Street, Belfast BT1 4GD
Tel 028 9023 8451 Fax 028 9023 5401
The Stationery Office Oriel Bookshop,
18-19 High Street, Cardiff CF1 2BZ
Tel 029 2039 5548 Fax 029 2038 4347

The Stationery Office Scottish Parliament Documentation
Helpline may be able to assist with additional information
on publications of or about the Scottish Parliament,
their availability and cost:

Telephone orders and inquiries
0870 606 5566

Fax orders
0870 606 5588

The Scottish Parliament Shop
George IV Bridge
EH99 1SP
Telephone orders 0131 348 5412

sp.info@scottish.parliament.uk

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers