

# **MEETING OF THE PARLIAMENT**

Thursday 2 March 2000

Volume 5 No 4

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2000.

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

Thursday 2 March 2000

## Debates

	Col.
<b>EUROPEAN CONVENTION ON HUMAN RIGHTS</b> .....	301
<i>Motion—[David McLetchie]—moved.</i>	
<i>Amendment—[Mr Jim Wallace]—moved.</i>	
<i>Amendment—[Roseanna Cunningham]—moved.</i>	
David McLetchie (Lothians) (Con) .....	301
The Deputy First Minister and Minister for Justice (Mr Jim Wallace) .....	308
Roseanna Cunningham (Perth) (SNP) .....	314
Gordon Jackson (Glasgow Govan) (Lab) .....	319
Mrs Lyndsay McIntosh (Central Scotland) (Con) .....	324
Hugh Henry (Paisley South) (Lab) .....	325
Michael Matheson (Central Scotland) (SNP) .....	327
Robert Brown (Glasgow) (LD) .....	328
Pauline McNeill (Glasgow Kelvin) (Lab) .....	330
Linda Fabiani (Central Scotland) (SNP) .....	332
Bill Aitken (Glasgow) (Con) .....	334
Scott Barrie (Dunfermline West) (Lab) .....	336
Colin Campbell (West of Scotland) (SNP) .....	337
Mr Kenny MacAskill (Lothians) (SNP) .....	339
Euan Robson (Roxburgh and Berwickshire) (LD) .....	341
Christine Grahame (South of Scotland) (SNP) .....	343
The Lord Advocate (Colin Boyd) .....	346
Lord James Douglas-Hamilton (Lothians) (Con) .....	350
<b>BUSINESS MOTION</b> .....	354
<i>Motion—[Iain Smith]—agreed to.</i>	
<b>QUESTION TIME</b> .....	356
<b>FIRST MINISTER'S QUESTION TIME</b> .....	373
<b>GAELIC</b> .....	382
<i>Motion—[Alasdair Morrison]—moved.</i>	
<i>Amendment—[Brian Monteith]—moved.</i>	
The Deputy Minister for Highlands and Islands and Gaelic (Mr Alasdair Morrison) .....	382
Mr Brian Monteith (Mid Scotland and Fife) (Con) .....	392
Michael Russell (South of Scotland) (SNP) .....	395
Mr John Munro (Ross, Skye and Inverness West) (LD) .....	400
Lewis Macdonald (Aberdeen Central) (Lab) .....	404
Dr Winnie Ewing (Highlands and Islands) (SNP) .....	406
Johann Lamont (Glasgow Pollok) (Lab) .....	408
Mr George Reid (Mid Scotland and Fife) (SNP) .....	410
Rhoda Grant (Highlands and Islands) (Lab) .....	412
Irene McGugan (North-East Scotland) (SNP) .....	413
Cathy Peattie (Falkirk East) (Lab) .....	414
Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD) .....	415
Mr Jamie McGrigor (Highlands and Islands) (Con) .....	417
Michael Russell .....	419
Mr Morrison .....	421
<b>DECISION TIME</b> .....	427
<b>GRAMPIAN TELEVISION</b> .....	434
<i>Motion—[Richard Lochhead]—debated.</i>	
Richard Lochhead (North-East Scotland) (SNP) .....	434
Lewis Macdonald (Aberdeen Central) (Lab) .....	437
Alex Johnstone (North-East Scotland) (Con) .....	438
Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD) .....	439
Mr Lloyd Quinan (West of Scotland) (SNP) .....	440
Cathy Peattie (Falkirk East) (Lab) .....	441

Mr John Munro (Ross, Skye and Inverness West) (LD).....	442
The Deputy Minister for Children and Education (Peter Peacock).....	443

## Oral Answers

**Col.**

### **QUESTION TIME**

<b>SCOTTISH EXECUTIVE</b> .....	356
Child Workers .....	363
Common Agricultural Policy .....	362
Elderly People.....	360
Ferry Services.....	367
First Minister (Website).....	357
Genetically Modified Food.....	371
Infectious Salmon Anaemia.....	358
Measles, Mumps and Rubella Immunisation.....	365
Mental Health and Well-being	
Development Fund .....	359
National Park .....	361
Organised Counterfeiting.....	369
Rail Services.....	356
Renewable Energy .....	364
Science Strategy .....	370
Witness Protection Programme (Strathclyde) .....	367
World Cup 2010.....	368

### **FIRST MINISTER'S QUESTION TIME**

<b>SCOTTISH EXECUTIVE</b> .....	373
Criminal Justice .....	377
International Women's Day .....	378
Ministerial Salaries .....	379
Prime Minister (Meetings).....	375
Scottish Executive (Priorities).....	373

---

## Scottish Parliament

*Thursday 2 March 2000*

[THE PRESIDING OFFICER *opened the meeting at 09:30*]

**The Presiding Officer (Sir David Steel):** Good morning.

I wish to advise the chamber that I intend at the end of this morning's debate to give a considered ruling on the point of order about special advisers that Dennis Canavan raised yesterday.

### European Convention on Human Rights

**The Presiding Officer:** The first item of business is a Scottish Conservative and Unionist party debate on motion S1M-610, in the name of David McLetchie, on the European convention on human rights, and on two amendments to that motion.

I invite members who wish to speak in the debate to press their request buttons now, and I call David McLetchie to speak to and move the motion.

09:31

**David McLetchie (Lothians) (Con):** Thank you, Presiding Officer.

At the outset of my speech, I wish to clarify what this debate is about and what we are seeking to achieve with our motion. It is not about withdrawal from the European convention on human rights—it is about the legal relationship between ECHR and our system of law and institutions of government.

Of course we support the aim of protecting and promoting the human rights of United Kingdom citizens in line with internationally agreed standards. We are certainly not advocating that we should withdraw, as a signatory, from the European convention. After all, the UK was one of the 10 original signatories to the convention in 1950, and the convention has been binding on our nation since it came into full effect in 1953. Our accession to ECHR is not, and never has been, the issue. The convention has been supported by successive Labour and Conservative Governments during the past 50 years.

However, the Conservative party maintains that, before the Human Rights Act 1998 and the Scotland Act 1998 with its human rights provisions were passed, the way in which our domestic law related to ECHR was infinitely preferable to the situation today.

Under the old system—if I can call it that—British citizens could take cases to the European Court of Human Rights in Strasbourg to obtain rulings based on the convention. A successful ruling that established that the UK was in breach of an article of the convention did not automatically overrule UK law. Instead, it was for the UK Government and Parliament to remedy the situation and to take steps to bring UK law into line with the terms of the ruling as an interpretation of the convention.

Over the years, a number of cases resulted in decisions being handed down by the European Court of Human Rights that have had a significant impact on our law, such as those on the closed shop, corporal punishment in schools, telephone tapping, sentencing policy and immigration.

Although the Human Rights Act 1998 does not, strictly speaking, incorporate the convention into domestic law, the act is the vehicle through which further effect will be given to the convention rights. That means that the rights that are referred to cannot be amended or repealed in future. This is not a question of courts being given the power to strike down legislation; what will happen is that ministers will have to state whether they believe that proposed legislation is compatible with convention rights and our courts may declare that part of a law is incompatible with a convention right.

In Scotland, sections 29(2) and 57(2) of the Scotland Act 1998 have already constrained this Parliament to act within the confines of the convention. We have been the guinea pigs on which the Government's theories about how best to protect human rights in the UK were tested. Sadly, the results so far are not encouraging, for which Her Majesty's Government must take responsibility—it seems to have had no idea of the consequences of its actions or the course that it was setting in train.

There have already been a number of damaging effects on our legal system in Scotland. For example, 126 temporary sheriffs have been sacrificed on the altar of the ECHR because, back in November, three appeal court judges ruled that those sheriffs were not independent as required by the convention. That was because they were appointed by the Lord Advocate, who is both a Government officer and the chief prosecutor in Scotland—something that was deemed to undermine the independence of judges appointed by him.

That was bound to have huge repercussions for our courts. Before the Human Rights Act 1998 and the Scotland Act 1998 came into effect, in the event of an adverse decision from Strasbourg on temporary sheriffs, there would have been time for a measured and considered response by

Parliament and the Executive. Instead, this was a case of hitting the panic button and fishing out the CVs in the pending tray.

The Deputy First Minister and Minister for Justice has still to come up with a full solution to the problems that have been caused by that decision. He has had to appoint 10 more permanent sheriffs and I understand that a further six full-time posts have been advertised. That is a bit like sticking one's finger in the dyke after the dam has burst, reacting to events rather than being in charge of them, which is the hallmark of the Executive.

Our justice system has been thrown into chaos. The waiting period for cases coming to court in Perth has increased from 17 weeks to 22 weeks for criminal cases and from 10 weeks to 15 weeks for civil cases. In Stirling, things are even worse, with delays increasing from 11 weeks to 26 weeks for criminal cases and from 10 weeks to 21 weeks for civil cases. We must be able to challenge the whole system of judicial appointments in Scotland; our judges are appointed by the First Minister on the recommendation of the Lord Advocate, who is still the head of the prosecution service.

If press reports are to be believed—and we occasionally treat them with a degree of caution—the First Minister seems keen to preserve the status quo. However, the Deputy First Minister and Minister for Justice has indicated his support for an independent commission to appoint judges, which is in line with the commitment made in his party's election manifesto. I would be interested to know whether that is a manifesto commitment that he intends to honour, or whether it is just another piece of Liberal election rhetoric. If yesterday's performance is anything to go by, perhaps two thirds of the Liberal Democrat parliamentary party will vote to keep Mr Wallace in a job, whatever that takes, a third will vote for what they believe in, and Keith Raffan will forget how to vote at all. As for the Conservatives, we believe that an independent commission would certainly be preferable to Lords Advocate being able to recommend their own promotion when the going gets a little tough.

The ECHR has recently had a significant effect on road traffic law. Section 172 of the Road Traffic Act 1988 compels the owner of a car, on pain of prosecution, to reveal who was driving the vehicle at the time of an offence. Although I acknowledge that the decision in question is currently under appeal, that provision of the act has so far been held to be in breach of the right to silence. Again, our legal system could be thrown into disarray, as an unsuccessful appeal will make it impossible to prosecute many motoring offences.

At a time when Her Majesty's Government and the Executive have just announced new road safety measures to curb irresponsible driving to

reduce the toll of death and injury on our roads, it is bizarre to say the least that one of the legal weapons available to the police to uphold the law in that area should be under threat of ECHR decommissioning.

**Robert Brown (Glasgow) (LD):** Was not 1988 during the period of the Conservative Government, when that Government was responsible for ensuring that its legislation complied with ECHR?

**David McLetchie:** Robert Brown's history is correct, but I return to what I said at the outset—this debate is about mechanisms. Under the previous system, a challenge to section 172 would have to have been taken directly to the European Court of Human Rights in Strasbourg, and if the court had ruled against UK law, Her Majesty's Government and Parliament would have had time to bring UK law into line in a measured and considered way. The problem with the current relationship, as I attempted to explain, is that, in the event of an adverse ruling by one of our own courts, immediate action is required, and we do not have time for a considered response. That is the crux of the issue and of the debate between us, although I accept that what Robert Brown said about 1988 and our obligation to comply with the convention provisions is correct.

The first piece of legislation to be passed by this Parliament was the Mental Health (Public Safety and Appeals) (Scotland) Act 1999. Many are concerned that the act does not meet the procedural safeguards in article 5.4 of the convention. I will say no more about that, other than to invite the Minister for Justice in his response to advise Parliament on the current status of appeals pending in relation to that legislation, and whether he foresees any difficulties with ECHR arising in light of the procedures followed so far.

As well as the problems that have already come to light, there are a number of fundamental features of Scots law that could run into difficulties with ECHR compatibility. According to Professor Robert Black of the University of Edinburgh, our way of dealing with juvenile crime, the children's panel, breaches ECHR on two counts. First, it fails to provide legal aid and, secondly, there is a question mark over the independence of the role of the reporter in that system. A challenge could be made at any time, and it would have substantial financial, as well as legal, implications. That situation is made even more ludicrous by the fact that our children's panel system is widely admired throughout the world and is a model for others.

There are other problems. Some believe that the current situation in Scotland with regard to bail for murder is in breach of ECHR; because a sheriff does not have the power to authorise bail in such cases, it could be argued that bringing someone

before a court without the necessary power to authorise their release on bail infringes their rights under article 5 of the convention.

Important police procedures may also fall foul of ECHR. In particular, placing people under surveillance may constitute a breach of article 8, which relates to respect for family and private life. There could also be a question mark over aspects of investigative procedures on fingerprinting, photographing and DNA sampling of suspects. Undercover operations could also be held to constitute entrapment, and so conflict with a person's right to a fair trial under article 6 of the convention.

I was interested to read an article in the March issue of *Police*, the magazine of the police service, in which a learned barrister in human rights law said that it was not inconceivable in certain circumstances for the use of handcuffs to be outlawed under ECHR. The article concluded:

"That there will be changes in policing there seems little doubt."

**Pauline McNeill (Glasgow Kelvin) (Lab):** Will David McLetchie confirm that all he has outlined is a series of possible challenges and suggestions from academics that measures may be contrary to ECHR? Does he accept that, out of the 350-odd challenges so far, only 10 have been successful?

**David McLetchie:** Yes, I am prepared to accept those figures, but there could well be 340 specious charges. Lawyers are creative people when it comes to furthering the interests of their clients, just as they are creative politicians. What is indisputable is that those challenges that have been successful in relation to temporary sheriffs and section 172 of the Road Traffic Act 1988 have had serious consequences, although we await the outcome of the appeal in the case of the Road Traffic Act 1988.

I will conclude the quotation from the article. It goes on to say:

"In the initial stages it is likely that there will be challenges to police actions on numerous fronts and that there will inevitably be uncertainty until the courts here have provided guidelines from which a clearer position can emerge."

No one wants to create a police state, and the boundary between police powers and civil liberties must be carefully patrolled and adjusted in light of changing circumstances. If too much emphasis is placed on individual rights and not enough emphasis is placed on the need for a safe and well-ordered society, we are in danger of going too far, making the police fight crime with one arm tied behind their back. If we are not careful, we might soon be in the position in which the police are metaphorically handcuffed but the criminals, literally, are not.

ECHR may also hamper the fight against drugs. We all know that the Deputy Minister for Justice is an enthusiastic convert to the Republic of Ireland's tough measures to tackle drug dealers. Its Criminal Assets Bureau has—according to his reports to the Parliament—been a great success. However, the Irish system involves the seizure of drug dealers' assets under a civil standard of proof in which the onus is reversed. There must be a doubt as to whether similar legal mechanisms would not only withstand legal challenges based on ECHR in our courts, but even get off first base and come to this Parliament as legislative proposals if the Scottish Executive and Presiding Officer cannot independently and separately certify their compatibility with ECHR.

The Irish have not had to face those challenges, as they have not directly incorporated ECHR into their domestic law, as we did with the Human Rights Act 1998. I believe that the Labour Government made a major mistake in passing the Human Rights Act 1998 without fully considering the implications for our law and our institutions. I do not expect many in this Parliament—outwith my party—to agree with me.

Having highlighted the problems, let us acknowledge that the wider debate is for another place. We in Scotland live in the world of a devolved Parliament and Executive. We must operate within the parameters that have been set by the Scotland Act 1998. We must come up with a constructive solution to some of the problems that have arisen and accommodate ECHR in the way in which we conduct our business.

The implications of ECHR already affect the Scottish Executive, and from 2 October 2000 the Human Rights Act 1998 will come into force across Scotland and the United Kingdom. It will then be unlawful for any public authority, such as a local authority, court, tribunal or other public agency, to act in a manner that is incompatible with ECHR.

We cannot afford to continue with the fire-fighting approach that the Executive has adopted in constantly waiting for the next disaster to strike. The Executive must start preparing in advance to deal with the implications of this legislation. I welcome the suggestion in the amendment lodged by Mr Wallace that that seems to be being done in terms of guidance given to public authorities in Scotland.

The first step in the process should be to reform the way in which ministers deal with ECHR compatibility. It is not good enough that ministers assert in a one-line submission to this Parliament that a bill is compatible with ECHR. It should be incumbent on the Executive to produce a full statement, with a rigorous analysis, explaining the ECHR implications of its legislative proposals.

That is especially important in complex cases. The assessment should identify the specific rights that have an impact on the legislation. I remind members that interference with a qualified right, under ECHR, is justifiable only if it is

“necessary in a democratic society”,

which is interpreted by Strasbourg as fulfilling a pressing social need, pursuing an accepted legitimate aim and achieving a reasonable relationship of proportionality between the means employed and the aim pursued. As has been demonstrated by Strasbourg case law, that concept of proportionality should be of most concern to us as parliamentarians. It should be at the very heart of our debates on legislative proposals that may have ECHR implications; it should not simply be taken as read in a one-line compatibility certificate.

It is crucial that the advice given to ministers or to the Parliament is open to scrutiny. That is certainly not the case at present. I note that Colin Boyd, in a statement issued after his appointment as Lord Advocate, said:

“The Executive is conducting an ECHR audit which will report to Ministers shortly.”

Well, good for the Lord Advocate. But what about the Parliament? That is exactly the legal closed shop approach that has led to mistakes in the past. Far too often, legal opinions are presented as though they are scientific facts—immutable laws, like the law of gravity—when they are nothing of the kind. As many of us are well aware, the law is open to wide interpretation, and opinions should be open to scrutiny and debate in the chamber.

The Parliament should be given, as a matter of urgency, a report on the impact to date of incorporation and the preparations that the Executive has made for October, when the Human Rights Act 1998 takes full effect. I hope that the first stage of that report will come in the minister's response in this debate.

Above all, we need to provide guidance to all public bodies in Scotland about the effects of ECHR on an on-going basis. Our public bodies are unprepared for the brave new world that awaits them after 2 October. There is a lack of professional knowledge and expertise in this area, which is why I would welcome the establishment of a human rights commission or similar body to act as a point of reference or guidance on a consultancy basis. That is the most effective way of providing advice to public authorities. Local authorities and other public bodies should not have to employ extra lawyers to deal with ECHR compatibility—my legal colleagues may not like that suggestion—when a central specialist service could be available to them.

Like the Irishman who, when asked for directions, replied that he would not start from here, the Conservatives would not have incorporated ECHR. Now that it has been done, however, we think that the solutions that I have outlined in this debate will enable the system to work as effectively as possible. I hope that the minister will take some of those solutions—and indeed the comments in the amendment lodged by the Scottish National party—on board in the constructive spirit in which they are intended.

I move,

That the Parliament notes with concern the disruption to Scotland's judicial system resulting from Her Majesty's Government's decision to directly incorporate the European Convention on Human Rights (ECHR) into Scots Law without having paid due attention to the consequences; further notes that the Convention now impacts directly upon the legislative competence of the Parliament and the powers of the Scottish Executive and from October 2000 will apply to all public authorities in Scotland; calls upon the Scottish Executive to provide, at the earliest opportunity, a full report to the Parliament on the impact of incorporation to date and a statement on the Executive's state of preparedness for October when the Convention becomes fully operational, and further calls upon the Scottish Executive to provide a full and detailed analysis of the ECHR implications of legislative proposals submitted to the Parliament and to consider establishing a Human Rights Commission or some other body to provide expert advice and guidance on the impact of the ECHR on public authorities in Scotland.

09:53

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** First, I welcome this debate and thank Mr McLetchie and his party for giving the Parliament an opportunity to discuss an important and topical issue.

Human rights and justice should always go hand in hand. That is a principle to which I am committed and I hope that it is one to which all parties, and people in all parts of the Parliament, would subscribe. Indeed, the principle is enshrined in our devolution settlement.

Before turning to the Scotland Act 1998, I should point out that there is nothing new about the European convention on human rights. As Mr McLetchie acknowledged, British lawyers were instrumental in drafting the convention. The UK was one of the original signatories in 1950 and we ratified the convention in 1951, which means that, for the past half century, successive Governments have accepted the obligation to act in accordance with convention rights. Since 1966, British citizens have had the right to take their cases to the European Court of Human Rights in Strasbourg.

So, convention rights are not new, and neither is our obligation to act in accordance with them. What is new, as a result of the Scotland Act 1998 and the Human Rights Act 1998, is that Scots will



be able to raise convention issues in proceedings before our own courts, and that Scottish courts will be able to apply and interpret the convention and play a part in developing its jurisprudence. To my mind, those are entirely positive developments that are wholly in keeping with the devolution settlement.

In the majority of European countries—39 out of 41—the convention is incorporated into domestic law. Many countries, following incorporation, had similar difficulties to those that we are encountering in Scotland. I hope that no member will suggest that it should be more difficult for Scots to assert their human rights than it is for other Europeans. That, however, is what the Conservatives and Mr McLetchie appear to have argued. They appear to be saying that we should have such rights, but that those rights should be available only to those who have the time and money that can vindicate them in the Strasbourg court. We want to bring human rights home, not send litigants abroad. We want people to be able to establish and exercise those rights in a neighbourhood court, not in a court in a neighbouring country. Human rights should be available to people in Stirling without their having to go to Strasbourg.

That brings me to the Scotland Act 1998 and the approach that it takes to defining the competence of the Parliament and the Executive. As Mr McLetchie said, the position is crystal clear—neither the Parliament nor the Executive can exercise any of their powers in a way that is incompatible with any convention rights. If it is found that they have done so, the courts can strike down legislation or acts of the Parliament as unlawful.

Given the way in which the Parliament has been set up as a devolved body that is defined by statute, it is almost a legal truism that we can act only within statutory competence and vires. That means that we cannot act inconsistently with the United Kingdom's international treaty obligations—hence our commitment and subjection to ECHR.

I make no apology for preferring to live in a country in which the Government of the day is subject to human rights legislation, even if that is awkward for the Government. That is far better than living in a country in which the Government can override human rights legislation.

I would like to deal with one or two of the points that Mr McLetchie raised. There is no division between the First Minister and me on the appointment of judges. If those who have written some of the newspaper reports on the matter had examined the First Minister's address to the Law Society of Scotland on its 50<sup>th</sup> anniversary last July, they would have seen a clear commitment to consultation on the appointment of judges. A

consultation paper will be published before Easter, I hope, that will make it clear that we want greater transparency in the appointment of judges in Scotland.

There have been challenges to the Mental Health (Public Safety and Appeals) (Scotland) Act 1999, but it must be remembered that that legislation was deemed to be within the Parliament's competence by the Executive and the Presiding Officer. I can assure Mr McLetchie that the Executive will strongly contest the challenges to that act in the Court of Session.

I want to put an important point about road traffic on the record. The case that is the subject of an appeal to the Judicial Committee of the Privy Council was one that turned on the facts of the case. The procurator fiscal will not lay evidence obtained through the exercise of police powers under section 172 of the Road Traffic Act 1988 where the driver is the suspect in a road traffic case. It should be made clear that the ruling does not prevent the police from using that power as an investigative tool. Drivers who fail to comply with the police will still be reported to the procurator fiscal. That judgment will not affect the handling of speeding offences detected by the use of speed cameras. It is useful to get that message out to the public in case there are people who think that they can flout the law on the basis of that decision.

When the Human Rights Act 1998 comes fully into force on 2 October, it will be unlawful for public authorities anywhere in the UK to act in breach of convention rights. That means that, for the first time, Scots will be able to assert and enforce basic human rights in our courts. All our institutions—Parliament, the Executive, the police, the prosecution service and the courts—will have to ensure that they comply with ECHR in everything that they do. The ECHR has, in short, been written into the constitution of the devolved Administration.

The arrangements have been criticised in some quarters, where they have been described as an accidental by-product—something that we stumbled into by mistake. Is it really being suggested that the Scottish Parliament and the Scottish Executive should be given powers to act in breach of convention rights and, consequently, in breach of the United Kingdom's long-standing international obligations?

The approach to the convention that is set out in the Scotland Act 1998 is right in principle. Indeed, in my view this could not have been done in any other way. The other part of the equation is the Human Rights Act 1998, which, as I have explained, will apply throughout the United Kingdom when it comes into force in October. The act is a progressive piece of legislation, long fought for by the Liberal Democrats, members of

the Labour Party and by the SNP. As Mr McLetchie has indicated, although the Conservatives sign up to the principles of the European convention on human rights, they have always opposed its introduction into domestic law.

Under the Human Rights Act 1998, the courts will be required to interpret all legislation—whether from Westminster or Holyrood—in a way that is as far as possible compatible with the convention. That approach will take priority over common law, and precedents will be overturned if they are incompatible with the convention rights. Through the courts, we will see an increasing emphasis on human rights in the development of our common law.

As Mr McLetchie rightly pointed out, the courts will not be able to strike down Westminster legislation, because Westminster retains the doctrine of the sovereignty of Parliament. However, if the Court of Appeal or the Court of Session finds that a provision in Westminster legislation is incompatible with any of the convention rights, it will be able to make a declaration of incompatibility, and a fast-track procedure for the amendment of the offending legislation will be invoked.

I am not disputing the fact that the Scotland Act 1998 and the Human Rights Act 1998, taken together, represent a huge sea change. The provisions that I have described are designed to weave the convention rights into the fabric of decision making in law, government and public administration. Those provisions should help to create a human rights culture in which the rights and responsibilities of individuals are properly balanced, well understood and readily enforceable.

The Scottish Executive—and the Scottish Office before it—knew that we had to prepare for incorporating the convention into our domestic law, and we have done so. The Executive, the Crown Office, the judiciary, the police and others have undertaken extensive training programmes. Guidance on the convention implications of the Scotland Act 1998 and the Human Rights Act 1998 was published by the Scottish Office in April last year and was widely distributed. More detailed guidance has recently been issued to public authorities and is also available on the internet.

Last year, a high-level working group within the Executive co-ordinated two reviews across all departments to identify aspects of legislation, practice or procedure that might need to be changed. That work is now being supplemented by a detailed audit, which is systematically reviewing all our activities to identify issues where there is a risk of challenge. One of the advantages of that work is that it can take account of the emerging Scottish jurisprudence as judges in

Scottish courts interpret the European convention on human rights. I am considering several areas where legislation may be required as a result of either the audit or court decisions.

It is important to make that point, because, as Mr McLetchie said, we are responding to events. Recently, there was a court case on temporary judges. It makes sense to await the outcome of that case to identify whether there was a weakness and, if so, to clarify precisely where that weakness exists in order to address it. I am sure that Mr McLetchie would be one of the first people to start jumping up and down if we tried to take pre-emptive action that proved to be insufficient or did not address the particular weakness identified by the courts—if, indeed, they identify such a weakness.

**David McLetchie:** Will the minister accept that, in the legislation on the armed forces disciplinary code, Westminster is taking action in anticipation of the need to bring our law into conformity with the convention? Should not the Scottish Executive consider similar legislation in areas that might be affected in Scotland?

**Mr Wallace:** I am grateful to Mr McLetchie for that question, because this is a case not of either/or but of both/and. There will be occasions where it is important—for example, on the appointment and use of temporary judges—to find out the position of the courts. However, as I said, if it is necessary to introduce legislation as a result of the audit that has been undertaken, I will do so.

Mr McLetchie mentioned bail. We have taken note of the recent judgment in the European Court of Human Rights in the case of *Caballero v United Kingdom* and will consider our response to that. If that requires legislation, I will bring proposals to the Parliament. We are trying both to anticipate and to react. Lord James Douglas-Hamilton—I presume in anticipation of this debate—lodged 11 parliamentary questions on whether aspects of our procedures from planning to prisons were compatible with the European convention on human rights. In fairness to him and to Mr McLetchie, I should make it clear that all those questions will be answered later today.

Given the detailed audit that I have described—although it is not yet complete—the answer that will be given is that we are systematically reviewing all our activities to identify issues where there is a risk of ECHR challenge. If we believe that it is necessary to amend existing legislation in order to comply with the convention, we will bring forward proposals for that purpose at the appropriate time.

In the Conservative motion and the SNP amendment, the possibility has been canvassed of establishing a Scottish human rights commission

that would have responsibility for promoting human rights and for working with the Parliament to do so. I can confirm that the Executive is considering that matter; I do not want to rule out the possibility of establishing such a body. Important questions need to be addressed about the need for such a body; about its nature, functions, remit and funding; about whether it should be statutory or non-statutory; and about its relationship with existing non-governmental organisations as well as its possible relationship with this Parliament. I am aware from meetings that the Scottish human rights forum has been considering those issues and will be putting proposals to me in the near future. I will, of course, seriously consider those proposals. As our amendment states, proposals for legislation will be brought forward in due course, if that is considered necessary. In the meantime, I welcome any views on those matters from members of this Parliament.

The SNP amendment would commit us to a human rights commission before we had given the human rights forum the chance to put forward its views. I hope that SNP members will agree that, for that reason, their amendment is premature. I ask them to support the Executive amendment, which expresses our desire to consider this important issue positively.

I should emphasise that no one can predict with certainty where challenges will come from or whether they will succeed. There are many issues on which different lawyers take different views; the final decision will always be a matter for the courts.

Let us put things in perspective. So far, convention points have been raised in some 374 cases, of which only 10 have been upheld—and some of those are the subject of Crown appeals or references. That does not suggest that our system is failing. We are being tested against a high and developing standard, and rightly so. Any justice system should welcome such a benchmark and the opportunity for continuous improvement.

I believe that the new settlement in Scotland represents a step change in many different ways, not least of which will be the promotion of greater respect for human rights. The Scotland Act 1998 and the Human Rights Act 1998 will change the way in which we think. Government and public authorities alike will take care to respect the rights of individual citizens; over time, our legal system will change for the better.

Of course there will be teething troubles; of course we will be found wanting from time to time. That experience has been shared by many other European countries, and by countries such as Canada and New Zealand, that have incorporated binding human rights into their constitutional arrangements. The experience in those countries

is that in the short term there are difficulties, but in the longer term there is a process of coming to terms with a different approach and a new way of thinking.

For the Parliament and the Executive, the convention presents both a challenge and an opportunity. The challenge is to ensure that respect for human rights becomes an integral part of our thinking in developing policy and practice across the whole sweep of our devolved powers. The opportunity is to promote a genuine human rights culture in Scotland that will increase awareness among the public and public authorities alike—in other words, to ensure that respect for human rights becomes part of the fabric of our society and institutions.

We will work to ensure that the Scottish Executive lives up to those expectations and strikes a proper balance between the rights of individuals and the wider public interest—a balancing act that lies at the heart of the convention and its jurisprudence.

I move amendment S1M-610.1, to leave out from “with concern” to end and insert:

“that the obligation to comply with the European Convention on Human Rights (ECHR) has existed since 1951; appreciates that the Scotland Act 1998 together with the Human Rights Act 1998 will enable Scots to enforce their basic human rights in their own courts; notes that substantial training on the ECHR has been provided for the main justice agencies and that detailed guidance has been sent to public authorities; notes that the Scottish Executive will be considering the possibility of establishing a Scottish Human Rights Commission; and further notes that if it is considered necessary to do so, proposals for legislation will be brought forward in due course.”

10:09

**Roseanna Cunningham (Perth) (SNP):** I would like to say at the outset that the Scottish National party starts from a position of unequivocally supporting the incorporation of the European convention on human rights into Scots law. Nothing that has happened in the past nine months changes our commitment to that in any way. I add in passing that it is refreshing to know that now when someone utters the words human rights, journalists and others sit up and take notice instead of yawning.

Recently, there has been some controversy over a court decision which stated that activities in this Parliament would be subject to court review. The SNP does not fear that. After all, if we consider it objectively, that is the way in which the vast majority of democratic Parliaments work, and it is wholly in keeping with the old Scottish constitutional doctrine of popular sovereignty. The Westminster notion of the sovereignty of Parliament has always been the notion that sat oddly in Scotland. It is worth pointing out that

Westminster is the odd one out internationally. That is what written constitutions and bills of rights are undeniably about; they are nothing if not ways of enshrining rights that even a Parliament cannot override. The SNP has always argued for an independence constitution that would include both a written constitution and a bill of rights, in keeping with the international norm. I repeat that Westminster is the anomaly; this Parliament sits more neatly into normal parliamentary practice.

My colleague Michael Matheson and I were in Ireland last week, so I was interested in David McLetchie's comments about Ireland. The Irish are noticeably relaxed about the possibility of incorporation. On several occasions, people there said that if they had any concerns about incorporating ECHR, it was that the convention was probably not as robust as the human rights principles that had been built into their constitution. I have to say that, in response, we murmured that perhaps they would like to study the Scottish experience before they became too complacent.

Obviously, our experience in Scotland means that the mention of human rights causes a rather mixed reaction. Although I listened to Mr McLetchie's speech, the Conservatives have been uniformly hostile to the whole notion up to now. I note that even today's motion does not go so far as to welcome ECHR. There is a grudging acceptance that we have got it, so we have to get on with it, which is a bit like their attitude towards devolution.

**David McLetchie:** On the incorporation of ECHR, we opposed the Human Rights Act 1998 because the issue is the relationship between the convention and our domestic law. The current relationship, which was introduced by the 1998 act, is wrong, and the previous relationship was preferable.

**Roseanna Cunningham:** I hear what Mr McLetchie is saying, but the Conservatives' tone is one of grudging acceptance of a situation which most of us have welcomed. I sometimes wish that the Conservatives would accept the truth that such incorporation is widely welcomed in most countries. We share, however, the Conservatives' concern about the preparations that have been made not just by this Executive, but by the Westminster Labour Administration from 1997 to 1999. Once the decision was taken to go ahead with incorporation, it was their responsibility to minimise its likely impact.

ECHR was incorporated into Scots law by way of the Scotland Act 1998. During the various stages of the debate on the Human Rights Bill in Westminster in 1998, the implications of that were discussed. From what I remember, those discussions tended to centre around very specific cases that were put to us theoretically by

concerned organisations. We then tried to discover whether their fears were justified.

One such debate focused on an issue related to the Church of Scotland in particular. I do not think that members really need to know the details of the debate; however, they might be interested in the comments of the then Secretary of State for Scotland, Donald Dewar, who is of course now our First Minister. On 20 May 1998, he said:

"The European convention on human rights has been available for use since 1953. I understand that it may be a little easier to get to the courts once the convention has been imported into the ambit of the domestic courts, but human rights cases are often contentious and difficult cases. The fact that, in the past 45 years, no one has gone to the European Court of Human Rights and tried to challenge my interpretation and understanding of the situation"—

relating to the Church of Scotland—

"is of some significance . . . It is a little bit . . . the case of the dog that did not bark, but, if we are going to have these problems, I think that we would have at least a few yaps in those 45 years, and they have been conspicuous by their absence.

"I am not terribly impressed . . . with the idea that suddenly the floodgates will open, when no one can point me to any single change other than the forum in which the cases may be heard that will result from the Bill."—[*Official Report, House of Commons*, 20 May 1998; Vol 312, c 1067-68.]

Of course, hindsight is great. If nothing else, perhaps Donald Dewar's relaxed attitude to the effect of a change in forum will have undergone a radical rethink. No one could argue that the assumptions on which incorporation were presumably based were rather wide of the mark. However, there were voices even then, and in the run-up to the elections in 1999, that cautioned a more constructive approach to human rights and the challenges posed by the new dispensation.

There were also warnings about potentially adverse decisions. Those warnings came quite early and included warnings about the ruling on temporary sheriffs, which was one of the most controversial rulings. The decision was widely expected and widely predicted to go against the Lord Advocate. Yet, when the inevitable happened, it seemed that absolutely no contingency plans were ready to be implemented. That was the real failure and it has had a direct impact on the workings of the Scottish courts.

The Executive has said that rulings under ECHR have not caused chaos in our courts, but that depends on how chaos is defined. The result of the ruling on temporary sheriffs has been that, in many jurisdictions, chaos can be avoided only by rescheduling civil cases, as criminal cases work to a much stricter timetable. To argue that those who seek civil redress in the courts should get a poorer service is not good enough.

In some of our courts, the situation is little short of scandalous. David McLetchie referred to the waiting times for civil cases in some parts of Scotland. In Stirling, Fort William and Banff, waiting times have more than doubled. In other places, such as Perth and Kirkcaldy, waiting times have gone up markedly. I remind members that civil cases include cases involving custody and access and debt and reparation.

The situation is unacceptable. The Executive may not call it chaos, but I wonder how bad things will be allowed to get. I am contacted regularly by solicitors in various parts of the country who advise me that things are getting worse, not better. An ounce of preparation might have avoided some of the problems.

**Mr Jim Wallace:** I hear what Roseanna Cunningham is saying. However, she mentioned that civil cases include custody and access cases. Will she accept that sheriffs principal have given clear directions that cases involving children should be accorded priority?

**Roseanna Cunningham:** I do not doubt that sheriffs principal are doing their very best, but it is clear from the figures that, in many jurisdictions, they are doing a juggling act. In some parts of Scotland, the situation is causing real problems.

I know that some organisations and agencies have started to look at the problem. I know that the Association of Chief Police Officers (Scotland) has set up a working group to consider the likely implications of ECHR on police practices and procedures. I do not know how far it has got, or what specifically is being examined—I know no more about that than I do about any of the detail of what the Executive is or is not doing.

Frankly, bland reassurances are no longer adequate. People are beginning to lose trust. There are concerns about confidence that must be addressed. When I hear the phrase “compliant with ECHR”, I no longer have confidence that it will turn out to be compliant. We know that more than 300 challenges have been made under the ECHR in the past nine months. I had understood only eight to have been upheld. Perhaps Pauline McNeill, my colleague on the Justice and Home Affairs Committee, knows more than I do and the figure has gone up. We can be certain that the figures for challenges and successes will increase markedly over the coming months and years.

I am alarmed at the First Minister's view. Two weeks ago, he made it clear in the debate on the Lord Advocate's resignation that the Executive's attitude is to sit back and wait for challenges and to wait for the outcome. It should come as no great surprise that such a laid-back attitude is not getting a great deal of admiration from those who think that responsibility in this area should be

about avoiding challenges, and particularly about avoiding ending up in court.

Some challenges are inevitable and some will inevitably be successful. I have said repeatedly—and say again—that the age of criminal responsibility in Scotland, set, as it is, at eight years old, is almost certain to be challenged sooner or later and will have to be changed. Is a change being considered? If not, why not? It is not good enough to wait for a challenge, which we can be sure will come at a point of maximum controversy, so that, instead of being able to take a decision calmly, we will end up in one of those great tabloid brouhahas.

**Gordon Jackson (Glasgow Govan ) (Lab):** It is all very well to say that such a change should be anticipated, but what age would Roseanna Cunningham set to ensure that it conforms to ECHR? Surely we would have to wait until the court decided that.

**Roseanna Cunningham:** It is inevitable that Gordon Jackson would ask that question. The truth is that once we decide that eight years old is not acceptable, we need to start the process of consulting to work out what is acceptable. I am not going to pull a figure out of thin air any more than I would expect anyone else to do so. At this stage, I want some reassurance that it is at least recognised that eight years of age will not stand as the threshold. I do not believe that it will. I do not think that any lawyer I have ever spoken to believes that eight will stand as far as a challenge under ECHR is concerned.

When it comes to considering the setting up of a human rights commission, the Conservative motion really means no more than that the Tories are adopting the same stance as the Executive—and I hope that we get a stronger stance from the Executive. I accept that the Executive's position may have been understandable a year or two ago, but I do not think that it is acceptable now.

A human rights commission is not some strange exotic beast. Many such commissions are already in existence. The United Nations strongly endorses them, recognising that the protection of human rights is fundamentally a national responsibility. The SNP wants a commission which would fulfil a wide range of functions. It should promote good practice, and public authorities and private bodies would be covered by human rights legislation. It should be seen not only as a provider of advice to the Executive, Parliament and other public bodies, but as fostering a wider awareness of human rights principles among the public.

Frankly, however, if my recent surgeries are anything to go by, Scots are already waking up to the possibilities of ECHR. During my most recent

surgery, three people came in, individually, clutching newspapers that had covered the subject and asking whether ECHR would apply to their specific problems.

I am advised that a Crown Office human rights working group was set up in 1998, but it is difficult to find out details of the work that it undertook, what conclusions it came to or what changes were made as a result of its findings. I have read, however, that it is greatly satisfied that ECHR puts it in a better position than the defence. We are entitled to be concerned about how equitable this is: public money spent on only one side of the equation.

The human rights commission should also provide a scrutinising function for draft legislation and policy. It is most frustrating for MSPs to be routinely refused any information and detail about the advice that the Executive has received. I do not understand why that should continue to be the case.

I know that the Executive, in the person of the Minister for Justice, has not ruled out setting up a Scottish human rights commission. The problem is that neither has he committed himself to the principle. I wish he would do so, and I hope that he does so today. I know that he is waiting to hear from the Scottish human rights forum, which hopes to have prepared some sort of consultation document for mid-April. Surely, however, we can be in a position to commit not to the detail, but at least to the principle, and to proceed on that basis.

The ECHR is important for Scotland, for the people of Scotland—not just for public bodies such as the Parliament and local authorities, but for individuals as well. I respectfully hope that we will get answers to some of the specific questions posed today.

I move amendment S1M-610.2, to delete from “consider” to end and insert:

“establish a Human Rights Commission which would advise both the Parliament and the Executive, issue guidance and promote good practice in public authorities, promote greater access to justice and advise on wider international human rights obligations.”

10:23

**Gordon Jackson (Glasgow Govan) (Lab):** For five minutes, I was enjoying myself, listening to Roseanna Cunningham. I was agreeing with her, and I say to David McLetchie that I share her disappointment. There is something about the Conservatives’ attitude that is grudging at best. The impression that they give is that somehow they do not really want this sort of legislation.

We need to remind ourselves why we have incorporated the European convention on human rights. It is, bluntly, a good thing. If we had not

done so, that would mean being out of step with Europe as a whole. As Jim Wallace said, we are almost the last country to take the step of incorporating ECHR. We would also be out of step with the broader worldwide scene. There are countries all over the place which, in the past, we may have thought did not have terribly good human rights records. Now, they have a charter of fundamental human rights and freedoms incorporated into their law.

Is it to be the case that the United Kingdom and, in particular, Scotland are simply to be out of step with that? As Jim Wallace said, instead of citizens being able to go to their local court to have their rights established, will they be required to trek, with difficulty and at expense, halfway across Europe? I do not think that we should say that to people.

Apart from the matter of being in step with other countries, incorporating ECHR is a good thing in itself. I quote from the Lord Chancellor, who, on this occasion, is worth quoting:

“The Human Rights Bill . . . will be a constitutional change of major significance: protecting the individual citizen against erosion of liberties, either deliberate or gradual. It will . . . promote a culture where positive rights and liberties become the focus and concern of legislators, administrators and judges alike.”

That means, in practice, that laws now need to be framed and administered with an eye on their impact on human rights. Ministers now need to inform Parliament whether a proposed law complies with the convention. The courts are obliged to consider legislation and ensure that the rights of the citizen are protected. I believe that that is a good thing. The convention puts into a law a great many basic rights for which many of us have fought for a long time. I will not apologise for thinking that that is a good thing.

**David McLetchie:** In relation to the certification of compatibility of ministers, does Gordon Jackson believe that a one-line certificate of compliance is sufficient for this Parliament, or does he share the view of the Conservative party that a fuller explanation and analysis of the implication should be given to inform the debate by all members in the chamber?

**Gordon Jackson:** I understand what Mr McLetchie means, but the difficulty with having the full legal advice analysed is that two lawyers will give two opinions, three lawyers will give three opinions and so on. The danger is that this chamber would be turned into a kind of court where those members who were lawyers would endlessly debate the legal niceties while everyone else went for a cup of tea.

Mr McLetchie said that Scotland was being used as a guinea pig. That is not fair. Scotland has a

brand-new constitutional settlement. It would therefore be odd if this new legislative body were not obliged to act in conformity with the convention, particularly since that convention will apply to the whole of the UK in a few months. The alternative is that we legislate and then review everything that we have legislated on when the convention comes into force. That would be daft and we would be criticised for a lack of preparedness.

I agree 100 per cent with something that Roseanna Cunningham said: Westminster is out of step on this matter. Westminster politicians have an obsession with the sovereignty of Parliament, which is an old-fashioned view that should be changed. We are doing things in the way in which the rest of the world is doing things. In my view—I have no idea of the view of the Government—Westminster is out of step.

Roseanna criticised the Executive and said that there has been no preparation or, at best, inadequate preparation. That is not fair. Mr Wallace and the Lord Advocate can defend themselves, but the Crown Office is an example of preparedness. In 1998, it had a working party of full-time staff producing what has become the equivalent of a book—and not a bedside read either. Many recommendations have been implemented and every procurator fiscal has been trained properly in advance of the change. It is unfair to say that the Lord Advocate and his predecessors have not taken the matter seriously. Roseanna Cunningham says that there should be more transparency about the process. There might be something in that, but that does not mean that there has been no proper preparation.

It has been suggested that we should have audited the whole system. Again, Jim Wallace has told us what has been done in that area. The problem is that the auditing process to take the change into account is never-ending. It is a massive and mind-boggling exercise. Given the amount of law that there is, it is physically impossible to cover every possibility. The fact that it is impossible to anticipate every challenge and audit every piece of law makes it unfair to criticise the Executive on that basis.

What comes across most strongly in the press and in debate is the idea that the courts are in crisis because of this. David McLetchie used the word chaos, although Roseanna Cunningham said that she would not go so far. I am not complacent. I have spent my whole working life in the court, and I have many criticisms of the court process. However, this chaos theory is way over the top. There are problems and there is room for improvement, but to paint a picture of a meltdown scenario is to mislead the public.

The picture is now painted all over the country,

in Perth or wherever, that people cannot get justice any more and that the system is breaking down. That is simply not true. If members go out into the country, to Perth or to Cupar, they will find justice being administered day in, day out. There is no more chaos than the normal everyday difficulties of running a court. I agree that there is room for improvement, but the reality is not the kind of meltdown scenario that people are talking about.

We have been provided with the figures: 374 challenges and 50 cases pending, of which 10 have been successful. Some issues have a high profile, such as that of temporary sheriffs. That matter was considered, it was decided that temporary sheriffs were a bad idea and they were swept away. I was delighted, as I always thought that they were a bad idea for reasons that had nothing to do with the European convention on human rights. Their number was increased for 18 years, under the Conservative Administration, which I thought was a bad idea. The fact that changes require to be made is not something to worry about.

As has been pointed out, the road traffic challenge is under appeal, and I leave the detail of that. However, let us say that Colin Boyd's appeal fails—as, on occasions, appeals do, which is not necessarily a bad thing. Such challenges and reviews are inevitable: for my money, that is how it should be. The whole point of introducing this legislation is to change those aspects of our past legal system that need to be changed. I can see nothing wrong with that, and it is impossible to deal with every potential change in advance. Jim Wallace is right—the situation is not one of either/or, but of both—and often the answer will not be very clear.

I was not being facetious when I asked Roseanna Cunningham what age she would choose for criminal responsibility, as that is a difficult decision to make. Whatever age is chosen, it will be reviewed through the courts anyway. Whether it is 10, 12 or 14, it will still go through that process. Sometimes it is necessary to wait for the court's response.

**Roseanna Cunningham:** Does Gordon Jackson think that, if the age of criminal responsibility was set at eight, it would survive a challenge?

**Gordon Jackson:** My honest opinion is that it would not have a snowball's chance in summer of surviving a challenge. However, the fact that I do not think that the proposal to set the age of criminal responsibility at eight would survive a challenge does not mean that it is not better to have the courts deal with it than pick another age that might not survive either. It is not easy to know the best way forward in that situation.

We should welcome the fact that, at times, the courts are striking the law down: that was the whole point of introducing the legislation. I sometimes wonder which way the Conservatives are heading on that issue. They say that they do not want to withdraw from the convention, and that they want the citizen to be able to use it, with the proviso that, to do so, he must take the plane to Strasbourg rather than a bus to the sheriff court. The law in Strasbourg is the law here. Mr McLetchie seems to object to the changes that this convention is introducing, and he has provided a list of them. He either wants the convention to be part of the law or he does not: it is not good enough to say, "I want it to be part of the law as long as people have to go to Strasbourg to use it".

**David McLetchie:** Would Gordon Jackson accept that the previous legal relationship between this country and the convention resulted in changes to our law? I am making the point that those changes happened in a considered and measured way, in the light of the decision of the court. We were not forced into a situation in which an adverse decision here created immediate problems, as happened in the case of temporary sheriffs. The legal relationship between this country and the convention is the issue.

**Gordon Jackson:** Of course that is right. It means that things are done more quickly. That is, however, far outweighed by the advantage for the citizen in having a matter resolved a bus ride away rather than having to go to Strasbourg. I find it difficult to understand that the Conservatives really believe in the European convention on human rights and, at the same time, do not want it incorporated into our system.

Mr McLetchie says we need a human rights commission. Perhaps so. I do not have a closed mind on that and I am glad that the Minister for Justice does not either. My difficulty is the same as the minister's. I am not sure what is really meant by the commission. As Jim Wallace said, how will it work with other bodies? Is it to be proactive or just a checking agency? There is no point in suggesting another body without a clear vision of what it will do and what gap in the system it is supposed to fill. I am not against the idea in principle but I am not sure what it would mean in practice.

I want to say very strongly that the incorporation of the European convention on human rights is a very good thing. It is to be applauded, not condemned. The motion is a wee bittie negative, a wee bittie moany. It finds fault in a way that is not helpful. There are legitimate criticisms but the incorporation is a huge change to our legal system and a steep learning curve. It is a positive change for the better and, in all the nit-picking about decisions that have gone against the Executive,

we must not lose sight of that. We must insist that it is a good thing and we need to make it work. The Conservatives say that they want to make it work. I would like to hear them say that it is a good thing.

**The Deputy Presiding Officer (Mr George Reid):** The debate is now open. Speeches should last about four minutes; I will allow an additional minute or so for interventions.

10:38

**Mrs Lyndsay McIntosh (Central Scotland) (Con):** I am the first non-lawyer to speak. I do not get paid by the minute, so I will be brief.

As has been said, we support the Government's aim of protecting the rights of British citizens. Where we differ is in how we go about it. My colleagues will outline areas that have given us sufficient cause for concern to have initiated this morning's debate. I will concentrate on two areas that are of particular interest to me as a former justice of the peace and to my then colleagues.

Before coming to the Parliament, I served as a JP in North Lanarkshire. I took that honour seriously and such was my commitment that before local government reorganisation I was elected to my court area committee and thereafter to the North Lanarkshire justices committee. We formed a sub-committee to look at the on-going training needs of established and new justices, which I chaired. We had a good programme of training events for justices undergoing bench training, thanks in no small measure to the assistance of a first-class clerk of court. We were keen to maintain our high standard by organising training on new policing techniques and changes in the law.

We well knew then that the incorporation of the European convention on human rights would impinge on our practice even at the level of district courts. I strove to organise a series of training events, including a day on the theme of "Human Rights, Inhuman Wrongs"—a catchy title, I thought. Working on the trickle-down theory, we inquired about the training that was being undertaken by the Crown Office in anticipation of the change. The silence was deafening. Learning of that lack of preparation at the highest level, I feared the worst. Trouble loomed and we have not been disappointed—the warning was not heeded. Much of the bread-and-butter work of the district courts is in disarray. Some commentators might characterise events since the ECHR was incorporated as shambolic—I will not dwell on other descriptions.

The effect has been that 126 temporary sheriffs have been deemed illegal, thereby reducing the number of experienced sheriffs on whom those of



us at the lower end of the scale can call for advice and input to training. Some 80 justices of the peace were removed from the court rota because they were *ex officio*, thereby increasing the difficulty of providing court cover in the district courts. Many good JPs have been cast aside—during my training, one of my supervisors was the SNP group leader in North Lanarkshire. Their removal puts pressure on the remaining JPs, none of whom does the work for the money, as the honour is unpaid.

I understand that in Edinburgh on Saturday the Minister for Justice addressed the District Courts Association conference on human rights. I am sorry that I missed his speech, but I had a surgery, and something that was happening in Ayr caught my attention as well.

Our motion calls for

“a statement on the Executive’s state of preparedness for October”.

I hope that that will be considerably better than the experience that I had in my former role. Perhaps the minister will be mindful of comments about statements being made in the public domain before being announced in Parliament and will tell us what he has in mind on reviewing the role of JP courts.

Briefly—I know that others will be interested in this—I want to cast our spotlight again on the children’s hearing system. Recently I received a letter and explanatory booklet from the children’s panel chairmen’s group. I hope that the minister will address the concerns that have been expressed about the implications of the ECHR for that aspect of our highly respected and much envied system of dealing with juveniles. I look forward to hearing what he says.

10:42

**Hugh Henry (Paisley South) (Lab):** I was fascinated to gain an insight into Roseanna Cunningham’s surgeries—surgeries in rural Scotland are clearly very different from those in urban Scotland.

Like Lyndsay McIntosh, I think that it will be useful to move discussion away from it being a legal debate. I do not underestimate the job that lawyers and those with legal training do when considering a motion such as this, but it is important to point out, from a lay perspective, that this is a fundamental issue, which goes beyond lawyers and is about giving rights to individuals in our society. We should not be ashamed of incorporating the ECHR or of the consequences and problems of incorporation.

It is apposite that we are debating the issue on the day on which—shamefully—the Home

Secretary has allowed General Pinochet to return to Chile to escape the consequences of his actions in denying others their human rights. It is important that we put what has happened today in the context of the denial of human rights. The debate is about ensuring that people in our country are given rights that people in Chile were denied by people such as General Pinochet. I hope that the incorporation of the ECHR means that Scotland and the rest of the UK are prepared to say that such behaviour is unacceptable and that our people should have those rights enshrined in law.

I also take pride in saying that the problems that we face in Scotland, which will soon be repeated in the rest of the UK, are a consequence of devolution. I take pride in the fact that, yet again, we are leading the way and that we are prepared to face up to the consequences of devolution. Although we have taken pride in our legal system and in the way in which people in this country have been able to exercise rights that others have not been able to, we should also admit that we are not immune to change or beyond reproach.

Today we have heard speakers from various quarters admit that there is room for improvement. Although David McLetchie’s tone was negative and grudging, he made some suggestions that are worthy of more detailed consideration. Gordon Jackson and Roseanna Cunningham also identified areas where they believe improvements could be made. Let us take some pride in the fact that we are facing up to our responsibilities.

Like other members, I have an open mind on whether there should be a human rights commission, but I want to be persuaded not only of the value of such a commission, but of whether it can make a valid contribution. We should not underestimate the role of this Parliament in carrying out some of the work that has been suggested. I know that the Justice and Home Affairs Committee has a heavy work load, but I do not underestimate the role that it could play in ensuring that human rights are not just embedded in our Parliament and legal system, but promoted beyond them. The Justice and Home Affairs Committee has shown what a good, hard-working committee can do, and it could do much of the work that has been suggested for a human rights commission.

**Mrs McIntosh:** Will the member take an intervention?

**Hugh Henry:** No, I am about to finish. I want to echo Jim Wallace’s point that the promotion of a human rights culture in Scotland is fundamental. We must respect human rights and ensure that they become part of the fabric of life here. If we do not take them seriously, people such as Pinochet will be able to get away with what they have done.

10:47

**Michael Matheson (Central Scotland) (SNP):** For a fleeting moment during Gordon Jackson's speech, I was of the mind that the problem is not with the ECHR, but with lawyers. We might not be having today's debate if it were not for the intervention of lawyers.

Having said that, I would like to focus on the issue of a human rights commission, because I hope that something positive will come out of the problems that we have had with the incorporation of the ECHR into Scots law. Although this is the first time that we have debated the issue in Parliament, it is by no means a new issue. For some time, a number of organisations have pressed for the establishment of a human rights commission.

I will deal briefly with the Conservative motion. Although I welcome the suggestion that the Executive should consider the benefits of a human rights commission, the idea that that commission should be responsible solely for providing

"expert advice and guidance on the impact of the ECHR"

is extremely limited. As I will show later in my speech, the role of a human rights commission is much wider than that.

The first human rights commission in western Europe was recently established in Northern Ireland. The Irish Republic is not far behind—its Human Rights Commission Bill is due to be passed in the next two months, and in the next year it expects to have a human rights commission up and running. There are similar commissions throughout the world, notably in Canada, Mexico, South Africa, India, Indonesia, the Philippines, Australia and New Zealand. All those countries have established human rights commissions to date.

There is a perception that human rights commissions are associated with emerging democracies, particularly countries where there has been considerable civil unrest and some social upheaval. The human rights commission in South Africa is a good example of that. In such countries, human rights commissions play an important role in developing a human rights ethos and in healing the divisions that caused the problems in the first place. In other countries that are considered to be more stable democracies, human rights commissions play an extremely important role in considering issues of common law and in ensuring that human rights are both protected and promoted. Those human rights commissions have both a proactive and a monitoring role, to ensure that human rights are not violated.

The Minister for Justice said that he would like to

hear more about how a human rights commission would work and what its structure would be. Considerable work has already been done on that, particularly in relation to the Paris principles, which were drafted in 1991 and endorsed by the United Nations General Assembly in 1993.

The Paris principles are not specific on the model for such a commission—we do not have to dwell on that—but are clear about the principles that would underpin any human rights commission. The principles state that the key role of such a commission is both to promote and to protect human rights. They leave considerable discretion to the nation state with regard to the model, but say that the commission not only should be able to ensure that human rights are promoted and protected, but should be provided with powers to recommend to Government that general and specific violations be investigated and reported on. Under the principles, the commission must be independent of the Government, to ensure that its position in undertaking that role is not compromised.

I welcome the fact that the Executive is open to considering the benefits of a human rights commission and I hope that it will pay regard to the Paris principles, to ensure that any human rights commission is truly independent of the Government, so that it can promote human rights effectively.

The Human Rights Act 1998 will be implemented this October; its provisions are considerably wider than those of any other anti-discrimination legislation that deals with race, religion or disability. We have commissions to deal with those specific areas of discrimination. Given that, a massive vacuum has been left in relation to human rights in Scotland and that vacuum must be filled. The most effective way of achieving that would be by establishing a human rights commission in Scotland. To Hugh Henry, I would say that we are not ahead of the game, but we could be if we established such a commission in Scotland.

10:52

**Robert Brown (Glasgow) (LD):** First, I must declare an interest in respect of my membership of the Law Society of Scotland, and my legal consultancy with Ross, Harper and Murphy—not least because my colleague Cameron Fyfe is running what is likely to be the test case on children's hearings.

This has been one of the Parliament's best debates, with extremely good speeches from all parts of the chamber. Many of the issues have been addressed. I pay tribute to David McLetchie and the Conservative group for giving us the

opportunity to debate the subject.

A number of interesting points have emerged from the debate. There seems to have been a slight movement on the Executive's part on the question of a Scottish human rights commission. I know that Jim Wallace is personally committed and sympathetic to such a commission, as indeed are other Liberal Democrats, whose commitment to that cause has emerged over quite a long time. More interesting, in some ways, is the fact that the Conservatives—not perhaps noted over the years for their forward thinking on some human rights issues—make a commitment in their motion to the establishment of something like a Scottish human rights commission. That is significant, notwithstanding the rather limited remit for that commission, which David McLetchie described. It is also significant, judging by the excellent speeches of Gordon Jackson and Hugh Henry, that there seems also to be an open mind on the Labour benches on a Scottish human rights commission.

I want to pick up where Michael Matheson left off, in support of a Scottish human rights commission. A few weeks ago, Bryce Dickson, the Northern Ireland human rights commissioner, spoke to the proposed cross-party human rights group. David McLetchie was good enough to come along and I like to think that that was when the seed of the idea was planted in his mind. Anyone who heard Bryce Dickson on that occasion could not fail to be aware of the commission's importance in the developing process in Northern Ireland. Of course, Northern Ireland has its unique features, but it is a civic society, just as Scotland is. Notwithstanding those unique features, Northern Ireland needs human rights in the way that Hugh Henry described—not as a matter for the law or for lawyers, but as a matter for individual citizens across the gamut of civil society.

I will dwell a little on that particular point. It takes courage for a Government to establish a human rights commission, as no one likes to fashion a rod for their own back. The commission should have the power to investigate on its own initiative cases of alleged human rights violations. It should have the power to conduct wider-ranging inquiries on more general human rights issues. Some people have suggested to me that some of the more specific investigations that have taken place in Scotland, from Orkney onwards, might have been avoided had a commission been in place, as it could have taken such issues on board. The commission should have powers to investigate, to compel witnesses and to require the production of documents. It should also have the power to support complainants who bring court proceedings, which is a well-established line of development, if I may call it that, that exists

already in race relations, in the new disability commission that is being established and so on. It is important that the commission should also have the right to scrutinise legislation, which was David McLetchie's central point.

I invite the Opposition parties and members of the Labour party, who may still have doubts, to consider and discuss the matter. I invite them to speak to the Scottish Human Rights Centre, which is the expert in this field, or to Amnesty International, which also knows a lot about it. I ask members to join those of us who have argued this cause for a while in building on the work of the Scottish Human Rights Centre, which will make representations to the Executive soon. Perhaps the minister will receive a cross-party deputation from members on the matter of a human rights commission.

We must try to move the issue forward, with a view to achieving progress, if at all possible, by 2 October, when the Human Rights Act 1998 will come into force across the UK.

Ultimately, to revisit Hugh Henry's perceptive point, this issue is not just about lawyers—it is about human rights, citizens' rights and the rights of the individual in our new democracy in Scotland. A human rights commission could go a long way in realising human rights in a way that has not been the case to date.

I ask members to consider, individually and collectively, the establishment of a human rights commission, to investigate and to give their support to the concept, on which the Government has already expressed its general support.

10:57

**Pauline McNeill (Glasgow Kelvin) (Lab):** We should take this opportunity to reaffirm the Parliament's profound belief in the fundamental freedoms and human rights that are enshrined in the articles and protocols of the ECHR.

Many members have been part of the movement that championed the cause of human rights and civil freedoms, whether that involved the right to join a union, the right to privacy, the right to define one's sexuality or the right not to suffer discrimination. That movement was about being part of a worldwide community, which signed up to basic rights around the world.

For me, the debate is about recognising the magnitude of the constitutional settlement's interface with the Human Rights Act 1998. If our law is challenged and is wrong, that is the point of signing up to the convention. We have been accused of a lack of preparedness and it has been suggested that the convention will overturn, or have a major impact on, our justice system.

The starting point is that the convention was drafted at the end of the second world war. The treaty was ratified in 1951 and is now supported by 40 countries.

Alan Miller, a leading authority on human rights, states that

"practitioners should familiarise themselves not only with the past almost 50 years of Strasbourg jurisprudence but also the whole body of international human rights jurisprudence".

It is important to recognise that the convention will affect public bodies and tribunals, and that all lawyers, sheriffs and citizens will also have to familiarise themselves with the convention and with the impact that it will have on our law, which is no mean task.

Apparently, we all welcome the convention. While I appreciate that the Conservatives said that they support the convention, I am not clear whether they support it per se, or whether they support its incorporation into our law. Perhaps Lord James Douglas-Hamilton could address that point when he sums up.

We have signed up to good principles: no one shall be subject to torture or held in slavery and everyone shall have the right to liberty and the right to freedom of association when joining a trade union. As Mr McLetchie said, lawyers can be quite creative. It is no wonder that there are many challenges, but few to date have been successful. I welcome the decision on temporary sheriffs. It was a good decision and many in the legal profession welcome it. It demonstrates the usefulness of the convention.

How does a Government prepare for such challenges? We should consider a human rights commission. We should report to Parliament on where we stand on auditing and proofing our law. The important question is whether our law is compatible with the ECHR. We cannot fundamentally alter the outcome of that question; either it is or it is not.

There are many positive things about signing up to the convention. No longer will individuals have to go to Strasbourg to enforce their human rights; they can do it here at home, and that is an important individual freedom. The ECHR will produce better law because it will give people the right to an independent trial and the right to have their case heard in good time. Only last week, we read reports of a recent case in which an individual was able to rely on that right.

Incorporating the ECHR establishes our country as part of the international community that is setting a trend of human rights. It also goes some way towards isolating countries that violate human rights. I support what Hugh Henry said about that.

The freedom to join a union is important. If that freedom had been enshrined in our law at the time, the Thatcher/Major Governments would not have been able to force through the anti-trade union laws that were passed during that era.

**David McLetchie:** Does Pauline McNeill accept that it was a decision of the European Court in Strasbourg that led to the outlawing of aspects of the closed shop, and that it was Conservative conformity with the provisions of the convention that removed that blot on the industrial landscape?

**Pauline McNeill:** As Mr McLetchie knows, the point that I am bound to make this morning is that, if we had had the human rights convention during the Thatcher/Major Governments, those Governments would not have been able to introduce the anti-trade union laws. However, I know that his party has now departed from that.

Roseanna Cunningham—who has now left the chamber—talked about people who have come to her surgery. Although the impact of European Community law has not been the same as the impact of the convention, in my former life as a trade union official, I had thousands of members coming to ask me about the impact of European law on their employment rights. That is nothing new.

The incorporation of the ECHR will establish a floor and not a ceiling for human rights. It is about the right to personality, about rights and duties not being dependent on the grant of the state, and about enjoyment of rights by the community as a whole. It is about individuals not standing alone but being members of society and being able to counteract the power of the state that they live in. It allows the person the right to live.

**The Deputy Presiding Officer:** We are running about 20 to 25 minutes short. It is my intention to take lunch early and I hope that the Labour whips will confirm with the business managers that that is acceptable.

11:03

**Linda Fabiani (Central Scotland) (SNP):** I am delighted that the Scotland Act 1998 incorporated the European convention on human rights. I welcome the convention becoming fully operational in October this year. In this country, when we consider human rights, we think internationally. However, we should recognise that protection of human rights is primarily a national responsibility. It demonstrates a lack of commitment to the principles of human rights to shirk that national responsibility or to allow the perception that Europe is to blame every time problems arise in our existing institutions and structures.

It is clear that the Executive and the UK Government did not pay enough attention to the consequences of incorporating the ECHR. They may indeed suffer further problems up to and beyond October. In fairness, however, we cannot be aware of all the problems that may yet emerge. Practitioners everywhere are scrutinising current and proposed legislation and practice, checking compliance with the ECHR. The introduction of that counterbalance to those in power in favour of individuals and independent organisations is to be welcomed, although it may lead to some unpredicted consequences.

As an example, members may not yet be aware of the potential challenge to the plan of the Minister for Communities to extend the right to buy. It is not unreasonable to suggest that forcing housing associations—particularly those not in receipt of public funds—to sell off their housing stock would fall foul of the convention. I will not be sorry to see the minister's harmful proposals defeated in the courts if Labour members betray their convictions and support the minister.

If the European convention on human rights is to be properly incorporated into Scots law, Scotland needs its own human rights commission in the form described in the Scottish National party amendment. The role of the commission would be to

“advise both the Parliament and the Executive, issue guidance and promote good practice in public authorities, promote greater access to justice and advise on wider international human rights obligations.”

The commission should have powers and objectives consistent with international standards, as laid out in the Paris principles referred to by Michael Matheson, as adopted by the UN Commission on Human Rights in 1992, and as endorsed by the UN General Assembly in 1993. The model is there. We must establish a system of monitoring human rights abuse, and provide assistance for individuals and groups to pursue claims through the Scottish courts. We must ensure that human rights education is established in schools and for public servants.

Members may recall last year's controversy over the World Trade Organisation talks in Seattle. Had they gone as planned by Europe and America, we would be on the way to what has been described as

“the constitution of a single global economy”,

providing multinational corporations with a mechanism for enforcing their interests, even when they run counter to domestic legislation. The UK Government supports that, while the Scottish Executive colludes. Would not it be ironic if the Executive now refused individual Scots and Scottish organisations an equally effective

mechanism for protecting their rights against action by this chamber or by the Westminster Parliament?

I repeat my commitment to the principles of the ECHR. Scots law has a tradition of sovereignty, which rests not with royalty, nor with Parliament, but with the people. Human rights belong inalienably to all of us, and should be monitored independently of the Government. I urge the Executive not merely to consider the possibility of establishing a Scottish human rights commission, but to commit without delay to its establishment.

11:07

**Bill Aitken (Glasgow) (Con):** If we start with the commonly held precept that we all believe in human rights, we should now examine exactly what we are trying to illustrate in our motion. We are trying to demonstrate our irritation and concern at the way in which the incorporation of the European convention on human rights into Scots law has been dealt with. The irritation is highlighted by the fact that on this issue, like on so many others, the Executive acts precipitately and without sufficient thought. Many examples of that could be cited. The irritation is overshadowed, however, by our chief concern—the impact that incorporation of the convention has already had on Scots law, and the potential that it has to impact more deeply.

Some in this Parliament are better qualified than I am to give a lecture on the history and evolution of Scots law from Justinian in Rome to Stair and Hume, and on the way in which our law has evolved to the benefit of the people of Scotland. Our law has been made by court decisions. The common law of Scotland represents the view of the people of Scotland, and where law has been incorporated in statute, it has been on the basis of decisions taken by an elected Government which, over the centuries, presumably reflected the views of the Scottish people.

Without sufficient thought, we have incorporated into Scots law regulations that have created a sort of hybrid. The basic principle of Scots criminal law has always been that the rights of an accused person are largely paramount. The presumption of innocence, and the other aspects of Scots law that are important to us, have always been the chief consideration of the courts and the legislature. No one wants to detract from that, but we must consider the effects of incorporation of the ECHR, how it is inhibiting the prosecution of criminals and how it is interfering with and disrupting the court system. We would be failing in our duty if we did not flag up these concerns.

Others have dealt with the cessation of temporary sheriffs. That system worked

satisfactorily and well; it was a classic illustration of the old saying, if it ain't broke, don't fix it—but the ECHR prohibited it from continuing.

**Robert Brown:** Does Mr Aitken accept that the problem was not in relation to temporary relief, which the system of temporary sheriffs was first introduced as, but in relation to the increase in the number of temporary sheriffs—introduced primarily as a cost-saving measure by the Conservative Government?

**Bill Aitken:** If Mr Brown examined the figures, he would find that the increase in the use of temporary sheriffs started prior to 1979. I accept that the use of them was, perhaps, becoming excessive. The fact remains that the system generally worked.

We have seen how the rules of evidence—particularly with regard to the requirement in section 172 of the Road Traffic Act 1988 not to have self-incrimination—have had an adverse impact. I think that there will also be a difficulty with regard to police powers, and the juvenile justice system is already under challenge.

All those matters should have been anticipated. At this late stage, a proper appraisal of the impact of the convention should be brought before Parliament. The Conservatives also want the Executive to suggest remedies as to how it will overcome the difficulties and inhibitions that have been placed on it by incorporation.

Human rights are, of course, an evocative issue. No one in this Parliament—or in Scotland—would suggest that there is anything wrong with banning torture or detention without trial. That is the overstatement of a sound case, but other aspects of the convention show a marked lack of common sense and street sense. Members should consider, for example, the powers of the police in detention and handcuffing. Those powers should be used in a limited and restricted manner, but what seems common sense in the calm, rational, detached environment of a Brussels committee room will not inhibit a drunken gorilla at 11 o'clock on a Saturday night at Bridgeton Cross.

We must know what the situation is and the likely further effects of incorporation of the convention into our law. I accept that some cases have gone to appeal, but there are a lot of unanswered questions about what is to happen in the future. The Executive has failed lamentably to address those questions. Unless it addresses them, highlights the possible difficulties and underlines how it intends to underpin Scots law to cope, human rights legislation will be viewed with considerable suspicion by members of the public and Scots law—the system in which many members of this Parliament have practised, fairly lucratively, over the years—will be under threat.

11:13

**Scott Barrie (Dunfermline West) (Lab):** I am sure that if the debate finishes early today, it will not be because MSPs or people in the wider community do not feel that human rights are important; it may, perhaps, be because they thought that legal argument and lawyers would dominate the debate. At the start, perhaps that was the case, but the issues that have been discussed by others show that the matter goes much wider than arcane legal debate and affects every one of us in Scotland.

It must be remembered that the ECHR grew out of the post-war European reconstruction effort against a backdrop of state fascism and growing communist totalitarianism. It is provision for the individual citizen against the erosion, deliberate or gradual, of liberties by the state.

David McLetchie gave a lengthy list of possible challenges to existing Scots law and practice that may take place under the ECHR. He also stated that the Tories would not have incorporated the convention into our domestic law. As the Minister for Justice pointed out, that would not have prevented challenges under the convention; it would only have prevented challenges in our courts.

Prior to incorporation, a person could apply to the European Court of Human Rights in Strasbourg only if they had exhausted all their rights of redress under existing United Kingdom statute. In other words, an applicant had to establish that the UK had failed to honour its obligations under the convention to protect, in its domestic law, its citizens' rights. David McLetchie acknowledged that and highlighted corporal punishment and parental chastisement, both of which are issues on which our contemporary practice was found to be incompatible with the convention. I referred to that in last week's debate on the Executive's current consultation on parental chastisement.

Through incorporation, the convention becomes part of our domestic law. It creates a direct right of action in our courts and provides a mechanism for amendment of any domestic legislation found by our courts to be incompatible. The principal arguments for incorporation are not just about giving people access to their convention rights in our courts, but about creating a human rights culture in our country. In such a culture, individuals are aware of their rights and responsibilities and public authorities comply with the convention rights not because they must, but—perhaps more significantly—because they believe in them.

David McLetchie spoke of possible challenges to our children's hearing system under the European convention. Nicola Sturgeon of the Scottish

National party questioned the First Minister on that a fortnight ago, during question time. David McLetchie is right when he says that our unique system of juvenile protection and justice is the envy of many countries but, 30 years after its introduction, it remains unique—no other country has introduced a similar system.

I do not say that to deride the children's hearing system. Having worked in it for more than 14 years, I see many advantages in the welfare principles on which it is founded and its use of lay members as opposed to the justice model that is used by other countries, but the Kilbrandon report on which the system is based was commissioned in the 1960s. It is perhaps now appropriate for its workings and composition to be revisited. The hearing system does not fully conform to the United Nations Convention on the Rights of the Child although it is more than 10 years since the UK Government ratified that convention.

David McLetchie spoke of possible difficulties with the children's reporter. I would add that there may also be difficulties with the grounds of referral for a hearing. Because it is founded on a welfare rather than a justice principle, the final disposal often bears little relation to the original grounds on which a child or young person appeared before a hearing. However, those objections do not necessarily invalidate the hearing system. If we are to maintain that our unique system is robust and does a good job for children and their families, it is important that we can demonstrate that, rather than repeat like a mantra that children's panels are intrinsically good and do not require to be scrutinised.

As Gordon Jackson said, the European convention is a good thing. Today's comments by the Tories reflect their regret about the incorporation of the convention into our domestic law. Like the vast majority in this chamber, I support its incorporation. It essentially mainstreams human rights and brings us into line with more than 40 other countries. I therefore welcome the incorporation, the UK Parliament's decision to place it at the heart of the Scotland Act 1998 and the Executive's commitment to take forward the principles of the convention into our future law.

11:19

**Colin Campbell (West of Scotland) (SNP):** I begin by endorsing what Hugh Henry said about today's decision on General Pinochet. That will cause astonishment among the editorial staff of the *Paisley Daily Express*, but they will just have to live with it.

Part of the problem, in some cases, is that of perception rather than reality. Professor

Christopher Gane of the University of Aberdeen said:

"The Government's attitude to human rights seems to be developing some of the characteristics of its attitude to devolution—support for the idea in principle, dwindling in the face of its implications in practice."

He may be talking about the UK Government, not ourselves. Gordon Jackson made the point that meltdown was not really happening.

In the context of public perception, I cite the following areas of difficulty, some of which have already been mentioned: temporary sheriffs; the anomaly of the Lord Advocate being the chief prosecutor and having the power to appoint judges and sheriffs; the lack of legal representation in the children's panel system; the right of silence; police surveillance; warrant sales; and the instruction to justices of the peace who are councillors not to proceed with prosecutions.

David McLetchie—being a lawyer—said that lawyers are very creative. They are also extremely expensive. [MEMBERS: "No!"] Yes. Normal citizens such as me like to keep well away from them. I wonder how much it has cost the Executive to plough its way through the morass caused by its failure to plan ahead and its embroilment in matters of legal detail. Will the Lord Advocate give the chamber an indication of what the cost to date is of the process? Might we also be given some idea of how well lawyers might do if the debate is carried on as we move into other areas of potential conflict?

I will list some such areas. Access to justice is a right and the limitations of the legal aid process are potentially in contravention of article 6 of the ECHR. The appointment of a commissioner for freedom of information might be challenged, depending on which body appoints that commissioner. Prison officers have no right to strike. The appointment by the local authority of the clerk to a district court could be judged to compromise the clerk's objectivity. Compulsory workplace drug testing could be challenged under the rules on individuals' right to privacy.

All those issues could lead to conflict between the current legal situation in Scotland and the ECHR. The problem lies not in the principles of the ECHR—which all members endorse—but in the fact that insufficient steps have been taken to pre-empt conflict with it. Today's debate will—as we have heard from Jim Wallace—concentrate the minds of the Executive on the matter. I am delighted that an audit of possible pitfalls is under way.

The age of criminal responsibility—I will not suggest a specific age—has been touched on. Gordon Jackson said that lawyers could battle that issue out and that if the Parliament picked an age,

somebody might still want to battle it out in court. We should minimise that possibility. The chances are that if such a thing happened, it would be in a situation such as the James Bulger case, when the tabloid press would be running wild. It is difficult to make the best and most objective judgments in such circumstances.

It would be better if issues such as those I have mentioned were dealt with now, partly to pre-empt difficulties and particularly to lay down legal criteria calmly and objectively. Strathclyde police have made a minor change to their procedures. The police are able to hold suspects for six hours without a lawyer, but that is in contravention of article 6 of the ECHR. Strathclyde has changed its procedures to overcome that contravention.

The Executive has given the public the impression that it has stumbled into a minefield of its own making. I am pleased that it knows it is in that minefield, I am pleased that it is trying to do something about that and I am pleased to have taken part in the debate.

11:23

**Mr Kenny MacAskill (Lothians) (SNP):** On behalf of lawyers on all sides of the chamber, I would like to point out that Nelson Mandela was a lawyer, but I have never yet heard anybody criticise the large fees that he is alleged to have charged before spending a generation languishing in Robben Island.

**Colin Campbell:** I am sorry, Kenny.

**Mr MacAskill:** I welcome the long overdue incorporation of the ECHR and I welcome the generally consensual tone of the debate—albeit grudgingly consensual on the part of the Conservatives.

I will deal later with the incorporation of the ECHR in this country's law. I do not intend to rehearse the criticism about implementation that others have already made today and which I have made previously. I stand by the averment that in some, if not many, instances the Executive has been caught unprepared and ungowned. I want to address the philosophical reasons for supporting incorporation of the ECHR and the amendment to expand its remit and role to establish a human rights commission.

Why is a human rights commission needed? The Deputy First Minister said that the matter presents a challenge and an opportunity. I agree. I also believe that that should—as Roseanna Cunningham said—dovetail with a written constitution and a bill of rights. It is nearly 25 years since I embarked on studies for a law degree at the University of Edinburgh. I studied opaque subjects such as constitutional law and

jurisprudence, and I was astonished at the absurdity of the situation in the United Kingdom, in which Parliament is sovereign. Recently I discussed that briefly with Gordon Jackson.

It seems utterly nonsensical that in the 21<sup>st</sup> century a Government could—theoretically—bring in legislation to outlaw all those with blue eyes or who happen to be beneath the height of 5 ft 4 in. It may be purely theoretical, but if a Parliament is sovereign, that is what the Government could do.

I believe in the separation of powers, although that is a different matter, and the protection of the rights of the individual. It is possible—Scott Barrie commented on this—to have democratically elected fascism. Recent events in central Europe have resulted in Governments taking power that might not pay due cognisance to human rights. We must ensure that we protect the individual against the excesses of a Government that may be elected with a democratic mandate, but which might choose to exercise powers that conflict with the legitimate rights of the individual.

The Deputy First Minister was correct to point out that we used to have the right simply to go to Europe, whereas we now have the right to challenge a ruling. We may have a fast-track procedure. A fast-track procedure is better than a no-track procedure or an outside-track procedure. I have been a practising lawyer and had people approach me, looking for advice and assuming that they would be able to take their case to Europe. I have had to say to them that they need to wait five years or more, while they exercise every avenue of appeal available to them in Scotland and the United Kingdom, and an inordinate amount of time after that while their case is processed. A procedure that will accelerate that process is long overdue.

There have been questions about the implementation of the European convention on human rights. I do not blame that on Europe—there is no need to bring in any element of xenophobia. The problems have come about because of the way in which we have implemented the convention and because in many instances we were philosophically wrong. I do not want to rehearse the problems of implementation that others have dealt with, but we must consider that, in some instances, it was not undertaken correctly. The situation surrounding judicial appointments was not only handled wrongly; it has been wrong in Scotland for generations. We need to address that.

We also need to address the age of criminal responsibility—sooner rather than later. Scotland might find itself in a position similar to that which followed the tragic shooting in Michigan by a six-year-old. Were the child three years older, would he face a murder charge for shooting a



classmate? We must consider whether a child of eight or nine should face a murder charge for such an action and be put on trial, or whether the parents—or collectively, society—has a deeper, underlying responsibility.

We should welcome what has come from Europe. We should see this as an opportunity to address matters that are at fault. There have been changes in Scotland; the introduction of judicial reviews has been of great benefit, allowing individuals to take action against authorities where previously immediate redress was not possible. That is why I welcome the call for a commission in the SNP amendment. That would put the onus on being proactive. The concept of the commission would need to be fleshed out—skin and meat need to be put on the bones of the idea—but it would allow us to be proactive and enable other public bodies to initiate matters, rather than simply react to judicial reviews and court decisions.

11:29

**Euan Robson (Roxburgh and Berwickshire) (LD):** We heard, earlier, that 39 of the 41 nations that signed the convention have incorporated it into their national law. I agree whole-heartedly with Roseanna Cunningham that Westminster is now the odd one out.

David McLetchie made something of the Irish situation. My understanding is that Ireland has its own bill of rights that is in passage, as Michael Matheson so eloquently described it. I have a feeling that the Conservatives do not really know what to do or say on the European convention on human rights; they are happy with the convention in some ways, but they do not want to incorporate it.

I welcome the measured tone of David McLetchie's remarks, which were in marked contrast to those of his colleague, Phil Gallie, who, in a recent press release, said:

"The decision to incorporate . . . must surely go down as one of the worst decisions in recent political history."

Mr Gallie exceeded even himself for hyperbole in that statement.

David McLetchie complained that the Executive is slow and complacent, yet we heard Bill Aitken talking about the Executive being precipitate. I do not think that the Conservatives know quite where they are.

**Bill Aitken:** I said that the Executive acted in haste in arranging incorporation; Mr McLetchie said that it was slow in reacting once problems became apparent.

**Euan Robson:** I accept Mr Aitken's explanation; but I still think that there was some contrast between the two remarks.

This major constitutional change, which has been fought for for many years, first appeared in my party's manifesto in 1979, when we called for incorporation. The Conservative party manifesto of that year spoke of a

"Bill of Rights . . . which we shall wish to discuss with all parties."

There has been a deafening silence ever since.

We welcome incorporation because, under the convention, rights are now no longer a remote European concept; they have real meaning here in Scotland. That is immensely important. Anyone seeking the protection of the convention had previously to go to Strasbourg and I believe that, on average, cases took from five to six years to determine. According to Charter 88, the costs could be up to £70,000—perhaps even more. There is no doubt that incorporation will improve access to justice.

As we have already heard, although the United Kingdom has been bound by the ECHR since 1951, convention rights are now directly enforceable in Scottish courts. That must be welcomed.

During this debate, much has been made of challenges made on ECHR grounds; but those challenges indicate—to me at least—a commitment to human rights and an open and accountable Government. Again, that is something we should welcome. It is surely good that Governments, administrative processes and court procedures are open to challenge.

I would like to draw some parallels with the new deal era in the USA in the 1930s. Much of Roosevelt's new deal legislation was struck down by the Supreme Court. One in particular, the Scheckter case, was all about—for goodness' sake—poultry in interstate trade. The point was that the mechanisms that had been introduced in the legislation were found to be defective and had to be corrected.

Just as there were major constitutional and economic changes in the USA in the 1930s, there are major constitutional changes involved in the current legislation; and just as it was right that changes in the context of the USA in the 1930s were open to challenge, it is right that legislation should be open to challenge in our context today. It is important for Governments to be held accountable.

My understanding of the challenges is that, yes, some of them are indeed on significant issues—temporary sheriffs and section 172 of the Road Traffic Act 1988, for example—but five out of the eight or 10 challenges have been concerned with inordinate delays in bringing matters to court. Five of the challenges have been on that narrow

issue—although it is welcome that there should be a challenge when there is an inordinate delay in bringing a matter to court.

We welcome the Executive's commitment to an audit of ECHR matters, and we await a progress report to Parliament in due course. We also have some concerns about civil cases. The Executive must not lose sight of the fact that some civil cases that involve claims for compensation may appear to be about only money, but they often involve considerable stress and anxiety for the participants. We need to put more effort into finding permanent sheriffs to ensure that such cases are heard.

I reiterate what Robert Brown said: we are committed to the establishment of a human rights commission and we would welcome further progress in that area.

11:34

**Christine Grahame (South of Scotland) (SNP):** I am terribly glad that Kenny MacAskill spoke up for lawyers; I always feel less popular than a traffic warden. Furthermore, I should tell Lyndsay McIntosh that, as far as I can gather, my plumber also charges by the minute.

I will begin with a general view of the ECHR. As Roseanna Cunningham rightly said, the SNP thoroughly welcomes its incorporation into Scots law. It makes the protection of human rights an international responsibility and, as such, sets Scotland in its historical place as an internationalist nation.

There have been problems with certain aspects of the ECHR. For example, article 6, which concerns the right to a fair trial, has caused the difficulties with the appointment of sheriffs. We have also raised the problem of the age of criminal responsibility invading the children's panels, which Scott Barrie quite rightly highlighted as one of the credits to the Scottish judicial system.

Article 8, which concerns respect for people's private and family life, home and correspondence, impacts on surveillance, whether by the police or by others. Furthermore, warrant sales might be in breach of article 1 of the first protocol of the convention, which concerns the right to peaceful enjoyment of possessions.

Gordon Jackson asked us to step aside and not agree that Scotland had been used as a guinea pig in the application of the ECHR. Although I do not want to overwhelm my summing-up by pointing out the Executive's lack of preparation, it is disingenuous to say that every step had been taken to avoid any likely impact of the convention. Perhaps Gordon has read the legal advice that I have constantly called for.

On 17 February, in the debate on the appointment of Mr Boyd as Lord Advocate, the First Minister said:

"Of course, there have been problems with the introduction of the European convention on human rights. In a sense—and I hope that this will not be misinterpreted—the point of introducing it was to bring about change."

Fine, but he went on to say:

"I say this quite genuinely: taking the children's panel issue as an example, I am not sure how challenges in the court can be guarded against. That cannot be done. Cases must be tested in the courts."

The trouble is that we felt that everything was being tested in the courts and that advance steps were not taken on certain issues to protect against such a situation. It is all very well to say that most cases failed in the courts; the major cases did not. Temporary sheriffs became a major issue, as did the Ruddle case. It is the quality, not the quantity, of the problems that is important.

I have asked ministers again and again to produce the legal advice that was given on these cases and, by doing so, to silence the chamber. As with the implications of the Cubie committee report south of the border, we are being asked to take these matters on trust. I have still not received answers to questions on whether European Community law prevents up-front payment of tuition fees for Scottish students south of the border, or on the effect of the ECHR on Scottish students who had to pay such fees. I am quite open to persuasion on those issues.

In the debate on law officer appointments on 17 February, the First Minister also said:

"I want to make clear the fact that examination of the problems of judicial appointments is something to which we are committed. We have made that clear; it is in the partnership document".—[*Official Report*, 17 February 2000; Vol 4, c 1256-58.]

At a meeting of the Justice and Home Affairs Committee in September attended by the Deputy First Minister, there was a commitment to consider an independent commission for the appointment of judges. It is now March and we are still only thinking about and considering the matter. We must also question the pace at which things are happening.

Roseanna Cunningham raised difficulties with the age of criminal responsibility. We want the Executive's assurance that some advance investigation and research has been undertaken on this matter and that it will not happen in the face of a court case with all the human and judicial problems that that will involve.

I will now consider some of Mr McLetchie's points. First, the replacement of temporary sheriffs in the criminal justice system does not have an

impact on only the accused; it affects victims and their families and civil cases. It also has a major impact on Scottish society and on the way Scots view their justice system.

I have addressed the children's panel system, about which Professor Black has raised concerns. He is an eminent lawyer. Was his advice ever sought? What was his view—or the view of other academics for that matter—on the ECHR's impact on the various examples raised by Mr McLetchie? No doubt we will hear about that in the summing up.

Pauline McNeill spoke about the quantity and quality of challenges, with which I have dealt.

I want to mention sovereignty. Roseanna Cunningham said that the Parliament could be taken to court by individuals if it breaches the ECHR. That is quite right. The people are greater than any institution. The Deputy First Minister made a remark about the sovereignty of Westminster, but that is not the case. In 1953—I hope I have the right reference—in the case of *MacCormick v the Lord Advocate*, arbiter Lord President Cooper said that there was a distinction in Scotland in that sovereignty rests with the people not with the Parliament.

Donald Dewar reaffirmed that point when he introduced the Scotland Bill to Westminster and the idea is continued historically in the claim of right. That leaves us with an interesting prospect. If this Parliament were to decide that it wanted Westminster to do something in the interests of the rights of the Scottish people—perhaps something to do with social security benefits, such as benefits for elderly people or to do with whether elderly people should pay for nursing care if they have dementia—and Westminster refused to do it, that would be a breach of rights and we could challenge Westminster for having breached the ECHR. That takes democracy to where it belongs.

I suggest two cures for the problems faced by the Executive. First, a judicial appointments commission would separate the judiciary from the Executive at a stroke, which would remove many of the problems. The establishment of such a commission was in the manifestos of the Scottish National party and the Liberal Democrats. It is imminent and necessary.

The establishment of a human rights commission would be another cure, as we state in our amendment. Hugh Henry is not here, but he wanted to know what such a commission would do. Other members have addressed that question, but some of the most relevant points are that it would be a statutory body with appropriate powers and resources, appointed by the Executive and—I stress this—the Scottish Parliament.

Such a commission should work in close co-

operation with a committee of the Parliament. We suggest that that committee should be the Equal Opportunities Committee, not because the Justice and Home Affairs Committee shirks its responsibilities—it certainly does not—but because the Equal Opportunities Committee seems the most appropriate destination. The commission would work closely or jointly with the Commission for Racial Equality, the Equal Opportunities Commission and the proposed disability rights commission.

Above all, a human rights commission should be accessible and accountable. We envisage that such a commission could investigate the causes of abuses and injustice and create pressure for reform. It would be an independent commission, addressing human rights. It would also address international obligations, in particular—in connection with the age of criminal responsibility—the UN Convention on the Rights of the Child.

I am concerned, as always, about the public perception of and confidence in this Parliament, although I put blame for the difficulties that we have faced in the press firmly at the feet of the Executive. The Executive has tested the loyalty of the Scottish people considerably through the way in which it presented reform of section 28, through the Holyrood debacle and now through the running sore of the application of the ECHR. The approach seems to be to find fingers-in-the-dyke solutions.

By accepting our amendment and establishing a commission that would function as I have explained, Scotland's pioneering approach—my goodness, I am happy that Scotland is pioneering—to international legislation would be properly addressed and structured in the interests of the Parliament, of justice and, most important of all, of the individuals whose rights are properly and powerfully identified in this powerful little booklet, the convention. I support the amendment.

**The Presiding Officer (Sir David Steel):** Such are the marvels of our technology that the next speaker is listed on my screen as “guest speaker”. I assume that the Lord Advocate will soon acquire a parliamentary identity pass, which will enable him not to be anonymous. I am sure that the chamber will want to welcome the new Lord Advocate, and I invite Colin Boyd to make his maiden speech. [*Applause.*]

11:45

**The Lord Advocate (Colin Boyd):** Thank you very much for that introduction, Sir David. I hope that I will not be seen here too often simply as a guest. I very much welcome the fact that my first speech to this Parliament is on the European convention on human rights and its incorporation into and effect on Scots law.

I start by putting this debate into a general context. Jim Wallace outlined the history of the convention and its place in the devolution settlement. We have to ask ourselves a further question: what is the purpose of the convention and of incorporating it into domestic law?

I agree with those who made the point that incorporation of the convention into Scots law puts human rights at the core of the legal system. I believe firmly that it is about the modernisation and reform of the legal system. It goes further, however. I am, of course, speaking as a lawyer and as someone who has practised at the Scots bar.

Hugh Henry made a telling point about the infusion of human rights into our society. As far as the law is concerned, the Lord Justice-General said, in a recent case, that one should not see the European convention on human rights as separable from every other facet of Scots law. As he said, it permeates through the whole body of Scots law. That, in a modern, democratic society, must be right.

The convention puts at the heart of the legal system a statement of fundamental principles, which should guide Scots law, particularly when it deals with public bodies. I would say in response to the points made by Bill Aitken and one or two other Conservative members that the incorporation of the convention should not be seen simply as putting an accused's rights somehow above those of others. European jurisprudence is quite clear that, on occasions, one has to balance rights.

The convention imposes positive obligations. For example, the right to life imposes a positive obligation on nation states to protect the life of the victim of a stalker. The right to private life imposes a positive obligation on the state to maintain an effective regime of criminal sanctions to bring someone accused of the rape of a mentally impaired girl to justice.

I want to make two points about the new regime. The first relates to the development of a domestic jurisprudence. Prior to incorporation, scrutiny of draft legislation was an attempt to predict what the European Court of Human Rights in Strasbourg would say if the provision in that legislation came before it. That has changed. It is now the UK courts and, specifically, the Scottish courts, whose views we are trying to predict. Within the overarching requirements of the convention, it is possible for the Scottish courts to have their own views on the convention's requirements, which, in some cases—we have already seen this in some of the instances before our courts—are more demanding than those of the Strasbourg court. Secondly, the availability of an immediate remedy in the domestic courts encourages, as we have

seen, many more challenges based on the convention than was previously the case.

The passing of the Scotland Act 1998 and the Human Rights Act 1998 did not change the terms of the convention. Any complaint about the compatibility of aspects of Scottish government that can be made now could have been made before that legislation. However, as Gordon Jackson pointed out, the availability of immediate remedies in the local sheriff court or even district court makes the whole process much more accessible to those people who wish to challenge our legislation and the Administration.

It is clear that there is strong support in this chamber for some sort of human rights commission. As Jim Wallace said, the Executive is aware of that support and would welcome a wide-ranging debate about the nature and functions of such a body, including its relationship with this Parliament. The human rights forum is working on a submission to the Executive on the subject. We were asked whether we would commit ourselves to the idea in principle. We will consider the submission of the human rights forum but I caution members that we have to examine the detail of how the commission would relate to the Parliament and the Executive, how it would be funded and whether it would be proactive or would support cases that were brought to it. That is also something that the Justice and Home Affairs Committee should address; I am sure that Roseanna Cunningham will want to do so.

**Roseanna Cunningham:** If we can spare the time.

**The Lord Advocate:** Perhaps in a spare evening.

Scott Barrie, Christine Grahame and others referred to children's panels. We all agree that we have a unique and valuable system of children's hearings that respects the child and has the interests of the child at its heart. It is founded on principles that focus on the child. Aligning the European convention with the children's hearings system should strengthen the common principles. There is scope for debate as to what further improvements might be made. The Scottish Children's Reporters Administration has undertaken an assessment of the convention's impact on the system. We are considering the hearings as part of our wider audit. As members will be aware, there is a case before the courts to which Scottish ministers might become party. It would therefore not be appropriate for me to go further than to repeat the views that were expressed by the First Minister in the chamber the other week. Our approach is to preserve the essence of the system.

Lyndsay McIntosh talked about the district

courts. I welcome the work that is done by those courts. The former Lord Advocate said that he would not bring prosecutions in the district court before ex officio justices of the peace or justices of the peace who are elected members of local councils. That was anticipatory, in the light of the Starrs and Chalmers decision. We are considering the issue of district courts and, in particular, ex officio justices of the peace as part of the ECHR audit.

Training for the district judges would be a matter not for the Crown Office but for the Scottish Court Service. I know that people from the Crown Office have participated in conferences with the District Courts Association and, through the local commission areas, with the local fiscals.

I recognise that the problems with temporary sheriffs have caused difficulties in some courts. We face perhaps the most difficult problem in Perth. On a rough count, 16 of the 48 courts in Scotland are not meeting the 12-week summary trial target. That compares with 15 in October 1999, immediately before the judgment on temporary sheriffs. Although it is true that there are difficulties in the civil courts, those difficulties are not uniform throughout the country. By my reckoning, 19 courts have experienced further delays in civil cases since the judgment on temporary sheriffs.

In his speech, the Deputy First Minister confirmed his earlier announcement that six more posts will be advertised. We are considering whether there is scope to introduce a new type of appointee, to be known as a part-time sheriff. The Deputy First Minister met the Sheriffs Association last week to explain our current thinking, and the association fully understood why that process would take some time. However, we are committed to ensuring that our courts deliver justice speedily, and we will take whatever measures are required to ensure that that happens. Any solution will have to comply with the European convention on human rights.

My final message is this: there is no quick solution. We are going through a transitional period. From my experience in Canada last year and my knowledge of other systems, I know that every system that incorporates the convention or some kind of charter or bill of rights goes through a transitional period. The Crown and the Executive will lose cases: that is part of the judicial system. I regret that that will happen. However, when we anticipate a challenge and believe that it has a reasonable chance of success and that a solution is readily available, we will introduce legislation to address that situation. When we lose cases, and when a wider issue must be addressed, we will address it in the light of the judgment. We are not complacent about these matters; we take them

seriously. However, we are going through a transitional period, as we move into a rights-based system of law, and we will experience the difficulties of that for some time to come.

11:57

**Lord James Douglas-Hamilton (Lothians) (Con):** I warmly welcome the Lord Advocate on the occasion of his maiden speech in the Parliament. He gave a thoughtful speech, which contained some helpful reassurances to the Parliament, including on the consideration of a human rights commission. We look forward to many more speeches from him in the future. If I may say so, he was refreshingly modest when he said that he may lose cases. We very much hope that he will win cases, and we wish him well.

Christine Grahame said that the ECHR has had widespread implications. She is right to mention tuition fees, as in that case at least one option that the Executive was considering had to be ruled out. I welcome Euan Robson's call for an audit on the ECHR, which I believe is necessary. The issue of human rights is extremely important, and it is right that we should debate it today. As Euan Robson suggested, the Scotland Act 1998 made certain that the European convention on human rights applied directly to the actions of both the Scottish Parliament and the Scottish Executive. From 2 October, when the Human Rights Act 1998 comes into force, the convention will also apply to all public authorities in Scotland and the United Kingdom.

The initial implications of incorporation have given us cause for serious concern. The landmark ruling that the 126 temporary sheriffs were not independent was soon followed by the ruling on section 127 of the Road Traffic Act 1988. Those examples illustrate the disruption and upheaval that can arise as a result of incorporation. A human rights commission in Scotland is needed on account of that uncertainty. Scott Barrie talked about a human rights culture, and the case for a human rights commission has been supported widely—by Christine Grahame, Roseanna Cunningham, Michael Matheson, Kenny MacAskill, Colin Campbell, Robert Brown and Pauline McNeill.

Public authorities in Scotland need a body to which they can refer for expert guidance on action to iron out any difficulties that the incorporation of the European convention on human rights may impose. If the Scottish Executive has had problems, it is not inconceivable that public authorities will also have them. That is why we need a Scottish human rights commission, which would be in the best interests of good administration and the basic human rights of the Scots people. I say to Michael Matheson and

Robert Brown that we would be happy to consider a wider remit for it than the one suggested in the motion. I ask the Minister for Justice and the Lord Advocate to give serious and genuine consideration to this modest, commonsense proposal.

Incorporation of the ECHR has enormous cost implications. A written answer that I received recently stated that the provision made for the cost to the Crown Office, the legal aid fund and the Scottish Court Service was £6.5 million in 1999, £10.6 million for 2000 and £8.9 million for 2001. That is some £25 million for those areas alone. Will the Minister for Justice tell us where that money will come from? Will it come from the capital budgets of roads or prisons? It would be helpful to have a clear picture of the implications for the Scottish block, as they will certainly be severe.

Gordon Jackson mentioned, fairly, the effect on the courts. A certain amount is known from parliamentary answers. The landmark decision on temporary sheriffs has had serious repercussions. A recent written answer that I received showed that, between 1 November 1999 and 31 January 2000, almost 70 cases were postponed due to a lack of temporary shrieval resources in nine Scottish sheriff courts. Another written answer showed that, in those courts, the average period between plea and trial increased considerably: six had increases in average waiting times and the average wait in Stirling sheriff court more than doubled from 11 to a staggering 26 weeks. That makes clear the considerable difficulties resulting from the ruling on temporary sheriffs, which the Lord Advocate acknowledged this morning. Furthermore, there are fears that there could be more appeals against rulings handed down by temporary sheriffs. I repeat the request that I made earlier to the Deputy First Minister and I ask the Lord Advocate to consider it as well: more appointments will be needed if good and sound administration of the courts is to be maintained.

The challenges made to date as a result of the ECHR may be the tip of the iceberg. When the convention is fully incorporated, further decisions could disrupt existing procedures. Professor Robert Black claims that Scotland's distinctive system of juvenile justice, which has won worldwide praise, breaches the rights of children. If he is right, that could have substantial financial implications. Professor Kathleen Marshall of the centre for the child in society at the University of Glasgow said:

"If we are going to start reforming the law with an eye solely to the Convention, we will end up with a formalised system that does not recognise the needs and rights of children."

I hope that the Executive will be vigilant and

prepared for any challenge, and that it will keep as its foremost principle that the interests of our children should be paramount at all times.

As Christine Grahame rightly said, there is concern over possible challenges to policing methods, including tried and tested techniques in the struggle against criminals. Those techniques include: stop-and-search powers; detention powers, including the power to remand an accused person in custody; core surveillance activities such as phone tapping and covert listening devices; fingerprinting, photographs, DNA samples and their retention; searches of persons and premises; and the use of undercover agents. It has been argued that in some circumstances a challenge could be launched against the use of handcuffs, as that can be considered degrading treatment.

We must be careful to ensure that the ECHR does not undermine the rule of law, because there will certainly be changes. *Police* magazine said:

"That there will be changes in policing there seems little doubt. In the initial stages it is likely there will be challenges to police actions on numerous fronts and that there will inevitably be uncertainty until the courts here have provided guidelines from which a clearer position can emerge."

Actions that risk being struck down by incorporation include the issue of bail and any attempts to learn from the experience of the Irish in taking the fight to drug dealers by reversing the burden of proof.

It is clear that the incorporation of the ECHR into Scots law has had consequences, and possible future challenges give cause for concern. That is why the Executive must do a number of things as soon as is practicable. First, will the Minister for Justice and the Lord Advocate give a statement on the Executive's state of preparedness for the full operation of the convention in October? I think that it was Roseanna Cunningham who said that the Executive needed to be prepared for potential challenges.

Secondly, will the Executive call for a full and detailed analysis of the ECHR implications of all legislative proposals that have been submitted to Parliament? Thirdly, does the Executive have any contingency arrangements? Finally, will the Executive consider the establishment of a human rights commission to provide expert advice and guidance to public authorities in Scotland on the impact of the ECHR?

The departure this morning of General Pinochet does not alter the fact that our commitment to human rights has to be unshakeable. For the benefit of the basic rights of our countrymen and women, and to make human rights a visible reality, it will be essential to have a human rights commission to provide expert advice and guidance

to public authorities on the impact of ECHR.

I commend the motion to the Parliament.

**The Presiding Officer:** That concludes the debate. Before we move to the business motion, I remind members that I said yesterday that I would reflect on and respond to the point of order that was raised by Dennis Canavan. I will give my reply now.

I said yesterday that civil servants should not be referred to by name in debate. This matter is not covered by the standing orders governing the procedures of this Parliament; rather, it is a matter of common courtesy. Civil servants work on behalf of ministers and it is ministers who are accountable to Parliament.

Dennis Canavan asked whether my comments included special advisers. His actual words were “spin-doctors or special advisers”, but the former term of art is not known to the Presiding Officer.

My ruling is that I invite members to observe the general principle that civil servants should not be referred to by name, for the reasons that I have outlined. However, there may be occasions on which a member believes that such a reference is justified, either because of the particular responsibilities that are associated with the civil service post, such as that of an agency chief executive, or because of the role of the particular civil servant. In the latter case, the role of a special adviser who often acts publicly as a Government spokesperson would justify such a reference.

**Christine Grahame:** On a point of order. I wrote to you to ask whether your remarks yesterday referred to comments that I made in debate. Did they?

**The Presiding Officer:** They did. I did not want to name you.

**Christine Grahame:** It is not a problem. I think that I was following the second of your two examples, as the civil servant whom I named was attending a public meeting. As I named other people who attended that meeting, I thought it was appropriate to name him as well.

**The Presiding Officer:** We will continue our correspondence on this matter. I would say that your case was covered by the first part of my ruling as, presumably, the civil servant was attending the meeting on behalf of the minister.

## Business Motion

**The Presiding Officer (Sir David Steel):** I call Iain Smith to move business motion S1M-611.

**The Deputy Minister for Parliament (Iain Smith):** Motion S1M-611 is subject to Parliament agreeing to certain procedural motions in relation to the handling of the census bill. I advise the Parliament that the two topics for debate that have been chosen by the Scottish National party for Wednesday afternoon are post offices and water charges.

I move,

That the Parliament agrees the following programme of business—

Wednesday 8 March 2000

2.30 pm Time for Reflection

*followed by* Non - Executive Business – Scottish National Party

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business – debate on the subject of S1M-557 Patricia Ferguson: International Women's Day

Thursday 9 March 2000

9.30 am Executive Debate on “Created in Scotland – The Way Forward for Manufacturing in the 21<sup>st</sup> Century”

*followed by* Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Ministerial Statement

4.00 pm Stage 1 of the Census Bill

*followed by* Financial Resolution on the Census Bill

*followed by* Motion on The Scotland Act 1998 (Cross-Border Public Authorities) (Forestry Commissioners) Order 2000

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business – debate on the subject of S1M-606 Mr Alex Salmond: Peterhead Prison

Wednesday 15 March 2000

2.30 pm Time For Reflection

*followed by* Stage 2 of the Census (Amendment) (Scotland) Bill

*followed by* Stage 3 of the Census (Amendment)

(Scotland) Bill

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

14:30

*On resuming—*

## Question Time

Thursday 16 March 2000

9.30 am Committee Business

*followed by* Business Motion

*followed by* Parliamentary Bureau Motions

12.00 pm Decision Time

*followed by* Members' Business

2.30 pm Question Time

3.10 pm First Minister's Question Time

*to conclude at 3.30pm*

**The Presiding Officer:** The question is, that motion S1M-611 be agreed to.

*Motion agreed to.*

12:10

*Meeting suspended until 14:30.*

## SCOTTISH EXECUTIVE

### Rail Services

**1. Lewis Macdonald (Aberdeen Central) (Lab):** To ask the Scottish Executive whether, in its forthcoming meeting with the chief executive of Railtrack, it will discuss the issue of investment to reduce journey times between Aberdeen and Edinburgh. (S1O-1269)

**The Minister for Transport and the Environment (Sarah Boyack):** During my forthcoming meeting with the chief executive of Railtrack I will discuss a wide range of matters.

**Lewis Macdonald:** I thank the minister for her answer. Is she aware that it currently takes longer to travel to Aberdeen from Edinburgh by train than by car and that a journey time of two and a half hours represents an average of 52 mph, which is hardly acceptable for what should be one of Scotland's main communication links?

Will the minister ensure that Railtrack is aware that many people now recognise that although electrification remains a desirable objective, much more could be done to enhance the quality of the Aberdeen-Edinburgh route and to reduce journey times?

**Sarah Boyack:** It is important that we improve the travelling times for rail journeys between Aberdeen and Edinburgh and Aberdeen and Glasgow. I draw to the attention of members the fact that new rolling stock from ScotRail and the new east coast main line franchise will improve journey speeds. Furthermore, investment in infrastructure, particularly in Fife, will bring down the journey time between Edinburgh and Aberdeen.

**Tricia Marwick (Mid Scotland and Fife) (SNP):** Will the minister detail the actions that she has taken and the instructions that she has given to Railtrack to ensure that the renovation and maintenance work on the Forth rail bridge will be carried out without further delay? What assurances has she sought from Railtrack to secure the long-term future of the bridge and the future of the Edinburgh to Aberdeen line?

**Sarah Boyack:** The member raised the issue of instructions, which are not within my power. It is not a question of my instructing Railtrack; I represent the Scottish Executive and I encourage Railtrack. I discuss with Railtrack the key priorities



of the Executive. The Forth rail bridge is a key part of the Scottish infrastructure, and, of course, we will encourage Railtrack to do everything in its power to ensure that the infrastructure is maintained to the highest standards.

**Nora Radcliffe (Gordon) (LD):** What action has the minister taken to take advantage of the route's designation under the European Union's trans-European network programme? Has any assessment been made of possible additional funding from that source?

**Sarah Boyack:** I am grateful to Nora Radcliffe for giving me the opportunity to highlight trans-European network funding. However, I must draw to the attention of the Parliament the fact that such funding provides an opportunity for only 10 per cent of the investment on any particular route. Although it is an important opportunity, it should not be overstated, and such matters must compete with other European Commission priorities. In the context of railway investment in Scotland, I am happy to consider the opportunities that might arise from trans-European network status.

#### **First Minister (Website)**

**2. David Mundell (South of Scotland) (Con):** First, I must declare my registered interest in British Telecommunications.

To ask the Scottish Executive whether it has any plans to establish a First Minister's website, similar to the Prime Minister's site at [www.number-10.gov.uk](http://www.number-10.gov.uk). **R** (S1O-1249)

**The Minister for Finance (Mr Jack McConnell):** The Scottish Executive's internet site already includes a message from the First Minister. The Scottish Executive has no plans to establish a separate First Minister's website.

**David Mundell:** I am disappointed to hear that, although I am not sure how we in Scotland would benefit from Tony Blair's ABC of politics, which I see says that "R is for reshuffle".

Does the minister agree that if we are to have an e-revolution in Scotland, it needs leadership from the very top? Should not the First Minister be playing the role of Che Guevara in that revolution?

**Mr McConnell:** I am delighted to hear that the Conservatives have such interest in the views and aspirations of the Prime Minister and the First Minister. We have a good website, which is currently being improved. The website will not include a separate First Minister's site, but will include improvements that will benefit all authorities in Scotland.

#### **Infectious Salmon Anaemia**

**3. Tavish Scott (Shetland) (LD):** To ask the Scottish Executive what plans it has to revise the infectious salmon anaemia (ISA) control regime in the light of the expected revised EU directive permitting national ISA regimes. (S1O-1279)

**The Deputy Minister for Rural Affairs (Mr John Home Robertson):** The proposed amendment to EU directive 93/53 to allow greater flexibility when handling infectious salmon anaemia cases and the possible use of vaccine has now been cleared by a council working group, by chief veterinary officers, and—earlier today, I am happy to report—by the European Parliament. It is expected to be submitted to a full Council of Ministers for adoption later this month.

We can now proceed to consider how best to implement this amended regime, and we will undertake appropriate consultations. This Parliament will be invited to approve the consequential changes to the domestic disease control regulations in due course.

**Tavish Scott:** The minister will share my pleasure at today's announcement of the European Parliament. Will he be sure to be at the Fisheries Council when this matter comes up, to ensure that it goes through, as I hope it will?

Will the minister also take the opportunity to pursue the ISA restart scheme that has been organised by Highlands and Islands Enterprise? Does he have any information on the implementation of the scheme?

**Mr Home Robertson:** It may be possible to get this matter to the council even before the next Fisheries Council, which would mean that it could be dealt with by another meeting of the European Council. Doing that would be going as quickly as possible.

We have earmarked £9 million for the HIE restart scheme. I understand that HIE has already received some 20 inquiries. The scheme will require approval from the European Union under the regulations on aid to industry, but we are making good progress, and we want that money to get to the farms to enable them to get going again as soon as possible.

**Richard Lochhead (North-East Scotland) (SNP):** Is the minister confident that his policy of not compensating salmon producers who have lost their stocks because of the Government's slaughtering policy is compatible with human rights legislation? When did the Government decide on its policy of not compensating for losses incurred because of naturally occurring fish diseases?

**Mr Home Robertson:** It has been a long-standing policy of successive Governments not to

pay compensation for naturally occurring events. However, we are keen to support and to help the industry. That is what the restart scheme is all about.

#### **Mental Health and Well-being Development Fund**

**4. Des McNulty (Clydebank and Milngavie) (Lab):** To ask the Scottish Executive how much money has been distributed from the mental health and well-being development fund, and how many projects have benefited. (S1O-1284)

**The Deputy Minister for Community Care (Iain Gray):** Since 1998, the fund has offered support to 72 separate projects, spanning every health board area in Scotland. Over £6.6 million has been allocated so far to the projects and related activity.

**Des McNulty:** I am grateful to the minister for highlighting the fact that so much good work is being done. Will he confirm that especially valuable pioneering work has been done in Glasgow in finding practical solutions to the very real difficulties that people with dementia and their carers face?

**Iain Gray:** Mr McNulty has highlighted a particular project that was supported by the fund; indeed, 17 projects in the Greater Glasgow Health Board area have been supported by the fund. Glasgow 1999 culminated in an especially successful international conference on dementia in which I took part. The conference drew in innovative ideas in dementia-friendly design from across the world, and it was especially well co-ordinated by the Scottish Dementia Services Development Centre, a world leader of which we in Scotland can be very proud.

**Dr Richard Simpson (Ochil) (Lab):** Will the minister make public the progress that has been made in developing the mental health framework for Scotland, and will he indicate the Executive's targets?

**Iain Gray:** The mental health and well-being development fund is very much about progressing the mental health framework, which has been widely accepted across the service since its publication in 1997. Projects are provided with first-year funding to get them started, and the projects must progress the framework. However, the Minister for Health and Community Care and I believe that the implementation of the framework could be accelerated. That is one of the reasons why we held the mental health summit last month and why we have formed the mental health support group. We look to that group to advise us on the targets at which we might aim.

#### **Elderly People**

**5. Christine Grahame (South of Scotland) (SNP):** To ask the Scottish Executive what steps are being taken to ensure the physical protection of elderly people in society. (S1O-1262)

**The Deputy Minister for Community Care (Iain Gray):** We are determined to ensure that everyone in society, and the vulnerable in particular, can live in safety.

**Christine Grahame:** Does the minister agree that it is a great concern that police checks should not be mandatory for people who care for the elderly either in a paid or voluntary capacity and either in a residential or domestic setting? Will he give a commitment to remedy that frightening deficiency in the system and, at the same time, establish a national carers register?

**Iain Gray:** We are developing a number of initiatives to improve our confidence in services for older people who live in care. Next year, we hope to pass legislation to set up the Scottish commission for the regulation of care, which will inspect and regulate residential care and advise us on what further measures need to be taken.

**Dennis Canavan (Falkirk West):** Will the minister assure us that the Sutherland report's recommendations, which are the Scottish Executive's responsibility, will be implemented in their entirety, so that the Scottish Executive and the Parliament will be seen to be responding positively to the real needs and priorities of our senior citizens, unlike the Westminster Government, which insults our pensioners with a miserable increase of 75p a week?

**Iain Gray:** We have developed a significant number of the Sutherland commission's recommendations in extremely important areas such as the regulation and inspection of nationally consistent care standards; the introduction of direct payments for older people; and the carers strategy, which came before the Parliament in November. People who reduce Sir Stewart Sutherland's report to one recommendation and focus solely on that do a disservice to the commission's work. We will develop the report's proposals in the context of the comprehensive spending review, which is already under way.

**Dr Elaine Murray (Dumfries) (Lab):** Is the minister aware that Age Concern is undertaking research into domestic abuse of the elderly by partners, children and other carers? Will he make a commitment to consider the results of that research thoroughly, with a view to Executive action if necessary?

**Iain Gray:** Although we will always consider such research and its policy implications, I should point out that we continue to fund the national

telephone helpline which is run by Action on Elder Abuse and provides confidential support for anyone suffering abuse. That organisation has recently produced research which we are currently considering.

### **National Park**

**6. Robert Brown (Glasgow) (LD):** To ask the Scottish Executive what provision it has made for meeting the cost of establishing the Loch Lomond national park, and whether all funding, once determined, will be additional and will not displace resources from environmental programmes in other geographic areas outside the park boundaries. (S1O-1281)

**The Minister for Transport and the Environment (Sarah Boyack):** We aim to establish the Loch Lomond and the Trossachs national park by summer 2001. The draft bill provides for the Scottish Executive to meet all core funding.

Resources have been allocated in 2000-01 and 2001-02 towards the cost of establishing national park authorities and to meet expenditure by the Loch Lomond and the Trossachs national park. Those resources are additional and will not displace other environmental programmes. Funding for 2002-03 and 2003-04 will be considered in the 2000 spending review.

**Robert Brown:** Will the minister confirm that, given the tight nature of local authority settlements and the necessity to draw the support of all local interests behind the national concept of national parks, additional local authority resources will not be called on?

**Sarah Boyack:** The main point behind Robert Brown's question is why we think that it is a national responsibility, and why we are picking up the core costs for the new national parks. It might be helpful to point out that we are increasing our support from 80 per cent of the funding in the previous financial year to 85 per cent of the funding this year in recognition of the significance of national parks and to alleviate the need to make sure that sufficient resources are in place when the new national park is established next year.

**Mr Murray Tosh (South of Scotland) (Con):** From the indicative allocations for the Loch Lomond national park, can the minister tell us what proportion of the budget will be allocated, first, for administration and, secondly, for direct service expenditure? Has any study been undertaken to establish the possibility that some of the park's specific objectives might have been better achieved by earmarked grants to the relevant local authorities?

**Sarah Boyack:** Investment in the national park will meet the needs of national park designation.

The whole point of designating a national park is to bring together the efforts of existing organisations and to add value to them. The purpose of the national park plan is to set out key strategic objectives to develop what is being delivered at the moment, to integrate and to provide a much higher quality of protection and development in the area.

### **Common Agricultural Policy**

**7. Irene Oldfather (Cunninghame South) (Lab):** To ask the Scottish Executive what representations it has made to Her Majesty's Government regarding reform of the common agricultural policy. (S1O-1266)

**The Minister for Rural Affairs (Ross Finnie):** As Irene Oldfather will be aware, a major reform of the common agricultural policy was agreed by European Union heads of government in March 1999 and is now going through a phased implementation programme. Accordingly, my discussions with other UK agriculture ministers have been directed more towards the implementation issues than further reform.

**Irene Oldfather:** Does the minister agree that to allow Scottish industry to compete in world markets, export refund systems must fully compensate for the difference between world grain prices and EU intervention prices? Will he give an assurance that he will make representations to ensure that the industries affected in Scotland, particularly the whisky, chemical and paper industries, will not suffer job losses to keep grain prices in the EU artificially high?

**Ross Finnie:** The issue of refunds, particularly in relation to the Scotch whisky industry, was discussed in an adjournment debate in the House of Commons yesterday. To that end, I had discussions with Joyce Quin, the Minister of State, Ministry of Agriculture, Fisheries and Food. We agreed that our position would be supported in the way in which the position is put forward at the next meeting of the European Council.

I intend to be present at that meeting to ensure that the interests of the Scotch whisky industry and the other industries to which the member referred are protected. As the member will be aware, the regulations are under severe pressure from the World Trade Organisation and from the EU budget, which is severely stretched. We are extremely anxious to ensure that, whatever changes are made, those industries are not adversely affected.

**Alex Johnstone (North-East Scotland) (Con):** What role does the minister foresee for himself, or for his successors, in future renegotiations of the CAP? As the Scottish minister, what authority does he expect to carry within the UK delegation?

**Ross Finnie:** There are two aspects to that question. It is important that we take the opportunity of having a Scottish Parliament, and all that that implies, to do something that has not been done seriously in the past—to engage with the industry to ensure that, when we come to the next round of CAP reform, we have a clear view of what we are trying to do. We can then take that view and have a positive position within the UK delegation on how the UK should promote its position towards CAP reform. There is every opportunity, through the Rural Affairs Committee and others, to have a much more robust line on what we want to suggest as positive proposals for the reform of CAP in the next round.

### Child Workers

**8. Elaine Smith (Coatbridge and Chryston) (Lab):** To ask the Scottish Executive how many local authorities now have byelaws in place to protect children from taking on unsuitable employment at a young age and what steps it is taking to ensure that those byelaws are enforced where they exist and are promoted as necessary where they do not. (S1O-1241)

**The Deputy Minister for Children and Education (Peter Peacock):** Sixteen local authorities have revised byelaws in place following guidance issued in May 1998. Ten have submitted byelaws for confirmation and six are engaged in the process of local consultation on future byelaws. Local authorities are responsible for enforcement.

**Elaine Smith:** Given the need for all agencies and organisations concerned with the employment of children to take a strategic approach, is the minister prepared to explore the possibility of supporting a particular pilot scheme, involving, for example, the Scottish Low Pay Unit and the Federation of Small Businesses in Scotland, to investigate ways in which employers can employ children and young people safely and responsibly?

**Peter Peacock:** That sounds like a very interesting idea. If Elaine Smith could provide me with more details, I would be happy to consider it. If we can find constructive ways to help young people to engage in employment within the framework that we have set out to protect their rights, we are happy to consider them.

**Mr Kenneth Gibson (Glasgow) (SNP):** Will the minister impress on the police the need to act urgently when the law in this area is broken, given that this is an issue of public and child safety?

**Peter Peacock:** Once the framework of byelaws is in place, and before that framework is finalised, we are anxious to ensure that their introduction is followed by enforcement. Byelaws by themselves, without an enforcement process, would be of little

value. I have asked officials to report to me about what we might do to strengthen that position.

### Renewable Energy

**9. Robin Harper (Lothians) (Green):** To ask the Scottish Executive whether the incineration of municipal solid waste to create electricity is a renewable form of energy generation. (S1O-1278)

**The Minister for Transport and the Environment (Sarah Boyack):** Under United Kingdom renewable energy policy, waste-to-energy technologies, including incineration of municipal waste, have always been accepted as a form of renewable energy generation. They were therefore included within the Scottish renewables obligation. Municipal waste incineration processes are licensed for pollution control purposes and are subject to regulation by the Scottish Environment Protection Agency.

**Robin Harper:** Does the minister agree that if—I hope that we will not—we in Scotland build incinerators to deal with our excess waste, we will be tying ourselves to producing waste to feed the incinerators instead of minimising waste, which is, I believe, a Government policy? Does she agree that if we allow that as part of the SRO, we can squeeze out other forms of renewable energy, such as wave power and wind power, in the development of which Scotland should be leading the world?

**Sarah Boyack:** Robin Harper is correct to identify the problem of accumulating, which relates to the amount of waste that we generate as a society. We need a variety of ways to deal with that, and I am keen to encourage local authorities to work with SEPA, through the national waste strategy, to identify appropriate ways to deal with waste.

To illustrate the SRO, six schemes have been commissioned so far that come under the category that we are talking about. Five of them are for landfill gas schemes. They take the methane that comes out of landfill and reuse it, preventing that gas from being released into the atmosphere. Our approach requires to address more than one waste problem. I am keen to encourage a strategic approach.

**Dorothy-Grace Elder (Glasgow) (SNP):** Further to that, and on an imminent threat to the Scottish environment, the minister may be aware that the United States Navy has been banned from a Puerto Rican firing range, which was judged to be too dangerous, following the death of a local person. Now, however, the Ministry of Defence has agreed to—

**The Presiding Officer (Sir David Steel):** Order. What has this got to do with Robin Harper's question?

**Dorothy-Grace Elder:** The question is this. As the Ministry of Defence has agreed to allow the American navy to fire on and shell Cape Wrath instead, will the minister—

**The Presiding Officer:** Order. That has nothing whatever to do with the question.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** Given the pressure on existing landfill sites, and given the introduction of successful pilot projects in other parts of the United Kingdom, does the minister agree that incinerator plants may well be the way forward? What audit is she carrying out of what the Scottish councils propose to do in the future?

**Sarah Boyack:** Jamie Stone is right: there may be a need for some incineration in the future. The £40 million waste-to-energy plant at Dundee is an example. It is being supported through the SRO. The critical thing is to get the approach right.

By bringing local authorities together where appropriate, we can get a response which will tackle the issues regionally and not leave each local authority to deal with a problem in isolation from the opportunities that exist to tackle this issue effectively.

**Alex Fergusson (South of Scotland) (Con):** Does the minister agree that, even if such incineration plants are deemed to be acceptable, their establishment at locations such as Newton Stewart in Wigtownshire is totally unacceptable?

**Sarah Boyack:** I cannot comment specifically on an issue which is likely to be raised prior to planning. I stress that it is important for local people to get involved in the planning process and to make their views heard. I do not want to comment on the particular case of the application that Alex Fergusson raises.

**The Presiding Officer:** Question 10 has been withdrawn.

### **Measles, Mumps and Rubella Immunisation**

**11. Mary Scanlon (Highlands and Islands) (Con):** To ask the Scottish Executive whether it has any concerns regarding the uptake of the MMR injection. (S1O-1282)

**The Deputy Minister for Community Care (Iain Gray):** The Executive was pleased to note that 92.3 per cent of the target group received MMR vaccination in the third quarter of 1999. We want to see that figure rise to 95 per cent, so that a sufficient level of immunity is achieved to prevent continuing transmission of the viruses among the population.

**Mary Scanlon:** On the figures which were released yesterday, the national average is 92 per cent. Is the minister aware, however, that the

areas of four health boards in Scotland are below the critical level of 90 per cent that is needed to prevent an epidemic?

Does the Executive have any plans to do research into the possible link between the MMR vaccine and autism to allay the fears of parents?

**Iain Gray:** Mary Scanlon asked a couple of important questions. Rates for MMR take-up are not falling across Scotland, which is good news. The figures for the past quarter in Glasgow show an encouraging increase. That level of take-up is not reflected in all health board areas: in Highland, Shetland and the Western Isles, the figure remains below 90 per cent. We are discussing with health boards local measures that might improve take-up rates.

Mrs Scanlon asked about research into a link between MMR vaccination and autism. There has been press coverage of fears relating to that link recently. Relevant research has already been carried out. An epidemiological study in England in 1999 failed to identify a sudden increase in the incidence of autism following the introduction of the MMR vaccine. Nevertheless, the joint committee on vaccination and immunisation keeps the area under constant review and the chief scientist's office in the Executive would consider funding any well-constructed proposals for further research.

We continue to produce, through the Health Education Board for Scotland, leaflets to reassure parents that hundreds of millions of doses of the vaccination have been used all over the world and that the vaccine has an excellent safety record.

**Mrs Margaret Smith (Edinburgh West) (LD):** Given that the concerns of many parents about the MMR vaccination relate to the risks that are associated with the combination of vaccines that is given in that jag, does the Executive have any plans to offer separate vaccines for measles, mumps and rubella on request, to increase take-up and allay such parental concerns?

**Iain Gray:** The suggestion that delivering a three-component vaccine separately is safer has been made without any supporting scientific evidence. It has been recommended neither by the Joint Committee on Vaccination and Immunisation nor by the World Health Organisation. None of the vaccine manufacturers has applied to the Medicines Control Agency for a licence to produce single mumps or measles vaccines. We fear that administering the three parts of the vaccination separately would mean that some children would miss one or two of the injections or would be exposed to infection while waiting for their second or third injections.

We have no plans to offer separate vaccines for measles, mumps and rubella on request at the

moment. However, I will take this opportunity to emphasise the fact that we view this as an important matter, which we will keep under review. It is important that we never forget how serious the diseases of mumps, measles and rubella are. They cause death, disability and severe illness. We will do whatever we can to increase the take-up of the vaccine to the 95 per cent level.

#### **Witness Protection Programme (Strathclyde)**

**12. Karen Whitefield (Airdrie and Shotts) (Lab):** To ask the Scottish Executive what plans it has to continue funding the Strathclyde police witness protection programme from 1 April 2000. (S1O-1252)

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** We are currently considering the further funding of the Strathclyde police witness protection programme.

**Karen Whitefield:** Does the minister agree that the work that the Strathclyde police witness protection programme does across Scotland is instrumental in encouraging witnesses to come forward when they have witnessed serious crimes and plays an important part in increasing convictions of some of Scotland's most dangerous criminals?

**Mr Wallace:** I can confirm that research on the effectiveness of the programme has been encouraging. It seems that there is a need for such a dedicated unit and I pay tribute to those that have been involved during the three years in which funding has been made available. They have made an important contribution towards obtaining convictions for serious crimes in Scotland.

#### **Ferry Services**

**13. George Lyon (Argyll and Bute) (LD):** To ask the Scottish Executive what action it is taking to ensure the future of the Campbeltown-Ballycastle route. (S1O-1257)

**The Minister for Transport and the Environment (Sarah Boyack):** The Scottish Executive has worked with the Scotland Office and project sponsors to develop a package of support which goes as far as possible within legal constraints. That package may be available to other operators.

**George Lyon:** Is the minister aware of the anger in the local community, as expressed at a meeting in Campbeltown on Monday, about Sea Containers' decision to pull out?

Looking to the longer term, I ask for an assurance that everything possible will be done to ensure that a case is taken to Brussels for implementation of a public service order that

would guarantee the long-term future of the Campbeltown-Ballycastle route and ensure that there is an operator who is willing to take it on and work to make it commercially viable.

**Sarah Boyack:** I am grateful to George Lyon for reminding me of the concern that I know exists in the local community. We are keen to establish the opportunity for a public service order on this route. I understand that the Scotland Office and the Department of the Environment, Transport and the Regions are actively considering that possibility. Great interest has been shown by the sponsors of this route and much energy is being invested in trying to resolve this issue.

**Mr Duncan Hamilton (Highlands and Islands) (SNP):** If the minister is indeed aware of the deep concern and anger of the people of Campbeltown about the last private operator who pulled out without giving the service a chance, will she give us a commitment today that the publicly owned and run Caledonian MacBrayne will be considered for that route? Is she aware of the view of at least one of the private sector operators that might take over the route that the option of CalMac taking over would be the right one, as

"Caledonian MacBrayne are the best suited to run this route"?

Will she take that on board, along with the fears of the people of Campbeltown, and give us a commitment that CalMac will be considered?

**Sarah Boyack:** It would be open to CalMac to consider the route if it wanted to. It is not a lifeline service, so it would not be covered by the sponsorship of the Scottish Executive. However, out of a range of options for route operators, CalMac is clearly one that could be considered.

#### **World Cup 2010**

**14. Mr Brian Monteith (Mid Scotland and Fife) (Con):** To ask the Scottish Executive whether it will support the Education, Culture and Sport Committee in calling for the Scottish Football Association to explore the feasibility of the 2010 world cup being hosted by the Celtic nations of the British Isles. (S1O-1263)

**The Minister for Children and Education (Mr Sam Galbraith):** As Mr Monteith is aware, the Scottish Football Association has already stated that it does not support that proposal which, in any event, is ineligible under existing FIFA rules. Under those circumstances, I would find it difficult to support it.

**Mr Monteith:** I am sad that the minister cannot agree with me and with other members of the committee. Is he aware that the world cup in Kyoto, Japan, in 2002 is a joint bid, and that the European nations tournament in 2000 is a joint

tournament, hosted between the Netherlands and Belgium? Does he agree that the likeliest prospect of Scotland ever holding a world cup—or a European nations cup—would be through a joint bid, and that that option should be explored? Does he further agree that FIFA's attitude might be changed if those joint tournaments are successful?

**Mr Galbraith:** Once again, I have to point out to Mr Monteith that the Japanese/South Korean bid was not a joint bid: there were two separate bids. FIFA could not decide which country to give it to, jointly awarded it to both, then bitterly regretted its decision and determined never to let that happen again.

**Andrew Wilson (Central Scotland) (SNP):** Although FIFA makes such an approach ineligible, Union of European Football Associations tournament sponsors certainly do not. In recognising that the Sweden '92 facilities were far inferior to those that we enjoy in Scotland—let alone those that might be shared between Ireland, Wales and Scotland—would the minister consider that a European sponsorship by this Government, promoted in the interests of Scotland, Wales and Ireland, would talk up the interests of Scotland rather than make us more small-minded, which we risk at present?

**Mr Galbraith:** I will not respond to the usual accusation from Andrew Wilson of talking down Scotland. UEFA is not FIFA. To fulfil FIFA rules, a bid must come from one country. The very idea of combining a bid with another country threatens Scotland's unique position as an individual football nation, which is what Andrew Wilson is advocating.

### Organised Counterfeiting

**15. Nick Johnston (Mid Scotland and Fife) (Con):** To ask the Scottish Executive what incentives are in place to encourage members of the public to report organised counterfeit groups to the relevant enforcement authorities and, if there is none, whether it intends to introduce such incentives. (S1O-1267)

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** Measures are in place to encourage members of the public to report all forms of crime through the Crimestoppers freephone facility that is supported by all Scottish police forces. In certain circumstances, cash rewards are provided.

**Nick Johnston:** Is the minister aware that trade in counterfeit goods costs the Scottish economy around £200 million a year? Is he aware that counterfeiting is putting additional burdens on Scottish manufacturers, especially in the areas of sportswear and computer software? Does he

agree that Executive policies that have resulted in 450 fewer police officers today than under the Conservative Government have hampered the fight against counterfeiting?

**Mr Wallace:** I do not accept the final part of Mr Johnston's question, but I recognise that counterfeiting across a range of goods is a serious threat to a number of manufacturing industries. People should recognise that such piracy is wrong, and I am sure that Mr Johnston agrees that whenever members of the public come across it, they should fulfil their civic duty and report it to the police.

### Science Strategy

**16. Dr Elaine Murray (Dumfries) (Lab):** To ask the Scottish Executive what progress is being made in developing a science strategy for Scotland. (S1O-1264)

**The Minister for Enterprise and Lifelong Learning (Henry McLeish):** Last September, I invited a group of distinguished scientists to join a science strategy review group, with a remit to provide advice on the development of a science strategy for Scotland. As a first step towards developing a strategy, I asked them to identify the key questions and the additional mechanisms necessary to implement a science strategy in Scotland. The report of their recommendations is currently being finalised and I expect to receive it shortly.

**Dr Murray:** I thank the minister. Is he aware that, although there have been recent developments in the commercialisation of scientific research, there remain barriers such as funding and assessment procedures that make undertaking research by universities and research institutes that can be used for commercial purposes more difficult? Has he discussed those issues with members of the scientific community?

**Henry McLeish:** I welcome Elaine Murray's active interest in such matters. Parliament appreciates that science and technology play a tremendous role in innovation; innovation in turn plays a tremendous role in the knowledge economy; and it in turn plays a tremendous part in developing the Scottish economy. We have taken positive steps to encourage commercialisation. We are introducing the Scottish Enterprise proof of concept fund, which will inject £11 million into commercialisation. We are working with the Scottish Higher Education Funding Council to take many ideas forward. It recently issued two consultation papers that are about accelerating commercialisation and developing our science base. I think everyone here will agree that that is vital to the development of the Scottish economy.

**John Young (West of Scotland) (Con):** As part of the science strategy, would the Executive be prepared to consider establishing a world research centre on the environment and pollution?

**Henry McLeish:** We are looking at possible centres of excellence in a number of areas, such as aerospace and marine engineering, and at a centre of engineering excellence at Rosyth. We are considering developing with an American university a centre of excellence in business studies at Gleneagles. Chip design and manufacturing is being looked at in Livingston through Project Alba, with Cadence Design Systems. We are willing to consider any ideas; if Mr Young would like to write to me, we can consider his idea.

### **Genetically Modified Food**

**17. Janis Hughes (Glasgow Rutherglen) (Lab):** To ask the Scottish Executive whether it has any plans regarding genetically modified food. (S10-1286)

**The Minister for Rural Affairs (Ross Finnie):** The Executive's policy is that the protection of public health is paramount in relation to GM foods. The vigorous regulatory regime in place is designed to achieve that. A further central element of the policy is real consumer choice through strict labelling of GM foods. We are keen that there should be intelligent, informed public debate on the science and we welcome this week the congress organised by the Organisation for Economic Co-operation and Development.

**Janis Hughes:** I thank the minister for his answer and I am glad that he agrees that public safety should be of the utmost concern. Will he outline the role that the biotechnology sector will play?

**Ross Finnie:** It is a question of balance. We have a highly developed biotechnology sector in Scotland, which could make an important contribution to the development of the science. However, in no way can we allow the regulatory regime, which is so important and underpins the precautionary principles as set out in the European directives, to be overtaken by such a contribution.

**Irene McGugan (North-East Scotland) (SNP):** Given the UK Government's position that farm-scale trials are necessary to determine the environmental effects of growing GM crops commercially, will the minister accede to the request of Friends of the Earth and others and undertake not to add T25 maize or any other herbicide-tolerant GM variety to the national seed list until trials have been completed and their results properly assessed and until this Parliament has had an opportunity fully to debate the

commercial growing of GM crops?

**Ross Finnie:** As I said in my first answer, the Scottish Executive wholly endorses the precautionary principle that underpins the European regulatory framework on GM foods. Therefore, we think that trials are necessary. We also think that the results of trials should be properly evaluated and that at every stage there should be clear scientific advice on how to proceed. On the question of adding seeds and so on to national or other lists, there is no chance that the Executive will agree to any breach of the regulatory framework.



## First Minister's Question Time

### SCOTTISH EXECUTIVE

#### Scottish Executive (Priorities)

**1. Mr Alex Salmond (Banff and Buchan) (SNP):** To ask the First Minister what currently are the Scottish Executive's main priorities. (S1F-163)

**The First Minister (Donald Dewar):** The Executive's priorities were set out clearly in "Making it work together: A programme for government", which was published in September. That document explained what we are committed to achieving in government and turned our priorities into a programme for action, on which we are now delivering.

**Mr Salmond:** Does the First Minister recall that George Robertson—now Lord Robertson—said of the last Tory local government settlement that it would mean

"real and painful consequences for services across Scotland"?

Given that this year's settlement is £66 million less than the last Tory settlement, does not that inevitably mean that this year's settlement will have real and painful consequences for services across Scotland?

**The First Minister:** As Alex Salmond will, of course, know, the spending guidelines show an increase of 3.4 per cent, which is well above the rate of inflation. We intend to maintain that progress and expect that spending in the public sector will reach an all-time high in real terms next year. We are building. We recognise some of the difficulties of local government. Of course, we have also had the right priorities. For example, much of the increase has gone into education. I hope that the chamber will approve of that. However, that means that life is a little more difficult in some other areas.

**Mr Salmond:** The First Minister says that life is a little more difficult. Let us talk about education. Has the First Minister seen the letter to the Minister for Finance from Sue Edwards, the chair of Banchory Academy school board? She writes very movingly of the consequences for her school of the £4.5 million reduction in education spending in Aberdeenshire. She says that the equivalent of two teachers' jobs are under threat and that the total repairs budget for a school of 900 pupils is £2,500. Is she not right to say that the Government's mantra of "education, education, education" has been replaced in Banchory by "cuts, cuts, cuts"?

**The First Minister:** I will not discuss a particular example. What Aberdeenshire Council decides to do with its arrangements is a matter for it. I suspect that Alex Salmond would be the first to criticise us if we increased the level of hypothecation and direction in the allocation of local government funding.

The increase in the education budget across the board is around £126 million. A large amount of money is being spent through the enterprise fund, through the early learning initiatives that tackle problems with numeracy and literacy, and on the employment of 5,000 classroom assistants. I know from my part of Scotland—it is the same everywhere—that that is making a considerable impact. There are also significantly more teachers in our schools. We are spending money in that area, and it is rather silly to pretend that we are not.

**Mr Salmond:** I am sure that the Liberal Democrats will have noted that the problem in Aberdeenshire is all the fault of the Liberal Democrat administration there. However, the problem does not lie with one council. Perth and Kinross, and South Lanarkshire face education cuts, and North Ayrshire, which is Labour controlled, has a proposal for substantial education cuts. Is it not the case that, far from being the world leader that the Minister for Children and Education promised that it would be, education is struggling to survive in many parts of Scotland? Is the First Minister aware that a few minutes ago, Ian Davidson, his fellow Glasgow MP, compared his Administration to the worst days of the John Major Government? If that is what Labour MPs think of this Executive, what does the rest of Scotland think?

**The First Minister:** In my job I sometimes have to quote very odd authorities, but I seem to remember Mr Kenneth Gibson, who is one of the SNP's front-bench spokesmen, complaining in the local government debate that too much money was being spent on education and that other areas were being squeezed. That might put Alex Salmond's remarks in perspective. So far as his last remarks are concerned—

**Mr Kenneth Gibson (Glasgow) (SNP):** On a point of order—[*Interruption.*]

**The Presiding Officer (Sir David Steel):** Mr Gibson, we cannot have arguments in the middle of questions. That is not a point of order.

**The First Minister:** I am afraid that Mr Gibson's remarks were lost in the hubbub, which is not necessarily a bad thing.

With regard to the reported remarks of a Labour MP, I would draw one important distinction to Alex Salmond's attention. The quotation referred to the last days of John Major's Administration. Whatever

else may be true, these are not the last days of this Administration. I suggest that the people of Scotland are mainly interested in the fact that we have now signed contracts on our eight major hospital developments, that we now have low and stable inflation, and that we have the lowest unemployment claimant count for 24 years. Those are the facts that will stand us in good stead and stand Scotland in good stead, and of which I am very proud.

**Trish Godman (West Renfrewshire) (Lab):** Does the First Minister agree that a party that has made around £3 billion in spending commitments in recent months—twice the budget of this Parliament—cannot be trusted in matters of financial prudence?

**The First Minister:** When I listen to the promises that are made by the nationalists, I sometimes think that I am in the land of Noddy. [Interruption.] I am glad that I have David McLetchie's support in that.

I recognise—and I say this with some sympathy—the temptation to promise not only the earth, but the moon and the stars, when one is in opposition. I suspect that if the nationalists found themselves in government they would have to face up to the realities and some of the painful choices about priorities that we, bravely, are taking.

### Prime Minister (Meetings)

**2. David McLetchie (Lothians) (Con):** To ask the First Minister when he last met the Prime Minister and what issues were discussed. (S1F-160)

**The First Minister (Donald Dewar):** I meet the Prime Minister regularly and speak to him on the telephone regularly. The specific matters that we discuss are, of course, private. I am very much looking forward to meeting the Prime Minister next Thursday, when he will address members of the Scottish Parliament in this chamber.

**David McLetchie:** We look forward to that visit from the Prime Minister, as previously indicated.

In their discussions, the Prime Minister and the First Minister no doubt agree that over-hyped building projects should come with a political health warning. Would the First Minister care to comment on a report in this morning's edition of *The Scotsman*, which confirms that much of the problem with Holyrood stems from the inflated demands for accommodation of his bloated ministerial team and its advisers, rather than from ordinary members of this Parliament? Will the First Minister set an example by scaling down those demands and putting a cost ceiling on the Holyrood project that is in line with estimates that he has given previously to the Parliament?

**The First Minister:** I welcome the fact that David McLetchie appears willing to discuss the problem in a reasonably rational spirit. There are problems, which we must overcome. I read the story in *The Scotsman* with great care, and the issue that it raises will have to be considered along with all the other issues. However, my understanding is that any Executive accommodation that has been added in since the handover of the project to the Scottish Parliamentary Corporate Body forms a very small and modest percentage of the total increase. I believe that there was a pretty selective use of statistics in the report, but there we go—we all have to put up with that occasionally.

Of course I am anxious to see the facts properly established. I want expenditure to be controlled and the project to be completed. I believe that Holyrood is the right site, but ultimately that is a matter for Parliament to decide. I hold to what I said the other day—that we want to see options illustrating how the cost of the project can be brought down from the numbers being quoted in some quarters and back towards the figures that we saw at the point to which Mr McLetchie referred.

**David McLetchie:** That self-denying ordinance on the part of the First Minister and his ministers will no doubt be welcomed by people throughout Scotland.

In light of his remarks, will the First Minister now confirm unequivocally that the Executive will not ask the Treasury for any more money to pay for the Holyrood project, as the Minister for Finance indicated previously? If so, will the First Minister take up Mike Watson's interesting suggestion of privatisation—a private finance initiative—as a possible method of paying for what is now known as Donald's dome?

**The First Minister:** I do not think that there has ever been a question of looking for help in other areas, apart perhaps from suggestions that have been made for political purposes.

**David McLetchie:** By Mr Watson?

**The First Minister:** No, I am talking about other Government assistance. We have a budget. The building of the Scottish Parliament was always part of that budget and had to be found from within it. That remains the case.

Obviously, there is a good deal of work to be done and construction has a long way to go. Working with the corporate body and, I hope, with the rest of the chamber, I think that we can find a way of having a building that is appropriate to the needs of the Parliament and that marks properly the importance of the democratic process. That should be the aim of all of us. It is certainly my aim.

**Ms Margo MacDonald (Lothians) (SNP):** Does the First Minister agree with the sentiments that the Presiding Officer expressed to me in his letter of yesterday? We are sending one another daily letters now. That letter referred to figures that were being brandished in yesterday's press. Sir David suggested that those figures were hypothetical. Is the First Minister prepared to endorse that view? If so, does he agree that it is impossible at this stage to put a ceiling on what the Parliament building should cost, when we do not have the faintest idea how much has been spent so far?

Further, could the First Minister brand as hypothetical the figures that have been allocated to the cost of leaving the current site? If all options are open, should Mr John Spencely's report suggest that the site is unsuitable, it may well also say how much we could raise in revenue from the site, considering the high price of land in Edinburgh.

**The First Minister:** I have made it clear, throughout the current controversy, that we want to establish the facts. I have said repeatedly that people should not rush to judgment. I look forward to John Spencely's report when it becomes available. I certainly do not want to pass judgment about the right way forward and I am glad that Margo MacDonald does not want to do that either. I hope that we can all sit down and consider the situation rationally, having in mind the aim and the end product, which must be a Parliament of which we are proud and which will take us out of the present, unfortunately temporary, situation in which we find ourselves.

### Criminal Justice

**3. Mr Kenneth Gibson (Glasgow) (SNP):** I hope that the First Minister will take this opportunity to be magnanimous enough to apologise for his gross misrepresentation—

**The Presiding Officer:** Order. Mr Gibson must ask the question that appears in the business bulletin.

**Mr Gibson:** To ask the First Minister what steps the Scottish Executive is taking to improve the criminal justice system. (S1F-162)

**The First Minister (Donald Dewar):** We will do whatever is necessary to make the criminal justice system as fair, effective and efficient as possible.

We are working hard to deliver the commitments that we gave in the programme for government, to combat crime in our communities, support the victims of crime, and encourage strong links between the police and the communities that they serve.

**Mr Gibson:** Is the First Minister aware of the special survey that was undertaken by Victim

Support Scotland, which reveals that almost half the people who witness a crime do not report that crime? Is he concerned that victims of crime express high levels of frustration with the lengthy criminal justice process? Does he agree that part of the problem is that witnesses and victims of crime are not kept informed? What measures does he propose to resolve that situation?

**The First Minister:** Of course I recognise that it is important to offer support for the victims of crime. In the present year, we are providing a grant of more than £1.5 million to Victim Support Scotland for services for victims. A victims steering group has been established to co-ordinate the development of services for victims of crime in Scotland and to help to raise awareness of their needs. The group draws on the expertise of a large number of involved bodies. We will see what emerges from that. Such support for a particularly vulnerable group is important, not only in terms of encouraging people to speak up and report crime, but in terms of helping those who have done so through any trauma that may attend the trial or its aftermath.

**Scott Barrie (Dunfermline West) (Lab):** Does the First Minister agree that the incorporation of the European convention on human rights into Scots law gives the citizens of Scotland more rights and protection, and that we should rightly be proud of that?

**The First Minister:** I am certainly in favour of the arrival of the ECHR in our courts. Of course, the ECHR has always been pleadable in Scots law cases, but it was necessary to go to Strasbourg to progress those cases, which was a great inhibition.

The law did not change recently—the availability of the law changed. I have no doubt that, if the law is right, it is important that it is available to those who require its protection. We are in a difficult transition phase as we adjust to the terms and conditions of the ECHR, but we are winning the vast majority of cases and I think that the period of uncertainty will pass.

Perhaps I could be allowed one small jibe, Sir David. I was interested to see that, while the Conservatives picked the ECHR as the subject for debate earlier today, they could not sustain the debate for its allotted time.

### International Women's Day

**4. Patricia Ferguson (Glasgow Maryhill) (Lab):** To ask the First Minister what plans the Scottish Executive has to mark international women's day. (S1F-168)

**The First Minister (Donald Dewar):** The Scottish Executive welcomes the occasion of international women's day to emphasise its

commitment to making a difference, through its policies, to the lives of Scottish women. There will be a good deal of activity on the part of ministers around 8 March. One important event will be the debate in the chamber initiated by Patricia Ferguson.

**Patricia Ferguson:** Does the First Minister agree that the relatively large number of women members in this Parliament has contributed a great deal to the work of the Parliament and to the quality of the debate? Does he think that there are lessons to be learned from our experiences in the Parliament that could be used to encourage women to take their rightful place at all levels of government—particularly in local government, where there are so few women members?

**The First Minister:** I have a great deal of sympathy with, and support the general thrust of, Patricia Ferguson's message.

As I was very much involved in the arrangements, I remember some of the controversy over selection procedures in my party, when a good deal of flak flew. I am often left with the impression that people do not like the idea of some form of positive discrimination. However, I am clear that most people like the results that it produces. I am very proud to be a member of a Parliament that looks a little bit more like the community that it purports to represent.

**Fiona Hyslop (Lothians) (SNP):** Does the First Minister agree that the best way in which this Parliament could recognise women in Scotland would be to pursue policies that benefit them? Many women rely heavily on local services and, while they may not want the moon and the stars, they want basic facilities, such as decent schools and local services. Does he believe that the inadequate Local Government Finance (Scotland) Order 2000, which was debated yesterday—

**The Presiding Officer:** No—I am sorry, but the member's question should be about international women's day. [MEMBERS: "It was."] It was not about international women's day at all.

### Ministerial Salaries

**5. Nick Johnston (Mid Scotland and Fife) (Con):** To ask the First Minister whether any members of the Scottish Executive have forfeited part of their ministerial salaries for 1999-2000 and 2000-01. (S1F-157)

**The First Minister (Donald Dewar):** No.

**Nick Johnston:** I thank the First Minister for his expansive answer.

The First Minister is obviously unimpressed by the shallow efforts of Tony Blair, who pretends to show an example by restricting ministerial remuneration for ministers in the Westminster

Government.

Will the First Minister tell the chamber whether the Executive intends to provide a lead and to set an example of financial prudence? Is he aware of the concept of performance-related pay? Is he not adopting that system for his ministers because, on the basis of current performance, most of his ministers would become benefit claimants?

**The First Minister:** I would be a little bit more impressed if I thought that the Conservative group had introduced that principle. If Mr McLetchie would like to publish a document giving his assessment of the work of each of the members on the benches behind him, I will read it—not, perhaps, to my benefit, but at least with considerable amusement.

So far as the remainder of Nick Johnston's question is concerned, I see no need to ask any of my colleagues to "forfeit"—to quote the word used by Nick Johnston—some of their pay.

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** I am sure that the First Minister will agree that Nick Johnston's question is hardly relevant to the financial management of this Parliament. Does the First Minister agree that it is of more relevance that Mr Johnston's party voted for more than £1 million extra for list MSPs' office costs? Does he agree that Mr Johnston's interest in ministerial salaries is not something that is likely to affect any Conservative MSP, either now or in the future?

**The First Minister:** I regret that this question was lodged. This chamber has paid some price for debates on allowances, fees and salaries. I would rather concentrate on the real issues that affect people's lives, such as the fact that 97 per cent of eligible four-year-olds now benefit from some form of nursery education.

**The Presiding Officer:** That concludes question time.

**The Deputy Minister for Parliament (Iain Smith):** On a point of order, Presiding Officer. I draw your attention to the announcement in business bulletin 44, published on Tuesday 31 August 1999, which stated:

"The Presiding Officer wishes to announce that, as a matter of good practice, motions to initiate business already agreed to should be lodged at least 2 sitting days in advance of the relevant debate, and that amendments should be lodged at least 1 sitting day in advance of the debate. This has been endorsed by the Parliamentary Bureau."

Do you think that it is good practice for a member to lodge an amendment that is selected by you and published in the bulletin, but then to withdraw it and replace it with a substitute amendment?

**The Presiding Officer:** The operative word in the standing orders is “normally”. You are quite right to believe that I normally select amendments on the day before a debate. In the case to which you refer, I was asked to accept an amended amendment, because the Conservative party did not want to delete quite so much of the Executive motion. I would have thought that the Executive would welcome that. In any case, it was my decision, and we will now debate the revised amendment as it appears in the business bulletin.

## Gaelic

**The Presiding Officer (Sir David Steel):** The next item of business is a debate on motion S1M.607, in the name of Alasdair Morrison, on Gaelic, and on an amendment to that motion. I shall hand over the chair immediately to my deputy, who is at least learning the language of the angels, whereas I am not.

**The Deputy Presiding Officer (Mr George Reid):** While the galleries are clearing, I shall make my announcements first in English, as this is a bilingual debate. As members are aware, a simultaneous interpretation of speeches made in Gaelic will be available on channel 1 through the headphones that have been placed on each desk. The headphones have been pre-set to that channel.

Fàilte romhaibh chun a' chiad deasbad Gàidhlig ann am Pàrlamaid na h-Alba bho chionn seachd ceud bliadhna. Alasdair Moireasdan ri tòiseachadh.

*Following is the simultaneous interpretation:*

Order, order. Welcome to the first Gaelic debate in the Scottish Parliament for 700 years. I call Alasdair Morrison to open the debate.

15:32

**The Deputy Minister for Highlands and Islands and Gaelic (Mr Alasdair Morrison):** Ceann Comhairle, 's ann le uail, iomagain agus beagan de dh'irisleachd a tha mi a' fosgladh a' chòmhradh seo an-diugh. 'S e seo latha cho sònraichte 's a bha riamh ann an eachdraidh na Gàidhlig, agus sinn ga bruidhinn gu foirmeil ann am Pàrlamaid na h-Alba son a' chiad uair o chionn sia ceud bliadhna. Tha e air leth freagarrach gu bheil seo a' tachairt aig an àm seo, oir tha an ath-bhliadhna air a sònrachadh mar Bhliadhna nam Mion-Chànan le Coimisean nan Coimhearsnachdan Eòrpach.

Tha mi cleachdadh, Ceann Comhairle, an fhacail “còmhradh” seach am facal “deasbad”, oir saoilidh mi gu bheil gach pàrtaidh ann am Pàrlamaid na h-Alba bàigheil agus taiceil do Ghàidhlig agus don eachdraidh 's don dualchas 's don chultar a tha toinnte ris a' chànan 's ris na daoine tha ga cleachdadh. Bhiodh e duilich dha-riribh nan tigeadh ballachan poiliticeach eadar i agus soirbheachadh is adhartas.

Carson, ma tha, Ceann Comhairle, a tha àite aig Gàidhlig am measg nam prìomhachais aig Pàrlamaid Alba?

Tha Gàidhlig na neamhnaid luachmhor ann an cridhe 's ann an anam na h-Alba. Chan eil i air a

cuingealachadh le crìochan teann. Chan eil i air a crodhadh ann an cùltean cumhang. Tha Gàidhlig nàiseanta, Eòrpach, agus eadar-nàiseanta. Tha i bunaitich do dh'Alba. Chan eil i idir air an oir no air chul-fraoin. Feumar a dèanamh gnàthach agus a còraichean a dhèanamh tèarainte. Tha iomadh rud prìseil ann an dualchas na h-Alba, ach, nam bharail-sa, chan eil nì a tha cho aosda, cho domhainn agus cho prìseil ri dìleab na Gàidhlig. Ach, Ceann Comhairle, tha i fo mhùiseig a dh'fhaodadh a bhith bagarrach mura bi sinn nar faiceall. Ma mhaireas i beò agus làidir bidh e na bhuannachd dhuinn uile.

Mar a dh'ainmich mi anns an Og Mhios seo chaidh, tha an Riaghaltas a' còmhradh ri Comunn na Gàidhlig agus ri buidheann eile a dh'ionnsaidh inbhe tèarainte dhan Ghàidhlig. Ach chan e Inbhe Tèarainte a mhàin a chuireas Gàidhlig air stèidh air an togar adhartas. Feumar innleachdan a dhealbhadh agus iomairtean dòigheil a choileanadh gus Gàidhlig a thoirt air adhart.

Ceann Comhairle, mus tig mi chun a' chuspair àraid a tha far comhair an-diugh—sin agad foghlam tro mheadhan na Gàidhlig—bu toigh leam beagan fhaclan a ràdh mu Ghàidhlig anns an fharsaingeachd. Ged a tha seachdadh air tighinn air an àireamh a tha a' cleachdadh na cànan gu cunbhalach tha piseach mhòr air tighinn air Gàidhlig anns an fhichead bliadhna chaidh seachad. Mura b' e gun deach oidhirpean a dhèanamh air a' chrìonadh a chasg, bhiodh Gàidhlig ann am fìor dhroch staing an-diugh. Tha sinn fada an comain gach buidheann agus neach a bha strì cho dealasach agus cho dùrachdach gus an soirbheachadh sin a thoirt gu buil. Tha craoladh, na h-ealain agus foghlam Gàidhlig aig ìre nas àirde na bha iad riamh. Ach tha mòran leasachadh ri dhèanamh fhathast, agus tha agus bithidh pàirt mhòr agus chudromach aig a' Phàrlamaid seo anns an leasachadh sin.

Tha an Riaghaltas a' cur taice ri Gàidhlig air chaochladh dòigh. Tha sinn, mar eisimpleir, a' cur ochd millean gu leth not sa bhliadhna ann an craoladh Gàidhlig. Agus tha seo, chan e mhàin air togail agus inbhe agus ùrachadh a thoirt dhan chànan, ach tha buaidh mhòr is mhath air a bhith aige air foghlam agus tha e air mòran obraichean a chruthachadh air feadh Alba.

An-dràsda fhèin tha Buidheann Gnìomh a' coimhead air dè cho deatamach agus cho comasach 's a bhios e seirbheis Ghàidhlig choileanta a stèidheachadh air telebhisean digiteach. Bidh dùil againn ri aithisg fhaighinn bhuapa ann am beagan mhiosan. Agus tha mi a' tuigsinn gu bheil cathraiche na Buidhne sin, Alasdair Milne, a' coinneachadh Chris Mac a' Ghobhainn feasgar an-diugh fhèin airson an dearbh chuspair sin a dheasbad.

Chuir sinn cuideachd air chois Buidheann

Gnìomh gus rannsachadh a dhèanamh agus molaidhean a thoirt dhuinn air na h-uallachaidhean agus na structairean as èifeachdaiche gus an luach as fheàrr fhaighinn às na h-iomairtean leasachaidh Gàidhlig ris am bheil an Riaghaltas a' cur taice airgid. Tha iad air beachdan inntinneach agus comhairle fhaighinn eadar Barraigh is Barcelona, na Hearadh is Honolulu. Mar a thuirt mi mar tha, tha crìochan na Gàidhlig farsaing.

Am measg an adhartais a thàinig anns na beagan bhliadhnaichean a chaidh seachad, tha coimhearsnachd ùr ann an saoghal na Gàidhlig—an fheadhainn a dh'ionnsaich i agus na ceudan eile tha ga h-ionnsachadh gach bliadhna mar a thig agus tha sibh fhèin, Ceann Comhairle, an lùib an àireimh sin. Tha cuid aca anns an t-seòmar seo an-diugh, agus tha sinn fada nan comain airson an dealais agus an tacsas agus tha sinn a' coimhead air adhart airson èisdeachd ri cuid dhe na daoine a bhios a' bruidhinn san deasbad. Eadar an luchd-ionnsachaidh agus an fheadhainn a fhuair a' chànan aig glùin am màthar tha neart agus spionnadh ann an coimhearsnachd na Gàidhlig san fharsaingeachd. Agus tha e iomchaidh gun toireamaid dhaibh uile tuilleadh brosnachaidh is misneachaidh.

Ceann Comhairle, tha e riatanach cuideachd gum biodh Gàidhlig agus Albais a' neartachadh a chèile. Mar eisimpleir air iomairt dha bheil an Riaghaltas a' toirt taice tha Tobar an Dualchais. Seo Pròiseact gus am beul-aithris agus an eachdraidh agus an ceòl luachmhor a tha anns na tasg-lannan aig Sgoil Eòlais na h-Alba, BBC Alba agus Cruinneachadh Chanaidh a chur ann an cruth digiteach far am bi e fosgailte dhan t-saoghal mhòr tro ghoireasan an eadar-lìon. Ceann Comhairle, Gàidhlig is Albais taobh ri taobh. Chan ann a' coimhead air ais a tha Tobar an Dualchais idir. The e fuaigheall seann saoghal ri saoghal ùr. An-diugh fhèin thàthar a' fosgladh làrach-linn ann an Eilean Thiriodh a bheir cuid den ionmhas ann an Tobar an Dualchais gu daoine air feadh an t-saoghail. Goireasan conaltraidh ùra a' toirt eachdraidh is cultar na h-Alba nas fhaisge oirnn agus nas ciallaiche dhuinn.

Tha mi mothachail gu bheil feadhainn anns an t-seòmar seo aig a bheil ceanglaichean sìnnseachd ri Eirinn, agus tha e mar fhiachaibh oirnn na bannan eadar Gàidheil Alba agus Gàidheil na h-Eirinn a ghleidheadh agus a dhaingneachadh. 'S e sin a tha fainear do dh'Iomairt Chaluim Chille, a chuir Brian MacUilleam air bhonn o chionn dà bhliadhna, agus tha iomadh buannachd air tighinn na lùib ann an ùine ghoirid agus tha e dol o neart gu neart, le ceanglaichean gan cruthachadh eadar coimhearsnachdan co-ionnan air dà thaobh Sruth na Maoile. Ann an trì seachdainean eile bidh Pàrlamaid na h-Oigridh a' coinneachadh ann an Doire Chaluim Chille, le òigridh is oileanaich a

Alba is Eirinn a' deasbad air cùisean a tha cudromach dha na dùthchannan Ceilteach. Tha mi cuideachd air nochdadh air beingean nan daoine uasail, Ceann Comhairle, gu bheil caraid dhuinn an làthair a seo agus bu toigh leam, le ur cead, fàilte chur air. Sin agaibh Ard Chonsalach na h-Eirinn, Dan Mulhall, agus as leth na Pàrlamaid, chuirinn fàilte fhoirmeil oirbh. Bidh mi fhìn agus Dan Mulhall an làthair aig Pàrlamaid na h-Oigridh ann a dhà na trì sheachdainnean far am bi ministear a' Phoblach, Eamon o' Cuibh, cuideachd.

An t-seachdainn seo chaidh, chaidh pròiseict a chur air chois gus Ionad Gàidhlig a stèidheachadh ann an Glaschu. Am measg nan amasan tha gum bi an t-ionad seo mar mheadhan air feadhainn aig a bheil ùidh ann an cànan is dualchas Alba is Eirinn a thoirt nas dlùithe ri chèile. Tha e mar eisimpleir nach eil Gàidhlig air a crodhadh ann an oiseanan cumhang den dùthaich ach gu bheil i nàiseanta agus eadar-nàiseanta. Agus is ann nas follaisiche tha i fàs ann an seadh eadar-nàiseanta. Thug Roinn a' Mhalairt 's a Ghnìomhachais taice o chionn bheagan mhìosan do Chomhairle nan Leabhraichean Gàidhlig gus leabhraichean Gàidhlig fhoillseachadh ann an Canada. Chuala mi an t-seachdainn seo fhèin gu bheil Comhairle nan Leabhraichean, mar thoradh air an oidhirp sin, air iartras fhaighinn o bhùthan ann an Canada a tha airson leabhraichean Gàidhlig a reic. Tha iad cuideachd air cuireadh fhaighinn gus leabhraichean a chur an clò ann an co-bhanntachd far am bi bàrdachd Gàidhlig air a h-eadar-theangachadh gu Frangais agus bàrdachd à Quebec air a h-eadar-theangachadh gu Gàidhlig. A bharrachd air a sin thàinig iartras à Canada son nobhail ùr leis an sgrìobhaiche ainmeil Canadianach Alasdair MacLeòid eadar-theangachadh gu Gàidhlig. Tha an leabhar seo a' toirt luaidh air dualchas Gàidhlig air dà thaobh a' Chuain Shiar agus tha e air a bhith cho soirbheachail ri leabhar a chaidh riamh a sgrìobhadh ann an Canada. Mar a thuirt mi mar tha, tha Gàidhlig nàiseanta agus eadar-nàiseanta.

An dèidh na deilbhe fharsaing sin a tharraing, bu toigh leam tionndadh a-nise gu prìomh chuspair ar seanchais—foghlam tro mheadhan na Gàidhlig—na mo beachdsa an leasachadh as cudromaiche thàinig air a' Ghàidhlig, agus is dòcha air foghlaim Alba gu lèir, bho chionn bhliadhnaichean.

O chionn ochd bliadhna deug dheàlaich grian ùr air foghlam Gàidhlig. Tro iartras nam pàrant, chaidh sgoiltean-araich a stèidheachadh fo bhratach Chomhairle nan Sgoiltean Araich. Tha 33 sgoil-àraich agus cròileagain an-diugh air feadh Alba. Ann a 1985 chaidh na ciad ionadan bun-sgoil Gàidhlig a chur air bhonn ann an Glaschu, an Inbhir Nis agus an Leòdhas. Tha dà fhichead agus a naoi ionad ann an-diugh agus tha 13 àrd-sgoil a' tairgsinn chuspairean sònraichte tron Ghàidhlig.

Tha mòran chloinne anns na h-ionadan Gàidhlig aig am bheil pàrantan aig nach eil a' chànan. Tha cuid de na pàrantan a thàinig o dhualchas aig nach eil buinteanas ri Gàidhlig.

Aig an treas ìre, gheibhear foghlam tro mheadhan na Gàidhlig ann an caochladh chuspairean. Tha cùrsaichean Sabhal Mòr Ostaig gu lèir tro mheadhan na Gàidhlig, agus tha cuid de na cùrsaichean ann an Colaside a' Chaisteil an Steòrnabhagh tro mheadhan na cànan cuideachd. Tha Gàidhlig air a teagasg ann an corra cholaiste air feadh Alba agus anns na h-oilthighean, agus tha cùrsaichean-bogaidh airson inbheach air a bhith gu math èifeachdach. 'S ann an Colaside Bhruaich Chluaidh a chaidh a' chiad chùrsa bogaidh fheuchainn agus a dhearbhadh. Agus bha mi air leth toilichte a bhith làthair aig a' Cholaiste sin nuair a bha iad a' toirt seachad nan duaisean air latha nan duaisean.

Sheall measadh nàiseanta air foghlam tro mheadhan na Gàidhlig a chaidh a chur an clò ann an 1993 gu bheil luach mòr ann a bhith teagasg chloinne mun dualchas agus mun cànan, agus gu bheil e a' leudachadh an tuigse air cultaran agus cuspairean eile. Tha am measadh seo a-nise air a dhearbhadh gu follaiseach.

Thòisich sgeama nan tabhartasan sònraichte a thaobh foghlam Gàidhlig ann an 1986. Thòisich am maoineachadh aig dà cheud agus leth-cheud mìle not. Anns a' bhliadhna ionmhais tha romhainn ruigidh na tabhartasan sònraichte còrr is dà mhillein is ochd ceud mìle not, àrdachadh còrr is deich fillte bhon a thòisich an sgeama. Tha sinne mar Riaghaltas a' feuchainn ri spionnadh is gluasad a thoirt do dh'fhoghlam Gàidhlig, agus tha e an urra a-nis ris na h-ùghdarras ionadail brath a ghabhail air an spionnadh sin agus cur ris le planaichean is innleachd a bheir gu ìre e.

Anns na ceithir bliadhna suas gu 2001-02, tha trì cheud mìle not eile air an sònrachadh ann an sgeama ùr son foghlam Gàidhlig do chloinn fo aois sgoile. Anns na trì bliadhna gu ruige 2001-02 tha dà cheud mìle not air an cur an dara taobh son cùrsaichean a chuireas ri àireamh luchd-teagaisg Gàidhlig anns an h-àrd-sgoiltean; ceithir fichead mìle not a dh'ionnsaidh luchd-obrach 's an Ionad Nàiseanta ùr son Goireasan Teagaisg Gàidhlig; agus còig air fhichead mìle not son cùrsaichean Gàidhlig aig ìre àrd-sgoil a leasachadh. Agus an-uairidh, Ceann Comhairle, thug Oifis na h-Alba dà cheud gu leth mìle not do Chomhairle Baile Ghlaschu a dh'ionnsaidh a' chiad sgoil riamh an Alba far am bheil am foghlam air a libhrigeadh tro Ghàidhlig a mhàin. Ma tha tuilleadh pisich gus tighinn air foghlam Gàidhlig feumar barrachd sgoiltean mar seo a stèidheachadh, air an dùthaich agus anns na bailtean, agus tha mi air leth toilichte tuigsinn gu bheil mo charaid, Ministear an Fhoghlaim, gu bhith an làthair, agus

gur e gu dearbh a' bhios a' dèanamh an fhosglaidh oifigeil air Sgoil Ghàidhlig Ghlaschu. Bidh an Riaghaltas deònach obrachadh còmhla ri na h-ùghdarrasan ionadail chum seo a thoirt gu buil. Feumar barrachd sgoiltean mar Sgoil Ghàidhlig Ghlaschu agus tha mi toilichte dha-rìribh, sa sgìre Phàrlamaid agam fhìn, gu bheil Comhairle nan Eilean Siar air sia sgoiltean air feadh nan eilean a chomharrachadh mar sgoiltean Gàidhlig.

Tha Gàidhlig a-nise aig gach ìre foghlaim: fo aois sgoile, bun-sgoil, àrd-sgoil, colaisdean, oilthighean, agus mar phàirt de thrèanadh thidsearan. Anns an raon fharsaing sin 's e foghlam tro mheadhan na Gàidhlig as cudromaiche. Agus chan ann a-mhain airson math na cànan, ach airson math foghlaim. Mas e ulaidh nàiseanta th' ann an Gàidhlig, 's e ulaidh dhà-rìreabh a th' ann am foghlam a tha fosgladh dhorsan gu saoghal dà-chànanach agus ioma-chànanach, saoghal nas leatha agus nas doimhne na an saoghal cumhang a chithear tro aon chànan a-mhàin.

Chan eilear a' sparradh foghlam tro mheadhan na Gàidhlig air duine sam bith. Ach far am bheil pàrantan ga iarraidh bu chòir oidhirp a dhèanamh air an iartas sin a choileanadh. Ceann Comhairle, chan eil an t-slighe idir rèidh. Tha luchd-teagaisg gann. Tha goireasan oideachaidh gann. Tha airgead gann agus gu mì-shealbhach, tha dith-misnich pailt. Tha dith-tuigse air a' bhuannachd a tha an cois dà-chànanas na chnap-starra. Agus tha feum air fiosrachadh a thionndaidheas dith-tuigse gu tuigse. Tha aon rud, tha mi 'n dòchas, nach eil pailt. Sin droch rùn do Ghàidhlig. A dh'aindeoin corra sgrìobhaiche aig a bheil caran de dh'eagal gu bheil na Gàidheil a' fàs ro-bharallach orra fhèin nuair a bu chòir dhaibh a bhith umhail, modhail agus a' coimhead as dèidh na croite.

Ceann Comhairle, le deagh rùn nam ball anns an taigh seo, agus anns gach pàrtaidh, nì an Riaghaltas an dicheall gus cùisean a leasachadh a thaobh foghlam tro mheadhan na Gàidhlig. Feumaidh na comhairlean agus na h-ùghdarrasan ionadail sealbh a ghabhail air agus lùib nam buidhnean Gàidhlig an aon spàirn a dhèanamh gus cùisean a thoirt ceum eile air adhart. Feumaidh sinn uile obrachadh còmhla.

Tha mi a' gluasad,

Gu bheil Pàrlamaid na h-Alba

a' cur fàilte air iomairt Riaghaltais na h-Alba airson taic a chur ris a' Ghàidhlig, gu h-àraid an taic a tha iad a' toirt do dh'fhoghlam tro mheadhan na Gàidhlig;

a' gabhail ri luach cultarail, eaconomach agus sòisealta na Gàidhlig do dh'Alba;

a' cur taice ris a' phàirt a tha Riaghaltas na h-Alba a' gabhail ann an Iomairt Chalum Chille gus na ceanglaichean a neartachadh eadar coimhearsnachdan Gàidhlig an Alba agus an Eirinn; agus

a' moladh na h-obrach a tha ùghdarrasan ionadail, sgoiltean, colaistean, oilthighean agus buidhnean saor-thoileach a' dèanamh airson foghlam tro mheadhan na Gàidhlig a thairgse aig gach ìre ro-sgoile gu treas-ìre agus foghlam leantainneach agus airson a bhith a' leasachadh nan ealan Gàidhlig.

*Following is the simultaneous interpretation:*

It is with a mixture of pride, trepidation and humility that I open this dialogue today. This is a unique day in the annals of Gaelic, as for the first time for 600 years we speak it formally in the Scottish Parliament. It is particularly appropriate that this should happen now, as next year is designated minority language year by the European Commission.

I say dialogue rather than debate because I believe that every party in the Scottish Parliament is empathetic with and supportive of Gaelic and the heritage and culture intertwined with the language and those who speak it. It would be sad if political walls were to come between Gaelic and its success and development.

Why, then, does Gaelic have a place among the national priorities of the Scottish Parliament? 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.

There are many precious components in the heritage of Scotland, but none is as ancient, as profound and as worthy as the Gaelic legacy. However, it is under a threat that could be ominous if we are not careful. Gaelic's survival will be to our universal advantage.

As I mentioned last June, the Executive is having discussions with Comunn na Gàidhlig and other groups on secure status for Gaelic, but secure status alone will not put Gaelic on a footing that leads to advancement. Strategies must be devised and appropriate tactics put into effect to bring Gaelic forward.

Before I come to the particular topic under discussion today—Gaelic-medium education—I would like to say a few words about Gaelic in general. Although the number of people who speak the language regularly has declined, much progress has been made over the past 20 years. If efforts had not been made to halt the erosion, Gaelic would be in serious jeopardy today. We are indebted to all the organisations and individuals who worked so fervently and so diligently to achieve that success. Gaelic broadcasting, the arts and education are more advanced than ever before, but much development remains to be done, and this Parliament has, and will have, a



large and important role to play.

The Executive supports Gaelic in a number of ways. For example, we contribute £8.5 million per year to Gaelic broadcasting. That has not only given a stimulus and status to the language and regenerated it; it has had a large and positive effect on education and job creation throughout Scotland. A task force is examining the desirability and feasibility of a comprehensive Gaelic service on a digital television channel. We expect to have its report in a few months. I believe that the chairperson of that group is meeting Chris Smith this afternoon.

We also established a task force to examine existing arrangements and structures for public funding of Gaelic and to recommend how those can be improved so that the optimum value can be derived from the Gaelic development initiatives that are financially supported by the Government. The task force has received interesting observations and advice from Barra to Barcelona and from Harris to Honolulu. As I have said already, the boundaries of Gaelic are extensive.

Among the advances of the past few years has been the development of a new community within the Gaelic orbit—those who have learned the language and the hundreds who are learning it each year. Presiding Officer, I know that you are among that number. Some of those people are in the chamber today, and we are grateful to them for their dedication and support. I look forward to listening to them debate later. Between the learners and those who acquired the language at their mother's knee, there is vigour and purpose within the Gaelic community at large, and it is appropriate that we give them as much hope and encouragement as possible.

Gaelic and Scots should be mutually supportive. One example of an enterprise assisted by the Executive is the well of heritage. It is a project to digitise the treasure trove of tradition, history and music in the archives of the School of Scottish Studies, BBC Scotland and the Canna collection, to make it universally accessible through facilities such as the internet, with Gaelic and Scots side by side. The well of heritage is not looking backwards. It is fusing the old world to the new. Even as we speak, a website is being launched on the isle of Tiree to make available worldwide some of the wealth of material in the well of heritage. Advanced communications technology is bringing Scottish history and culture closer to us, and making it more meaningful to us.

I am aware that there are some in this chamber who have ancestral connections with Ireland. It is incumbent upon us to maintain and reinforce the bonds between the Scottish and Irish Gaels. That is the purpose of the Columba initiative that Brian Wilson launched two years ago. Many benefits

have come from it in a short time, and it is going from strength to strength as exchanges between communities of interest on both sides of the Sea of Moyle are undertaken. In three weeks' time, the Gaelic youth parliament will meet in Derry. Young people from Scotland and Ireland will debate issues of common interest to the Celtic countries.

I see that we have a friend in the VIP gallery. Presiding Officer, with your permission, on behalf of the Parliament, I would like officially to welcome Dan Mulhall, the consul for Ireland. Dan Mulhall and I will be at the youth parliament, as will Eamon O'Cuiv.

Last week, a project was launched to establish a Gaelic centre in Glasgow. One of its objectives is to use the centre as a means of bringing together those who have a mutual interest in the Gaelic language and the traditions of Scotland and Ireland. That is further evidence that Gaelic is not confined to narrow corners of the country, but is truly national and international and becoming more and more conspicuous internationally. The Department of Trade and Industry recently helped the Gaelic Books Council to exhibit Gaelic books in Canada. I heard this week that, as a result of that effort, the council has received proposals from Canadian book distributors.

The council has also been invited to join in a partnership to publish books of Gaelic poetry translated into French and Quebecois poetry translated into Gaelic. In addition, a request came from Canada to translate a new novel by the acclaimed Canadian author Alasdair MacLeod into Gaelic. It tells of the transatlantic Gaelic connection and is one of the most successful novels ever published in Canada. As I have said, Gaelic is national and international.

Having painted the broad-brush picture, I want now to consider the main topic of discussion. Gaelic-medium education is, in my opinion, the most important development in Gaelic—and perhaps in Scottish education as a whole—for a long time.

Eighteen years ago, a bright new sun shone on Gaelic education. As a result of parental demand, Gaelic playgroups were established under the aegis of the Gaelic Pre-school Council. There are now 33 playgroups throughout Scotland. In 1985, the first three primary Gaelic-medium units were established in Glasgow, Inverness and Lewis. Today, there are 59 units, and 13 secondary schools offer selected subjects through Gaelic. There are many children in the Gaelic units whose parents do not speak the language; some parents come from a non-Gaelic background.

At tertiary level, Gaelic-medium education may be obtained in a number of subjects. All courses at Sabhal Mòr Ostaig are through the medium of

Gaelic, and some courses at Lewis Castle College are taught through the medium of Gaelic. Gaelic is taught at several colleges and universities throughout Scotland, and immersion courses for adults have been very effective. The first Gaelic immersion course was tested and proven at Clydebank College. I was delighted to be present at the graduation day at Clydebank College.

National guidelines for Gaelic-medium education, produced in 1993, highlighted the benefit of teaching children about their culture and language, as well as widening their understanding of other cultures and subjects. This assessment has now been manifestly proven.

The specific grants scheme for Gaelic education began in 1986. The initial funding was £250,000. In the coming financial year, specific grants will exceed £2.8 million—more than a tenfold increase since the scheme began. We in the Executive are trying to stimulate and motivate Gaelic education. It is up to local authorities to take advantage of that incentive and to augment it with planning and strategy that will make it effective.

In the four years up to 2001-02, another £300,000 has been allocated to a new scheme for Gaelic pre-school education. In the three years up to 2001-02, £200,000 has been set aside for courses to increase the number of Gaelic teachers in secondary schools, £80,000 has gone towards staffing costs in the National Gaelic Resource Centre and £25,000 has gone to develop Gaelic courses at secondary level. Last year, the Scottish Office provided Glasgow City Council with £250,000 for the first school in Scotland where education is delivered entirely through the medium of Gaelic. If Gaelic education is to make further progress, more such schools must be established. I understand that the Minister for Children and Education will officially open the Gaelic school in Glasgow. The Executive will work towards getting more of these schools established. I am delighted that Western Isles Council has six dedicated Gaelic schools.

Gaelic is now at every level of education: pre-school, primary school, secondary school, colleges, universities and as part of teacher training. In that broad spectrum, Gaelic-medium education is paramount—not only for the good of Gaelic, but for the good of education. If Gaelic is a national asset, so is an education that opens doors to a bilingual and multilingual society—a world that is wider and deeper than the compressed one observed through one language alone.

Gaelic-medium education is not being forced on anyone, but when parents seek it there should be an attempt to meet their requirements. The trail is not at all smooth. Teachers are scarce, teaching resources are scarce, money is scarce and,

unfortunately, lack of courage is abundant.

Lack of awareness of the advantages of bilingual education is an impediment—there is a need for information that will turn that lack of awareness into understanding. One thing that I hope is not abundant is malice towards Gaelic, despite the odd columnist who is afraid that the Gaels are getting too uppity and thinks that they should stick to looking after the croft.

With the good will of members of all parties, the Executive will do its best to enable Gaelic-medium education to move forward. Local councils and authorities—and Gaelic agencies—must play their part in this development. We must work together.

I move,

That the Parliament welcomes the Scottish Executive's programme of action in support of the Gaelic language, in particular its support for Gaelic-medium education; recognises the cultural, economic and social contribution of Gaelic to Scotland; supports the Scottish Executive's participation in the Columba Initiative (Iomairt Chalum Chille) to strengthen the links between the Gaelic-speaking communities of Scotland and of Ireland, and commends the work of local authorities, schools, colleges, universities and voluntary bodies in making available Gaelic-medium education at all levels from pre-school to tertiary and continuing education and in promoting the Gaelic arts.

**The Deputy Presiding Officer:** Tapa leibh a Mhaighistir Mhoireasdain agus beannachdan bho Phàrlamaid na h-Alba.

*Following is the simultaneous interpretation:*

Thank you, Mr Morrison, and greetings to you from the Scottish Parliament.

*The member continued in English.*

The next business is in English. I shall therefore take it in English. Before we move on, I advise members that Mr Brian Monteith has chosen to revise slightly the amendment that appeared in this morning's business bulletin. The Presiding Officer has selected the revised amendment for debate. Details of the amendment are given in the revised business bulletin, which has been circulated to members.

15:46

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** I would like to thank the Presiding Officer for allowing me to replace my amendment at short notice. I have submitted a new one so that the Conservatives can take account of the Columba initiative and leave support for it in place. I hope that the Presiding Officer takes that in the spirit in which it is meant.

I welcome the spirit of the dialogue—as the minister put it—that we are having today. Indeed, in lodging this amendment, we do not so much wish to challenge what the Executive is offering to

do, as—in our view—to strengthen it.

Parliament and, indeed, the public gallery may be disappointed that I am not speaking in Gaelic. I assure everyone that it is for the best. I would probably do a great disservice to the language were I to make a hash of it, which is what I would probably do.

People in the gallery may not know of our information service cum library, the Scottish Parliament information centre. I am indebted to SPICe for drawing up a brief, which is available to members. It is quite interesting to see that, among the many aspects SPICe points out, the brief mentions six or so acts that the Conservatives introduced during their 18 years in government. Among them are the Education (Scotland) Act 1980; the Grants for Gaelic Language Education (Scotland) Regulations 1986; the British Nationality Act 1981; the Road Traffic Regulation Act 1984; the National Heritage (Scotland) Act 1985; and the Broadcasting Acts of 1990 and 1996.

All seem to be about subjects unrelated to Gaelic, but they made specific legislation available—whether on road signs or educational provision—to advance the cause of Gaelic. It is worth taking note of that. Indeed, I was pleased that the minister said:

“Eighteen years ago, a bright new sun shone on Gaelic education.”

It is in the spirit of that dialogue that I wish to move on.

Not only did the Conservatives introduce legislation, we improved the level of resources available—not by 5, 10, 15, 20 or even 100 per cent, but by a staggering 7,500 per cent—from £163,000 in real prices in 1979, to £12.5 million in 1997. Improving resources is something to which we should be committed.

Today, we wish to support the coalition Government in its efforts to continue our good work. It is only really in the means—

**Mr John Munro (Ross, Skye and Inverness West) (LD):** Chan eil mi a' tuigsinn facal a tha an duine còir a' cantainn. Carson nach eil sinn a' faighinn eadar-theangachaidh ann an Gàidhlig bhon tha e a' bruidhinn anns a' Bheurla?

*Following is the simultaneous interpretation:*

I do not understand a word that this kind man is saying. Why do we not have a Gaelic translation of what he is saying?

**Mr Monteith:** I presume that that was a point of order rather than an intervention.

**The Deputy Presiding Officer (Patricia Ferguson):** Yes—in which case it was out of

order. Given Mr Munro's previous participation in debates, it is safe to assume that he can understand Mr Monteith.

**Mr Monteith:** It has often been said that what I say is unintelligible, but that is not normally because no translation is available.

I want to concentrate mainly on Gaelic-medium education. I must say, first, that Conservative members unequivocally believe that parents should have the right to have their children educated in the language of their choice, on condition that English is also taught. We see that as entirely compatible with Gaelic-medium education. We support Gaelic-medium education and we believe that the use of options such as home teaching, Gaelic-medium units and Gaelic-medium schools should enable the provision of a choice that is wide enough to suit parents' needs.

We are indebted for the work of Professor Richard Johnstone of the University of Stirling. His research has shown that Gaelic-medium education is valuable and does not harm the education of pupils involved in it. In his report he says that

“pupils receiving Gaelic-medium primary education, whether or not Gaelic was the language of the home were not being disadvantaged in comparison with children educated through English. In many though not all instances they out-performed English-medium pupils and in addition gained the advantage of having become proficient in two languages.”

The findings of that research are no surprise—members will be aware that the teaching of languages through immersion techniques generally gives better results. I have no doubt that if we had French language schools, the benefits of bilingual capability and stretching the minds of pupils would be achieved.

We have nothing to fear from Gaelic-medium education, so I am happy to support the establishment of the Gaelic-medium school in Glasgow and I commend the Executive on bringing that forward. I am happy to support the designation as schools of the Gaelic-medium units in the Western Isles and I look forward to the establishment of a Gaelic-medium school in Inverness.

In Edinburgh, sadly, the local authority has not found it possible to make the change from the Gaelic-medium unit at Tollcross to a fully dedicated school. The arguments that it uses to support its view are lack of demand and the cost of change. The debate about that continues in the City of Edinburgh Council. The Parliament should support the parents who want the school.

If there were direct grant aid for Gaelic-medium schools and Gaelic education boards, it would be possible to expand the provision of Gaelic

education and to provide more choice for parents throughout Scotland. The development of such education boards should not be only in the Western Isles, but throughout Scotland.

Gaelic is rich, alive and has a future. By following the Conservatives' plan for education, it could flourish in schools throughout the land.

I move amendment S1M-607.2, to leave out from "in particular" to "to Scotland" and insert:

"building upon the increased investment of the previous Conservative governments but believes it could go much further by supporting grant aided Gaelic medium schools and ultimately allowing Gaelic education boards to run Gaelic schools within the state system; recognises the cultural, economic and social contribution of Gaelic to Scotland".

fag as 'o "gu h-àraid" gu "do dh'Alba" agus cuir ann:

"a' cur ris an tuilleadh ionmhais a chuir na riaghaltasan Toraidheach a bh' ann, ach a' dol nas fhaide, le bhith toirt taice do sgoiltean Gàidhlig agus, aig a' cheann thall a' leigeil le bùird foghlaim sgoiltean Gàidhlig a stèidheachadh annas an t-siostam stàite; a' gabhail fainear na tha a' Ghàidhlig a' cur ri cultar, economaidh agus dòighean beatha Alba".

15:53

**Michael Russell (South of Scotland) (SNP):** A Chinn Suidhe.

Feumaidh mi innse dhuibh aig an tòiseach gur e fear stiùiridh de chompanaidh telebhisean Gàidhlig beag a th' annam.

Bidh sinne a' cur taice ris an Riaghaltas air a' mholadh seo. Ach tha sinn an aghaidh leasachadh a' mholaidh a chur na Tòraidhean sìos. Chan eil an leasachadh agaibh furasda thuigsinn ann an cànan sam bith, tha eagal orm, a Mhaighstir Monteith.

A Cheann Suidhe, tha mi glè dhuilich nach eil mi a' bruidhinn gun notaichean. Thoir maitheanas dhomh nach eil Gàidhlig nas fheàrr agam. Tha mi dìreach ga h-ionnsachadh, ged a tha mi air a bhith feuchainn airson bliadhnaichean a-nis. Ge-tà, 's docha gum bi a' Ghàidhlig agam a' fàs nas fheàrr le cothroman mar seo airson a bhith ga cleachdadh.

Co-dhiù, tha mi gu math taingeal do dh'Alasdair Moireasdan airson a' chothroim seo. Cuideachd, tha mi toilichte gu bheil Buill Pàrlamaid eile a' bruidhinn anns a' Ghàidhlig an-diugh, Iain Fearchar Rothach agus Winnie NicEoghainn agus Seòras Reid.

A Cheann Suidhe 's e samhla mòr, cumhachdach a th' anns an deasbad seo. Cuin a bha an deasbad Gàidhlig mu dheireadh ann am Pàrlamaid na h-Alba? Uill, anns an t-seann Phàrlamaid—am Pàrlamaid neo-eisimileach—

bhiodh Buill Pàrlamaid a' bruidhinn ri chèile ann an Albais anns an t-seòmar. Anns a' chòigeamh linn deug agus an t-siathamh linn deug, bha an geàrr-chunntas—na mionaidean oifigeil sgriobhte anns a' chànan sin cuideachd. Roimhe sin, bha a h-uile rud sgriobhte ann an Laideann.

*Following is the simultaneous interpretation:*

I should declare an interest, as I am the director of a small Gaelic television company.

The SNP will support the Executive and oppose the amendment lodged by the Tories. I am afraid their amendment is not easy to understand in any language.

I am sorry that I am unable to speak without notes. Please forgive me for not speaking better Gaelic—I am just a learner, though I have been trying to learn for many years. Perhaps my Gaelic will improve with more opportunities such as this to practise. I am very grateful to Alasdair Morrison for this opportunity and I am happy that other members, such as John Farquhar Munro, Winnie Ewing and George Reid are speaking in Gaelic today.

This debate is a great symbol. When did the Parliament of Scotland last have a debate in Gaelic?

In the old Parliament of Scotland—the independent one—members spoke Scots in the chamber. In the 15<sup>th</sup> and 16<sup>th</sup> centuries, the official report was written in that language too. Before that, everything was recorded in Latin.

**Lewis Macdonald (Aberdeen Central) (Lab):** The member might be interested to know that Gaelic was last spoken in the Scottish Parliament in 1307.

**Michael Russell:** Uill, seo a' chiad deasbad againn anns a' Ghàidhlig bho choinnich a' Phàrlamaid—no pàirt Pàrlamaid—ann an Airde a' Chatain ann an Earra Ghàidheal ann an trì cheud deug 's a naoi. Bha an Rìgh Raibeart Bruce anns a' chathair agaibhse, a Chinn Suidhe, agus 's e saorsa na h-Alba a' chiad rud air a' chlàr-gnòthaich.

Ach chan e dìreach samhla eachdradhail a th' againn an-diugh. 'S e cothrom a th' ann airson na Pàrlamaid a bhith a' smaoineachadh air àite is inbhe na Gàidhlig anns a' Phàrlamaid agus airson Alba fhèin.

Tha mise a' creidsinn gu bheil feum mòr ann airson Gàidhlig a bhith ann an cridhe Riaghaltas na h-Albann. Chan eil mi dìreach a' ciallachadh facal no dhà air puist seòlaidh no dhà ann an togalach no dhà ann an Dun Eideann. Tha mi a' creidsinn gu bheil feum is àite ann airson na Gàidhlig ann an gach roinn den Riaghaltas, agus gach gnìomh is poileasaidh an Riaghaltais. Anns

a' Bheurla, tha am facal "mainstreaming" againn air sin. Mar eisimpleir, tha mi 'n dòchas gum bi àite airson postan seòlaidh Gàidhlig anns na pàircean nàiseanta ùra.

Co-dhiù, tha an suidheachadh a' tighinn air adhart, gu cinnteach. Tha Ministear na Gàidhlig ag obair gu math cruaidh son na Gàidhlig, agus air an taobh seo den t-seòmar, tha sinn a' cur fàilte air an obair aige.

Mar eisimpleir, bha daoine òga a' gabhail pàirt ann an deich fèis air fhichead anns a' bhliadhna a chaidh seachad.

Tha Gàidhlig ann an tòrr sgoiltean far nach robh e fiù 's deich bliadhna air ais, àitean far am biodh clann a' dol don sgoil gun fhacal Beurla aca, ach far nach biodh facal Gàidhlig anns a' chlas.

Ach, an-diugh, tha ceist mhòr aig mòran phàrant: Carson nach eil facal mu dheidhinn foghlam na Gàidhlig ann am Bile Foghlaim an Riaghaltais?

Chuir Comann nam Pàrant Nàiseanta iartras a-steach chun na Pàrlamaid seo, a' cur na ceist sin. Tha na pàrantan aig Bun Sgoil Tollcross ann an Dun Eideann a' togail na ceist sin—tha clann còmhla rinn an-diugh, agus tha iad ag iarraidh freagairt. Tha am Pàrtaidh seo a' togail na ceist sin cuideachd. Tha feum ann an-dràsda airson lagh air ceartas nam parant airson Foghlam tro mheadhan na Gàidhlig.

Bidh mi a' sgrìobhadh an t-seachdainn seo gu buidhnean aig a bheil ùidh anns a' Ghàidhlig air a' Bhile seo. Bidh am Pàrtaidh seo a' smaoineachadh mu dheidhinn leasachadh a chur ris a' Bhile, airson Gàidhlig aithneachadh.

Dìreach mar a tha mòran a' tachairt ann am foghlam, tha mòran aobhair ann airson dòchais ann an craobh-sgaoileadh. Còig bliadhna deug air ais, cha robh dad air an telebhisean anns a' chànan—ach glè bheag—ach a-nis, tha àite suidhichte aice.

Ach, a rithist, chan eil a h-uile rud ceart gu leòr. Tha an t-airgead aig Comataidh Telebhisean na Gàidhlig a' dol sìos, bho bhliadhna gu bliadhna. Tha feum ann airson bunaiteachd agus, aig deireadh an latha, airson seana Gàidhlig. Thuirt Brian MacUilleam dìreach seachdainn no dhà air ais nach eil an t-airgead ann air a shon. Chan eil mise cho cinnteach.

Mar a tha fhios agaibh a Chinn suidhe, chan eil a h-uile duine anns an t-seòmar seo uamhasach toilichte leis a' chumhachd a tha fhathast aig Westminster ann an Alba. Ach, nach eil e neònach nach eil cumhachd aig a' Phàrlamaid seo laghan air craobh-sgaoileadh Gàidhlig a dhèanamh?

Ach, mar a bha mi ag ràdh aig an tòiseach, a Chinn Suidhe, 's e samhla cumhachdach a th'

anns an deasbad seo. 'S e àite eadar-dhealaichte a tha ann an Alba a-nis bho àm an deasbaid mu dheireadh againn anns a' chànan seo. Ach ann an Alba ùr cuideachd, tha Gàidhlig beò—ann an cunnart—ach beò.

Ma tha na geallaidhean againn air cultar na h-Alba firinneach, feumaidh sinn spèis a thoirt dhan Ghàidhlig, Albais agus a' Bheurla—eadhon mur eil an Riaghaltas a' creidsinn gu bheil spèis gu leòr ann airson ceist mu dheidhinn Albais anns a' chunntas sluaigh.

Bu chòir dhuinn àite aithneachadh airson a h-uile cànan eile ann an Alba cuideachd—na cànan à Sine, is Pagastan is na h-Innseanaich a tha ga bruidhinn anns an dùthaich seo. Na cànan is na cultaran a tha a' toirt ar cultair beò.

Ma tha sinn aig obair airson Alba mar sin, 's dòcha gum faigh sinn an seòrsa Alba air an robh am bàrd Ruairidh MacThòmais a' smaoineachadh nuair a sgrìobh e:

'S ma ruigeas mo dhùthaich-sa slànachd  
cha seachainn i dānachd  
's cha chaill i a nàir'  
airson gealtachd is crìonachd a dòigh,  
ach cuiridh i sròn ris a' gharbhlaich,  
's ri crìdh na droch aimsir  
ag èirigh air sgiathan neo-cheurbach  
a-mach às a' cheò  
gun coisinn i fhughair  
na grèine air mullach nan sgòth.

*Following is the simultaneous interpretation:*

Well, I think that this is the first debate in Gaelic since the Parliament, or part of it, met in Ardchattan, Argyll in 1309. King Robert the Bruce was in your chair, Presiding Officer, and freedom for Scotland was the first item on the agenda. This is not just a historically symbolic occasion; it is a chance for the Parliament to think about the importance of Gaelic for the Parliament and for Scotland itself.

There is a great need for Gaelic to be at the very heart of government in Scotland. That does not just mean a word or two on a signpost or on a building or two in Edinburgh—there is a need for Gaelic to be present in every Government department and every Government policy and decision. In English, the word for that would be mainstreaming. For instance, I hope that a place will be found for Gaelic signposts in the new national parks.

Things are certainly getting better. The Minister for Highlands and Islands and Gaelic works hard for Gaelic. We welcome that. Last year, for example, young people took part in 30 fèisean. Gaelic is now taught in many schools where, even 10 years ago, children used to go to school without a word of English and got not a word of Gaelic in class.

Nevertheless, today, many parents have a significant question: "Why is there nothing on Gaelic education in the Government's Standards in Scotland's Schools etc Bill?" The National Gaelic Parents Association has submitted a petition to the Parliament putting that very question. The parents at Tollcross Primary School in Edinburgh, whose children are present today, put that question, and the Scottish National party puts that question, too. There is an immediate need for legislation to make clear the right to education in Gaelic. This week, I will write to many of the bodies with an interest in Gaelic regarding the Standards in Scotland's Schools etc Bill, and the SNP will consider an amendment to the bill to recognise Gaelic.

As in education, there are many reasons for hope in broadcasting. Fifteen years ago, there was nothing—or nearly nothing—on television in Gaelic, yet Gaelic now has an established place. However, once again, not everything is satisfactory.

The Gaelic Broadcasting Committee's funding is going down year on year. There is a need for stability and, at the end of the day, for a Gaelic channel. A week or two ago, Brian Wilson said that he does not think that there is the money; I am not so sure. As you know, Presiding Officer, not everyone in the chamber is greatly happy with the powers that Westminster still exercises in Scotland. Is it not strange that the Scottish Parliament has no power to make laws on Gaelic broadcasting?

As I said at the beginning, this debate is a great symbol and Scotland is a different place compared with when we last had a debate in this language. However, Gaelic is alive in today's Scotland too—in danger, but alive. If our promises on Scotland's culture are to mean anything, we must make a space for Gaelic—and Scots and English—even though the Government does not believe that there is space on the census for a question on Scots.

Furthermore, we should recognise a place for the other languages in Scotland—the languages from China, Pakistan and India which are spoken in our country and which give welcome life to our culture. If we work for a Scotland like that, perhaps we will reach the kind of Scotland Derick Thomson was thinking of when he wrote:

And if my country attains wholeness  
it will not shun boldness  
it will not lose its shame  
for the cowardliness and barren wisdom of its ways  
but will turn its nose to the heights  
and the heart of the storm,  
rising on confident wings  
out of the mist.  
It will win the hope  
of the sun above the clouds.

**The Deputy Presiding Officer (Patricia Ferguson):** I call John Farquhar Munro to open for the Liberal Democrats.

16:00

**Mr John Munro (Ross, Skye and Inverness West) (LD):** Feasgar math, neach-cathraich. Tha mi air leth toilichte a bhith nam phàirt dhen deasbad seo am Pàrlamaid na h-Alba. 'S e latha sònraichte tha seo, chan ann a-mhàin dhan Ghàidhlig fhèin agus dhan chultar againn, ach cudromach ann an eachdraidh na h-Alba agus eachdraidh na Pàrlamaid.

Mas coimhead mi air adhart gu ar rùintean agus an saoghal a tha romhainn thaobh na Gàidhlig, bu mhath leam aithne thoirt do gach adhartas a chaidh a bhuinig ann an saoghal na Gàidhlig thairis air a' chòig bliadhna fichead a dh'fhalbh—eadar ceòl is a h-uile roinn eile de ar cultar. Còig bliadhna fichead air ais, cha robh againn ach leth-uair san t-seachdainn de dh'òrain air clàr air an radio agus cha robh càil idir air an telebhisein. Agus 's e glè bheag de thaic a bha a' Ghàidhlig a' faighinn bho ùghdaran ionadail no buidhnean poblach.

Nis, mar a dh'fhairich sinn, tha cùisean air atharrachadh. Tha seirbheis nàiseanta Radio againn tron BhBC—ged nach e seirbheis nàiseanta a th'ann buileach fhathast—le corra bheàrn cudromach a tha sinn an dòchas a thèid a lionadh an ùine nach bi fada—mar dh'iarr Ministear na Stàite Brian MacUilleam air a' BhBC bho chionn ghoirid. Tha prògraman radio againn gach latha—agus tha leithid air Telebhisein cuideachd—ged bhitheadh an dòchas gum bi seanal Gàidhlig againn cuideachd taobh staigh còig bliadhna.

Thaobh leasachaidhean na Gàidhlig san fharsaingeachd, chan eil teagamh agamsa nach deach adhartas is feabhas mòr a dhèanamh tro Fhoghlam tro Mheadhan na Gàidhlig. Tha nis fasig air trì fichead aonad Gàidhlig ann an sgoiltean agus sgoil ùr air a chomharrachadh an Glaschu. 'S e an tàmailt as motha, 's dòcha, mar a dhiùlt comhairlichean an Dun Eideann an dearbh rud a thoirt do na pàrantan a bha ga iarraidh bho chionn ghoirid.

Bidh sinn an dòchas ged-tha gun tachair sin. Tha nis, Fhir na Cathraich, faisg air 2,000 duine cloinne sna h-aonadan an-diugh. Adhartas mòr.

Tha Comann nam Pàrant (Nàiseanta) a' cumail taice ri trì deug thar fhichead aonad fo-sgoile. Feumaidh sinn dèanamh cinnteach gum bi goireasan, ionmhas agus stòras aca son leasachaidhean eile chur air adhart mar tha pàrantan ag iarraidh.

'S e cnag na cùise gu bheil feum air còrichean

nam pàrantan a dhaingneachadh san lagh agus an dèanamh tèarainte. Tha feum againn air tèarainteachd na Gàidhlig a bhunaiteachadh san lagh, a' toirt dhith an aon inbhe 's a th' aig Cuimris sa Chuimrigh, agus Beurla ann an Alba.

Tha an Riaghaltas nis air moladh ceud gu leth tidsear ùr a chur do sgoiltean a' teagasg tro mheadhan na Gàidhlig thairis air na seachd bliadhna romhainn. Tha mi a' cur failte air an naidheachd sin agus goinne thidsearan air a bhith gar cumail air ais gu mòr. Thaobh trèanadh thidsearan, tha e cudromach gun tèid barrachd ùine agus ionmhas a chosg air trèanadh, agus air foghlam do thidsearan son fallaineachd na Gàidhlig a ghleidheil agus comasan cainnte ar cuid chloinne a thogail. Tha goinne thidsearan Gàidhlig ann an-dràsda aig a h-uile ìre agus anns a h-uile cuspair. Feumar sin a leasachadh, ach an tàladh sinn daoine a tha sgileil, deanadach agus adhartach san obair. Feumaidh sinn cuideachd coimhead gu sònraichte air na feumalachdan a th' aig oileanaich san raon seo ann an sgìrean iomallach agus taic shònraichte a chomharrachadh dhaibhsan.

Bu chòir dhuinn cuideachd coimhead air maoineachadh san fharsaingeachd: An lean sinn leis an t-siostam bhrìste, sgaoilte a th' againn? Nach biodh e nas fheàrr an t-airgead a thoirt do dh'aon bhuidheann Gàidhlig, leithid Comunn na Gàidhlig an-dràsda?

Cò bhiodh a' riochadh na h-Ard Chomhairle bhon Rìghaltas agus cò air a bhiodh an t-uallach? Tha sinn cinnteach ged-tha gu feum barrachd guth a bhith aig coimhearsnachd na Gàidhlig ann a bhith a' riaghladh an airgid agus gum bu chòir a bhith ga chosg bho aon sporan.

Chaidh a h-uile adhartas air a bheil sinn a-mach, agus a' cur fàilte an-diugh, a' bhuinig le mòran obrach gu saor-thoileach agus le deagh rùn. Agus cuideachd taic bho Phàrtaidhean Phoilitigeach air gach taobh. Bu mhath leamsa gun leanadh sin tron Phàrlamaid seo agus tha mi a' cur mo thaice ri Buidheann Eadar-Phàrtaidhean a stèidheachadh son seo thoirt air adhart.

Tha mi a' cur failte air an naidheachd gu bheil oifigeach Gàidhlig gu bhith againn sa Phàrlamaid son fios a chumail gu buill mun chànan agus son leasachadh a thoirt air adhart.

Chan fheum sinn a bhith gealtach a' cur ar taice ri gach cànan is cultar a th' againn, ge bith dè cho doirbh 's a tha an t-slighe coimhead, no fad-as an sealladh.

Còig bliadhna fichead air ais cha robh ann an Sabhal Mòr Ostaig ach nàdar de dh'aisling. An-diugh, 's e th' anns an sgìre sin ach àite a tha tighinn beò, le coimhearsnachd ùr, agus òg, ag obair sa Chòlaisde 's a' frithealadh gach nì a tha a' dol air adhart ann. Agus a' tarraing oileanaich bho

air feadh an t-saoghail. Tha an togalach ùr—Togalach Chaluim Chille agus obair lomairt Chaluim Chille a-rithist a' cur ris an lèirsinn a bh' aig daoine ann a bhith a' smaoineachadh air Colaisde Ghàidhlig.

Bidh fiughar againn ri beachdan Buidheann Gnìomh na Gàidhlig, agus an aithisg aca, a' mìneachadh ciamar a tha iad fhèin a' faicinn saoghal na Gàidhlig son an aon seòrsa lèirsinn sna bliadhnaichean romhainn.

Mu dheireadh ma-tha, ann a bhith coimhead air mion-chànan, nach beachdaich sinn air Papa New Guinea far a bheil mòr-shluaigh de chòig millean. Dìreach mar th' againn fhèin an Alba. Còrr is sia ceud eilean, a' mhòr-chuid dhiubh gun neach a' fuireach orra. Tha còrr is ochd ceud cànan aca ged-tha. Tha cànan oifigeil aca cuideachd a tha iad a' cleachdadh sa Phàrlamaid—Tok Pisin—nàdar de Bheurla.

Tha Tok Pisin aig nas lugha na leth-cheud mìle neach (aon sa cheud dhen mhòr-shluaigh): ach 's e sin a' phrìomh chànan a th' aca a' riaghladh na dùthcha agus ann an saoghal Malairt. Leasan ann a-sin dhuinn uile.

San t-suidheachadh sin, bhiodh foghlam Gàidhlig, mar a tha foghlam Beurla, na clach-stèidh ann an leasachadh cultarach is eaconomach air a' Ghàidhealtachd agus feumail ann an caochladh dhòigh do Ghalltachd na h-Albainn cuideachd.

Le leasachadh còr na Gàidhlig bhiodh a' Phàrlamaid a' dèanamh feum de dhualchas a tha sònraichte agus a bhiodh na neart ann a bhith a' stèidheachadh cheanglaichean ri dùthchannan eile a tha a' toirt spèis do mhion-chànanan is ceartas do dhaoine; nan leigeadh a' Phàrlamaid leis a' Ghàidhlig a dhol sìos no bàs, is e cùis nàire a bhiodh ann don dùthaich is don Phàrlamaid.

Cùm Gàidhlig Beò! Suas leis a' Ghàidhlig!

*Following is the simultaneous interpretation:*

Good afternoon, Presiding Officer and friends. I am very pleased to be taking part in this debate. This is a very special day, not only for our Gaelic language and culture, but for the history of Scotland. It is an important and historic day for the Scottish Parliament.

Before considering our hopes and aspirations for the future of our language, I would like to acknowledge the tremendous advances that have taken place in the promotion of Gaelic language, music and culture in the past 25 years. Twenty-five years ago we had a weekly half-hour record programme on radio and no television programmes—and very little support from local authorities or public agencies.

How things have changed. We now have a

national radio service through the BBC. However, it is not yet complete, with a few important gaps that we hope will be filled in the near future, which minister of state Brian Wilson asked for on the BBC recently. There are programmes on radio and TV every day and we hope to have a Gaelic channel within five years.

There have been many developments over the past few years, especially in Gaelic-medium education. There are now about 60 Gaelic units in schools and a newly designated Gaelic school in Glasgow. Perhaps the greatest disappointment has been the fact that councillors in Edinburgh have refused to designate a Gaelic school for the parents there who wanted one—but perhaps that idea will come to fruition.

There are about 2,000 pupils in those Gaelic units, which is a great development. There are also 33 Gaelic-medium nursery units, supported by Comunn Nam Pàrant. We must ensure that those initiatives are given the resources that they require to continue to grow and expand, as dictated by parental demands. It is fundamental that parental rights be recognised in law and made secure. We need to look to the future to strengthen and secure what has already been achieved without the benefit of legislation. We are looking for the same kind of security that Welsh has in Wales and English has in Scotland.

The Scottish Executive recently announced its intention to train 150 Gaelic-medium teachers over the next seven years. That is welcome, given that the shortage of such teachers is threatening the undoubted success of Gaelic-medium education.

It is important that more time and money be spent on training teachers. We have to strengthen the healthy state of Gaelic and to encourage further linguistic competence in our schools. It should be remembered that there are shortages of teachers in Gaelic-medium primary and secondary education, and that in the secondary sector there are shortages of teachers of Gaelic as a subject. More effort and resources must be quickly directed to overcome this obstacle so that we can attract and retain the quality of teachers that we require. Special consideration should be given to the needs of potential students of Gaelic-medium education in the peripheral areas.

We should have a fresh look at the issue of funding. Do we want to continue the current fragmented system, or would it be more appropriate to allocate all Government funding for Gaelic to an agreed governing body such as Comunn na Gàidhlig, who would act as agents of the Scottish Executive and be responsible to it? We are sure that Gaelic communities must have a greater say about how money is spent; we are also sure that that money must be spent from the one purse.

The success that we acknowledge today has been achieved by the dedication and hard work of many individuals, groups and agencies and by the support of all political parties. I hope that that will continue in the Scottish Parliament and I support the cross-party proposals. Furthermore, I welcome the proposed appointment of a Gaelic officer, who will keep us informed of Gaelic developments.

We must not be timid or afraid to support our language and culture, no matter how difficult or impossible such a vision may seem. Twenty-five years ago, Sabhal Mòr Ostaig, the Gaelic college in Skye, was just a dream. Today, a thriving, vibrant community lives and works at that college, doing excellent work and attracting students from many parts of the world. The newly completed Columba initiative building and the work of the Columba initiative is a testimony to the college's vision. We are also looking forward to the Gaelic task force's recommendations about the structure of Gaelic organisations.

As we are discussing minority languages, I want to give the chamber a little insight into a particular minority language issue. Papua New Guinea has a population of just under 5 million people—that is similar to Scotland's population—and consists of more than 600 islands, most of which are uninhabited. Although the country has 817 recognised living languages, the official language in the Parliament is Tok Pisin, a local form of pidgin English, which is the first language of fewer than 50,000 people or about 1 per cent of the population. Despite that, Tok Pisin has become the country's national language of governance and commerce.

Gaelic education should be treated the same as English education. The development of Gaelic would be a tribute to the Parliament's work. It is time that we gave rights to people and it would be a disgrace if the Gaelic language died out. Keep Gaelic alive!

**The Deputy Presiding Officer:** We now move to the open part of the debate. Members will have four minutes for their speeches; they should try to stick to the timetable so that we can accommodate everyone who wishes to speak. I call Lewis Macdonald, who will address some of his remarks in Gaelic.

16:10

**Lewis Macdonald (Aberdeen Central) (Lab):** Tha mo nighean, Iona, dà bhliadhna an-diugh. Bhiodh m' athair, an t-Urramach Ruairidh Dòmhnallach—"Ruairidh eile"—moiteil aisde.

Mar bhàrd agus sgoilear Gàidhlig, agus mar mhinistear ann an Eaglais na h-Alba, bhiodh e moiteil cuideachd a bhith a' cluinntinn deasbad mu dheidhinn na Gàidhlig ann am Pàralamaid na h-



Alba anns an togalach seo, an-diugh.

*Following is the simultaneous interpretation:*

My daughter, Iona, is two years old today. My father, the Reverend Roddy Macdonald—"the other Roddy"—would have been proud of her. As a Gaelic poet and scholar, and as a minister in the Church of Scotland, he would have been proud also to hear a debate about Gaelic in the Parliament of Scotland, in this building, today.

*The member continued in English.*

I belong to the generation in between. When my father learned to speak English at a primary school in North Uist, Gaelic speakers could still be found as far east and south as Aberdeenshire, Blair Atholl and the isle of Arran. However, the Gaelic language was frowned upon and officially discouraged. One hundred years ago, when my grandfather went to school the punishment for speaking his first language, even in the isle of Berneray, was to have his mouth washed out with soap.

By my father's day, the hostility had lessened and, by the time I went to school in Stornoway in the 1960s, the idea that Gaelic was a barbarous and subversive language had finally died. However, my generation still grew up with the clear view that Gaelic was something that held one back in an English-speaking world. There was a policy not of suppressing Gaelic, but of allowing it to die.

For my children's generation, I am pleased to say, the situation is very different. All parties now recognise—I apologise to Mr Russell for underestimating his knowledge of Gaelic history—that the Gaelic language and culture are a living and vital part of Scotland's heritage.

It is now possible for us, if we choose, to send our two-year-old daughter, living in Aberdeen, to a Gaelic-medium parent-and-child group until she is ready for Gaelic-medium education, which is provided at the Gaelic-medium nursery unit opened last year at Gilcomstoun Primary School in my constituency and at the Gaelic-medium primary unit, also at Gilcomstoun, which has grown and flourished since 1991. Gaelic secondary education is provided at Hazlehead Academy, which was designated for that purpose by Aberdeen City Council education committee only a few weeks ago.

I welcome the approach to Gaelic-medium education that has been pursued in recent years by my city and by the Scottish Executive, funded by local and central Government. It reinforces the principle of support for Gaelic within the state system and involves the wider local community. It provides the benefits of bilingual education and ensures access for a growing number of people to

the richness of Gaelic culture.

The wider bilingual and cultural agenda is an important one. Promoting Gaelic is not a matter for the schools alone. Like other members, I want to highlight the excellent work done by the fèis movement and by Fèisean nan Gàidheal. Their festivals for young people offer tuition in arts and music in a firm Gaelic-language context right across Scotland. The fèis in Aberdeen a few weeks ago was a celebration of Gaelic culture and an example of the enterprise and enthusiasm of those involved, who raised most of the funds themselves. In general, the fèis is a model initiative for community arts, and an example followed by similar festivals in other tongues, such as the Gordon Gaitherin—now the Gaitherin—in Aberdeenshire, and by festivals in other parts of Scotland and the world.

I am glad that Brian Monteith has now recognised that our links with Ireland should go beyond the football field and extend to wider cultural matters. The fèis movement has contributed greatly to those cultural links. Fèis Ròs and its counterpart in Roscommon have been linked for the past four years, bringing together young people from the Highlands and Ireland to perform, learn and simply to enjoy together their common Celtic culture.

As the minister will know, young people from North Uist and South Uist are building similar links as we speak. The Barra fèis has contributed to the development of cultural exchange between the isle of Barra and the Pacific kingdom of Tonga, which sets a good example to us all.

I hope that the minister will recognise the value of the fèis movement in the further development of support for Gaelic and in the building of links with our sister island of Ireland. Education, the arts, media and, indeed, this Parliament all have a role to play. I am glad today to support the Executive motion.

16:14

**Dr Winnie Ewing (Highlands and Islands) (SNP):** Tha mi uamhasach toilichte agus pròiseil a bhith an seo an-diugh ann am Pàrlamaid na h-Alba. Alba—an tìr is àlainne san Roinn Eòrpa. Gàidhlig—cànan Gàradh Edan. Tha mi duilich nach eil mi fileanta anns a' Ghàidhlig fhathast ach tha mi an dòchas gum bi mus bàsaich mi. Seo gealladh a thug mi dha mo bhana-charaid Kay NicMhathain, Cailleach na Cloiche. Nuair a bha mi ann an Sgoil Phàirc na Bànrighinn ann an Glaschu bha Maighistir-sgoile againn aig an robh Gàidhlig agus bha còisir Ghàidhlig ann cuideachd. Bha mi ag iarraidh gu mòr a bhith anns a' chòisir ach cha do leig e leam air sgath 's nach robh Gàidhlig agam. Bha mi a' faireachdainn coltach ris a'

phàisde anns an sgeulachd 'Am Pìobaire Breac' nach d' fhuair a-steach.

Aig an àm sin, coltach ri tòrr ann an Glaschu, bha Gàidhlig aig mo sheanmhair ach bha i den bheachd nach b' fhiach a' Ghàidhlig math dhan chloinn gun an cumail air ais. Mar sin, ged a bha m' athair na sheinneadair, cha robh e a' tuigsinn nam faclan a bha e a' seinn. Nach math a rinn An Comunn Gàidhealach a tha air a bhith a' strì cho fada airson a' Ghàidhlig a chumail beò agus airson na h-Olympics Sòisealta, Am Mòd. Tha na h-uile ag aontachadh a-nis gu bheil eòlas air dà chànan ga dhèanamh nas fhasa an treas cànan ionnsachadh. Tha e cuideachd a' cuideachadh beartais smuain oir le cànan eadar-dhealaichte tha sinn ag ionnsachadh a bhith a' smaoinichadh ann an dòighean eadar-dhealaichte. Meal-an-naidheachd don Riaghaltas againn, agus fiù 's don Riaghaltas a bh' againn, airson an ionmhais a tha a' Ghàidhlig a' faighinn. Meal-an-naidheachd do na craoladairean. Feumaidh mi a' ràdh an seo nach eil a h-uile duine ag aontachadh rium gu bheil fo—thiotalan a' còrdadh rium. Tha mise a' faireachdainn gu bheil iad a' brosnachadh luchd-ionnsachaidh. Agus meal-an-naidheachd do Shabhal Mòr Ostaig a thàinig gu faire bho thoiseach beag. Ach tha aon ghearran agam a tha mi a' cluinntinn bhon luchd-taghaidh agam—chan eil Gàidhlig gu leòr ri fhaotainn anns na sgoiltean ged a tha tòrr bhun-sgoiltean a-nis ga tairgse. Chan e mhàin gu bheil a' chànan aosda, àlainn seo na pàirt de dhualchas na h-Alba, tha i na pàirt de dhualchas na Roinn Eòrpa. Tha e mar uallach oirnn uile a bhith ga brosnachadh agus ga cuideachadh gun cùm i an t-àite sin gu bràth.

*Following is the simultaneous interpretation:*

I am happy and proud to be here today in the Scottish Parliament. Gaelic is the language of Eden. I am sorry that I am not yet fluent in Gaelic. I hope to be before I die. That is a promise that I made to my friend Kay Matheson.

When I was at school in Glasgow, the headmaster had Gaelic and there was also a Gaelic choir. I had great desires to be in the choir, but the headmaster would not let me join, because I did not have Gaelic. I felt like a little piper in the story who did not get in.

Like many other people in Glasgow at the time, my grandmother was a Gaelic speaker. However, she did not think that Gaelic was of much use. Although my father was a singer, he did not understand the words that he was singing. An Comunn Gàidhealach has done well in striving for so long to keep Gaelic alive and in supporting the Mòd.

I think that everybody now agrees that bilingualism makes it a lot easier to pick up a third language. It also helps people with their

imagination and with learning and thinking in different ways.

I congratulate our Government and I also praise the previous Government for the support that it gave. I also praise the broadcasters. Although everyone may not agree with me, I feel that all those whom I have just mentioned encourage learners. I also congratulate Sabhal Mòr Ostaig, which has done well from humble beginnings. I have one complaint, however: I hear that there is not enough Gaelic in schools, although many schools now offer Gaelic.

Our language is a great part of Scottish heritage, and it is a great part of European heritage. We are all responsible for encouraging the language and for ensuring that it keeps its place forever.

16:18

**Johann Lamont (Glasgow Pollok) (Lab):** Mòran taing. Chan eil mòran Gàidhlig agam, ach tha mi glè mhòr as a' chànan aig na daoine 'on tàinig mi. Chan urrainn dhomh ach mo thaic a thoirt dhan Ghàidhlig, agus tha mi a' toirt taing dhan Phàrlamaid seo airson gu bheil iad a' dèanamh an dicheil air a' chànan a chumail beò.

*Following is the simultaneous interpretation:*

I do not have much Gaelic, but I am very much in favour of the language of my forebears. I can do no more than give my support to Gaelic and I thank this Parliament for doing all that it can to keep the language alive.

*The member continued in English.*

Gaelic may not come easy to my lips, but it is very strong in my heart.

I hope that no one will make any Gaelic interventions on me, as my mother's capacity to translate would not stretch quite that far.

I come from a family of Gaelic speakers and I was brought up in Glasgow. My family moved from the island of Tiree for work. For economic reasons, that journey, which was made in the past, continues to be made by the young from our island communities.

As members may be aware, I was the first person to speak Gaelic in a debate in the Parliament. In a way, it was fitting that the first Gaelic that should be spoken in a debate in this Parliament was not spoken by a fluent Gaelic speaker but by someone from the Gaelic diaspora, stumbling hesitantly, who lives in and represents a city that has provided a home to many Gaels over the generations. The mark of Gaelic migration remains significant in my constituency in the south of Glasgow.

When I was growing up in Glasgow, there was

little support for Gaelic. We lived with cultural diversity: while the rest of the world rocked to the Beatles, we were listening to Calum Kennedy. That broad experience of being a Gael living in Glasgow led me to be hostile to any kind of nationalism that attempted to define us in terms of a narrow Scottishness to which I could not relate.

I welcome the work of the Government in the promotion of Gaelic, particularly in Gaelic-medium education. My generation lost the language partly because the importance of such an approach was not recognised. I used to go to Gaelic classes on a Saturday morning. I recall that I learned to sing “Brochan Lom”—a whole song about the importance of the consistency of porridge.

The development of a more dynamic approach to Gaelic arts and television has normalised Gaelic in the lives of our children. I heard a lot of Gaelic at home, but the Gaelic that was on television and in the national eye seemed to be all harps and high voices—a million miles away from the Gaelic humour and song and the unaccompanied psalms that I heard at home and on Tìree.

There is no doubt that, at one time, the Gaelic community feared the disadvantage of difference—a fear that is common to many of our minority and migrant groups. We should put on record our thanks to local authorities for supporting Gaelic in a new way and encouraging it as they have done.

We are learning the importance of delivering an inclusive Scotland that does not fear difference, but celebrates it and draws strength from it. We should recognise the key role that parents play in driving the agenda of Gaelic-medium education and their volunteer effort in establishing the pre-school movement. I hope that that partnership with parents will continue.

It is important that we closely monitor how Gaelic-medium education is being delivered. The power of symbolism is never lost on the Gael and the symbolism of our speaking Gaelic today has been recognised. When it comes to education, however, symbolism on its own is not enough. It is essential that the educational need is recognised and catered for as it would be in English-medium education. It is important to recognise the difficulties that might be encountered in delivering the curriculum in a Gaelic-medium education to young people from families in which no Gaelic is spoken, whom we want to encourage.

I emphasise that we should resist the inclination to take a narrow view of Gaelic arts and culture. In the Mòd, a greater emphasis on the involvement of children and on drama competitions is evident. I encourage the minister to consider any initiatives that will encourage children to use Gaelic in their normal lives when playing games and reading

books. That will give my children the opportunity to have greater contact with the language than they have had.

I welcome this debate. This Parliament seeks to represent all Scotland in all its diversity. It wants to reflect on its past, draw from its past and learn for its future. Learning Gaelic and listening to Gaels will play a significant part in that.

16:23

**Mr George Reid (Mid Scotland and Fife) (SNP):** Tapadh leibh, a Phatricia. In my brief remarks, I want to concentrate on the appointment shortly by this Parliament of a Gaelic officer and on what he or she can do to help to ensure secure status for the language. First, however, I will deal with the overall framework.

Is searbh clàrsair an aon-phuirt—harsh is the harpist with only one tune. Until today, the Scottish Parliament has had only one tune—monoglot English—with the exception of the virtuoso performances by John Munro.

Thanks to the consultative steering group and its commitment to an accessible, inclusive assembly, there is Gaelic signage throughout the Parliament—Pàrlamaid na h-Alba here, the doras a’ Phobaill next door, and the Seòmraichean Comataidh down the road. Such signage, however, is mere tokenism and makes us a museum piece unless the language is actually spoken in this seòmar.

’S e obair latha tòiseachadh—it is a whole day’s work just getting started. We have started, and we send our congratulations and best wishes to the minister, Alasdair Morrison, for that. The Parliament has at last begun to play another tune.

Without Gaelic, Scotland would simply not be Scotland; Gaelic is one of the forces that has shaped us. As a people, if we do not know where we have come from, how can we know where we are going?

As a language, Gaelic has suffered great violence over the centuries from the forces of centralisation. In my own family, Gaelic was beaten out of previous generations, leaving only our grannies and great-grannies spanning the generation gap with what used to be the family glue. Any violence that is done to a language is ultimately done to a people. The Edinburgh councillor who describes Gaelic-medium education as apartheid perpetuates that brutal tradition. *[Applause.]*

There was a time, a’ Stiùiriche, when the Scottish Parliament was quadrilingual. In his Parliaments after Bannockburn, Robert the Bruce and his lieges moved easily from Scots to Gaelic to French to Latin, according to whichever

language best expressed their thoughts. That is the point: language is not about datives, ablatives and subjunctive clauses; it is simply about communicating. I hope, therefore, that Gaelic speakers will be tolerant of those of us who are beginning to express something of our multiple identities.

I now turn to Oifigeir Gàidhlig na Pàrlamaid. After the most detailed consultation—in Gaelic—with the institutions of the Gaelic community, a clear job description has been drawn up and the post will be advertised shortly. He or she will be the focal point in this Parliament for external relations with the Gaelic-speaking population, facilitating two-way communication and providing a range of internal services to members and the secretariat. It is important to stress that this is a parliamentary appointment, made through the corporate body, although the office-holder will clearly have to liaise closely with the Gaelic task force of the Executive, which is responsible for policy development.

Agreement on the terminology that is to be used in this chamber, which is properly a matter for the Parliament, is an obvious case for consultation. Is Sir David our Ceann Comhairle, our head of council, our Ceann Suidhe, our head sitter, our Labhraiche, our speaker, or perhaps even our Stiùiriche—our great helmsman? All of that has still to be established.

As well as participating in the development of parliamentary terminology, the Gaelic officer will act as the Gaelic spokesperson of the Parliament, ensuring a regular flow of information to the media, the Gaelic agencies, the Gaelic diaspora and such European bodies as the Bureau for Lesser Used Languages. Those outputs will not be just in oral form; there will be Gaelic pages in the Parliament's website and in time, I trust, regular summaries of our business via Gaelic information sheets.

The officer will also facilitate timely responses from members, in Gaelic, to communications that are received in that language. I very much hope—although this is largely a matter for John McAllion and Murray Tosh, as conveners of the appropriate committees—that the Public Petitions Committee will be able to receive and respond to petitions that are received in Gaelic.

Finally, the officer will also facilitate visits by children from Gaelic-speaking units to our education centre and will operate an outreach service to their schools. The Irish consul-general is present today. I hope that the officer will establish good relations with the official translation service in the Dàil.

As I said, 'S e obair latha tòiseachadh—it is a whole day's work getting started. However, as the

minister also knows, 'S e obair beatha crìochnachadh—it is a whole lifetime's work finishing the job. I wish the officer good luck.

16:29

**Rhoda Grant (Highlands and Islands) (Lab):** I welcome this debate and hope that it is the first of many to examine the Gaelic language and the way in which we are promoting it.

Those who are present may wonder why I am not delivering this speech in Gaelic, my native tongue and my first language. It is because I cannot. When I started school, authorities did not provide for Gaelic speakers. Everyone who attended my first school was a native Gaelic speaker, but our teachers were not. We needed to learn English to enable us to access education. We were not beaten and we did not have our mouths washed out with soap; we were simply not understood.

That experience was widespread in the Highlands and Islands. I spoke recently to a constituent who told me that Gaelic had missed a generation in her village: children are fluent and so are their grandparents, but their parents are not. Many of those parents were in the same situation as I was and have ensured that their children have the access to Gaelic that they did not have. The Government, through education policies, has ensured that Gaelic-medium education is available in areas where there is demand, which is welcome.

However, the revival of the language is not just about education. The artistic heritage of the Highlands and western isles is based in the Gaelic language, songs and poetry. Music and dance are very much part of that heritage. As many have already said, the fèis movement has advanced music and dance by encouraging young people to take part. The fèisean are now participated in and enjoyed by many young, and many not-so-young, people. We should also remember the contribution made by the Mod not only in promoting Gaelic, but as an economic boost to the towns that host it. There is a revival of all types of art in the Highlands and Islands, promoting pride and confidence in our heritage.

Many people involved in promoting Gaelic feel that there is still much to be done. I ask them, while working towards that, not to underestimate what has been achieved—achievements that give a foundation for the future. In a few years, the children who have benefited will be in a position to carry the work forward.

Gaelic survived despite the best attempts of those in authority to discourage it. That is no longer the case. The Executive is seeking to train and recruit more Gaelic teachers; more money is

being invested in Gaelic education and arts. Some people may say that that is a waste of money when we have poverty and unemployment to tackle. However, that money is tackling those issues.

Gaelic language promotion has created jobs, kept artistic talent from leaving and given a much-needed boost to economic activity. We need to build on that, ensuring that the arts support each other with a strong cultural identity that will help them access markets at home and abroad. That will, in turn, enhance the profile of Scotland and increase investment and tourism.

Ireland has led the way. The economic effect of their promoting their cultural heritage is evident—their economy is booming. Their identity is recognised throughout the world, bringing inward investment. We must catch up. In Gaelic we have a very specific heritage that can help us to do that. I urge the minister to build on the foundations that have been laid, to ensure that the Gaelic language is never again under threat.

16:33

**Irene McGugan (North-East Scotland) (SNP):**

I am speaking in this debate because I support the Gaelic language as much as the Scots language, although once again I will speak in English. I want to highlight the work of Comhairle nan Sgoiltean Araich, the Gaelic pre-school council, in helping to revive and promote the language and culture.

CNSA was, and still is, the only organisation in the UK funded in part by Government that provides Gaelic-medium education for pre-school children. When it began in 1982, there were only four playgroups. There are now over 120 varied pre-school groups involving approximately 2,000 children and their parents from all over Scotland. Children are immersed in the language from birth and given a taste of the culture. CNSA envisages that future Gaelic speakers will be not only fluent in the language, but confident, competent and proud of their heritage.

The Gaelic culture exists, to a large extent, in urban pockets, rural areas and on the islands, areas where there is often social deprivation. In such circumstances, CNSA groups not only offer children a place to meet, learn, play and have fun, but bring jobs—an estimated 200 full-time and 400 part-time jobs—that are important to the revitalisation of communities. As a development organisation, CNSA has been responsible for actively bringing in many people to the Gaelic cause and for providing a structure on which to progress. However, there must be long-term planning for Gaelic. What are our targets for the language? Where do we want to be in 20 years? Without information about targets it is not possible

to plan properly or for those involved to identify and clarify their roles.

It is worrying that CNSA is currently receiving less funding support than ever from local authorities. Despite the huge expansion in, and promotion of, pre-school education, local authorities often do not recognise Gaelic in their planning. There is nothing about Gaelic education, pre-school or otherwise, in the Standards in Scotland's Schools etc Bill. That fact has been highlighted by the National Gaelic Parents Association, which has submitted a petition to the Parliament calling for us to take active steps to recognise the validity and educational benefits of Gaelic-medium education.

Until last year, Gaelic-medium education was delivered solely in Gaelic units within English-medium schools, which caused procedural difficulties. As we have heard, that pattern is gradually changing, and there are now Gaelic-medium schools in Glasgow, the western isles and Inverness. I very much hope that our capital city, too, will have a stand-alone Gaelic-medium school, because such schools are the way ahead for Gaelic-medium education.

We have heard about the difficulty of recruiting teachers. It is interesting to note that, in the Basque country, £15 million a year is allocated to enable teachers to transfer from teaching in Spanish to teaching in Basque. Five hundred teachers are seconded every year to that programme. A similar system is being considered in Ireland. What a difference such a system would make to Gaelic-medium education in Scotland.

Finally, I echo comments in support of the fèis movement. I attended the Cèol nam Fèis concert in Inverness recently and found it a thoroughly positive experience. The fèis movement should be recognised for its value to the development of Gaelic. As more than 3,500 young people take part in fèis activities annually, other Gaelic initiatives, such as local and national mods and Gaelic arts projects, rely very heavily on the movement for participants. Those activities are often the only cultural experiences that are available to young people, including those in non-Gaelic-medium education, in many areas of Scotland. The movement is a first-class example of community-based education for young people.

16:37

**Cathy Peattie (Falkirk East) (Lab):** I thank the minister for his motion on Gaelic and I compliment those MSPs who have participated in speaking the language. I particularly welcome the proposals to strengthen the links between the communities of Scotland and Ireland.

However, as a Lallander, I hope that the same debate can be held on the Scots language, which is widely spoken in our communities—it is more widely spoken than Gaelic. Perhaps the minister could consider how we can strengthen the links between Scots and Ulster Scots. Will the minister consider support for the Scots language? It is the language of Burns and is alive in our songs, traditions and stories. I praise those authorities that are busily engaged in promoting traditional song and language, such as West Lothian, where I attended an event at the weekend at which singers gathered together to share songs and stories from across Scotland.

It is vital that this Parliament should support the continuation of a language that is spoken in every community in Scotland. Therefore, although I welcome the motion on Gaelic, I ask the minister to remember that the Scots mither tongue is spoken by a majority of Scots. I urge the minister to support its development and to celebrate all the languages of Scotland.

**The Deputy Presiding Officer:** That concludes the open part of this debate. I apologise to those members who wished to speak but were not called. Mr Jamie Stone will close for the Liberal Democrats.

16:39

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** Mus tòisich mi, feumaidh mi aideachadh—tha mo bhràthair ann am Baile Dhùbhthaich a' dèanamh gruth.

*Following is the simultaneous interpretation:*

Before I begin, I have to confess that my brother in Tain makes crowdie.

*The member continued in English.*

Those members who did not have their headphones on can read the *Official Report* later to find out what I said.

Alas, I have very little Gaelic, as it died out in my family a while back. The last speaker of Gaelic in my family was my cousin, the late Molly Macphail from Appin, who, amazingly, could speak not just Gaelic, but Arabic. Alas, she has been dead a few years.

I can offer or demand whisky—or indeed milk—in Gaelic, and I can be profane in Gaelic. I know a phrase that some members may find useful: “Tha mi ag iarraidh briogais thartain”, which means, “May I have a pair of tartan trousers?” That is not a lot of use in Stornoway—except, perhaps, in a draper's shop to Sir David Steel or Menzies Campbell, who are given to tartan breeks now and again.

On a sadder note—has been very well put by

other speakers—in my part of the world, Easter Ross, Gaelic was still spoken within living memory. I could refer to places such as Inver, Balintore, Shandwick and Hilton, where Gaelic died out only during the war. There are still a few words left in the local dialect, such as “robach” meaning “falling apart, ropy” or “snaideoch”, meaning “a wee dram”. However, the language has gone. It lingers on—just—with a few old bodachs in the village of Embo, beside Dornoch, and on the north coast, in Tongue, Melness and Talmine. In these places Gaelic is not doing too badly.

The international aspect of this issue has been mentioned, and I am very glad of that. Fairly frequently, I take my holidays in the Gaelic-speaking parts of County Donegal. I know of a lady in Benbecula who works in an old folks home, and if she speaks slowly her Irish Gaelic can be understood by the locals. There is a great link here. Reference has been made to Sabhal Mòr Ostaig and its place internationally, and that cannot be stressed too much. Gaelic is an international language, with international importance, and it must be recognised.

I believe that the language has slipped in part because of snobbery. It was regarded as scruffy to speak Gaelic. It was a tinkers' language—I make no apologies for using that word, pejorative though it is. I always say to Gaelic friends, “Don't be so dashed polite”. People in a pub in a place such as Castlebay will break into English if they think that there is a non-Gaelic speaker among them. I found Donnie Munro, Norman Gillies, Farquhar Macintosh and John Farquhar Munro breaking into English before today's debate, just because I was there.

However, I want to draw attention to some positive developments. I pay tribute to the fèisean movement, which is a fairly new development but has underpinned Gaelic in a huge way. I have had a close connection with Fèis Ross, and my children have been part of it. It is a combination of culture, music and language, and the whole thing is a fine experience. The Scottish Arts Council has been very good about backing it.

We have a Gaelic-medium unit in my home town of Tain. Mhairi Forbes, a lassie in my daughter's class, in sixth year, is a beautiful Gaelic speaker, one of the gems who is emerging at the end of the educational process. Her example proves that Gaelic-medium education really works. I can assure members that Mhairi's family was not Gaelic speaking.

I highlight the importance of getting the teachers that are needed into the profession fast. The Gaelic-medium unit in Tongue was in a spot of bother for some time, because of the lack of a teacher. I know that the minister recognises how

essential this is, but we must keep the teachers coming forward. Perhaps we could encourage people to switch professions.

The minister described Gaelic as a precious jewel within the heart and soul of Scotland, and that is very true. I am glad that the minister has done what he has done, and I congratulate him on that. However, if we do not put our shoulder to the wheel—if we do not put our money where our mouth is—it will be not much better than speaking the New Guinean language in a storm.

**The Deputy Presiding Officer:** I call Jamie McGrigor to wind up on behalf of the Conservative party.

16:44

**Mr Jamie McGrigor (Highlands and Islands) (Con):** Tapa leibh a Chinn Comhairle. Rinn ochd bliadhna deug de na Tòraidhean feum do-labhairt do Chànan nan Gàidheal.

Presiding Officer, I was informing the Deputy Minister for Highlands and Islands and Gaelic that 18 years of Conservative Government were brilliant for Gaelic. I hope that, just for once, he will be good enough to acknowledge that, instead of lambasting the Tories as he normally does.

As Brian Monteith has said, the situation that we inherited in 1979 was dire. He has given the figures—£12.5 million represented a 7,500 per cent increase on what had been invested before. We gave the original £8 million that kick-started a success story. An industry has developed in the Highlands and Islands, and along with many Gaelic television production companies has come an expansion into information technology provision. The Gaelic base, financed in many cases by work that has been generated by that £8 million, has allowed those companies to expand into editing, business, IT functions and technology jobs, many of which are based in homes throughout the islands. If those organisations have a firm base, they will feel more confident about undertaking new ventures.

Protecting and promoting the great Gaelic language and culture means protecting and promoting the people from whom it comes. I was horrified to hear a prediction that the population of the western isles will decrease by 14 per cent over the next 10 years. That would be a disaster for Gaelic. The Government must do all that it can to support the fragile economy and reverse that worrying trend. Good investment in Gaelic is one way of doing that, but just to maintain the present number of Gaelic speakers, we need to increase the number of Gaelic students five times over. It is vital that we increase the level of investment in Gaelic education.

We need continued education in the Gaelic medium and a continuation of the grants that were started by the Conservative Administration for the making of Gaelic television programmes. I will go further and call for a dedicated Gaelic TV channel. Gaelic needs the chance to survive against the other strong cultures that enter our households through television. Far too many of today's Gaelic programmes do not begin until long after midnight. That is surely a waste of money, as so few people see them, especially the young people whom we are trying to encourage.

We must never forget the wonderful work that is done by the Gaelic radio stations. We should ensure that BBC Gaelic radio can be picked up everywhere in Scotland. At the moment, there are some black spots where it cannot be heard very well.

Encouragement of the young is vital. In Galway, Connemara, there are shops full of books written in Gaelic, which are bought and read in particular by the young. We should examine the success that the Irish have had in protecting their Gaelic and take note of their methods. We should also look to Wales, where Welsh was awarded equal validity with English in 1993. We should give Gaelic that kind of secure status in Scotland and give parents the right to have their children taught in Gaelic. In that way, we could establish a firm foundation for Gaelic within our society.

There is a huge tradition of Gaelic poetry and song, which is history that we should be proud of and nurture. There are great poets from the past, such as Duncan Ban Macintyre of Argyll, whose eulogy to Ben Dorain will never be forgotten, and others, such as Alexander Macdonald from Dalallie in Moidart, who wrote the famous poem "The Birlinn of Clanranald". There was also William Ross from Skye, and the great Sorley Maclean, who sadly died in Taynuilt last year. We also have modern bands that do a great job for Gaelic, such as Capercaillie and that other wee band, Runrig, which is not doing too badly either, although heaven knows who buys its records.

I cannot emphasise enough the importance of Gaelic. Gaelic is different and has bred different values. Things such as silent Sundays in Stornoway or guga hunting from Ness appear as peculiarities to us, but are quite normal to the inhabitants of those areas. The Parliament should respect local traditions. Traditions and traditional industries are vital and have helped to inspire our culture. The new industries will undoubtedly do so too, because culture stems from what a person hears, sees and does.

At the beginning of this century, children were forbidden to speak Gaelic, their native language, in the school playground. Language is the basic fabric of our culture and we owe past generations

a debt. We can now repay that debt in part through our support for Gaelic.

There are many Gaelic songs, for example, about waulking the tweed; I look forward to hearing a new Gaelic song on hacking the computer before too long.

Let all parties in the Parliament work together for the benefit and future of Gaelic. Let us push for a dedicated Gaelic school at Tollcross, in our capital. If that school started with fewer than the 90 pupils who seem to be required, interest in the subject would soon increase that number. Such recognition of Gaelic in Edinburgh would further unite the highlands and lowlands of this fabulous country and give our young people a great sense of pride in their famous history.

**The Deputy Presiding Officer:** I call Mike Russell to close the debate for the Scottish National party. I believe that Mr Russell will address some of his remarks in Gaelic.

16:50

**Michael Russell:** Presiding Officer, I will make very few remarks in Gaelic. I have not quite run out of Gaelic, but I suspect that the patience of the native Gaelic speaker will have run out with my Gaelic, particularly as this debate is being broadcast live on Radio nan Gàidheal. I will be brief.

I am grateful to Lewis Macdonald for acknowledging that my history was correct. However, the information was prepared by the people who work with me. I think that all the parties have dedicated teams who have an enthusiasm for Gaelic and who wish to ensure that Gaelic does well.

However, before this debate ends, it is appropriate to pay tribute to those who are not with us. In particular, I think of the late Donnie Stewart, who was MP for Western Isles. I am glad that members showed that appreciation for him, as, on several occasions, Donnie tried to introduce a bill to give official status to Gaelic in the House of Commons. He spoke in Gaelic in the House of Commons and was constantly rebuked by the Speaker. Thank goodness that we live in more enlightened times.

I also want to pay tribute to Margaret Ewing, who tabled an amendment to the Scotland Bill to allow debates with simultaneous translation, such as this debate, to take place. Indeed, it was a concession, after Margaret's prompting, that allowed us to have this debate today.

There is a phrase in Gaelic, "mì-rùn mòr nan Gall", which means "the southerner's great hatred". I hope that the speeches that we have heard today address some of the wrongs that

have been done. Many of the attitudes that existed elsewhere in Scotland created great difficulties for Gaelic, as we have heard again and again. The minister was right to say that the great step forward has been the absence of malice.

But that is not enough. We must build on the good will that is found both in this Parliament and among many people in Scotland, to ensure that, as Cathy Peattie rightly said, all Scotland's languages flourish. That should apply not only to Gaelic, Scots and English but to Pakistani languages such as Urdu and others such as Mandarin Chinese.

We must redress the balance and invest in the future of Gaelic. Actions speak louder than words, and I am grateful for the actions of this Executive and for those of the Conservative Government, which I very rarely praise.

**The Minister for Children and Education (Mr Sam Galbraith):** Why break the habit of a lifetime?

**Michael Russell:** Sam Galbraith knows that the Tories always become over-excited when praised, because it happens so rarely. On this one occasion, I pay tribute to them, and to Malcolm Rifkind in particular, for their investment in Gaelic. However, I am afraid that one swallow does not make a summer. The Tory amendment is nonsense and was lodged only to try to dress opted-out schools in Gaelic clothing. I hope that all members will reject it.

This Administration faces the great responsibility of investing in the future of Gaelic. Those of us who met the representatives of Sabhal Mòr Ostaig this morning know that resources will make the difference. A start has been made, but more must be done. We will return to Gaelic as the Standards in Scotland's Schools etc Bill progresses.

It is appropriate for me, in closing, to repeat the remarks that I made in Gaelic in my opening speech. We praise the minister for securing this debate today. Certainly, we praise the Executive—*[Interruption.]* That praise is also unusual, Mr Galbraith, but today is an exceptional day for kindness—*[Interruption.]* I must admit that the sight of Mr Galbraith blowing kisses at me is one of the most frightening things I have ever seen. I hope that it was picked up by the cameras. Perhaps it happened because I no longer have a beard—twice in one day, too. I will not take my eyes off him.

We praise the Executive and will support what it is trying to do. However, it is our duty as an Opposition to continue to press constructively for further investment and development in Gaelic. I look forward to working with the Executive and with all members of this Parliament to secure a place for Gaelic and to ensure that it lives on in



Scotland.

16:54

**Mr Morrison:** Tapa leibhsa, Ceann Comhairle. Chan eil fhios agam dè bhios agam ri dhèanamh airson mo charaid Sam Mac Ille Bhreatanaich agus an trom ghaol a tha eadar e fhèin agus Micheal Russel air tighinn am bàrr an-diugh ach, co-dhiù, bheir mi taic do Mhaighistir Mac Ille Bhreatanaich a-mach às an t-seòmar ma tha e ag iarraidh a leithid a thaic. Tha mi a' smaoinichadh gun robh an-diugh, mar a thuirt iomadach duine, math, eachdraidheil a-thaobh na cànan agus gu h-àraid a thaobh na Pàrlamaid a chaidh a stèidheachadh dìreach bho chionn beagan mhiosan. Lem fhaclan tòiseachaidh chuir mi fàilte air ar caraid, Ard Chonsalach na h-Eirinn Dan Mullhall. Bu toigh leam cuideachd, le ur cead, Ceann Comhairle, fàilte a chur air sgoilearan bho air feadh na dùthcha, sgoilearan a tha a' frithealadh aonadan Gàidhlig, tha mi a' tuigsinn à Dun Eideann, à Glaschu agus tha mi a' tuigsinn cuideachd à Lannraig a Deas agus Lannraig a Tuath. Ge bith co às a tha iad, tha sinne mar is tric' agus minic mar a bhios sinn, a' cur fàilte air a' chloinn sin.

A' tionndadh a-nis gu fiosrachadh a thàinig dìreach bho chionn beagan mhionaidean, agus tha mi gu mòr an comain mo charaid Brian MacUilleam, Ministear na Stàite.

*Following is the simultaneous interpretation:*

I do not know what I would have to do to deserve the same love from Sam Galbraith that he has shown to Mike Russell. If he needs my assistance, I will be happy to help Sam out of the chamber.

This debate has been a historic landmark in the language, happening as it did so soon after the Parliament was set up. I thank Dan Mulhall for attending today's debate, and I also thank the children from Tollcross primary school and from north and south Lanarkshire who are here. We always welcome children to the gallery.

I turn now to some information that I received a couple of minutes ago from my colleague Brian Wilson. I have recently learned that the British Government—

**The Deputy Presiding Officer:** Mr Morrison, we appear to have lost the translation. Perhaps you can help us out.

**Mr Morrison:** Until the temporary glitches are fixed, I will be happy to continue in English.

I am grateful to my friend Brian Wilson, Minister of State at the Scotland Office. He informs me that, in Strasbourg, the UK Government has today signed the European charter on regional and

minority languages, and that Gaelic will be specified in part 3 of that charter. That announcement was made in both Houses of Parliament this afternoon.

That is welcome news—please excuse me, Presiding Officer, I am trying to translate from my Gaelic notes.

**The Deputy Presiding Officer:** The interpretation system is now working, minister.

**Mr Morrison:** Thàinig fiosrachadh gu bheil Riaghaltas Bhreatainn air an ainm a chur ri Charter Eòrpach airson na Mion Chànain. Tha mi a' tuigsinn bho Mhaighistir MacUilleam gun deach sin ainmeachadh an-diugh ann an dà thaigh na Pàrlamaid ann an Lunnain agus 's e naidheachd dha-rìribh a tha sin. Tha e a' dearbhadh a-rithist mar a tha an Riaghaltas, an dà chuid ann an Westminster agus a bhos a-seo, a' cur taic ri mion-chànain na dùthcha.

A thaobh an eadar-thangachaidh, chuir e beagan ioghnaidh orm a bhith a' faicinn aon de na Buill Tòraidheach fiù 's fhad 's a bha Beurla ga bruidhinn gu robh e a' cumail clogaidean nan cluasan air. Sin agaibh Maighistir Johnstone ach 's dòcha gum faigh sinn freagairt bhuaidhe a-rithist mu dheidhinn sin.

Thog fear dhe na Buill, Lewis Dòmhnallach, puing dha rìribh agus bu toigh leamsa mo bheachd a chur ris na thuirt e. Dh'ainmich e athair, nach maireann, an t-Urramach Ruairidh Dòmhnallach, a bha na shàr ghaisgeach ann an saoghal na Gàidhlig. Dh'eadar-theangaich Maighistir Dòmhnallach a h-uile lide a sgrìobh Burns, am bàrd nàiseanta, gu Gàidhlig agus 's e obair ionmholta dha rìribh a bha sin.

Thog Maighistir Dòmhnallach puing a bha cuideachd cudromach a' sealltainn mar a tha sinn air adhartas a dhèanamh sna bliadhnan a tha air a dhol seachad. Sin agad gu bheil roghainn aigesan a-nis fuireach ann an Obar Dheathain, a phàisde, nach eil ach dà bhliadhna dh'aois, a chur a dh'ionnsaidh cròileagan Gàidhlig.

A' tionndadh gu beachdan a nochd a Bhean-phòsda Ewing, tha mi ag aontachadh leatha gu mòr leis na thuirt i mu dheidhinn a' Chomuinn Ghàidhealaich agus am piseach agus an taic a thug iad dhan chànain thairis air a' cheud bliadhna a dh'fhalbh. Tha mi cuideachd ag aontachadh rithe a thaobh a bhuannachd a tha co-cheangailte ri dà-chànanas.

Bu toigh leam cuideachd 's dòcha rud a thaobh eachdraidh na togalaich seo a cheartachadh. Tha mo charaid, Iain Fearchar Rothach, mar Ghàidheal, agus Gàidheal gleusda cuideachd, air cliù a chosnadh dha fhèin mar neach a labhair a' chiad briathran Gàidhlig anns a' Phàrlamaid seo. Chan eil sin fìor a Cheann Comhairle. 'S i mo

bhana-charaid Seonag NicLaomain à Pollock a labhair a' chiad facal Gàidhlig sa Phàrlamaid seo.

Thog Seonag NicLaomain puingean cudromach a thaobh baile Ghlaschu agus mar a tha an dà choimhearsnachd an sin, na Gàidheil agus a' bhuidhe a thug sinn air a' bhaile mhìorbhailleadh a tha sin agus tha sinne mar Riaghaltas a' dèanamh gu leòr airson feuchainn ri coimhearsnachd na Gàidhlig, na Gàidheil, a tharraing còmhla agus cuideachd ann an ionad a tha mi an dòchas a bhios suidhichte an-sin ann a dhà na trì bhliadhnaichean far am bi na Gàidheil agus cuideachd Gàidheil na h-Eirinn a' tighinn còmhla oir tha ceangal cho làidir agus cho domhainn.

Nis, a' tionndadh gu briathran a thog mo charaid Jamie Stone. A h-uile turas a tha Jamie Stone ag èirigh gu chasan, feumaidh e innse dhan Phàrlamaid gu bheil gnìomhachas gruth aig a' bhràthair. Tha mi toilichte innse dha na Buill a bha trang agus nach b' urrainn a bhith an làthair tron deasbad air fad, gun do rinn Maighistir Stone sin ann an cànan nan Gàidheal.

Thog Maighistir Stone puing chudromach cuideachd—gainnead luchd-teagaisg. Tha sinn ag aithneachadh sin oir tha sinn a' cur cudrom mhòr air foghlam tro mheadhan na Gàidhlig. Tha sinn ag iarraidh a bhith a' faicinn leasachaidhean a' cumail a' dol a thaobh na Gàidhlig. Tha sinn air barrachd airgid a chur an-sàs airson cothrom a thoirt do luchd-teagaisg anns na h-àrd sgoiltean gu sònraichte, a' dèanamh cinnteach gu bheil iad air an uidheamachadh airson cuspairean a theagasg tro mheadhan na Gàidhlig. Bho chionn trì mìosan bha mi thall ann am Bail' Ath Cliath agus thadhail mi air àrd-sgoil Gàidhlig anns a' bhaile sin. Ochd ceud sgoilear, agus a h-uile cuspair ga theagasg tro mheadhan na Gàidhlig. Sgoil dha-rìribh agus, aon latha, sin an rud air am bu chòir dhuinne a bhith ag amas air ann an Alba. Bheir e ùine, ach tha aon rud cinnteach, tha Riaghaltas againn a' gluasad a dh'ionnsaigh a' chinn-uidhe sin.

A-rithist, thog Seòras Reid puingean chudromach, a' ràdh gu bheil Gàidhlig cudromach mar chànan. Tha sinne air soighnichean Gàidhlig agus dà-chànanach a chur mu thimcheall na Pàrlamaid seo. Tha sin mìorbhailleadh. Ach an-diugh, Ceann Comhairle, tha sinn air sin a thoirt ceum nas fhaide agus, gu dearbh fhèin, tha mi a' toirt làn thaice dha na beachdan a nochd mo charaid Seòras Reid.

*Following is the simultaneous interpretation:*

That makes things a little bit easier for me. Today's announcement is great news and confirms that the Government, in Westminster and here, supports minority languages in Scotland.

It puzzled me to see Alex Johnstone of the Tory party with his earphones on, even when there was

no translation to be heard.

Lewis Macdonald made a significant contribution, and I would like to add to what he said. He mentioned his father, the late Rev Roddy Macdonald, who was a hero in the Gaelic world. Mr Macdonald translated into Gaelic every poem that Robert Burns ever wrote. Lewis Macdonald also talked about how we have progressed over the years so that his own child now has the chance to benefit from Gaelic-medium education.

I agree with what Winnie Ewing said about An Comunn Gàidhealach and how it has supported the language during the past 100 years. I also agree with her views on the advantages of bilingualism.

I would also like to clear up a point about the history of this building. John Farquhar Munro is credited with speaking Gaelic for the first time in this Parliament, but it was my friend Johann Lamont, the member for Glasgow Pollok, who did so. She made some important points about Glasgow and the great impact that highlanders have had on that beautiful city. We are trying to create a Gaelic community there and I hope that our plans will come to fruition with the opening in a few years' time of a new Gaelic centre.

With regard to what Jamie Stone said, every time Jamie rises to his feet, he has to tell everybody that his brother has a crowdie-making company. I would like to tell Parliament and those who are busy and could not be here for the whole of the debate that he said it in Gaelic also. He made an important point about the dearth of Gaelic teachers. We acknowledge that. We are placing great emphasis on Gaelic-medium education, and we want those developments to be enhanced. I wish to provide more money so that teachers in secondary schools are properly prepared to teach subjects in Gaelic. A short while ago, I was in Dublin. I went to a school with 800 pupils, in which every subject was taught in Gaelic. It is an exceptional school. That is what we in Scotland should be aiming for. Our Government is moving towards that.

George Reid made a few important points. Gaelic is important as a language. We have bilingual signs in the Parliament, which is great, but today we are going a step further. I fully support what George Reid said.

**Maureen Macmillan (Highlands and Islands) (Lab):** Tha thu na do dhuine òg is àlainn.

*Following is the simultaneous interpretation.*

Alasdair is a lovely young man.

*The member continued in English.*

Does the minister welcome the setting up of a cross-party Gaelic group to promote the

language? I believe that we have enough cross-party support for such a group, but I hope that more members will indicate that they will join.

**Mr Morrison:** 'S e a' chiad rud a dh'fheumas mi fàilte a chur air—na ciad bhriathran a labhair a' bhean-phòsda Nic a' Mhaolain. Tha mi gu dearbh a' cur fàilte air an naidheachd gu bheil tòrr Bhuill a-nis, bho gach pàrtaidh, a' tighinn còmhla agus tha mi a' cur meal-an-naidheachd air a' bhean-phòsda Nic a' Mhaolain airson a' ghlaudas sin a dhèanamh.

Mar a thuirt mi, Ceann Comhairle, tha mi ag iarraidh a-nis tionndadh, anns a' mhionaid mu dheireadh, gu prìomh chuspair ar seanachais an-diugh agus ann am faclan crìochnachaidh, a thaobh foghlaim gu sònraichte. Tha mise, Ceann Comhairle, a' toirt cuiridh do gach neach tuilleadh fiosrachaidh a shireadh mu fhoghlam tro mheadhan na Gàidhlig. Tron fhiosrachaidh sin chì iad gu bheil Gàidhlig ùrail, inntinneach, fosgailte, fialaidh agus feumail. Chì iad nach eil doilgheas no bacadh sam bith an cois dà-chànanas is ioma-cànanas. Ceann Comhairle, tha nighean bheag agamsa, Ceitidh, agus chan eil i ach beagan is bliadhna dh'aois. Chan eil i, mar a dhùilicheadh sibh, uamhasach fileanta ann an cànan sam bith fhathast. Ach 's e mo làn dhòchais, ma bhios i air a cùnadh, gum bi Gàidhlig is Beurla aice agus, tha mi 'n dòchas, cànanan eile cuideachd nuair a dh'èireas i suas. Bhithinn an dòchas gum biodh iomadach leanabh eile aig am biodh an aon chothrom.

Ceann Comhairle, tha bruach cas againn ri dhìreadh, ach tha seann fhacal againn ann an Gàidhlig a tha radha gur e anail a' Ghàidheil am mullach. Ceann Comhairle, tha e a' toirt tlachd dha-rìribh dhòmhsa a bhith, às leth an Riaghaltais, a' gluasad a' mholaidh seo.

*Following is the simultaneous interpretation:*

I welcome Maureen Macmillan's first words. I also welcome the news that members from different parties are coming together for the cross-party group.

I wish to address the main points of our debate today. With regard to education, I invite everyone to seek more information about Gaelic-medium education. Through that information, they will see that Gaelic is vibrant, exciting, open, genial and useful. They will see that there is no threat or obstacle from bilingualism or multilingualism. I have a wee girl, Katie, who is little more than a year old. So far, she is not terribly fluent in any language, but she will have Gaelic and English and, I hope, other languages when she grows up. I hope that many other children will have the same opportunity.

The Gael will not rest until he reaches the summit. It has been a great pleasure for me, on

behalf of the Government, to move the motion.

## Decision Time

17:04

**The Deputy Presiding Officer (Mr George Reid):** There are five questions to be put as a result of today's business. The first is, that amendment S1M-610.1, in the name of Mr Jim Wallace, which seeks to amend motion S1M-610, in the name of David McLetchie, on the European convention on human rights, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Dewar, Donald (Glasgow Anniesland) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 MacLean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McLeish, Henry (Central Fife) (Lab)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)

Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Campbell, Colin (West of Scotland) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Harper, Robin (Lothians) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Mr Alex (Banff and Buchan) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Wallace, Ben (North-East Scotland) (Con)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 60, Against 43, Abstentions 0.

*Amendment agreed to.*

**The Deputy Presiding Officer:** That amendment being agreed to, the second question falls, so we will move to the third question. The question is, that motion S1M-610, in the name of David McLetchie, on the European convention on human rights, as amended, be agreed to. Are we all agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**FOR**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Dewar, Donald (Glasgow Anniesland) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Lamont, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 MacLean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McLeish, Henry (Central Fife) (Lab)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Mundell, David (South of Scotland) (Con)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Young, John (West of Scotland) (Con)

**AGAINST**

Aitken, Bill (Glasgow) (Con)  
 Canavan, Dennis (Falkirk West)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 McGregor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Wallace, Ben (North-East Scotland) (Con)

**ABSTENTIONS**

Adam, Brian (North-East Scotland) (SNP)  
 Campbell, Colin (West of Scotland) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGugan, Irene (North-East Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Mr Alex (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 63, Against 14, Abstentions 25.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament notes that the obligation to comply with the European Convention on Human Rights (ECHR) has existed since 1951; appreciates that the Scotland Act 1998 together with the Human Rights Act 1998 will enable Scots to enforce their basic human rights in their own courts; notes that substantial training on the ECHR has been provided for the main justice agencies and that detailed guidance has been sent to public authorities; notes that the Scottish Executive will be considering the possibility of establishing a Scottish Human Rights Commission; and further notes that if it is considered necessary to do so, proposals for legislation will be brought forward in due course.

**The Deputy Presiding Officer:** The fourth question is, that amendment S1M-607.2, in the name of Brian Monteith, which seeks to amend motion S1M-607, in the name of Mr Alasdair Morrison, on Gaelic, be agreed to. Are we all agreed?

**Members: No.**

**The Deputy Presiding Officer:** There will be a division.

**For**

Aitken, Bill (Glasgow) (Con)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (South of Scotland) (Con)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Wallace, Ben (North-East Scotland) (Con)  
 Young, John (West of Scotland) (Con)

**AGAINST**

Adam, Brian (North-East Scotland) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Dewar, Donald (Glasgow Anniesland) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 MacLean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)

McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robison, Shona (North-East Scotland) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Mr Alex (Banff and Buchan) (SNP)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 17, Against 87, Abstentions 0.

*Amendment disagreed to.*

**The Deputy Presiding Officer:** The fifth question is, that motion S1M-607, in the name of Mr Alasdair Morrison, on Gaelic, be agreed to.

*Motion agreed to.*

That the Parliament welcomes the Scottish Executive's programme of action in support of the Gaelic language, in particular its support for Gaelic-medium education; recognises the cultural, economic and social contribution of Gaelic to Scotland; supports the Scottish Executive's participation in the Columba Initiative (Iomairt Chaluum Chille) to strengthen the links between the Gaelic-speaking communities of Scotland and of Ireland, and commends the work of local authorities, schools, colleges, universities and voluntary bodies in making available Gaelic-medium education at all levels from pre-school to tertiary and continuing education and in promoting the Gaelic arts.

Gu bheil Pàrlamaid na h-Alba

a' cur fàilte air iomairt Riaghaltais na h-Alba airson taic a chur ris a' Ghàidhlig, gu h-àraid an taic a tha a' toirt do fhoghlam tro mheadhan na Gàidhlig;

a' gabhail ri luach cultarail, eacononmach agus sòisealta

na Gàidhlig do dh'Alba;

a' cur taic ris a' phàirt a tha Riaghaltas na h-Alba a' gabhail ann an Iomairt Chaluim Chille gus na ceanglaichean a neartachadh eadar coimhearsnachdan Gàidhlig an Alba agus an Eirinn; agus

a' moladh na h-obrach a tha ùghdarrasan ionadail, sgoiltean, colaistean, oilthighean agus buidhnean saor-thoileach a' dèanamh airson foghlaim tro mheadhan na Gàidhlig a thairgse aig gach ìre ro-sgoile gu treas-ìre agus foghlam leantainneach agus airson a bhith a' leasachadh nan ealan Gàidhlig.

**Trish Godman (West Renfrewshire) (Lab):** On a point of order. Can we thank the girls who did the interpretation?

**The Deputy Presiding Officer:** On behalf of the whole chamber, I thank the interpreters.

## Grampian Television

**The Deputy Presiding Officer (Mr George Reid):** The final item of business today is a members' business debate on motion S1M-474, in the name of Richard Lochhead, on Grampian Television. The debate will be concluded, without any question being put, after 30 minutes.

*Motion debated,*

That the Parliament recognises the contribution made in the past by Grampian Television to the regional identity of the North East of Scotland and to the social cohesion of the diverse communities it services; notes the threat posed to the station by the Scottish Media Group's proposals on reorganisation of its regional production department, which involve the shedding of jobs and a cut in pay levels; supports the high standard of regional broadcasting and the dedicated work of broadcasting professionals whose livelihoods are now under threat, and urges the Scottish Executive to state publicly its support for regional broadcasting.

17:10

**Richard Lochhead (North-East Scotland) (SNP):** I begin by thanking all the MSPs who have stayed behind for the debate and everyone who has signed the motion, which attracted the support of nearly a quarter of MSPs—that shows the strength of feeling on the subject matter.

One of Scotland's key strengths is its cultural diversity. Thankfully, down the years, the media in Scotland have recognised that. Regional identity is particularly important in north and north-east Scotland. Again, that is reflected in the local media, the local commercial radio stations—of which there are many—in the very successful regional press and, of course, in television.

Just up the road from where I live in Aberdeen are the city's BBC studios, while just up the road and round the corner are the Grampian Television studios. In my case, regional broadcasting is a subject that is close to home. I therefore had no hesitation in lodging the motion once it was clear that, since the merger in 1997, the Scottish Media Group has been allowing Grampian Television to wither on the vine.

There are 1.1 million people in the Grampian region—that includes the cities of Aberdeen and Dundee and a rural area the size of many European countries. Until the merger in 1997, Grampian Television played its role in reflecting local concerns and culture in the area. However, since the merger, the management in Glasgow simply refers to Grampian Television as "the Aberdeen office".

Members may have noticed a glossy advertising campaign earlier this week by the Scottish Media Group, which confidently proclaimed:

"You will just love the changes at Grampian."

Perhaps we can bring the management at the Scottish Media Group back down to earth this evening.

Many people are unhappy with the changes that are taking place at Grampian Television. What was regarded as an excellent and loyal work force has been undermined by a management in Glasgow that is obsessed with cutting costs to maximise profits. The last straw happened recently, when two out of three of the producer-directors—the core programme makers in Aberdeen—were issued with redundancy notices. On top of that, there is a threat to pay levels throughout SMG, both at Scottish Television and at Grampian Television. We are now at the stage where both stations are on the brink of industrial action.

Other changes that we do not like include the massive decline in regional programming. That is illustrated by comparing this week's television schedules in Grampian with pre-merger schedules. If we look down this week's list of scheduled programmes, we find "Grampian Headlines"; the excellent news magazine programme, "North Tonight"; and the weather. There are two co-production programmes in this week's list, both of which are made in Glasgow, and "Walking Back To Happiness", a repeat of a programme made before the merger.

If we compare that to a week in, say, November 1996—a few months before the merger—we find not only some of the programmes I have already mentioned, but "The Birthday Spot"; "The River"; a documentary on the A9 mystery; "North Tonight Special"; "Walking Back To Happiness", which was not a repeat back then; "Crossfire"; a Gaelic magazine programme; "The Art Sutter Show"; and so on. All those programmes cover a wide range of topics, from light entertainment to politics and current affairs. That massive decline in regional programming is a change we do not like.

Another change we do not like is the tricks of the trade that the Scottish Media Group is using to massage the figures, so that it can say to the Independent Television Commission that it is achieving its targets. Those tricks of the trade include catch-all programming, when it produces a magazine programme such as "Grampian Weekend". It is not a bad programme in itself, but slotting five minutes of arts, five minutes of politics, five minutes of light entertainment and so on into that programme—rather than producing in-depth programmes on those issues—helps SMG to achieve its targets.

Another trick of the trade we do not like is the captions of convenience. What is happening is incredible. To help the Scottish Media Group

achieve its targets, captions are swapped between Grampian Television and Scottish Television, sometimes halfway through a series. "The Week in Politics" is captioned by Grampian, but produced and directed from Glasgow. How on earth is it a Grampian regional programme? "High Road" is called a co-production. It, too counts towards the targets. It carries both the STV and Grampian logo, but it is made in STV's area using STV staff. How on earth is that a Grampian programme? SMG, of course, says that it sends a cheque to help pay for the programme, but I do not think that the ITC will swallow that one.

The truth is that SMG has an atrocious record at Grampian. Many of the promises on the original licence application have been broken. I will give just one of many examples. Under "Scottish Celebrations" the application said:

"Grampian will mark with music, arts and entertainment programmes such special Scottish occasions as Hogmanay when it mounts a major outside broadcast to welcome the New Year at a location in the transmission area."

That has not happened since SMG took over. We have had the ridiculous situation in which there was not one camera out and about in Grampian's area during the millennium celebrations. That was not the case elsewhere in the SMG area.

The agreement was also broken because SMG was not meant to reduce the number of production staff in Aberdeen, but redundancy notices are on the desks of some core staff. SMG is happy to boast that it made a £50 million profit last year, but at the same time there are job cuts and cuts in pay. SMG is clearly turning its back on the sector that helped to build the group in the first place and which helped to make the profit that makes many people in SMG very rich.

SMG argues that it wants to move with the times—that is fair. If, however, Grampian Television does not make local programmes in that area, nobody will.

Parliament must send messages to three places. The first must go to the SMG boardroom. If the board is losing interest in television, it must let someone else take over independent television broadcasting in Scotland. If it wants to keep television broadcasting, it must drop its planned redundancies and pay cuts and restore programming to its pre-merger levels.

The second message must go to the ITC. The Scottish National party welcomes the commission's investigation of SMG, but if it finds SMG guilty, the ITC must use its full powers against the group—it must not give the group any more chances. Let us bring this sorry episode to an end.

Finally, we must send a message to the Scottish Executive. It is, to say the least, regrettable that



Parliament does not have the power to make laws on broadcasting. This and many other issues highlight why that must change—broadcasting must come within the remit of the Scottish Parliament. I welcome the First Minister's warm words regarding the ITC and SMG's obligations at a recent question time, but warm words are not enough. I hope, however, that when the minister closes the debate he will come with warm words, but also with a commitment that the Executive will do what it can to save jobs at Grampian Television, to improve pay at STV and at Grampian and to protect regional broadcasting in Scotland. We need commitment to action, not just warm words.

17:18

**Lewis Macdonald (Aberdeen Central) (Lab):** I am glad that Richard Lochhead has secured this debate. I want to expand on what he has said about the historical contribution of Grampian Television to the regional identity of the north-east and the Highlands and Islands. One of the features of Grampian has been its decentralised nature. That reflects the fact that the transmission area is not one, but several distinct regions in Scotland.

When STV merged with Grampian two years ago, the former was already thoroughly centralised in Glasgow. In contrast, Grampian Television still has studios in each of the three main regions that it serves; it has studios in Aberdeen, Inverness and Dundee. It also has a studio in Stornoway. The maintenance of that structure is written into the merger agreement of November 1997, which was signed by SMG and the ITC. The agreement was designed to maintain not only Grampian Television's separate nature, which distinguishes it from STV, but its devolved character.

The merger was a bringing together of two kinds of company—a centralised company serving the central belt and a devolved one serving the disparate regions of the north of Scotland. It was clear that the merger would either strengthen the diversity of regional broadcasting in Scotland or diminish it. SMG freely undertook the responsibility to ensure that, at the very least, there would be no loss of diversity in the Grampian transmission area.

As has been said, the evidence is that SMG has moved in the opposite direction. Members will know that representatives of the company attended yesterday's meeting of the Education, Culture and Sport Committee to give an account of their stewardship of the north of Scotland franchise for channel 3 independent television. The evidence that they gave did little to allay the fears of the committee.

In particular, company representatives were pressed on what they meant by co-production and co-commission, an issue that lies at the heart of whether Grampian is still genuinely producing programmes of its own. Instead of volunteering explanations, the chairman of the board suggested that such definitions were not a matter for him, but for the ITC—he suggested that we ask that organisation. Perhaps we will.

I suggest that there is a choice to be made in independent channel 3 broadcasting. A company can either go down the road of becoming more like the opposition—quiz shows, game shows and so on—or it can play to its greatest strength, which is the fact that it was founded for regional television broadcasting. I urge the Parliament to support the motion and call for SMG to go down the road of regional broadcasting.

17:21

**Alex Johnstone (North-East Scotland) (Con):** I, too, take this opportunity to thank Richard Lochhead for securing this debate and for the work that he has done to highlight the issues surrounding Grampian Television. However, I would also like to use this opportunity to take a long-term perspective, holding up the record of Grampian Television as something that we would wish to preserve.

I have lived in the Grampian Television area all my life—I do not care to say for how long I have been a viewer. I remember Grampian Television in the middle of the 1960s, when it was a black-and-white service. We must remember that at that time it worked very hard to fulfil its cultural remit. It was at the forefront of promoting the interests of the Scots language and the north-east tradition; it promoted poetry, song, music and all the other prominent aspects of traditional north-east culture at that time.

We have just spent a whole afternoon talking about Gaelic. Grampian Television has pioneered Gaelic broadcasting; it is to be highly commended for providing a Gaelic service for huge areas of Scotland. Although we might think of Grampian as being the smaller of the organisations that form the current Scottish broadcasting network, we would do well to remember that it covers two thirds of Scotland's geographical area and is therefore significant.

More recently, there has been excellent coverage of news and, above all, politics in the Grampian area. Grampian Television was happy to cover political issues that were relevant to specific areas in the north and north-east of Scotland. That must be under threat if the service is to become more centralised—based in and driven by Glasgow.

As Richard Lochhead pointed out, there have been attempts to bring new ideas to Grampian Television and new ways of fulfilling the requirement. Admittedly, one or two programmes are being made at the studios in Aberdeen that are rather revolutionary and pioneering. About three weeks ago, I was a guest on "Loud TV", which is a programme of interesting content and great quality. However, in no way does it reflect the tradition of regional broadcasting that Grampian Television has been famous for during the many years that it has transmitted programmes from the Aberdeen area. For that reason, I am even more inclined to agree with Richard and to encourage members to support the motion.

17:24

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I, too, welcome the opportunity to debate the issue raised by Richard Lochhead. I agree that there are major concerns in the north-east over the future direction of Grampian Television and the regional identity that it underpins. The impression is that there is a stampede to create international media giants and that the actions of the Scottish Media Group may endanger the essentially regional strength of the entire ITV network.

Staff at Grampian have raised serious concerns. I am aware that the unions claim that 160 workers have been targeted for pay freezes or cuts; the results of a strike ballot will be known on 17 March. I hope that the good offices of the Advisory, Conciliation and Arbitration Service, which I believe has just been called in, will help to address those concerns.

However, I am also aware that SMG has claimed that £3 million has recently been spent on upgrading Grampian Television studios; that more programmes are now being made in Aberdeen than ever before; that SMG is committed to different delivery to different parts of Scotland; that Grampian Television's audience share has increased since the merger; and that customers obviously like what they see. Those are the claims of SMG.

We must be careful in this debate not to get too carried away. We need to ensure that we are conversant with all the facts before we rush to judgment.

I want to emphasise that, yes, there are legitimate concerns over the way in which SMG is perceived to be threatening the regional identity of Grampian Television and, yes, the staff of Grampian Television have expressed legitimate concerns over their future job security and terms and conditions of employment. However, I

understand the need to accept commercial reality and the need to be in the vanguard of change in the media business.

**Lewis Macdonald:** Does the member accept that some of the hours of programming that have been advertised as being Grampian Television products are in fact programmes that are produced, cut and edited in cities other than those served by Grampian Television—that is, in Edinburgh and Glasgow?

**Mr Rumbles:** I was careful to stress that the claims that I mentioned were the claims of the media group itself. I was just saying that we need to be careful.

I want to stress that, as far as I am concerned, changes to staff terms and conditions should be made through negotiation and by making constructive use of services such as ACAS. Above all, SMG must not lose sight of the vital local public duty and responsibility that Grampian Television owes to the communities that it serves. Grampian Television's effective regional service—as Alex Johnstone suggests—must not be sacrificed in a rush to create a multinational, multimedia giant.

17:27

**Mr Lloyd Quinan (West of Scotland) (SNP):** I would like to talk about the broader issue of television broadcasting and, more important, television employment in Scotland. I am an ex-shop steward at Scottish Television and I was on the joint negotiating committee—when there was one. There is not one now, as I am sure Lewis Macdonald and Richard Lochhead are aware.

The key issue is this: our primary commercial broadcaster is in dispute with its employees—not for the first time in the past 10 years, but for the seventh time in the past 10 years. The reason for that is the arrogance of the current management of SMG, who were previously the management and board of STV and who took to heart Lord Thomson's phrase—once used in 1957—that STV was a licence to print money.

The current management wants two printers. That is clear from the £50 million profit that the company made last year. However, they want to cut salaries to what they term industry standards. The concept of industry standards was first introduced into STV negotiations in 1993 by the current transport minister, Lord Macdonald, who was unable to tell us exactly what industry standards were. As anyone who has worked in television knows very well, each individual, in effect, negotiates their own salary depending on which company they work for.

STV's attitude—which it has applied in

Grampian and which it has expressed in meetings with trade unions—is that there are 100 people out there who want each staff member's job. Television is so important, and people—including people in this chamber—are so impressed by it that they think, and this management believe, that any job, even any skilled job for which training is required, can be filled by people from the street.

I have to take issue with Alex Johnstone's view that "Loud TV" is a high-quality programme; any of the staff, who have many years of service in television, will say that it is a very low-quality programme.

**The Deputy Presiding Officer:** Mr Quinan, for a former shop steward, you are skating on ice that is a little thin. Perhaps in your concluding remarks you could come back to the regional issues raised in the motion.

**Mr Quinan:** Certainly. The key element is that SMG is Glasgow focused. It has run down its operation in Edinburgh; it no longer has a studio outside Glasgow; and it looks on Grampian as an irritation and an outstation office. That was its attitude during the negotiations and the merger, and has been its attitude ever since.

The fact is that jobs have been cut at STV, Grampian Television, *The Herald* and the *Evening Times*. I doubt whether the Executive can do much about issues such as employment or broadcasting as it does not have those powers. However, if the Parliament wants to take real action against SMG, all members should withdraw their co-operation from all areas of SMG until the current industrial dispute is settled to the satisfaction of the National Union of Journalists, the Broadcasting, Entertainment, Cinematograph and Theatre Union and the electricians union.

17:30

**Cathy Peattie (Falkirk East) (Lab):** I thank Richard Lochhead for raising this issue and welcome the opportunity to discuss it.

Although I want to avoid the issue of industrial action, I find it difficult to imagine the quality of programmes improving when a company makes its producers redundant. It is not enough to send a team to Aberdeen for the day to cover local stories and issues, because local people need to be involved in the production. The producers at Grampian knew the area, its politics and its interests. Furthermore, it is not enough to make a programme in Glasgow, to say that it is from Aberdeen and to give it a Grampian Television label.

Although I am not from the Grampian area—I am from the central belt—I am concerned that what is beginning to happen in Scottish

broadcasting could become more widespread. Programmes that claim to come from STV might in future be made by Granada Television. I am also concerned that a programme such as a game show can be called a Scottish programme.

As Alex Johnstone has pointed out, we have just been discussing the Gaelic language; we have already discussed the Scots language. Although this Parliament will be discussing many aspects of Scottish life, we are in grave danger of losing what we call Scottish broadcasting. I know that, with this issue, we are skating on the thin ice of what is a reserved matter and what the Parliament has the power to do. However, we have a right to examine the nature of Scottish broadcasting. It is important to ensure that Scottish broadcasting covers Scottish news and culture.

We must have our finger on the button. I am damned if I am going to wait until Scottish broadcasting disappears to Granada Television and beyond before I start shouting about it. We have to do something about this, and we have to do it now.

17:32

**Mr John Munro (Ross, Skye and Inverness West) (LD):** We have had quite a lengthy debate in a very short time and highlighted the issues that affect broadcasting in the north-east and north of Scotland. I have had a long association with and interest in the media and broadcasting in the Highlands, and I can attest to the support and well-being in that area for the Grampian Television group, Radio nan Gaidheal and the local radio stations. The fear is that we will lose one of the key players on the circuit—Grampian Television.

The ball started rolling some weeks ago when the staff were told that their jobs were at stake; some were made redundant and others were threatened with redundancy. The latest blow has been the removal of the Grampian Television logo from the screen, which is disappointing to say the least.

Centralisation of power is happening a lot these days. One might imagine that people would learn from their mistakes. The media in particular want everything to be centred in the larger cities, particularly London—and London's periphery certainly does not extend across the border.

We should ask the Scottish media for a kind of Grampian guarantee. If the media are to gain the support of the communities that they serve and to which they have a responsibility, they must give a guarantee about their commitment to the area and communities that have supported them over the years. Let us stop the centralisation, let us consider regionality and let us sustain the regions. SMG will be delighted with the response and

support it gets from communities and it will have a long-term future among us.

17:35

**The Deputy Minister for Children and Education (Peter Peacock):** I am glad to see that John Munro extended the Gaelic logic into this debate by having a long debate in a short time. His point is well made, however: the completeness of the consideration of the issues is clear, despite the fact that we had only a short time in which to debate them.

Like Alex Johnstone, Richard Lochhead and other members, I have a personal interest in this issue, having lived in the Orkney islands for quite a while and in the Highlands for 25 years. Grampian Television was the major source of much of the news coverage and entertainment that I saw. Such has been Grampian Television's success as a regional broadcaster that I had never heard of Lloyd Quinan before I came to the Parliament. I gather that he was famous in another quarter, but we were quite insulated from that—some people may regard that as a particular privilege.

I listened with great interest to Richard Lochhead and supporters of the motion, who come from all parties, which is significant. I also welcome the measured tones in which Richard Lochhead and others addressed the issue, which indicates that this is not a matter to which people attach any party advantage, but about which they have genuine concerns.

There are a number of concerns about Scottish Media Group's running of its two television franchises, Scottish Television and Grampian Television. The Executive is, naturally, interested in any evidence that suggests that viewers in Scotland are not receiving the quality of service they expect. In particular, we are interested in the specific regional interest, which the viewing public and members of the Parliament expect and want to continue.

I am pleased that Richard Lochhead referred to the north and the north-east. The motion refers to the north-east, but for people in Inverness the north-east is somewhere quite different from where it is for people in Dundee or Edinburgh. It is important to reflect on the inclusive nature of the Grampian area.

I want to pick up on a number of specific points that have been made. The industrial dispute was raised by Lloyd Quinan in particular, and by Richard Lochhead and Mike Rumbles. It is clear that Scottish Media Group is in an industrial dispute with the unions, especially BECTU, about terms and conditions of employment, particularly of staff in the production departments. SMG has

proposed a number of redundancies.

Members will appreciate that, from the Executive's point of view, the detail of the dispute is an internal matter of a private company, in which we have no intention of becoming involved. BECTU and the other unions involved in the dispute are more than capable of representing their members' interests and articulating their views. Indeed, one of the reasons we are having this debate is the unions' success in bringing the matter to public attention.

Our concern is principally the programmes transmitted by SMG and by its Grampian Television operation in particular. Richard Lochhead and one or two other members referred to the licence conditions and the agreements struck between Scottish Media Group and the Independent Television Commission on the running of Grampian Television.

Richard Lochhead used terms such as "tricks of the trade" and "massaging figures" to describe what Scottish Media Group is doing. I stress that those were his words. Ultimately, the decision on whether Scottish Media Group, as the licence holder, is in breach of the conditions will determine how the issue progresses. That is a matter for the Independent Television Commission which, I understand, has received a number of formal complaints. I have no doubt that careful note will be taken of this debate.

The ITC was set up to license and regulate all commercial television in the United Kingdom and operates under the Broadcasting Act 1990 and the Broadcasting Act 1996. It therefore has a duty to ensure that a wide range of television services is available throughout the UK, that the services are of high quality—it has been implied that current services are not—and that the services appeal to a variety of tastes and interests.

When SMG took over Grampian Television, it took over responsibility for the requirements under the licence. Grampian's regional commitments were in fact increased in the light of the merger. Richard Lochhead alluded to the fact that two out of three production staff associated with regional broadcasting are being made redundant. How that is compatible with the agreement is something that Grampian Television and Scottish Media Group will have to justify to the ITC.

Grampian's regional commitments were increased in the light of the merger. It has to reflect the actual level of service that had latterly been delivered to viewers in the area, over and above the minimum licence conditions. For example, the ITC increased the amount of regional production required. In the light of the recent decisions and actions, it would be for others to justify how everything has been matched.

Grampian Television, as the licence holder, is required to produce eight hours and 48 minutes of regional programmes a week, which is made up of various amounts for different types of programming, including news, sport, entertainment, Gaelic, children's programmes, religion, education and other factual programmes.

In 1998, Grampian met, or was close to, those targets. For news, it produced three hours 51 minutes a week—seven minutes short of the target. For Gaelic, it produced 55 minutes—against a target of 51 minutes. In its annual performance review of Grampian Television published last April, the ITC reported that Grampian had produced eight hours 54 minutes of programmes a week.

**Richard Lochhead:** I am delighted that the minister shares many of the concerns that have echoed around the chamber in this evening's debate. Does he agree that it would be fitting for the Executive of Scotland's national Parliament to communicate those concerns directly to the Scottish Media Group and the Independent Television Commission?

**Peter Peacock:** I hope that the comments that I have been making will have the impact on Scottish Media Group—and the ITC—that many members want.

The ITC concluded that the company's performance generally met or exceeded its obligations: that viewers in the north of Scotland continued to be well served, with dedicated local programmes plus some additional pan-Scottish material.

However, the ITC is due shortly to publish its performance review for Grampian Television for 1999. When that performance review is published, the Parliament's Education, Culture and Sport Committee will no doubt consider whether it wishes to explore further the issues that it started to deal with yesterday with the ITC.

There are concerns, which have been clearly expressed today—I have reason to believe that the ITC is taking careful account of them—about the quality of the programmes produced and transmitted by Grampian Television. Ultimately, however, those are matters for the ITC.

Richard Lochhead's arguments for bringing power north are not to do with whether broadcasting is devolved, despite some suggestions that have been made; it is a matter of regional broadcasting. If the Westminster Parliament was considering the same issues in relation to the north-east of Scotland, its debate would also relate to the ITC. This matter relates to a regional policy dimension, not a national dimension.

**Mr Quinan:** As the franchises for the Scottish broadcast areas, including that of Border Television, are due to expire in the next couple of years, does the Executive support the suggestion that Scottish Media Group will apply for—and possibly get—the Border TV franchise, giving it total control over Scotland? That would make it possible to say that a programme made in Glasgow is a regional programme. This reason has been used in argument: that Scotland is a region of the United Kingdom.

**Peter Peacock:** It would not be appropriate for me to discuss what will happen with future negotiations for franchises. Cathy Peattie picked up this point rather well, and Mr Quinan can be assured that, in the discussions that we continually have with our UK colleagues, those matters are reflected as matters of concern.

Cathy rightly drew attention to the concern that might arise if we ended up with the branding of television in Scotland coming from further south than at present. The Executive is cognisant of the arguments that Mr Quinan makes.

This has been a useful debate and it has focused attention. It is an opportunity to reflect, through Scotland's Parliament, the concerns of many people—those working in the industry and consumers. I believe that the licence holder has much to gain from responding positively to consumers' interests and demands. I hope that the broadcasters will see today's parliamentary debate as a genuine contribution to the general debate about these important issues and that they have been listening intently.

*Meeting closed at 17:44.*



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

Members who would like a copy of the bound volume should also give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the bound volume should mark them clearly in the daily edition, and send it to the Official Report, Parliamentary Headquarters, George IV Bridge, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

**Friday 10 March 2000**

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*

*Annual subscriptions: £640*

BOUND VOLUMES OF DEBATES are issued periodically during the session.

*Single copies: £70*

Standing orders will be accepted at the Document Supply Centre.

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: £2.50*

*Special issue price: £5*

*Annual subscriptions: £82.50*

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

*Single copies: £2.50*

*Annual subscriptions: £80*

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 0171 242 6393 Fax 0171 242 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 01232 238451 Fax 01232 235401  
The Stationery Office Oriol Bookshop,  
18-19 High Street, Cardiff CF12BZ  
Tel 01222 395548 Fax 01222 384347

**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](mailto:sp.info@scottish.parliament.uk)

[www.scottish.parliament.uk](http://www.scottish.parliament.uk)

**Accredited Agents**  
(see Yellow Pages)

and through good booksellers