



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 7 December 2010

Session 3

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PUBLIC PETITIONS COMMITTEE

19th Meeting 2010, Session 3

CONVENER

*Rhona Brankin (Midlothian) (Lab)

DEPUTY CONVENER

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

COMMITTEE MEMBERS

Bill Butler (Glasgow Anniesland) (Lab)

Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

*Nigel Don (North East Scotland) (SNP)

*Robin Harper (Lothians) (Green)

Anne McLaughlin (Glasgow) (SNP)

Nanette Milne (North East Scotland) (Con)

John Wilson (Central Scotland) (SNP)

COMMITTEE SUBSTITUTES

Jamie Hepburn (Central Scotland) (SNP)

Jamie McGrigor (Highlands and Islands) (Con)

Dr Richard Simpson (Mid Scotland and Fife) (Lab)

Nicol Stephen (Aberdeen South) (LD)

*attended

THE FOLLOWING ALSO ATTENDED:

Bill Kidd (Glasgow) (SNP)

Graham Ross (Scottish Parliament Research, Information and Reporting Group)

THE FOLLOWING GAVE EVIDENCE:

Duncan McLaren (Friends of the Earth Scotland)

Juliet Swann (Friends of the Earth Scotland)

CLERK TO THE COMMITTEE

Fergus Cochrane

LOCATION

Committee Room 2

Scottish Parliament

Public Petitions Committee

Tuesday 7 December 2010

[The Convener *opened the meeting at 14:09*]

Current Petitions

Institutional Child Abuse (Victims Forum and Compensation) (PE1351)

The Convener (Rhona Brankin): Good afternoon to the vast numbers of people who are assembled here today. Welcome to the 19th and final meeting in 2010 of the Public Petitions Committee. Apologies have been received from John Wilson, John Farquhar Munro, Bill Butler, Cathie Craigie and Nanette Milne. We hope that Anne McLaughlin is on her way here. I ask everyone to ensure that all mobile phones are switched off.

Do members agree to defer discussion of PE1351, on a time for all to be heard forum? We were due to have a question-and-answer session with Scottish Government ministers today, but I am afraid that the weather has put paid to that. Given that we are several members down, there would be little purpose in our going ahead with the item.

Members indicated agreement.

Scottish Prison Population (Catholics) (PE1073)

The Convener: Does the committee agree to defer consideration of item 6, which is discussion of the research findings on PE1073, on Catholics in Scottish prisons? Again, we would prefer to discuss that when more members are present.

Members indicated agreement.

The Convener: I apologise for any inconvenience that that may cause.

New Petitions

Access to Justice (Environment) (PE1372)

14:10

The Convener: We have seven new petitions to consider this afternoon. PE1372, from Duncan McLaren, on behalf of Friends of the Earth Scotland, calls on the Scottish Parliament to urge the Scottish Government to demonstrate clearly how access to the Scottish courts is compliant with the Aarhus convention on access to justice in environmental matters, especially in relation to costs and title and interest; to publish the documents and evidence of such compliance; and to state what action it will take in light of the recent ruling of the Aarhus compliance committee against the United Kingdom Government. I welcome Duncan McLaren and Juliet Swann from Friends of the Earth Scotland. Is it just the two of you?

Juliet Swann (Friends of the Earth Scotland): Yes. Frances McCartney, who was due to come to the meeting from Glasgow, was at Queen Street station for the 12.30 train but was not able to get on to it or the 1 o'clock train, so unfortunately she will be unable to join us.

The Convener: She may want to furnish us with some additional evidence.

Juliet Swann: If there are any questions that we think Frances would be able to answer more adequately, we will get her to supply a written response.

The Convener: That is fine. I invite one of you to make an opening statement of no more than three minutes. Members will then ask questions.

Juliet Swann: Thank you for inviting us to give evidence, albeit to a small but perfectly formed group.

Friends of the Earth Scotland, as part of an international federation with 77 member groups, is committed to environmental justice and empowering communities to protect and enjoy their environment. Environmental justice means that everyone has the right to a healthy environment and a fair share of the earth's resources, both now and in future generations.

Friends of the Earth Scotland believes that with rights come responsibilities, but that it is in the power of Government to ensure that communities and individuals can exercise those rights and responsibilities—that is to say, that Government must provide the means for individuals and communities to defend their environment; to find out when their environment risks damage or is being damaged; to be consulted when decisions are being made that will impact upon their

environment; and to be able to challenge decisions that will impact on their environment or breach environmental law.

At the moment, Scotland has good provision for access to information, thanks to our freedom of information legislation and the role of the Scottish Information Commissioner. Provision has also been made for consultation, but frequently we have found that communities do not feel that their participation has been enabled or that their views and opinions have been given due attention.

Representatives of environmental non-governmental organisations are often approached by individuals and communities that feel aggrieved by a lack of consideration of their views and that are discouraged from participating in the process, whether that be engaging in the planning system, offering information about breaches of environmental regulations or questioning whether an environmental law has been broken. We think that, in a 21st century democracy, we must grant our communities the means to participate fully in the decisions that impact on their environment and to do so in a way that is meaningful and in which they can have faith.

To provide for such participation, the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters was negotiated in Aarhus. The convention links environmental rights and human rights; acknowledges that we owe an obligation to future generations; establishes that sustainable development can be achieved only through the involvement of all stakeholders; links government accountability and environmental protection; and focuses on interactions between the public and public authorities in a democratic context.

The subject of the convention goes to the heart of the relationship between people and Governments. The convention is not only an environmental agreement but a convention about Government accountability, transparency and responsiveness. It grants the public rights and imposes on parties and public authorities obligations regarding access to information, public participation and access to justice, both when those obligations are not met and in cases of breaches of other environmental laws.

We argue that the third aspect of the convention has not been properly implemented in Scotland and that our failure to provide access to justice in environmental matters places us in breach of the UNECE convention, with the associated risk of a case being taken to the European Court of Justice.

14:15

As mentioned in our submission, the UK has recently been found to be in breach of the convention after two cases from England and Wales were referred to the compliance committee, with the committee recommending that the UK review its system for allocating costs in environmental cases within the scope of the convention and undertake practical and legislative measures to overcome the problems identified to ensure that such procedures are fair and equitable, are not prohibitively expensive and provide a clear and transparent framework. Given that the legal framework in England and Wales is further advanced in terms of meeting the requirements of the convention, we suggest that Scotland also needs to heed the recommendations.

In June 2011, the fourth meeting of the parties will take place in Chişinău to review the progress that has been achieved in implementing the convention. Given the recent compliance committee decision, we recommend that Scotland indicate how it intends to implement fully the Aarhus convention in advance of that meeting. We ask the Public Petitions Committee, therefore, to consider whether either it or another parliamentary committee should ask the Scottish Government whether it continues to consider that Scotland is implementing Aarhus; to state which case law, rules of court, or legislation ensure fair, equitable and not prohibitively expensive access to justice; and to indicate what response it has made to the compliance committee's ruling and what information it has submitted to the Department for Environment, Food and Rural Affairs in relation to the implementation report that will be presented at the meeting of the parties in June.

Robin Harper (Lothians) (Green): Before I ask a question, I should declare an interest, in that I have been a member of Friends of the Earth Scotland since 1985 and have, on behalf of various organisations, lodged a number of questions over the past few years on compliance with the Aarhus convention.

Thank you for your clear exposition of the case. It would be helpful to have a little more information. Can you give us any examples of situations in which excessive costs arising from failure to meet title and interest requirements have restricted access to environmental justice?

Duncan McLaren (Friends of the Earth Scotland): We could start with the M74 case, in which Friends of the Earth Scotland sought a review of the Government's decision to authorise the go-ahead of the M74 construction in Glasgow. We needed to fundraise around £60,000 to take that case forward. At that time, no protective costs orders had been granted in Scotland. We sought

an application and put it before the court, but it declined to consider it, even though Lord Glennie had considered that PCOs would be valid in the Scottish courts.

More recently, members will be aware of the case that is being taken to review the inclusion of Hunterston coal-fired power station in the national planning framework, which involved the first PCO in Scotland being granted. However, the judge set the level of the maximum liability at £30,000, which was in addition to any legal costs that the appellant might incur on their own side. That compares badly with the situation in other European jurisdictions. For example, I read that in Spain, costs of €3,000 to €5,000 are considered to be expensive and are often supported by legal aid for non-governmental organisations. In Belgium, the fee is €243, and no legal expenses are expected. We believe that costs in the order of tens of thousands of pounds, running up to a possible total of £100,000, are a significant barrier to access to the courts.

Juliet Swann: In relation to title and interest, as we call it in Scotland, or standing, as it is known more commonly in England and Wales, the Gill review said that, in civil justice, title and interest is too restrictive. In Scotland, we tend to take a very strictly defined, geographical approach. I will give you some practical examples—they might sound like terribly controversial cases, but I am just using them for the purposes of illustration.

In the case of *Mary Buchan Forbes v Aberdeenshire Council and Trump International Golf Links*, Mary Forbes was told that she did not have title to take the case to court, because she did not have an adjacent property. As you know, Mary Forbes lives in a mobile home next to the dunes the planning application for which she was seeking to have reviewed. Furthermore, the sufficient interest test, which is the test that Lord Gill recommended, which is more commonly used in England and Wales, is a much broader test of interest. In England and Wales, NGOs, such as Age UK, can take cases on behalf of people whom they represent. In Scotland, it has been found that that is not possible, because NGOs are not directly influenced by the decision that they seek to challenge.

Nigel Don (North East Scotland) (SNP): I want to pursue the issue of costs for the moment; I am sure that we will come back to the other one. If I picked you up right, Mr McLaren, you talked about the costs of, as it were, the court—recognising that any party will have other costs, such as lawyers and other incidental costs. You suggested that legal aid would be appropriate in some cases. What is the position in Scotland at the moment? Am I right in thinking that there is no question of

legal aid for public interest environmental cases in Scotland?

Duncan McLaren: As far as I am aware, it is impossible to get legal aid for public interest environmental cases. The rules imply that it might be possible to get legal aid where you also have a private interest, but there are very few, if any, examples of it being granted. It is a shame that Frances McCartney could not be with us, because she has represented a number of clients seeking legal aid to take such cases, and I believe that she is in litigation at present with the Scottish Legal Aid Board in an attempt to open up that availability.

Nigel Don: Okay, but, at the very least, legal aid would be very restricted, probably to cases where somebody was absolutely bang next door, had a very obvious civil case that Scottish law would recognise and had very few means. There is no general availability of legal aid for such cases.

Duncan McLaren: No.

Juliet Swann: As Duncan McLaren said, it is not that legal aid is forbidden, if you will, but no public interest environmental cases seem to have been granted legal aid. There is a sort of catch-22 situation in that private interest cases might be granted legal aid, but generally the whole point about these cases is that a wider public interest is at stake. Even if you try to take the case as a private interest case, if it is deemed that other people might be able to support you financially, you do not get legal aid. You do not have to identify who those other people might be; it is just thought that if other people might be affected, surely they would be willing to pay, too.

Robin Harper: Will you explain precisely how a protective costs order works in favour of a complainant?

Duncan McLaren: It is worth noting that protective costs orders have been adopted by the English and Welsh courts, but that they were assessed by the compliance committee as not adequate. I will say a little bit about where the situation needs to go. A protective costs order is made at the start of the case, so on the first day of the case, or even before the hearing before the judge, the judge has the discretion to rule that it is in the public interest that the case should be heard and should not be deferred or prevented by lack of means, and to set a maximum level of expenses that might be found against the appellant if they lose the case.

In the English experience, the PCO does not cover the costs of the appellant themselves. That is left largely at the discretion of the judge. That factor led the compliance committee to say that there was still a deterrent, because until you went in on the first day you would not know the decision, but by that time you would have spent

money and the defendants would have spent money preparing a legal case. You could go in and even though you were told that you were not going to get a PCO or you found that the level was set so high that you could not go forward, you would still have a significant legal bill.

Organisations that have been involved in English cases have suggested that a rules-based model in which the rules of court set out the conditions under which a protective costs order should be made and the scales for that would be compliant with the convention. Those organisations have suggested that it might be better to have one-way cost shifting, so it is clear that costs can move in only one direction and up to a certain amount. Lord Gill also suggested that as one of his options—he cited several options, including some from Australia. We encourage examination of that model in Scotland, rather than the PCO model as it is currently used in England, which sadly has been found still to be deficient, although it has enabled additional cases to be brought.

Robin Harper: Just to clarify, even if the appellant knows their costs to date on the first day of the court hearing, and knows what the defendant's costs have been, the judge can set a protective costs order so high that the appellant has to withdraw straight away, because they cannot face the risk.

Duncan McLaren: Yes.

Juliet Swann: There have been several reports in England and Wales. There has been the Jackson review, which, similarly to our Gill review, looked more broadly at civil justice. There has also been the Sullivan report, which looked specifically at environmental justice. He, too, recommends qualified one-way cost shifting instead of protective costs orders. That is because of the judicial discretion that is involved in those orders, which means that neither the defendant nor the appellant knows at the outset what the costs will be set at or how they will be able to proceed.

Nigel Don: So what you would really like is a pre-hearing—or a set of rules that eliminate the need for such a hearing—to set out that if you go to court, you will still be responsible for your costs, but you can be absolutely sure that the court and the defendant's costs that you are expected to cover will be no more than £10,000 or whatever, and you would like that before you have to do a significant amount of work.

Duncan McLaren: That is a good summary. There are regimes, such as the Australian one that Lord Gill cited, in which the rules cover the possibility that, in cases that are important because of the breadth of the public interest, there would always be a contribution to the appellant's

costs. However, your formulation is a good statement of what we would like. As an environmental NGO, we are happy to tell our members that we need to fundraise to bring a case and to pay our lawyers; the issue is when we have to say that we need to fundraise because we might have to pay additional costs, although we do not know how much they will be. That is a significant deterrent to our fulfilling the functions that our members expect us to fulfil.

Nigel Don: What kind of sums of money do you need for your lawyers? I am conscious that those good ladies and gentlemen do not, by and large, come cheaply.

Juliet Swann: In the Hunterston case, it is estimated that, although the costs that Mr McGinty will have to pay the Government if he loses have been capped at £30,000, he is still looking at a bill of £110,000 at the end of the day.

Duncan McLaren: I believe that that is the maximum figure.

Juliet Swann: Obviously, there is some pro bono work because it is a good test case, but that is how much it will cost in strict legal terms for the Queen's counsel and lawyer to be in court for that length of time.

Nigel Don: That is the point that I want to extract. Whether or not the costs are capped at £10,000 or £20,000 or whatever, that might turn out to be almost irrelevant when the figure for your lawyers could get to six figures on a bad day, or a bad week or two. Perhaps the issue needs to be put in the context that that possibility is in itself prohibitive.

Duncan McLaren: The point is that costs on your side are more under your control. In some circumstances, people choose to go before the court without legal representation, to seek pro bono support or to use only junior counsel. It is possible to manage costs in ways that the costs of the other side cannot be managed. Without that cap, the Government or public authority and an interested company might both instruct a senior QC, which would definitely take the costs into six figures.

14:30

Juliet Swann: That has a name: it is called the chilling effect. A lot of the time, communities will get together, raise enough money to pay for their own legal expenses and try to take a case, and they will be threatened by the other side saying, "At the very least you will have to pay us £150,000 if you lose." It means that people are genuinely disincentivised from even trying to take a case. That has happened in a couple of cases up in Skye.

Nigel Don: I point out that that is a general problem with the legal system; it is not a problem only for the environmental movement.

Juliet Swann: Absolutely. I would never suggest that anything that we are talking about today is just a problem for environmental law, but the Aarhus convention is an interesting tool for us to use, because it provides for access to justice on environmental matters.

Duncan McLaren: This is an appropriate juncture at which to add that nothing that we are saying should be seen as reflecting an expectation that changing the rules would lead to a flood of cases. We believe that the most valuable outcome of changing the rules would be that it would be credible for someone to take a case that led to better consideration of environmental matters. That seems to be the evidence from other jurisdictions in Europe. There are still only a handful of cases coming forward each year on such matters.

The Convener: That leads to my next question. Which jurisdictions have done it better? What are the implications? It strikes me that the Government might be concerned about the floodgates opening and that it has the sort of concerns that any Government would have. From what you know of other jurisdictions that have complied more closely with the Aarhus convention, is it your experience that, although it has improved things, the implications for Government have not been huge?

Juliet Swann: Portugal has what is called an *actio popularis*, which is a general public right to access the courts in relation to the Aarhus convention, and it has not experienced a massive growth in court cases. As you might expect, Denmark has an excellent system in place. There have been a handful of cases since it introduced an administrative route to try to meet the terms of the convention. Although Ireland may not be the best example of anything at the moment, it has had much better access to the courts and to justice in place for a number of years and, until recently, it obviously had huge economic growth, which shows that those things can work alongside each other. As Duncan McLaren says, it is about ensuring that there is a level of engagement and a level of trust on the part of the communities. It is all very well saying, "You will be consulted," but if you have no grounds on which to challenge when you think that you have not been consulted, why would you have faith in that system?

Nigel Don: I come back to title and standing, which I deliberately put to one side. The concept is straightforward enough in Scots law and in law in general. If we start from the basis that Scots law does not naturally give you the kind of title and standing that you would want in an environmental

case, for reasons that we have already alluded to, what definition of title and standing do you suggest that we should look at?

Duncan McLaren: I will start and I am sure that Juliet Swann will also comment.

The essence of the definition that Lord Gill adopted and, indeed, recommended, was to move from title and interest, with its connotations of land ownership and direct impact upon the individual, to a test of sufficient interest. Although that sounds quite vague to you and me and others with a layman's use of English, in legal terms it is apparently very easy to define a sufficient interest and to show that an organisation or a local body was affected by the decision, could be affected and had an interest in the outcome, but would not necessarily pass the hurdles of title and interest as they stand.

Nigel Don: Thank you. That is helpful. I suspect that one thing that we will want to do as a result of the petition is write to the Government. It is helpful if there is no particular difficulty in the words that it needs to get its mind around.

Juliet Swann: I have in front of me the relevant chapter—chapter 12—of the Gill review. Gill says that having separate title and interest is not working any more and that we need to think about moving to sufficient interest. I mentioned Age Concern earlier; the report cites a case involving it. Age Concern tried to bring a case to do with a piece of published literature that it thought was inaccurate, but it was told that it did not have title and interest, as the matter would affect not it, but the people whom it represents. Gill said that if there were a test of sufficient interest, it would obviously be able to take the matter forward, as it represents older people.

The Convener: Do members have any suggestions on how to proceed?

Robin Harper: We should write to the Scottish Government. It is clear that there is a strong case to answer and that the Government has very little to lose and much to gain in taking up the matter. There are specific questions that we could ask. We could ask whether the Government considers that access to the Scottish courts is compliant with the Aarhus convention on access to justice in environmental matters, especially in relation to costs, title and interest. If it thinks that it is, it should be able to demonstrate that. We could ask the Government whether it will publish the documents on and evidence of such compliance, and, if it will not, why not. We could also ask it what action it is considering taking in light of the recent ruling of the Aarhus compliance committee against the UK Government.

The Convener: Have we covered the additional points that Juliet Swann raised?

Nigel Don: I am conscious that we might want to talk to the Scottish Court Service, but I am not sure that we do. Let us see whether we can make some sense of that. However, I am sure that we need to talk to the Scottish Legal Aid Board, as we need to know where it fits in. It will know what the rules on legal aid are at the moment.

Juliet Swann: May I make a suggestion? Is that allowed?

The Convener: Of course.

Juliet Swann: Writing to the Scottish Legal Aid Board and asking it what the rules are is an interesting idea, but I would ask it, as I would ask the Government, to back up what it says with examples of when the rules have been applied. As far as I am aware, there is no explicit rule against granting legal aid in the public interest in environmental cases, but that never happens in practice.

Nigel Don: I suggest that we write to the United Nations Economic Commission for Europe, which might have something to do with policing compliance with the Aarhus convention.

Juliet Swann: The compliance committee monitors implementation.

Nigel Don: Okay. So it might be worth asking it where it thinks we are. It may have a view on that. You may already know what it is.

Duncan McLaren: I suspect that you will find that it has in front of it only the information that is included in DEFRA's reports to it, which have at best been sketchy on Scotland. The most recent draft that we saw said something along the lines of, "We are advised that Scotland is compliant."

Robin Harper: We can send the compliance committee your presentations to us and the *Official Report* of today's meeting for it to consider.

Duncan McLaren: We are aware that at least one case from Scotland that has been sent to it is still under consideration.

Nigel Don: I wonder whether there is any legal group that we can contact. I spent this morning talking to the Faculty of Advocates and the Law Society of Scotland in this room. I am not sure that we necessarily want to write to them only. I am looking to the witnesses for help. Are there any groups of lawyers whom we could consult?

Duncan McLaren: It may be worth writing to the UK Environmental Law Association, which has members in Scotland and England. Its members will have made use of the PCO regime in England. I see no reason why the committee should not also seek the views of the Law Society of Scotland.

Nigel Don: I think that, in the first instance, we want to cast the net fairly wide to see whether we can get people's views and where they point us.

Robin Harper: Some university law departments specialise in environmental law and we might be able to tap into them.

Juliet Swann: The University of Edinburgh and the University of Strathclyde both excel in that respect.

The Convener: Are there some issues around communication between DEFRA and the Scottish Government?

Juliet Swann: In preparation for the 2011 meeting of the parties DEFRA has to prepare a UK implementation report, which went out for consultation in November. The only Scottish organisations on the consultation list were Patrick Campbell solicitors, which Frances McCartney works for, and Road Sense, which is the group that is taking the complaint to the compliance committee. Friends of the Earth England, Wales and Northern Ireland was listed, and Friends of the Earth Wales was listed separately, but we were not invited to respond. We have responded, however.

I spoke to Frances McCartney yesterday and she said that, as far as she is aware, the Scottish Government has made a submission. The fact that the consultation was not made public in Scotland is worrying, however, especially as it does not—as Duncan McLaren said—represent the situation that we are aware of in Scotland. The report broadly ignores quite a few devolved issues and makes blanket statements such as "Scotland has told us that they are in compliance," which seems a little dodgy, if you will pardon that term.

The Convener: It might not do any harm to contact the UK Government and find out the extent to which Scotland has been consulted.

Duncan McLaren: We could explain the grounds on which the UK Government tends to make claims of compliance, if that would be helpful background information for the committee. There are some fairly standard arguments that it uses. Perhaps we could put that explanation in writing for you.

The Convener: It would be helpful if you could put that in writing and send it to the clerk.

Thank you both very much for appearing before us today. We will take the petition forward and you will be in touch with the clerk with additional information, which will be very helpful.

Decision on Taking Business in Private

14:42

The Convener: I neglected earlier to request the permission of the committee to take item 7, a discussion of our future work programme, in private. Is that agreed?

Members *indicated agreement.*

New Petitions

Bishop Robert Wishart (PE1373)

14:42

The Convener: PE1373, by Lydia Reid and Sammy Lowrie, calls on the Scottish Parliament to urge the Scottish Government to instruct Historic Scotland to ensure that that great patriot of Scotland, Bishop Robert Wishart, has the Scottish saltire hanging above or beside his effigy in Glasgow cathedral, and that he is recognised by an official plaque and a designated area within the cathedral so as to show his contribution to Scottish history.

I welcome Bill Kidd to the committee. I believe that Bill wishes to speak to the petition.

Bill Kidd (Glasgow) (SNP): Thank you, convener and members of the committee. I have been asked to say a few words on the petition. Bishop Robert Wishart was one of the guardians of Scotland in the wars of independence. His seal was the St Andrew's cross and it dates from 1286. The bishop's effigy is in Glasgow cathedral and, as a Glasgow MSP, I am very pleased to speak to the petition.

The effigy is the nearest that we have to a tomb for Bishop Wishart and the petitioners believe that he should be recognised as someone who was important in Scottish history. As we have been informed, he is to be named by Historic Scotland, on a plaque, as "the battling bishop", given his role in that period of history. It does not seem unreasonable, the petitioners believe, to assume that Robert Wishart would prefer the saltire flag to be draped by his effigy, considering his part in Scotland's history.

The related e-petition site was operational for only a few days, unfortunately, but it collected 351 signatures and many people have asked to sign it since it closed. It will be re-established. The Facebook page has 631 members, and a number of MSPs have written in support of the issue. Along with the recognition by Historic Scotland of Bishop Wishart's effigy in Glasgow cathedral, the petitioners call for the nation to acknowledge his role in our history and fly the nation's flag of the St Andrew's cross, or saltire, on or near the effigy.

14:45

Robin Harper: We have written to Historic Scotland and it has responded with reasons why it is not prepared to take further action at the moment. It has, however, offered to meet the petitioner to discuss the matter. It has also agreed to better present the role of Bishop Wishart when it

next revises the cathedral's guidebook. It has told the petitioner why it does not believe that it is appropriate to display the saltire.

What are the reasons for considering that the issue is so important that we should ask the Government to override a stand-alone quango, which is normally left to take its own decisions? That is the only other option that is available to the committee.

Bill Kidd: The proposal has been made because of Bishop Wishart's specific historical role. During the wars of independence, he fought under the saltire, so that flag is most appropriate to his life. It is hoped that appropriate respect can be shown to him in effigy over his tomb and that the flag that he fought for in life will be used to mark the area that is used to pay him respect.

The Convener: Just for clarification, is it correct that the petitioners have not yet met representatives from Historic Scotland?

Bill Kidd: My most recent knowledge is that the petitioners will meet Historic Scotland tomorrow for further discussions about whether what they want is appropriate and what further evidence they will be able to present for Historic Scotland to consider.

The Convener: Robin, my understanding is that the committee has not contacted Historic Scotland yet. Historic Scotland has been contacted by the petitioners, which is why we have that information in front of us.

Robin Harper: Would it therefore be appropriate to suspend consideration of the petition until we know the results of tomorrow's conversations?

Nigel Don: I am with you both, in principle, but I question the context of the committee. With due respect to the subject of the petition, which is irrelevant to what I am about to say, this is a classic case in which someone has done all the right things, has asked the right question and has received an answer, although it was not the answer that they wanted. The petitioners have come to the Public Petitions Committee and are using it as another way of asking the same question. We should resist that, frankly, in principle.

If the petitioners have a meeting lined up with Historic Scotland, with all due respect to the subject matter, which members will understand is dear to my heart, I do not think that the petition should be in front of us. There is an obvious channel and the petitioners should be using it. I really do not think that the petition should be here.

Given that it is here, I am not going to turn it around. Robin Harper is right—we should suspend it until we hear about the outcome of tomorrow's

meeting. I give due warning, however, to anyone who wants to bring a petition when other routes are available to them, and they are using them, that this committee is not where they should be.

Bill Kidd: I hope that I know a bit more about committees than some members of the public, but the order of events has tripped the petitioners up slightly. That is how the situation has come about. No disrespect was intended to the Public Petitions Committee. I would be grateful if the petition could be continued until the meeting with Historic Scotland has taken place.

Nigel Don: I have no difficulty with our holding on to it and seeing where we get to.

The Convener: Yes. That seems a sensible thing to do. I am also conscious of the fact that some of our Glaswegian committee colleagues are not here. The committee has agreed to suspend consideration of the petition. Thanks very much for coming.

New Teachers (Jobs) (PE1374)

The Convener: PE1374, by Ronnie Smith, on behalf of the Educational Institute of Scotland, calls on the Scottish Parliament to urge the Scottish Government to ensure that sufficient resources are provided to local authorities to ensure that jobs are available for teachers who have successfully completed their induction year.

I understand that, since the petition was notified, there has been some development between the Scottish Government and the Convention of Scottish Local Authorities regarding probationers, but we do not have any of that information in front of us. It might be useful to come back to the petition when we have that information in front of us. What are members' views on the petition?

Robin Harper: I declare an interest as a member of the EIS. The issue will continue to be considered by the Government; the question is what more the committee can do than has already been done. The issue has been considered by the Education, Lifelong Learning and Culture Committee, there is on-going work with the Government and the debate will be pursued during the budget considerations. What more could be achieved if we kept the petition open? If we had more information, what more could the committee do? The question is whether there is anything left for us to do.

Nigel Don: I agree with Robin Harper. As I said about the previous petition, I am not blaming anybody but we have in front of us a petition that now appears to be redundant. It calls on the Scottish Parliament to urge the Scottish Government to do what I think it has set out to do in its budget statement. I do not think that we

could ask the Government to do any more than that. Whether the Government succeeds in getting its budget through in those terms is a parliamentary issue, but it is certainly not a decision that could be overturned by the three of us on this committee. I am struggling to see what more we can do with the petition.

The Convener: My suggestion that we continue the petition until we have received that information from the Government is based on the petitioner's request

"to ensure that sufficient resources are provided to local authorities to ensure that jobs are available for teachers who have successfully completed their induction year."

I understand that there has been an announcement that funding will be made available, but I have not yet seen the detail of that. I thought that we might ask for more information to allow us to make our decision on the petition.

Nigel Don: It will not do us any harm to leave it for a bit, will it?

Robin Harper: Or we could suspend it.

The Convener: We could suspend it until we have that information in front of us. I am conscious that quite a few members of the committee are not here today.

Nigel Don: Yes, as you say, convener, there are many members missing. Perhaps we should not be too clear about our intentions. Nevertheless, if we were to receive information that insufficient resources were being made available, that would still be subject to the parliamentary budget process and whatever the Parliament decided to do we would not be in a position to overturn that. So, although it would be useful to get some information—I do not disagree with you—I am struggling to know what we would be able to do. We would simply be better informed.

The Convener: In that situation, we would be able to pass the petition on to the committee that is dealing with the issue, as more evidence. That committee would have the petition in front of it when it was discussing those issues and would know the feelings that have been expressed by the petitioner. That is really all that we would be in a position to do.

Robin Harper: It would allow us to funnel new evidence, if there were any, directly to the committee rather than leave the committee to pursue its consideration on the basis of the evidence that it already had—that is about all.

The Convener: When a petition has a large number of signatures, it is important that the petitioners feel that it has been considered. We will suspend the petition—or, in effect, continue

it—and ask the Scottish Government to furnish us with more information. Is that agreed?

Members indicated agreement.

Kangaroo Meat (Ban) (PE1375)

The Convener: PE1375, by Philip Woolley and Collette Campbell, on behalf of the Australian Wildlife Protection Council, calls on the Scottish Parliament to urge the Scottish Government to ban the import to, transit through or export from Scotland of kangaroo meat, skin and other associated products to protect the welfare of baby kangaroos. I seek members' views on how we take the petition forward.

Robin Harper: Do we have information on whether we can unilaterally ban the import of kangaroo meat to Scotland?

The Convener: From my understanding, I would have thought that the Food Standards Agency Scotland would be the obvious body to write to.

Robin Harper: The Food Standards Agency?

The Convener: Yes, although I am not sure whether the issue is relevant to it. The Scottish Parliament information centre briefing on the petition says:

"Keeping of live kangaroos in Scotland requires a licence under the Dangerous Wild Animals Act 1976. The policy is a devolved matter to the Scottish Government and local authorities are responsible for issuing licences."

The position is complex with regard to the Scottish Government's responsibility.

All we can do is try to clarify the areas in which the Scottish Government might conceivably have some responsibility, and come back to the petition in future, if members agree to that.

Nigel Don: We can say that we are having nothing to do with it, but I do not want to do that as there is a real issue here. We can write to the Scottish Government, the appropriate part of the UK Government—presumably the Department for Business, Innovation and Skills—and the Food Standards Agency specifically, as well as any other association that might be relevant, to find out what they make of the issues that the petition raises.

The Convener: I suspect that quite a few of the issues in relation to import will be reserved.

Nigel Don: It must be hoped that the Scottish Government and the Department for Business, Innovation and Skills will agree on what is reserved and what is not.

The Convener: We will continue the petition, with the committee's agreement, and seek further clarification on where the areas of responsibility

are. When we have that information, we can contact various bodies.

Robin Harper: It would be useful to have some clarification of the difference—if there is any—between keeping a kangaroo for the purposes of slaughtering for meat and keeping a bull for such purposes. Part of the petition focuses on the farming of kangaroos in Scotland.

Nigel Don: There may be a European perspective, although I have no idea who we would write to in that regard. Is there an appropriate committee?

The Convener: It would be useful to write to the relevant committee in the European Parliament, as it would have responsibility at a European level for animal welfare.

Nigel Don: Given that the issue is substantially about animal welfare, we could contact some of the obvious organisations such as the Royal Society for the Prevention of Cruelty to Animals, but who has responsibility for what goes on in the dark nights of Australia?

The Convener: The international equivalent to the Scottish Society for the Prevention of Cruelty to Animals is the International Fund for Animal Welfare. There is also an equivalent organisation in Australia.

Robin Harper: The Australian Society for Kangaroos.

The Convener: Yes, I think that it would express some concerns. It is principally my understanding that the issues involve the conditions under which the animals are hunted, and what happens to the young, especially when a female kangaroo that is carrying young is killed. We will continue the petition and seek further information about who we should contact.

Members indicated agreement.

Free Methanol (Ban) (PE1376)

15:00

The Convener: PE1376, by James McDonald, calls on the Scottish Parliament to urge the Scottish Government to take the necessary action to bring about a ban on free methanol that is released by aspartame and to run an awareness campaign among health professionals to alert them to the free methanol that is present in our diet. I invite members' views on the petition.

Robin Harper: I will quote a colleague of mine, Patrick Harvie, who raised the matter with the Minister for Education and Young People:

"Is there not at least some contradiction in the Executive's intention to remove artificial sweeteners from drinks while those same chemicals will not be removed

from foods? For example, why should we remove aspartame from drinks but not from yoghurts?"—[*Official Report, Communities Committee*, 6 December 2006; c 4396.]

There is clearly something of a mix-up and it needs to be resolved, so I feel strongly that we should take action. We should write to the Scottish Government, the Food Standards Agency Scotland, the UK aspartame awareness campaign, the British Medical Association and Health Protection Scotland to seek their views on the apparent contradiction in attitudes to aspartame.

The Convener: It would also be useful to ask the non-governmental organisations what they would like the Government to do.

Nigel Don: I am not sure that I have anything to add to that. The issue is one of those strange bits of chemistry in which low levels of a by-product appear and it is difficult to work out how dangerous it is in the quantities about which we are talking. I suspect that we can all remember from school that nobody went anywhere near sniffing methanol, never mind drinking it, but it is difficult to establish and make judgments about what it does at the parts-per-million level. We simply need the best information that we can get from the appropriate bodies, please.

The Convener: Do we agree to continue the petition?

Members indicated agreement.

Community Council Reform (PE1377)

The Convener: PE1377, by Jack Turner and John Paterson, calls on the Scottish Parliament to urge the Scottish Government to increase the accountability of community councils while empowering and supporting their role and that of community councillors, thereby creating parity with local authorities and the Scottish Parliament.

We have received a note from Angela Constance MSP, who would like to put on public record her support for the petition in the names of her constituents, Mr Turner and Mr Paterson. She is confined to her house in West Lothian because of the severe weather, so I will read briefly what she says:

"The overarching aim of this petition is to empower community councils and to put them on a more equal footing. The petition also seeks to maximise community involvement and engagement as well as creating clearer lines of accountability. Crucially the petition talks about the means of effectively carrying out support and training for community council members.

Members will see from the detail of the petition that these aims are all highly aspirational but have been backed up with many detailed practical proposals such as recommendations in relation to; Community Council Liaison

Officers, election procedures, public participation and 'quid pro quo'.

While I'm sure many of these individual recommendations could spark some debate and the proposal for the quorum to be 10% of the community or 200 people is indeed radical (see point 8) the overall aim of the petition is to improve and enhance community councils."

She also pays tribute to Mr Turner and Mr Paterson for the work that they have put into the petition and she hopes that the committee will be able to support it and find ways to enhance further the role of community councils.

I invite views on how we will deal with the petition.

Robin Harper: I draw the committee's attention to my frequently expressed support for community councils and the fact that I hosted the annual general meeting of the Association of Scottish Community Councils in the Parliament a few years ago.

I have absolute sympathy with the petition and, in particular, with the useful detail with which Angela Constance has furnished us. It is time to write to the Scottish Government to ask it what measures, if any, it has taken to increase the accountability of community councils while empowering and supporting their role and the role of community councillors, thereby creating parity with local authorities and the Scottish Parliament. It is interesting to note that in England parish councils get a penny-in-the-pound rate whereas our community councils do not have a secure funding system to rely on.

Nigel Don: That sums up the difference. As a former community councillor, I very much support the principle of community councils; however, I know from my stay in Aberdeen that, in some areas, people simply will not stand for them and that, despite the fact that the areas are clearly defined, many councils still have not been established. If we are seeking parity with local authorities and the Scottish Parliament—I am not sure whether we are, but I take it to be an aspiration, so let us not fight about it for the moment—it is going to happen only when community councils have a significant budget and are responsible for spending it for their communities. In that case, of course, they will have to be representative of and elected by those communities. The fundamental point is that money will bring responsibility and parity, but I entirely support the idea of communities having local community councils that do appropriate things. We should be doing our level best to take the issue forward for the communities that are, in some places, served very well by their councils.

Robin Harper: I believe that the Government is running five pilot schemes. I know very little about

them, so it would be useful to be furnished with information on how they are doing.

The Convener: Perhaps we should also contact the Association of Scottish Community Councils for its response to the petition. Are we content to continue the petition?

Members indicated agreement.

Silicone Breast Implants (PE1378)

The Convener: The final new petition is PE1378, by Mairi Johnston, which calls on the Scottish Parliament to ask the Scottish Government to raise awareness of the dangers of silicone breast implants and to urge the UK Government to ban the use of such implants and to review the three-year time-bar rule for medical injury.

Given my experience of breast cancer, for which I had an operation, and given the options that face women who have such operations, I think that it is really important that they have access to the highest-quality information. On the concern about silicone, we should take the petition further and ask the Scottish Government for up-to-date information on its position; whether it will review the evidence of what can happen when the silicone from a ruptured breast implant enters the blood stream and, if not, why not; and whether it is prepared to produce guidance for doctors. I know of a case in my constituency in which someone presented to the general practitioner with this very problem, but there was concern that the GP was not as aware as they should have been of the implications and potential dangers of a leak from a silicone implant.

The key is information, so we should ask the Government whether it is prepared to make information available to women and to consider issuing an information booklet that gives women the most up-to-date information about the potential for silicone implants to rupture, in order to allow women to make informed choices when they go for breast surgery and have implants.

Nigel Don: Obviously I am not in a position to comment on them, but some of the statistics on the second page of the petition are, if true, really quite worrying, particularly the statement that

"60% of implants rupture by 10 years and by 20 years most will rupture".

I am not sure what "most" means in that context, but if any other form of surgery had such results, we would not be carrying it out. If it is true, it is extremely worrying. If it is not true, it would be nice to know where the truth lies, because there is clearly an issue. In the first instance, we need good information. It may be that the information that we have is good, but we need to confirm that.

We should then ask the Government what it is going to do to ensure that people are at least better informed.

It is also worth observing that we do some strange things in life. I do not know how many people who go skiing come back with a broken leg, or a broken something, but the number must be quite high. As people, we are prepared to do things that are risky and we just say that we will live with the risks. The advantage of breaking things while skiing is that, by and large, they will repair, whereas in discussing the petition we are dealing with a far longer-term and more insidious condition. We should perhaps not look for zero risk, but we should know a little bit more about what the risks really are and ensure that women are aware of them.

Robin Harper: That is quite a good analogy. Most people do not break a leg when they go skiing, whereas it has been made clear to us that most women who have breast implants can expect them to rupture at some point. That is a serious situation. I wonder what the powers of the Medicines and Healthcare products Regulatory Agency are. It does not appear to be in a position to do anything about the situation, apart from issue advice. I do not think that that is quite enough.

The Convener: There is an issue about the time limit for claiming medical injury. It would also be useful to find out the Government's view on the petitioner's proposal that women should have a magnetic resonance imaging scan after three years to check whether the implant is still working satisfactorily.

Nigel Don: If we are being told that the implants will break down over many years, which is the implication of the 10-year and 20-year statistics that I cited, it would appear to be necessary to have regular scans.

The Convener: We are a small committee today, but I think we all agree that we take the issue very seriously. Will we continue the petition and write along the lines that we have discussed?

Members *indicated agreement.*

Current Petitions

Magazines and Newspapers (Display of Sexually Graphic Material) (PE1169)

15:13

The Convener: We have three current petitions to consider this afternoon. The first is PE1169, by Margaret Forbes, on behalf of Scottish Women Against Pornography. The petition calls on the Scottish Parliament to urge the Scottish Government to introduce and enforce measures to ensure that magazines and newspapers with sexually graphic covers are not displayed at or below children's eye-level, or adjacent to children's titles and comics, and are screen-sleeved before being placed on the shelf.

I ask for members' views on how we progress the petition. We have been joined by Graham Ross, should members have any questions. We have talked previously about the possibility of doing some research.

Robin Harper: Indeed we have. The issue is not going away. I recall hearing a small discussion on the subject on the radio within the past three days. I think that it was on "Women's Hour".

The Convener: Yes, it was.

Robin Harper: That discussion brought home the problems of mothers whose young children ask questions about the magazines on low shelves. We must continue the petition. If my recollection of the previous meeting at which we considered the petition is correct, the feeling was that we should, in order to take it further, consider a small-scale research project.

The Convener: It would be useful to get Graham Ross's views.

Graham Ross (Scottish Parliament Research, Information and Reporting Group): We have put a paper together. Basically, there are two options for research. The small-scale, short-term one would look at the level of compliance with the voluntary guidelines on display of such magazines. That would involve people going round and looking at different kinds of retail outlets that sell them, seeing what the level of compliance is, and finding out the retailer's understanding of the guidelines.

That is a relatively short piece of work and we could do it, at a push, before dissolution. However, the committee has to be aware that we would be working to a really tight timescale. We would have to put a proposal for approval to the Conveners Group, whose next meeting is on 16 December. After approval, we would put together the specification for the research, which would go out

to tender. We would receive bids after the end of the year and decide to whom to award the research contract. It would be up to the contractor to do the work and to report to us before dissolution, if the committee decided that that was what it wanted. The caveat is that the timescale would be tight, which means that the research might be slightly limited in its sample size and its depth of inquiry with retail managers about their understanding of the guidelines.

The other option that has been discussed relates to the review of the commercialisation and premature sexualisation of childhood. I understand that the committee has received a letter from Ed Vaizey at the Department for Culture, Media and Sport. That review will start at some point this month and is a much wider project; we could not even contemplate doing such work before the end of this parliamentary session.

If the committee was minded to do something, it would need to be the small-scale project.

Nigel Don: Do we need to get somebody else to do the research? I imagine that that was—roughly—what was going to be suggested. Does scope exist for us—I appreciate that my colleagues are not all here—to do the research?

We stay all around the country. If we found 10 outlets—two supermarkets, two reasonably big places, two high street newsagents and four corner shops which, I suspect, we could find within 2 miles of where we stay—we could measure the compliance level on a tick-box basis. Talking to managers about their understanding would require SPICe to give us a narrative, but no more than that. I suspect that the average MSP could find a way of doing that task, because of the kind of people we are. We could do that small-scale research over the next month or two—although Christmas does not help—and obtain data at virtually zero cost. That would give us an idea of what is going on.

Robin Harper: I was thinking along the lines of such complementary small-scale research. It is very important that we do the small-scale research, however small it is, to provide a kicking-off point for the next committee. It is clear that we will not make progress on the petition before dissolution. Given the amount of business that will be involved in setting up the fourth parliamentary session, the committee might have a slow start after dissolution. If the next committee has a baseplate that it can start with, that will provide probably six months to a year of progress beyond where we would be otherwise. Our committee numbers are down, but we know from the previous meeting at which we considered the petition that the committee is in favour of small-scale research, so I strongly recommend that we do that.

The issue is too important to be determined by costs, so it might be useful for us to follow Nigel Don's suggestion and volunteer our services, to expand the scope of the work. I would be glad to do that.

The Convener: I have a concern about committee members undertaking research. I do not doubt their research skills, but the sample would be tiny. It is important that we do the research because we could feed it into the UK Government's consideration of childhood sexualisation—I do not remember the review's exact title. I am not saying that our research would not be credible, but external research would give us a larger sample and the research might be—I hesitate to say it—

Nigel Don: Perhaps it might be more credible.

The Convener: It might be more credible.

Nigel Don: That is all right. We know what you are saying and nobody will take offence.

I wonder about the sample size. If I was right in thinking that seven of us could look in 10 stores without too much trouble—we can do the arithmetic—how large a sample size could we pay for?

Graham Ross: We would have to take that into consideration when the bids came in. We would feed it in and ask people to indicate what kind of research team they would put together to do the work. In my experience, it is fairly easy to get a research team of five or half a dozen people to do 30 or 40 stores each. That is not a tiny sample. It takes slightly longer to conduct follow-up interviews to ask about understanding of the guidelines, why they are not being complied with or why people think that they should be. In the paper, I say that because timescales are tight, I have already contacted some research groups, with the proviso that the committee must still make a decision on the matter. Three people have said that they are ready to go, should we ask them to do the research.

The Convener: The design of the research is also important.

Nigel Don: Forgive me, convener. My first degree is in science and I am married to a research scientist, but occasionally I forget that not everyone has that background.

Robin Harper: It is agreeable to be able to note that our researchers are one step ahead of us.

Graham Ross: For once.

The Convener: We agree to a small-scale research project. The proposal will have to be referred to the Conveners Group for consideration. I will be unable to attend the meeting at which it

will be considered, so it will be important for John Farquhar Munro to do so.

Scottish Water (Executive Bonuses) (PE1300)

The Convener: PE1300, from Drew Cochrane, calls on the Scottish Parliament to urge the Scottish Government to issue a direction to Scottish Water under the Water Industry (Scotland) Act 2002 to discontinue the practice of paying bonuses to its senior executives. I seek members' views on how we should deal with the petition.

Nigel Don: We can reflect on the fact that the petition has been discussed and referred to the Scottish Government, that we have received replies and that comments have been made in the chamber. My reading of the situation is that the Scottish Government has been put under some pressure to do what the petition asks, has decided not to and believes that it can justify its view, whatever principled objections some of us may have. A regulatory regime and a remuneration framework are in place. Clearly, the Government believes that staying with what it has will achieve the maximum efficiency and cost savings for the organisation. I do not know whether we can disagree with that. On that basis, perhaps we should close the petition, as there is not much else that we can do.

Robin Harper: Absolutely.

The Convener: We agree to close the petition.

Cerebral Palsy/Acquired Brain Injury National Football Team (PE1335)

The Convener: The final current petition is PE1335, from Maggie Tervit and other parents, on behalf of football players with cerebral palsy or acquired brain injury. The petition calls on the Scottish Parliament to urge the Scottish Government to take action, including by making representations to the Scottish Football Association, to bring Scotland more into line with England, Wales, Northern Ireland and the Republic of Ireland and to adopt the Scottish national team for footballers with cerebral palsy/acquired brain injury.

The petitioner has provided a written submission for today's meeting. I understand that there are some additional questions that she would like us to ask. I seek members' views on how we should deal with the petition.

Robin Harper: Given that the SFA is committed to resourcing grass-roots and developmental opportunities for players from all areas of disability football and is funding a national development manager whose remit will cover all areas of

disability football from grass-roots to international level, I do not think that it is an appropriate time to ask the Government to make representations to the SFA or to attempt to direct what it is doing in that regard.

The Convener: I am not very clear about where we are on the petition, given that Scottish Disability Sport said in its letter of 30 August:

"SDS would fully support the incorporation of the Scottish CP/S/ABI Football Squad within the SFA. Much work has already been done to achieve this transition through the SDS/SFA partnership. This incorporation is key to the future development of the sport in Scotland. Without this additional support, existing structures will not develop and will eventually stagnate. However, it is vital that the existing partnership, of the SDS disability knowledge and the SFA technical knowledge, is maintained."

I am just not quite sure whether we have come to the end on this petition. I have a slight concern about it. Perhaps it would not do any harm to take the petition a bit further forward by asking the questions that the petitioner has posed. I am not clear about why such support is available in England and Wales, where I presume that other disability sports are supported. I just feel that we could do with a bit more clarity on the issue.

Nigel Don: At the very least we could formulate our question as, "Why has Scotland taken a different approach from that of the other countries?" We do not object to that, but we would like an explanation and rationalisation of the difference in approach.

The Convener: We could also ask whether it means that other disability sports are excluded. It would certainly be useful to find out what plans there are for future international development when the future disability plan is written. Other members of the committee might be interested in that area.

Robin Harper: Our problem in understanding the situation is to do with the number of funding streams and the multiplicity of organisations concerned. It is quite complex. The Government, sportscotland, the SFA, disability organisations and SDS are all involved.

The Convener: With the committee's agreement, I suggest that we look at the petition again on a future occasion. I think that there are some issues that we still need to have clarified. For example, I find the view of SDS on the adoption of the CP/ABI football squad by the SFA quite interesting.

Nigel Don: At the very least, we should ask the questions that the petitioner has asked us to pursue, on the basis that she has a much better understanding of the subject than I do. The more I see of petitions relating to Scottish football, the more confused I get and the more concerned I

become that people expect Parliament to sort out what other people do not seem to be able to sort out themselves. When it comes to football in general, I am not too worried, but when it comes to disabilities and those who need our help, I think that it is important that we push forward and ask the questions that they are asking. Once we have got responses to those questions and there are more of us present, it might be clearer what we can do in the future to help.

Robin Harper: The Government is quite clear—correctly, I think—that this is a matter for sportscotland, which is the agency that has the responsibility for implementing ministerial policy. How much further the Government could be expected to interfere in the work of sportscotland is a matter of conjecture.

15:30

The Convener: I do not think that that is what we are asking. The suggestion is that we write to the SFA. I am also interested in what Scottish Disability Sport's position is, as it receives funding from sportscotland. It would be useful to tease out the matter a little further.

Robin Harper: It might be worth asking the Government whether it has given sportscotland specific targets on disability football and, if so, whether those targets have been met.

The Convener: Do we agree to the suggestions?

Members *indicated agreement.*

New Petitions (Notification)

The Convener: The committee is invited to note the new petitions that have been lodged since our last meeting. They will be timetabled to come before us for consideration at the earliest opportunity.

The next item on our agenda will be taken in private, as agreed earlier. Before I close the public part of our meeting, I want to make a few points about our work this year.

Over the course of the year, we have met 19 times. Seventeen of those meetings have been in Holyrood and the others were held in Anstruther and Arran. We have considered 78 new petitions and 304 current petitions—I should note that that number includes some petitions that have been before us two, three or four times this year. We estimate that we have issued around 2,000 individual letters and e-mails requesting information on those petitions. That is quite a staggering volume of material to have initiated, processed and considered in the interests of moving the petitions forward. I thank all members of the committee—including those who are unable to get out of their homes today—for their efforts in tackling all the petitions that came before us.

Our next meeting will be at 2 o'clock on Tuesday 11 January 2011. Although it is a bit early, I wish you all a merry Christmas and a peaceful new year.

15:33

Meeting continued in private until 15:38.

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