

# **EDUCATION, CULTURE AND SPORT COMMITTEE**

Tuesday 17 December 2002  
(*Afternoon*)

Session 1

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2003.

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

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

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

---

# CONTENTS

Tuesday 17 December 2002

|   | Col. |
|---|------|
| ITEM IN PRIVATE .....   | 3947 |
| COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE (SCOTLAND) BILL: STAGE 2 ..... | 3948 |
| GAELIC LANGUAGE (SCOTLAND) BILL: STAGE 1 .....                            | 3949 |
| PUBLIC APPOINTMENTS AND PUBLIC BODIES ETC (SCOTLAND) BILL: STAGE 2 .....  | 3962 |
| HUMAN RIGHTS CONFERENCE.....  | 3964 |

---

## EDUCATION, CULTURE AND SPORT COMMITTEE

### 33<sup>rd</sup> Meeting 2002, Session 1

#### CONVENER

\*Karen Gillon (Clydesdale) (Lab)

#### DEPUTY CONVENER

Cathy Peattie (Falkirk East) (Lab)

#### COMMITTEE MEMBERS

\*Jackie Baillie (Dumbarton) (Lab)  
\*Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)  
\*Irene McGugan (North-East Scotland) (SNP)  
\*Mr Brian Monteith (Mid Scotland and Fife) (Con)  
\*Michael Russell (South of Scotland) (SNP)

#### COMMITTEE SUBSTITUTES

Murdo Fraser (Mid Scotland and Fife) (Con)  
Marilyn Livingstone (Kirkcaldy) (Lab)  
Fiona McLeod (West of Scotland) (SNP)

\*attended

#### WITNESSES

Dòmhnall Màrtainn (Comunn na Gàidhlig)  
Roderick Murray (Comhairle nan Eilean Siar)

#### CLERK TO THE COMMITTEE

Martin Verity

#### SENIOR ASSISTANT CLERK

Susan Duffy

#### ASSISTANT CLERK

Ian Cowan

#### LOCATION

Committee Room 1



**Scottish Parliament**  
**Education, Culture and Sport**  
**Committee**

*Tuesday 17 December 2002*

*(Afternoon)*

[THE CONVENER *opened the meeting at 14:07*]

**Item in Private**

**The Convener (Karen Gillon):** I call this meeting to order. We are now in public session, so I ask members to ensure that all mobile telephones and pagers are turned off. I have received apologies from Cathy Peattie, and from Jackie Baillie, who will be late.

Do members agree to discuss item 6 in private? We will be looking again at our purposes of education inquiry.

**Members** *indicated agreement.*

**Commissioner for Children and**  
**Young People (Scotland) Bill:**  
**Stage 2**

**The Convener:** We move to item 2 on the agenda. Members have in front of them from the non-Executive bills unit a paper that details how we hope to proceed with amendments from committee members, to ease the smooth passage of the Commissioner for Children and Young People (Scotland) Bill. Are members satisfied with the approach that is set out?

**Michael Russell (South of Scotland) (SNP):** I am broadly satisfied. It is right that the non-Executive bills unit should draft non-controversial amendments and bring them to the committee. I speak for SNP members when I say that we would be happy for the main amendments to be lodged in the name of the convener, on the understanding that we may lodge amendments if we want to do so.

**The Convener:** Thank you.

**Michael Russell:** Do we have a time scale for the bill?

**The Convener:** I understand that stage 1 consideration will be on 5 January and that stage 2 will begin three weeks after that and will be completed prior to the end of the session.

## Gaelic Language (Scotland) Bill: Stage 1

**The Convener:** Item 3 is the committee's continued evidence taking at stage 1 of the Gaelic Language (Scotland) Bill. Members should have a briefing from the Scottish Parliament information centre and further submissions that the committee has received.

I welcome Donald Martin to the committee. You may make some introductory remarks before we move to questions.

**Dòmhnall Màrtainn (Comunn na Gàidhlig):** Tha mi toilichte an cothrom seo fhaighinn tighinn fa chomhair na comataidh às leth Chomunn na Gàidhlig gus fianais a thoirt mu dheidhinn a' bhile. Dh'ullaich sinn pàipear a tha a' mineachadh suidheachadh Chomunn na Gàidhlig air a' bhile. Tha sinn a' cur fàilte air a' bhile a chionn 's gu bheil e a' toirt cothrom dhan chomataidh, dhuinn fhèin agus dhan Phàrlamaid deasbad a dhèanamh air inbhe thèarainte dhan Ghàidhlig. Tha sinn air a bhith a' strì airson inbhe thèarainte dhan Ghàidhlig airson iomadach bliadhna a-nis agus, mar sin, tha e math gu bheil sinn air tighinn chun na h-ìre seo far a bheil e gu bhith ga deasbad anns a' Phàrlamaid. Tha sinne a' toirt taic do phrionnsabal a' bhile. Gu ìre, tha am bile a' toirt inbhe thèarainte agus tha e a' comharrachadh co-ionannachd dhan Ghàidhlig aig an aon ìre ris a' Bheurla. Chan urrainn dhuinne ach taic a thoirt do sin.

Anns a' bhile a dheasaich sinn fhèin, agus a chuir sinn chun an Riaghaltas bho chionn trì bliadhna, cha robh sinn dhen bheachd gum bu chòir còirichean luchd na Gàidhlig a bhith stèidhichte ann an sgìrean fa leth. Bha sinn airson gum biodh na h-aon chòirichean aig luchd na Gàidhlig agus luchd-taic na Gàidhlig air feadh Alba air fad. Mar sin, cha b' urrainn dhuinn taic a thoirt dhan an earrann sin dhen bhile. Is e cànan a tha sa Ghàidhlig a tha a' buntainn don chuid mhòr de dh'Alba. Mar sin, bhiodh sinn a' dèanamh dì-meas air luchd-labhairt agus luchd-taic na Gàidhlig ann an ceàrnaidhean eile de dh'Alba nam biodh bile ann nach robh a' comharrachadh còirichean luchd na Gàidhlig ach do sgìre mar a' Ghaidhealtachd agus na h-Eileanan.

Tha sinn cuideachd a' smaoinachadh gum bu chòir dhuinn an cothrom math seo le Bile Cànan na Gàidhlig (Alba) a ghabhail airson inbhe laghail a thoirt do bhòrd Gàidhlig na h-Alba. Tha sinn a' tuigsinn carson nach deach iomradh a thoirt air anns a' bhile, oir tha mi a' creidsinn nach robh an suidheachadh cho soilleir nuair a chaidh am bile a dheasachadh. Tha bòrd Gàidhlig na h-Alba gu bhith againn a-nis, agus tha sinn a' toirt taing dhan Riaghaltas agus dhan mhinistear airson sin. Ach

feumaidh cumhachd a bhith aig a' bhòrd, stèidhichte le achd laghail anns an aon dòigh anns a bheil Bòrd na Cuimris anns a' Chuimrigh. Tha sinn a' smaoinachadh gur e sin an dòigh air adhart.

Tha sinn a' moladh nach eil a dhith ach bile simplidh, goirid, neo-aimhriteach. Chan fheumadh an leithid sin de bhile ach trì prionnsabalan a thoirt a-staigh. Is e a' chiad phrionnsabal aithne a thoirt dhan chànan mar aon de na cànanan nàiseanta ann an Alba. Is e an dara prionnsabal Gàidhlig agus Beurla a stèidheachadh aig ìre co-ionann. Is e an treas prionnsabal cumhachd agus ùghdarras a thoirt do bhòrd Gàidhlig na h-Alba gus plana nàiseanta na Gàidhlig a dheasachadh agus a chur an cèill ann an co-bhonn ri buidhnean poblach, buidhnean priobhaideach agus buidhnean saor-thoileach mar a tha freagarrach agus iomchaidh. Chan eil na trì prionnsabalan sin idir a' dol an aghaidh prionnsabalan no spiorad a' bhile a tha fa chomhair na comataidh. Chan eil iad idir a' dol an aghaidh rud sam bith a tha an Riaghaltas air a ràdh a thaobh suidheachadh na Gàidhlig gu ruige seo.

Leugh sinn gu mionaideach am freagairt a thug am ministear dhan chomataidh mu dheidhinn suidheachadh an Riaghaltas. A thaobh nan ceithir puingean anns an earrann mu dheireadh dhe litir a' mhinistear, tha sinn dhen bheachd gun gabh na duilgheadasan no na cnapan-starraidh sin—mas e cnapan-starraidh a tha annta—a leasachadh le bile simplidh, soilleir, goirid a dh'fhaodadh a' Phàrlamaid a chur troimhe ann an ùine aithghearr. Thugadh sin cothrom dhan chiad Phàrlamaid againn ann an Alba cliù na Gàidhlig a thogail agus taic a thoirt do chànan nàiseanta na h-Alba ann an dòigh anns am biodh sinn a' miannachadh

*Following is the simultaneous interpretation:*

Thank you, convener. I am happy to be here on behalf of Comunn na Gàidhlig to give evidence to the committee. We have already submitted a paper that explains how we feel about the Gaelic Language (Scotland) Bill. We welcome the bill and the opportunity that it gives the committee, the Parliament and Comunn na Gàidhlig to debate secure status for Gaelic. For many years we have striven to obtain secure status for Gaelic, so it is good that we have reached the stage of being able to debate that issue further in the Parliament. We support the principle of the bill; it will to some degree provide secure status for Gaelic and it recognises the need for Gaelic and English to have equal opportunities.

When we devised a draft bill that was submitted to the Government three years ago, we did not feel that there should be a division between the Highlands and the Lowlands. We felt that Gaelic speakers throughout Scotland should have equal

opportunities, so we cannot support the distinction that the Gaelic Language (Scotland) Bill makes between the Highlands and the Lowlands. Gaelic is a national language and is spoken throughout the country. If secure status were restricted to the Highlands and Islands, we would be discriminating against Gaelic speakers in other areas of Scotland.

We should take the great opportunity that the bill presents to give bòrd Gàidhlig na h-Alba some rights and responsibilities. We recognise that bòrd Gàidhlig na h-Alba is not mentioned in the bill, but the body now exists. We thank the Executive and the Minister for Tourism, Culture and Sport for establishing bòrd Gàidhlig na h-Alba, but the body needs to have power and to be established under a Gaelic act, just as the Welsh Language Board was established under the Welsh Language Act 1993. We see that as being the way forward.

We recommend a simple and uncontroversial short bill that recognises three principles. First, it should recognise Gaelic as one of Scotland's national languages. Secondly, it should establish equality between Gaelic and English. Thirdly, it should empower bòrd Gàidhlig na h-Alba to devise and implement a national plan for Gaelic, in conjunction with appropriate public, private and voluntary organisations. Those principles do not run contrary to the principles of the Gaelic Language (Scotland) Bill or to anything that the Executive has said about Gaelic until now.

We have read in detail the response that the minister made to the bill on behalf of the Executive. The four hurdles or problems that the minister identifies in the final part of his response can be overcome by a short and simple bill that the Parliament could approve quickly. That would give the first Scottish Parliament an opportunity to raise the profile of Gaelic. The Parliament would be supporting Scotland's national language in a way that would please us.

**Michael Russell:** Mr Martin, thank you for your written submission and for your support for the principles of the bill. As you are aware, the legislative process of the Scottish Parliament is clear. This series of evidence-taking meetings leads to a stage 1 debate at which the Parliament will decide, with a recommendation from the committee, whether to accept the general principles of the bill, which is a phrase that you have used a couple of times and to which I will come back. The bill will then move to the process of detailed amendment at stage 2.

14:15

To be absolutely clear, are you saying that you support the bill's general principles and that it should reach stage 2, during which it could be amended comprehensively? For example, amendments could be lodged to include in the bill

bòrd Gàidhlig na h-Alba—which you rightly said had not been established when the bill was drafted—and to remove the bill's geographic limitations. Is that the process that you want us to go through?

**Dòmhnall Màrtainn:** Tha sin ceart. Chan eil sinne a' faicinn càil idir an aghaidh prionnsabal a' bhile a chionn 's gu bheil am bile a' toirt inbhe thèarainte ceum air adhart. Anns an dara àite, tha e a' comharrachadh gum biodh a' Ghàidhlig agus a' Bheurla co-ionann ann an Alba.

A thaobh nan rudan mionaideach mar am biodh e na b' fheàrr bòrd Gàidhlig na h-Alba a bhith mar phàirt dhen bhile agus cumhachd a bhith aig a' bhòrd an àite aig seirbheis an ombudsman, tha mi a' smaoinèachadh gun gabhamaid ri sin aig an dara ceum. Dh'fheumadh am bile cumhachd a thoirt gu soilleir do bhòrd Gàidhlig na h-Alba gus am bi e comasach dhan bhòrd a bhith a' coileanadh nan dleastanasan a tha am ministear air a thoirt dhaibh ann a bhith ag ullachadh agus a' cur an sàs plana nàiseanta. Dh'fheumadh sin a bhith soilleir agus èifeachdach anns a' bhile.

*Following is the simultaneous interpretation:*

That is right. We do not see anything that we disagree with in the bill's principles. We would like to see bòrd Gàidhlig na h-Alba included in the bill, which would give equality for Gaelic and English throughout the country. The more detailed parts of the process might involve bòrd Gàidhlig na h-Alba taking some of the ombudsman's role. We have to be clear that the bill will empower bòrd Gàidhlig na h-Alba so that it can fulfil its responsibilities, which were given to it by the minister in implementing the national plan for Gaelic. Its role must be clear and efficient.

**Michael Russell:** That is helpful. As the *Official Report* will show in both languages, the opening remarks of your answer were that you agree with the general principles of the bill and that you are looking forward to comprehensive amendments at stage 2.

I want to deal with two possible amendment issues. The geographic limitation of the bill, of which I have said frequently that I would be happy to do away with it if possible, has two possible virtues. The bill seeks to provide additional opportunities for Gaelic speakers, because all bodies that would be affected would have to employ a Gaelic speaker to perform some of the bill's functions. The first virtue of the geographic limitation is that because it would be difficult to find enough people to fulfil such roles throughout Scotland—Mr Martin would probably agree—implementing the bill more slowly might be the way to do it. The bill as drafted covers the whole of Scotland; only its implementation would be staged.

The second advantage might be that it would focus the debate and put pressure on whoever is the minister after 1 May next year to introduce the bill with resources for the other parts of Scotland. It is possible that the Highlands and Islands have the resources for the bill, because good practice already exists there, but other parts will not have those resources. That relates to North Ayrshire Council's written evidence, which said that that council would need more resources. There might be some advantage in the phased introduction of the bill, because as it is drafted it does not exclude any area. What is your response to those points?

**Dòmhnall Màrtainn:** Tha mi a' gabhail ris na h-argamaidean làidir sin. Feumaidh sinn a bhith mothachail nach biodh bile Gàidhlig a bha a' toirt a-staigh Alba air fad a' ciallachadh gum biodh a h-uile àite ann an Alba comasach air seirbheisean a thoirt seachad anns a' chànan. Leugh mi an teisteanas a fhuair a' chomataidh bhon Ollamh MacFhionghuin agus bhon Ollamh Meek aig a' choinneimh an t-seachdain sa chaidh, far an deach ceistean gu math cudthromach a thogail a thaobh luchd-obrach ann an oifisean an Riaghaltas an Glaschu agus an Dùn Èideann. Chan eil dòigh ann air am b' urrainn dhuinn seirbheis dhen t-seòrsa sin a thoirt seachad. Feumar a bhith mothachail gum biodh an ìre aig am biodh taic a thoirt dhan Ghàidhlig eadar-dhealaichte anns na h-Eileanan an Iar agus àiteachan air a' Ghaidhealtachd ris an ìre a gheibheadh tu nuair a thig thu sìos gu àiteachan mar Ghlaschu agus Dùn Èideann.

Is e an cunnart mòr, a tha sinne a' faicinn, ann a bhith a' comharrachadh sgìre anns a' chiad dol a-mach far am biodh ùghdarras a' bhile a' dol an sàs, gum biodh an Riaghaltas—chan eil e gu diofar dè seòrsa Riaghaltas a bhiodh ann—a' dèanamh leisgeul le bhith ag ràdh, "Tha bile Gàidhlig agaibh agus cha leig sibh leas an còrr." Ma-dh'fhaoidte nach fhaigheadh sinn leudachadh gu bràth. Cha bhiodh e uabhasach furasta an rud a leudachadh air feadh Alba air fad.

Ma dh'fhaodas mi puing eile a dhèanamh, nuair a bhios bòrd na Gàidhlig a' cur an sàs plana nàiseanta na Gàidhlig, tha mi a' creidsinn gur ann pìos air pìos a bhios sin ga dhèanamh. Aig an toiseach, bithear a' dèanamh barrachd anns na sgìrean far a bheil a' Ghàidhlig an-dràsta agus an uair sin bithear a' toirt a-staigh na h-àiteachan eile beag air bheag.

*Following is the simultaneous interpretation:*

I agree with Michael Russell's arguments, which are strong. We do not envisage a bill that does not include the whole of Scotland, because we feel that the whole of Scotland should provide such services. I read what Donald Meek and Kenneth MacKinnon said last week, and members asked important questions about employees in the

Executive's offices in Glasgow and Edinburgh. There is no way that we could assume that such services could currently be provided and we must recognise that, at the moment, the level of support that we can give will be different in the Highlands and Islands to what can be given in the Lowlands.

However, we see danger in dividing Scotland in respect of the bill's implementation. Whatever Executive we have, they would have the excuse of saying that because there is a Gaelic bill, we do not need anything more. That would mean that we would never develop, because if the bill is implemented only in the north, it will not be easy to expand.

I will make one other point. I am sure that bòrd Gàidhlig na h-Alba will implement the national plan for Gaelic step by step, although it might do so more quickly in the stronger Gaelic heartlands and implement the plan little by little in other areas.

**Michael Russell:** You have accepted the resource problems that I mentioned—I want to take that one step further. Is there another way in which to amend the bill so that it would not state simply that the bill must apply to all Scotland on day one? A programme of implementation could be inserted in the bill. For example, on royal assent or six months after, the bill could come into operation in the Highlands and Islands and two years after royal assent, it could come into operation in other parts of Scotland. Such implementation could be stopped only if an appropriate motion was lodged and agreed to in Parliament. Your argument that the Executive would not take that action would be vitiated because you would have a guarantee that implementation would take place unless the Parliament voted against it; one could not gainsay the elected Parliament if it chose to do that. I am looking for ways to combine the resource difficulty that you accept exists, with a practical plan to introduce the bill.

I repeat that I will probably vote for an amendment to the bill to introduce it to the whole of Scotland immediately because that is what my heart says. However, my head says increasingly that phased implementation would accommodate the realities of being able to employ people and would focus the argument on resources. There are few things worse than legislation without resources.

**Dòmhnall Màrtainn:** Tha sin ceart. Tha mi ag aontachadh gu mòr ri sin, ach an àite achd airson am feumar a dhol air ais chun na Pàrlamaid an dèidh sia mìosan no an dèidh bliadhna, lùiginn-sa gum biodh e cus na bu shìmplidhe—

*Following is the simultaneous interpretation:*

I agree with that. Rather than an act to which Parliament would have to return after six months or a year—



**Michael Russell:** Parliament would not have to do so in the circumstances that I outlined.

**Dòmhnall Màrtainn:** An rud as sìmplidhe a ghabhas dèanamh agus an rud a dh'aontaicheas a' Phàrlamaid ris, is e sin an dòigh air adhart. Bha mise a' smaoinachadh gum bu dòcha gun deigheadh cumhachd a thoirt do bhòrd Gàidhlig na h-Alba plana leasachaidh na Gàidhlig a chur an sàs air feadh Alba mar a bhiodh e comasach dhan bhòrd sin a dhèanamh. Feumaidh sinn a bhith mothachail nach urrainn am bòrd obair a dhèanamh mura faigh iad airgead bhon Riaghaltas airson nam prìomhachasan sin a chur an sàs. Aig deireadh an latha, tha grèim ann an dòigh aig an Riaghaltas air dè an t-ionmhas a tha a' dol chun na Gàidhlig a chionn 's gur e an Riaghaltas a tha ag aontachadh dè an suim airgid a tha a' dol an aghaidh obair a' bhùird.

*Following is the simultaneous interpretation:*

We will agree with the simplest route. We feel that if bòrd Gàidhlig na h-Alba is to be given the power to implement the national plan for Gaelic throughout Scotland, we must recognise that bòrd Gàidhlig na h-Alba cannot work unless it is financed by the Executive to the extent that it can fulfil its aims. The Executive would, in a way, have control over the finances that are given to Gaelic. The Executive will agree what money will be set aside for bòrd Gàidhlig na h-Alba.

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** What is your view of the financial implications of the bill as drafted?

**Dòmhnall Màrtainn:** Chì mi gu bheil suimeannan air a thoirt seachad ann am meòrachan ionmhasail a' bhile. Tha na suimeannan sin a' comharrachadh a-mach gum bi mu £3,000 a' tuiteam air gach buidheann airson planaichean a leasachadh agus tha mi a' creidsinn gu bheil sin ceart. Chan urrainnear rud dhen t-seòrsa sin a dhèanamh gun airgead air choreigin, agus is e sin suim gu math beag an lùib nam buidhnean. Chan eil fhios agam dè a chosgadh e a h-uile càil a chur an sàs, ach is e aonan de na buannachdan dhen mholadh againn airson bile sìmplidh a thugadh cumhachd do bhòrd na Gàidhlig, gur ann air bòrd na Gàidhlig a bhiodh an t-uallach aig deireadh an latha gu bhith a' dèanamh cinnteach gun robh airgead ga chur ma choinneimh nan leasachaidhean a bhiodh a' tighinn bhon bhile. Bhiodh an t-uallach a' tuiteam air a' bhòrd fhèin.

*Following is the simultaneous translation:*

I see that £3,000 will be set aside for each organisation to implement the bill, which is fair and right, although I do not know how much it will cost to implement the entire bill. One of the plus sides of a simple bill that would give power to bòrd Gàidhlig na h-Alba is that the board would have

responsibility for ensuring that money was set aside for each development around the bill.

**Ian Jenkins:** You spoke earlier about the financial implications and the difficulty of resourcing the programme, but the amount of money involved seems to be very small. Are we in fact asking you to sign a blank cheque?

**Dòmhnall Màrtainn:** Chan eil. Ged is e àm na Nollaige a tha ann, tha mi reusanta agus tha fhios agam nach urrainn dhomh seic bhàn fhaighinn bhuaibh. Cha bhiodh mòran airgid a' tuiteam air an Riaghaltas anns a' chiad àite airson bile goirid, sìmplidh mar a tha sinn a' moladh. Bhiodh e an uair sin an urra ri bòrd na Gàidhlig, aig am biodh ùghdarras agus uallach am prògram a chur an sàs, a dhol chun an Riaghaltais—direach mar a dh'fheumas am bòrd a dhèanamh co-dhiù—agus airgead a bharrachd fhaighinn airson nan leasachaidhean a tha iad airson a chur air adhart a chur an cèill.

*Following is the simultaneous interpretation:*

No, that is not true. Although it is Christmas time, I am very reasonable and could not demand a blank cheque from the committee. The Executive would not need to spend very much money on the simple bill that we recommend, but it would be the responsibility of bòrd Gàidhlig na h-Alba to implement the programme. The board would have to go to the Executive—as it would have to do in any case—to ask for more finances for developments that it wanted to implement.

**Ian Jenkins:** You should not necessarily think that I am against the bill. I am only exploring the situation. If, instead of the three provisions that you suggest might do, in what would be a hugely amended bill, the bill contained only one provision that said simply that Gaelic was an official language of Scotland, would that be of any use?

**Dòmhnall Màrtainn:** Bhiodh e feumail, ach cha bhiodh e a' dol ach letheach slighe. Feumaidh sinn a bhith soilleir nach e a-mhàin gu bheil Gàidhlig na cànan nàiseanta no na cànan oifigeil ann an Alba, ach feumar leantainn le sin agus cumhachd a thoirt do bhuidheann air choreigin airson dèanamh cinnteach gu bheil na briathran sin gan cur an cèill. Mura bi neart laghail agus cumhachd aig bòrd na Gàidhlig, tha uallach ormsa nach biodh am bòrd càil na b' fheàrr na tha Comunn na Gàidhlig air a bhith thairis air na bliadhnaichean a chaidh seachad. Is e an duilgheadas a tha air a bhith aig Comunn na Gàidhlig nach eil cumhachd no fìaclan againn airson nan leasachaidhean a tha sinn airson fhaicinn a chur an sàs.

*Following is the simultaneous interpretation:*

That would be useful, but it would go only halfway towards the goal. We must be clear that Gaelic is not only an official language in Scotland,

but that it must be developed. An organisation must be given power to implement the bill. I would be worried if legal power for secure status were not given to bòrd Gàidhlig na h-Alba so that it was no more effective than Comunn na Gàidhlig has been. Comunn na Gàidhlig's problem has been that it has not had the power. It has not had the teeth to make the developments that we wanted.

**Ian Jenkins:** The second string to your proposal for the bill is that Gaelic should be equal with English. What would that mean?

**Dòmhnall Màrtainn:** Chan eil sin a' ciallachadh idir gum feumadh daoine a tha a' reic ann am bùithtean air Sràid a' Phrionnsa an Dùn Èideann a bhith comasach anns a' Ghàidhlig no gum feumadh a h-uile ball Pàrlamaid a bhith comasach anns a' Ghàidhlig. Anns a' chiad àite, bhiodh am moladh sin a' toirt misneachd le bhith a' toirt inbhe shònraichte dhan chànan anns an aon dòigh 's a tha a' Chuimris a' faighinn anns a' Chuimrigh. Is e sin rud cudthromach agus tha e uabhasach fhèin deatamach ann a bhith a' gluasad air adhart le leasachaidhean agus adhartas anns a' chànan.

*Following is the simultaneous interpretation:*

That would not mean that staff in shops in Princes Street or every MSP would have to speak Gaelic. It would provide encouragement and some status, which the Welsh language has in Wales. That is important, and crucial to developing Gaelic.

**The Convener:** Members have no further questions, so I thank the witness for his evidence. I am sure that we will be in touch in due course.

The next witnesses are Alasdair MacLeod and Roderick Murray from Comhairle nan Eilean Siar—I am trying my best to pronounce that.

**Michael Russell:** Your best is always good enough.

**The Convener:** I thank the witnesses for attending. We would be grateful if you made introductory comments before we ask questions.

**Roderick Murray (Comhairle nan Eilean Siar):** I thank the committee for inviting Comhairle nan Eilean Siar to give evidence. I will make three short points to outline the comhairle's position. The comhairle supports in principle a Gaelic language act, as it would mean formal recognition by the Scottish Parliament that Gaelic is the major indigenous language of Scotland and deserves formal legal status.

A Gaelic language act would significantly assist bòrd Gàidhlig na h-Alba, once that is up and running, and it would stimulate the adoption of a national, co-ordinated and focused approach to Gaelic, so that more strategies and resources are effective and realistic.

However, we are somewhat concerned that, initially, the Gaelic Language (Scotland) Bill would

confer secure language status in only some areas of Scotland. The practicality and consequences of a limited approach must be questioned. The proposed areas are those where Gaelic continues to be used daily, but they are not the most populous areas, which are the cities. The bill would deny Gaelic speakers in urban areas the benefits of secure status. Comhairle nan Eilean Siar believes that secure status should be extended to Scotland as a whole, as that would enable Gaelic to be developed, at different levels in different areas and at the pace at which those areas wished to proceed.

**Michael Russell:** Thank you for your opening remarks and your written submission, which was extremely helpful, especially the statement that the Western Isles Council supports the concept that

"all major public bodies should prepare and implement Gaelic language plans."

Western Isles Council has had more experience than other local authorities in Scotland of using Gaelic and being accessible for inquiries in Gaelic. How well has that strategy worked over the years and what strengths has it brought to the council?

14:30

**Roderick Murray:** It has worked extremely well. The policies of Gaelic education and Gaelic-medium education are flagships of the comhairle. The comhairle also has officers and members who are available at all times to meet members of the public and speak to them in Gaelic.

The comhairle has been involved in several other areas also. It has a promotion day—latha na Gàidhlig—every year. A variety of events take place, and the day has been very effective in raising the profile of Gaelic in the comhairle. The comhairle's annual report and a wide selection of other documents are produced in bilingual form. All those measures help to raise the profile of the language and to increase its status in the local community.

**Michael Russell:** The council does more than that though. The committee took evidence in the council's chamber in Stornoway, and the bill is founded partly on some of the statements and commitments that the council has made over the years. An important element of a Gaelic language plan is that it ensures that Gaelic can be used in all areas of life, including domestic, entertainment and official situations. Many who think and write about such matters feel that that is extremely important. Do you agree?

**Roderick Murray:** Yes. The comhairle is bilingual, and members may decide whether to speak in Gaelic or English. Translation facilities are available at all meetings. The comhairle has given outside organisations, such as public bodies

and private companies, a great deal of encouragement to use Gaelic, display their names in Gaelic and to place Gaelic at the forefront of everything that they do. That strategy has been successful, but, of course, more could always be done.

**Michael Russell:** That is also important and interesting. Again, those who study and think about such matters see a direct link between the development and health of a language and the economic progress of those people who speak it. The revival of the Faroese language is given as an example. It must be part of the council's policy to make that link and to ensure that this is not an either/or situation and that economic development and linguistic health always go hand in hand.

**Roderick Murray:** I could not agree more. Unfortunately, the islands' economy has not been doing well in the past five to six years, which means that they are losing their Gaelic population at both ends: they lose their elderly citizens for the inevitable reasons and they lose their young people to further or higher education or to employment in areas such as Edinburgh and other cities in Scotland, the United Kingdom or the wider world. Those people are lost to the area's economy, and the young people who would have had children and brought them up on the islands as Gaelic speakers are no longer there. Therefore, apart from the need to address the difficulties of the language, we must also address the difficulties of the economy and find a way to keep economically active young people on the islands to generate a healthy, balanced population of Gaelic speakers.

**Michael Russell:** You heard the points that I made to Donald Martin about the geographical limitations of the bill. There is a debate to be had on that, and I might vote for an amendment to change that provision. Your submission refers to the role of *bòrd na Gàidhlig*. The bill was drafted almost in parallel to the work that *bòrd na Gàidhlig* has done.

If you remember the ministerial advisory group on Gaelic's report, you will remember that one of the issues that Donald Meek brought firmly to the fore was the amount of time that the process has taken. A task force reported. MAGOG was then established and its report was published. *Bòrd Gàidhlig na h-Alba* has been founded now, although it is just getting under way. However, there has been no debate in the Scottish Parliament on the MAGOG report, although MAGOG itself requested that.

You say in your statement that to await the establishment of *bòrd Gàidhlig na h-Alba* and seek its advice might have been more appropriate. Do you accept that there is an imperative on the matter? The clock is ticking for Gaelic. Even

MAGOG realised that there had been too much delay.

**Roderick Murray:** Where we live, we see the imperative about us day by day. As I said before, the number of speakers is declining day by day and the population is declining. There is no time to lose.

*Bòrd Gàidhlig na h-Alba* is just about upon us. I believe that members will be appointed any day now and that it will be up and running soon. We would have preferred a bill that embraced the whole of Scotland, but would be introduced in different areas at different levels, as the communities were ready and able to bring Gaelic into their systems.

We know that some areas—such as the Western Isles, the inner cities of Glasgow and Edinburgh or the Highland region—are well able and ready to put plans into operation. There are other areas where Gaelic is perhaps not such a high priority, but those areas would, I am sure, in the fullness of time, understand the benefits that Gaelic and a Gaelic policy would bring to them and would eventually become part of the programme too.

**Michael Russell:** If the bill were to be amended significantly at stage 2, which seems to be everybody's view—including mine, I must say—would you be happy for the general principles of the bill to be agreed, so that it could proceed to stage 2 to be so amended so that the Parliament could act upon it?

**Roderick Murray:** We would certainly like the bill to make progress and would like it to be amended, as you suggest.

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** You have mentioned the need for large public bodies to have a Gaelic language plan. From your experience, what might that mean for a body such as the National Galleries of Scotland or the University of Edinburgh?

**Roderick Murray:** A Gaelic language plan might mean several things for such bodies. First, it might mean that, as in the Parliament, the signs throughout the buildings would be bilingual. That would be a good start. It might also mean that the signs on the front of the buildings would be bilingual, so that Gaelic is acknowledged.

Bodies could develop from that to having a core of Gaelic-speaking staff who could converse with or deal with visitors in Gaelic or English as the visitors wished. Policies and annual reports could be published bilingually. There is a variety of ways in which bodies such as those that you mention could help greatly to enhance Gaelic's status without incurring a great deal of cost.

**Mr Monteith:** You also said that, were the bill to be amended to allow it to take effect throughout Scotland without regional disparity, different areas would take up at a natural pace what the bill bestows. Is there not a difficulty, which explains the regional basis of the bill, whereby someone may live in a local authority area in which provision is not available that is available in a neighbouring local authority area and, because the requirement to make that provision is in statute, that person can insist—indeed, they can go to court to insist—that it be provided? Would that difficulty not prevent natural development? People could challenge a local authority in court and force a pace that public bodies might have difficulty in meeting, perhaps because of finding a lack of Gaelic speakers to employ.

**Roderick Murray:** If there were a legal requirement throughout Scotland, that could be the ultimate result. I hope that it would not happen that way, but that the authorities and organisations would see it as being to their advantage to introduce Gaelic policies at different levels within their organisation, local authority or wherever. I hope that people would never have to resort to those measures to get recognition for Gaelic in any area of Scotland.

**The Convener:** There are no further questions. I thank you very much for giving evidence. We will come back to you if there are any other queries.

## Public Appointments and Public Bodies etc (Scotland) Bill: Stage 2

**The Convener:** I have a copy of the *Official Report* of last week's meeting of the Local Government Committee, which will be circulated to members. I laid out this committee's position at that meeting. The minister's amendment proposes the establishment of a new successor body to the Ancient Monuments Board for Scotland and the Historic Buildings Council for Scotland.

Having heard the minister's reassurances and the announcement by the Minister for Tourism, Culture and Sport that there will be a review of the role and functions of Historic Scotland, I did not move the amendments. I have raised with the minister, and will continue to do so, my view that someone independent of the civil service should chair the review. I have also put that view in writing to the minister, which reflects the views of committee members who have spoken to me over the past few days.

The amendments have now been withdrawn. A successor body will be put in place not just to deal with the functions of the two bodies that will be removed, but to take a more strategic and wider look at the historic environment in Scotland. That will probably be a more positive move forward. The bodies involved that have spoken to me have welcomed the move.

**Michael Russell:** I offer my congratulations, convener—you did exactly the right thing. The minister's new ideas are significant and useful. I concur that my one remaining problem is the lack of an independent chair for the review. Without criticising the individual involved, I would prefer that there were an independent chair.

That said, the matter has shown the committee system at its best. We have gone from a deeply flawed plan, which was vigorously opposed by key individuals and did not stand scrutiny by the committee, to a sensible plan that still reduces the number of quangos, but also produces more robust and sensible solutions. It also closely examines the performance of a body that has not been and clearly is not up to par. That reflects credit on all those involved, and I thank you for your efforts, convener.

**The Convener:** Thank you.

**Jackie Baillie (Dumbarton) (Lab):** I apologise for being late. A little local health difficulty has taken some two years to resolve, but I hope that it has now, finally been resolved. I hope that you will forgive me.

Mike Russell is right: we were never necessarily troubled by the status of the organisation—by that, I mean the Ancient Monuments Board for Scotland and the Historic Buildings Council for Scotland—nor were we troubled that successor arrangements were appropriate or seen to be put in place. The moves by the minister go a long way towards providing the reassurance that not only we, but others who care for the historic environment, were calling for.

I am less bothered about whether the chair is internal or independent, although I will naturally bow to other views in the committee. My concern—I am not sure whether this was discussed at the last meeting—was on the remit of the review. I felt that it was expressed quite narrowly and not as the convener just expressed it, which is that the review will examine Historic Scotland in the context of the overall need to focus on our historic environment and the other existing institutions. My concern was that the remit should not consider Historic Scotland in isolation, but very much in the wider policy context. I wondered whether we should clarify that those issues will be considered under the remit.

14:45

**The Convener:** I clarify that when we specifically asked for a review, it was of the role and functions of Historic Scotland alone. It was not about the wider historic environment. However, I can certainly ask the minister to consider that, although we do not want to lose sight of the review of Historic Scotland itself and allow that to be clouded by a different debate. I realise that you are not suggesting that.

**Jackie Baillie:** No, that is part of the same debate. During the debate on whether to abolish or otherwise the Ancient Monuments Board for Scotland and the Historic Buildings Council for Scotland, we wondered who was responsible for what. Rather than attempting to widen the debate, we need to consider that in a slightly larger context than the remit perhaps suggests in order to get clarity.

**The Convener:** I shall undertake to speak with the minister in that regard. There are no other questions.

That was a piece of work well done.

## Human Rights Conference

**The Convener:** An e-mail that I received from an organisation that wishes to have a speaker at a conference has been circulated to members. I have put it on the agenda, as I would be grateful for members' views.

**Michael Russell:** Does Jackie Baillie want to do it? She seems to be ideally suited.

**Jackie Baillie:** The organisation approached me, but I said that I could not do it. That is why I suggested that the invitation be opened to the entire committee. The organisation then e-mailed the convener.

**The Convener:** I am not available on that day.

**Michael Russell:** I suggest Irene McGugan.

**Members** *indicated agreement.*

**Irene McGugan (North-East Scotland) (SNP):** I have not looked at my commitments for that day. I will check and come back to the committee on that.

**The Convener:** Thank you very much—that would be great. I will also ask the deputy convener to check her diary commitments so that, of the two of you, one will be available. We now move into private session to consider item 6.

14:46

*Meeting continued in private until 14:55*



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

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

The deadline for corrections to this edition is:

**Friday 17 January 2003**

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

#### PRICES AND SUBSCRIPTION RATES

##### DAILY EDITIONS

*Single copies: £5*

*Meetings of the Parliament annual subscriptions: £350.00*

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

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

*Single copies: £3.75*

*Special issue price: £5*

*Annual subscriptions: £150.00*

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

*Single copies: £3.75*

*Annual subscriptions: £150.00*

Standing orders will be accepted at the Document Supply Centre.

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

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

**The Stationery Office Bookshops at:**  
123 Kingsway, London WC2B 6PQ  
Tel 020 7242 6393 Fax 020 7242 6394  
68-69 Bull Street, Birmingham B4 6AD  
Tel 0121 236 9696 Fax 0121 236 9699  
33 Wine Street, Bristol BS1 2BQ  
Tel 01179 264306 Fax 01179 294515  
9-21 Princess Street, Manchester M60 8AS  
Tel 0161 834 7201 Fax 0161 833 0634  
16 Arthur Street, Belfast BT1 4GD  
Tel 028 9023 8451 Fax 028 9023 5401  
The Stationery Office Oriel Bookshop,  
18-19 High Street, Cardiff CF12BZ  
Tel 029 2039 5548 Fax 029 2038 4347

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

**Telephone orders and inquiries**  
**0870 606 5566**

**Fax orders**  
**0870 606 5588**

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

[sp.info@scottish.parliament.uk](mailto:sp.info@scottish.parliament.uk)

[www.scottish.parliament.uk](http://www.scottish.parliament.uk)

**Accredited Agents**  
(see Yellow Pages)

and through good booksellers