

MEETING OF THE PARLIAMENT

Thursday 11 September 2003

Session 2

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Scottish Parliament

Thursday 11 September 2003

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

Asylum Seekers

The Presiding Officer (Mr George Reid): Good morning. The first item of business this morning is a debate on motion S2M-329, in the name of Mr John Swinney, on the treatment of asylum seekers in Scotland, and on three amendments to the motion.

09:30

Mr John Swinney (North Tayside) (SNP): Today's debate takes place on a day of enormous significance for the international community, as we commemorate the events of 11 September. We extend and reiterate our sympathies to all those who were touched by the heinous events of that day. This morning, the very sad death of the Swedish foreign minister Anna Lindh—the result of an act in Sweden yesterday—has given us a sharp reminder of those heinous events. We commemorate her loss.

Fourteen years ago, the disparate nations of the planet came together as one to promote and protect the interests of the world's children. The result of those deliberations was the United Nations Convention on the Rights of the Child—the most universally embraced human rights treaty in history. Fourteen years after the world came together as one to frame that convention, I ask the Parliament to come together as one to uphold it because, although I am certain that there are real differences between our parties on the constitutional future of our country, the values that the UN Convention on the Rights of the Child enshrines should be respected by us all.

It is a mark of national shame that in 2003, in one small part of Scotland, those universal values are being denied. Today we have the opportunity to end that national shame and to say loud and clear that Parliament condemns the imprisonment of children in Dungavel and that we demand an end to that shameful practice.

Article 2 of the convention is clear. It says that all countries should take

“appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents”.

Children in Dungavel are not being protected. On the contrary, they are being locked up and

deprived of that most basic human right—liberty. They are being discriminated against and punished, for no reason other than the status of their parents. That is a direct attack on the UN Convention on the Rights of the Child. Moreover, it is a direct attack on the basic standards of decency that Scotland should be showing to some of the most vulnerable children on earth.

Dungavel is officially a removal centre, which implies that people should be there for the shortest period of time, but the facts say otherwise. The Ay family, with four children aged between seven and 14, was imprisoned for more than a year. Who could have failed to have been moved by the testimony of those children before they were deported? They were bewildered by the treatment to which our country had subjected them.

We know of another child detainee, Nikola Garzova, who spent two birthdays in detention and we know—from the report by Her Majesty's Inspectorate of Education that was published only this summer—that 36 children have spent six weeks or more behind bars during the past year. At any one time, about a fifth of the inmates at Dungavel are children.

The damage to those children is incalculable. HMIE's report says that, in spite of the commitment of a hard-working and enthusiastic teacher,

“The educational needs of children detained for prolonged periods of time were not being met”.

The chief executive of the Scottish Refugee Council used language rather different from that which was used by that Government education body. She said simply:

“It is shocking that innocent children in Scotland should be spending their teenage years behind bars, deprived of the benefits of proper schooling and the ability to socialise with people their own age.”

The reality is that Dungavel is not a removal centre. Let us lose the polite language and tell it as it is: Dungavel is a prison that locks up innocent young children.

The parents of such children are not criminals. They have applied for and been refused asylum, are officially said to be likely to abscond, or are having their identities checked. At the very worst, the parents' so-called crime is to seek a better life abroad—a better life in a country that they had believed treats people with dignity and respect.

Even if we were to accept, as the Home Secretary does, that failed asylum seekers have done something that deserves punishment, I fail to see any justification for punishing their children. It is not right, which is why no other European country treats children in that way and why we in Scotland should not treat children in that way in our country.

There is an alternative—no child has to be locked up. Families could be asked to report daily to a police station or a social work department to account for their movements. To those who might say that there is a risk that such families will not turn up and will abscond, I make two points: first, is it realistic to assume that a mother who speaks little or no English, who has no money and up to four children will go on the run? Who do they think that we are talking about here?

Phil Gallie (South of Scotland) (Con): The member mentioned the Ay family. In that instance, was not it the case that the mother with four children, and their father, absconded from Germany, hid away in a lorry and came illegally into Britain? Does not that contradict everything that the member has just said?

Mr Swinney: It is a question of having a different regime; it is about saying to people that they have an obligation to report and that we will not lock up innocent children for the activities of their parents. That is the fundamental issue. Either we think that it is right to imprison children for the activities of their parents or we accept that it is morally wrong in principle to lock up innocent children.

My second point is that, for the Scottish National Party, even if there is a risk that a family will go on the run, the interests of the child must come first. For us, the risk of harm to innocent children from being locked up behind bars outweighs the risk of the family absconding. That is our choice; it is for others to make their choice. Make no mistake. The issue that is at stake is whether we judge that it is right in principle to imprison children or whether it is immoral to imprison innocent children. That is the test that must be applied to every proposal that is made in the debate.

Sadly, the situation in Dungavel is all too typical of the way in which the United Kingdom Government treats asylum seekers. In April last year, the Home Secretary spoke about non-English-speaking immigrants “swamping” local schools. It is hard to think of a more racially charged word. Its use has its origins in the language of Enoch Powell and Margaret Thatcher.

In response, the Labour MP Diane Abbott, speaking in the House of Commons, had this to say:

“We are talking about children here, not raw sewage ... I think the rhetoric has the risk of feeding the very fears that the National Front lives on”.

She is right, so I make no apologies for the language that I and others have used to describe the Westminster approach to asylum. I wish only that those who say that they are outraged by my descriptions of Westminster asylum policy were more outraged by the reality of that policy.

Bristow Muldoon (Livingston) (Lab): If Mr Swinney believes that Westminster policy is racist, as he has claimed in the press recently, how can he explain the fact that the United Kingdom has accommodated 47 per cent of all people who have been granted refugee status in the European Union in the past year?

Mr Swinney: That is an interesting fact but, per capita, the UK has accepted fewer refugees than most other European countries. How can we welcome people with the rhetoric that David Blunkett comes out with, which is designed to alienate people and to make them feel unwelcome?

Bristow Muldoon rose—

Mr Swinney: The member's point has been dealt with. I will have more to say on proportionality in a moment.

The motion calls for an end to the detention of children at Dungavel. We in the SNP believe that the best way to do that would be to take responsibility for asylum policy by transferring it from Westminster to the Scottish Parliament. That would be a practical demonstration of the benefits of independence. Although others in the chamber agree with that, I accept that more disagree, but I do not believe for one second that one's opposing independence is a valid reason for remaining silent on this most pressing issue.

Robert Brown (Glasgow) (LD): Does Mr Swinney know that more children are locked up in the other immigration removal centres at Harmondsworth, Oakington and Tinsley? I have heard nothing from him about those centres in what is still the United Kingdom.

Mr Swinney: I have said in principle in the clearest way that I can and I framed the motion to make it crystal clear that the SNP believes that innocent children should not be locked up, whether in Dungavel, any other detention centre, or any other place.

The refusal of Scotland's First Minister even to give an opinion on the jailing of innocent children demeans his office. The only reasonable assumption that can be drawn from his refusal to speak out is that the First Minister agrees with and supports the policy. If so, he should be honest enough to say so. If not, he should have the guts to oppose what is happening. Whatever the First Minister's views, one thing is clear: the vow of silence is no longer sustainable.

Today's newspapers are full of reports of new dialogue between the Home Office and the Scottish Executive on how to handle the issue. I will wait to hear the Minister for Communities set out exactly what that means; however, I will make two comments. First, the Executive's position that

the issue was nothing to do with it has been shattered by the action that it has been forced to take to address public concern. Secondly, the key question that remains from the Executive's intervention—this question is also for every member—is: will children still be imprisoned at Dungavel once we have heard the minister's announcements and the speeches by Executive members?

Last week, the First Minister said that he would be outraged if Westminster interfered in a Scottish Parliament matter, so he will not interfere in a Westminster matter. The First Minister's bargain is that he will not talk about Westminster if Westminster does not talk about the Scottish Parliament. However, the First Minister's bargain is falling apart. The issue is not a reserved matter for Westminster; it is a matter for all of us who are committed to basic human rights in our country. The predecessor of the Minister for Communities was reported to have secured a pledge—which has since been broken—that children would not be detained at Dungavel for more than a few days. Perhaps the minister could confirm whether that pledge was secured. The Executive has spoken out on the matter in the past and now—at last—seems to be speaking out again.

The First Minister has said repeatedly that he will not interfere in Westminster matters, but Westminster has failed to stick to its side of the bargain. The UK Government has made it clear that on the education, health and welfare of the children of asylum seekers, it will interfere in the affairs of this Parliament whenever and wherever it likes. Westminster's Nationality, Immigration and Asylum Act 2002 makes that clear. Section 40 of that act gives the UK Government powers over "the education of residents of accommodation centres"

for asylum seekers. Crucially, an order under that section could apply, disapply or modify an act of this Parliament.

In a written answer to my colleague Linda Fabiani, the Minister for Education and Young People said that the 2002 act can override the Scottish Parliament's Standards in Scotland's Schools etc Act 2000. Our desire to educate children in the community is overridden by Westminster's desire to lock up asylum seekers and their children. That is a disgrace. Contrary to the First Minister's assertions, Westminster is directly interfering in this Parliament's affairs. The First Minister should stop his attempts to dupe the people of Scotland on that point.

The Executive must address another challenge to the regime at Dungavel. In January this year, the UK Government signed up to a European Union directive on minimum standards of care for asylum seekers. Article 10 of that directive

compels countries to educate asylum-seeker children and children of asylum seekers under similar conditions as those for nationals. It is clear that the children of Dungavel are not educated in similar conditions as Scottish nationals, because the last time I looked, Scottish nationals were not educated behind bars.

The UK is in clear breach of a directive that it signed up to voluntarily. In this Parliament, our duty should be to force the Government to meet its obligations, not to provide it with an excuse to ignore its obligations. The UK must comply with that directive by February 2005. My party, for one, will hound the Government at every opportunity from now until then to ensure that the UK complies.

Dungavel is part and parcel of the hysteria over asylum seekers. It represents a get-tough measure from Westminster new Labour that panders to misinformation and prejudice. We should not pander to prejudice; we should confront it. We should say that neither Scotland nor the UK is being flooded with or swamped by asylum seekers. I say to Mr Muldoon that we should point out the facts.

In the past 10 years, Sweden, Belgium, the Netherlands, Denmark, Germany and other European countries have taken in proportionally more asylum seekers than has the United Kingdom. Developing countries have taken in millions of asylum seekers in the past few years.

Bristow Muldoon: Will the member give way?

Mr Swinney: Mr Muldoon has had his answer—he should sit down.

For their actions, those countries should be supported. Providing a home for those who flee oppression by tyrannical regimes overseas should be a badge of honour, not a failure of public policy.

How we treat asylum seekers goes to the heart of how we see ourselves as a country and of how others see us. It goes to the heart of the Scotland that we want to build—a welcoming Scotland and a Scotland of values, decency and respect. That Scotland should be outward looking and should act as a beacon of freedom and justice. That Scotland should never seek to punish children because of where they or their parents come from. Parliament has an obligation to create that future and to make that ambition a reality. That ambition must override any misplaced deference to Home Office ministers.

What is involved is a question of principle. Do we in 21st century Scotland believe that it is right to lock up innocent children? The SNP deplores that view. I invite members to support that principle.

I move,

That the Parliament calls for an end to the detention of children at the Dungavel House Immigration Removal Centre.

09:47

Miss Annabel Goldie (West of Scotland) (Con): The motion is one of the shortest to have been lodged and it contains the simple proposition that children should not be detained in Dungavel. However, the SNP could have abbreviated that statement to the even simpler proposition that in Scotland, children should not be detained. Why did it not do that? It is because even the SNP recognises that in any society, children will, because of particular circumstances, need to be detained in a minority of distressing situations. No one in the chamber welcomes that but, of necessity, it cannot at times be avoided.

It is not surprising that, in its simplest form, the motion could not be advanced by the SNP, because it would be unsupportable. To give any proper consideration to the motion as drafted, the question must be asked why children are detained in Dungavel. The answer, of course, is that their parents are asylum seekers. However, they are not just asylum seekers—they are asylum seekers who merit detention because they fall into one of the following categories: doubt exists about their identity and the basis of the claim; there has been a failure to abide by the rules that govern temporary admission or temporary release; or removal of the asylum seeker from the United Kingdom is imminent.

The Presiding Officer: I ask Miss Goldie to move her microphone a little closer because some members are having difficulty hearing her speech.

Miss Goldie: On those asylum seekers' being among those who merit detention, the Scottish National Party's motion gets into difficulty, because either the party has no workable asylum policy—so that the Dungavels of this world would be redundant facilities to the SNP, whose regime would have no checks, balances, doubts or detention—or the party has some kind of policy on asylum seekers, the details of which are a closely guarded secret, but which acknowledges the need for a form of detention in some cases and draws the line at detaining children with their parents in those cases.

Whichever option describes the Scottish National Party's position, that position is incredible. Few people in Scotland seriously think that we can have no asylum policy, or that we can operate an asylum policy without a facility for detention in some cases.

Shona Robison (Dundee East) (SNP) rose—

Miss Goldie: If the Scottish National Party concedes the principle of detention in some cases,

I can think of nothing more brutal and inhumane than separating child from parent in such a case and placing that child in the care of a stranger—a foreigner who might not even speak the child's language.

The motion should address the asylum policy that is operated by Her Majesty's Government, the shortcomings of that policy and the practical consequences of those shortcomings for asylum seekers in Scotland, but it does not. The whole asylum system is in chaos and needs to be overhauled. Indeed, the Conservative party has urged Her Majesty's Government to take immediate action to introduce 24-hour-a-day monitoring of all ports of entry and it takes the view that no asylum seeker should be given unrestricted freedom of movement until all the necessary vetting procedures have been discharged by the security services. Most important of all, the processing of applications should be dealt with quickly and efficiently rather than in the turgid and lethargic manner of which Her Majesty's Government has been culpable. In short, we need a swifter, safer and fairer system. I say to Mr Swinney that the successful applicant deserves such a system and that decisions must be made as quickly as possible to be fair to applicants who have no entitlement to stay here.

At Westminster, the Conservative party's policy is to introduce one-stop accommodation centres for all new arrivals in order to facilitate the objectives of speed, safety and fairness. Our view is that, internationally, we need to reinstate the 1995 to 1997 bilateral agreement with France, which allowed us to return asylum seekers from France within 24 hours.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will the member clarify whether the Conservatives' policy, as outlined by Oliver Letwin, is to imprison adults and their children in offshore centres? Where would such imprisonment happen? Which islands in Scotland does Annabel Goldie have in mind?

Miss Goldie: If that were policy, I would be under an obligation to expand on it; however, it is not policy. The suggestion was one of many suggestions that were contained in a discussion paper. Mr Letwin has confirmed that what Mike Rumbles describes is not policy. Indeed, if the Scottish Conservatives have anything to do with the matter, it will never be policy. The risk of its becoming policy is very slight.

The need for dramatic change to asylum policy at Westminster is evident from the statistics. In 2002, there were 110,700 applications for asylum. Of those, more than 54,000 were refused at an initial stage, so it is clear that some form of checking or monitoring is necessary. More than 54,000 applicants were supported in national

asylum support service accommodation at the end of March 2003. On detention, at the end of June 2003, 1,355 people were detained in removal centres, 120 of them in Dungavel.

My party would like the population in Dungavel to be reduced and children to remain in Dungavel for the shortest possible time. However, only a change of policy and procedures at Westminster will achieve that aim. In the implementation of any asylum policy, asylum seekers—whether they are detained or not—must of course be treated with dignity and compassion. Where detention is involved, any suggestion that the regime that is operated in any centre is oppressive, callous, insensitive or cruel must be investigated and immediate remedial action must be taken.

Mrs Margaret Ewing (Moray) (SNP): Will the member give way?

Miss Goldie: If Mrs Ewing will forgive me, I would like to make progress. I do not have much time.

The motion does not make it clear whether the SNP finds material fault with the Government's asylum policy, the conditions and regime that prevail in Dungavel, or with both. As a result, I have lodged an amendment to the motion.

The perplexing question is, why has the SNP raised the matter in the chamber, given that it is outwith the competence of the Scottish Parliament? Having done so, why does the SNP then shy away from a full debate on the real issue, which is the deficiency of Government policy at Westminster? I submit that there are two answers. We know that the SNP is not interested in a United Kingdom, wants to be shot of Westminster at the first available opportunity and will use any device to justify destabilising the framework of the UK. However, it is as duplicitous as it is tasteless for children to become the armoury of that political assault.

Mrs Ewing: Will the member give way?

Miss Goldie: I am running out of time.

The second reason for the SNP's raising the matter is that its interests in the matter have far more to do with its leader, who is being harried from within his ranks, hounded from without and haunted by his party's flagging political fortunes. I might disagree profoundly with how the Scottish Socialist Party has behaved in relation to Dungavel, but when it comes to publicity, the SSP makes the SNP look like a bunch of amateurs. That is what has rubbed salt in the wounded electoral flank of the SNP and why the motion as it stands is unsupportable by any commonsense assessment.

I move amendment S2M-329.1, to leave out from "calls for" to end and insert:

"deplores the operation by Her Majesty's Government of an inadequate and ineffectual policy on asylum and profoundly regrets the policy implications of such deficiencies for asylum seekers in Scotland."

09:55

Robert Brown (Glasgow) (LD): This is an important parliamentary occasion in which what we say in the chamber can enhance or diminish the Scottish Parliament.

I am grateful to John Swinney and the SNP for raising the issue in question. It is right that such an issue should be debated in the Scottish Parliament, albeit that the tone with which Mr Swinney introduced the debate was not helpful in encouraging the emergence of a consensus view that would allow the Parliament to speak with the authority with which it is capable of speaking.

Behind the scenes, we hear and read about careful political calculations being made and about how the issue will damage or help the Government or the Scottish Executive, or advance or hinder the independence cause. How will matters be received in Millbank? Will Tommy Sheridan or Rosie Kane, who has done so much to shine a light on the issue, be the socialist impresario?

The Scottish Parliament is greater than the sum of its parts or its parties. It is made up of decent men and women who have consciences, know right from wrong and want to do their best in their elected roles—after all, in the previous session, the Parliament's Education, Culture and Sport Committee delivered the children's commissioner. In all the parties, whatever their angle, it is recognised that we are dealing with a great wrong in the detention of children at Dungavel. That wrong sits badly with our concern for social justice, inclusiveness, the rights of the child and Scotland's essential fairness and compassion. The regime and system at Dungavel stick in our throats.

Miss Goldie: On Mr Brown's amendment, will he clarify whether he believes in no detention at all of children at Dungavel?

Robert Brown: I will deal with the details of the amendment as I develop my argument and will return to that point. However, if I may, I will stay with the main point.

Children—who might be other members' children or mine—with names, personalities and talents are detained behind bars, gates and barbed wire. They have committed no offence, but cannot leave, attend local schools or meet and make friends with local children. The SNP's motion has merit, but it is flawed and incapable of commanding a majority in the chamber. That is essentially because it has no context and no recognition of wider issues, such as the United

Nations Convention on the Rights of the Child—to which John Swinney rightly referred—the UK dimension or the proper levers of pressure on the Government.

Mr Swinney: On Saturday, Mr Brown and I attended a rally at Dungavel. A Liberal Democrat press release about the rally stated:

“Mr Brown called on the Government to act immediately on the reports by HM Inspector of Prisons and HM Inspector of Education, and stop the detention of children in Dungavel.”

Will he clarify whether that is the purpose of his amendment?

Robert Brown: The purpose of my amendment will be clear from what I have said and what I will proceed to say. Its purpose is to make progress on the matter rather than to make a moral knee-jerk that will have no effect on end results.

Annabel Goldie touched on one example of the implications of the SNP’s motion—the possibility that children might be separated from their detained parents and perhaps put into foster care. That is a consideration for many MSPs and it is not an option with which they should have any truck. In the rush to stop one evil, we should not create another.

Immigration and asylum matters—including the care of any children—are reserved to the UK Government, which is sensible in an island country with no internal controls on movement across the Scotland-England border.

Mrs Ewing: Will Mr Brown take an intervention?

Robert Brown: No. I have taken enough interventions.

The United Kingdom Government holds the key to Dungavel and to the other seven immigration removal centres in the United Kingdom—four of which house children. At 2 April this year, there were 21 children at Dungavel, 18 at Harmondsworth, 14 at Oakington and three at Tinsley. When listening to Mr Swinney’s speech, I was struck by the lack of concern for or reference to the children held in those detention centres. The detention of children is an issue not only for Dungavel or for Scotland but for the whole of the UK.

It is not our job to review the asylum and immigration policy of the Government, but I express my view and the view of my Liberal Democrat colleagues that far too many people are detained unnecessarily in removal centres for far too long. There are many alternatives to detention, including the use of tagging or voice recognition techniques, and the requirement to report daily to a police station.

There is no satisfactory or consistent bail

regime. It is a matter of regret that the provision for automatic bail hearings in the Immigration and Asylum Act 1999 was never brought into force and was repealed by the Government in 2002.

Fiona Hyslop (Lothians) (SNP): Will the member give way?

Robert Brown: No, I am sorry, but I have limited time and have given way to other members.

Detention may still be necessary to ensure the removal from the country of people whose asylum applications have been properly rejected and who refuse to leave.

The children in Dungavel are there without limit of time and in contravention of the UN Convention on the Rights of the Child—a treaty that has been ratified by the UK, but from which the Government has a reservation on immigration matters. The United Nations convention has decreed that

“childhood is entitled to special care and assistance”

and that

“the child ... should grow up in a family environment, in an atmosphere of happiness, love and understanding”.

Article 3 of the convention states:

“the best interests of the child shall be a primary consideration.”

The Labour Government states in a letter to me that it is “deeply sympathetic” to concerns about the detention of children and that it was “not their intention” to lock children up for months. The Government even has the gall to state:

“the United Kingdom honours the spirit of the convention”.

That gobbledegook is written on Home Office paper that bears the motto

“building a safe, just and tolerant society.”

The reality of the situation is revealed by last month’s report by Her Majesty’s Inspectorate of Education, which reveals that 79 children had been detained in Dungavel for more than the recommended maximum temporary period of two weeks. The report states that

“Dungavel did not offer satisfactory educational provision”

for the 36 children locked up for more than six weeks. It also states:

“In addition, the detained children’s personal, social and learning experiences were impoverished by their lack of contact with the outside world”.

The report is a sensible handle on which to hang the Scottish Parliament’s contribution to the debate. The words of the official prose in the reports by Her Majesty’s Inspectorate of Education and Her Majesty’s prisons inspectorate for Scotland are a more powerful indictment of the

situation at Dungavel than all the ranting of politicians in all the chambers in Britain.

I accept that UK ministers did not intend that such a situation should arise. It results from a combination of factors that include, among others, administrative delays, legal challenges and oversights. However, the continued inaction of the UK Government on the highly professional reports of those two independent agencies is a scandal that the Government must now rectify.

I have not come fresh minted to the issue. I visited Dungavel in March to see for myself what was going on. I have to say that I was impressed by the efforts of the staff there—not least in the classroom—but it is difficult to accept that a 20ft metal and barbed-wire fence, locked prison doors and secure internal intersections are in the best interests of children.

My focus sharpened after my appointment as convener of the Education Committee. In June, I spoke out to castigate the detention of children and my comments received considerable coverage in the media. I wrote to the Home Secretary and expressed my concerns to the Minister for Education and Young People. As John Swinney said, I spoke at the Scottish Trades Union Congress rally last week. However, that has not been enough and neither have the efforts of all of us who have raised the issue.

The Scottish Parliament has the opportunity to express its view on the matter. We cannot unlock the gates of Dungavel by ourselves, but does anyone doubt that the unified voice of the Scottish Parliament will carry weight and influence with the Government?

In that spirit, I appeal to colleagues throughout the chamber to support the Liberal Democrat amendment. Neither the motion nor the other amendments can command a majority in the chamber. The Liberal Democrat amendment represents the fulcrum around which the Parliament can honourably unite. My hope is that it will articulate the united view of the Parliament, which can be conveyed in a dignified, responsible and effective fashion to the Government. I would, incidentally, expect the Scottish Executive to report the Government's reply to the chamber in due course. The amendment is a reasonable, sensible and contextual amendment and I urge the chamber to support it.

I move amendment S2M-329.2, to leave out from "calls for" to end and insert:

"reiterates its strong support for the United Nations Convention on the Rights of the Child; believes that decisions affecting children whose parents are to be detained should be made in the best interests of the child; notes that the issue of asylum and immigration policy is reserved to Westminster but welcomes the significant progress made by Scottish Ministers to improve services

and support for asylum seekers and refugees in the community; notes that Dungavel is one of eight UK removal centres operated by the Home Office throughout the United Kingdom; notes the reports by HM Inspectorate of Prisons and HM Inspectorate of Education on the educational provision made for the children detained at Dungavel; calls on Her Majesty's Government to take immediate action to implement the recommendations in the two reports and to end a system of detention of children at Dungavel which denies them access to social contact and to educational and other services in the local community, and calls on the Scottish Executive to convey the Parliament's concerns to Her Majesty's Government."

10:05

Elaine Smith (Coatbridge and Chryston)

(Lab): I am pleased that we are having a debate on Dungavel, but it is unfortunate that, owing to the centre's very existence, we have to have a debate about it.

I commend the STUC for holding a rally on the issue last week and Michael Connarty MP for speaking out. I also commend Cathy Peattie, Sandra White, Rosie Kane and others for speaking out. If the BBC is correct in its reporting of the matter, people power has worked to a degree and there has been some movement on the issue, which I am happy to welcome.

If we are serious about debating the issue of Dungavel, we have to be clear about what the issue is. The issue is not about constitutional wrangling by the SNP or between Westminster and Holyrood, nor is it about any party in Scottish politics using Dungavel to sling mud at another one. The issue is not what is reserved or devolved, or which minister said what in public. The issue is whether, in 21st century Scotland, we should lock up children and their families, who are innocent of any crime, in a former prison. Each of us in the Parliament has a clear moral responsibility to answer that question today.

I cannot accept the SNP motion. It does not recognise that the power to act on the issue lies with Westminster and that only Westminster can stop the imprisonment of children or close down Dungavel. Only Westminster has the power to ease the harsh asylum regime. The role of this Parliament is to take a position on the issue and to make that position clear to Westminster. The SNP motion does not do that.

Phil Gallie: Will Elaine Smith give way?

Elaine Smith: I am sorry, but I do not think that I have time.

The Presiding Officer: You could reasonably expect an extra minute for two interventions.

Elaine Smith: Thank you, Presiding Officer. That is helpful.

Phil Gallie: In that case, will the member take an intervention?

Elaine Smith: Yes.

Phil Gallie: The member said that families in Dungavel had committed no crime. Does she consider that individuals who sneak into the United Kingdom in a lorry against the laws of the UK and the European Union are not committing a crime?

Elaine Smith: I do not think that it is a crime to seek asylum in this country. The crime is in locking up children in Dungavel.

Unfortunately, the SNP motion does not provide workable alternatives. Its alternative could mean the separation of children from their families. For that reason, I have lodged my amendment.

The Executive cannot hide from its responsibilities by stating that the issue is reserved and that it will therefore have nothing to do with it. I am pleased that ministers are speaking to Westminster and that a move has been made to recognise the issue and speak out on it.

The refugee children are here in Scotland and they are being imprisoned on our doorstep. Their right to health care, education and welfare are rights to public services for which this Parliament and the Executive are responsible. If the care commission, for example, has responsibilities in Dungavel, ministers who answer for the commission also have responsibilities.

The Executive has a long and at times distinguished record of speaking out and lobbying Westminster on reserved areas. I will not go into that, because it is all on the record. If agencies such as the Scottish Federation of Housing Associations are prepared to engage with the issue and offer alternatives to imprisonment, ministers must engage with the issue in a similar manner.

As citizens in a civilised and democratic country, none of us can turn our backs on the treatment of asylum seekers. We cannot ignore Dungavel, whether we are MPs, Scottish Executive ministers, MSPs, councillors, trade unionists, mothers, fathers, sons or daughters. We cannot accept that anyone in our country, in particular a child, is imprisoned when they have committed no crime. Dungavel is not a suitable place for any innocent person to be imprisoned for any length of time. It cannot be tolerated for any longer as a place where children are locked up, deprived of a proper education and deprived of the chance to play and socialise with other children. Those are rights that we take for granted for our own children in our civilised nation. The SNP motion does not address that, as it leaves the door open for Westminster to assume that the Scottish Parliament would condone the separation of children from their parents or guardians. Of course, that would be unacceptable.

There are fundamental problems with Robert Brown's amendment. It looks initially as if much of that amendment could be supported as being better than nothing. Unfortunately, the terms used in the clause that begins "to end a system" mean that children would still be imprisoned behind barbed wire, but might be bussed to the local school, with all the stigma that would attach to that. To say that decisions would

"be made in the best interests of the child"

also leaves a door open to separating children from their families.

Robert Brown: Does Elaine Smith accept that to separate parents from their children could hardly be conceived to be in the child's best interest, except perhaps in cases of abuse or other extreme situations?

Elaine Smith: I certainly do not accept that separation is in the child's best interests, but Robert Brown's amendment leaves that door wide open. His amendment proposes a restricted, short-term solution to some issues, but would not end the detention of children or their families at Dungavel. Instead, it uses semantics to disguise the fact that it still condones the imprisonment of children and their families at Dungavel, despite Robert Brown's fine words. Any member who supports his amendment condones that imprisonment. Everyone who opposes the imprisonment of children and their families must vote against that amendment and support mine. There is a clear choice.

Dungavel is a fundamental issue of human rights. We are all responsible for the treatment that people receive in our country and we are all guilty of consenting to that treatment if we hide behind a shield of silence. Discussion of the conditions in the prison muddies the waters. The staff should not be brought into the debate—although the fact that it is run for profit by a private company certainly should, because that is morally disgraceful. If people are put behind barbed wire and their liberty is removed, they are simply imprisoned. Members must not be misled by the convenient descriptions of decent conditions that Dungavel's defenders give—that is the gilded-cage argument. Loss of liberty is imprisonment—it does not matter how comfortable the cage is.

The real issue is clear: we must find a more humane and respectable way to treat asylum seekers, and the locking up of children in Dungavel must stop immediately. The treatment of our fellow human beings is every Scot's responsibility, no matter about the constitution. We should hang our heads in shame for tolerating the existence of such an aberration in our country for so long.

I move amendment S2M-329.3, to leave out from “calls for” to end and insert:

“recognises that there are widespread concerns regarding the care and education of children detained in Dungavel House Immigration Removal Centre and calls on the Scottish Executive to engage in communications with Her Majesty’s Government to seek to end the detention of children and their families at the centre and to develop a more humane alternative to this practice.”

10:13

The Minister for Communities (Ms Margaret Curran): I am pleased to speak for Labour in this morning’s debate. It affords me the opportunity to tackle directly the misinformation that has characterised discussion of Labour’s position and to lay out Scottish ministers’ involvement in a variety of issues that relate to asylum seekers and refugees.

I ask those who are concerned about Scottish ministers’ role to let me explain. We have a direct responsibility for refugees, which we exercise willingly. We have delivered a solid programme of action to address the needs of refugees in our communities. We also have a role in welcoming asylum seekers to our communities and dealing with the services and support that they need and deserve. We have not done that work on our own. We have worked in partnership with the voluntary sector, local communities—to which I pay tribute—and local authorities. We want to place on record again the important role that Glasgow City Council has played in welcoming asylum seekers and refugees to its city.

We have also worked in partnership with the UK Government. Our partnership with Westminster has focused not only on the range of issues that are of significance to asylum seekers and refugees in our communities but on issues pertaining to Dungavel. I assure the Scottish Parliament that we take our responsibilities towards asylum seekers and refugees—and to the communities in which they live—very seriously. I argue strongly that our record proves that.

I will focus more specifically on the result of our partnership for Dungavel, because Parliament has clearly expressed an interest in that. There has been a long and sustained relationship between Executive ministers and Home Office ministers. We have met at regular intervals in past years. I take as an example the involvement of Scottish Executive ministers in matters relating to education services at Dungavel. As I outlined in my letter to the Parliament’s cross-party parliamentary group on refugees and asylum seekers, we raised the importance of engaging Scotland’s school inspectors in the inspection of education provision and standards at the centre. That happened.

It was because of that joint work that we have clear recommendations—which are consistent with the importance that Scotland places on education—that we can now take forward. We have been in discussion with the Home Office since the publication of the HMIE report on how the recommendations are to be implemented, because there are implications for the services for which we have responsibility.

Of course we must respond to the plight of those in need and do so within a humane framework. Most of all, we must do so in a way that brings about real change.

Fiona Hyslop: The minister says that she wrote to the cross-party group last summer. The HMIE report was made in October last year, with an update in August this year. Why has this taken so long, given that South Lanarkshire Council has been willing to respond to any request to provide children with a decent, mainstream education? Why can she not tell us about her private meetings with Whitehall ministers?

Ms Curran: Fiona Hyslop demonstrates the misinformation that I wanted to clarify. She knows, as does anyone who has a cursory understanding of the issue, that action has been taken in response to the reports about which she talked. There have been improvements in the education services at Dungavel—Jackie Baillie raised those issues—and improvements have been consistent.

Mrs Ewing: Will the minister give way?

Ms Curran: I ask Margaret Ewing to bear with me.

I am attempting to demonstrate categorically that we have been in consistent discussions with the Home Office about those improvements and that we are now considering the specific improvements that highlight the circumstances of children who stay in Dungavel for more than six weeks.

Cathy Peattie (Falkirk East) (Lab): I accept that the minister has been speaking to the Home Office, and I welcome that. However, although HMIE and HM inspectors of prisons have said in their reports that it is unacceptable for children to be in Dungavel for more than two weeks, children have been there much longer than that. I ask the minister to tell us a wee bit more about her discussions with the Home Office and how we can change that situation.

Ms Curran: I will address that in the rest of my speech.

Our job—

Mrs Ewing: Will the minister give way?

Ms Curran: I ask Margaret Ewing to bear with me, because I have to get into my speech.

Our job in the Parliament is not only to aspire to change, but to translate that aspiration into action. At the end of the day, that is what really matters and that is why members were all sent here. It is therefore significant that, as a result of our continued and sustained work, the Home Office has stated clearly that it wants to work with Scottish ministers and South Lanarkshire Council to take forward the recommendations from the report on the education and welfare of children, particularly those in exceptional circumstances who are in Dungavel for more than six weeks. With me, the Parliament should welcome that.

However, to address the concerns of those most in need, we all have a responsibility to ensure that we have the means to deliver on the recommendations. I will be direct: it is extremely disheartening that the situation of children in Dungavel has been used as a foil to cut into the constitutional settlement and as a cloak under which some seek to transfer responsibilities. The decision to have devolution was made by the Scottish people. The Scotland Act 1998 was passed by the democratic process. I will remind members that that act meant that some matters would be reserved to Westminster and others would be devolved to the Scottish Parliament.

Mrs Ewing: I am appalled at the tenor of some of the minister's speech, alongside Annabel Goldie's, which was her worst-ever speech in the Scottish Parliament. I am deeply concerned that there seems to be no acknowledgement of morality in the debate. That is the issue that the SNP is addressing as the official Opposition. We accept that the Home Office has responsibility for the overall asylum and refugee legislation, but we cannot accept that, within our borders, children are being imprisoned and denied human rights.

The Deputy Presiding Officer (Murray Tosh): Members must make their interventions a bit snappier than they have been so far.

Ms Curran: I am sure that this is not the first time that that has happened to Margaret Ewing, and I know that it is not the first time that it has happened to John Swinney. Let me quote Jim Sillars. [*Laughter.*] Who? Margo MacDonald knows who Jim Sillars is. He said:

"Those who condemn Dungavel can do so totally safe in the knowledge that they can say anything they like ... without the slightest danger of ever having to make an immigration decision."

Ms Sandra White (Glasgow) (SNP): Will the minister take an intervention?

Ms Curran: I have been very fair and have already taken interventions. I must continue.

Ms White *rose*—

The Deputy Presiding Officer: The minister has made her position clear. The member must sit down.

Ms Curran: Jim Sillars always annoys the SNP.

Immigration and asylum were reserved for very strong and valid reasons—

Mr Swinney: Does the minister want to imprison children?

Ms Curran: John Swinney has to listen to this. If he pretends to any kind of leadership in the SNP or in the Parliament, he must take these issues seriously.

It makes no sense to have varying immigration and asylum policies in the same member state. We are still in the United Kingdom. There is a UK Parliament with 72 MPs from Scotland providing the democratic route for Scottish concerns on UK matters.

Margo MacDonald (Lothians) (Ind): Will the minister give way?

Ms Curran: Can I have some forbearance on this, Presiding Officer?

The Deputy Presiding Officer: I will compensate for interventions, but do not go too far.

Margo MacDonald: I inform the minister that Jim Sillars is fine, thanks.

Does the minister accept that we have reached one of the core elements of the devolution settlement as it affects the Parliament? No one is trying to sneak under the wire. Does she accept that we must be up front in saying that part of the price of devolution is not having a say in what happens in a part of Scotland?

Ms Curran: I do not think that that is what the SNP members are saying. However, that is why the First Minister has insisted that issues must be pursued within the democratically determined arrangements. It is, at best, misleading to suggest that the Scottish Parliament can address all the issues surrounding Dungavel, as some members have implied. No one is seriously suggesting that we do not have a system for immigration and asylum—or, if they are, they should say so.

There will be occasions on which there is a need to accommodate those who have not been granted asylum. The reality is that such a procedure will involve families and, regrettably, children. The UK policy on the issue is clear: people will be placed in removal centres for the shortest possible time—in the majority of cases, around 14 days. However, in exceptional cases when the stay is longer, especially when appeals have been lodged and are being processed, people who are placed in Dungavel will have their children kept with them. Wherever possible, keeping a child with its parents is the right thing to do.

I know that many people feel genuinely that detaining children is not acceptable. I respect that view. However, there are difficult choices to be made and, in certain circumstances, that cannot be avoided. The implication of separating children from their parents is enormous and cannot be side-stepped or diminished. It is clear to me that if we are to do more than talk, those who wish to improve the circumstances of the children at Dungavel must engage with the realistic options that are before us.

We must take an approach that puts the best interests of the child at its heart; that recognises the fact that immigration and asylum policy are rightly the responsibility of the UK Government; and that works to build on the foundations that we have laid jointly. That has consistently been my approach to these matters. Scottish Labour supports the amendment in the name of Robert Brown, despite our disagreement on some significant issues, which I am happy to debate with him at any time. I will always argue that this debate must take place in the broader context of our responsibility to tackle racism and intolerance in Scotland.

I know that there is much to do. However, like the First Minister, I am proud of the way in which Scotland has welcomed asylum seekers and refugees and of the way in which our communities have risen to the challenge of helping some of the most vulnerable and excluded people in society to become the new Scots. Those people have benefited in many ways, but so have we. Our communities are richer and stronger because of their increasing diversity. We have learned that our communities can pull together and that we can reject racism and intolerance. We will do that best by being clear about our responsibilities and honest about our agendas.

The Deputy Presiding Officer: We come now to the open part of the debate, which is heavily subscribed. I therefore ask members to stick strictly to the six-minute speaking limit, which we may have to reduce later. [*Interruption.*] Order.

10:25

Patrick Harvie (Glasgow) (Green): I add my thanks to the SNP for using its parliamentary time to discuss this issue. The debate is long overdue in the Parliament.

In general, the Scottish Green Party's policy on immigration and asylum recognises that countries such as the UK have significant responsibilities for the root causes of people from many parts of the world needing asylum. We bear a moral duty to those people. We should be happy to welcome them, whether they choose to stay here only until their home countries are safe again or whether

they choose to make a new life and home here and contribute to our culture and society. On that basis, we support the statement from the United Nations High Commissioner for Refugees that persons under the age of 18 should not be detained. We give our whole-hearted support to that position and the current operation at Dungavel is, therefore, to be condemned.

I had hoped to lodge a more constructive amendment that would have added to the SNP's position, recognising that voluntary organisations, churches and individuals throughout Scotland are already working—often quietly, of their own accord and without recognition—to support refugees and asylum seekers. The capacity exists among such organisations to provide an alternative that is superior in every regard, and they recognise the benefits that can come to cities such as Glasgow. New life and energy are put into schools when asylum seekers' children participate. New life and energy are put into voluntary organisations when asylum seekers choose to volunteer, broadening the scope and depth of understanding of different experiences of life that our voluntary organisations can gather. Those benefits should be welcomed and encouraged.

We must decide which, if any, of the amendments that are before us improves on an already strong and clear motion. Annabel Goldie's amendment correctly identifies an inadequate and ineffectual policy on asylum, but I doubt that her idea of an adequate and effective policy would be similar to mine. To offer profound regrets without suggesting solutions or ideas is, itself, inadequate.

Robert Brown's amendment certainly contains a lot more material than the motion; however, that is not a real advantage. The amendment's reference to the reports by HM inspectorate of prisons and HM Inspectorate of Education is welcome. However, as we have heard, the ministers of the Scottish Executive—who can take no action or even express a view on reserved matters—have been holding secret talks to address the concerns that are raised in those reports. Robert Brown's amendment also refers to the UN Convention on the Rights of the Child. However, that perspective is implicit in the motion's call for a simple end to the detention. That is, as I have mentioned, the UNHCR's position and that of the UN Committee on the Rights of the Child. Robert Brown's admission that he regards the taking of a moral stance as a knee-jerk reaction dismayed me, and I hope that he will find time to reflect on his speech later. Finally, the convoluted call for action by Her Majesty's Government at the end of his amendment fails to express the strength of the views, feelings and wishes of members from many parties.

That leaves Elaine Smith's amendment, which at least addresses the issue—the detention of children. The amendment also refers to the families of such children. We would not, of course, support the separation of children from their families as part of an asylum policy. I think that the call for the Executive to engage in communications to seek an end to the practice is not an improvement on a call for an end to the practice. However, I am ambivalent about supporting Elaine Smith's amendment. I will listen to other speeches. I hope that members from all parties will vote with their conscience.

Elaine Smith: The amendment clearly states:

"seek to end the detention of children and their families at the centre".

I hope that Mr Harvie will accept that that is what the amendment means.

Patrick Harvie: I have read all the amendments carefully and I will listen carefully to all the speeches from all sides.

We know that members from many parties would have an end to the detention of children, full stop. Therefore, whatever amendment members decide to support, I ask them to vote with their conscience and send a clear signal—

Johann Lamont (Glasgow Pollok) (Lab): Will the member give way?

Patrick Harvie: No.

The Deputy Presiding Officer: The member is nearly finished.

Patrick Harvie: I ask members to send a clear signal by supporting the motion, whether amended or not by Elaine Smith's amendment. I ask members to vote with their conscience and call for an end to the detention of children.

10:32

Linda Fabiani (Central Scotland) (SNP): Two years ago, the Scottish Executive informed me in reply to a parliamentary question that no planning permission had been required for the change of use of Dungavel House from a prison because South Lanarkshire Council's opinion was that the use of Dungavel House as a detention centre did not constitute a change of use in planning terms. How right the council was.

We were all told that Dungavel House was to be a halfway house and a holding centre for those who were in danger of absconding and those who had reached the end of the legal process and would be deported in a matter of days. That was a lie.

The Home Office even changed Dungavel's name from detention centre to immigration

removal centre. However, the Home Office did not change the profile of those who are sent there, sometimes for months on end. They consist of people who have not reached the end of the legal process and—as we have all known for two years—families with children. I understand that no family has been detained in Dungavel because they absconded. Families have been taken from their homes and communities and placed in detention while their cases continue. Dungavel is not an immigration removal centre—it is a jail.

While we hold this debate, Bushra Sharif—a Pakistani national—is at a bail hearing. She was granted asylum because she suffered serious marital violence; she was living in Bradford, but she was removed to Dungavel because her husband reported her for giving wrong information at her original hearing. At that hearing, she had not explained that, as a Pakistani national, she had been living in Kuwait. She did not do so because she was frightened that her violent husband would be able to trace her. The fact that her life was in danger is not in dispute, so why were she and her children locked up in Dungavel? Was it because of the fear that she would abscond with her three children, who are aged one, six and seven? Why on earth are we locking up such young children? Why does our country choose to do that when laws in countries in mainland Europe do not allow the detention of under-age children? Some other countries set an age limit on the detention of children.

There are alternatives to detention, but separating families by taking children away from their parents and putting them into foster care is not an acceptable alternative to the Scottish National Party. Such a proposal is no more than conscience salving for those who do not want to vote for our motion, which says that we should not imprison children. The so-called fear of families absconding is no more than scare tactics, which pander to the worst elements and aspects of our society.

Many families over the piece have been granted bail and have gone to live with guarantors in their homes. Some families have since been deported and some have been given leave to stay in Scotland. However, the country is not full of wandering families who hide in ditches and jump into hedges whenever anybody passes by. Surely there is no member who is duped by that kind of rhetoric. Surely there is no member who does not believe that it is worse to lock up dozens of children than to take the slim chance of somebody absconding.

A church publication recently undertook a study that showed that one of the main reasons given by asylum seekers for coming to the UK was that the UK believed in human rights. We all like to think

that that is true. Tony Blair certainly harps on about the UK's belief in human rights when it suits him. However, people can talk all they like but it is actions that count. David Blunkett's actions leave me deeply ashamed to be part of the collective responsibility for what is happening in our country.

We are all collectively responsible, in this democracy, for detaining children in Dungavel House, ignoring the UNHCR guidelines on persons under 18, refusing to ratify article 22 of the UN Convention on the Rights of the Child, and refusing to honour agreed European directives. Even if the least that any of us can do is protest, we should do so. If we can do more—I believe that the Executive can—we should do so. Belief in human rights is not a reserved matter and neither is morality.

When I first heard about the Liberal Democrat amendment, I thought that it might be a step in the right direction. However, after closer reading, I now believe that that amendment does no more than talk the talk; there is no guarantee at all that it will walk the walk. Two aspects of the amendment, to which Elaine Smith referred, stick out. One is the part that states:

“Decisions affecting children whose parents are to be detained should be made in the best interests of the child”.

However, that would leave the door open for children to be taken from their parents and placed in foster care. Who would decide that? It could be the Home Office. I am sorry, but I trust nothing that the Home Office does in relation to immigration and asylum, because it has made too many mistakes and done too many bad things.

The other relevant part of the amendment refers to ending

“a system of detention of children at Dungavel which denies them access to social contact and to educational and other services in the local community”.

It would be unacceptable to have children taken from Dungavel to a school, only for them to have to say to their friends at the end of the day, “You might be going swimming, but I am going back to jail. You might be going away for the weekend, but I am going back to jail for the weekend. I don't really know why, because my parents have not committed any crime. It's because the Government of this country says I should.”

I would not find such a situation acceptable and I hope that the Parliament does not find it acceptable. I urge all members to vote for the SNP motion, which says straightforwardly that we should not imprison children in this country.

10:38

Karen Gillon (Clydesdale) (Lab): I believe that we should have a progressive immigration policy

that means that we take seriously our responsibilities to the wider world and that we help create new lives for those who are fleeing from persecution. Therefore, I believe that the starting point for any immigration policy is how foreign nationals and asylum seekers are allowed to stay in the UK. I presume that we all start from that point, whether we believe in a UK boundary or a Scottish one. Those who do not believe in that principle must say so now. Any who do not have such a policy must be saying, in essence, either that no one will be allowed into the country or that we will have an open-borders policy, which was in effect what Elaine Smith alluded to earlier. Both those approaches would have consequences that I do not believe are in the best interests of UK nationals or, indeed, of foreign nationals or asylum seekers.

John Swinney claimed that the UK today is an unwelcoming and racist place. He backed up his claim by saying that, over the past 10 years, other European Union countries took proportionately more asylum seekers than the UK did. I accept that that is true. However, I prefer to deal with recent events. In 2002, the UK Government created such a horribly unwelcoming place that 147,115 people applied for asylum in the UK. That compares with 76,000 who applied for asylum in France and 69,000 who did so in the Netherlands. If the UK is such a horrible place, why do so many people want to come here?

Tommy Sheridan (Glasgow) (SSP): Will the member give way?

Karen Gillon: No. Tommy Sheridan will have his chance soon.

Further, if this is such a horrible place, why would Labour at Westminster have joined the UNHCR refugee resettlement programme that will bring 500 refugees from West Africa to live in the UK in the next year?

I agree that we must support those who are fleeing persecution, but we must still have an immigration policy and that policy must be enforced. In Glasgow, members can see with their own eyes that we are developing structures and support systems to welcome many thousands of asylum seekers. The SNP's Kenny Gibson once said that he did not think that Glasgow City Council had the expertise to cope with the numbers involved and that for asylum seekers to come to a local authority in which services such as health and education were already under pressure would not benefit them and might cause tension if additional strain were put on existing services. How wrong could Kenny Gibson have been? Paul Martin will demonstrate later how Glasgow has succeeded.

Today's debate centres on children. Everyone in this chamber has genuine concern about the

welfare of children, whatever their nationality. That is why I, as convener of the Education, Culture and Sport Committee in the first session of the Parliament, along with my colleagues across the parties, introduced a bill to create a children's commissioner.

There has been considerable commentary in the press and the chamber to the effect that Labour MSPs do not care about children in Dungavel. What a lot of rubbish. It was a Labour MSP, Cathy Jamieson, who secured a members' business debate on the Immigration and Asylum Act 1999 in February 2000. Since Dungavel opened in 2001, Labour MSPs have been lobbying UK ministers and Scottish ministers on the issue of children and their welfare. The fact that we do not do that through the pages of the press does not mean that we do not care; it means that we are not prepared to exploit already vulnerable women and children for party-political purposes.

Mrs Ewing *rose*—

Karen Gillon: No. Margaret Ewing will have a chance later.

Robert Brown's amendment is correctly framed. In recognising lines of responsibility, we are not being weak but are being mature politicians.

Mr Bruce McFee (West of Scotland) (SNP): Ha!

Karen Gillon: Bruce McFee might laugh, but it is true. The SNP did not win the election and we live in a devolved country, not an independent one. Therefore, there are lines of responsibility and we must take them seriously.

Further progress must be made on the implementation of the reports of Her Majesty's inspectorate of prisons and HM Inspectorate of Education. That will require close co-operation with South Lanarkshire Council, which has already shown that it has developed productive links with the centre, providing significant benefits to the quality and range of provisions available. Progress has been made since October 2002—as was recognised in HM Inspectorate of Education's follow-up report, just as it would be recognised in the follow-up report on any other provision in any other part of Scotland—but more must be done.

Robert Brown's amendment focuses on what is best for the child. In some cases, it might be in the interests of a child to be educated in a mainstream school. I do not accept Linda Fabiani's argument that that cannot ever be done. In some cases, a child might be able to go to local voluntary projects that are run for children. In other cases, however, perhaps because of language barriers, that approach will not be possible and the child will need to be educated in the centre. The role that is played by the local visiting committee cannot be underestimated in that regard.

Each case must be decided on its merits. There might be families who could be located in supported accommodation in the community, but that might not be appropriate in other cases. Whatever decisions are taken on detention, steps must be taken to speed up the process. Labour ministers must continue to do that with their colleagues in Westminster.

If we simply say that no children can ever be detained, we must deal with the hard questions that go along with that. Those questions will not go away simply because we say that they do not exist. Should we enforce our immigration policy? If the answer is yes, what do we do with someone with a family who has been refused asylum and who will abscond? Do we put them in a place such as Dungavel—

Rosie Kane (Glasgow) (SSP): Will the member give way?

Karen Gillon: I do not have time. The Presiding Officer has indicated that I must wind up.

Do we put them in a place such as Dungavel or do we separate the children from their family? That is a choice that we must make because, if we have an immigration policy, we must be prepared to enforce it. If we follow John Swinney's suggestion and have people reporting twice a day to police stations, how will we enforce that? If people do not report, what do we do then? Do we detain them?

We all want what is best for children.

The Deputy Presiding Officer: I must ask the member to close.

Karen Gillon: Conscience is not the sole property of the SNP and I resent the comments that were made by Patrick Harvie.

The Deputy Presiding Officer: Please close now.

Karen Gillon: Each of us in the chamber will vote according to their conscience today.

10:45

Rosie Kane (Glasgow) (SSP): As we sit here in this chamber, Bushra Sharif is sitting in a bail hearing in Glasgow. She is afraid that she will be sent back to Dungavel. Dungavel is a prison for her and her three little kids. She has been there for three weeks now.

Bushra was living in Bradford with her children and she never attempted to abscond. Her children are aged seven, five and one. They are beautiful children and she is a beautiful woman. She has every reason to abscond if she wanted to—I know her background and, if I had her background, I would abscond rather than be sent back to the country that she fled from.

In the gallery, members will be able to see Mercy and Percie Ikolo. They are not part of a stunt. They are two people who needed an alternative to imprisonment. They know how Bushra Sharif feels because, last week, they were in the same court and experienced the same fear of being sent back to Dungavel, where they had also already spent three long weeks. They were isolated, vulnerable and afraid—those are Mercy's words. Mercy's baby daughter saw her mother frightened and crying and that has made her very clingy. She did not allow Mercy to go to the kitchen or anywhere on her own—if the baby was asleep, Mercy had to wake her up and take her with her. Does anyone here do that when their children are asleep?

Percie Ikolo is frightened and has become clingy as a result of the regime in Dungavel. She has good reason to be afraid. She came to the UK for a three-day visit from Dublin. It is easy to go between Glasgow and Dublin; I have done it myself—anyone can get a bus from Govanhill to Dublin easily. When Mercy was attempting to return to her cosy home in Dublin, she was stopped at the Belfast port. Was it because she was a black African woman? Members can draw their own conclusions, but I point out that I have never been stopped in Belfast for any reason.

Mercy was escorted back on to the boat by two security guards and taken to mainland Britain, put in the back of a van and driven to Dungavel. She was shattered, worn and frightened, as was her daughter. A few days later, she was taken to Glasgow airport with deportation papers that stated that her destination was Uganda. Pause for a minute to think about that. The papers were for Uganda; she is from Cameroon. There are at least three countries between those two countries. Who made that decision? Why did they make that decision? Was it because she was a black woman from Africa and someone thought that they could throw a dart at a map and send her to wherever it hit? Again, members can draw their own conclusions.

The Ay family did not attempt to abscond at any time. They were settled in Kent and the children were attending school. Phil Gallie shakes his head, but that is true. They were all born in Germany—

Phil Gallie *rose*—

Rosie Kane: I will not give Phil Gallie a platform. Members can call that a stunt, if they want.

The family were settled and the children were happily attending school when their father was sent back to Turkey. The mother was frightened and the family were easy for the authorities to get because she kept the children in school. She was vulnerable because she cared for her children.

The family's future is uncertain. They are in Germany, terrified and unsettled. They were rushed out of this country before the damning report on Dungavel saw the light of day.

The Scottish Socialist Party is happy to unite behind John Swinney's motion, as it goes further than Labour members would have gone. We are also happy to support Elaine Smith as she mentions families with children, which is a crucial issue.

The detention of innocent people is wrong. Dungavel and other detention centres across the UK are wrong. New family units are being built in the south to contain more innocent people. We have to oppose that. We cannot shut up in the Scottish Parliament.

I ask members to imagine something for a minute—when people are in prison, they use their imagination to survive. I ask everyone in this chamber to imagine that they are not MSPs or ministers, to forget about the Executive and to pretend, for a minute, that they are human beings. Those who are shaking their heads should be hanging their heads in shame at the thought of what is happening in Dungavel. This is an issue of human rights and it matters from that point of view. It is an important issue for everyone on the planet. Simply sitting in this building does not exclude anyone from having an opinion on this matter.

When I was a kid, I was told to give money to the black babies. I gave a penny every day. For that honour I got a wee card that was filled in on the back. When it was filled in, I was allowed to give the wee baby on it a name. I called them all Elizabeth—not after the Queen, but after my auntie, who is a really nice woman. I still feel the same way about that, but it was decades later that I found out why the wee child on the card was starving and why they spoke English. I have to tell people who wonder why a lot of people want to come to these islands that it is because their first language, like Mercy's, is English.

When people are in prison they use imagery to survive and I ask members to do the same. Let us keep a handle on the facts. Not only do we have room in our country for those who are fleeing, for whatever reason, but we must welcome the diversity and skill that they bring with them. "One Scotland. Many Cultures"—that is what the poster said. Let us do something about that.

Robert Brown's amendment is a hook for the Labour members to hang themselves on. Some members would have had to say no to the motion and all the amendments and I am sorry that he has given them a tunnel out. Those members should have been made to stand up and make it clear that they say no to the motion and all the amendments and that therefore they say yes to detention.

Taking a child to school in a Wackenhut van—

The Deputy Presiding Officer: Wind up, please.

Rosie Kane: Karen Gillon did not give way and she got extra time.

The Deputy Presiding Officer: Order.

Rosie Kane: Taking a child to school in a Wackenhut van and then taking them back to prison is not conducive to a healthy upbringing.

Prison is a state of mind. Labour members should get out of theirs.

The Deputy Presiding Officer: I cannot accept members bandying around statements on how much time other members have taken. I have asked members to restrict themselves to six minutes and I expect everybody to be disciplined in that. If they are not, some members who have sat here all morning wishing to speak will not be called and that is not reasonable.

10:52

Donald Gorrie (Central Scotland) (LD): This is a simple moral issue, but how we deal with it has complex consequences. Although I am what might be described as moralist and maximalist, I am ready to support Robert Brown's amendment, which moves the debate on helpfully.

I pay tribute to John Swinney for introducing this debate. Although commenting on the motives of other people in politics is ridiculous and a waste of time—it is hard enough to know our own motives, let alone other people's—I think that in this case John Swinney tried genuinely to produce a motion that he thought would attract simple moral support. Many members view his motion differently and perhaps he misjudged it, but his intentions were excellent.

Tommy Sheridan: I agree with Donald Gorrie, but would it not, therefore, have been better for the Liberal Democrats not to have lodged their amendment, so that we could have united behind the simple expression in John Swinney's motion?

Donald Gorrie: Our collective view was that the important thing was to make an advance and to put forward a proposition that might get the Home Office to do something. We feel that our amendment is an advance on John Swinney's motion. I am sure that all members in the chamber are against detaining children. However, that is a simple moral issue on which politicians have not led; the churches, the STUC and many voluntary organisations have led on it.

Scottish MPs, with the exception of Michael Connarty, have not pursued the issue as vigorously as they should have and that is a cross-party criticism.

Roseanna Cunningham (Perth) (SNP): Speak for your own party.

Donald Gorrie: If the member had listened, she would know that that is what I said I was doing.

It is right that we should pursue this simple moral issue. People have various views on how we deal with it. First, the issue is reserved so we cannot unlock Dungavel. Secondly, there are differences of opinion. Some people feel that all detention of asylum-seeking families is wrong. Other people feel that detention of the adults might be justified in some circumstances and that we should not separate the adults from their children. How we make progress is a complicated issue.

The important thing is that we can make a serious proposition to the Home Office, which, from all accounts, has the most intransigent set of officials and so on that one can meet, and persuade it to make progress. Our amendment suggests ways forward. It makes it quite clear that the present system is unacceptable—we could put that to the Home Office as a simple moral point—and it lays open the way to a more civilised system of educating the children even if they are staying in Dungavel. They could have not only education but social and out-of-school activities with the community. That is not ideal, but it would be a great step forward from the present position.

Tricia Marwick (Mid Scotland and Fife) (SNP): The final line of the Liberal Democrat amendment

"calls on the Scottish Executive to convey the Parliament's concerns to Her Majesty's Government."

Does that mean that the Liberal Democrats agree that the concerns of not only the Parliament but the Scottish people about the detention of children have not been conveyed to the Government until now?

Donald Gorrie: I cannot agree with that, because I am not privy to what private conversations our ministers have had with ministers in London. All ministers are entitled to have private conversations and pick up the phone and say, "Look, you've really got to do something about this." I am quite sure that our ministers have been doing that.

The way forward that the Liberal Democrats would like, on a UK basis, involves housing associations constructing smaller units where families could live together. They would get support from the community, churches, councils and voluntary organisations. There would be appropriate supervision. Some people would need tighter supervision than would others. For others, reporting daily to a police station would do. There are other options for ways forward and we must press hard for them.

Westminster must work out, in co-operation with us, a way forward that answers the moral dilemma

around incarcerating children. As Margo MacDonald said, this is a key test. Can we make devolution work? I am a great supporter of devolution, but it has to be a partnership. We must get Westminster to move on this issue.

I do not know how members vote on other occasions, but I hope that we vote in favour of either the motion or one of the amendments. If everything is defeated, we will look bloody stupid.

10:58

Fiona Hyslop (Lothians) (SNP): The issue of how Scotland treats asylum seekers and, in particular, the children of asylum seekers is not new to the Parliament. Even before the Parliament took on its full powers, in a debate on 9 June 1999 about how Westminster legislation would affect the Scottish Parliament, I asked Donald Dewar what he would do about the fact that the Social Work (Scotland) Act 1968, the Mental Health (Scotland) Act 1984 and the Children (Scotland) Act 1995 were being amended by the Immigration and Asylum Bill.

Donald Dewar said at the time that it was for Westminster MPs to consider the bill. However, importantly, he said that the Scottish Parliament was free to amend provisions legislated for by Westminster that covered devolved areas. He warned about inertia creeping into the Scottish Parliament, which might prevent us from acting promptly to assert our role to reverse Westminster legislation covering devolved matters. We have seen the inertia that Donald Dewar warned about so long ago in this Parliament over this matter.

I cannot understand ministers' inability to act even within the powers that they have. Donald Gorrie made a point about whether we should know about what they are doing and their private conversations. If we knew what they had been doing in the past few months, we would not necessarily have had to hold this debate today.

One of the most telling facts is that Glasgow City Council has been able to arrange with the national asylum support service to have devolved functions for housing and South Lanarkshire Council has agreed with the Home Office a similar arrangement for education. The councils did not need the Executive, because the Executive does not have the power or influence to make a difference. It is interesting that councils have more authority on this issue than the Parliament.

This is a matter of political will and I am concerned by the lack of action. Why is the United Kingdom such a special case that we have to jail the children of asylum seekers? Other European countries do not have to. What is so special about us?

An important point of Scots law arises. Anne Owers, HM chief inspector of prisons, has said in a report:

"We also believe that the guiding principles that underlie international and domestic law on children should be brought into decisions to detain ... children and families."

Anybody who knows anything about Scots law and children knows that children's welfare is paramount.

Robert Brown's amendment says that he

"believes that decisions affecting children whose parents are to be detained should be made in the best interests of the child".

Do he and I agree that it is not in the best interests of the child for a child to be jailed? Do he and I agree that it is not in the best interests of the child to separate a child from its mother and family? If so, why on earth are we agreeing to the continued detention of children, as we will be if Robert Brown's amendment is agreed to?

Mike Rumbles: The amendment

"calls on Her Majesty's Government to take immediate action to implement the recommendations in the two reports and to end"—

I repeat, "end"—

"a system of detention of children at Dungavel".

Fiona Hyslop: Our concern is that we should speak with one voice to ensure that the Parliament sends a clear message that it refuses to accept the detentions. Robert Brown's amendment would allow children to go to school in the daytime but would necessitate their detention at night. We are able to express our opinion on whether we think it right or wrong to jail children. That is the choice before us.

Why have things taken so long? Why do we have the inertia that I mentioned? Why is it only when we have an SNP debate that we make progress? Over the past four years, we have had opportunities but we have had no action. Why has the Executive not exercised the duties and responsibilities that it can exercise under section 63 of the Scotland Act 1998 to transfer functions? It could use section 30 to transfer legislative powers.

I have written to Peter Peacock about education issues. In many ways, the education issues mask the underlying problem, which is to do with the way in which we treat children. Is it right for children to be detained and jailed? If people think that our Minister for Justice—and the Minister for Justice for four years was a Liberal Democrat minister—has been making representations to the Home Office but nothing has happened, what makes them think that agreeing to Robert Brown's amendment will make a difference now that a Labour minister is the Minister for Justice?

The United Nations Convention on the Rights of the Child is a very serious issue indeed. It was the Tories who first rejected its complete adoption and wanted reservations on immigration and citizenship; it is the Westminster Labour Government that continues to reject the adoption of that part of the UN convention. Do the needs of the child drive the treatment of asylum seekers or is the need of the Home Office to jail parents more important? If members support the Executive's position, they are saying that the needs of the Home Office are paramount, and not the needs of the child. Scots law says that the needs of the child should always be paramount. We must make a judgment. What is on offer is day release from jail. That may be better than no release, but it is still just day release from jail.

Compassion, justice, integrity and wisdom—are they shown in the detention of children at Dungavel? If members think not, they should support the SNP's motion.

11:04

Bill Aitken (Glasgow) (Con): Let us be quite clear on one thing: no one is happy at the prospect of young children being detained long term at Dungavel or anywhere else. However, too much emotion has been injected into this debate and into the wider general discussion. What is required is a cool, detached, compassionate approach to what is a growing problem. Let us also be quite clear that there is certainly blame. The blame lies not here but at Westminster, with Tony Blair. Initially it lay with Jack Straw and it now lies with David Blunkett, who manifestly failed to recognise the scale of the problem.

It is wrong and totally unfair that so many asylum seekers have to wait so long for their applications to be determined. That is the nub of the matter. The asylum seekers are not the only victims; the British taxpayer has also been a significant victim of the failure on the part of Blair, Blunkett and Straw to cope adequately with this matter.

The proposals in the SNP's motion fail to recognise the status of Dungavel. The people incarcerated there—and we regret this very much—are those who have exhausted the asylum process and the appeals process and are due to be repatriated. That being the case, anyone here might well ask—and reasonably—how it is possible for people with or without children to be kept there for a year. That question has to be asked down south and the solution must be brought from down south. It is not our responsibility.

If there is an alternative to keeping people at Dungavel—and many members have mentioned

this—it is to take children away from their families and to put them into a strange environment with all the trauma that that would entail. That is surely not what Mr Swinney wants or what he is proposing today, but that would be the very unfortunate effect of his motion.

Nicola Sturgeon (Glasgow) (SNP): The SNP does not accept the dividing of families. Will Bill Aitken condemn what has happened to Fatima Muse, the woman who was fined in Dungavel for feeding her child? She and her children are to be deported while her husband, who I presume is the father of the children, is being given leave to remain in the UK. It is not the SNP that should be lectured about dividing families. Does Bill Aitken agree?

Bill Aitken: I am a great believer in commenting on situations only when I know the full facts. In the case that Nicola Sturgeon mentions there is contradictory evidence. There appears to be an adequate feeding facility. I will comment on things when I know the full picture.

There are three amendments to the motion. Elaine Smith spoke eloquently and sincerely about her amendment, but clearly we cannot accept it. I will deal at greater length with Robert Brown's amendment on behalf of the Liberal party. I have known Robert Brown for many years and he would not deliberately mislead. However, he has caused the chamber real problems today, and Rosie Kane was right to point that out. The wording of his amendment is so vague and woolly that members do not fully understand the portent of it. Fiona Hyslop was right to raise that issue, too. I rather suspect that the wording is deliberately vague and woolly, to mislead people—who, although I do not agree with them, hold strong and sincere views—into supporting an amendment that they do not really understand or appreciate. I want to know from the Liberal party whether or not the terms used in the amendment mean that children would not be detained in Dungavel under any circumstances? Is it day release, or is it total release?

Mike Rumbles: Will Bill Aitken tell me what he does not understand about the amendment? The amendment

“calls on Her Majesty's Government to take immediate action to implement the recommendations in the two reports and to end a system of detention of children at Dungavel”.

What does he not understand about that?

Bill Aitken: I have no doubt that that intervention was intended to be helpful, but Mr Rumbles has created more confusion. If we consider what Mr Brown said when speaking to his amendment, we will realise that he did not say that. That is certainly not what I took from what Mr

Brown said. I hope that, when the member for the Liberals sums up, their position is made totally clear and that we are left with absolutely no dubiety. I suspect that there has been a deliberate attempt to con a significant number of members into voting for something that does not mean what it says.

11:09

Paul Martin (Glasgow Springburn) (Lab): Members will be aware that we have discussed Sighthill in the chamber on many occasions. Since the murder of Firsat Dag two years ago, the Sighthill community has been the subject of intense scrutiny. I advise the chamber, as I have done on many occasions, that the local community in Sighthill has met the challenges that it faced as a result of the dispersal programme. John Swinney does that community a sincere disservice by referring to our UK colleagues as racist. That does not assist us in considering ways in which we can deal with the very serious and complex issue that we face in our community.

Tommy Sheridan: I thank the member for giving way on the question of whether his UK colleagues are racist. How many of the residents and new citizens of Sighthill would have passed a British test if it had been set?

Paul Martin: They passed the Sighthill test. We welcome people from all over, and we have done so for 25 years. We welcome people from the overseas community—students and asylum seekers. Our focus has been on working with asylum seekers to ensure that they feel part—

Ms White: Will the member give way?

Paul Martin: Sandra White should give me some time.

We have considered ways in which we can support asylum seekers and their children in that community.

Little recognition has been given to the many community organisations and individuals who do so, such as the recently retired Church of Scotland minister, Rev Jones, who gave 32 years of his life to Sighthill. Only recently was recognition given, when Rev Jones was awarded the MBE. We should recognise his contribution to supporting asylum seekers all over Scotland during the dispersal process.

Ms White: I have a brief question for Paul Martin on Dungavel, which is what we are talking about. Does he believe that children should be incarcerated at Dungavel—yes or no?

Paul Martin: I assure Sandra White that I will most definitely come to that point shortly.

We have welcomed people through the dispersal programme, but the Parliament needs to

involve itself in a mature debate on that programme. Should Sighthill have been selected because we had 500 empty properties? Is that the only reason why dispersal took place to that community? We need to consider whether the dispersal programme has worked and have a mature debate.

On Robert Brown's amendment, I recognise that the education programme for asylum-seeker children has worked effectively in Sighthill. The children have integrated with one another. They are an example to their peers because of the way in which they have worked with other children and have bonded so effectively with them. I will support Robert Brown's amendment because it recognises the need to ensure that children are given the opportunity to bond with other local children to ensure that they can be part of the community.

I say to the minister that we need to consider how we fund the education system to ensure that additional teaching staff are made available to support asylum seekers. There is a particular issue in relation to interpretation services, which are a serious concern in many schools in Glasgow. To me, that is the kind of practical point that should be discussed in the chamber. I would also like to see us ensure that additional resources are made available for health.

To conclude, it is time for us to consider ways in which we can work with our colleagues in Westminster, instead of working against them. We should not involve ourselves in the kind of provocative language that has been heard in the chamber today. We need to build on the positives that there have been in areas such as Sighthill. We should welcome the investment from the Executive, but we should also learn from past mistakes in areas such as Sighthill, where asylum seekers were dispersed because we had 500 empty properties. We must learn from those mistakes and learn from the negatives. That is the way forward.

The Deputy Presiding Officer (Trish Godman): In order to get as many back benchers in as possible, speeches should be of only four minutes.

11:14

Dennis Canavan (Falkirk West): Last year, I visited Dungavel as a member of the cross-party group on refugees and asylum seekers. Our report stated that Dungavel is not an appropriate place for families and that we saw no justification for the detention of children. Last week, I returned to Dungavel for the STUC demonstration. Speaker after speaker condemned the barbaric practice of imprisoning innocent children whose parents have

sought refuge in this country. Some of them have fled from some of the most oppressive regimes in the world and, instead of being given a warm Scottish welcome, find themselves locked up in prison.

Those who deny that Dungavel is a prison should visit the place to see for themselves the locked doors, the perimeter fence and the razor wire that is just as high and just as intimidating as any prison wall. Indeed, in some respects, the innocent people who are detained at Dungavel are treated worse than convicted prisoners. Why punish a mother for feeding her children? Even convicted prisoners are allowed to eat in their prison cells.

At last week's question time, Peter Peacock, the Minister for Education and Young People, told me that the operation of Dungavel, including the education and welfare of children, is the responsibility of the Home Office. The truth is that education is devolved. Her Majesty's Inspectorate of Education's report on Dungavel states that the centre did not offer satisfactory educational provision, although section 1 of the Standards in Scotland's Schools etc Act 2000 refers to

"the right of every child of school age to be provided with school education".

It seems that the Scottish Executive and the Home Office are breaking the law by denying the children in Dungavel their educational rights.

The Scottish Executive must stop passing the buck. It is not good enough for Scottish ministers to claim that it would cause offence if they spoke out on a reserved matter just as it would cause offence if Westminster colleagues spoke out on a devolved matter. There are many examples of Westminster politicians speaking out on devolved matters. Eric Joyce MP has made some ignorant public comments about Scottish education, but the First Minister defended his right to do that. Anne McGuire, who is a UK Government minister, is intervening on a health matter to try to secure the location of a new hospital in her constituency. Why should Scottish ministers take a Trappist vow of silence, especially when the rights of children are at stake?

Finally, I will comment on the spurious argument that stopping the detention of children would separate children from their parents. The cross-party group's report recommended that community reporting procedures be explored as an alternative to the detention of families with children. That would be a much more humane alternative to locking people up.

Dungavel must be closed because it has no place in a civilised society. It is a national disgrace and it makes a mockery of the Scottish Executive's declared aim of achieving higher

standards of social justice in a modern, multi-ethnic and multicultural Scotland.

11:18

Shona Robison (Dundee East) (SNP): I say to Bill Aitken that perhaps if we had had more emotion and less detachment, we would have stopped locking up children in Scotland before now. Of course emotion should be brought into a debate such as this. What kind of people would we be if there was no emotion in a debate on the detention of children?

I want to say something about the tone of the debate and the language that has been used. To imply that John Swinney or anyone else has any ulterior motive other than the best interests and welfare of children is nothing short of a disgrace. Many SNP members have been raising issues about asylum seekers and their children from the day we came into Parliament. We did that well before there was any nonsense about the other issues that have arisen; to say otherwise is, quite frankly, disgraceful. The oohing and aahing that took place during John Swinney's speech is the type of behaviour that brings the Parliament into disrepute.

Today, we need to reflect on what this Parliament is about. The Parliament was set up to change Scotland and to reflect the type of Scotland that we wish to see. Surely to God this Parliament can agree on one thing—that we do not want to see children locked up on Scotland's soil. If we cannot agree on that, my goodness, what can we agree on?

In April last year I, Dennis Canavan and others went to Dungavel to see for ourselves what was happening there. I will say a few words about it. I have no criticisms whatever of the staff in Dungavel. They do a job in difficult circumstances, but it is a job that they should not be asked to do. No one should be doing a job that involves locking up children.

Miss Goldie: Will the member give way?

Shona Robison: No. Annabel Goldie would not let me intervene on her, so I return the favour.

When we arrived at Dungavel, we were met with a fence that is at least 20ft or 30ft high. If it looks like a prison and it acts like a prison, in my view it is a prison. We spoke to many of the detainees there. I was thankful for the open access that we were given to speak to them, because it was revealing. I was struck by how many of them had no idea why they were there, how long they were going to be there, and what was going to happen to them. Members should imagine families with children in that situation, having no idea what is going to happen to their children. It is deeply

disturbing and difficult when one is grabbed by families, mothers and children who are begging one to get them out of there. That is a tough thing to face. Perhaps some of the members in here who have alternative views should experience it for themselves.

We have had numerous reports. The issues that the cross-party group on refugees and asylum seekers raised in its report in April 2002 were almost identical to the ones that were raised by the chief inspector of prisons—children should not be locked up. Margaret Curran said a lot of warm words, and laboured the point that Scottish ministers have done a lot to improve the plight of children at Dungavel, yet children are still being locked up and reports are still being written condemning that practice. Whatever Scottish ministers claim they have been doing behind the scenes, it is not enough.

I finish where I started. Surely this Parliament can come to an agreement on one thing—that it is wrong in Scotland, on our soil, to be locking up children. I hope that by the end of today we are able to agree on that.

11:22

Jackie Baillie (Dumbarton) (Lab): Quite rightly, in the past few months, there has been widespread comment and concern about the use of Dungavel as a removal centre for asylum seekers. I do not want to rehearse the detail of the debate, because we have heard it already, but essentially there are two strands of opinion—those who call for the complete closure of Dungavel and those who argue, rightly in my view, that we need to end the system of detention of children at Dungavel. I will take each in turn.

It is generally acknowledged that in any asylum or immigration policy removal centres have a place for that small minority of asylum seekers who have a history of absconding or for those whose claim for asylum has been rejected and who are awaiting removal. It is recognised, though, that that is an option of last resort. Nobody has brought this up today, but it is worth remembering that, before Dungavel, asylum seekers were held in Barlinnie, which is hardly appropriate accommodation.

I do not believe that it is in the best interests of children to be detained for any length of time. That view crosses the entire chamber.

Rosie Kane: Will the member give way?

Jackie Baillie: No, thank you.

Neither Her Majesty's chief inspector of prisons, who criticised the detention of children for more than seven days, nor Her Majesty's Inspectorate of Education, which noted that Dungavel did not

offer satisfactory educational provision for children who are detained for any length of time, believes that it is in the best interests of children. I welcome the recognition of that in Robert Brown's amendment, and the efforts that have been made by Scottish ministers, who have worked continually to effect change.

Fiona Hyslop: Will the member give way?

Jackie Baillie: No, not on that point.

In particular, I congratulate Margaret Curran on pursuing the issue. She is right that we need a partnership approach to tackle the changes that are required in the interests of children. With the Executive working alongside the Home Office and South Lanarkshire Council, we will see the implementation of the recommendations in both reports.

Scotland has a reputation as a fair, caring and tolerant nation, with a long tradition of welcoming asylum seekers. The Executive is upholding that tradition with, as Margaret Curran outlined, considerable investment in integration projects, language classes, further education opportunities and legal advice and information, and very welcome progress with the Scottish refugee integration forum.

So what is this debate about? To paraphrase a popular song, "Why here? Why now?" Is it about children? Is it about Dungavel? Is it even about asylum policy? Forgive me for joining Annabel Goldie in being slightly cynical. Although Shona Robison makes a persuasive case, regrettably this debate is much more to do with the SNP's internal divisions. Commentators in the press, and commentators on the SNP's own benches, suggest that it is more about John Swinney appealing to the third of his party who are unlikely to vote for him anyway. What is it about? Is it about striving to get support by outdoing them with anti-English rhetoric that at times borders on being racist? The SNP charge is that somehow members of the Executive parties are racist. If so, why did the UK Government accept 47 per cent of asylum applications that were made in the European Union? Why are local authorities, in particular Glasgow City Council, providing accommodation for 3,500 asylum seekers?

The last time we debated asylum seekers in the chamber was on 31 October 2001. John Swinney was so concerned by the issues raised by asylum that he failed to show up and he failed to vote. That is a damning indictment. It is a bit late to come to us now.

11:27

Mrs Margaret Smith (Edinburgh West) (LD): It is unusual for me to disagree so quickly with something that Jackie Baillie said.

I thank the SNP for bringing this motion to Parliament today, because it raises an issue that is being talked about throughout Scotland. It is of interest to the people of Scotland, and people have strong views about it. In the chamber are people of conscience who represent all parts of Scotland and all political parties. Although it irritates me that occasionally the SNP takes the view that it is the only party that cares about Scotland, it irritates me even more when people talk as if only members of their own party have any conscience whatsoever. People of all parties have taken an interest—much more of an interest than I have taken—in the issue of asylum seekers over the past four years.

Key points arise from contributions to the debate made from all parts of the chamber. Whether one agrees or disagrees with the system, it is failing all asylum seekers who seek refuge in our country—not only children but families and single people. The system must be changed. Once we get into the question of how we change it, the issue becomes complex, but we are talking about a simple issue at heart: whether it is wrong to detain and imprison children in a prison.

I visited Dungavel, which I had not visited before, on Saturday. I was appalled to see that it is, quite frankly, a prison. We cannot imprison people who have done no wrong and committed no crime, and then sleep comfortably in our beds and live comfortably with our consciences. People of all parties should be able to unite around the fact that that is wrong, and that it is not behaviour that we want to see in a 21st century Scotland that we all want to improve.

The people in Dungavel have committed no crime and deserve our protection. However, we must be pragmatic and realise that we have to have a system for the control of immigration. Even the Scottish Refugee Council and the United Nations High Commissioner for Refugees agree that countries should be able, as a last resort, when all judicial appeals have reached their formal conclusion, to detain for a very short period of time people who have to be deported. That is the only reason why the detention of anyone should be formally allowed.

Elaine Smith: Will the member give way?

Mrs Smith: No.

Detention as a last resort is not what is happening at Dungavel. The report from Her Majesty's inspectorate of prisons says:

"Dungavel was unique in the United Kingdom, as the only centre that held children for considerable periods, which

could amount to many months in some cases...This had not been planned or anticipated when the centre was set up."

The system is failing, and rather than acknowledge that it is failing and make changes, Her Majesty's Government continues to keep people in a prison when they should be let out after two or three weeks if they have not been deported.

Much comment has been made about the education of the children. I agree with other members that what is happening is appalling. The points that are made in the HMIP report should be acted on by the Executive, which should act much more speedily than it has acted until now.

However, we are talking about wider issues, such as the mental health, well-being and psychiatric future of the children whom we are imprisoning in Dungavel. There has to be a better way. The churches, local authorities, voluntary sector and housing associations have all shown a willingness to work with the Executive and the Government on the issue. In a small number of cases, for a small number of days, people who have to leave the country may have to be detained, but 99.9 per cent of the time we do not have to detain children. I do not want to be part of a Parliament that agrees that we should detain children, and I do not want to be part of a country that does so.

11:31

Ms Sandra White (Glasgow) (SNP): The minister mentioned dealing with reality. I will deal with a few realities at Dungavel: large building, razor wire and guards. If someone's children are hungry outside permitted eating times, that person is allowed to feed them; if they try to do so, they are fined. If someone wants milk for their children they cannot just get it—they have to ask a guard, who has to open up the cupboards to give them milk. Kids cannot play outside whenever they want. They have to ask a guard, and are still surrounded by walls, razor wire and guards. If an individual needs sanitary products, they have to ask a guard. I would not call that a detention centre; I would call it a prison.

Members of the Parliament should be forthright in our opinion that children should not be held at Dungavel. I congratulate Elaine Smith and Cathy Peattie on their stance. I say to the other Labour members who have spoken that if there was a shiver going round their side of the chamber, it would be hard-pressed to find a spine to run up.

Let us consider the amendments one by one. It is not worth mentioning the Tory amendment. Elaine Smith's and Robert Brown's amendments both have merits. However, I am sorry to say—

particularly in relation to Elaine's amendment—that those amendments are just smokescreens, as Rosie Kane said, that try to protect the Lib-Lab Government. Margaret Curran and the other ministers cannot hide forever. Robert Brown has created a smokescreen that tries to let them off the hook, but people outside the chamber will not let them off the hook any more. Once again, what we see today is the might and weight of Westminster against the fright of the Lib-Lab Government. According to the Government in Scotland, the master has spoken and the servants will obey. However, this is a Parliament and Lib-Lab members have been elected to it. They should get off their knees and do something. They should vote for the SNP motion.

11:33

Ms Rosemary Byrne (South of Scotland) (SSP): I thank the SNP for giving us the opportunity to have this debate. I am quite disgusted at what I have heard from some members, who seem to think that they need to justify what is totally unjustifiable.

While the debate has been going on, Beverley Hughes, the UK minister in charge of immigration, has been interviewed on BBC television. She said that, although she is happy to discuss the matter with the Scottish Executive, there will be no change of policy at Dungavel, and that children are best kept with their parents in the centres, where they will be educated and not taken outside.

While we sit here debating and discussing the situation of children—a disgusting situation where the freedom and rights of children have been taken away—the Westminster Government is making comment. I will leave everyone here to interpret that in their own way—I am sure that there will be much more discussion about the situation.

I make it clear that I speak in support of Elaine Smith's amendment simply because it would not be right for young people to be transported to and from Dungavel to go to school. My reasons for that view are that no child should be detained and no child should be denied an education that is not fully inclusive. That is what we are doing, which is ironic for a country that has always been proud of its education system. By law, all children in Scotland have a right to an inclusive education, and no child should be denied full access to health care. At present, young people in Dungavel are not being inoculated when they should be, and their records are not being passed on. They are not being given a basic human right: the right to decent health care.

As far as I am concerned the children are being mentally and physically abused. They are being

mentally abused because they are in prison. They have no freedom and cannot go out to play when they want to—they cannot go into the play area whenever they desire. They cannot eat when they want to—we have heard today about a mother being fined for trying to feed her child. Those are not examples of human rights being observed, and we should be ashamed to live in a country that allows such things to happen.

I am disgusted that we have to have the debate today. Over the past two years, many people in Scotland have been campaigning to get Dungavel closed. The Scottish Socialist Party's policy is to close Dungavel. Today, we are here to end the imprisonment and detention of children, mothers, fathers and young people in Dungavel. We want an end to it today, and the only way that we will be able to signal to the rest of Scotland and the UK Government that that is what we want to do is by supporting Elaine Smith's amendment. I ask members to support her amendment. I thank the SNP again. We have great sympathy with its motion, the terms of which we support.

11:37

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): It was pointed out earlier that John Swinney was not here when we discussed asylum previously, nor did he vote. It is hugely unfortunate that he is not here to listen to the summing-up speeches. Although I am the first to criticise the UK Government when it needs to be criticised, I did not like the tone that he used in his opening speech—the rhetoric of racism is inappropriate.

I see that Annabel Goldie also is not here. The Tories have taken quite a low-key approach, in my view because they are quietly ashamed of their UK position on asylum. I referred earlier to that position, which is, apparently, that we should lock up children with their parents in offshore centres.

Bill Aitken: Will the member take an intervention?

Mike Rumbles: I cannot—I have only four minutes.

Robert Brown made a powerful speech that put the issue of the unacceptable detention of children at Dungavel clearly into focus. However, I am afraid to say that Elaine Smith used spin when she said that anyone who supports the Liberal Democrat amendment condones the imprisonment of children. That is outrageous. The whole point of our amendment is to make it clear that the imprisonment of children is unacceptable.

Patrick Harvie: Is that the third time that the member has misrepresented Robert Brown's

amendment? The amendment calls on the government

“to end a system of detention of children at Dungavel which denies them access to social contact”

and so on. It implicitly accepts the detention of children with occasional day release.

Mike Rumbles: That is outrageous and simply untrue. I have not misrepresented the amendment.

Asylum is the responsibility of the UK Parliament. Margaret Curran focused on reality and it is clear from her contribution to the debate that our own ministers in the Scottish Executive have been active on the issue. Our Parliament is also active on the issue.

Karen Gillon said that, if we are to have an asylum policy, we must have one that works. However, in a research paper that was published just six months ago, Emma Cole states:

“Up until October 2001, children were very rarely detained by the Immigration Service and when they were it was usually for a matter of hours before they were deported or removed with adult members of their family. In fact, the very presence of children in a family was viewed as a factor indicating that an adult member of the family would not abscond”.

I refer to Patrick Harvie’s intervention on behalf of the Green party on the subject of the Liberal Democrat amendment. We seem to keep returning to our amendment, which simply

“calls on Her Majesty’s Government to take immediate action to implement the recommendations in the two reports and to end a system of detention of children at Dungavel”.

I keep having to say, “What could be more clear?”

Shona Robison: Will the member give way?

Mike Rumbles: I would love to take an intervention, but I am in my last minute.

The continued detention of children behind barbed wire and fences is clearly a moral issue on which the Scottish Parliament must take a stand. However, it is clear that responsibility for the situation lies with the UK Government and the UK Parliament. I support the point that Donald Gorrie made: MPs of all political persuasions, with some notable exceptions, have been too quiet on the issue.

I appeal to Green party members to support the Liberal Democrat amendment. They have misunderstood the position that is set out in our amendment, which is that the Scottish Parliament can make its voice heard. We can succeed in influencing the UK Government and we should send out a message that will influence it. We have to do that as we have no power to end the detention of children at Dungavel.

11:42

Phil Gallie (South of Scotland) (Con): It will not be often that I agree with Patrick Harvie, but his interpretation of the Liberals’ amendment was exactly right. Robert Brown’s comments qualified the situation and Mike Rumbles tried to say that the Liberals’ amendment set out that they do not approve of the detention of children, but that is far from the truth.

It is clear that the wording of the amendment in Robert Brown’s name suggests that the Liberals do not approve of the detention of children without allowing them to go out into the community, socialise and gain an education. Robert Brown went a little further than that when he suggested that that should happen after children have been in Dungavel for six weeks. When one considers the length of time that children spend in Dungavel, one will come to recognise that almost 90 per cent are there for less than that six-week period. Indeed, happily, almost 50 per cent come out of Dungavel within a fortnight. Those are the official figures. The purpose of Dungavel is to act as temporary housing for those who are set to be deported from the country.

Robert Brown: That is true so far as it goes, but what about the 79 children who were detained for more than two weeks and the 36 children who were detained for more than six weeks in Dungavel over the past year? Is that not the central issue of the debate today?

Phil Gallie: I agree that that is the central issue, and I have some sympathy with Robert Brown’s suggestion that, after a set period of time, children should be moved back out into the community. However, many children would have been confined for six weeks by that stage, despite Mike Rumbles’s comment that the intention behind the Liberal amendment is to stop children being detained.

I move on to address John Swinney’s motion. I am not going to criticise anybody for putting forward honestly held views—if those are his views, fair enough. I also want to pick up on comments that Shona Robison made. I respect her stand on the issue. I remember a meeting that was held in Glasgow two or three years ago at which she openly endorsed an open-door programme for immigration—

Shona Robison: Will the member give way?

Phil Gallie: I do not have time. The member’s endorsement of that programme is a matter of record and a matter of fact.

I ask John Swinney where the SNP stands on the issue. Does he believe in having an immigration policy or not? If we are to have an

immigration policy, we must have a means of enforcing it.

Shona Robison: Will the member give way on that point?

Phil Gallie: I am sorry, but I have to move on.

The Deputy Presiding Officer: Mr Gallie is in his last minute.

Phil Gallie: The failure that is set out in Annabel Goldie's amendment is at the heart of the problem. The Labour Government at Westminster has created a shambles of the asylum scene—it has created the situation in which there is a need to lock up children in Dungavel. Mike Rumbles acknowledged that the process started in 2001, but the Westminster Government created the shambles that the process came from. Let us have no false tears over that point.

John Swinney referred to situations in which people who had a family would not abscond. I challenged him in respect of the Ay family, as the case of the Ay family disproves everything that he said on that subject.

The Deputy Presiding Officer: You must sum up now, Mr Gallie.

Phil Gallie: I refer to Bristow Muldoon's intervention. We hear dissatisfaction about the way in which we treat immigrants in Britain. The fact is that a far greater number of immigrants come to the United Kingdom than go to any other European country. The situation speaks for itself.

11:46

Bristow Muldoon (Livingston) (Lab): In responding to the debate on behalf of Labour members, I make it clear first of all that every Labour member in the chamber wants to the country to have a fair asylum and immigration system that awards refugee status to properly recognised refugees who are fleeing persecution, as defined by the United Nations Convention Relating to the Status of Refugees.

We recognise that the issue of asylum and immigration is properly the reserved responsibility of the UK Government. However, we also recognise that the Scottish Executive and a large number of local authorities in Scotland have played a positive role in welcoming people into Scotland's communities on a number of occasions.

Frances Curran: Given that section 63 of the Scotland Act 1998 allows for the transfer of powers from Westminster to the Scottish Executive on specific issues, should the Scottish Executive not demand that powers in relation to Dungavel are transferred from Westminster?

Bristow Muldoon: I do not agree. I believe in the United Kingdom as a sovereign state. We should have an immigration and asylum policy that covers the entire country. I commend the Scottish Executive for the work that it has carried out in co-operation with the UK Government to welcome people to this country.

Shona Robison: Will the member give way?

Bristow Muldoon: No. I want to make progress.

Although I did not agree with every aspect of Robert Brown's speech, the Liberal Democrat amendment that he moved is thoughtful and progressive and will take forward the treatment of asylum seekers in Scotland.

Shona Robison: Will the member give way on that point?

Bristow Muldoon: I have to make progress, as I want to address the comments that were made by a number of speakers.

I accept that people on all sides of the debate have genuine concerns about various aspects of asylum policy. However, one of my biggest concerns with Mr Swinney's proposal was his unfortunate use of language, particularly with regard to the UK Government. It was very offensive and wrong of Mr Swinney to suggest that the UK Government or its ministers are racist. If he wants to retain any credibility in this country, he should apologise and desist from making such accusations.

One of the reasons why I joined the Labour party back in the 1980s was because of the party's lifelong commitment to internationalism and to dealing with inequalities throughout the world. That internationalism is still with the Labour party. We saw that commitment in the end of the empire and in the attack on apartheid in the 1960s, 1970s and 1980s—Nelson Mandela recognised the crucial role that the Labour party played in that campaign. We see it in the current Labour Government's commitment to opposing ethnic cleansing in Kosovo—a commitment that Mr Swinney and his party did not support. We also see it in increases in international aid budgets and in the UK Government's being one of the foremost supporters of the call to reduce third-world debt.

On the subject that I raised in my intervention, Mr Swinney misrepresents the UK Government position. In the records for the most recent year, we discover that the UK Government took in 47 per cent of people granted refugee status by all countries in the European Union. A further 20,000 people were awarded exceptional leave to remain on humanitarian grounds. That result shows that the UK Government is far from adopting a narrow interpretation of the UN convention. The UK Government fulfils its international obligations.

Margo MacDonald: The member has widened the debate. I take him back to the position of the UK Government on what constitutes a fair, equitable and reasonable immigration and asylum policy. Does he agree that the Labour party in Scotland might have a different interpretation from that of the Labour party in England of what would be a suitable degree of attraction for economic migrants into Scotland?

Bristow Muldoon: Apart from the Labour Government's record on the acceptance of people with refugee status, it is also the case that there was a net immigration of 171,000 people into the United Kingdom in 2001. People have come from all parts of the world—from other parts of Europe, from Commonwealth countries and elsewhere. More than 100,000 refugees have been accepted into the UK every year since 1998. The UK is not a country that says that it is full up; it is a country that pursues a positive immigration policy.

Annabel Goldie and Phil Gallie, on behalf of the Conservatives, raised concerns about the operation of the current system, which must be improved. However, although they distanced themselves from the UK Conservative party position, they did not outline an alternative position for the Scottish Conservative and Unionist Party.

Although my colleague Elaine Smith, members of the SSP and the Greens raised genuine concerns about individuals, they failed to address an alternative immigration or asylum policy that the UK could implement. I can assume only that their policy would be to have no policy and to offer free immigration to anyone who wants it. That position is not even taken by the SSP's socialist utopia of Cuba, where 33 out of 42 cases were rejected in the most recent year.

It is right that Britain continues to receive people who flee persecution on the grounds of race, religion, nationality, membership of a social group or political opinion. It should be recognised that the UK has a long and continuing record of performing that role well and of accepting people from outwith the country who genuinely flee persecution. Anyone who suggests otherwise does so for narrow political purposes and would be well advised to desist.

11:53

Nicola Sturgeon (Glasgow) (SNP): At its heart, the debate is very simple. As a nationalist, I believe that immigration and asylum policy should be the responsibility of the Scottish Parliament, but that is not what members are asked to vote on today. I agree that all countries must have an immigration policy, but that does not preclude anyone from criticising the UK policy when it does

not act in a "progressive" manner, if I may use Karen Gillon's word.

If anyone doubts the hypocrisy and inhumanity of the UK asylum and immigration policy, let me ask them to consider the following case. An Iraqi dissident came to see me a few months ago. The Home Office wanted to send him back to Iraq to face the wrath of Saddam Hussein—probably to be executed—at exactly the same time that Tony Blair was preparing to go to war against that same dictator. Incidentally, the refusal letter received by the Iraqi dissident displayed the legendary attention to detail of the Home Office to which Rosie Kane referred. Halfway through the letter, Iraq suddenly becomes Iran. However, that is not what the debate is about either.

The debate is much simpler than that. It revolves around the simple proposition that imprisoning children in Dungavel is wrong. I say to Robert Brown in all sincerity that imprisoning children is wrong wherever it happens, but we in this Parliament have responsibility for the welfare of the children in Dungavel. That is why the SNP is right to concentrate on that issue in our motion.

I do not claim for myself or my party a monopoly on caring about the welfare of children. We all care about children, but surely that is why, irrespective of whatever else divides us in the chamber, we should be capable of coming together to agree on the simple proposition that imprisoning kids is wrong. If it is wrong—and it is wrong under law—we should demand the end of the practice of doing so in our country. John Swinney cited the United Nations Convention on the Rights of the Child when he said that it is wrong to punish a child for the status or crimes of his or her parents. I say to Phil Gallie that seeking asylum in this country is not a crime—we should all be aware of that.

Imprisoning children is wrong according to the chief inspector of prisons in England and Wales, who condemned the detention policy and said that children should not be detained for more than seven days. The average length of stay in Dungavel during the past year has been four weeks, and the Ay family children were there for more than a year.

If imprisonment of children is wrong under the law, it is even more wrong morally, according to the experts, to lock up children. I agree with Robert Brown's comment that, even in a complex world, sometimes the concepts of right and wrong are pretty straightforward. That is why so many people in Scotland find it difficult to understand the First Minister's silence on the issue. His remit is defined by law. I will return to the rights and responsibilities of the Scottish Executive later but surely he could and should have spoken out as a citizen and a human being, if not as a politician.

John Swinburne (Central Scotland) (SSCUP):

Although I support the SNP motion, I deplore the fact that Jack McConnell is being attacked for staying quiet and keeping things under wraps instead of running a media-led Assembly. I prefer the Executive rather than the media to tell us what we should be debating. That is why he has not said, "David Blunkett must do this," in order to produce banner headlines in the papers. That is no way to rule a country.

Nicola Sturgeon: Although I respect John Swinburne's point of view, I believe that powers can be devolved or reserved, but consciences cannot.

Even today, when we are told that the First Minister will support a particular amendment, he cannot bring himself to come to the chamber to speak in favour of that amendment. He will not even allow the amendment to be lodged in the name of a Labour member. He said that he cannot speak up because to do so—

Robert Brown: Does the member recognise the annoyance and irritation caused to many members in the chamber by the SNP's obsession with the First Minister and whether he says something rather than with the Home Secretary and the United Kingdom Government, given that they have responsibility for the issue?

Nicola Sturgeon: The irritation caused to the vast majority of the people of Scotland is that the First Minister, the leader of Scotland, says nothing about the simple issue of whether it is right or wrong to lock up children in Dungavel.

Christine May (Central Fife) (Lab): Will the member take an intervention?

Nicola Sturgeon: I have less than a minute left.

The debate is not about the Scottish Parliament encroaching on reserved matters; it is about the Scottish Executive abdicating its responsibilities on devolved matters. Health, education and child welfare are all matters central to the question of how we treat asylum seekers and their children, and they are devolved responsibilities. That makes what goes on in Dungavel our business.

I will finish as I started: this is not a complicated issue; it is simple. If members believe that what happens at Dungavel is acceptable, they should vote against the SNP motion. If they believe that locking up children becomes acceptable just because they are let out once in a while, they should vote for the Liberal amendment, although they should be aware that Beverly Hughes has said that she has no intention of letting the children out from time to time. If, however, members believe, as I do, that it is plainly and simply wrong to lock up children, let us agree

today—even if we agree on nothing else over the lifetime of this Parliament—to call for an end to the detention of children in Dungavel.

First Minister's Question Time

12:00

The Presiding Officer (Mr George Reid): It is 12 noon and time for First Minister's question time.

Cabinet (Meetings)

1. Mr John Swinney (North Tayside) (SNP):

To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S2F-178)

The First Minister (Mr Jack McConnell): The Cabinet will discuss progress on our legislative programme and on implementing the partnership agreement.

I hope that you will allow me, Presiding Officer, to record the fact that today is the second anniversary of the terrible tragedy that took place in New York on 11 September 2001. The Parliament has shown a consistent concern over that event and a relationship with our colleagues in the United States of America that remains strong today, two years on. The resilience and friendship that underpin that relationship was shown this week by the fact that so many people are travelling between Scotland and the United States that we are to have a new aircraft service between Edinburgh and New York, which I am sure will be well used by many in years to come.

Mr Swinney: I associate myself with the First Minister's remarks and thank him for his answer.

This morning's newspapers are full of reports that the Scottish Executive is to be involved in dialogue with the Home Office about the Dungavel detention centre. The issues associated with that are very much part of the amendment moved in this morning's debate by Mr Robert Brown, which we are led to believe has the support of the First Minister. If that is so, what is the First Minister's reaction to the flat rejection of that position this morning by the Home Office minister, Beverley Hughes?

The First Minister: In a letter to our Minister for Communities, Margaret Curran, Ms Hughes said that Home Office ministers will continue to discuss with the Scottish Executive and South Lanarkshire Council how to take forward the recommendations of the reports of both Her Majesty's chief inspector of prisons and our own inspectors of education on the education and welfare services of children in Dungavel, particularly for those who, in exceptional circumstances, are there for longer than six weeks.

It is important to deal with the facts of the case. Such discussions are nothing new. I was interested to hear Ms Sturgeon talk about silence

towards the end of the previous debate. When I was Minister for Education, Europe and External Affairs, I answered a question from Ms Fabiani about the situation in Dungavel, two years ago this month, in September 2001. The answer recorded was:

"Officials of the Executive are liaising with the Home Office and South Lanarkshire Council regarding education provision in the centre."—[*Official Report, Written Answers*, 25 September 2001; p 128.]

Such discussions are nothing new; the education inspectors' report takes them further forward. It is critical that we remain engaged in those discussions and available to assist, where that might be appropriate, in the interests of the children.

Mr Swinney: The interests of the children are paramount in all that we do here, First Minister.

About 20 minutes ago, the Home Office minister said on BBC Scotland:

"There is no deal ... what we'd be looking to do instead is to make sure that the best possible education is provided in the centre".

There is no talk whatever of any child getting out of the centre to be educated. The First Minister boldly accounts for his previous parliamentary answers. He gave that answer on 25 September 2001. Why has he not done something about it? There are concerns from across the Parliament about the poor education and the conditions in which children are living. Would it not be simpler if the First Minister just took a stance on the issue and said that it was immoral to imprison innocent children in Scotland?

The First Minister: It would be entirely wrong to deal with a serious issue relating to the welfare and education services of children who are, at that particular moment, residing in Scotland, on the basis of some artificial deal. Of course there is no deal. This is not about deals. It is about the children, Mr Swinney, which is a fact that seems to have escaped the Scottish nationalist party consistently this morning.

On the matter of following up that answer from two years ago, Scotland's education inspectors—who are admired the world over—were involved in the production of a report, which was published last autumn. Since the production of that report, the inspectors have also been involved in assessing how much progress has been made to implement its conclusions.

Last month, they produced a further report—they provide a high-quality, professional service—in which they advised the Home Office to make further changes. We will be involved in discussions on that, too. That is a good way for a First Minister and a Government in Scotland to behave. That is the right way to progress the

improvements that are required at Dungavel. It is immoral for Mr Swinney to use the children involved for political ends in the way that he has.

Mr Swinney: We raised the issue because we read the reports of HM inspectorate of prisons and Her Majesty's Inspectorate of Education, which express concern about the quality of those young people's education and, most important, the damage that is being done to their lives because they are imprisoned in Dungavel.

The First Minister says that he has been taking action. We got the same answer in April 2002 and February 2003 that we got to a written question in September 2001, and we continue to get reports that say that children are suffering because this Government will not protect them by getting them out of Dungavel. Why does the First Minister not give a lead and say to the people of Scotland, "Our human rights are paramount; we will not have children imprisoned in Dungavel, because that is immoral and unacceptable"?

The First Minister: I have never been silent on the issue; I am just not saying what the member wants me to say. That is the fundamental difference.

As I said to the Parliament last week, I am proud of our record of supporting asylum seekers and refugees, and their children, in Scotland. That assistance has produced—in Glasgow and elsewhere—some of the best schooling for asylum seekers' children, not just in Scotland, but in the UK and probably in Europe. It has included the provision of training, education, child care and other facilities for asylum seekers and refugees in communities throughout Scotland.

What is wrong with the SNP's position is what is wrong with everything that Mr Swinney has done in the past few weeks. He showed no interest in the issue when he was a member of Parliament at Westminster. Mr Swinney talks about my silence. I invite him to tell me the parliamentary question on asylum seekers' children in Scotland that he asked during his years as an MP at Westminster. If he shows me such a question, I will be happy to acknowledge his effort.

The interests of the children must come first. In every case in which a child stays in Dungavel for longer than the initial period for which they have to be there because their parents are going to be deported from the United Kingdom, the children's interests must come first. Any decision that is made about their welfare or their education should be made not on the basis of an independent immigration policy for Scotland or the winding up—for political ends—of the debate, but on the basis of the interests of those children. If we do not put them first, we abdicate our responsibilities in the Parliament.

The Presiding Officer: In view of the First Minister's direct question to Mr Swinney, I will allow him a final, quick supplementary.

Mr Swinney: The First Minister knows that I have visited Dungavel and taken an interest in the issue. The answer to the First Minister's question is that Dungavel opened once I had ceased to be a Westminster MP, so I could not have asked a question on it. The First Minister should stop coming to the Parliament to throw insults about. Does he approve of the imprisonment of children in Dungavel—yes or no?

The First Minister: We note the fact that Mr Swinney did not answer the question.

The Scottish nationalist party did not refer to Dungavel or the children of asylum seekers in its manifesto for the 2003 Scottish elections, which were held only three or four months ago. Mr Swinney should not be a Johnny-come-lately on the issue; he should put the interests of the children concerned first. If it is in the children's interests not to be taken away from their parents, as Mr Swinney has suggested this morning, he should recognise that that is the case.

We need an honest policy on immigration and asylum in Scotland as well as in the rest of the UK and that is what members will get if they back Robert Brown's amendment.

Prime Minister (Meetings)

2. David McLetchie (Edinburgh Pentlands) (Con): To ask the First Minister when he will next meet the Prime Minister and what issues he intends to raise. (S2F-180)

The First Minister (Mr Jack McConnell): I plan to meet the Prime Minister later this month.

David McLetchie: I am pleased to hear that. I hope that the Prime Minister will be interested in something for which, regrettably, Mr McConnell is all too responsible—the state of the health service in Scotland. I am sure that the First Minister saw the stories in a national newspaper this week about a constituent of mine—Mr McLaren—who is not covered by any so-called waiting list guarantee and has had to wait five years for facial reconstruction surgery. I have previously written to the Minister for Health and Community Care about Mr McLaren's case.

In yesterday's *Daily Record*, Mr Chisholm promised that Mr McLaren would get his new face and no less than an appointment with a consultant within a week. However, in a reply that I received on the same day from Mr Chisholm's deputy, Tom McCabe, I was told:

"Ministers cannot intervene in individual cases".

Which of those ministers are we to believe? Has

the national health service in Scotland reached such a state that people such as Mr McLaren must go to the papers to receive treatment within a reasonable time?

The First Minister: Mr McLetchie is well aware that decisions on someone's position on a waiting list and on when their treatment becomes available are made on clinical grounds in the Scottish health service, which is the right basis on which to make those decisions.

David McLetchie: That is not what Mr Chisholm told the *Daily Record*. He is dishing out appointments with consultants to suit the demands of the Labour party's publicity machine.

Mr McLaren's plight is indicative of our unreformed and unreconstructed health system. Mr Chisholm tells us that his National Health Service Reform (Scotland) Bill will set out a coherent reform programme, but the reality is that he spends his time trying to micromanage his way out of the many deficiencies of the health service with sticking-plaster solutions, such as paying consultants an extra £1,000 a week to do more operations—that is an old-fashioned waiting list initiative by any other name—and intervening in cases such as Mr McLaren's when it suits his purposes and publicity ends to do so.

Patients in other European countries, such as Germany, France and Switzerland, do not have to put up with the waiting lists that we endure, so why should we not learn lessons from that and have a system of which people can be proud and which does not fail people, as Mr McLaren was failed time and again over five long years?

The First Minister: The straightforward answer is that we do not have such a system because it takes an awful lot longer than five or six years to repair all the damage that was done in the previous 18 years by the Government of the party that Mr McLetchie represents.

Mr McLetchie is keen to abuse First Minister's question time by raising constituency cases. It is a bit rich to call one day for the minister to do something and to criticise him the next day for having done that. That is a bit ridiculous.

At the election four months ago, electoral platforms were put to the people of Scotland. Mr McLetchie's position of abolishing the comprehensive system of health care was soundly rejected by the people of Scotland at that time and will be again.

Of course some health service issues require to be addressed, and of course our pressure for waiting times to be reduced goes on and on, but it continues to deliver. Throughout Scotland, people are waiting less for treatment for the key killer diseases such as heart conditions and cancer.

Just two weeks ago, great figures were published about breast cancer treatment. Hard work is being done out there by doctors, nurses, consultants, radiographers and the many other people who work in our health service. It is time that the chamber praised and supported them, rather than always criticising them.

George Lyon (Argyll and Bute) (LD): Is the First Minister aware that the Ministry of Defence is seeking proposals from companies in the United Kingdom to decommission nuclear submarines and store the resulting nuclear waste on site? Two weeks ago, Sir Robert McAlpine informed me that McAlpine proposes to use the former oil production site at Ardyne point on the Cowal peninsula for such a purpose. What role will the Scottish Executive play in shaping the MOD's final decision on where that contract will be placed? Will the First Minister confirm that the Executive will have the power to prevent the proposal at Ardyne from proceeding, as it has powers over planning matters?

The First Minister: Complex planning matters will affect the final outcome of the consultation. I understand that the consultation has not yet reached conclusions about sites or about how the material will be handled. Clearly, we will have an interest in environmental and planning concerns during the consultation, rather than an interest only in the consultation's outcome. We will take such responsibilities seriously.

Local Authorities (Facilities for Young People)

3. Tommy Sheridan (Glasgow) (SSP): To ask the First Minister how many local sports centres, community centres, youth clubs and other facilities that provide activities for young people have been closed by local authorities in the past seven years and how many of those facilities have been subsequently replaced. (S2F-184)

The First Minister (Mr Jack McConnell): Decisions regarding facilities that are owned or managed by local authorities are for local authorities. However, through our Government's new schools building programme, the quality-of-life improvements that we are funding in local communities and the New Opportunities Fund for sport in schools and out-of-school activities, the number of facilities and opportunities is increasing throughout Scotland.

Tommy Sheridan: The First Minister avoided the specifics of the question. Seventeen facilities have been closed in Glasgow alone, but the First Minister has not mentioned replacing any of those facilities.

The issue gets to the heart of the First Minister's obsession with youth disorder and his desire to criminalise and stigmatise the young people of

Scotland. When will he recognise—as the police, children's charities and the young people of Scotland recognise—that young people need more facilities and more investment in youth services and support and fewer cheap stunts and headlines from his Executive that try to criminalise and stigmatise the young people of Scotland? *[Interruption.]* When will the Executive start to invest in facilities and stop stigmatising our young people?

The First Minister: The member's comment about cheap stunts received the appropriate response from members.

Since I became an MSP, I have opened new community centres in Glasgow, including one at Westercommon in Patricia Ferguson's constituency. Many new facilities are opening. If Mr Sheridan spent some time out talking to young people in Scotland about what they want in their communities instead of trying to persuade them that he wants to legalise heroin and other drugs, he would find that they want not only community centres, but facilities in local open areas, too.

In the past 12 months, the most successful facilities that I have seen in Scotland have been in places such as Kelty in Fife, where a new skateboard park has reduced youth crime to almost zero, and Alness in the Highlands, which I discussed with Rob Gibson yesterday. When I came out of a community centre there to talk to older people about the problems of youth crime in the area, young people came up to me and said thank you for the Government money that built the facility. They know what is going on in Scotland. Young people in Scotland also want youth crime to be reduced and to be able to use facilities without being terrorised by gangs or other people. They certainly do not want lectures in community centres about legalising drugs from Mr Sheridan.

Pauline McNeill (Glasgow Kelvin) (Lab): The First Minister will know that I have written to him about leisure facilities for young people—I hope that he does not regard my doing so as a cheap stunt. He has agreed to meet me, but will he consider as a way forward the possibility of a national survey of five to 18-year-olds so that exactly what young people would like to do with their leisure time can be established? The First Minister shares my passion for the music industry. Could that interest be used to draw young people into the music industry?

The First Minister: The Minister for Tourism, Culture and Sport might have been sharing such an interest last night at a concert somewhere.

It is important that ministers remain in contact with young people in a variety of settings and that we seek the views of young people. A national survey might be appropriate, but I suspect that

young people might enjoy more face-to-face contact, direct dialogue and more chances to express views and discuss solutions in their communities. As First Minister, I certainly try to provide such chances when I am out and about in the country. Many other ministers provide similar chances.

Scottish Enterprise

4. Christine May (Central Fife) (Lab): To ask the First Minister whether the Scottish Executive is satisfied with the performance of Scottish Enterprise. (S2F-187)

The First Minister (Mr Jack McConnell): Scottish Enterprise is performing well against its targets, but I am particularly pleased with the impact that it has made in supporting innovation and emerging high-growth companies.

Christine May: I thank the First Minister for that response. What would be the impact of a reduction of the Scottish Enterprise budget, in particular on the provision of skills and the ability, for example, of Scottish Enterprise Fife to implement the action plan for the economy in my constituency of Central Fife, which still has some of the highest rates of long-term unemployment in Scotland?

The First Minister: The impact on the Scottish economy of abolishing Scottish Enterprise—as the Conservatives want to do—or cutting the budget significantly, as the Scottish nationalists want to do, would be dramatic.

The efficiencies that have been driven through Scottish Enterprise in recent years have reduced administrative costs, focused its activities on fewer areas and ensured that its resources are targeted at the right areas to try to improve Scotland's growth rate. Those are good initiatives and have ensured that from a slightly reduced budget in real terms we are getting more for that money. That is an effective use of public resources.

However, to sizeably cut the budget and thereby to reduce the budget for training in skills and for supporting companies across Scotland would be a disastrous measure. It would be as disastrous in Fife as it would be anywhere else.

Alex Neil (Central Scotland) (SNP): When will a new chairman and a new chief executive of Scottish Enterprise be appointed? Will the First Minister give an undertaking on behalf of the Scottish Executive that the new chairman and the new chief executive will have the proactive support of the Executive? Will he tell the civil service to stop trying to micromanage the agency and let it get on with its job?

The First Minister: The new chair and the new chief executive will be appointed as soon as

possible. Those two individuals will have the full support—when they are doing the right thing—of Scottish ministers and this Government. Neither ministers nor civil servants want to micromanage the work of the agency, or attempt to micromanage the Scottish economy. However, we have a role in allocating public resources and being responsible for the strategic direction of Scottish Enterprise. We take that responsibility seriously and will continue to exercise it. The chair and chief executive of Scottish Enterprise will have operational independence, but the strategy should be democratically set by the Government and Scottish Enterprise should and will be accountable to the Parliament.

Holyrood Building Project (Inquiry)

5. Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): To ask the First Minister when the inquiry by Lord Fraser into the Holyrood building project will be completed. (S2F-170)

The First Minister (Mr Jack McConnell): Lord Fraser's terms of reference require him to report to the Parliament and the Executive as soon as is reasonably practicable. Lord Fraser has indicated that he intends to hold to that requirement and that he hopes to produce a report by next summer.

Lord Fraser has indicated that he needs a budget of £1.2 million. The Presiding Officer and I have agreed that it is important that Lord Fraser should have the resources that he considers necessary to undertake a thorough and independent investigation of all the facts. I can confirm that we are therefore willing to make available a budget of up to £1.2 million.

Fergus Ewing: Does the First Minister agree that the Scottish public will be concerned about the apparent delay in the expected conclusion of the Fraser inquiry? Does he agree that the part of the report on the findings of the first section of the inquiry, which deals exclusively with decisions that were taken before devolution—the choice of site, architect, contract and construction manager—should be published as soon as it is completed? Publication of that section of the report should not wait until completion of the second section of the report, which will deal with what happened after devolution. Does the First Minister agree that the report on the findings of the first part of the inquiry could be published by the end of the year?

The First Minister: I have made it clear that I am keen that there should be an independent inquiry into the escalating costs and the time delays and that Lord Fraser, as an independent person, should head up that inquiry. It would be wrong of me to interfere with the administration of Lord Fraser's inquiry, which must be carried out independently.

I have made it clear to Lord Fraser and to anyone else who has asked me, in advance of the inquiry and since its establishment, that it is important to complete the inquiry as quickly and efficiently as possible. It is also important to ensure that people co-operate with the inquiry as much as possible.

Whether Lord Fraser wants to produce any interim statements at any stage along the way and how he wants to conduct the timing of that inquiry—about which Mr Ewing seems to be well informed, but which, I believe, Lord Fraser will set out tomorrow—is entirely a matter for Lord Fraser and one on which I am sure that he will be happy to answer questions.

Bill Aitken (Glasgow) (Con): Is the First Minister satisfied that the inquiry's terms of reference are sufficiently wide, but simultaneously sufficiently focused to enable Lord Fraser to report back fully and firmly on the matter, which has become a national embarrassment?

The First Minister: That is a great question from the Conservatives: "Is the inquiry sufficiently wide and sufficiently focused?" I certainly hope so.

Margo MacDonald (Lothians) (Ind): As members know, I seek only to spread sweetness and light on the matter. As a result, I do not think that Lord Fraser will object to my sharing with members the letter that I had from him a couple of days ago:

"There is little or no difficulty over the early policy decision to locate at Holyrood rather than Calton hill or over the control and direction of the project while still in the hands of the Scottish Office and subsequently the Scottish Parliamentary Corporate Body. On these matters, I aim to report about the middle of next year, not 2005, as the media have erroneously reported."

Is the First Minister aware, as every member should be, of the legal implications of Lord Fraser rushing to comment on design and construction matters before we know the project's completion date? I assure the First Minister that some of us have looked into the matter. Does he agree that it would not be clever for us to end up in the European courts under the European convention on human rights if we were to move too quickly? I am assured—and I hope that the First Minister agrees—that Lord Fraser is tackling the matter methodically. We should put our trust in him.

The First Minister: Whenever Margo MacDonald is helpful, I am happy to agree with her.

Borders Railway

6. Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): To ask the First Minister how the Scottish Executive will support the construction of the Borders railway link. (S2F-194)

The First Minister (Mr Jack McConnell): “A Partnership for a Better Scotland” confirms our commitment to support the construction of the Borders rail line.

The support that we have already given has assisted the Waverley railway partnership in preparing the parliamentary bill for authority to proceed with the rail link. I understand that the bill will be formally introduced later today.

Jeremy Purvis: I hope that the First Minister agrees that the introduction of the bill for the railway is an historic occasion for those who have campaigned for a generation for that railway. Will the First Minister ensure that the Executive continues its support and gives its full support to the Waverley railway partnership through the legislative, tendering and construction process so that the infrastructure link, which is vital for my constituency, is completed?

The First Minister: We will, of course, continue to provide appropriate support and will determine the level and nature of that support as individual decisions are required and the months go by.

Rhona Brankin (Midlothian) (Lab): Is the First Minister aware of the importance of the Borders rail link to my constituency? Midlothian currently has no rail links at all, and 60 per cent of its population travels to Edinburgh to work, with attendant congestion problems.

The First Minister: I am aware of that and the matter has been raised with me on visits to Rhona Brankin’s constituency. I understand the interest that there is in that matter in her constituency, and will endeavour to ensure that the Minister for Transport informs her fully about developments.

Christine Grahame (South of Scotland) (SNP): I will press the First Minister on the definition of support. With construction costs rising annually by 10 per cent to 15 per cent, will he confirm today whether there is a Borders rail bank account, whether it is inflation proof, how much is in it and what the conditions of withdrawal are?

The First Minister: I do not like the sound of a public project the costs of which are increasing by that sort of percentage year after year. That is a bit worrying. I wonder whether Christine Grahame is perhaps calling for a public inquiry into the cost of the Borders rail link. I hope that that is not the case either. Her question also indicates how important it is that we assess the support that might be appropriate when decisions are required on the Borders rail link. It would have been silly of us to determine in advance any sort of contribution or support to the rail link, given the facts to which Christine Grahame alludes today.

David Mundell (South of Scotland) (Con): When Mr Iain Gray was the Minister for Enterprise,

Transport and Lifelong Learning, he repeatedly stated that Executive funding for the construction of the rail link would be based on a business case. Is that still the case? If so, what criteria will be applied in that business case?

The First Minister: Ministers’ assessment of any request for a contribution will be based on the business case. We will make that assessment with all the relevant factors taken into account.

Sarah Boyack (Edinburgh Central) (Lab): I very much welcome the commitment that has been made by the Executive today. I ask the First Minister to remember, in discussing the matter with the Minister for Transport, that the trains on the new Waverley line will need somewhere to park, where passengers may get on and off in a high-quality, accessible station. I ask him to ensure that Waverley station is improved as part of this welcome step forward for public transport.

The First Minister: That might be a slightly opportunistic question from Sarah Boyack, but she makes the extremely relevant point that there is no point in the Parliament regularly discussing individual rail line improvements throughout the country if the main hub in Scotland remains constrained. The redevelopment of Waverley station remains a matter on which ministers spend an awful lot of time and attention to ensure that that central improvement in the rail system will lead to other improvements elsewhere.

12:31

Meeting suspended until 14:30.

14:30

On resuming—

Question Time

SCOTTISH EXECUTIVE

Drug Users (Treatment and Rehabilitation)

1. Mr Richard Baker (North East Scotland) (Lab): To ask the Scottish Executive how it will address any concerns relating to delays in accessing drug treatment and rehabilitation. (S2O-365)

The Deputy Minister for Justice (Hugh Henry): In line with our partnership agreement, we have announced a wide-ranging review of drug treatment and rehabilitation services. That will look at the availability and accessibility of services throughout Scotland.

The Executive is already acting to improve the effectiveness of drug treatment and rehabilitation in Scotland. That includes providing an additional £13 million to national health service boards for treatment services and £21 million to local authorities for rehabilitation over the three years from 2001-02. The partnership agreement commits us to providing additional resources and we will determine the level of that investment once the review is completed.

In June, the Executive requested specific action from drug action teams and service providers to address issues of accessibility to and the capacity of drug treatment services. The DATs and service providers are due to report back to the Executive by the end of the month.

Mr Baker: What has the Executive done to address concerns in the Aberdeen area about waiting times for access to drug treatment services? Will the minister outline what the Executive is doing to address the city's particular problem with the use of cocaine and crack cocaine?

Hugh Henry: We are aware of the prevalence of drug misuse in the north-east of Scotland. It is estimated that the Grampian region has the third highest number of problematic drug misusers. Resources allocated to drug treatment services in the Grampian area have almost doubled since 1998-99, from £0.75 million to £1.3 million. An additional £2 million has been allocated to rehabilitation and more than £1.2 million has been allocated for work with children and young people. It is for the local DATs to identify priorities and need.

We know that there is an identified problem with cocaine and crack cocaine in the Aberdeen area.

We have agreed to fund a specific service for cocaine and crack cocaine users and we are working with the local DAT to make the appropriate arrangements. We believe that the service will get under way in November and we have committed up to £300,000 for a three-year pilot project.

Richard Lochhead (North East Scotland) (SNP): A letter that I received yesterday from Grampian Primary Care NHS Trust indicated that the waiting time for NHS drug treatment in Grampian fell from a massive 27 months in June 2002 to four months in June 2003—I am sure that the minister will welcome that. However, the cash for the pilot initiative runs out in September. Will the minister speak to NHS Grampian to ensure that adequate resources are available to allow that initiative to become permanent so that we can break the cycle of drug-related crime in Grampian?

Hugh Henry: Our officials are regularly in contact with agencies throughout Scotland to consider service provision and funding. The question of specific funding for particular areas is always under review and we try to reflect local needs and concerns. A review of drug treatment and rehabilitation services is under way and we have asked for it to be done urgently—I expect it to be completed within the next few months. We will then use it to determine our future strategy and investment in relation to drug treatment and rehabilitation services.

Mr Keith Raffan (Mid Scotland and Fife) (LD): Is the minister aware of the widespread concern among those who work with drug misusers that, despite the significant additional resources allocated by the Executive, the number of addicts in treatment has not increased significantly? Will he give a commitment to the chamber that, following the review that he mentioned, which is very important, early action is taken to increase the number of residential, day and community programme places, without which we cannot roll out the pilot schemes on drug testing and treatment orders or drugs courts?

Hugh Henry: We rule nothing in or out in relation to what is the most effective course of treatment. For some individuals, one method of treatment might be more appropriate than another. We know that some people quickly fall back into a drug misusing habit when they come back into the community after having been in residential rehabilitation. We also know that some community rehabilitation services are effective. However, our review will focus on what has been done, what has been done well, where the money is being used, how effective that use has been and how we ensure consistency across Scotland. Although we are investing record amounts of money, we want

to ensure that that money achieves a desirable and consistent effect across the country and covers all aspects of residential and community-based service.

Margaret Jamieson (Kilmarnock and Loudoun) (Lab): Will the minister assure us that he will investigate allegations of improper access to drug treatment and rehabilitation in Ayrshire, particularly as it affects people in HMP Kilmarnock?

Hugh Henry: Clearly, I would be concerned about any improper access of the kind that Margaret Jamieson describes. I would need more details about the matter. If the member writes to me with the information that she has, I will certainly have the allegations investigated.

Fireworks

2. Karen Whitefield (Airdrie and Shotts) (Lab): To ask the Scottish Executive what action it has taken to ensure that local authorities and the police will be able to enforce forthcoming legislation on the misuse of fireworks. (S2O-372)

The Minister for Finance and Public Services (Mr Andy Kerr): The Fireworks Bill at Westminster is an enabling bill that will allow ministers to make regulations in a wide range of areas. However, regulations will be introduced only after extensive consultation with all interested parties, including local authorities and the police.

Karen Whitefield: Although it is only September, I have already received complaints from constituents about the disruption caused in their communities by fireworks. Will the minister assure the Parliament that the Scottish Executive will work in partnership with local authorities to ensure that the measures in Bill Tynan's private member's bill protect communities across Scotland?

Mr Kerr: I am aware that the member has, like other members, taken a keen interest in the issue; I am also aware of her hard work on the matter in her constituency. We have been working hard with local authorities, police and others to ensure that, when the Fireworks Bill becomes law, we can quickly draft regulations, send them out for consultation and ensure that they are speedily implemented. I, too, am concerned about the conduct of retailers who choose to sell fireworks at this time of year and of people who choose to misuse those fireworks. The Tynan bill will address precisely those matters and the Executive will implement any regulations forcefully.

Shona Robison (Dundee East) (SNP): Will the minister say whether the legislation will lead the way to the establishment of licensing schemes for fireworks vendors? If so, how quickly could such schemes be introduced to ensure that we can turn

around the appalling rise in fireworks injuries this year?

Mr Kerr: I acknowledge the member's interest in the matter. Clause 7 of the bill deals with licensing. The bill still needs to proceed through the House of Lords, but that will happen very soon. The speed with which we get any licensing system up and running will be a matter for consultation and discussion. I do not think that it will happen in time for 5 November this year, but I am confident that measures that we will seek to enforce and with which we will reduce such incidents in communities will be in place for November 2004. We must ensure that the legislation and any regulations are correct, because that is the good way of doing business, and we will ensure their effectiveness by working in partnership with local authorities and the police.

Edinburgh South Suburban Railway

3. Mike Pringle (Edinburgh South) (LD): To ask the Scottish Executive what discussions it has had with stakeholders and the rail industry over reopening the Edinburgh south suburban railway line to passenger services. (S2O-384)

The Minister for Transport (Nicol Stephen): The Scottish Executive has had regular discussions and has provided funding so that the City of Edinburgh Council can help to progress the project through a study of the likely passenger demand for the south suburban railway line.

Mike Pringle: I understand that the City of Edinburgh Council is due to receive a consultant's report on the south suburban railway. Will the minister give a commitment to act swiftly on its proposals? Moreover, will he ensure that, in all discussions about developing capacity at Waverley station, the south suburban line and Edinburgh's transport problems are considered as a priority? Finally, will he comment on the idea that, when the Borders railway line is opened, the link around the south of Edinburgh could give direct access to Glasgow but avoid Waverley?

Nicol Stephen: Before we can consider whether the railway line can take a route through to Glasgow, my first priority is to ensure that it exists. However, the idea, which I heard today for the first time, is interesting. The W S Atkins report, to which I referred and which the Executive funded to the tune of more than £500,000—a significant commitment—is due to be completed shortly. The track already exists and freight services run on the line, but there are track and signalling problems, although they are felt not to be insurmountable. The issue takes us back to capacity at Waverley station, a subject that Sarah Boyack raised at First Minister's question time. If we are to make progress with our ambitious rail schemes that focus on Waverley, increased capacity at that station is vital.

Lord James Douglas-Hamilton (Lothians) (Con): In considerations on the matter, has thought been given to preparing the station and a car park at Morningside?

Nicol Stephen: Despite the fact that the flat where I stay in Edinburgh during the week is close to that station and that I would, no doubt, make use of the line if the station were opened, I do not know the answer to that question. However, I am happy to try to find out and to give Lord James the answer.

Physical Education (Students)

4. Margo MacDonald (Lothians) (Ind): To ask the Scottish Executive whether there will be an increase from last year in the number of students accepted for physical education degrees and diplomas in universities and colleges. (S2O-370)

The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Mr Jim Wallace): Figures for the current year will not be available until January 2004. The last available data from the Universities and Colleges Admissions Service are for 2002-03. They show that the number of students accepted to study physical education at Scottish higher education institutions and further education colleges rose by more than 6 per cent from the previous year, which was in line with the overall increase in students accepted to study physical education across the United Kingdom.

Margo MacDonald: We can trade information on the matter, because I checked some facts before I came to the chamber. The University of Edinburgh, which is one of two degree-awarding institutions in Scotland for the subject, has accepted 100 students this year, which is exactly the same as last year. Given that the very nice minister who is sitting next to Mr Wallace—Nicol Stephen—promised me in the previous session of Parliament that the number of PE teachers in primary schools would increase, will Mr Wallace say how he intends to achieve that without there being more students in colleges and universities?

Mr Wallace: Nicol Stephen has indicated to me that he said that he would encourage an increase. I understand that, until the election, he chaired the physical education review group.

The important point is that figures for this year are not available, although the trend has been upwards—there was a rise of 6 per cent last year. Our commitment to PE in schools is important. The physical activity strategy indicated that all children should take part in at least two hours of quality PE classes a week and that the role of PE in schools and out-of-school and extra-curricular activities should be reviewed. There is a real commitment to increasing the quantity and quality

of PE. When the full figures are available in January 2004, I will be happy to respond to Margo MacDonald and to give her the up-to-date figures.

Karen Gillon (Clydesdale) (Lab): Does the minister agree that, if we are serious about improving the health and well-being of children and young people, we must increase the level of physical activity in schools, which will be impossible without an increased number of PE teachers? Does he agree that the Executive must take positive action rather than sitting back and resting on its laurels?

Mr Wallace: With physical activity, the issue is not about sitting back. As I said, the figures for last year show an increase in the number of students. I agree with Karen Gillon that physical activity in schools is important for our young people. That is why we are making progress with the recommendation that nursery, primary and secondary pupils should have at least two hours a week of quality PE. I accept that additional teachers will be required if that recommendation is to be delivered. Karen Gillon will be aware of the commitment in the partnership agreement to increase significantly the overall number of teachers. We will certainly take into account the recommendations in the active schools implementation plan and the PE review group report when we consider the commitment to provide extra teaching staff.

Consultation

5. Mrs Nanette Milne (North East Scotland) (Con): To ask the Scottish Executive what plans it has for a review of public consultation processes. (S2O-362)

The Minister for Communities (Ms Margaret Curran): The promotion of civic participation is a priority for the Scottish Executive. Reviews of Scottish Executive practice were carried out in 2000 and 2002. We have a programme of action to improve consultation practice within our changing to deliver programme of continuing organisational improvement and cultural change.

Mrs Milne: Will the minister take on board the views of organisations such as the Aberdeen Chamber of Commerce and voluntary groups such as pensioners forums and the Princess Royal Trust for Carers? Those organisations complain that consultation is becoming an increasingly intolerable burden on their limited financial resources. They feel that, in many instances, not enough time is given for them to make adequate submissions. They call for some degree of standardisation of consultation documents and, most important, they indicate that, in order to be meaningful, consultation by public bodies should be less frequent and more focused on issues of real importance to decision making.

Ms Curran: If there were opportunities to standardise consultation processes so as to make them more efficient and effective, we would all very much welcome that and try to focus on it. It seems from my perspective, however, that we are sometimes damned if we do and damned if we don't. If we do not consult thoroughly and effectively, people will say that we are not consulting properly; if we consult thoroughly, people will say that we are consulting too much.

I understand that there is no magic or perfect solution, but we must always work to improve consultation processes to make them as effective as possible. That means listening to the voluntary sector, to groups of people such as pensioners, to the private sector, to industry and to local communities, which is important for getting things right in relation to health, for example. It also means accepting that we might have to customise consultation for those various groups' needs. From her question, I think that Mrs Milne appreciates that the matter is complex and that we must attempt to make steady progress.

Des McNulty (Clydebank and Milngavie) (Lab): The minister will be aware of my concern about Scottish Water's past failures in consultation on planning matters. Scottish Water now has to produce a consultation code to cover consultation on major developments. Could that practice be adopted by other public organisations? Would not getting decisions right in the first place be a better route forward for planning matters than having to employ expensive methods of appeal?

Ms Curran: I thank Des McNulty for that question. We should of course get all planning decisions right and, as I am sure I can convince him, we make every effort to do so. The proper mechanisms need to be in place to ensure that the decisions are right.

As Des McNulty knows, my colleague Ross Finnie has responsibility for Scottish Water. However, on the general point—and this answers Nanette Milne's point—we seek to examine different models of consultation and to remain open minded about the different possibilities. We are not wedded to one practice because it has been used in the past. We listen to complaints and criticism, so we can implement steady progress. I am sure that Ross Finnie will keep me up to date on progress with Scottish Water in that regard.

Dennis Canavan (Falkirk West): After the most extensive public consultation that it ever conducted, Forth Valley NHS Board reached a unanimous decision in favour of a new hospital at Larbert. However, some parochial politicians are now trying to intervene to overturn the result of that public consultation. Will the Scottish Executive resist those efforts and ensure that approval is granted as soon as possible for the building of the new hospital?

Ms Curran: It would not be appropriate for me to comment on a health decision, but the member's question clearly demonstrates that consultation is not the answer to all ills; it can be conducted properly only when people appreciate that it is not entirely a substitute for policy decision making and assessment. Consultation must be viewed appropriately and in context at the time.

Dentists

6. Scott Barrie (Dunfermline West) (Lab): To ask the Scottish Executive when it will publish the conclusions of its assessment of the reasons for the shortfall in the number of dentists in some areas. (S2O-367)

The Deputy Minister for Health and Community Care (Mr Tom McCabe): The Scottish advisory committee on the dental work force is undertaking an assessment of the dental work force and will report its findings early in 2004.

Scott Barrie: The minister will know of my concern regarding recent letters sent to constituents of mine by a Dunfermline dental practice saying that it was no longer prepared to carry out national health service work, although patients could remain with the practice if they undertook to become private patients and took up a private contract with a company called Denplan. Will he restate the amount of extra resources that have gone into NHS dental services? Moreover, can he indicate when a full NHS dental service will be available in all parts of Scotland?

Mr McCabe: I am aware of the situation in Fife, which is a matter of continuing concern. Fife Primary Care NHS Trust has made an application for three salaried dentists, which has been approved. I know that the trust is actively pursuing recruitment of dentists for those posts. Over the past few years, a number of initiatives have been introduced. They include provision of £3 million for practice improvement, the introduction of remote area allowance and a £1 million golden hello package to improve recruitment and retention of dentists across Scotland. I assure the member that we are not complacent on the matter. We are aware that there is a worrying shortfall in access to NHS dentistry. The situation is kept under constant review.

Mr David Davidson (North East Scotland) (Con): The minister mentioned the golden hello and its use for attracting and retaining dentists. Will the Scottish Executive extend that scheme to registered European Union dentists who are willing to work in Scotland?

Mr McCabe: There are no plans to do so at the moment, but we are aware that the situation in Scotland is unacceptable and our minds are open

to a range of suggestions. Mr Davidson's suggestion has not been ruled out.

Mr John Home Robertson (East Lothian) (Lab): Many of us have experience from time to time of being a captive audience for unhappy dentists. Does the minister accept that the problem is less that there is a shortage of dentists than that a growing number of dentists are refusing to treat NHS patients in areas throughout Scotland? Does he agree that it is not tolerable for NHS patients to be denied access to that important service? By examining the terms of the dentists' contract, what can the Executive do to ensure that the service is provided throughout the country?

Mr McCabe: I have acknowledged that the situation is not acceptable and is a matter of continuing concern. As I indicated, the Executive has introduced a number of measures, the impact of which is being kept under review. I repeat that we are not complacent. We are examining the situation as a matter of urgency and on-going developments will be kept under review.

Alasdair Morgan (South of Scotland) (SNP): The minister will be aware that the problem that we are discussing affects all of Scotland and that members from all parties have highlighted it for some years. Increasingly, amounts that should be spent on treatment are being spent on trying to recruit dentists. For example, Dumfries and Galloway Health Board is advertising in Spain. Will the minister accept that there is now a real crisis, which is not being addressed?

Mr McCabe: I accept that the situation is unacceptable. That is why we have introduced a range of measures to deal with it. We are assessing the impact of those measures. Our minds are open to further suggestions. The situation is constantly under examination and we may have something to say about it in the near future.

The Presiding Officer (Mr George Reid): Question 7 has been withdrawn.

Fire Service (Trade Unions)

8. Cathy Peattie (Falkirk East) (Lab): To ask the Scottish Executive what discussions it has had with trade unions regarding the future of the fire service. (S2O-374)

The Deputy Minister for Justice (Hugh Henry): I have met representatives of the Fire Brigades Union twice since my appointment as Deputy Minister for Justice. The Minister for Justice is scheduled to meet FBU representatives on Monday 15 September to discuss our proposals to consult on new fire service legislation. We plan to publish our consultation paper shortly; the consultation process will give

trade unions a further opportunity to make their views known.

Cathy Peattie: Will the minister ensure that there is full consultation with all trade unions and local stakeholders, including local authorities and communities?

Hugh Henry: The consultation process is absolutely vital. The initial response to our previous publication on the fire service was very positive. We know that to have an effective fire service there must be full engagement of all those who are involved. We will ensure that all stakeholders have the opportunity to be consulted. At my previous meeting with the FBU, I made it clear that we would give the union every opportunity to participate and that we would assist it with advice and support in whatever way is necessary in order to allow it to play a full part. I have since reminded my officials of the commitment that I gave to the union.

Mr Stewart Maxwell (West of Scotland) (SNP): Will the Executive ensure that, when integrated risk management plans are developed in brigades, there will be a minimum standard of fire cover throughout Scotland below which brigades will not fall? Will the minister assure me that stations such as Clarkston and Barrhead fire stations in the area that I represent will not be downgraded or closed, but will continue to provide 24-hours-a-day cover for the people of East Renfrewshire?

Hugh Henry: It would be premature for me to comment on any individual fire stations. In any case, it is our clear view that local decisions are best made by those who are directly responsible to local communities. The consultation paper will reflect that principle. We believe that the way in which we are progressing will lead to an enhanced, improved and more consistent fire service throughout Scotland.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I draw the minister's attention to the threatened closure of the auxiliary fire unit in the village of Lybster, in Caithness. That closure is unthinkable because, if a fire broke out in Camster, it would take too long for a fire engine to get there from either Wick or Dunbeath to tackle the fire. A petition of 1,000 signatures has been submitted to the firemaster, pleading for the unit to be kept open. In responding, perhaps the minister will join me in welcoming the children from Ross-shire who are in the public gallery.

Hugh Henry: I join Jamie Stone in that welcome.

The proposed closure is a matter for the local fire board and firemaster. I know that Jamie Stone and the community council in Lybster have been active in pursuing the issue and I am aware that the firemaster has given a commitment to the

community council that he will consult it further. He has indicated to the community council his intention to have the plans for Lybster in place before March 2005.

Scottish Opera

9. Colin Fox (Lothians) (SSP): To ask the Scottish Executive whether it will congratulate Scottish Opera on its recent performance of Wagner's "Ring" at the Edinburgh festival and take action to address the financial position of Scottish Opera and keep ticket prices low to increase public access to opera. (S2O-388)

The Minister for Tourism, Culture and Sport (Mr Frank McAveety): The Executive warmly applauds the exceptional production of the "Ring" cycle, which is currently being performed by Scottish Opera. In the past week or so, there have also been performances in Glasgow. Ticket pricing is a matter for the company; however, it is fully committed to social justice principles and pursues pricing strategies that encourage people on low incomes to attend.

Colin Fox: Does the minister agree that Scottish Opera belongs to all the people and that the company's excellence is for everyone? Can he explain how he is going to open up access to that national treasure to keep it within everyone's reach and ensure that productions tour the country and that Scottish Opera's outreach work is extended? As the minister is probably aware, that approach underpinned the success of the Edinburgh People's Festival, which took place last month. Finally, I ask the minister to avoid an unsightly Dutch auction that would come from his suggesting that the extra money for Scottish Opera should come from other areas of the arts budget.

Mr McAveety: I thought that Mr Fox was going to argue for the public ownership of 201 companies, including the opera company. The Executive has been committed to the work of Scottish Opera, which is why more than a fifth of the budget for the Scottish Arts Council is allocated to Scottish Opera and Scottish Ballet. We are consistently working with the boards of the two companies to ensure that they meet their obligations regarding product development and the generation of income. It is a complex issue; it is about not just whether there are additional resources, but whether the companies can build audiences. Key to that will be the education programme, which I encourage Mr Fox to engage with. Having seen his performances in contemporary dance and traditional singing, I think that he should perhaps take up classical singing.

Mr Jamie McGrigor (Highlands and Islands) (Con): Will the Scottish Executive consider new models of funding for Scottish Opera and Scottish

Ballet, such as endowment, to allow them to have full artistic control?

Mr McAveety: The Executive has committed to carrying out a review of our cultural organisations and bodies. If Mr McGrigor wants to make that suggestion, we will consider it along with the many other submissions that we anticipate receiving over the next few months.

Road Maintenance

10. David Mundell (South of Scotland) (Con): To ask the Scottish Executive whether it will make specific funding available to local authorities for the maintenance of roads used by lorries transporting timber. (S2O-392)

The Minister for Transport (Nicol Stephen): Currently there is no specific direct funding for local roads that are affected by timber traffic, but we continue to work with local authorities, timber industry representatives and the timber transport forum to minimise the impact on such routes.

David Mundell: The minister will recall that the Liberal Democrat party manifesto made a commitment to improve and upgrade rural roads that are affected by large volumes of timber traffic. Without additional funding or specific funding, how will that be done?

Nicol Stephen: The partnership agreement commits us to ensuring sufficient resources for the non-trunk road network and acknowledges particularly the needs of pressured rural roads that are affected by timber production and other primary industries. I expect to see in the near future the report commissioned by the Convention of Scottish Local Authorities and the timber transport forum on the options for funding timber routes. It is too early to give a commitment to the Parliament today to provide additional funding, but we will carefully consider the report.

Health Funding (Orkney and Western Isles)

11. Mary Scanlon (Highlands and Islands) (Con): To ask the Scottish Executive how per capita health funding in the Orkney islands compares with that in the Western Isles. (S2O-368)

The Minister for Health and Community Care (Malcolm Chisholm): In 2003-04, Orkney received revenue funding of £1,185 per capita and the Western Isles received £1,650. That compares with a national average of £1,054. Per capita funding for the Western Isles is greater than that for Orkney because the Western Isles has a high proportion of elderly people in the population and a relatively high level of deprivation. Both those factors add greatly to the demands placed on the national health service in the Western Isles.

Mary Scanlon: There is a significant difference of £400 or £500 per person between the figures. Is it not time to consider the historical differences that have developed between the island authorities, rather than apply small percentage changes in funding each year, to ensure more equitable funding and treatment for people living in the Orkney islands, given that the NHS in Shetland, Orkney and the Western Isles must provide the same health services against the same challenges and the same difficulties of geographical remoteness?

Malcolm Chisholm: Mary Scanlon was on the Health and Community Care Committee at the same time as I was when we looked in detail at the Arbutnott formula. She will know that there is a significant adjustment for remote areas in that, which did not previously exist to the same extent.. Of course, the formula will be reviewed—probably in about 18 months—so no doubt the arguments will run on. However, we must acknowledge the advantages of the Arbutnott formula and the way in which it pays more heed to deprivation—which is a particular factor in the Western Isles and in other parts of Scotland—and the number of older people in the population, which we all understand is fundamental in terms of the amount of resources that go into the health service.

Scottish Executive Environment and Rural Affairs Department

12. Mr Mark Ruskell (Mid Scotland and Fife) (Green): To ask the Scottish Executive what steps it is taking to ensure that there is an integrated approach between the environment and rural development divisions within its Environment and Rural Affairs Department. (S2O-401)

The Minister for Environment and Rural Development (Ross Finnie): I have encouraged closer working between all the relevant interests in my department in order to promote integrated policy development. Examples of that approach include the forward strategy for Scottish agriculture, the work flowing from the “Custodians of Change” report, and our implementation of the Water Environment and Water Services (Scotland) Act 2003.

Mr Ruskell: I thank the minister for his answer. However, in last June’s “Custodians of Change” report, the agriculture and environment working group that the minister commissioned asked the minister, as its principal recommendation, to

“Establish a strategy unit within SEERAD to develop more effective, integrated agricultural/environmental policies”.

Does the minister regard his actions as having achieved sufficient integration between the agricultural and environmental divisions within his department? If not, will the minister take further action on the issue?

Ross Finnie: Yes, I am satisfied that I have achieved that. The “Custodians of Change” report was critical of the situation that preceded its preparation. As Mr Ruskell will recall, the forward strategy for agriculture highlighted the fact that there was insufficient connection between the development of agricultural policy and the development of environmental policy. To that end, we called for the preparation of the “Custodians of Change” report. In the interim, we had already ensured that, at the top level within the department, the heads of the agriculture and environmental policy sections more often reviewed policies across the whole plain to ensure the degree of integration that Mr Ruskell seeks.

Sport and the Arts (Reducing Antisocial Behaviour)

13. Donald Gorrie (Central Scotland) (LD): To ask the Scottish Executive whether it will increase funding for sport and the arts to enable them to make a full contribution to reducing antisocial behaviour. (S2O-397)

The Minister for Tourism, Culture and Sport (Mr Frank McAveety): We recognise the important contribution made by sport and arts activities to the reduction of antisocial behaviour and will consider those areas as part of our overall strategy for tackling antisocial behaviour.

Donald Gorrie: Because community, sporting and artistic activity can make such a huge contribution to improving people’s health and individual and collective behaviour, will the minister seek contributions from the existing budgets for health, justice and so on, which he can direct to activities of that sort on the basis that prevention is better than cure?

Mr McAveety: We are happy to encourage ways in which we can more effectively pull together resources from across the Executive to address the concern that has been expressed by Donald Gorrie. In the past year, money from the health budget has been allocated to active activities across various age groups in Scotland. Debate about that sort of arrangement will continue among ministers. Hopefully, that will help the continuing process of pulling together the innovative work that is being done in communities to improve the quality of our sporting, recreational and arts activities. Making connections much more effectively will ensure that our focus on antisocial behaviour is not only on the criminal justice side, but concerns diversionary activities that will give the vast majority of young people who want to behave something to do. That will ensure that their good behaviour continues into the future.

Johann Lamont (Glasgow Pollok) (Lab): Will the minister ensure that, in any discussions around the development of sports and arts

facilities for young people, the crucial issue of access to those facilities is kept in mind? At a meeting earlier this week, my constituents expressed concerns about that issue, reporting to me that they could not let their sons and daughters out to play or go to clubs because of the intolerable behaviour of some young people and adults in their communities. Does the minister agree that our approach to antisocial behaviour, far from stigmatising young people, gives us the opportunity to liberate those young people and their families from their current situation?

Mr McAveety: I agree with Johann Lamont. Soon, I will have a meeting with her to discuss one of the many progressive initiatives that are being undertaken in her community and to which she has given her full support.

The central issue is to ensure that there are a range of activities available and that the vast majority of people—the decent majority, as I like to call them—can conduct their business without any great difficulty. One of the key themes in that regard is the development of community clubs, which enable people, in particular those who have just left school, to access sport and recreation facilities in the community. People in the community value that and protect the clubs from the extremely small minority who wish to do damage.

Economic Policies (North-east Scotland)

14. Mr David Davidson (North East Scotland) (Con): To ask the Scottish Executive what arrangements it has made to discuss with Her Majesty's Government the economic implications of its policies for the north-east. (S2O-376)

The Deputy Minister for Enterprise and Lifelong Learning (Lewis Macdonald): The Scottish Executive is committed to the continuing diversification and growth of the economy in the north-east. We work on those issues with local partners, and we discuss relevant matters with UK Government departments as and when appropriate.

Mr Davidson: As recently as the end of August, Jim Wallace wrote to me in response to a written question that I had lodged on the discussions that the Scottish Executive had had with Her Majesty's Government regarding the implications for the Peterhead economy of the downgrading of the Royal Air Force base there, and the decisions made in Westminster that affect the fishing industry. The staggering answer that I got was:

"There has been no specific discussions with Her Majesty's Government."—[*Official Report, Written Answers*, 26 August 2003; p 534.]

Will the minister explain how actively the issues that I raised will be pursued with Her Majesty's

Government, given that the Executive has responsibility for employment and the Scottish economy?

Lewis Macdonald: It is precisely because we have responsibility for economic development that we are working in partnership with Scottish Enterprise Grampian, Communities Scotland, Aberdeenshire Council and other local partners to put together a local action plan for the Buchan economy. We recognise the requirement to do that.

In the context of the wider north-east economy, we work with the Department of Trade and Industry and other UK partners on a range of issues including the continuing development and promotion of the offshore oil and gas industry. We will continue to work with the UK Government on such matters where it is appropriate to do so.

The Presiding Officer: If the questions and answers are kept tight, I will take question 15.

Clyde Shipyards (Apprentices)

15. Pauline McNeill (Glasgow Kelvin) (Lab): To ask the Scottish Executive what long-term support it will give to develop and retain the skills of the 112 new apprentices starting at Clyde shipyards. (S2O-394)

The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Mr Jim Wallace): The Clyde shipyards task force report included 29 recommendations to ensure that the Clyde has the skills, infrastructure and forward strategy in place to compete successfully for work in the future. The final meeting of the task force took place in March this year and Scottish Enterprise Glasgow is now taking forward the work of the task force through its shipbuilding initiative, which not only will include the Clyde, but will cover the whole of Scotland. However, specific detail on the type of support that is being offered to Clyde shipyard apprentices is an operational matter for Scottish Enterprise.

Pauline McNeill: The minister will know that the announcement has been hailed as bringing a renaissance to the Scottish shipbuilding industry and the manufacturing sector in general, and that that type of training revival is also happening in places such as the Glasgow harbour development near my constituency. Will he assure Parliament that the Executive will continue to create the right conditions for such vital training and apprenticeship schemes in order to relay the message that apprenticeship schemes are back and we will continue to modernise them to encourage more women and older unemployed people into them?

Mr Wallace: I am delighted to give Pauline McNeill that reassurance and also to reassure her

that skills are very much at the heart of our agenda for economic development and growth in Scotland. We recognise the importance of the skills of all people; our lifelong learning strategy exists to ensure that people who left school and did not acquire skills can acquire them in later life and that people who left with skills can retrain and get different skills. That applies to women and to people in the more mature stages of life, to whom it will give opportunities. In last week's debate on the economy, Pauline McNeill raised the issue of Clyde apprenticeships. I say again what I said then: they are a welcome development and a source of optimism about the future of shipbuilding on the Clyde.

The Presiding Officer: At this stage members will wish to join me in welcoming members of the Council of the Flemish Community Commission and their chairman Jean-Luc Vanraes. [*Applause.*]

Partnership Agreement (Funding)

The Presiding Officer (Mr George Reid): The next item of business is a statement by Andy Kerr on delivering for Scotland and funding the partnership agreement. The minister will take questions at the end of his statement so there should be no interventions.

I have notice of a point of order.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): On a point of order, Presiding Officer. The guidance that applies to Executive announcements states:

"Where an announcement is of sufficient significance for a Ministerial statement to have been programmed into the business of the Parliament, the details of that statement should not be released to the media before the statement is made."

This morning, we learned from the radio and *The Scotsman* that £6.5 million has been pledged to the national theatre. I understand that in the statement we are about to hear there will be an announcement of funding for the national theatre, although *The Scotsman* has more information about the details than we do even now.

I ask for your ruling on whether that is a clear breach of the guidelines. If that is the case, can we ask the Minister for Finance and Public Services to express regret and give us an assurance that such a breach will not recur in this session?

The Presiding Officer: I have had the opportunity to study both the newspaper report and the substantive document. The protocols agreed between the parties in the previous session are specific. A significant statement—a statement dealing with matters of policy or budget—must be made first to the Parliament and must not be read in the pages of the media.

I judge the comments in *The Scotsman* today to be significant. I believe that on this occasion the guidance has been breached. That is unfortunate and I wonder whether Mr Kerr would care to comment.

The Minister for Finance and Public Services (Mr Andy Kerr): I would very much like to comment. I share the anger and unhappiness of members in the chamber about this matter. I will get the opportunity at a later date to vent my anger at those whom I suspect are responsible.

I assure members that I have spoken to Frank McAveety—the minister responsible—his press team and the press office of the Scottish Executive and I am assured completely and utterly that the information was not released by the Executive in any way, shape or form. I will seek to resolve the difficulty and ensure that the discourtesy that has

been shown—which, I have to say, is a discourtesy to me as well—is dealt with in due course.

The Presiding Officer: I regard that as a satisfactory response. I call on Mr Kerr to make his statement.

15:14

The Minister for Finance and Public Services (Mr Andy Kerr): In May, we signed the partnership agreement, “A Partnership for a Better Scotland”, which sets out our programme for the four years of this session, in which we will combine investment with reform and modernisation with delivery. It is a programme to make a difference and a programme for the people of Scotland.

We listened to what the people told us at the election on 1 May. They want delivery of their priorities to tackle crime, raise attainment in education, and make improvements to the health service. We will work to encourage and stimulate economic growth. We will work to tackle poverty and disadvantage, to improve and sustain our environment, and to help all our communities to live in peace and safety. We will provide the stability of a strong and determined Government to deliver the change and the improvements that Scotland needs.

In this first year, we will continue the process of improving public services and tackling the real issues that matter most to the people of Scotland. We are determined to deliver on the promises that we have made. The people of Scotland expect our Parliament to do that and they expect the Executive to listen to their concerns, respond to their wishes and make a positive difference to their daily lives.

There is a great deal of work to do to improve public services; to tackle poverty and disadvantage; to improve and sustain our environment; and to help all our communities to live in safety. Above all, we must work to encourage and stimulate economic growth, which is the critical basis for Scotland’s future. We have set out our vision for a Scotland where enterprise can flourish and where opportunity exists for all, and for a Scotland with the confidence to face the challenges of a global society.

Today, I will explain how we are going to fund the next three years and our approach to funding over the life of this parliamentary session. We know that the resources of government are the resources given to it by hard-working individuals, families and businesses. We know that they get the best from the money that they have, and we recognise that, like them, any Government is duty-bound to ensure that every pound spent is a

pound spent to bring direct benefit and deliver the right result.

At the election, we said that we would be “prudent with the Scottish budget”,

and we will; we said that we would be

“careful with your money and use it wisely”,

and we will; we said that we would balance the budget, and we will; we said that we would invest for the future, and we are; and we said that we would only fund expenditure that would bring results, and we are.

Today, I am publishing the draft budget for 2004-05, which gives a detailed account of next year’s spending plans. It is available to all members at the back of the chamber. I am also announcing the allocation of resources carried forward from last year. Together, they demonstrate prudent and sensible planning to meet Scotland’s needs. We are doing what a prudent and mature Administration does—managing budgets across the year end and not spending for spending’s sake but focusing on delivering what we promised, delivering what we were elected to achieve, and delivering to make a difference.

The system of end-year flexibility that we have used for the past few years is common sense. It is good financial management and it is good financial practice. It allows us to carry forward resources from one year to the next. For example, the road that made sound economic and environmental sense but got delayed because of planning difficulties in one year still makes the same sound economic and environmental sense the following year. Our system of end-year flexibility means that money is neither lost by being returned to the Treasury nor wasted in a rush to get it out the door. Those bad old days are over.

We use EYF in a planned way to carry money forward for specific purposes, to handle any slippage in capital projects, and to avoid any last-minute pressure to spend at the year end. In spite of all that members have heard in the media over recent weeks, the level of resources that has been carried forward from last year’s expenditure plans is down from last year’s figure of £643 million. The amount for 2002-03 is £394 million, which is just 1.9 per cent of our £21 billion budget. That shows prudent financial management and it shows that our systems are working. It shows that we do not just spend money at all costs, but release resources at the right time to secure steady delivery.

I have some good news for the chamber: we have a windfall of £196 million this year. The Treasury has accepted responsibility for funding more of the costs of housing stock transfers and

money will come to Scotland. Members will appreciate that some of our commitments have on-going costs and the extra money is a one-off windfall. We will be prudent and use the money to meet pressures over the whole life of the session.

Good government is about making choices and deciding on investment in competing priorities. Businesses told us that they are looking for investment in Scotland's infrastructure and the skills necessary to build the future of Scotland's economy. Our policies help to deliver; the economy is starting to deliver also. We are working with businesses to ensure that we increase investment in research and development, promote enterprise in schools and extend broadband connectivity across Scotland. We have also introduced a small business start-up finance scheme.

We are committed to rail links to Glasgow and Edinburgh airports and completing the central Scotland motorway network. We are starting to close the remaining gaps in Scotland's infrastructure. We are helping business and ensuring that there are better links to the global market.

Members will know that we budget also for business rates income over the five years of the revaluation cycle. We have set aside income for the cost of appeals and we have made allowance for variations from local authority forecasts. As we approach the end of this revaluation cycle, most appeals have been resolved. We have frozen the rate poundage this year and no business is paying more than expected. Therefore, income from business rates is up by £148 million in 2002-03.

Today's draft budget shows how we will fund the commitments and meet the challenges detailed in "Building a Better Scotland". It reinforces and takes forward the decisions that we made in the previous spending review. We are building on our stable finances to ensure that we deliver for Scotland.

The budget shows how we will take forward our commitment to invest in excellent public services, sustainable development and environmental justice for all our communities. We are closing the opportunity gap and promoting equality for all. We are building a Scotland that we can all be proud of, in which communities are safe, secure and clean—places where people want to live and work. We want a Scotland with a growing economy.

We want to give every child and young person the best possible start in life. Helping our children to realise their potential is the key to giving them self-fulfilment and equipping them for the future. Our schools play a vital role in unlocking their potential. To help realise our goal for excellence in schools in Scotland, we will increase teacher

numbers to 53,000 by 2007. We will target those additional teachers on reducing class sizes to a maximum of 20 for maths and English in secondary 1 and secondary 2, and to a maximum of 25 in primary 1. We will also increase the number of specialists working across the boundary between primary and secondary.

In line with many teachers and parents, we believe that it is time to improve safety around Scotland's schools. The level of road accidents around our schools is unacceptably high and must be reduced. Therefore, I am pleased to announce that we will fund the introduction of 20mph speed limits around all our schools in Scotland.

Improving Scotland's health is central to the welfare of our society. Our poor health record is well known. To tackle that, we are taking strong action to promote good health, by introducing a range of measures to encourage safer, healthier lifestyles. Today, I am pleased to announce that we will fund digital hearing aids and a phased introduction of free eye and dental checks. We will also provide more funding for more nurses for Scotland.

We want a Scotland where everyone can enjoy a decent quality of life. As part of that objective, we are determined to work to create a safer Scotland by reducing crime and combating antisocial behaviour. It gives me great pleasure to be able to commit more resources to this central objective. I hereby announce the allocation of £65 million to tackle the key priority of making our communities safer. In addition, we are increasing funding to secure more police to help drive down crime, and to ensure that police officers are released from prisoner-escorting duties so that they can concentrate on front-line duties.

We believe that culture and the arts have a role to play in today's diverse Scotland. Our vision is for a Scotland in which our cultural life is inclusive and accessible. Therefore, I am pleased to announce that we will fund the creation of a national theatre for Scotland to commission and create work across Scotland.

In total, we have added to portfolio budgets an additional £148 million in 2003-04, and £160 million and £217 million in the following two years. That is an additional £525 million in the draft budget.

In due course, a significant proportion of that money will be made available to local authorities. Our local authorities are working in partnership with us to deliver improving public services at the local level in education, policing, safer communities and many other vital services.

I plan to hold a significant reserve for allocation in the next spending review in 2004. That is a responsible course of action. It is a prudent step to

take now to ensure that we can deliver our promises over the life of the parliamentary session. It is setting aside resources to cover pressures that will inevitably arise.

In some cases, money is being held in reserve either until negotiations are complete or until plans are further advanced. I make no apologies for that. It would be irresponsible and unwise to announce in advance how much money we have put aside for the ScotRail franchise, for example, or for concessionary bus travel, while negotiations are still under way. In areas where we are developing our plans further, it is important to allocate the right amount, to make best use of taxpayers' money, but I emphasise that we remain committed to delivering those commitments, and that we will make the allocations when the time is right. The reserve line for the current and next two years totals £323 million. Just like EYF, prudent use of the reserve is an important tool in operating a stable financial regime.

Today, I have set out our draft budget to fulfil our commitments. I have also explained how we are handling EYF. I have set out a prudent financial course for the life of the parliamentary session. We believe that the spending plans that are set out in the draft budget will help to deliver greater economic prosperity, better public services and an improved standard of living for the people of Scotland. It is about delivering what we said we would, and ensuring that resources match commitments and that we fund sensibly for the life of the parliamentary session. The measures are sensible and prudent, and will deliver policies that matter—the policies that we were elected to deliver.

I commend the draft budget to the Parliament.

Donald Gorrie (Central Scotland) (LD): On a point of order, Presiding Officer. Copies of Mr Kerr's very welcome statement are available now. Would not it have been more sensible if they had been available at the beginning of his speech, so that members could follow it? Unless my eyes deceive me, the press get copies, and my recollection—which may be wrong—is that sometimes in the past we have had copies of statements at the start. I am not criticising Mr Kerr; I am suggesting an improvement to the system.

The Presiding Officer: I will discuss that matter with the Government officials. We will try to assist as much as possible, Mr Gorrie.

The minister will now take a limited number of technical questions on issues raised in his statement. I will allow around 12 minutes for those questions, after which we will move to a debate on the statement. It would be helpful if members who wish to ask questions indicated so now.

Fergus Ewing: First, I acknowledge with thanks the advance notice of the statement. The Scottish

National Party welcomes the fact that the Executive has wisely decided to adopt SNP commitments to have more police on the beat and to have smaller class sizes. My party leader spent a great deal of time during the election trying to bring round the Executive to that point of view, but it is better that a sinner repent, so we are delighted that that has happened today.

The minister has not explained why this announcement was not made when it was due in June, nor have we yet received a breakdown of the underspend of nearly £400 million among departments. The one concrete piece of information that we have is that the level of the contingency fund—the reserve—has risen massively. In the draft budget it was £29 million for this year. We now learn that it has increased to £120 million. Next year it was to have been £42 million but it has risen to £58 million. For the following year, it has risen from £142 million to—as they say in darts—£180 million.

Will the minister assure me that what occurred in 2001, when the Minister for Health and Community Care complained about the former First Minister filching money from the health budget, is not happening now? Has the minister raided the health, education and justice budgets to fund a new slush fund for future Executive announcements?

Mr Kerr: If SNP members thought that I was implementing the SNP manifesto, they looked heck of a glum to me as I announced more teachers, more nurses and more police for Scotland. The SNP did not have a commitment on secondary 1 and secondary 2 maths and English; the partnership has a commitment on that and so we will deliver it.

On the reserve, I invite Fergus Ewing to poker school. If he wants to tell me how much he has to gamble with and what his cards are, he is welcome to play poker with me any time. As I pointed out in my speech, the reason for the reserve is that when we go into negotiations with those who are to supply services to us, it is not the best strategy in the world to tell them how much money we have to spend. With the announcement, we are ensuring that we will be able to fund our commitments throughout the life of the parliamentary session.

The reasons for the underspend are simple and straightforward, and have been reported to the Finance Committee of the Scottish Parliament. For our commitments to future spend—where resources are required for future years—we can carry over £28 million. For capital slippage—for instance because of planning, issues such as foot and mouth and bad weather, and for road-building projects—we have £101 million. There are demand-led changes, which exist throughout the

Executive's budget, particularly in the enterprise portfolio, because money is either returned to the Executive or certain organisations do not apply for resources. There are other variances, including the contingency budget within the Executive's budget, and other bodies, for example the national health service and local authorities, return money to us at the end of the year, which ensures that the money is spent wisely. There are good, solid, valuable and proper reasons for the underspend in the Executive.

Prudence is not a word that I would associate with the SNP. Since 1 May 2003, the SNP's spending commitments have included the extension of hepatitis C compensation to all relatives; the upgrading of Gartnavel to a full accident-and-emergency service; more money for Lothian and Borders police; additional funding for the national galleries; support for Unison-backed pay claims; spending on nursery education for three and four-year-olds and more childcare centres; money for modern toilets, closed-circuit television, shelters and customer information at all Scottish railway stations; more money for Church of Scotland care homes; local government funding for animal welfare initiatives; and the renationalisation of the railways.

The Executive is proud of its track record. We will continue to maintain the budget in a prudent manner, which is what the Scottish people expect us to do.

Mr Brian Monteith (Mid Scotland and Fife) (Con): I, too, thank the minister for having the courtesy to provide the statement in advance, although it would make better sense if we had more time to debate the budget, rather than spending time on preambles and questions. I intend to cut to the chase with my questions.

The level of resources that is being carried forward from 2002-03 is £394 million. Can the minister tell me whether that sum includes previous carry-forwards? What is the carry-forward from years previous to 2002-03? Furthermore, the Chancellor of the Exchequer has let it be known that he might have to make cuts to his spending plans—his revenues are not meeting his targets and his expenditure is growing. What provision, if any, has the minister made for spending cuts by a Labour Government at Whitehall?

Finally, it is interesting that the minister is staying with the coalition deal to deliver free eye tests, a benefit of which the Association of Optometrists said:

"the money could be better spent targeting care at those most in need."

Why is it prudent to enable the minister, on a salary of more than £70,000, to become eligible to receive free eye tests instead of using such funds to target those in real need?

Mr Kerr: The EYF figure for 2000-01 was £718 million; the figure for 2001-02 was £643 million; and, as we have just announced, the figure for 2002-03 is £394 million. There have been a succession of reductions in EYF, which is a measure of the increased monitoring within the Executive and of our ability to reduce the underspend. I do not intend to reduce that target to zero, because I think that it is healthy and proper to have EYF. I have been heartened by some of the reporting on the matter and by other's comments, saying that EYF is a valuable initiative and principle.

Mr Monteith raised a point about the commitments that were made in the partnership agreement. I say to him only that the Scottish people endorsed those commitments, and I suspect that the Scottish people are more credible than the Conservatives. The clear policy commitment that the partnership parties made found support and was followed through in the Executive agreement. We will fully fund the commitments in the agreement.

On the current media coverage of the chancellor's strategy, I retain full confidence in the chancellor. He is by far the most successful chancellor in recent history in respect of the resources that he provides not only to the UK but to Scotland.

In my statement, I said that we will ensure that we can fully fund our commitments, and I have set aside a reserve to do that. I am clear and confident that I will be able to match the funding commitments and political priorities of the Executive in the 2004 spending review.

Mark Ballard (Lothians) (Green): What funding is available in the budget for the implementation of the Land Reform (Scotland) Act 2002? I am thinking in particular of the resources that will be made available to develop the core path network that is mentioned on page 154 of the draft budget. How does the Executive intend to ensure that local authorities allocate sufficient funds to do that?

Mr Kerr: With due respect to the member, although I appreciate the points that he made, it is the minister who is responsible for such matters who will ensure that the resources that are allocated from the centre are spent on those areas. I am not at liberty to say what the detailed spend will be in each of the budget categories that the member mentioned.

Frances Curran (West of Scotland) (SSP): Figures of £631 million, £642 million and £662 million are given for the spend on motorways and trunk roads over the next three years. Will the minister confirm whether those figures include a provision for the M74? If so, how much will it cost?

Mr Kerr: As I said in my speech, we will complete the central Scotland motorway network. The motorway is much needed to deliver for the Scottish people and Scottish business. I hesitate to give precise figures, as the matter is for the Minister for Transport, but I am assured that the Executive remains committed to that motorway.

Des McNulty (Clydebank and Milngavie) (Lab): Will the minister say a bit more about the carry-forward into portfolio budgets over the next three years? He mentioned that £148 million, £160 million and £217 million in additional funding will go into those budgets. Will he say something about the overall balance between capital and revenue in the budget and clarify the amounts that are to be spent on infrastructure against the revenue spend?

Will the minister say more about the highly welcome resources that are to be targeted at closing the opportunity gap and addressing equalities issues? I am thinking of the welcome commitment to spend £35 million on the sure start Scotland programme, £10 million on safe havens for women and £9 million on equal opportunities, and of the £2 million that is to be given to the Scottish Further Education Funding Council to teach English to asylum seekers.

Mr Kerr: Those resources are welcome and topical in many ways. It is clear that ministers have responsibility for the detailed budgets in each portfolio area. The Executive has sought to ensure that we will fully fund those commitments. The detail is contained in the budget document.

On the balance between capital and revenue, I appreciate and understand the views that the Finance Committee has expressed in the past. I have sought to reassure the committee that we will ensure that the balance remains affordable and fundable. We will meet the requirements of the Scottish people for more schools and hospitals. We will also, and more particularly, meet the needs of business in relation to broadband investment and the substantial investment that we are making in the top-priority area of our transport portfolio. I reassure the member about the balance. I will discuss the matter with the Finance Committee in due course.

I think that we have prudently and properly ensured that, over the lifetime of the session, as well as over the next three years of the spending-review period, each of the commitments made will be funded to the full.

The member raised a number of positive areas in which we are to deliver the partnership agreement, but there are many others. I am sure that, over the course of the next few weeks, ministers will make announcements on those specific measures.

The Presiding Officer: I ask Jeremy Purvis to make his question brief.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I will keep to your guidance, Presiding Officer. I have a technical question for the minister, which has two unrelated parts. First, given the rumours that there might not be a further Treasury comprehensive spending review, will the minister expand on his response to Mr Monteith about how he will build on the Executive's longer-term funding? Secondly, can the minister give the Parliament guidance on when he expects the discussions among the Executive departments on EYF funding to be concluded?

Mr Kerr: Despite its title, the spending review is not only about spending; it is about ensuring that the money is spent properly, that it is measurable, that there is accountability and that we get value for money.

I will continue the good practice of previous ministers for finance and the spending review of 2002 to ensure that we examine not only the extra money and resources available, but how we use our current resources. I assure the member that the spending review is extremely deep. It requires ministers to justify what their money will achieve on every line—the difference it will make to change the lives of the people of Scotland. They must demonstrate performance indicators that Tavish Scott and I can be confident about when assessing the impact of their policies. The spending review is a large and in-depth process that I intend to continue into 2004. I have already presented to Cabinet an outline of the principles of the spending review in 2004.

All ministers now have the details of EYF in the budget document. In due course, they will be able to provide members with details of how the money has been allocated from me to them in their budget areas.

John Swinburne (Central Scotland) (SSCUP): With a budget of £21 billion and a saving of 1.9 per cent, when does the minister envisage doing away with the obscene practice of selling the homes of people of my generation when they go into residential care homes?

Mr Kerr: I remind the member that I am talking not about savings, but about moneys that the Executive has agreed through Parliament that we require—for example, for some of the roads we have in our programme and the commitments that we have made to trained nurses and teachers. If we were to allocate that money elsewhere, the priorities that we have set would not be met. If they were met next year, it would mean that the money would not be available for something else.

The word "saving" is not appropriate in this case. It is true that resources are underspent and that

they are available to us, but we want to ensure that where departments have not managed to fulfil a commitment by the end of 31 March, they can still fulfil that commitment in April, May or June of the following financial year. The Executive has no plans to alter the current arrangements.

The Presiding Officer: I regret the rather large number of members who have not been called for questions. I hope that, in the ensuing debate, they will be able to make their points, by intervention or by question.

15:43

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): As I mentioned earlier, the probation of the ministerial statement has been delayed considerably. It is late by a substantial margin. The Minister for Finance and Public Services will be aware of the Latin motto of the clan Kerr. Classicists in the chamber will know that the Latin motto "Dexter sero sed serio" means "Late but earnest". I am pleased that the minister is living up to his clan motto by being both late with the statement and in earnest.

The underspend is £394 million. That is less bad than the underspend in previous years. Last year it was £450 million. In 2001, it was £643 million. The year before that it was £718 million. We congratulate Andy Kerr on the fact that his record is less poor than that of his immediate predecessor, the present First Minister.

The first serious question is whether underspending is a matter to which blame attaches. The Executive has a successful record of underspending—it seems to be an endemic and habitual practice. The same explanations that we receive every year are wearing thin and are rather unpersuasive—all the more so since the Holyrood budget is largely fixed, unlike the Westminster budget, where they have full control over their finances.

With a largely fixed budget, subject to a couple of variations such as business rates, surely it is possible to expect that departments are able to spend the whole of their budget, or at least far more of it than they have spent until now.

Mr Keith Raffan (Mid Scotland and Fife) (LD): The sum that Fergus Ewing is referring to is, of course, less than 2 per cent of the entire block, and it is not an underspend. What would the SNP's end-year flexibility be? What would the amount be? What would the percentage be? How would it cover future spend, capital slippage, demand-led changes and contingency reserve?

Fergus Ewing: It would appear that Keith Raffan is posing a multiple-choice question, but I am absolutely delighted that he has asked it, as it is a gift of a question.

Mr Raffan: Why does the member not answer it, then?

Fergus Ewing: I shall tell Mr Raffan one thing that we would have done. We would have ended the penalising of Scottish businesses, which have paid higher business rates since the Parliament was created than businesses in England have paid. We would have ended the tax introduced by the former Minister for Finance, Jack McConnell, whereby those paying Scottish business rates pay a higher business poundage than those south of the border. That tax, which I helpfully call Jack's tax, has been roundly condemned by virtually all business organisations, as it imposes a higher level of taxation on Scottish businesses than exists for businesses south of the border.

Mr Richard Baker (North East Scotland) (Lab): Does Mr Ewing agree that opinion in the business community is not quite so clear cut on that issue? John Downie from the Federation of Small Businesses said in March this year:

"We want to see investment in schools, transport, broadband infrastructure before we see a cut in business rates. Businesses will always welcome tax cuts, but cutting business rates won't stimulate growth."

Does Mr Ewing agree with that comment?

Fergus Ewing: Not for the first time, and I suspect not for the last, I completely disagree with Richard Baker, as do the overwhelming number of businesses, which see nothing but rising business rates and water rates, more regulation, higher insurance costs and more indirect taxation.

That brings me to my first serious point. Mr Kerr seems to think that the burden of taxation on business is perhaps a matter for amusement. I know from going around my constituency and other parts of Scotland that the anger about the level of water rates is palpable. The increases faced by some businesses are extraordinary, and the lack of any intervention by the Executive to tackle the problem is lamentable. One constructive suggestion has been made by Bill Anderson of the Forum of Private Business and circulated to all MSPs. It is a modest and costed proposal—that £4.1 million could alleviate some of the unfairness in the charges—and it is well worth exploring.

I would like to answer Mr Raffan's point, but I see that he has gone away.

Mr Raffan: I am here. I am listening intently.

Fergus Ewing: That is very wise. The SNP would have made that reduction in business rates. We have always said that we would, and it would have been perfectly possible to implement such a reduction.

Jeremy Purvis: Will Mr Ewing give way?

Fergus Ewing: The member should hang on a second.

Of course, it is more difficult to implement a new spending programme. Ministers are fond of making announcements early, but then they find out from their civil servants that implementing the programme is far more difficult than they thought, and that is one of the reasons why we have the massive underspend.

In the partnership agreement, in part 1, line 1, sentence 1, the Executive says:

“Growing the economy is our top priority.”

I quote that just in case there is any doubt. However, I notice that in chapter 7—on objectives and targets—of the glossy budget document that arrived just a couple of minutes ago, there is not even a target for the level of growth. It is the top priority, but there is no target at all. The Executive’s prime objective, which we share, is to grow the economy, but it is an objective that the Executive has not even turned into any form of target.

The SNP supports the general strategy of “A Smart, Successful Scotland”, but I have three substantial objections to the Executive’s failure to deliver action and to implement that programme. First, this Parliament lacks the powers of any self-respecting state in the United States of America or of any German Land, never mind any of the independent nations. Those narrow nationalists in Finland, in Ireland and in Denmark all have one thing in common—a more smart, successful economy than ours, and higher living standards. That is the first problem.

The second problem is perhaps new and had not been commented on until Professor Midwinter—not always the most fervent supporter of the Scottish National Party—pointed out that the history of spending on higher education under the devolution regime shows that it is the lowest priority in the Executive’s education budget. We want smart, successful people. Presumably that means that education must be some kind of priority. However, in his evidence to the Enterprise and Culture Committee last week, Professor Midwinter said that the higher education budget is to grow at a much slower rate than the budget as a whole. He states:

“That implies that there have been political decisions to reduce the education share of the overall cake.”—[*Official Report, Enterprise and Culture Committee, 2 September 2003; c 27.*]

Is that not interesting? How are we to achieve a smart, successful Scotland when, according to Professor Midwinter, education is the lowest priority and is receiving the lowest increase.

I am moving towards some kind of conclusion, Presiding Officer, unless you are going to add on time for the helpful interventions that I had.

The Deputy Presiding Officer (Murray Tosh): No. You have 55 seconds.

Fergus Ewing: Thank you; you are charitable as always.

Thirdly, public money must be spent effectively. I ask the Minister for Finance and Public Services, or his deputy, if they will tell members how they ensure that money is spent effectively. What checks and balances do they have? It appears to me that much public sector spending is demonstrably wasted in a series of areas, especially, if I may say so, among some quangos and non-departmental public bodies. I am sure that the minister will want to reply to that, although he might want the help of his spin doctors. I understand that they are now at record levels, even after the Hutton inquiry. Hutton might come and go but the Labour and Liberal Democrats’ 43 spin doctors are well funded and apparently here to stay.

15:52

Mr Brian Monteith (Mid Scotland and Fife) (Con): I welcome the opportunity to debate the ministerial team’s budget proposals, although it would have been helpful if there had been more time for questions after the ministerial statement. I am not particularly pointing the finger at the ministerial team for the way that the debate has happened, but we are now having a debate where there is neither opportunity to see the detail behind the headline figures, nor a motion to debate. We are all therefore putting ourselves at some disadvantage in terms of the quality of the information we can extract from the ministerial statement. The Parliament must think seriously about that.

As I said earlier, the underspend is posted at £394 million. I recognise that that amount will never disappear, and nor should it. I happen to agree with the minister when he says that it is right to have some kind of contingency. I acknowledge that it is right that funding can be carried forward and I recognise the principles that the minister laid out about where end-year flexibility can be allowed and where it can work. All those principles are honourable and supportable and are ways in which we could have prudent finance, particularly in local government. The evidence might be anecdotal and difficult to pin down, but we all know that there has often been a rush to fill potholes on 30 March, rather than on 3 April. That represents a commitment to spending funds that might not have been necessary at the time, just so that budgets were met and money was not clawed back.

I welcome the process, but I ask the minister whether he is able to explain how much of the £394 million was carried forward from previous

years, because there is a further carry-forward built into each figure in each year. Although I accept that there was a small matter of an election taking place between the end of March and today's debate, we have a situation where we are debating the issue in September because of that delay in the announcement. The result is that local authorities, public bodies and the like have only six months to be allocated their funding and to spend it. Therefore, I have no doubt that a significant element of the £394 million will reappear next year, because it is not within the bounds of possibility that the Government and its agencies will be able to spend all that money. I simply wish to tease out that point with the minister.

Brian Adam (Aberdeen North) (SNP): As I understand it, a significant proportion of the underspend or carry-forward money in recent years has been used to pay for Holyrood. By this time next year, perhaps we might not need money to pay for a substantial contingency for the building or indeed to pay for carrying the project forward.

Mr Monteith: I will leave the minister to answer that point; who am I to say whether it is true or not? In any case, it is important that we are able to break down the figures to find out how they have been arrived at.

The current information does not allow us to identify how much of the carry-forward has already been committed. In his statement, the minister partly answered that point by saying that there must be funding to carry on building projects that have been agreed to, but have not yet received planning consent. Again, we are not clear about how much of the £394 million is free income that can be reallocated. I hope that one of the ministers will address that in the closing speech.

My questions on the statement also touched on how the London Treasury's overall spending proposals affect the Scottish Executive's funding and spending plans. Given that there will be a planned increase in spending of £4.1 billion over three years, we need to understand how that money can be spent and what decisions can be taken with it. However, the increase is predicated on targets for growth that the Chancellor of the Exchequer has so far failed to meet and indeed has had to readjust.

I am genuinely concerned—not just because of my finance portfolio, but because I am a unionist—about the possible effects if the chancellor sets certain spending targets and then finds them to be unrealisable. As far as future spending plans are concerned, we know that information tends to come out of the Treasury, not through press releases, but in the form of smoke signals rather like those that one gets when a pope is chosen at the Vatican. There is genuine concern that those

at number 11 Downing Street might not be able to meet their spending commitments and might have to borrow more money, tax more or cut spending.

I think that the minister and his team recognise that the Scottish economy has real problems. For example, we know that the number of business start-ups fell from 25,000 in 1997 to 18,000 in 2002 and that the figure for business start-ups in the first quarter of 2003 was 17 per cent lower than in the previous quarter. Moreover, we know that exports over the past four quarters have fallen 21 per cent from their level in the previous four quarters.

However, we find from the statement that businesses have contributed £148 million more in business rate payments. That suggests that there should be some relaxation for businesses when the economy is clearly in some difficulty. As a result, we should consider introducing not tax cuts, but business rates relief. After all, we are talking about an underspend. Furthermore, water rates relief should be introduced. I would therefore welcome any comments that the minister might make about how he might relieve business rates or Scottish Water's business charges.

15:59

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Today we debate the financial foundations of continued investment in Scotland's public services and the partnership Executive's priorities of stimulating growth, bringing innovation into health and education and ensuring that Government policy is shaped around the needs of the individual in Scotland. On behalf of my Liberal Democrat colleagues, I endorse the draft budget, which was announced today.

The funding commitments that are outlined in the document that has been published today reflect the partnership agreement and the Liberal Democrat commitment to make the budget deliver for people. I am pleased that much of the Liberal Democrat manifesto is reflected in the draft budget.

As people are our best resource, the focus on skills training and entrepreneurialism is welcome. The funding growth in those areas shows the Executive's commitment to developing the Scottish economy. Scotland's diversity is reflected in the characteristics of my constituency, which has the lowest wages in mainland Scotland, but the highest number of start-up companies run by women. Some of the most traditional Scottish industries, which have suffered in recent years, are represented in my constituency, but the Shell LiveWIRE Scottish young entrepreneur of the year has established his young and growing business there and other new, innovative ventures exist.

The draft budget's commitment to innovation, through resources for renewable energy, increased investment in research and development and the establishment of the annual business forum, are particularly welcome. The expansion in the coverage of the enterprise in education initiative from 10 per cent to 100 per cent of schools is also welcome. In the 1980s and 1990s, we did not take advantage of the potential for wind power, but we must not lose out on the potential of tidal and other forms of sustainable energy—with Liberal Democrats in Government, we will not.

Mr Monteith: I thought I should let the member get into his stride before intervening, but he said in his earlier peroration that he welcomed the number of commitments from the Liberal Democrat manifesto that were in the draft budget. Does the member believe that, on his salary of some £50,000, he requires a free eye check?

Jeremy Purvis: I am a member of this Parliament, which legislates for the people of Scotland, who deserve more investment in education and health.

In education, the budget will put people first by increasing teacher numbers to 53,000 by 2007. The growth in the number of teachers will mean not only that pupils who enter primary level will have a better start, but that those aged between 14 and 16 will benefit from vocational education. There will also be better support for students. I am pleased that the expansion of funding for higher education will continue, even though the system in England is catching up with our figure for entry levels and funding as a percentage of the overall budget, as the principal of the University of Glasgow, Graeme Davies, stated last year.

In health, the budget puts patients first with a commitment to provide free eye and dental checks and digital hearing aids for those who need them and to increase the number of nurses and dental students. That is important not only for the hospital sector, but at the primary care level. The increase of 1,500 health professionals, such as radiographers, physiotherapists and chiropodists, and the funding for another 1,000 community places for people who leave hospital will make a real difference.

In transport, the budget will put the passenger first. The budget will also create safer communities and maintain record police numbers. We all recognise that the key to success in delivering the services we want lies with local government, health boards, the voluntary sector and a range of public services. Together, we must deliver for Scotland. I support the Executive in providing the financial tools to do that.

16:03

Des McNulty (Clydebank and Milngavie) (Lab): It is strange to be participating in a debate on a budget without David Davidson, who has contributed to every such debate in the Parliament until now, generally with the same speech.

I welcome the fact that the draft budget booklet is much thinner this year and that the format is undoubtedly superior to previous formats. I congratulate the Executive on the parts on equality, which are at the end of every section. The information is detailed and clear and the commitments are well set out. I would welcome the duplication of that pattern for other issues such as sustainable development and closing the opportunity gap. The Executive could learn something from the way in which the information on equality is presented.

I emphasise that the overwhelming fact about the budget is the £1 billion growth from last year. In my time in various forms of government, which goes back to 1990, there has never been such a sustained period of growth in the amount of money available as there has been in the past four years. That growth is now being carried forward for another year. I know that that must exasperate the SNP, and that exasperation was best illustrated when Fergus Ewing lapsed into Latin—that is when we knew he was really in trouble.

I was pleased that Brian Monteith modified his stance on business rates. A couple of weeks ago, he was reported in the newspapers as arguing that end-year flexibility could be used to bring down business rates. There are two issues with that. First, that would be a one-year windfall, so it is effectively impracticable for a whole series of reasons, including those concerning consultation. The other argument that I would put to Brian Monteith and others is that, when business representatives have come before the Finance Committee, they have repeatedly said that their top priority is not so much to do with business rates—although they would like them to be lower as, naturally, people want to reduce their costs. Rather, what would make most difference from their point of view would be more investment in public infrastructure. They want better roads, better railways and investment in skills. That is being delivered, and that is what a substantial element of the budget is about.

Fergus Ewing: Will the member take an intervention?

Des McNulty: I hope that it will not be in Latin.

Fergus Ewing: I do not know the Latin for "business rates". My point is a simple one. The level of underspend every single year is at least double or treble the amount required to reduce business rates in those years to English levels. Surely we could have made that reduction.

Des McNulty: Fergus Ewing has probably not been listening. Brian Monteith recognised that that cannot be done with EYF in a single year; perhaps Fergus does not understand that. I hope that it is something that he picks up as we go along.

One crucial issue needs to be addressed. The budget is a budget for the whole of Scotland, but I think that the future of Scotland very substantially depends on what we do about the economy, infrastructure and regeneration of west central Scotland. The Clydeside conurbation should be the biggest priority for this and future Administrations. We have to get Clydeside moving—and I mean not just Glasgow, but the whole area around the Clyde. There are important projects to be realised, such as the Clyde waterfront project and the projects relating to the M74 that are detailed in the budget. Those projects must be made to work, and I hope that the Minister for Finance and Public Services, in taking forward the budget and making the difficult decisions of allocating funds among different priorities, recognises the need, from Scotland's point of view, to ensure that Clydeside works to its full potential. I firmly believe that the area that I and others represent has not necessarily had all that it needs out of budget expansion in recent years. I hope that, now that we are getting and spending more money, Clydeside and the co-ordination of investment there are given a very high priority.

16:08

Brian Adam (Aberdeen North) (SNP): I would like to say something positive about the budget, and the most positive thing that I can say is that I am pleased that the Minister for Finance and Public Services has taken on board some of the suggestions that have been made by successive Finance Committees. I particularly like the sections that identify new resources, which were not included in the previous budget documents. They mean that we know broadly where the additional moneys are going to be allocated. However, as Fergus Ewing and Brian Monteith have pointed out, we might in future need to see where the cuts are coming from. Perhaps the heading should refer not to new resources, but to changes. At some point, as is the case with any economic cycle, there will be a downturn—and I rather suspect that it might be coming sooner rather than later.

There is another technical point about which I have argued from the beginning. We predicted that EYF ought to be around 0.5 to 1 per cent of the budget, and we debated whether we should put a limit on it under the Public Finance and Accountability (Scotland) Bill, which was considered by the Parliament in its first few

months. I wonder whether we could have the percentage change noted in the budget documents. It is nice for ministers to announce large numbers, but it is easier to understand them if we can see the changes from the previous budget in both absolute and percentage terms. I reiterate that plea to the minister.

It is interesting that the minister has announced an additional £196 million for stock transfer. I presume that the money is for debt write-off, but I would like to hear that it is for some other, positive, purpose that will make a difference to people's lives through additional investment in what is euphemistically called social housing. I suspect that the £196 million that was announced today is the consequence of some technical amendment, although it would be inappropriate for me to suggest that that money should not be made available.

Can the minister give us more information about the impact on students of the new resources to which reference is made in the various green documents that have belatedly come into our hands? I am prepared to give way to him now, if he wishes to say something. Fergus Ewing rightly pointed out that there is a funding gap in higher education—both Andrew Cubie and Professor Arthur Midwinter described that to the Enterprise and Culture Committee. The share of Executive expenditure that is allocated to higher and further education will shrink in future years. Will the additional money in future years for student support go directly to maintenance support, or is it intended to bridge the gap to secure our universities' future? I would be interested to hear the minister or his deputy address that in winding up.

Welcome as the announcement of resources for the national theatre is, the leak of that news in *The Scotsman* and on the radio is unfortunate. I make a plea for Aberdeen in the debate about how much money is to be spent, as I gather that the nature of the theatre has been determined. Given that the arts belong to the whole of Scotland and that a significant proportion of the Scottish Arts Council grant is spent in the central belt, I ask that serious consideration be given to locating the commissioning agency for the national theatre in Aberdeen. We have a wonderful theatre that is about to undergo modernisation and refurbishment and that might make an ideal location for the national theatre.

16:12

Mark Ballard (Lothians) (Green): In the partnership agreement, the new Executive said:

“Our commitment to the environment is demonstrated in every section of this Partnership Agreement.”

Indeed, the Executive peppered the partnership agreement with little green trees to prove that. Have those trees taken root in the budget?

There is little in the budget that tackles climate change in a meaningful way. A massive reduction in Scotland's use of fossil fuels is needed. Indeed, Tony Blair said that a 60 per cent reduction by 2050 in the use of carbon dioxide in the United Kingdom is essential to tackle climate change. Although energy policy in the broadest sense is still reserved, there are many ways in which the Executive could tackle the source of the problem—not least through more vision in its transport policy.

What does the Executive say that it will do to tackle climate change? Under objective 4—“tackling climate change”—on page 149 of the draft budget document, it proposes the introduction of flood-prevention measures. That is not tackling climate change—it is trying to build our way out of the problem that is caused by climate change. We need action to tackle the issues that are associated with climate change, rather than simply to build higher walls.

The Scottish Executive's transport plans are an environmental embarrassment. Since 1999, the Scottish Executive has effectively made road building its priority, expanding the roads programme that was inherited from the Tory Scottish Office in 1997. Predict and provide still reigns in transport policy. According to TRANSform Scotland, the leading charity in the field, there has been a £1 billion road-building programme since 1999. The largest transport project in Scotland is the construction of an elevated motorway, the M74 extension, which is estimated to cost up to £500 million—more than the cost of the new Scottish Parliament building. That puts the £27 million that has been allocated to 20mph speed zones and home zones—welcome though it is—in perspective.

Jeremy Purvis: Will the member give way?

Mark Ballard: I am sorry. I do not have enough time in a four-minute speech.

Also, the budget document does not contain a target for the reduction of levels of road traffic. Twice as much money is being allocated to motorways and trunk roads, including capital charges, as is being allocated to rail services and other public transport.

However, there are ways in which the Scottish Executive could begin to make amends. Money in the integrated transport fund should be ring fenced for small-scale, localised transport initiatives, which lost funding after the abolition of the public transport fund in 2002. That fund was, for instance, a key source of funding for cycle lane provision throughout Scotland. Strategic

environmental assessment should be implemented through primary legislation and applied to transport projects. Most of all, we need targets for road traffic reduction.

As I said before, climate change is one of the biggest environmental threats that we face. The 60 per cent reduction in carbon dioxide emissions that Tony Blair has called for will require a transformation of our economy and society. Without targets for CO₂ reduction and the reduction of road traffic and a strategy to achieve those targets, all those little green trees that were in the partnership agreement will wither and die.

16:16

Mr Richard Baker (North East Scotland)

(Lab): It is natural that I welcome today's ministerial statement, as it shows that the Executive will deliver on the priorities that were outlined by Labour in our election manifesto. Too often, the aspirations of political parties are not matched by practical proposals for ways in which they will be afforded. Today, pledges have been matched with spending commitments: pledges on crime matched by investment in more police; pledges on education matched by the promise of 53,000 more teachers; and pledges on health matched by the proposal for more nurses. There will be greater investment in public services each year for the next three years.

Two of the key areas that Labour highlighted in the election campaign are reflected in spending commitments that have been announced by the minister today: making our communities safe for our citizens and growing Scotland's economy. Tackling antisocial behaviour is about getting the right legislation. It is also about giving the police the resources that they need to do their jobs. I therefore welcome the announcement of more police officers and the £65 million extra for legislation on antisocial behaviour

The north-east has areas that have acute problems with drug misuse and, over the summer, there were many worrying incidents of youth crime in Aberdeen, committed by a minority of young offenders. The announcement of funds for extra police officers and the investment in schemes to tackle antisocial behaviour are therefore welcome.

Making Scotland a safer place goes hand in hand with making ours a more prosperous nation. I believe that the Executive's strategy for the economy is right. During the election campaign, and again prior to today's statement, we heard the main Opposition parties saying that they would prioritise cutting business rates instead. The Executive is right to be far more ambitious for Scotland by prioritising investment in skills, innovation and enterprise and fully embracing the strategy of “A Smart, Successful Scotland”.

At the heart of that strategy is investment in the intermediary technology institutes. With the ITI for energy based in Aberdeen and the ITI for life sciences based in Dundee, the north-east is in an excellent position to benefit from that policy. I believe that it is the right strategy for ensuring that the excellent research and expertise that exist in Scotland make the fullest contribution to our economic growth. The universities in Aberdeen and Dundee are well placed to make their contribution to the strategy.

I was pleased to hear the minister state again today that the Executive's investment in infrastructure is key to a stronger economy. I am also pleased that the partnership agreement outlined that there will be early work on the western peripheral route. At the risk of infuriating my Green colleagues, I suggest that the speedy progress of its construction will be of huge benefit to the local economy.

As I have mentioned, I welcome the extra resources for health, in the form of new nurses. I was also pleased to hear about the additional resources that are being allocated for free eye and dental health checks. Nevertheless, I highlight the need for more dentists—especially NHS dentists—in the north-east to enable those checks to be carried out. I welcome the commitment to a dental outreach centre in Aberdeen, which is part of the partnership agreement, and I hope that that is the start of real progress on the issue.

The ministerial statement shows that Labour and the Executive are ensuring that the north-east will benefit from investment in public services and infrastructure, and that it will be at the heart of the Executive's work in growing Scotland's economy. I believe that the statement shows why the Scottish people were right to vote for policies that will make Scotland's communities stronger and safer, and our nation prosperous. I congratulate the Scottish people on their excellent judgment and the minister on his statement.

16:20

Bill Aitken (Glasgow) (Con): When I listen to budget debates, my mind goes back to the days when I was a member of Glasgow City Council. I recollect the angst and effort involved and the time taken by all parties to produce budget considerations. Yet here we are in the Scottish Parliament dealing with a budget of £21 billion and the matter is given scant debating time. Perhaps there is a lesson to be learned from that.

One lesson that we have learned today is about the Executive's mindset. The Executive has given much consideration to many issues but, despite what the glossy book in front of Mr Mundell says, the fact is that the state of the Scottish economy is

only on the fringe of the Executive's thinking. It is a fact of life today that Scottish business is becoming increasingly uncompetitive. That is happening for several reasons, which other members have articulated well. One reason for Scottish business becoming uncompetitive is the higher rate of business taxation in Scotland, particularly the extortionate water charges that have been imposed over the past year.

Mr Kerr had the opportunity, of course, to do something for Scottish business, not by changing the amounts of taxation involved but by giving some taxation money back. One of the most important issues to face the Parliament—I accept that Mr Kerr acknowledges this—is the question of employment. We must acknowledge that employment in the private sector is not as high in Scotland as it is in comparable jurisdictions. We cannot all work for local authorities or health boards. That fact must permeate the Executive's thinking. Unless the Executive is prepared to do things for business, there will ultimately be job losses.

I listened to Fergus Ewing. I always like listening to him when he talks about the economy because much of what he says makes sense. However, I looked along and saw Linda Fabiani. Then I heard the litany of expenditures to which the SNP had committed itself. Mr Kerr quite properly alluded to that. Given those expenditures, Fergus Ewing's speech and the one that I am sure that Jim Mather will make are as nothing, because the rest of their party are so left-wing and thirled to public expenditure that what Mr Ewing and Mr Mather have to say collapses into dust. The SNP policy simply does not work.

Mr Raffan: Will the member give way?

Bill Aitken: I will do without the heckling from the cheap seats.

Fergus Ewing: Does Mr Aitken accept that we put out our spending pledges in our manifesto, which committed us to cutting business rates? Obviously, we can all talk about proposals, but the SNP commitment was put into its manifesto and that is what we are talking about in the debate. Can we get back to reality and away from the works of fiction in which Mr Aitken now seems to be interested?

Bill Aitken: The only work of fiction that seems to be around is the SNP manifesto. I accept that what Fergus Ewing said is correct. However, the fact is that the sums simply did not add up for the additional expenditures that the manifesto highlighted. The people of Scotland recognised that and Mr Ewing lost 20 per cent of his colleagues. That is a fact of life.

Seriously, we must consider a number of economic issues. Unless the Executive is

prepared to change its emphasis, there are troubles ahead. Mr Kerr was able to give a fairly upbeat statement today. However, in two years, once Gordon Brown's economic largesse is a thing of the past, I suspect that Mr Kerr's statements will be more downbeat.

16:24

Frances Curran (West of Scotland) (SSP): I want to come specifically to Mr Kerr's comments on health spending. Yet again we heard, in Mr Kerr's speech and in the figures, that there is a commitment to health in the form of increased health spending, including the provision of 12,000 new nurses by 2007, which all members would welcome. However, MSPs will be briefed in Argyll and Clyde tomorrow about £13.5 million of health cuts this year, including a reduction in the number of clinical posts.

I have to wonder—when we are bombarded by the figures and the great words in the statement—whether we are witnessing the Max Factor approach to funding: purely cosmetic. In Argyll and Clyde, there are three separate campaigns to stop the closure of hospitals and the cuts in services. The minister is the man who does the sums, so I will ask him a question: how can he square the fact that he is putting more money into services and professes a commitment to health with the fact that there are three different groups of people on the street protesting against cuts and closures? I do not know about his dancing prowess, but I ask him not to give us a soft-shoe shuffle and blame the problems on the health board. If he is putting more money into health, we should be seeing that money coming through the system and there should be no people campaigning against accident and emergency wards and hospitals closing. People feel that the Executive is kidding them on and I would like the minister to explain how the situation that I describe can possibly be the case.

Further, if there are to be cuts in clinical posts, where will the 12,000 nurses be working in 2007? Campaigns such as those that I described are taking place not only in my part of the country; people across the country are fighting similar cuts.

The minister made a big issue of the £65 million that is being set aside to deal with antisocial behaviour. Given that there are 785 persistent young offenders and the target is to reduce that sort of offending by 10 per cent by 2007, that works out at £800,000 per offender. I was utterly disappointed that that was highlighted in the speech. In most communities, people who provide voluntary clubs and activities for many groups of people, particularly young people, spend every year scrambling about for money to keep those groups going. In Paisley, it costs £33 an hour to hire a classroom on a Saturday morning—£100 for a three-hour session.

Jeremy Purvis: Will the member give way?

Frances Curran: I am sorry, but I have only seconds left on the clock.

Surely it would be better to have some sort of commitment to providing free access to schools for community groups and youth groups. As an aside, I have to say that the issue is further complicated in schools that are funded by private finance initiatives as it is private companies that get that £33 an hour. Making that change would be a much better way in which the Executive could show its commitment to young people in our communities.

Finally, I point out that, given that free school meals would cost only £74 million a year, that policy could easily have been accommodated in each of the underspend figures in the past three years.

16:28

Dr Elaine Murray (Dumfries) (Lab): I welcome the minister's statement on the funding of the partnership agreement and the use of end-year flexibility. I appreciate that more detailed announcements will be made in the coming weeks by the portfolio ministers and the First Minister.

I congratulate the Executive on bringing the sum down to £400 million this year. That figure is down £225 million from the previous year, which is a 39 per cent fall from that year and a 45 per cent fall from the 2000-01 figure of £718 million. I believe that the Executive is doing well in managing the Scottish budget.

However, in contrast to what Fergus Ewing seems to believe, I do not think that end-year flexibility is necessarily a bad thing. As the minister said, EYF for 2002-03 represents only 1.9 per cent of the Scottish budget. I further note that the consequentials from Westminster bring the total up to £600 million. In a Scottish budget where 98 per cent of the budget is fully committed and 60 per cent is spent by health boards and local authorities, that 2 per cent can make a significant difference.

Alasdair Morgan (South of Scotland) (SNP): If so much of the budget is fully committed or under the control of other bodies, the true underspend is significantly higher than 2 per cent as the part that the Executive has control over is far smaller than the full 100 per cent.

Dr Murray: Obviously, the matter depends on how one does the calculations. I am merely saying that that 2 per cent is important. It is also of great importance that it be carried over into following years and I welcome the fact that Andy Kerr, like his counterpart in Westminster, is being prudent and recognising that the situation might not always be rosy in years to come.

Over the summer recess, I, like many other members, met a large number of constituents who brought to my attention a variety of concerns. I had one representation on civil partnerships and two representations on Dungavel. I am not saying that those issues are not important, but I received a total of only three representations on issues that some parts of the media think MSPs should be beating themselves up over.

In contrast, I had scores of representations on issues such as antisocial behaviour, neighbour disputes and litter and vandalism. I welcome the £65 million to tackle that and I particularly welcome the fact that in the social justice budget, there is a budget line for initiatives tackling antisocial behaviour. Those will not be about punishment; they are initiatives to divert people from antisocial behaviour. The funding will rise to £12 million in the following year and £17 million in the year after that.

People talk to me about the need for more police on the streets, the need for people to feel safer and the need for more closed-circuit television cameras on the streets, which is a pledge in the partnership agreement. There was a fight outside my constituency office over the summer—and no, it was not between David Mundell and me—but the police did not arrive for 45 minutes, because the CCTV cameras had not picked it up.

There is also a need to reduce waiting times and a need for more nurses, such as specialist endoscopy nurses and auxiliaries in hospitals to give nurses more time with patients. I therefore welcome the NHS spend increase from more than £7 billion to nearly £8 billion over the next two years.

I welcome the increase in national theatre funding. I believe that it was leaked to the papers slightly wrongly, because on page 63 of the draft budget the figure looks more like £7.5 million to me. I welcome that as part of the ministerial team that in previous years wished to progress that but was unable to do so because of the problems with the theatre infrastructure. It gives the lie to all those who said that the Scottish Executive and the First Minister in particular did not care about the arts. I do not always agree with *The Herald*, but I agree very much with the statement in today's editorial, which was that the national theatre

“will need to work with schools and communities to ensure that the place of theatre is firmly rooted in modern Scotland.”

16:32

Margo MacDonald (Lothians) (Ind): In chapter 7 of the draft budget, on enterprise and lifelong learning, objective 1, target 2 is to

“Improve productivity levels in Scottish industry compared to OECD competitors.”

I would like to add my tuppenceworth to that. The minister will be relieved to hear that it is only small change that I will be talking about. I would like something to be spent on meeting that objective by ensuring that the Scottish work force is physically and mentally fit to meet it. I would like some of the small change from the £394 million end-year flexibility to go to that.

I understand what the minister said about the allocation of priorities by ministers with specific portfolios. However, perhaps the Minister for Finance and Public Services is in the best position to recognise that a year-end fund of small spending money might be established. There is something of a parallel with small businesses that cannot get a small loan from the bank or from any lender. If they want millions they can quite often argue a good case and get it, but the person who wants a small loan just cannot get it.

Much the same could be said of the organisations in which I am interested in relation to promoting fitness in the general population. I met representatives of sportsScotland last week. Ian Robson and Allan Miller both told me of their great concern that in the community clubs to which Frank McAveety referred—the sports clubs that are the bedrock of sporting activity and fitness in the community—coaches are in short supply. There needs to be a fund—a relatively small amount of money that might not even need to be recurring money—to provide for the training of coaches, or else many such small community clubs will go to the wall. The same is true of training administrators to administer local funds and so on.

I am asking for a small-change fund, which might act as a stop-gap fund for sponsorships that may go out of fashion or simply come to an end. The BAA games in Edinburgh were very successful and were absolutely terrific. Schoolchildren from all over Scotland took part. However, the sponsorship deal has now come to an end. We therefore need a small amount of money to bridge the gap between the ending of that sponsorship and the beginning of a new one.

I concur with Brian Monteith: it is a good idea to have end-year flexibility. EYF could provide a small-change kitty for the essential items of expenditure that can be forgotten because they are so small. I appreciate that the Minister for Finance and Public Services will not do that by himself, but he could kick-start the idea.

16:36

Alasdair Morgan (South of Scotland) (SNP): I start with two comments about what has been said in the debate and to put the record straight about something that the minister said when he talked

about the partnership agreement having been endorsed by the Scottish people. I am glad to accept that the partnership parties gained a majority of the seats in the Parliament but, unless I missed something, the partnership agreement was not arrived at until after the election. It has therefore been endorsed only by the two parties involved.

The minister expanded at length on why end-year flexibility was a good thing. Nobody disagrees with that or with the ability to carry forward an underspend.

Mr Kerr: Fergus Ewing does.

Alasdair Morgan: No. I repeat that we do not disagree with the ability to carry forward the underspend; the problem is with the size of the underspend that is carried forward. The argument is over the amount. The minister—and his deputy Tavish Scott will obviously follow the same line—loves to confuse those two issues.

The Deputy Minister for Finance and Public Services (Tavish Scott): It would be helpful to Parliament if Alasdair Morgan would clarify the size of the underspend.

Alasdair Morgan: The size that we would like is considerably smaller than the size at present. If the minister is not aiming to get the amount down, he is not following what his predecessor said in the debate on 20 September 2001 when he made that precise commitment.

I turn now to the timing of the debate. With budgets, all parties and all spokespeople on committees find that the devil is in the detail. It takes days if not weeks to find where the truth is and to identify the inevitable spin or gloss in the ministerial presentation. Even if we consider only the first tables in the documents and try to compare them with last year's figures, we find that we cannot compare the figures directly because the departmental set-up has been changed. For example, transport has moved. It is impossible for us to debate this issue when we have had the documents only for 20 minutes or half an hour. That does not serve the objectives of the Parliament in scrutinising the documents and being open in doing so. We have to be able to do that in a more informed manner. Even those of us who have become anoraks, *faute de mieux*, in finance find that exceptionally difficult.

The minister made great play of the fact that the budget is going up by, I think he said, £525 million, as if that was largesse that he was dispensing to the people of Scotland. Let us be quite clear. The figure has nothing to do with that—it comes to him automatically from the underspend, from the increased rates income that he mentioned, or because of the operation of the Barnett formula. The minister does not have a choice in the matter; he gets the money.

The minister also said that his statement was significant. It must have been, because the Presiding Officer ruled that it was and I would certainly not contradict him. However, if we consider the figures for this year's budget, which Des McNulty said had increased by about £1 billion—if I heard him right—and if we compare like with like, we see that departmental expenditure limits have gone up by £338 million. That is less than the rate of inflation and certainly less than the underspend. If the change from last year's figures is less than the rate of inflation, where is the great largesse? The same argument applies if we look at the figures for the next two years. If I am wrong, I will gladly so concede, but I think that the minister is blowing his trumpet about an increase that is less than inflation.

The minister told us how £150 million more was coming in from business rates and he explained why that was. Whatever the reason, the fact is that there is £150 million less in the pockets of Scottish business than there was in the previous year. Is that a good thing? Would not those businesses be better off with that money? Is it right that, from the only tax over which the Executive has real control, the revenue is actually increasing while the economy is stagnant?

The Deputy Presiding Officer: I apologise to the two members whom I have not been able to call, but we must now go to the closing speeches. Time is very tight because we are behind the clock.

16:40

Mr Keith Raffan (Mid Scotland and Fife) (LD): I congratulate the minister on his statement and the additional spending announcements that he has made. I am glad to see that he is a friend of prudence, even though the relationship between prudence and the Chancellor of the Exchequer is somewhat rocky at the moment. However, Mr Kerr is keeping up that firm relationship with that very important person in the management of our finances.

I never thought that I would say this, but just as Mr McNulty said that he missed Mr David Davidson, I actually miss Mr Andrew Wilson. He at least would have understood the question that I put to Mr Ewing. Of course, he would not have answered it, but he would more elegantly have avoided answering it. He would not have exposed his complete ignorance, as Mr Ewing did, of what end-year flexibility means.

Fergus Ewing rose—

Mr Raffan: I will not give way to Mr Ewing, because I am about to give him a seminar on what end-year flexibility means. We know that he is new to his brief, but we are trying to be helpful. I

suggest that he moves from Latin to English. It is difficult enough understanding him in English without his speaking classical languages.

I agree with what Professor Arthur Midwinter said yesterday. Of course we need a contingency reserve as a cushion in the current uncertain economic climate. The term is end-year flexibility; we need to get away from this word "underspend". Mr Ewing is following Ms Cunningham—they all use the term but do not understand what it means. End-year flexibility is not necessarily money that has not been spent. The term may refer to money that is already committed and spending that is already planned. It also covers capital slippage, devolved spending to NHS boards and the contingency reserve. That is why I asked Mr Ewing about all those points.

Mr Morgan then answered the question—at last. What would the EYF be under the nationalists? "Oh, well just a bit smaller than the Executive's." After all this artificial row that they have created over the past few days, they do not even understand what they are talking about.

I welcome today's spending announcements. I hope that we will see increased spending on some of the issues that I am most concerned about, such as combating drug misuse. It is important that we ensure that funding reaches the front line and that we have more places on residential and community day programmes, to which the money does not seem to be feeding through effectively at the moment. I was glad to hear what the deputy minister said about the review of those services, but we also need more resources for the national plan for alcohol. I hope that the minister will address that point. The local plans are coming through from the drug and alcohol action teams, but money is needed to implement them.

I must not be churlish to Mr Ewing. I have to welcome him as the SNP's shadow minister for finance—the third in as many years. I hope that he will not forget the fate that befell his two predecessors. Mr Andrew Wilson lost his seat and is now with the Royal Bank of Scotland in a somewhat less senior position than that which he held with the SNP. I am glad to say that he is not handling personal accounts, because I have my account there. Mr Wilson was followed by Mr Morgan, who also lost his seat but slipped back in through the list.

There is a lesson there for Mr Ewing: the SNP needs to be more careful about their spending pledges. Do members remember those golden days at the end of 1999, when the SNP proposed spending an extra £1.383 billion—all in the space of three months. To be fair, Mr MacAskill was responsible for nearly half of that. He was totally out of control at the time. I never thought that I would say this either, but he is now a figure of

Crippsian austerity compared with the Scottish Socialist Party and the Greens.

In that wonderful interview with Mr Bernard Ponsonby during the election campaign, Mr Sheridan had to admit that hardly any of his manifesto was costed. He wants to nationalise all those companies that closed factories in Scotland and put all those people out of work. He wants to nationalise ScotRail and the public utilities—

Tommy Sheridan (Glasgow) (SSP) rose—

Mr Raffan: Mr Sheridan never gives way to me, and I will not give way to him. Sit down.

The Scottish Socialist Party's spending commitments are totally out of control, but even it is restrained compared with the Green party. I am glad that at least one of the Greens is here. I am able to announce to the chamber that their additional spending commitments currently amount to a total of £22.64 billion, which would more than double the block. That is not surprising when one considers Mr Ballard's antecedents are from the far, far left of the Labour party.

If the SSP and the Greens want the Parliament to become the six-party system that they constantly talk about, they must start behaving seriously—if we are to take them seriously. They need to start saying what their commitments are and what they will cost. They have done neither of those things.

The Deputy Presiding Officer: I would prefer members who are making closing speeches to address their remarks to people who have taken part in the debate.

16:45

David Mundell (South of Scotland) (Con): If Mr McAveety is looking for performers for his new national theatre, he has a candidate in Mr Raffan on the basis of that performance.

I apologise to Des McNulty for the fact that David Davidson was not able to give his customary performance. If he meets David Davidson in the street, I am sure that David will deliver a speech to him. I approached the debate with expectations over whether we would get the old Des or the new, turbocharged Des whom we have seen in a number of recent debates, but the performance was midway between the two. Unlike some members, he made some valid points.

On the subject of some of our new members, one thing that Mark Ballard needs to learn is that quoting Tony Blair in this chamber gets one nowhere because nothing that he says is taken to be Executive policy.

It is clear from the contributions, or lack of them, from our friends in the SNP that, as in previous

debates—whether Andrew Wilson is present or not—they still have nothing to say. When I close my eyes I think that Mr Fergus Ewing could be a Tory, but when it comes down to it, as Bill Aitken pointed out, the left-wing spending pledges that are behind Mr Ewing ruin those potential credentials.

It was a bit troubling for Brian Monteith that Keith Raffan endorsed his speech. We will have to think long and hard about what Brian said today.

Mr Swinburne did not make a speech today, but the speech that he gave the other day was pertinent to what Richard Baker said. As Mr Swinburne pointed out, the UK Labour Government introduced free TV licences for people over the age of 75 when the average life expectancy of a male in Scotland was about 73 or 74. Likewise, it is all very well having free dental checks, but during First Minister's question time we heard about the difficulty that most ordinary people in Scotland have in accessing a national health service dentist.

That goes right to the heart of the draft budget, and everything else that was said by the minister, which was in the same vein as the points that have been made in all our previous discussions. The words are fine but, at the end of the day, simply throwing money at problems does not solve them. Unless within the Executive there is a real and genuine commitment to make the economy a top priority and to reform public services, the majority of today's announcements will be just as unproductive as the announcements made in previous finance debates in this Parliament.

16:48

Mr Jim Mather (Highlands and Islands) (SNP): Much of what we have heard today is symptomatic of the abnormal cash-accounting approach that is enforced in Scotland. Not for us the flexibility of full borrowing powers that Gordon Brown quite rightly deems so necessary in his management of the UK economy.

I say to Keith Raffan that, as for the underspend, there is always the suspicion that an underspend is a sign of failure to spend a justified and allocated budget. To be fair, it might be the case that the underspend is a sign of success and of being frugal or more effective in managing some budgets, or it might even be a sign of a legitimate delay in spending for reasons that are outwith the control of the spending departments, but the sad thing is that we are hearing nothing about effectiveness. Specifically, we are not hearing about departments finding new ways of doing things better that reduce costs and increase effectiveness. There is no mention of cost-saving, groundbreaking performance by even one

department. There is no case-specific praise for effectiveness and no genuine delight that departments are being allowed to retain a large percentage of a managed and hard-won underspend. That could be a breakthrough in public financial management and would avoid the element of excess and waste that, as we all know, still accompanies the pressure on spending departments to spend within their budgetary year.

In real terms, such abnormalities have long been a function of Scottish governance. The danger is that, if they are allowed to go unchallenged, they will continue to do real harm to Scotland—if only by deluding people that all is well and thereby delaying our inevitable return to the world of normality, when the Parliament reclaims the power fully to manage its finances and to help Scottish businesses to compete. As Fergus Ewing mentioned, we could do that by using our resources intelligently and avoiding excessive and unexpected rises in water rates for vulnerable small businesses, for example.

The underspend in the budget that has been announced today is significant beyond its materiality on several counts. It highlights the abnormality of Scottish financial and economic governance, which would not be tolerated by a single state in the United States, and the Executive's lax approach to recognising publicly and rewarding frugal and effective spending of public money. It also reveals our lack of borrowing powers and the enforced—even self-imposed—non-competitive cash-accounting model that the Executive uses to manage Scotland's affairs, which, incredibly, puts Scotland into the same business-model category as the smallest business. The Executive's model is not vigorous and does not display credible ambition for Scotland to be a world beater. It is a model that lets a third-party competitor set Scotland's business strategy and which makes no attempt to maximise the country's revenue.

Every other developed country is able to create the conditions for growth and retain much of the resultant wealth within its borders. That generates more adequate funds to address social and infrastructure issues and prevent population decline in a perpetual effort to make those countries more prosperous and their economies more robust. Instead, our Government celebrates spending departments' failure to spend, as it sees that as another opportunity to get credit by recycling some of the underspend.

The Scottish people know from bitter experience that spending in itself does nothing. It is the impact of that spending on improving overall quality of life and life expectancy in Scotland that is important. What does the Executive's announcement say about the overall effectiveness of government

spending and about our system of government? The fact that the Government has no target for economic growth makes it a laughing stock with the business community.

We want a very different Scotland—a Scotland that is able to grow its revenue year on year, to control its economy and sharpen its focus on the real needs of the Scottish people, and to measure its effectiveness at every step, by seeking to achieve improvements year on year. Other countries have done exactly that. In many cases, the process has involved a genuine cross-party consensus that recognised a crisis when it saw one and that drew down the powers that were needed to address the cause and symptoms of that crisis.

Scotland faces a crisis that will not be materially addressed by today's announcement. That crisis, which is the result of 30 years of low growth, is being manifested in population decline and family fragmentation. Members should consider what the Registrar General for Scotland said in his July report on Scotland's population:

"Historically, countries associated population size with military, economic and political power, and a declining population with weakening national identity and a loss of international standing. Perhaps more importantly, population decline is often regarded as being symptomatic of poor economic performance and may even reduce confidence in the economy."

Therefore, now is the time for Scotland to set a budget with real targets—a budget that encourages success rather than the failures of a flawed system of governance that is unique in the world and which accumulates more evidence of such failure every day.

16:53

Mr Kerr: That speech should have been entitled, "Here's one I prepared earlier." Sadly, "earlier" means about two or three years ago.

I am constantly disappointed by the nationalists; I should not be, as such disappointment is to be expected of them. They always go on about independence, separation and divorce, as if that is the solution to all our ills. Behind Mr Mather are the multispenders of Scotland—those who would tax hard-working families or business in Scotland. They want to leave the UK marketplace and become an overtaxed part of Europe. That is the reality of SNP policy on business. They talk about reducing business rates but, since May 1, they have provided a litany of spending commitments, not including those that some of their members made during the election campaign.

Many members talked about the Scottish economy, which is our top priority. We work through Scottish Enterprise, Highlands and Islands Enterprise and other organisations to ensure that our smart, successful Scotland strategy works.

Richard Lochhead (North East Scotland) (SNP): Will the minister give way?

Mr Kerr: No, I will not take an intervention at this time.

I would rather take other people's word on the state of the Scottish economy. For example, Jeremy Peat recently commented in a recent Royal Bank of Scotland purchasing managers index report that in August, month-on-month growth in the private sector in Scotland was picking up to the sharpest in almost a year, and that new orders are continuing to strengthen. The latest PMI survey provides a great deal of encouraging news about the health of the Scottish economy. Of course, we never hear about that from the nationalists. It is their business—their stock in trade—to talk down the Scottish economy, which means, in turn, that they talk down the Scottish people.

The nationalists lecture me about business rates, but they lecture John Swinney about extending hepatitis C compensation to relatives or upgrading Gartnavel accident and emergency department. They should lecture John Swinney and Kenny MacAskill—we cannot forget him—about the money that they want to spend on Lothian and Borders police. They should lecture Roseanna Cunningham about the National Galleries of Scotland, Kenny MacAskill about the roads budget or Shona Robison about the Unison pay claim for nurses. I could go on but I will not, as I do not have time—it is just spend after spend after spend.

On the business-friendly face of the SNP, no business has endorsed the SNP strategy on reducing business rates. That is because no business is willing to endorse the SNP's proposed removal of money from the Scottish Enterprise budget. The Confederation of British Industry does not endorse that strategy, which would remove resources for vital training, education and employment opportunities.

Mr Mather: The minister should ask the CBI about that.

Mr Kerr: I have spoken to the CBI and it does not endorse the SNP strategy. Of course, the CBI wants the Executive to reduce business rates; any business would want us to do that, but let us get the facts right. Our freeze on business rates, to which the Executive is committed, amounts to £28 million a year. We have limited any increase in business rates, which are less than 2 per cent of Scottish gross domestic product, to the rate of inflation.

However, businesses have something to worry about: the constant nationalist drone about separation, independence and divorce. What businesses want is what the Executive wants—

investment in the smart, successful Scotland strategy and investment, which the Executive is making, in the infrastructure of Scotland. Spending that has never been seen before in Scotland is what is being delivered in our partnership with the UK Government.

Fergus Ewing: Will the minister give way?

Mr Kerr: No. We do not have a lot of time and I want to ensure that I cover some of the points that were raised.

On research and development, I highlight the three groundbreaking intermediate technology institutes, the Scottish co-investment fund, our investment in the skills and learning agenda, business learning accounts and modern apprenticeships. Those are the things that will make a real difference to the state of the Scottish economy and which will deliver for Scottish business.

We have to make hard choices. Indeed, Nicola Sturgeon made a hard choice when she said that the Scottish Executive was considering whether to divert cash from some of the more affluent parts of Scotland to help Glasgow back to health. She said that she was 100 per cent behind that and although it would cause uproar in other Scottish towns and cities, that is tough. That is not the attitude of the Scottish Executive, however, as we seek to act for all of Scotland. We want to ensure that all of Scotland benefits from devolution and from the resources that it delivers.

Tommy Sheridan: The minister is anti-Glasgow.

Mr Kerr: Tommy Sheridan says that we are anti-Glasgow and yet the Executive has put resources into local authorities, health and transport to renovate and regenerate the city of Glasgow. That is what the Executive is about and that is what it will deliver.

We come to Brian Monteith's contribution. I will not discuss some of the matters that were reported recently, but—[*Interruption.*]

The Presiding Officer (Mr George Reid): Order.

Mr Kerr: Let us get the facts out. At the same time as the Tory party is a tax-increasing party, it is also a tax-reducing party. It will cut back on public expenditure and on the innovation that we are creating throughout the public sector with more nurses, doctors and police but cannot sustain the increased investment in transport under the business agenda, because it wants to cut back on personal and other taxation. That cannot be done—the Tories cannot face both ways at the same time, although David McLetchie has done so. He asked why we do not find ways to cut taxes for individual families and businesses,

yet a couple of days later he asked why we do not scrap the graduate tax and invest more money in roads and transport. He cannot have it both ways—it is not possible to talk about a reduction in taxation and spending money in other ways at the same time. That is exactly what the Executive will not do. My speech was about how we will contribute effectively to delivering for the Scottish economy.

A number of members raised important issues. Des McNulty mentioned Clydeside and the Executive is working with partners in the Clydeside area to ensure that we are seeking the regeneration that he mentioned. On Brian Adam's suggestions about the role of the Finance Committee, I am pleased that he recognises that the Executive is trying to come some way towards finding a more effective way of working with the committee. The Executive is putting more resources into student support as part of funding the partnership agreement and the detail is in the budget document.

Bill Aitken mentioned the heady days of local government, when big debates were held about finance. I cannot remember—perhaps other members will remind me—when an alternative budget was last presented to the Scottish Parliament by either of the two major Opposition parties. The other side of the local government debate is generally between two parties that say, "Here is what we would do with the money." However, neither party gives us any details, because they have no plans to offer the Scottish people.

The Presiding Officer: It is past 5 o'clock, minister.

Mr Kerr: We support Margo MacDonald's initiative on fitness for work, on which work has already been undertaken. It is one of the four key themes of our health plan and we have set up a time-limited working group, involving employer organisations and trade unions, to develop proposals for tackling the problem. As we announced, the money that was previously assigned to the Euro 2008 campaign—£16 million in total—will be spent on providing indoors sports facilities.

I say to Alasdair Morgan that size does matter. The partnership with the UK Government has meant that the size of the Executive's budget has increased dramatically.

I finish on the point that we began with—the national theatre. I was genuinely concerned and upset about what occurred in the press, which I will seek to resolve. I recall that the great Scottish actor and trade unionist, Duncan Macrae, who formed the Scottish branch of Equity in the North British hotel some 50 years ago, said that we

needed to start a long-running campaign for a Scottish theatre company. This Executive has delivered it.

Fergus Ewing: On a point of order, Presiding Officer. As Mr Morgan mentioned, one of the problems with the debate was that we received the draft budget document at the beginning of the debate, which gave us no opportunity to raise important issues. The minister chose not to give way and, as a result of our procedures, I had no opportunity to point out that the draft budget has been cut from £22,854 million to £22,763 million. No explanation of that has been provided.

The Presiding Officer: Your brief notice of that point of order was all of 10 seconds. Your point is largely a debating point.

Point of Order

17:02

Rosie Kane (Glasgow) (SSP): On a point of order, Presiding Officer. This morning, Margaret Curran said in her speech that she would be in close discussions with the Home Office about how to improve the situation at Dungavel. However, in an answer to me this afternoon, she said:

“The Executive has no plans to make any representations on this issue as the operation and management of Dungavel, including the welfare of children, is the responsibility of the Home Office.”

Is there a standing order that says that ministers should not consciously mislead the Parliament and, if so, has that rule been broken?

The Presiding Officer (Mr George Reid): I hear what you are saying, but if you are making accusations that the ministerial code has somehow been breached, that is a matter for the minister and you should raise it with her.

Legal Deposit Libraries Bill

The Presiding Officer (Mr George Reid): The next item of business is consideration of motion S2M-240, in the name of Frank McAveety, on the Legal Deposit Libraries Bill, which is UK legislation.

Motion moved,

That the Parliament supports the principles of the Legal Deposit Libraries Bill 2003 and agrees that the provisions in the Bill that relate to devolved matters should be considered by the UK Parliament.—[*Mr Frank McAveety.*]

The Presiding Officer: The question on the motion will be put at decision time.

Mr Jamie McGrigor (Highlands and Islands) (Con): On a point of order, Presiding Officer. Earlier, I asked for time to speak on the bill.

The Presiding Officer: That is not a point of order. You requested 15 seconds, so on you go.

17:04

Mr Jamie McGrigor (Highlands and Islands) (Con): Is Mr McAveety aware of the current upheaval at the National Library of Scotland, where several top library keepers are being made redundant? Is he aware that that will probably affect the service provided to Scotland and will he please investigate those redundancies?

17:04

The Minister for Tourism, Culture and Sport (Mr Frank McAveety): I am fully aware of all the issues at the library. The redundancies are part of a restructuring exercise to ensure that we provide a much more efficient and open service to members of the public. The bill represents one of the processes in which we are engaging.

Business Motion

17:05

The Presiding Officer (Mr George Reid): The next item of business is consideration of business motion S2M-317, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 17 September 2003

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Executive Debate on Review of Licensing Laws

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 18 September 2003

9.30 am Executive Debate on Rising to the Challenge of Improving Scotland's Health

12 noon First Minister's Question Time

2.30 pm Question Time

3.10 pm Continuation of Executive Debate on Rising to the Challenge of Improving Scotland's Health

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 24 September 2003

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Executive Debate on Better Behaviour – Better Learning

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 25 September 2003

9.30 am Scottish Conservative and Unionist Party Business

12 noon First Minister's Question Time

2.30 pm Question Time

3.10 pm Executive Business

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time
 followed by Members' Business—[Patricia
 Ferguson.]

Motion agreed to.

Decision Time

17:05

The Presiding Officer (Mr George Reid):

There are five questions to be put as a result of today's business. The first question is, that amendment S2M-329.1, in the name of Annabel Goldie, which seeks to amend motion S2M-329, in the name of John Swinney, on the treatment of asylum seekers in Scotland, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Murray (West of Scotland) (Con)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Mr Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gibson, Mr Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)

Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kane, Rosie (Glasgow) (SSP)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Campbell (West of Scotland) (SNP)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Mr Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Etrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)

Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 17, Against 108, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S2M-329.2, in the name of Robert Brown, which seeks to amend motion S2M-329, in the name of John Swinney, on the treatment of asylum seekers in Scotland, be agreed to. I have to point out that, if this amendment is agreed to, the following amendment will be pre-empted. Are we agreed on the amendment?

Members: No.

The Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Mr Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)

McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Mr Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Martin, Campbell (West of Scotland) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Mr Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)

Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harper, Robin (Lothians) (Green)
 Johnstone, Alex (North East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Murray (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 65, Against 41, Abstentions 19.

Amendment agreed to.

The Presiding Officer: Amendment S2M-329.3, in the name of Elaine Smith, falls.

The next question is, that motion S2M-329, in the name of John Swinney, on the treatment of asylum seekers in Scotland, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Mr Richard (North East Scotland) (Lab)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kane, Rosie (Glasgow) (SSP)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)

Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Mr Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Martin, Campbell (West of Scotland) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Mr Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Ballance, Chris (South of Scotland) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alex (North East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Murray (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 71, Against 33, Abstentions 21.

Motion, as amended, agreed to.

Resolved,

That the Parliament reiterates its strong support for the United Nations Convention on the Rights of the Child; believes that decisions affecting children whose parents are to be detained should be made in the best interests of the child; notes that the issue of asylum and immigration policy is reserved to Westminster but welcomes the significant progress made by Scottish Ministers to improve services and support for asylum seekers and refugees in the community; notes that Dungavel is one of eight UK removal centres operated by the Home Office throughout the United Kingdom; notes the reports by HM Inspectorate of Prisons and HM Inspectorate of Education on the educational provision made for the children detained at Dungavel; calls on Her Majesty's Government to take immediate action to implement the recommendations in the two reports and to end a system of detention of children at Dungavel which denies them access to social contact and to educational and other services in the local community, and calls on the Scottish Executive to convey the Parliament's concerns to Her Majesty's Government.

The Presiding Officer: The final question is, that motion S2M-240, in the name of Frank McAveety, on the Legal Deposit Libraries Bill, which is UK legislation, be agreed to.

Motion agreed to.

That the Parliament supports the principles of the Legal Deposit Libraries Bill 2003 and agrees that the provisions in the Bill that relate to devolved matters should be considered by the UK Parliament.

Obesity

The Deputy Presiding Officer (Trish Godman): The final item is a members' business debate on motion S2M-145, in the name of Elaine Smith, on obesity among the Scottish population. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes with concern the findings of the recent study carried out by Dr Andrew Walker of the University of Glasgow, *The Cost of Doing Nothing – the economics of obesity in Scotland*; recognises that an estimated 21% of adults are now obese and that the annual cost to the NHS of obesity and obesity-related illnesses has been estimated at £171 million; acknowledges the efforts of the Scottish Executive and health care providers in attempting to address this problem, in particular those of Coatbridge Local Healthcare Co-operative whose "Weigh-In Without Women" programme recently received the National Obesity Forum award for excellence in weight management, and considers that such examples of best practice could be rolled out across the country as part of a comprehensive multidisciplinary approach to tackling this problem.

17:11

Elaine Smith (Coatbridge and Chryston) (Lab): I am pleased to open the debate on the motion in my name and I am grateful to colleagues who supported the motion and to those who are attending this evening. I also thank the Scottish Parliament information centre for the document that it produced, and my researcher Catherine Murphy for her work. It is a helpful debate to have ahead of next week's Executive debate on the challenge of improving Scottish health.

Obesity is a condition that is defined as

"an increase in body weight beyond the limitation of skeletal and physical requirements, as a result of excessive accumulation of body fat."

It is a complex condition that has serious social and psychological dimensions that affect all ages and socioeconomic groups, predisposing them—often unwittingly—to a number of serious and frequently life-threatening medical conditions.

The World Health Organisation now describes obesity as a global problem of epidemic proportions, with more than 1 billion adults overweight, at least 300 million of whom are clinically obese. Obesity is now considered to be one of the major contributors to the global burden of chronic disease and disability.

In Scotland, we face a situation that is considerably worse than that of our European neighbours and one that could lead to a crisis of potentially endemic proportions. The legacy of Scotland's poor record on dietary health is well known and documented.

Based on the Scottish health survey of 1998, it is estimated that more than 19 per cent of Scottish men and more than 22 per cent of Scottish women are now obese. Given that the condition is implicated as a predisposing factor for a considerable number of other diseases—including type 2 diabetes, high blood pressure, angina, heart attack, stroke, several types of cancer, osteoarthritis and gall bladder disease—obesity is now recognised as a disease that ranks second only to smoking as a burden upon society and the health service.

In June 2003, Dr Andrew Walker of the Robertson centre for biostatistics published a report entitled "The Cost of Doing Nothing – the economics of obesity in Scotland". That report provides the first authoritative estimate of the costs of obesity and obesity-related illness in Scotland. From his analysis, Dr Walker—a senior lecturer in health economics at the University of Glasgow—estimates that the cost to the national health service in Scotland of treating obesity and its consequences is £171 million. It is important to mention, however, that Dr Walker's report considers only 13 of the numerous diseases to which obesity can be linked. The actual cost to the NHS could therefore be significantly higher than the figure that Dr Walker arrived at.

Similarly, Dr Walker suggests that his report does not take significant societal costs into account. Additional factors such as days off work due to associated illness, increased morbidity and premature mortality are impacting on our society. In fact, the National Audit Office's report on obesity in England, which was published in 2001, estimated that health care costs make up only 18 per cent of the total societal costs of obesity and related diseases.

Perhaps the part of the report that gives most concern is its claim that only 2 per cent of the cost that I mentioned is used to treat obesity, while 98 per cent is consumed by treatment of associated diseases. The NHS in Scotland has been constrained by the legacy of decades of poor nutrition and bad eating habits among the population and it appears to be unable to reverse the deficit of focus on direct or preventive treatment of obesity.

Nevertheless, excellent examples of innovation and best practice are being developed. Indeed, in February, Coatbridge local health care co-operative's "Weigh in Without Women" initiative in my constituency received the National Obesity Forum award for excellence in weight management. The programme was conceived after attendees at a men's lifestyle clinic expressed a desire for a slimming clinic that was tailored to meet the needs of men in the area. If the minister has the time, perhaps he would like to

visit that LHCC or speak to people about the programme.

The initiative's success makes clear the effectiveness of listening and responding to the needs and concerns of people within their communities. As "Weigh in Without Women" was developed, the LHCC sought consistently to foster an accessible and supportive environment in which men could enjoy losing weight. Indeed, recent research from Queen Margaret University College in Edinburgh that shows that Scottish men are just as unhappy with their weight as women are stands as testament to the sensitivity and initiative that has been shown by Coatbridge LHCC. I urge the Executive to consider how such examples of best practice can be identified and rolled out similarly throughout the country. However, it is not, of course, an absolute solution to the problem of obesity, the sheer extent of which necessitates a comprehensive multidisciplinary approach that would involve many agencies and the voluntary sector.

I commend the Scottish Executive's significant emphasis on food and healthy eating during the first four years of the Parliament. Welcome measures, such as the establishment of the physical activity task force, the introduction of the healthy living campaign and the increase in breakfast service funding have been designed to tackle the problem nationally.

However, I am equally encouraged by the emphasis that parliamentary parties and the back benches have placed on the issue. In that respect, I want briefly to mention the School Meals (Scotland) Bill. Although I realise that not every member agreed with the bill's purpose, I think that it merited consideration beyond stage 1; the introduction of pilot schemes might also be merited.

Attention has continued to be drawn to the fact that in order to promote optimum dietary health we must focus on the very beginning of life. I would be expected to cite a study carried out in June 2002 by the University of Glasgow's department of human nutrition, which found that breastfeeding one's baby could reduce the risk of childhood obesity by almost a third. Moreover, scientists have suggested that such benefits could continue into adulthood. Given its potential as a useful component in any population-based strategy for obesity prevention, it is in everyone's interests to ensure that breastfeeding is encouraged, promoted and welcomed in this country.

It is clear that there is no absolute solution to the problem. Many factors have conspired to create the health time bomb that faces us. However, we must continue to develop an effective local and national multidisciplinary approach that focuses on preventive measures and on how we empower

Scottish people and communities to make healthier lifestyle choices. Dr Ian Campbell, who is the chair of the National Obesity Forum, said recently that the obesity epidemic is already with us and that we need to meet it head on and quickly.

I draw members' attention to the reception for the National Obesity Forum, which I will host in committee room 1 on 9 October, and which will feature a number of speakers including Dr Ian Campbell and Dr Andrew Walker. I urge all members and interested parties to come along and discuss this important issue.

The Deputy Presiding Officer: As most members in the chamber wish to speak in the debate, I will limit speeches to four minutes.

17:19

Donald Gorrie (Central Scotland) (LD): I sometimes alarm my more serious religious friends by telling them that I stay moderately slim through hatred. They think that that is very bad until I explain that I do not actually hate people, who are quite good value on the whole—indeed, even the worst of them have some redeeming features. Instead, I hate systems and I like keeping on at them. I am a sort of Don Quixote chap—he is always depicted as being slim.

To be serious, having something worth while to do in life helps to keep people slim but, unfortunately, many people do not have that great privilege. We can best approach the matter by starting with young children. If we get children sorted out, they will not carry the problem into adulthood. We should tackle the problem on a number of fronts. Issues of diet are difficult to tackle because, as with drinking alcohol, an unhealthy diet is almost inbuilt in the system in Scotland. We must tackle that issue seriously both through incentives and penalties, although I have not yet thought out that matter.

It is vital that people take exercise, but we have couch potatoes who do not take exercise. My oldest grandchildren are good at games and enjoy sporting activities but will, when they are given the choice, sit in front of a GameBoy and twiddle it about, or whatever one does to GameBoys—I do not understand those things. When they use such machines, children are sedentary. They gain finger skills, but nothing more. I know how difficult it is, but we must make a serious effort to make sport attractive and available.

If I remember correctly, in a question to the First Minister today, Tommy Sheridan produced the shocking statistic that 17 sporting facilities in Glasgow have been closed in a number of years. I am sure that that pattern has been replicated in other areas, although perhaps not at such a high

rate. We must deliver facilities and encouragement. When I was a Westminster member of Parliament for Edinburgh, a nice all-weather pitch was built, but people did not use it because in that part of the city people were not well organised in teams and clubs. An administrative and coaching structure is required as well as facilities.

We should spend a small fraction of the health, police, prison and education budgets on encouraging young people to take up more active activities, whether they are competitive or non-competitive, such as walking up hills or even walking to school. Some people do not like competition, although members must do, otherwise they would not be here. We can, through road-safety measures, encourage activities such as walking to school.

We must attack the issue on all fronts with children as young as possible and with teenagers. I urge the minister to get a grip on his ministerial colleagues and to produce a worthwhile budget to encourage sport among young people, which would save a lot of money in a few years.

17:23

Shona Robison (Dundee East) (SNP): I congratulate Elaine Smith on securing the debate. I am sure that we will discuss the subject more in next week's debate on health improvement. I pay tribute to Dr Andrew Walker's work, which has been important in informing this debate and others.

As Elaine Smith said, 21 per cent of adults are now obese, which has an immense cost to the NHS. One of the main issues that follows the rise in obesity is the rise in diabetes. More young people are becoming obese and more young people are getting diabetes, which contributes to Scotland's ill health and to the cost to the NHS.

We must consider our poor diet along with the other health issues in Scotland. Those issues require a range of solutions and although some health improvement initiatives are worthy, they are not on their own enough. We must look beyond them. Elaine Smith outlined a project in her area that is worthy of further exploration. We must look across the issues of education, dealing with poverty and other issues for which the Executive is responsible. We need also to look into the areas for which the Executive is not responsible. In order to tackle poverty, which is one of the underlying causes of poor diet, we need to have control over other mechanisms.

We need joined-up government in order to effect health improvement. Too often, we get the feeling that for everything that we try to achieve with one hand, there is another hand pushing against it,

which can be rather frustrating. For example, there is the issue of vending machines in schools, which has been raised in Parliament on a number of occasions. I am aware that action is being taken to deal with that matter, but the message that has been sent out to children is that crisps and fizzy drinks must be okay, because if they were not, people would not be selling them and encouraging schoolchildren to buy them. That runs counter to all the messages that the Executive has been trying to put out.

The encouragement of children to take physical exercise can also be undermined. At a debate that was held on Monday evening and which David Davidson and Malcolm Chisholm attended, we heard from a woman about the physical education programme in her children's school being severely cut back because of curriculum and other pressures. That runs counter to any strategy that is being promoted or encouraged by the Executive. Unless such strategies are to be followed through at local level, and unless schools are resourced sufficiently to ensure that children have adequate physical education—and that there are enough physical education teachers, which is an issue that Margo MacDonald highlighted during question time—none of them will fit together in such a way as to improve our children's health. Other worthwhile initiatives include encouraging children to eat healthily right from the start and the provision of free fruit, which I would like to be extended to all primary school children.

We also have to hold the corporate sector to account. Far too often, that sector promotes unhealthy foods, especially to children. We need to tackle the issue across the board and we must tackle the lack of self-esteem and lack of confidence that underlie so many of our health problems. People need to be motivated to eat more healthily, and that needs to start at a young age.

17:27

Mr David Davidson (North East Scotland) (Con): I congratulate Elaine Smith on securing the debate, which is on a serious subject. She has encapsulated the Andrew Walker report pretty well, so there is no need to reiterate what she said on that. We will have a lot of consensus this evening on many key issues, so I suspect that the Deputy Minister for Health and Community Care, who is winding up the debate, will probably have a fairly easy ride.

However, we need to do more than just discuss the figures that are contained in the Walker report. The issue is not just about money; it is about quality of life and attitudes. For too long, the NHS has been picking up problems, so we need to think a bit more about how we can slide the emphasis

towards people helping themselves. In order to do that, they need education. Donald Gorrie was right to discuss getting young people involved, but the answer is not just about educating children; it has to start with parents-to-be. Their behaviour and the style of living of a mother-to-be when she is carrying a child present potential difficulties with regard to weight control. The matter is also about the messages that are conveyed about how best to deal with that. There are issues around how to buy well for those who do not have the appropriate education, especially if they are on a poor income. The Parliament must address those things.

There is huge underestimation of costs, especially in relation to co-morbidity, in which an initial condition can lead to another. That is where the financial costs and the human costs come in. We must take into account in particular those who are deprived of education or of work. As Elaine Smith pointed out, early death can deprive children of a parent. Those are really serious matters, which we have to start considering holistically—something that I think we do not do very well.

On statistics, those who call most on general practice services because of obesity tend to be from among two groups: women aged between 25 and 44 and men aged between 45 and 64. The first of those groups largely comprises those in the child-bearing group, which is where parental input comes in. The second group, of 45 to 64-year-old males, comprises people who, for one reason or another, become less active.

I am sure that much will be said about how people gain access to decent recreation of a type that suits them, but there is a cost to providing those services. Many old-age pensioners and young people cannot afford entry fees. One or two councils are addressing that issue, but others are not—they see entry fees as a form of revenue. In central Buchan, when people raised about three quarters of the money that was required to build a community swimming pool—backed by the medics and for use by people of all ages—Aberdeenshire Council deprived them of revenue support on a stand-by basis, because it said that it could not support the project. The way forward is to get communities involved. We should seek ways in which to help people to help themselves, where they can. That would make a difference.

We are paying a price for doing away with team sports in schools some years ago; people have got out of the habit of sport. Young people like team games and they want to be involved, even as the reserve who comes on and off a football pitch. We must encourage such activities for the future.

There are compulsive-addictive disorders associated with food and eating; I refer not only to

eating disorders of the sort that my family has suffered. There are other problems, such as snacking, bingeing and so on. GPs do not always have the resources or understanding to identify the mental health aspects of eating disorders and to step in at an early stage. Some magazines are obsessed with the shape that people should be and the clothes that they should wear. That often results in excessive dieting, which leads in turn to excessive snacking. People bounce around and experience mental health problems. We must get such issues into the public domain, so that they may be understood.

I congratulate Elaine Smith on securing this debate. I agree with Shona Robison that we must examine how obesity affects all levels of society, regardless of where people come from, regardless of opportunity and regardless of wealth. I look forward to hearing what the minister has to say.

17:32

Eleanor Scott (Highlands and Islands)

(Green): I, too, welcome this debate. Obesity is an important health issue and I am glad that it has been highlighted. I am pleased, first, that there has been much consensus on the matter—I am sure that that will continue—and secondly, that many members have focused on the need to start with children. I want to do the same and to develop some of the points that Donald Gorrie made.

Donald Gorrie said that he hates systems. I hate barriers that prevent people from doing things that they would otherwise do and that would be good for them. Members have spoken about the fact that our children now engage in far less physical activity than was the case previously. They have focused on organised sports and physical leisure activities that would be healthy. That is fine, but we must also deal with the issue of how active people's lives are generally. Previous generations were not more active because they were playing team sports or visiting leisure centres, but because they had a more active lifestyle—they walked or cycled to places, rather than driving—and because their play was physical, spontaneous, active play outside. Many children would still like to play actively outside, at least when the weather is decent, but often they cannot. That is what I mean by barriers.

I will tell members a little story that a Green party member who is a GP in Glasgow told me a few years ago. The story is about a community in an area in Glasgow that was fairly poor, although not really deprived, and that did not have many facilities. However, the community had a playing field, with a grass football pitch and next to it a red blaes pitch. The kids in the area used to go out on to the field to do the things that kids do—to play football, to run about and so on. That was the

place where they played, as it was safe and off the road. The playing field was at the centre of the community.

Then someone had the idea of building a leisure centre on the grass football pitch. The kids were very sad, because there are barriers to visiting a leisure centre. Even if someone has a free card, they cannot spontaneously kick a ball around there in the 20 minutes before tea or take their dog or wee sister with them. Children's access to places for physical play must be immediate and spontaneous, or they will not go. Instead, they will sit in front of the television.

However, the kids were still able to play on the red blaes pitch. Then better-off people from wealthier suburbs came to use the leisure centre. They planned their visits and drove to the centre, creating a car-parking problem. The council decided that a car park was needed. Members can see where the story is going—that was the end of the red blaes pitch as well. The kids now had a beautiful leisure centre that other people from outwith their area used, but they had nowhere to play.

That takes us back to what Elaine Smith said about the need to take a genuine multi-agency approach to the problem—not just by involving health and education services, but by involving councils' planning departments in considering communities and seeing whether they are unwittingly putting up barriers to children's being active. Children should be enabled to walk to school through further initiatives such as those that we have already in safer routes to school, home zones and traffic-calming measures. We must construct our communities in a way that is not obeseogenic—I am not sure whether that is a word, but it should be—and ensure that children can be active and do not have to sit in front of the television until they get up to go somewhere else in the car. How we view our society and our communities is important, and we must not put up unintentional barriers.

Obesity is a huge problem, and tackling it must start in childhood—otherwise people will end up like me. I have promised to work my butt off for the people who elected me to the Parliament, so members may see a new me in a year or two. However, there are problems when people who have not been particularly active as children become inactive and obese as adults. We all recognise that. The solution is not just to provide facilities that may or may not be used; it is to allow kids to be what kids should be naturally, which is active beings who go out and play.

17:36

Tommy Sheridan (Glasgow) (SSP): I, too, congratulate Elaine Smith on bringing to the

chamber a subject that is important and will become even more important.

As has been said, the Health Education Board for Scotland has told us that childhood obesity has doubled over the past 10 years. HEBS predicts that the figure will double again in the next seven to 10 years. However, the document that was prepared for this debate by the Scottish Parliament information centre quotes an answer by Malcolm Chisholm to a parliamentary question on the number of Scottish citizens who are diagnosed as clinically obese, which shows that the figure rose between 2000 and 2001 from 22,500 to 32,000. That is an increase of almost 50 per cent in one year. Therefore, a doubling of the present figure in seven to 10 years seems to be very much an underestimate.

That has serious implications. The points that Andrew Walker makes in his document, about the costs of doing nothing, have to be addressed. He estimates that it now costs us £171 million a year to deal with obesity and related illnesses. If there is just a doubling of the number of cases of clinical obesity in the next seven to 10 years, the pressure on the NHS budget will be considerable. However, if an even worse situation develops as a result of clinical obesity, the strain on our health service budgets will, frankly, become almost intolerable. That is why it is important that the issue is raised. The debate highlights the need for us to take measures, but there is no use in our having such debates and just talking about the problem if we are not going to take measures.

Elaine Smith referred to the School Meals (Scotland) Bill. It may have been controversial, but one of the important reasons why the British Medical Association, the health economists at the University of St Andrews and others supported the bill was that they saw it as a way of tackling—as early as possible—the issue of providing nutritious food for children. They were not prepared to support just the idea of providing free school meals, because they would not support giving every kid some of the rubbish that kids are getting now. However, they were prepared to support the bill if it would ensure that nutritious school meals were provided. That is why the bill was drafted in the way that it was. We will have another debate on that issue, to which I urge all members to give serious consideration.

The problems of obesity should also inspire support for Elaine Smith's proposed bill on breastfeeding. The Parliament should not only allow breastfeeding in public places; we should encourage the take-up of breastfeeding, especially in deprived areas where far too little breastfeeding takes place.

Another issue that arises, and which I hope we get round to addressing, is the restricting of

advertising during children's TV viewing times. The food industry's global advertising budget is \$40 billion. For every \$1 that is spent by the World Health Organisation on the prevention of diseases that are caused by bad diets, the food industry spends \$500 on promoting those diets. That is the serious imbalance that we face and which we must try to address. Other European countries have taken concrete steps to ban the advertising of particular foodstuffs on children's television. Perhaps we should consider doing that, because bad food, which contains high sugar and high salt, is ruining the lives of far too many Scots, particularly young Scots.

Obviously, such an approach must be linked to Donald Gorrie's points about physical activity. It is not enough to address only diet. We must address physical activity as well. I hope that, rather than just having this debate then forgetting it, we will consider practical measures during the rest of the parliamentary session to address the problem of obesity.

17:40

Margo MacDonald (Lothians) (Ind): I thank Elaine Smith for the opportunity to debate obesity. WeightWatchers thanks her as well. I reckon that I am about the best qualified in the chamber to talk about obesity.

A long time ago, when I qualified as a physical education teacher, I did not have the problems with my weight that I now have. That was because I was so active. I did not know it then, but I was a fat person waiting to get outside a thin athlete. However, because I was so active my weight was kept down. My weight started to go up only after a period of illness and it took me a long time afterwards to get back into the habit of regular exercise. It does not say much for my priorities when the choice tonight was between going to the golf course with my husband and two granddaughters and coming here to sit and talk about exercise. However, I continue to do it because old habits die hard.

I inform the minister that I have seen a huge change in attitudes towards exercise and physical education. In Scottish education, PE was always regarded as a frill. A terrible snobbery surrounded PE; people regarded it as just drill and thought that all that was needed for it were gym shoes or sannies. PE was not taken seriously. However, I think that not only health economists, but real economists are beginning to realise that an unfit population means a poorer population. Therefore, PE should by now have become central to policy making and all cross-cutting measures. If that is not the case, I sincerely hope that it will be. Physical education should be central to how we think now and should not be used just to alleviate

poverty, make for a better quality of lifestyle, keep kids occupied and out of trouble, or keep people thin.

I appreciate the moves that have been made to reclassify physical education as a degree subject in universities and to bump it up the academic ladder. However, that is not enough if we want to get teachers into schools quickly enough to meet what is now an epidemic. Extraordinary measures must be taken—for example, measures to get more PE teachers into schools and to provide more coaches at community level to get kids out exercising.

For the older age group to which David Davidson referred, prescription exercise could be a possibility. That would cost much less than lots of the pills and potions that are prescribed for women of my age. It would be better, for example, if older women were given a free ticket for an aquafitness session at the local baths, or were allowed to try out a pulse centre. I believe that prescription exercise is a practical solution that could happen right now.

Tommy Sheridan is right about free school meals. The reason for suggesting the provision of universal free school meals was not to prevent poor children from feeling stigmatised for getting free school meals, but to ensure that what children ate at school could be controlled. We could tell parents that they did not need to give their children lunch money because they would get a free school meal. That was the rationale behind the proposal to provide universal free school meals and that is why I continue to support that proposal.

I also support the free fruit in schools scheme, even though some kids throw away the fruit. We must persist with that scheme and extend it to all schools. We must get role models and sporting icons into schools to say, "Look at me munching an apple. This is what it does for you—you can sign for Man United and get paid a fortune." We must meet the advertising giants on their own ground. The scale of the advertising to which Tommy Sheridan referred is undermining all the sensible foodstuffs and eating plans that we are discussing.

The issue affects not only poor wee Scotland with its bad dietary habits; it is an international problem. Just a few months ago in Portugal, I saw evidence of that. Portuguese kids, too, are getting fatter because they are watching the same advertising on television and eating the same gloop as our kids are. Similarly, their mothers are out working and do not have time to cook, so they use microwaves as well. In closing, therefore, I suggest that, as well as tackling advertising, the Government takes action that would hurt the companies and puts tax on foods that have high salt and fat contents. Think about it: if we can tax

cigarettes because they are bad for people, we can do the same thing with food.

The Deputy Presiding Officer: I have more requests to speak than it is possible for me to accommodate in the time allocated. I would therefore be willing to accept a motion without notice to extend the debate by up to 15 minutes.

Motion moved,

That the Parliament agrees that Members' Business on 11 September 2003 be extended until 6.10 pm.—[*Mr David Davidson.*]

Motion agreed to.

17:46

Mrs Margaret Ewing (Moray) (SNP): The fact that we have had to extend the debate shows that there is a great deal of interest in the subject. We are all grateful to Elaine Smith for raising the issue.

It might come as a surprise to people to hear that I have never suffered from obesity. I do not think that I have ever been on a diet, except that I am now under medical instruction to follow what I can only describe as a Billy Bunter diet—all the nasty foods that we are talking about tonight, such as pizzas, are an automatic part of my diet. When I go shopping at the weekend, some people look at me as if I were a very strange person.

I hope that, in this short debate, we can consider all the related aspects of health, diet and education. Underpinning my contribution to the debate is my view that we need to establish why some people are prone to obesity while, at the same time, six-year-old girls are being treated for anorexia. A variety of issues are involved and additional work has to be done.

We know that some people's obesity is due to psychological problems—people might be going through a relationship break-up or have problems with self-esteem. Other people put on weight due to illness or because they take steroids or some other medication. We have to deal with eating disorders in the round rather than dealing with only one issue. It is easy to say that people should eat less, eat better or eat more, but it is not easy for people to face such choices—changing the habits of a lifetime takes time.

I look forward to a certain debate that we will have next week, because the real issue for the Government is the assistance and treatment that we give to people who are vulnerable. Elaine Smith highlighted the fact that, of the money that was spent on dealing with obesity, only 2 per cent was spent on trying to assist people with obesity while the rest was spent on the treatment of conditions arising from obesity.

I am not a clinician, but I think that the educational aspect is important. We need to know how our bodies work and what they need in order to operate. Since other Ewings have been quoting Latin in the chamber, I will say

"mens sana in corpore sano".

I endorse what Margo MacDonald and others have said about the need for more in the way of facilities.

Obesity starts in the early years. Having read the contents of jars of baby food in the supermarket, I think that those foods must be addictive. They probably whet the appetite of the youngsters who eat them, with the result that, by the time the children get to school, they are already addicted to sugar, salt and all the things that David Davidson mentioned.

I know that, when parents are weaning their children, nurses and doctors in local health clinics encourage them to consider using home-made baby food. Most of us in the chamber will not remember eating baby food, but we all probably ate a mashed-up version of whatever mum and dad were having. That meant that there was not as great a quantity of addictive substances in our food as there is in modern baby food.

In school years, it is important that the physical education system is emphasised. In the 1970s, following the teachers' dispute, we lost a lot of the volunteers—the other teachers who were not PE-trained. We lost teachers such as me—I coached in netball, badminton, baseball, orienteering and swimming. We have to address that problem within our education system, because those skills have to be maintained.

17:50

Alex Fergusson (Galloway and Upper Nithsdale) (Con): I congratulate Elaine Smith on lodging the motion and bringing an important debate to the chamber. I probably ought to declare an interest as the United Kingdom parliamentary WeightWatcher of the year, something of which I am extremely proud. The new members would not have recognised me this time last year, when I weighed 17 stone 8 pounds. I had to wear clothes that now resemble potato sacks and I knew the meaning of obesity for the first time in my life. I am reminded that I was always a big so-and-so, but my former farming lifestyle prevented me from becoming obese.

What happened to me was a lifestyle thing. When I became a member of the Parliament, I carried on eating like the farmer that I was. Most meals came out of the frying pan—especially if I was cooking—and the lifestyle was not healthy. When I walked up the Mound one day and had to

stop for a rest halfway up, I decided that I had to do something, because I was becoming very unhealthy.

David Davidson referred to the other costs of obesity. I can say from experience that one such cost is the loss of self-esteem. A loss of self-esteem leads to a loss of drive and a loss of drive leads to a loss of effort and generally pulls down someone's whole performance as a human being.

I will touch briefly on two aspects that have not been specifically referred to, although they have been hinted at. One is the great difficulty of healthy eating. I will use as an example low-fat crisps—a very humble little product. Those crisps exist and they are perfectly good, but they are hard to obtain. I challenge anyone who does not believe me to try to get a packet of them next time they are out shopping. The chances are that the crisps, if they are to be found at all, will be found only in a multipack of 10 or 12, so people will end up eating four packets instead of the one that they would have had otherwise, which undoes all the good. It is nearly always difficult to obtain healthy food products.

On top of that is the expense of eating healthily. I give no other example than the breakfast options in our parliamentary canteen. Until a year ago, when I joined the Parliament WeightWatchers scheme, I thought that the best part of being an MSP was the offer of five fried items on a plate for £1.10, which we can get in the canteen. That is incredibly good value and I had it every day—it was fabulous. However, it is a heart attack on a plate, unless one is following the Atkins diet. Now when I have breakfast in the Parliament's canteen, I have a bowl of fruit salad and two slices of toast and marmalade, which costs me £1.33. Neither cost is a big hole in my pocket, given my MSP salary, and I am not complaining, but there is something wrong when the healthy option that I now eat costs considerably more than the heart attack on a plate that I would still love to eat but have managed to get over.

If that example is taken out into the big wide world, it shows that eating healthily is expensive. That should not be the case, because fitness should not be the preserve of those who can afford it and fatness should not be the preserve of those who cannot. That is the dilemma that we face. Until we as a nation and the Executive grasp that and attack it, obesity will continue to be too big a problem in our society.

17:54

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I, too, offer my congratulations to Elaine Smith on securing this debate. I am fortunate in that I have never been afflicted by

obesity. In fact, my mother says to this day that when I was a child my legs were like two pipe-cleaners hanging out of my shorts. That is why members will not see me in shorts an awful lot.

Alex Fergusson: We have to be grateful for small mercies.

Mr Stone: Yes, I am grateful. I am naturally skinny, which is lucky.

I would like to make two points, both of which arise from Eleanor Scott's thoughtful contribution. I am sure that we all appreciated the story of the leisure centre, but we do not all have leisure centres. For reasons of local government history—and Eleanor will know this—the county of Caithness does not have any leisure centres whatever, despite the fact that many people live in the two towns of Wick and Thurso. Other councils, such as Ross and Cromarty District Council, which Rob Gibson and I served on, forged ahead and built leisure centres. Ross-shire has good provision but Caithness has no provision. I appreciate the points that were made about whether people should pay or not, but some people simply do not have leisure centres to use. I have made the point before—to ministers and to sportsScotland—that we have to tackle the problem and ensure that there is equality of provision throughout Scotland. People should not be disadvantaged simply because they happen to live in the very far north. I can assure members that that is a huge issue up there.

My second point is a simple one. I am not skinny because I did a lot of sport; I am skinny because I was fortunate enough to be born that way. There are kids who do not like sport and who do not like exercise. Let me give members an example that is right up to date. I met the children from Ross-shire who came to be with us this afternoon. When they came out of the gallery and went into the Lawnmarket, they were cross-questioning me and asking, "What was that about two hours of gym?" I said that that was the kind of decision that could be made in the chamber and they said, "Oh please, Mr Stone, we don't want two hours of gym." That might tell us something about the sorry pass that we have come to, I do not know. Members may put their own interpretation on the story. Nevertheless, it reminded me that some people will not enjoy gym or team games no matter what we do—I was one of them. I was always the last to be picked when the class was divided into teams for football. They knew I was absolutely hopeless.

Margo MacDonald: I hear what Jamie Stone says about antipathy towards physical exercise, and I agree with him. Among young teenage girls, it is all to do with looking good and not getting their hair messed up. However, we must be serious about persuading people of the health benefits of

exercise. I am sure that children do not like doing two periods of maths either, but if they are going to get a job, they are going to have to get through their maths higher. If they are going to stay healthy, they are going to have to take exercise.

Mr Stone: Indeed. Margo MacDonald's point is well made and my conclusion, which I am now coming to, does not disagree with her at all.

We have to have the broadest possible approach to exercise. That might mean offering children activities such as gardening in the school grounds, or orienteering, or hillwalking, or time in adventure playgrounds—activities that will make them move, make them use their muscles, make them sweat and make them take deep breaths. Those activities would have the same effect as sports. A many-fronted approach is required, including what Margo MacDonald suggests. Our ideas could be broadened out along the lines that I have just described.

17:58

Mrs Nanette Milne (North East Scotland) (Con): I, too, welcome Elaine Smith's motion, which highlights the serious problems that affect Scotland as a result of the high and increasing incidence of obesity. One in five adults is now classified as obese. Many of those people are now rearing their own children on diets and lifestyles that will result, unless the cycle is somehow broken, in a further steep rise in the incidence of obesity as those youngsters grow up.

Type 2 diabetes is a complication of obesity. It is commonly found in older adults but, sadly, as we have heard, there are now cases of young teenagers in Scotland developing that kind of diabetes. Let us be in no doubt: diabetes of either type is a very serious condition. If not dealt with properly, it can result in blindness, coronary heart disease and renal failure.

Obesity is also a causal factor in many other serious diseases. The high incidence of the condition—it is almost at epidemic proportions—is already exacting major costs, not only in terms of morbidity and mortality but in terms of health care and resources. Those costs will escalate as obesity becomes more prevalent. We are sitting on a health time bomb. We must tackle the problem head on.

As the motion states, the Executive and local health care providers are already attempting to address the problem. Many local initiatives are under way across the country. The allocations of cash from the New Opportunities Fund that were announced yesterday cover healthy-diet and lifestyle projects, from Orkney, Shetland and the Western Isles, right through the Highlands and the north-east of Scotland, into the central belt and

down to Dumfries and Galloway. They go well beyond the successful Coatbridge initiative, which Elaine Smith mentions in her motion.

All those projects are to be commended and I agree that successful ventures should be rolled out as part of a comprehensive effort to tackle the problem of obesity. However, they are only the beginning of a battle to educate and change the habits of the whole population of Scotland.

Over time, concerted efforts have largely convinced people, especially young people, of the dangers of drink driving. The instance of smoking has significantly reduced—except among young women—since people have been made aware of the serious health consequences of that activity. The dangers of obesity are no less severe. We should lose no time in campaigning to make the population at large thoroughly aware of the life-threatening risks that they face when they allow themselves and their children to become overweight to the point of obesity. We need to convince them of the benefits of a healthy lifestyle and a healthy diet.

Obesity is a condition that is certainly much easier to prevent than to cure—all those of us who have put on weight know how much easier it is to gain it than to lose it—but failure to curb the increasing prevalence of obesity will have an enormous impact on our already overstretched health services.

I am happy to support the motion.

18:01

Dr Jean Turner (Strathkelvin and Bearsden) (Ind): I offer my congratulations to Elaine Smith and thank the Presiding Officer for letting me speak late in this debate.

I want to add some observations taken from general practice over the years. It was patently obvious from my practice in the inner city that, over the years, people ceased to be able to cook. Generation after generation did not know how to cook because they did not see their mother and grandmother cooking. From the mid-1980s onwards, our practice ran healthy-eating and healthy-lifestyle clinics, and a great part of those was often about encouraging people to know how to cook—and how to cook food not just by shoving it in a microwave. I have heard the debate and agree with absolutely everything that has been said. However, we always had a shortage of dieticians—we never had enough of them—and that made it exceedingly time consuming to provide the advice and keep encouraging people.

I also want to comment on a small group of people who are perhaps forgotten about. Many of those who are perhaps a little overweight when

they begin to need an operation for their knee or hip become very much overweight because they have to wait such a long time for the operation. Sometimes those people become so overweight that they can never have the operation because it would be unsafe to do so.

I wanted to comment just briefly on those two things, but there is one positive and, I hope, brighter aspect. When I was in the constituency the other day, I saw that one of the supermarkets has latched on to the fact that people have been shoving things in microwaves. I look forward to seeing how well it does this, but the supermarket is going to organise focus groups on how to encourage people to eat healthily and cook fresh foods rather than just use the microwave.

18:03

The Deputy Minister for Health and Community Care (Mr Tom McCabe): Like other members, I begin by congratulating Elaine Smith and expressing my gratitude to her for raising such an important issue as the action to tackle obesity levels in Scotland. I am happy to confirm that I would be more than happy to speak to her local health care co-operative. I am sure that we can make arrangements for that later.

The topic of tonight's debate is important, but it is also important to remember that Scotland is not alone in experiencing a rapid rise in obesity. In developed industrialised countries, virtually all population surveys have shown an increase in obesity levels over the past two decades. The recent study by Dr Andrew Walker, which has been referred to on a number of occasions, highlights the fact that we cannot sit back and do nothing to stop what can rightly be described as a health time bomb.

I freely agree that the statistics are, indeed, frightening. The increasing level of obesity among Scottish children has huge health implications for later life, as well as for our health service, for our productivity as a nation and, not least, for people's quality of life. I assure Mr Sheridan—who has left, but who explained to me why he had to do so—and others that the Executive is determined to tackle the issue with some vigour.

Some of today's discussion has focused on the need to treat obesity. Of course, that is extremely important, and Scotland's health communities are not sleepwalking when it comes to tackling that growing need. However, the specialist skills and capacities are not limitless, so in considering the scale and potential impact of this growing problem, we in the Executive believe that the focus of wider action must be on prevention and treatment.

While there is much to learn from international experience and current best practice in the UK

and throughout Scotland, it is right to point out that, as yet, no confirmed models can be drawn from other countries that have successfully tackled the problem. There is, as yet, no blueprint. However, I ask the chamber to be in no doubt whatever that we are taking the problem seriously. It is no coincidence that obesity is emphasised as a priority in its own right in the document "Improving Health in Scotland: The Challenge", which was launched in March.

The World Health Organisation has stressed the importance of preventing obesity through combined action to tackle the problems of lack of physical activity and poor diet. Scotland is responding to that by driving forward integrated multisectoral implementation of our national physical activity strategy and the Scottish diet action plan. The WHO has strongly commended Scotland for adopting a preventive approach to this growing, global chronic disease.

The Executive is taking a renewed and unprecedented approach to health improvement in Scotland. We are no longer tackling each contributor to ill health as a separate entity. Problems such as smoking, diet, substance misuse, poverty, lack of physical activity and social exclusion are often interlinked, and we are taking an integrated approach to delivering improvement. That approach is outlined in "Improving Health in Scotland". Members will have seen evidence of the work to tackle poor diet through the healthy-living campaign, the new nutritional standards for school meals, and free fruit for primary 1 and 2 children. In fact, we have committed £63.5 million over the next three years to implementing those improvements to school meals.

Much has been made today of the advertising of large companies. I am happy to point out that the Food Standards Agency is currently engaged in research on the impact of such advertising. We await the outcome of that research with some interest.

Elaine Smith: Will the minister comment on fast-food companies going into schools to promote competitions, which I find is increasing in my constituency?

Mr McCabe: The research by the Food Standards Agency to which I referred will examine some of the issues and the impact of that activity. As I said, we will be interested to see the outcome of the research. Anecdotally, I do not doubt that that is a negative issue that we need to address.

The physical activity strategy aims to get Scots more active. Everyone in Scotland—men and women of every age—needs to build more activity into their daily lives at home, at school, at work and through play and leisure. A huge amount of work is already under way to put that strategy into

practice. The Executive's physical activity co-ordinator is working in partnership across Executive departments and agencies to develop five-year action plans for active homes, active communities, active schools and active workplaces. We have already committed £24 million over three years to the expansion of the active primary school programme, and we are carrying out a review of physical education in schools.

Of course, we still have much to do. The Royal College of Physicians and Surgeons of Glasgow held a conference in January that focused on tackling our nation's obesity, at which the Deputy First Minister, Jim Wallace, delivered the closing speech. In doing so, I hope that we highlighted the fact that action on obesity is the responsibility of the Scottish Executive as a whole, not just the Health Department. We are developing a cross-cutting, integrated approach that requires novel partnerships and inputs at both a national and local level, and involving, consulting and collaborating with key stakeholders. The conference highlighted many important issues and brought together many key people to inspire and impress upon them their role in tackling obesity. We have since been working with the Royal College of Physicians and Surgeons of Glasgow to pull together further evidence that will inform future work and partnerships to turn the tide of obesity in Scotland.

Here in Scotland we are well placed to tackle obesity. We have strategies that are aimed at changing established patterns of diet and physical activity. With co-ordinated action to implement the Scottish diet action plan and to boost levels of physical activity, we can introduce a cultural change for the better.

Such a change will mean that, when we tackle obesity, we reverse the worrying level of diabetes and reduce the misery of coronary heart disease and the devastation that strokes cause. It will mean that, as people live longer in our increasingly sophisticated world, they have an improved life journey and a better quality of life.

Nothing that I have said represents a short-term fix—no such thing exists. We are talking about a long-term commitment to improving the health of our nation. We are serious about making the long-term changes that will lead to success and, as I have said, we will continue to pursue those changes with vigour.

Meeting closed at 18:10.

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