

MEETING OF THE PARLIAMENT

Thursday 25 September 2003

Session 2

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Scottish Parliament

Thursday 25 September 2003

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

European Constitution

The Presiding Officer (Mr George Reid): Good morning. The first item of business is a debate on motion S2M-381, in the name of Phil Gallie, on the European constitution. There are two amendments to the motion.

09:30

Phil Gallie (South of Scotland) (Con): Although I am tempted to argue the case against the United Kingdom joining the common European currency based on the overall disadvantage to Scotland and the UK, I will refrain on this occasion.

The UK Government is already committed to a referendum on joining the euro, but it has postponed it until "the time is right". The Swedish people have demonstrated that euro entry is not inevitable. That outcome and Gordon Brown's failure to take us even one step along the way to meeting his financial criteria for substituting the euro for the pound kick the euro into touch for the foreseeable future.

I am pleased that that leads us to debate the imminent and greater threat that we will face if the UK Government commits us to the draft European constitution, as submitted to the European Council in Thessalonika on 20 June. The draft constitution for Europe would undermine totally the long-held aspirations of people in the chamber who fought for the creation of a Scottish Parliament. It represents a major step away from the devolutionary ideals on which the Scottish Parliament is founded.

We welcome the accession of the 10 new European Union member states in June next year and we accept the need for a convention to establish an adjustment of procedures to take account of the effects of increased membership. However, we did not and do not support an outcome that removes our national sovereignty.

When Peter Hain was the UK Minister for Europe, he claimed that the draft constitution was nothing more than a tidying-up exercise. What trust can we have in the words of Peter Hain or his Government, bearing in mind the expositions that have been given at the Hutton inquiry?

Tommy Sheridan (Glasgow) (SSP): I am pleased that the member recognises how the

country was misled over weapons of mass destruction. Does he agree that he and his party were wrong to be the cheerleaders of that intervention?

Phil Gallie: I concede fully that I was misled by the Prime Minister. I believed that no Prime Minister of the United Kingdom would attempt to put in front of us the information that he did. I concede that I was wrong, and I make no apologies. I was naive; I believed that a Prime Minister of the UK would rise above such a situation.

Let us not kid ourselves: the proposed constitution would bring about a major change that would expand the existing extensive powers of the European Union, in particular the powers of the unelected Commission. A considerable loss of sovereignty in a range of areas would follow, in which I am sure the Scottish Executive will take an interest when it finds in future that its wings are clipped.

Recently, even Peter Hain has been forced to change his view. The Prime Minister, perhaps recognising that he could not hide away the contents of the draft constitution, has told him that signing up to the constitution is fundamental to Britain's and Scotland's future in Europe. Having drawn that conclusion, the Government has hastily abandoned all but a few of the amendments that it sought and is currently blotting out the red lines that it claimed it would not cross.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Mr Gallie does not make it clear whether the Conservative and Unionist Party is against the proposed draft constitution for Europe or against any written constitution for Europe. If the answer is the latter, does he not recognise that a constitution would limit the powers of Europe?

Phil Gallie: We are not against or for the draft constitution; we are for putting the draft constitution to the people of the United Kingdom and Scotland so that they can make a judgment. The debate is not about the merits of the draft constitution; it is about the fact that it will affect us all.

Irene Oldfather (Cunninghame South) (Lab): Will the member take an intervention?

Mrs Margaret Ewing (Moray) (SNP): Will the member take an intervention?

Phil Gallie: I must continue for a moment or two, but I will give way to Irene Oldfather shortly.

Last month in our committee rooms, the Italian ambassador presented his country's objectives for its presidency, which is already in mid-term. At the top of his country's list of objectives is acceptance of the draft constitution and what Italy sees as a new treaty of Rome by the end of 2003. In answer

to a question that I put to him, the ambassador said that, in his view, the draft constitution represented the “birth of a state”. I put it to the chamber that his time scale for the creation of a new state, which allows less than six months for the consideration of a fundamental change to national Governments, is impractical and wrong, particularly if such a fundamental change has not been put to the people.

Irene Oldfather: Will Mr Gallie explain why so many Tories voted against a referendum on the Maastricht treaty, which extended EU citizenship, why they were not in favour of a referendum on the 1986 Single European Act, which was the first treaty to mention economic and monetary union, and why they were not in favour of a referendum on the Treaty of Amsterdam in 1997? Can he explain why the Tories are in favour of a referendum now?

Phil Gallie: Quite easily. It was not intended that the Single European Act should extend to our domestic policies. [*Interruption.*] It was not. It is on record that ministers did not accept that that should happen, although they recognised the value of the provisions on trade. We could say that the people were conned about the Single European Act. On Maastricht, there was a pull-back element.

Mike Rumbles: Apologise.

Phil Gallie: What I will apologise for is the fact that when Ted Heath took us into the Common Market, he did not explain that he was seeking not just a common market but a unified state of Europe. He eventually admitted it, and that is something that Conservatives have around our necks. However, I do not apologise for our actions in relation to either the Single European Act or the Maastricht treaty, which was a pull-back.

When we are considering the requirement for a referendum on such a fundamental change, we must examine what other Governments are doing. Denmark, Ireland, Spain and Luxembourg will hold referendums on the constitution. Portugal, Italy, France and Holland have indicated an intention to do so. Austria’s position is sub judice. The United Kingdom Government is alone in saying that it will not hold a referendum, although I suspect that the Swedish Government might join it in that position shortly.

The motion calls for the Scottish Executive to register the Parliament’s concerns with the UK Government if it presses ahead without consulting the Scottish people. The wording calls for action from the Scottish Executive, which is precisely in line with the wording of the Liberal Democrat amendment on Dungavel—another reserved matter—which the Executive supported. The terms of the motion are in line with the policies that are

advocated by the Scottish National Party as well as by Charles Kennedy and Menzies Campbell, who—I am sure—will take a dim view of being stabbed in the back by Liberal MSPs if their policy is rejected in this chamber. However, the signs are not good. Tavish Scott’s amendment might reflect Liberal opinion on Europe, but it avoids the principal purpose of this debate—the referendum issue. Do the Liberals want a referendum or do they not? If they do not, why do they have a different view from that of their party’s leaders elsewhere?

The motion is neither pro-Europe nor anti-Europe. The discussion on the merits of the arguments for and against the introduction of a constitution that will take precedence over Scottish law and constitutional practice that has evolved over centuries will occur in the lead-up to a referendum.

Tony Blair has stated that the Government can win the consent of the British people in accepting the amended draft constitution. I ask no more than that the Scottish Executive advance the view of the Scottish Parliament that he should seek that consent.

I move,

That the Parliament believes that any proposed major constitutional change affecting the governance of our country should be subject to a national referendum; believes that the proposed constitutional treaty for the European Union represents such a major change and accordingly should be the subject of such a referendum, and calls on the Scottish Executive to convey the Parliament’s concerns on this issue to Her Majesty’s Government.

09:40

The Deputy Minister for Finance and Public Services (Tavish Scott): It is a dozen sitting days since we last debated Europe in Parliament, and in this Tory-initiated debate, we have heard that the Tories are now the self-appointed naive party. They said that the people were conned. Of course, the Tories were the Government when the people were conned.

This debate on a Conservative motion is not about the principle of referendums. It is not about whether the convention on the future of Europe proposals are good or bad for Scotland. The debate is not even about Scotland’s constitutional position. It is about the Tories’ abhorrence of all things European, which Mr Gallie demonstrated in abundance. The Eurosceptics—the extreme right wing of British and Scottish politics—have taken over the Conservatives, and I accept Mr Gallie’s leading role as an extreme right-wing Eurosceptic.

Phil Gallie: Will Tavish Scott give way?

Tavish Scott: No, I will give way to Mr Gallie’s Euroscepticism in a few moments.

It might be possible to have some regard for the Tory position were it not for the lessons of recent political history. I know that Mr Gallie was a disciple of Mrs Thatcher. She did not provide the people of Britain with a referendum on the Single European Act—which was not, as Mr Gallie tried to suggest, a matter that had no implications for domestic British law; it had profound implications for the economy of this country. That was well understood at the time, and the act was fully debated in the House of Commons. I advise Mr Gallie to revisit *Hansard* to check the speeches that were made at the time. To suggest—as he has done this morning—that the act had no implications is bizarre. It had profound implications and the Tory Government of the day did not put the matter to the people of this country. Nor did it give people a vote on the Maastricht treaty or the Treaty of Amsterdam.

Today's motion has nothing to do with the principle of giving the people of this country a vote. Today's Tory motion is a mechanism to display the naked anti-Europeanism that is modern Conservatism.

Phil Gallie: Did Tavish Scott listen to what I said? He obviously prepared his speech before I spoke. At no time did I say whether I was for or against the draft constitution. I argued for a referendum. Why does he not support the Liberal Democrats' policy on holding a referendum?

Tavish Scott: I did listen to Mr Gallie's speech, and that is what I have just reflected on. His naked anti-Europeanism came through in bile, fury and all the old words such as sovereignty and federalism—all the feelings that the Tories trot out.

Phil Gallie: Has Tavish Scott read the "Draft Treaty Establishing a Constitution for Europe"?

Tavish Scott: I have read it. Let me deal with the substantive issues on which the Executive is taking action. I have no difficulty with holding a referendum on the treaty. However, this is not the place in which to debate such matters, as they will be decided at Westminster. Mr Gallie was once an MP there. If he was so concerned about the matter, he could have joined the rest of his Eurosceptic friends at Westminster to argue for a referendum—which the Tories previously opposed.

David McLetchie (Edinburgh Pentlands) (Con): Implementation of some 70 per cent of the directives from the European Union is the responsibility of the Scottish Executive. Therefore, I would have thought that the governance of Europe would be a matter of considerable interest to us. Can Tavish Scott tell us why the views of the Scottish Parliament on asylum are to be conveyed by the Scottish Executive to Her Majesty's Government but not our views on Europe?

Tavish Scott: I would have much more regard for the position of Mr McLetchie and the Conservatives if their motion addressed those issues—which are serious issues facing the Executive and Scotland. However, today's motion addresses the issue of a referendum that the Tories do not seem to have any views on. They do not have any views on the intergovernmental conference, as Mr Gallie just said—I presume that that is the Conservative position. They have no thoughts on how to make progress on the issue. The Conservatives' position has nothing to do with the issues that we need to discuss in this chamber, such as the IGC and its importance for Scotland, but has everything to do with getting across their naked anti-Europeanism in all matters.

Yes, the EU needs reform. The "Draft Treaty Establishing a Constitution for Europe", which has been produced by the convention on the future of Europe, should be welcomed by all members. The text is positive. That is not just my opinion, but the opinion expressed by Neil MacCormack when he spoke at a recent meeting of the European members information liaison exchange network, which was chaired by Andy Kerr, the Minister for Finance and Public Services. The draft treaty forms the basis for a discussion at the forthcoming IGC, which will take the final decisions. The test of the IGC's progress will be whether the EU institutions become more transparent, more accountable, more effective and more efficient.

In the few moments that I have left, I will address the amendment in the name of Mr Stevenson, which Mrs Ewing will move. A different approach is advocated by those who argue that the convention's proposals on fisheries give the EU exclusive competence over fisheries. The Executive's legal advice is that the text does not change the position. Nevertheless, I understand and share the broader concern. That is why I repeat what I said in Parliament on 11 June:

"If a proposal emerged for any extension to EU competence, the Executive and the UK would oppose it vigorously."—[*Official Report*, 12 June 2003; c 653.]

I also reiterate the assurances that were given by the First Minister on 28 May. He said that both the Scottish Executive and the UK Government remain firmly opposed to any further extension of European competence in the area of fisheries. I accept the principle of Mr Stevenson's amendment—that if any proposed change to the constitution of the EU were to reserve power over fishing to the sole competence of the EU, that would be incompatible with Scotland's interests.

Hugo Young died of cancer on Monday. He was a distinguished journalist of immense abilities. He was also, in the beginning, a Euro-agnostic. He wrote a seminal tome entitled "This Blessed Plot:

Britain and Europe from Churchill to Blair". I conclude with one of Hugo Young's observations on Europe, which he delivered on 2 January 1999:

"What is so strange about Britain – so particular, so fearful, so other-worldly – that she should decide to withhold her unique wisdom from the [European] enterprise?"

He concluded:

"In the 21st century, it will be exciting to escape from history into geography: from the prison of the past into a future that permits us at last the luxury of having it both ways: British and European."

I commend that sentiment to Parliament and ask members to reject the Tory motion and to support the Executive's positive approach to European engagement.

I move amendment S2M-381.3, to leave out from first "believes" to end and insert:

"recognises the many benefits that the European Union has delivered for Europe and Scotland; welcomes the draft constitutional treaty presented to the European Council by the Convention on the Future of Europe as an important step towards making the EU more effective, efficient, easier to understand, democratic, transparent and accountable; welcomes the reference in the draft treaty to subsidiarity and to the role of devolved parliaments in nations and regions, and welcomes the role that the Scottish Executive, in conjunction with Her Majesty's Government, has had in securing these references."

09:47

Mrs Margaret Ewing (Moray) (SNP): It is rather difficult for me to pretend to be Stewart Stevenson, but I rise to move his amendment, which I support. Unfortunately for members, I do not have my colleague's wide variety of life experience, so I will address the specific issues of the debate.

Phil Gallie opened the debate. In a couple of minutes of boredom last night I virtually wrote his speech for him—I have heard it so many times. It is the single, transferable speech that the Conservatives make in this context, usually through Phil Gallie.

I very much welcome what Tavish Scott just said in connection with article 12.1 of the draft constitution, relating to marine biology and fisheries. I hope that that serious matter will be taken up by the Parliament, as we have a responsibility towards our fishing industry.

Although I welcome the debate—David McLetchie rightly noted how important the European dimension is to the Scottish Parliament—I must say that the Conservatives' allocating slightly over an hour to a debate on huge issues such as the euro and the constitution of Europe is, in fact, an insult to the rest of us in the Parliament who take such issues seriously. The SNP has dedicated at least four days of its Opposition debating time to European issues. That

may not have been universally popular in the chamber, but we have addressed the issues, which deserve much more time.

The Conservatives are consistent in their attitude towards Europe. When they were in power, they sold us out. In 1972, the Scottish fishermen were described by Prime Minister Heath as dispensable. Then came the Single European Act, which was—as Irene Oldfather pointed out—one of the most significant pieces of legislation to emerge from Europe, and which was accepted by the Conservative Government.

Phil Gallie: Will Margaret Ewing give way?

Mrs Ewing: I have only four minutes.

The Conservatives sell out our interests as they did during the signing of the Fontainebleau agreement, when the handbag was used. That has caused many problems, as those of us who are interested in regional aid know.

This is all populism. When the Conservative party goes into Opposition, it is a totally different matter: then the Tories become the great defenders of national sovereignty. I do not remember Phil Gallie fighting for a Scottish Parliament or Conservative members making positive comments about the concept of a Scottish Parliament. They opposed it and they are here only because of proportional representation, which they also opposed. The Conservatives are not so much Eurosceptics as Euroatheists. Some of their most effective politicians—not just in the Scottish Parliament, but in Westminster and Europe—are derided when they take a strong pro-European stance.

I will give one example of the hypocrisy of the Conservative attitude. On Tuesday 23 September, Mr Brocklebank said in *The Herald* that we must consider

"the failed policies of the administrations at Westminster and Holyrood, especially in relation to the Common Fisheries Policy."

Who introduced the common fisheries policy but the Conservative party? Suddenly, on 23 September 2003, the Conservatives realise exactly what they have done. Struan Stevenson, for whom I have a high personal regard, did not exactly cover himself in glory when he took on a report of the European Parliament Committee on Fisheries.

The institutions of Europe must be examined seriously. Seven of the 10 accession states have a population that is the same size as Scotland's or smaller. They will have permanent representation on the Council of Ministers, but Scotland will not. We need to have strong, independent voices fighting for the interests of Scotland in Europe—not walking around the corridors and lurking on

couches outside the meeting rooms. This Parliament must exercise its muscles, instead of being seen as a supine group of couch potatoes.

There is great potential in Europe. I do not regard it as perfect and we must be critical, but we should have a positive attitude. Europe is the place where business, employment and everything else lie for us.

I move amendment S2M-381.1, to leave out from "affecting" to end and insert:

"of the constitution of the EU which seeks to reserve power over fishing to the sole competence of the EU is incompatible with Scotland's interests."

09:52

Irene Oldfather (Cunninghame South) (Lab):

Most of us agree that there is a basic hypocrisy in the Conservative position. There is no point in burying our heads in the sand. If we accept the principle of enlargement—and this morning the Conservatives have told us that they do—we must accept the principle of reform. The Conservatives want a referendum, but they have never held one on a European treaty.

I begin by saying a few words about the process that led up to the draft constitution. Given the motion that the Conservatives have lodged, it is important to put that on record. The Scottish Parliament and its European Committee have been discussing the future of Europe for approximately three years. Almost a year ago today, the committee held an open session in the chamber with the public and United Kingdom convention representatives. The basic question that the conference tried to address was, "What is Europe for, and how can it be reformed to ensure that, post enlargement, we have more democracy, transparency and accountability and that we encourage citizen engagement?"

In the four or five minutes that have been allocated to me, I do not have time to cover the entire deliberations of the committee. Suffice it to say that, based on months of evidence taking, debates in the Parliament and consultation with the public, the European Committee made a direct submission to the convention. It also held a private meeting with the UK Government representative on the convention, Peter Hain—at which the Conservatives were represented—and circulated its views to UK convention representatives. Ninety per cent of the committee's views, which were endorsed by the Parliament, found their way into the UK submission to the convention; therefore, many were included in the draft constitution. I assume that through the IGC process, the Government will continue to articulate and negotiate those views. Perhaps the minister can assure us of that in his summing up.

When he visited the Scottish Parliament, the President of the European Parliament, Pat Cox, said of the European Committee's work in this area:

"I would like to pay particular tribute to the European Committee of the Scottish Parliament for its active engagement on the work of the Convention. You have been at the forefront in terms of bringing forward ideas and proposals."

The point is that there has never been more consultation on a treaty revision since the treaty of Rome. The Scottish Parliament, the European Committee and the Executive have played a full role in that consultation. It is disingenuous of the Conservatives, who did not consult on the Single European Act, the Treaty of Amsterdam or the Maastricht treaty, to ask for a referendum on the draft constitution.

Tommy Sheridan: Does the member agree that the consultation that has taken place has been at a political level, rather than at the level of the people? Given the increasing disengagement of the population at large from the political process, is it not the case that very few ordinary people have been engaged in the consultation?

Irene Oldfather: If Mr Sheridan had listened carefully to what I said, he would have heard that there was public engagement with civic Scotland in the chamber. Young people from schools came along and presented ideas; 129 people came to the chamber. If that is not public engagement, I do not know what is. The event was designed to address the point that Mr Sheridan has made.

Europe is on our doorstep. It is not a wish, an aspiration, an idea, a dream or—if one is Phil Gallie—even a nightmare, and it will not go away. Europe is a reality. We must move forward from that reality to create opportunities for our citizens—an issue to which the first part of Tavish Scott's amendment refers.

Looking to the future, beyond constitutional change, I believe that Europe offers potential. In the past, during 18 years of Conservative Government, Europe has been a tremendous force for social change. If in the future it presents opportunities, we should be there to grasp them. We can do so if we are committed to the vision of a prosperous, peaceful Europe. That is what people told us they wanted from the European Union when we asked them in the chamber what Europe was for. We want jobs for our people, communities free from the scourge of unemployment and a European society founded on social justice, in which each can achieve to the best of their ability, regardless of race, colour or creed.

Phil Gallie: Will the member give way?

Irene Oldfather: I am in the last minute of my speech.

Our choice is between integration, as proposed by the partnership parties, or isolation, as proposed by the Conservatives—between moving forward and remaining anchored in the past. Working in partnership with our UK and European neighbours, Scotland can have the best of both worlds. Fulfilling our potential as a key player in the new Europe of the 21st century, we can leave a legacy of peace and prosperity to our children and our children's children. I hope that today we will focus on those positive issues, extend the warm hand of friendship to the accession countries, many of which have set up offices in Scotland, and say to them, "Welcome to the European Union. We in Scotland are pleased to see you. Your long ice age is over. We want to work in partnership with you." I hope that we will send out that message from the chamber today.

I support Tavish Scott's amendment.

The Presiding Officer: As members know, we are very tight for time. Speeches will have to be restricted to four minutes, plus a little time for interventions. One speaking slot is still available. Once Mr Sheridan and Mr Ballard have discussed how they wish to divide that up, they should let the clerks know.

09:58

John Scott (Ayr) (Con): Today I want to draw attention to the practical problems that EU integration is bringing to our food production industry. I declare an interest as chairman of the Scottish Association of Farmers Markets and as a farmer.

In particular, I want to deal with the problems faced by small butchers and, further up the food chain, food producers. I start by addressing one of the problems facing the meat trade: the confusion of butchers as the 1 October deadline for the implementation of EU legislation approaches. In the past, local butchers disposed of waste products in landfill, but from 1 October new EU directives and regulations will require all carcase waste to be rendered, incinerated or composted. The Scottish Federation of Meat Traders Association estimates that the new regime will cost small butchers' shops about £7,500 annually. That will affect butchers not only in my constituency but throughout Scotland. Consumers will not be any better off, but many local butchers that are already on the knife edge of viability will be unable to stand the additional cost and might go out of business. That is all driven by needless EU regulation.

At the beginning of the food chain, farmers are facing a similar problem with the disposal of fallen stock, as Tavish Scott will know. An implementation date of 1 October looms, with no

scheme in place in Scotland. The blame for the lack of an appropriate scheme to pick up fallen stock must be laid firmly at the feet of the Department for Environment, Food and Rural Affairs.

A piece of EU legislation that is greatly exciting sheep farmers at the moment is the proposed implementation of an EU-wide sheep-tagging scheme, which George Lyon will know about. The proposals as they stand are unworkable. The record-keeping involved for individual sheep tagging and movement recording will be so complicated that farmers and their staff will be unable to carry out the recording as well as farm.

Those are examples of current or proposed pieces of EU legislation that are likely to destroy or damage parts of the food production industry. They will not benefit consumers in any way whatever, but will export jobs and services to other parts of the world, where, ironically, such constraints will not apply.

Those examples affect the industry that I come from, but they are indicative of the burden of red tape and bureaucracy that industries throughout Scotland and the UK have to deal with constantly. They are classic examples of how additional cost burdens caused by European legislation reduce the viability of business and are indicative of the malaise that is keeping the powerhouses of the European economy, namely France and Germany, in the doldrums. They are manifestations of creeping and centralising government and diktats that sap the will to succeed of small businessmen throughout the country. They are examples of the hundreds and thousands of needless pieces of EU legislation.

George Lyon (Argyll and Bute) (LD): Will the member give way?

John Scott: I am just finishing.

They are reasons why we must not rush headlong into further European integration and why there is a need for a referendum on the EU constitution. They are the reasons why I urge members to support Phil Gallie's motion.

10:02

Helen Eadie (Dunfermline East) (Lab): This debate was trailed in the past week as being about the euro and the governance of Europe, but we have not heard a single word from the Tories about the euro.

In the past week, Murdo Fraser has lodged a motion about the Swedish experience. I am just back from Sweden, having gone to observe the euro referendum. I pay tribute to Anna Lindh, whom I met the week before she was murdered so dreadfully. She will be a grave loss to every pro-

European throughout the world. I am sure that she was destined to be a leader of the Swedish people and it is very sad that she is no longer with us.

Phil Gallie: The member said that Anna Lindh will be a loss to every pro-European. Surely in the world of politics, anybody who takes a conscientious stand should be missed by every politician.

Helen Eadie: I accept that totally. I do not demur from that point.

Less than a year ago, the opinion polls in Sweden showed that 70 per cent of the Swedish people were in favour of the euro. Murdo Fraser has made much play of the part that the media played in the referendum. Contrary to what the Tories are saying, the media did not concentrate on issues around the euro. In fact, they concentrated on the splits in the Social Democratic Party, the Government team and the trade unions. The people did not really have a chance to hear what the issues were and did not understand—

Tommy Sheridan: Will the member give way?

Helen Eadie: No. I do not have time just now.

There is an interesting parallel in this morning's debate with the situation in Fife Council, where the Tories make common cause with the communists on these issues. As always with the underlying issue of the virtues or otherwise of euro membership, opinion is divided.

While there is much sound and fury over any future referendum on the euro and much coverage in the media, the British are still the least well-informed, by their own reckoning, of any of the citizens of EU member countries. There is little systematic, structured or objective information available to policy makers and the citizenry, and there is no real forum for people's views to be aired. There is little open debate that is not led by either the protagonists or the antagonists—there are no objective and trusted middlemen leading the debate. Apart from the one that Irene Oldfather mentioned, we have declined to set up any forum for consultation and deliberation or for the public to expose the issues surrounding the decision whether to enter the single European currency. Instead we rely on the testimony of expert witnesses including economists, pundits, trade union leaders, journalists and pollsters. We would do well to reflect on the difference between a referendum and an opinion poll. Polls are ongoing—here today, gone tomorrow—and they are not binding. When an interviewer asks about our opinions, attitudes, values, behaviour or knowledge, what we say is not binding.

Murdo Fraser (Mid Scotland and Fife) (Con): If we are so ill-informed about European issues, as the member claims, does she agree that the best

way in which to bring those issues out so that they can be properly debated is to have a referendum?

Helen Eadie: Her Majesty's Government is committed to having a referendum on the euro. There is no question about that and it is not at issue. I will move on quickly.

The answer to the question whether we should join the euro depends on which way we look. If we look back in time, it is obvious that the US dollar has been of unique importance to the United Kingdom economy. With the demise of sterling under the burden of financing the second world war, the dollar became the world's principal trading and reserve currency. Commodities became priced and traded in dollars and the Bretton Woods arrangements confirmed the global supremacy of the dollar. Given the UK economy's dependence on foreign trade, managing the relationship between sterling and the dollar has been critical to successive British Governments over the years.

We need to look forward not just 10 or 20 years but 50 or 100 years and to consider two scenarios. The first is one in which the UK remains outside the euro. In those circumstances, the significance of the euro to the UK economy is likely to grow from its lowish base at present. In time, the euro's significance may come to rival that of the dollar. There is likely to be a delicate balancing act between the two. If sterling does not become part of the euro, the answer to the issues raised in the motion is simple. The dollar will undoubtedly remain the most significant currency outside the euroland economy, as it is already. I and my colleagues in the Government hope that we will become part of the euro. We must subscribe to the economic tests of Gordon Brown, my colleague at Westminster.

10:07

Alex Neil (Central Scotland) (SNP): I begin by expressing gratitude to the Executive, on behalf of the SNP, for supporting what our amendment says about fishing. The future of the fishing industry matters to the whole of Scotland, not just to the fishing communities that are directly affected. Any further threat to the industry must be resisted at all costs, irrespective of the source of the threat.

I will try to widen out this debate on the future of Europe because I believe that there is a major problem inside the European Union. I say that as someone who firmly believes that Scotland's future lies inside the European Union, ideally as an independent member state. There is undoubtedly a huge gulf between those who run the European Union and the people of the European Union. That was exemplified in the Swedish referendum last week. Despite what

Helen Eadie said, the yes campaign was very well funded. It was supported by all the leading business organisations and all the—

Helen Eadie rose—

Alex Neil: Let me finish. I will give way to Helen Eadie in a moment.

The yes campaign was supported by all the trade unions and all the main political parties. Despite the universal support of the political and economic establishment, the people of Sweden refused to accept the euro. That was not just a judgment on the euro. There is a general feeling throughout the European Union that those who are driving towards centralisation and driving through policies that appear alien, if not downright daft, are creating conditions in which people become increasingly sceptical or sometimes even hostile to the whole concept of the European Union.

Helen Eadie: Alex Neil is distorting the facts. The fact is that there was equal funding for all political parties in the euro debate in Sweden. Money went to all the political parties from the lottery, trade unions, party memberships and the state. In fact, the media did not play a part in educating the people on the issues, and instead focused on the splits within all the political parties, particularly those in the Social Democratic Party.

Alex Neil: The fact is that although the whole Swedish establishment was in favour of the euro and campaigned vigorously in favour of it, the people told it to get lost. As one Eurocrat observed last week, every time there has been a referendum in any country in the European Union, the result has been a very narrow yes vote or, as has been the case on most occasions, a no vote. The problem is not confined to Sweden or Scotland; it is a universal problem in the European Union.

Irene Oldfather: Will the member give way?

Alex Neil: Unfortunately, I do not have time.

Politicians—particularly in the European Commission and elsewhere in Europe—had better listen to the people because, if we do not, they will turn against the whole concept of the European Union and its positive aspects.

Jeremy Purvis (Tweeddale, Etrick and Lauderdale) (LD): Will the member give way?

Alex Neil: I do not have time.

That is why a referendum is absolutely essential. Every time we take a major step forward in respect of the European Union—or every time we take a major step, whether one regards it as a step forward or not—we must take the people with us. If we do not, the people will lose interest.

I have some points to make on the euro,

although unfortunately, because of the time, I will not be able to develop them in the way I would like. Irrespective of one's position on the euro, the one thing that I would like the Executive to have the courage to do is to undertake an assessment of the impact of UK membership of the euro on the Scottish economy. The Chancellor of the Exchequer has published 28 papers on the euro, but the issues that are raised in the paper on the housing market, for example, relate to the market in the south-east of England and are entirely different from the issues facing the housing market in Scotland. We should have an informed debate when we come to the euro referendum, whenever it takes place. Whether one is on the yes side or on the no side, we should at least have an informed debate about the impact on the Scottish economy.

It is a great pity that this debate is curtailed to one hour. I hope that we will have a much more wide-ranging debate on the future of Europe in the not-too-distant future. However, the main message has to be "Take the people with us", because if we do not we will sow the seeds of the destruction of the European Union in years to come.

The Presiding Officer: I am grateful to the Greens and the SSP for helping with the management of this debate. The next speaker is Mr Ballard.

10:13

Mark Ballard (Lothians) (Green): I am grateful for the opportunity to speak, although I am disappointed that it appears to be impossible for the third and fourth-largest political parties to make a full contribution to the debate. [*Interruption.*] I mean the third and fourth-largest Opposition parties. [*Interruption.*] Could members let me speak, please?

The UK Government's line has been that there should not be a referendum on the convention, because it is a tidying-up exercise. I emphasise the point that has already been made: it is not a tidying-up exercise.

I refer to three articles of the draft constitution in particular. Article 10, on European Union law, states:

"The Constitution, and law adopted by the Union's Institutions in exercising competences conferred on it, shall have primacy over the law of the Member States."

That is new. It was not in previous treaties. Article 6, on the legal personality, states:

"The Union shall have legal personality."

Article 8, on citizenship of the European Union, states:

"Every national of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to

national citizenship; it shall not replace it.”

The key point is that a new citizenship is being introduced.

Irene Oldfather: Does Mark Ballard accept that under articles 1 and 9 of the treaty, the member states confer competences on the European Union, therefore conferral goes from the member states to the European Union, not vice versa?

Mark Ballard: The fundamental question is whether we are moving towards a European superstate—a federal Europe—or whether we are staying at the level of a Europe of nations. The problem with the constitution is that that is not clear. Irene Oldfather is correct that articles appear to argue in terms of conferral, and there is a fairly strong emphasis on subsidiarity, but there is a great deal in the constitution that hands additional powers to the Council of Ministers. The fundamental problem with the constitution is that it is a muddle and is not clear.

Some powers will be exclusive competences of the European Union and some will be shared between the European Union and the member states. That is a poor way to define a constitution. Can members imagine a situation where powers were shared between this Parliament and the Westminster Parliament? Can members imagine a situation where the Scotland Act 1998 stated that responsibility for asylum, for example, was to be shared between this Parliament and the Westminster Parliament? Can members imagine the mess and muddle that that would cause? That is the central problem with the constitution—it lacks a clear vision. It does not actually help the important debate about whether we go for a single, federal European super-state.

Christine May (Central Fife) (Lab): Will the member give way?

George Lyon: Will the member give way?

Phil Gallie: Will the member give way?

The Deputy Presiding Officer (Murray Tosh): No. The member is in his last minute. Everyone knows that speeches are limited to four minutes, and three minutes and 40 seconds is into the last minute.

Mark Ballard: I would have taken those interventions. I am sorry.

For the reasons I have outlined, I believe that the constitution is bad and unclear. There is an important debate to be had about the future direction that we want for the European Union. As it stands, the constitution does not help us. That is why we need to hold a proper debate, through a referendum and the discussions that will be engendered by it, on where we stand and on the wider issues, which are not clarified by the

constitution.

In Sweden, it was the Swedish Green Party and the Left Party, the sister party of the SSP, that led the campaign against the constitution.

The Deputy Presiding Officer: You are beyond four minutes—you are at four minutes and 20-odd seconds. Wind up, please.

Mark Ballard: Across Europe, from all sides of the political spectrum, there is wide opposition to the constitution and to the European Union, which lacks transparency and the ability to act in the interests of the people, and which continues to act in a closed, centralised and opaque fashion. That is why I support Phil Gallie's motion.

10:18

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): The Conservative motion is nothing if not topical. The European Parliament yesterday endorsed the outcome of the European convention and the convening of an intergovernmental conference. The debate, however, is slightly inconsistent with the message given by David McLetchie—who, unfortunately, has left the chamber—on Monday, when he said that the electorate was put off by the Parliament constantly debating the constitution of Scotland. So instead, we debate, under a Conservative motion, the constitution of Europe. It gives us another opportunity to fill more pages of the *Official Report* with speeches on the convention, and to debate a motion that the Westminster Parliament debated last week.

I can only repeat the position that I and Liberal Democrat colleagues have expressed on a number of occasions in the past, in both the Westminster and Scottish Parliaments.

Phil Gallie: Does the member acknowledge that Mr McLetchie's concern arises from his involvement in the legal scene? Does he accept that the Charter of Fundamental Rights of the European Union that is contained within the constitution will have a major undermining effect on Scottish law? Is that not justification for any member to raise the issue?

Jeremy Purvis: The legal argument was put forward by the member's learned colleague Mr Ancram in the debate at Westminster. I refer him to *Hansard* for that.

I believe that it is in the long-term interests of Scotland and the United Kingdom to be active players at the heart of Europe. Given the enlargement of the EU and the breadth of the organisation, it will be more important than ever that Scotland and the UK play their part in building coalitions, defining the strategy and direction of the EU and ensuring that we exploit its benefits. It

is in that regard that I support the Executive's amendment.

My constituency benefits from the investment of European structural funds. That is a live issue, given the enlargement of the EU and the possibility that such funds will cease in the future. I was more than a little disappointed when the SNP and the Conservatives chose to attack me in the media for securing a members' business debate on that subject; that was shameful.

We are living in an increasingly interdependent world—pollution, crime and war do not respect borders. In the global economy, European countries are stronger with an integrated market and a single currency. The message that countries in the EU can better defend the interests of their citizens by sharing power—a point on which I disagree strongly with Alex Neil—is supported by the people of Malta, Slovenia, Hungary, Lithuania, Slovakia, Poland, the Czech Republic and Estonia, each of which has held a referendum on entering the EU. In the case of Slovakia, the yes vote was 92.4 per cent.

Mrs Ewing: I hear what the member says about the fact that the accession states voted positively. As someone who visited the Baltic states under the auspices of the Foreign and Commonwealth Office during the Soviet occupation, I can say that those people looked towards the European Union as an economic and social polar star.

Jeremy Purvis: As a Liberal Democrat, I fully endorse the concept of those nations pooling sovereignty and sharing the burden and the opportunities. I separate myself from the SNP on the concept of moving away and detracting policy.

I would be more sympathetic towards the Conservatives' motion if they took a consistent view on referenda and on membership of the EU. The Conservatives do not wish to have a separate referendum in Scotland, nor do they wish foreign affairs to be a devolved matter. It is hypocritical that they wish to debate the proposed constitutional treaty. As the matter is reserved, it is no surprise that the Liberal Democrats in the Scottish Parliament take the same view as our Westminster colleagues. Our view is that, as a matter of principle, a referendum is necessary when a Government produces proposals on Europe that would involve a major shift in control, any transfer of significant powers from member states to European institutions or any alteration to the existing balance between member states and those institutions.

I believe that the convention proposals raise issues of constitutional significance in relation to the Charter of Fundamental Rights of the European Union, the passerelle clause and the right to withdraw. However, we live in a United

Kingdom, in which that issue is reserved to Westminster. If it were to respect that concept, the Parliament would be doing a service to the people.

The Deputy Presiding Officer: I call Mike Rumbles for a two-minute speech.

10:23

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): When I first read the motion, it seemed somewhat attractive, but Phil Gallie's speech bore little relation to the motion. I would not touch with a bargepole a motion on Europe that Phil Gallie had lodged. Tavish Scott spoke about the Conservatives' "naked anti-Europeanism", which was clear for all to see. Mr Iain Duncan Smith has ended the civil war on Europe in the Tory party; it is clear that the lunatics in the Tory party are in charge of the asylum. [*Interruption.*] I have obviously touched a raw nerve with the Conservatives.

We need a positive engagement with Europe. In the debate so far, we have failed to focus on the European constitution. I take issue with the rather extreme view of the Greens, as expressed by Mark Ballard, who seem to be in association with the right-wing Tories in the Parliament.

Mary Scanlon (Highlands and Islands) (Con): Will the member take an intervention?

Mike Rumbles: I am afraid that I have only about 50 seconds left.

Phil Gallie: Thank God.

Mike Rumbles: Well done, Phil.

The proposed EU constitution will limit the powers of Europe by defining the constitution in writing.

Mark Ballard: Will the member give way?

Mike Rumbles: I cannot, although I would do so normally.

There will be a clear limitation on the constitution of the new Europe. Alex Neil made some good points, but my colleague Jeremy Purvis showed that the people of Europe have a very positive view and that is what we must focus on.

The Deputy Presiding Officer: I will also allow John Swinburne two minutes to make a brief point.

10:25

John Swinburne (Central Scotland) (SSCUP): In the event of the UK's adoption of a single European currency, stringent legislation would have to be introduced to avoid the pitfalls of the last currency change in the UK. The introduction of decimalisation just over 30 years ago coincided with an overall hike in the cost of living. Everything

was increased in price through the creative accountancy process of transposing prices to the decimal system. There is no doubt that the same will happen when Scotland, or rather the UK, embraces the euro. Senior citizens, who work with very restricted budgets, will suffer a particular disadvantage.

The adoption of a European constitution could only be beneficial for those of my generation. Members should look at the difference between the state of French and German senior citizens and the state of those in the UK, 20 per cent of whom still live below the Government's own poverty level. That is shameful. Whatever term is used to describe that poverty—absolute poverty, relative poverty or any other kind of poverty that the socialists want to call it—it still amounts to being very poor.

My generation would welcome any improvement in standards forced on us by Europe. Gordon Brown might baulk at the living standards of some of the elderly in Europe—the 75p award that he made a couple of years ago bore witness to that—but, along with everyone else, he would just have to follow the European line.

I am encouraged by the constitution, which seeks to give fundamental rights, such as rights to property, which do not apply in this civilised country. It is shameful that senior citizens in possession of their homes still have to sell their houses to pay for their residential care.

10:27

Des McNulty (Clydebank and Milngavie) (Lab): With members of the SNP ripping out each other's entrails in Inverness, I welcome the opportunity to participate in a debate with the real Opposition, as David McLetchie describes his party. That said, I see that John Swinney has taken the precaution of keeping his Rottweiler in chief chained up here in Edinburgh while all the other members of the SNP are in Inverness.

Mrs Ewing: Me!

Des McNulty: Sorry, Margaret.

One would think that the Tories would take the opportunity to set out their core beliefs on the key social and economic questions over which this Parliament has jurisdiction and to give the electorate an opportunity to assess the Tories' alternative vision for Scotland within the UK. Instead, as Jeremy Purvis pointed out, the Conservatives have chosen to debate constitutional issues that are properly reserved to Westminster and on which their party has been divided for nearly two decades.

We should probably not draw too many parallels between Dr Bill Wilson and Kenneth Clarke,

although both are detested by the leadership of their respective parties, not because they disagree with the official party line, but because they expose the gaping holes that John Swinney and Iain Duncan Smith seek to paper over.

In the Tories' case, as Tavish Scott pointed out, the motivating factor seems to be an animus that is directed at Europe. It is not possible to have a rational debate about Europe with the Tories. They cannot express clearly what might well be legitimate concerns about the direction that Europe is taking by having a debate about how the common agricultural policy should be modified, about the deficiencies of the fishing policy or about the lack of a co-ordinated foreign policy as a counterbalance to the international dominance of the USA.

Instead, Tory criticism of Europe is dominated by two factors. First, the Tories were heavily involved in the formulation and development of some of those policies. They were involved in debates about the CAP and the common fisheries policy. Secondly, the Conservatives are so fundamentally, gut-wrenchingly opposed to Europe that they are simply incapable of having a rational debate.

It is interesting that the Tories' opposition to Europe is so irrational that they have taken themselves away from their normal constituency. Look at what businesses say about Europe compared with what the Conservatives say. Some 52 per cent of our trade is with Europe. Businesses are strongly supportive of EU membership. That is not only because they want to protect access to European markets, as we could have much of that access whether or not we were inside Europe. The crucial thing is that we have the membership rights within Europe to determine how businesses and our economy operate. If we lose those membership rights—whether they are taken away or, as the Tories suggest, given away—in effect we will become powerless and potentially bankrupt.

Instead, we need to consider how we strengthen our role within Europe. As Helen Eadie said, we need to have a debate on the euro to consider whether and on what terms we should join the euro.

Phil Gallie rose—

Des McNulty: We need to have that debate in a rational way, not in the way that that lot want to have it.

Let me say one thing about referendums. The Tories have never had a referendum on Europe. The Maastricht treaty made fundamental changes in the terms of trade in Europe and in the arrangements within Europe, but did the Tories have a referendum on it? Did they hell.

Mr John Home Robertson (East Lothian) (Lab): They were right not to have one, though.

Des McNulty: That may be so.

I recall that the most successful referendum that we had in Scotland was the water referendum, but what did the Tories do with that? Some 70 per cent of people said no to their proposals, but the Tories ignored that result. We are still paying for the consequences of the fact that the Tories ignored democratic procedures.

I do not care too much for having a debate unless people are prepared to debate rationally and to operate within democratic frameworks. Let us have some honesty from the Conservatives on the issue. They have had an opportunity to debate the issues, but I do not think that they have delivered.

10:32

Linda Fabiani (Central Scotland) (SNP): I always enjoy listening to Phil Gallie because he has such marvellous selective amnesia. He showed that again this morning, when he said that handing powers over to Europe was a kick in the teeth for those who had fought for the Scottish Parliament. I certainly cannot remember any of those who sit on the Tory benches fighting for the Scottish Parliament.

Mark Ballard: Will the member take an intervention?

Linda Fabiani: Gosh, okay.

Mark Ballard: As I mentioned, it must be recognised that, in Sweden, opposition to the euro was led by people from the Left Party and the Swedish Green Party. In Ireland, opposition was led by people from the Socialist Party and the Green Party. Opposition to the convention and to the euro is not confined to people on the right.

Linda Fabiani: Thanks very much.

Phil Gallie also spoke about his worry over the loss of sovereignty. The SNP's concern is that Scotland does not have any sovereignty. Phil Gallie talked about UK sovereignty. I want some Scottish sovereignty. That is what we are all about.

Alex Johnstone (North East Scotland) (Con): Like Linda Fabiani, Alex Neil made it clear that the SNP believes in independence within Europe. Our problem with that is that the proposed constitution will result in there being no independence for any country within Europe.

Linda Fabiani: I do not agree with Alex Johnstone's view on that. The constitution is still being considered. We broadly welcome the constitution, but some elements of it give us serious concerns, which were also outlined by

Mark Ballard.

One thing that bothers me is that, whenever I go over to Europe to speak or to take part in fora, Scotland is termed a region. People say to me, "You are from the regional Parliament in Scotland." Scotland is not, and never has been, a region. Scotland is a country and a nation. The constitution needs to recognise the principle of self-determination, but that is absent at the moment. Whether or not members agree with Scottish independence, they must agree that every nation has the right to progress with the will of the people of that nation. We should not shut one of the doors that would allow that to happen. I hope that everyone in the chamber will agree that Scotland is a nation and that we should have the right to achieve full self-determination as a nation within any constitution for Europe.

Mike Rumbles: Does the member recognise that Scotland already has self-determination and that, at every turn, independence has been rejected by the people of Scotland?

Linda Fabiani: I recognise that every nation has the right to move forward. The people of Scotland have the right to reject independence, if they so choose, but they also have a right to vote for it—no matter how many years down the line—if that is what they want. We should not shut off that opportunity by not providing for the right to self-determination in the European constitution.

We must also recognise, as Alex Neil said, that people do not feel that they are part of the European Union. Quite often, that is the fault of the way that the Government relates to Europe. On mainland Europe, people feel much more European than we do in the UK. Even Ireland has a much more European feel about it than the UK. I feel strongly that that is because of the way in which UK Governments relate to Europe and because of some of the language that they use about the European Union.

I will finish by picking up on what Irene Oldfather said, which I very much agree with, about the aim of Europe being to have a peaceful Europe. I completely and utterly agree with that and, in that regard, I am a Europhile. However, I want Europe to be a force for world peace. The UK does not promote world peace when it looks across the Atlantic instead of looking to Europe. That is another reason why I want Scotland to be an independent nation in Europe. Scotland would benefit from Europe, but Europe would also benefit from Scotland.

10:36

Tavish Scott: I really know that the Tories are wrong on this issue when I recall the times that, like most members, I have spoken to and debated

with modern studies classes around our constituencies and regions of Scotland. Time and again, issues are raised about how Europe and the world have changed. As politicians of our day, we are asked about enlargement, about the great wars that this nation has fought and about the carnage of the two world wars that so disfigured Europe. That was the overwhelming motive of those behind the fledgling European Coal and Steel Community—

Mary Scanlon: Will the minister give way?

Tavish Scott: No. Let me finish.

Enlargement is of enormous political significance as it comes only 14 years after the collapse of the Berlin wall and the subsequent collapse of the Warsaw pact.

All those immense issues have confronted us in our short political time. Even in the lifetime of this Parliament, some important issues have emerged and, time and again, we are asked about Scotland's relationship with those issues. As Linda Fabiani said, the European role in all that is important and significant. The Conservatives are wrong because they simply do not understand how strongly many of the coming generations feel about those things and how they realise that Europe is an important part of that process.

There is a huge difference between having an informed debate on the future of Europe and having a referendum. That is why I have no truck with the Conservative position. Let us be completely honest—

Murdo Fraser: Will the minister give way?

Tavish Scott: Let me finish this point.

In a referendum, the debate would be polarised and the issues would be narrowed and squeezed so that they could be projected in black and white. What we need in Europe—

Murdo Fraser: Will the minister give way?

Tavish Scott: No. I will finish this point, then I will give way.

The point was made in different ways by Alex Neil, Jeremy Purvis, Helen Eadie and Des McNulty and I agree with the theme of what they said. What we need in Europe is real engagement with the people's agenda—I see Mr Sheridan nodding his head—and with the citizens of Europe. We need real engagement on Europe across a period of time so that those of us who believe in it strongly—and, in fairness, those who do not—can demonstrate and articulate that. We need to be able to do that properly over a period of time. In a short, concentrated three-week period, we will never achieve a real debate about the matters that will confront us not just over the next year but over the next 10, 50 or 100 years. That is the process that we need.

Murdo Fraser: It is extraordinary that Mr Scott is arguing against his party's policy of having a referendum on the European constitution. Why does he argue against his party leader?

Tavish Scott: I just despair at times in this chamber. We need to consider how we take forward a debate across the range of those issues. Yes, we will have a referendum on particular matters, but it is more important in the longer term that we build a consensus—not even a consensus but a debate—about what must happen in Europe, how we must develop Europe and why Europe is so important.

Mark Ballard: Will the minister give way?

Tavish Scott: No. I will not give way to Mark Ballard, because I will come back to the points that he made.

I hope that I have reflected where the Executive stands on those wider issues.

Irene Oldfather asked about the European convention. I assure her that we will continue to press her points and the points that were made by the European and External Relations Committee.

I have two observations to make about the Conservatives. If anything defines the Conservatives' position on Europe, it is the fact that two of their MEPs, Daniel Hannan and Roger Helmer, campaigned for a no vote in the Estonian referendum on membership of the EU. Roger Helmer MEP is, apparently, classic; he visited Malta, Slovakia and Estonia to campaign for a no vote and he has a 100 per cent failure rate. I presume that that is the Tory definition of a strategic success these days.

I understand that Murdo Fraser has to sum up for the Tories, but I have a final observation. I was able to find out that Mr Fraser is still a member of the Bruges group.

Murdo Fraser: No I am not.

Tavish Scott: I must give Mr Fraser the website address, because I found his name on it. It will be interesting to reflect on Mr Fraser's membership of the Bruges group along with those well-known Europeans Norman Tebbit, John Redwood, and Christopher Gill. That sums up the Conservative party's approach to Europe.

10:41

Murdo Fraser (Mid Scotland and Fife) (Con): I am afraid that Mr Scott will have to do his research a bit better in future.

Why are we having this debate? Eighty-two per cent of the British people want to have a referendum on the EU constitution. The Conservative party wants to have a referendum, as do the Liberal Democrats, the Scottish National

Party, the Green party, the Scottish Socialist Party and Mr Swinburne. There is a clear majority of people in Scotland and in the Parliament who want a referendum on the EU constitution.

The most striking aspect of the debate has been the shameless behaviour of the Liberal Democrats and their cheerleader, Mr Scott.

Mary Scanlon: Will the member take an intervention?

Murdo Fraser: In a second.

Clearly, the Liberal Democrats have been reading the campaign handbook, which says that they must act shamelessly. That is exactly what we have heard from them today. Nationally they say that they want to have a referendum, but in the chamber they slither and squirm and try to get out of it. Why? Because they are so out of touch with public opinion.

Tavish Scott: Will the member give way?

Murdo Fraser: In a second.

The Liberal Democrats are being told at their national conference that they must downplay their stance on Europe because it is unpopular with the voters.

Tavish Scott: In my intervention on Mr McLetchie, I made clear my position and the position of my party. Will the member confirm that, in the autumn of 2002, he signed the Bruges group paper, "Top down is the wrong way up!"? He is a signatory to that paper with Lord Tebbit, John Redwood and Christopher Gill, who are all well-known Eurosceptics. If he is proud of that, perhaps he will explain that honestly to the people of Scotland.

Murdo Fraser: I signed that paper and I am proud of it.

Mary Scanlon: Does Murdo Fraser agree that the most shameful and disgusting comments that we heard this morning came from Mike Rumbles? Given that my party and the Parliament agreed to reduce the stigma of mental health problems when we passed the Mental Health (Care and Treatment) (Scotland) Act 2003, I ask my colleague Murdo Fraser to ask Mike Rumbles to apologise to the chamber.

Murdo Fraser: Mary Scanlon has made the point well. Perhaps we will hear from Mr Rumbles later.

Mark Ballard: Does the member agree that, contrary to what Tavish Scott said, after the two Irish referendums on the Nice treaty, the Irish population were incredibly well-informed about what the Nice treaty implied, far more so than the UK people have been after any debate?

Murdo Fraser: Mr Ballard has made a good point, if I may say so. It is typical for those who see public opinion going against them to say that we must have a proper debate, but when we propose a mechanism for having such a debate—a referendum—they get cold feet.

Jeremy Purvis: Will the member take an intervention on that point?

Murdo Fraser: I have taken three interventions in a row and I must deal with more points that were raised in the debate.

Irene Oldfather and others made the point that the Conservatives did not hold a referendum when they were in Government. They are absolutely right but, let us face it, times have changed. The Government has had referenda on a bewildering variety of issues. There was a referendum on whether Middlesbrough should have an elected mayor. There was a referendum on whether Hartlepool should have an elected mayor—and they ended up electing a monkey. The Government, which has had referenda on all those issues, cannot bring itself to hold a referendum on the fundamental issue of the new European constitution. According to Peter Hain, the constitution would have substantial constitutional significance.

The Government will not hold a referendum because it knows that it would lose. That demonstrates its utter contempt for the views of the Scottish people on the issue. The Parliament has a duty to make it clear to Tony Blair that we will not accept that situation.

Helen Eadie said that we are ill-informed about the issues and I quite agree. That is why we must have a referendum, so that we can have a proper discussion of the issues, let the arguments for and against be aired, and let the people decide.

The SNP made a comment about fishing, which is a vital issue. I heard Margaret Ewing mention my colleague Struan Stevenson, who is the president of the European committee on fisheries. It is incumbent upon him to represent the views of the UK Government in relation to the constitution and the fact that it might enshrine the CFP. That is not the position of the Conservative party.

Mrs Ewing: Will the member give way?

Murdo Fraser: I cannot give way to the member because I do not have time.

Yesterday in the European Parliament, Struan Stevenson made it clear that that is not his personal position and that he fully endorses Conservative party policy. That was underlined by Iain Duncan Smith in Perth on Saturday, when he said:

“A future Conservative government will ‘unilaterally withdraw’ from the CFP if national control of fishing stocks cannot be renegotiated”.

I trust that all members paid close attention to the recent Swedish referendum on the single currency. Sweden is a small country, as is Scotland, and despite all the relentless pressure from the Swedish establishment, to which Alex Neil referred, the Swedes whole-heartedly rejected the euro. That was a resounding victory for the ordinary citizens of Europe whose views are consistently ignored by the self-styled statesmen in Brussels.

The greatest weakness of the EU in its current guise is its woeful lack of democratic accountability. It is, therefore, a disgrace that the First Minister and his deputy are pressing ahead with their involvement in the so-called Scottish euro preparations committee, with a view to bouncing the Scottish people into the euro against their will.

If Europe is to move forward with the consent of its people, it is essential that the Parliament stands up for the interests of Scotland and insists that Her Majesty’s Government holds a national referendum on the proposed European constitution. A referendum is supported by members from all round the chamber. It is the policy of the Conservatives, the Liberal Democrats, the SNP, the Greens, the SSP and the SSCUP. The Labour party should support the Conservative motion; its members know they want to.

Criminal Justice System

The Deputy Presiding Officer (Murray Tosh):

The next item of business is a debate on motion S2M-380, in the name of Annabel Goldie, on public confidence in the criminal justice system. There are two amendments to the motion. I invite those members who want to speak in the debate to press their request-to-speak buttons now.

10:48

Miss Annabel Goldie (West of Scotland) (Con): I welcome the opportunity to bring this debate to the Parliament. If the issue that is hot on the lips of Scotland is the cost of the new Parliament building, the second most frequently voiced concern is undoubtedly the state of law and order in Scotland.

In my experience of speaking to audiences throughout Scotland, I have found that two particular aspects of the problem are preoccupying the minds of the public—sentencing and policing. I therefore welcome the fact that those concerns have been recognised by the First Minister, who has rightly identified as critical the regaining of trust and confidence in our criminal justice system. Equally, I am pleased to propose for genuine debate the other issue that is critical to public confidence—policing in our communities.

Implicit within the phrase “regaining trust and confidence” is recognition that somewhere along the line, trust and confidence have gone. Sadly, gone they have, in a big way. According to the 2001-02 Scottish household survey, a crime is committed every 1.2 minutes—in the time that this debate will take, 62 more crimes will have been committed—a violent attack takes place every 32 minutes, and every day there is a drug-related death. Disquietingly, 24 per cent of Scots feel not particularly safe or not safe at all when they are walking alone in their neighbourhood after dark.

If we look at the Executive’s crime statistics for 2002 and compare them with a base point of 1997, we see that rape and attempted rape are up 24 per cent, non-sexual crimes of violence are up 25 per cent and drug crime is up 37 per cent. From the prison statistics that are provided by the Scottish Executive, we see that the number of persons who were recalled from supervision or licence is up 430 per cent and, according to the General Register Office for Scotland, drug-related deaths are up 70 per cent. Lawlessness in Scotland has reached unacceptable levels and public confidence has disintegrated.

That leads to yet another undesirable and unquantifiable consequence, which is that many people no longer report crime because they believe that there is no point in doing so. People

are unconvinced that the perpetrators will be detected and charged. Even if that is accomplished, they believe that the subsequent court process will be tortuous and unpredictable.

For many members of the public, the final straw is the prospect of automatic early release from prison. The public are as fed up with the situation as they are with the sight of ministers weeping, wailing and gnashing their teeth. The public want political leadership; they want action to be taken now.

The first step towards re-engagement with the public is higher police visibility in our communities. The best intelligence in crime detection comes from forming a relationship with the community. The police cannot detect crime and deter criminal activity by sitting with a laptop in a command centre. Of course, strategic intelligence policing has a role to play, but not in isolation.

The founder of the modern police force, Sir Robert Peel, said:

"Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence."

That is why my party has several suggestions to make. First, we would place before the police an additional resource of £45 million to facilitate concentration on neighbourhood activity. If anyone seriously questions the wisdom of that approach, they need only look at New York. In the 1980s and 1990s, New York had an appalling record on crime and, interestingly, community policing had withered away. Rudolph Giuliani applied three principles to address the situation in New York: crime should be seen as a crime and not as a social statement; police should be deployed in the streets, working in partnership with communities; and the criminal justice system should work swiftly, with effective action being taken against reoffenders. During Rudolph Giuliani's eight years in office, crime fell by 60 per cent.

Secondly, we would require all police boards, through their chief constables, to prepare a neighbourhood protection plan that was designed to deliver a zero tolerance approach to crime.

Thirdly, we would require regular publication of localised crime statistics to highlight areas that were in need of attention and methods of best practice. Given that that information is currently available to crime prevention panels throughout Scotland, I fail to understand why it cannot be made available to the public at large.

I call on the Scottish Executive to comment on our proposals; I urge its members to come forward

with their own thoughts. There is capacity for debate in this area and I hope for some constructive distillation of thoughts.

It is not enough to reconnect the police with communities. I welcome the intention to reform High Court procedure in Scotland. Indeed, I am certain that the McInnes review will make proposals for summary court procedure. Those proposals, of themselves, will not reinstate public confidence in the criminal justice system. They are merely lubricants for a mechanism that has in part become rusted.

The nub of the problem is that, for as long as automatic early release applies to sentences that are imposed by the courts, the public will continue to have a major problem with the criminal justice system. I agree that it was a Conservative Government that introduced that well-intended measure. The road to hell is indeed paved with good intentions—as the Liberal Democrats frequently find out. However, it was the Conservatives who, recognising that the measure was not working, abolished automatic remission in 1997. The Crime and Punishment (Scotland) Act 1997 laid down that early release would take place only if it had been earned by co-operation and good behaviour. It also set down that the maximum remission would be one sixth of the original sentence. However, the reprieve never happened. The Labour Government at Westminster repealed the provision, which is why we are where we are today.

If anyone has any lingering doubts over the continuing nonsense about automatic early release, they need only look at today's newspapers. They will see that appeal judges have doubled the prison sentence of a stealth rapist from 18 months to three years, which is good news, as far as the public and I are concerned. However, the Executive's refusal to end automatic early release means that the sentence will be brought back to 18 months. I doubt that the public will understand the sense of that.

The sentencing commission has been asked to look at automatic early release, but only for sentences of less than four years. What a nonsense that will create; criminal A, who is sentenced to five years will spend two years and eight months in prison while criminal B, who is sentenced to four years, will spend four years in prison.

If the First Minister is serious about regaining the public's trust and confidence in the criminal justice system, his two priorities have to be neighbourhood policing and an end to automatic early release.

I move,

That the Parliament welcomes the recognition by the First Minister of the need to “regain trust and confidence” in our criminal justice system; believes that a step towards restoring such confidence would be to introduce honesty in sentencing by re-enacting sections 33 to 41 of the Crime and Punishment (Scotland) Act 1997, which were repealed by section 108 of the Crime and Disorder Act 1998; notes that public confidence has been further undermined by the lack of visible policing in too many communities, and calls on the Scottish Executive to consider how accountability to the public in the delivery of police services might be enhanced.

10:55

The Deputy Minister for Justice (Hugh Henry): The hypocrisy and deceit that the Conservatives display in any discussion of early release is quite breathtaking, as are some of their references to the sentencing commission. It is clear that the Conservatives have not listened to what the Executive is saying. Last week, the First Minister made it clear—yet again—that automatic early release of prisoners will be considered by the judicially led sentencing commission and that it will be a priority for the commission.

Indeed, Cathy Jamieson made it very clear that the commission will not kick things into the long grass. She said that the commission would report on a rolling basis on the clear priorities that have been established by the Executive. Annabel Goldie said

“The road to hell is indeed paved with good intentions”,

when she spoke about the change to the law that was introduced by the Conservatives. Although she is right about that, what she did not do was to put the matter in context. The Conservatives introduced the Prisoners and Criminal Proceedings (Scotland) Act 1993 on the basis of many years of deliberation, including by the Kincaid committee, which was established by the Conservatives. The Conservative Government then took four or five years to introduce legislation.

It was not the case that in 1997 the Conservatives discovered that the road to hell was paved with good intentions and that there was a problem. What we had was a very clear act of political expediency ahead of the 1997 election. There is provision in the Prisoners and Criminal Proceedings (Scotland) Act 1993 that allows the Secretary for State for Scotland to make by subordinate legislation changes to early release. The Conservatives chose not to do that, but instead introduced hasty legislation ahead of the 1997 election. They did so for reasons that were purely political and which had nothing to do with tackling crime or with law and order. They simply wanted to try, as they desperately saw it, to enhance their election prospects in Scotland.

Miss Goldie rose—

Hugh Henry: Before Annabel Goldie speaks, she might want to reflect on what her party said at the time in its white paper “Crime and Punishment”. It said that the changes that it was to introduce in the 1997 legislation would be

“dependent on a number of factors”,

one of which was obviously the

“sentencing practice by the courts.”

The white paper also said:

“If there was no change in sentences imposed, the effect on prison population would be an increase of ... 1,000 in the first year”

and

“2,200 in the fifth year.”

Notwithstanding the huge change in prison numbers that was anticipated, paragraph 16.9 of the white paper went on to say:

“All increases in expenditure arising from the proposals ... will be accommodated within planned resources.”

There was not a single extra penny for the huge increases in prisoner numbers that were anticipated by the Conservatives. I say to Annabel Goldie that that was why there had to be a change in legislation in 1998. What the Conservatives did was irresponsible and uncoded and the prison places were not prepared. The measure would have led to mayhem and disaster.

Miss Goldie: I refute that in its totality. Interesting though the minister’s history lesson may be, we are now in 2003. Scotland has a devolved Parliament that has responsibility for law and order, yet we are in a shocking state. The public know that and want the Scottish Executive to tell them what is happening.

I ask the minister for a point of clarification on the sentencing commission. When the Minister for Justice confirmed that the commission will look at automatic early release, she said that it would do that only in respect of sentences of fewer than four years. Is that the—

The Deputy Presiding Officer (Trish Godman): You have overrun your time, Miss Goldie.

Hugh Henry: While we are on the subject of three-year and four-year sentences, I point out that proposals that Bill Aitken brought forward in the previous parliamentary session on behalf of the Conservatives during consideration of the Criminal Justice (Scotland) Bill would have meant that people serving a three-year sentence would have had to serve longer in prison than those who had been sentenced to four years, simply because of the foolhardy and cackhanded way that the Tories had treated the matter. We certainly intend

that the sentencing commission will examine the broader range of issues and ensure that some of the problems that have been identified are tackled. [Interruption.] I am not sure about the time, Presiding Officer.

The Deputy Presiding Officer: The clock has been inadvertently restarted. I will keep my eye on the time and will let you know when you are into your last minute.

Hugh Henry: Thank you, Presiding Officer.

Obviously, we must get issues such as short sentencing, long sentencing and parole right; the sentencing commission will consider those matters. However, we accept that short sentences sometimes do little to deter and nothing to rehabilitate offenders. We cannot afford to have prison populations increasing without examining the underlying causes for that, which is why we want to have a debate on the need for a single agency. Although we want to consider credible alternatives to imprisonment that the judiciary can trust, we will also examine how to make sentences effective for people who have to serve them.

On policing, police officer numbers are at record levels. At the end of June, there were 15,560 police officers in the Scottish police service, which is an increase of 335 since June 2002 and an increase of 848 since June 2000. Over the past three years, support staff numbers have also increased by 891 to 6,066 in whole-time equivalent terms.

Staffing increases have been made possible by record levels of funding. This year, the total revenue and capital funding for and in connection with the police will top £1 billion. We have made our commitment. Indeed, in the partnership agreement, we also made commitments to increase the number of police officers on operational duty, to assist chief constables to meet their target of an increase by 500 in the number of special constables and to expand the Scottish Drug Enforcement Agency. We are acting on our pledges. On top of all that, the Association of Chief Police Officers in Scotland has already pledged to increase the number of officers on operational duty by 250 by 2005-06 and we will also consider releasing 300 experienced police officers from escorting and other duties for operational tasks.

We are providing resources and the framework for the police to operate within, we are examining sentencing and we are taking a responsible approach to all law and order issues. We are putting our money where our mouth is, which is something that the Conservatives failed to do in the past. People will see that this Administration in this Parliament makes effective arguments while the Conservatives simply express hot air.

I move amendment S2M-380.3, to leave out from "believes" to end and insert:

"welcomes the Scottish Executive's decision to establish a judicially-led Sentencing Commission and the commitment to introduce legislation to modernise the operation of the High Court; recognises that the Scottish Executive will act on the McInnes Review and will bring forward further proposals for court reform; notes the measures being introduced that will give more support to victims and witnesses in the criminal justice system, and believes that the record number of police officers in Scotland, the substantial increase in civilian staff and the moves to release police officers for front-line duties will enhance delivery of police services in local communities."

11:03

Michael Matheson (Central Scotland) (SNP): If you zero the clock halfway through my speech, Presiding Officer, maybe I will get eight minutes like Hugh Henry did.

There is widespread recognition that our justice system has a number of problems. However, in reflecting on the Conservative motion, I agree with the minister that the sentencing commission is best placed to examine the issue of early release; indeed, that has been an SNP policy for some time. It is irresponsible of the Tories to suggest that we should abandon early release when our prison system cannot cope with the current number of prisoners. We must examine the issue not in isolation but as part of the bigger picture of the justice system.

Miss Goldie: Will the member give way?

Michael Matheson: No—I have very limited time.

On the speech on justice that the First Minister made last week, I must confess that I found the parts of it that I read to be rather confused. I noticed that he did not mention the privatisation of police cells and those who man them, which now appears to be Executive policy. The SNP will oppose that measure, although the Executive might be able to form a right-wing alliance with the Conservative party to push it through.

In his speech, the First Minister set out his platform for regaining public confidence in the justice system. For example, he said that the blame culture in the system had to stop; its different components must stop blaming one another for the system's problems. He then proceeded to blame those who work within the justice system for causing those problems. Any attempt to end the blame culture must start at the top; the First Minister should take the lead.

In this short debate, I will touch on two main areas of concern—policing and prosecution. As we have heard today, ministers often rattle on about the fact that there are record police numbers. However, they do not tell us about the extra burdens and duties that have been placed on the police because of sex offenders legislation,

the establishment of surveillance units under the Regulation of Investigatory Powers (Scotland) Act 2000 and compliance with recent health and safety directives and the new European Union working time directive. As anyone in the police force in Scotland will point out, the effect of any additional officers—however modest that number might be—is automatically neutralised because of those extra burdens.

I understand why constituents complain constantly that we do not have enough police officers in our communities and that, when the police are contacted, they say that there will be a delay in responding to the call because of a shortage of manpower. That type of response undermines people's confidence in the justice system. As a result, if we are trying to regain the public's confidence and trust, we should be honest with them. It is okay to say that there are record numbers of police; however, we also have to make it clear that those numbers do not address the current level of demand.

I will turn briefly to the issue of prosecution services. In its manifesto for the previous Scottish Parliament elections, new Labour stated that it had "delivered ... the highest ... clear-up rates since the Second World War".

That is correct. However, we have not been told that since 1997 the number of prosecutions has collapsed by almost one sixth. Since 1997-98, the number of cases marked "no proceedings" rose from 12.5 per cent to 17 per cent last year. I understand why people wonder about the point of reporting incidents when they are told that there will be a delay when they contact the police and when they find out that more cases are marked "no proceedings" when they are referred to the procurator fiscal. Even the police wonder about the point of referring cases to the procurator fiscal. If we are to change the way in which our justice system is run, we must have more honesty and we must ensure that we deliver the necessary resources.

From the comments of constituents who have spoken to me, it is clear that their combined experience of the police and prosecution services has undermined their trust and confidence in the system. It is time to support the staff who are doing a difficult job within the system and ensure that they have the resources to do the job properly.

I move amendment S2M-380.1, to leave out from "welcomes" to end and insert:

"notes the First Minister's recent recognition of the problems within the justice system; notes that public confidence in our justice system is undermined by insufficient resourcing of our police and prosecution service, and calls upon the Scottish Executive to ensure that future funding of the justice system reflects the demands being placed upon it."

11:07

Mrs Margaret Smith (Edinburgh West) (LD):

All members agree that there is a real crisis of public confidence in the criminal justice system. Indeed, we see it day in, day out and week in, week out at our surgeries and in our constituencies. I have been a victim of crime four times over the past two years and the other day I received a citation from the Crown Office to appear as a witness in court. I had no idea what I was being cited for, given that I have been a victim of crime four times. No one had ever told me that the crime of which I had been a victim had been cleared up or that something had been solved and somebody arrested. I had to telephone the Crown Office to find out why I was being cited; in the end, it turned out that I was being cited as a witness to a crime that had happened six months before the crime that I had initially been told on the phone I was being cited for.

That kind of thing happens all the time to people who come into contact with the criminal justice system. People are kept waiting in court, which is an issue that we hope to address through High Court reforms and the work that the McInnes committee is doing on summary justice. Moreover, the public have to make call after call to the police. Michael Matheson is right to say that, although there are 800 more police officers and 1,000 more civilians assisting the police, the burden on our police officers is constantly growing. In the constituency that I represent, the police who should be on the street are often called in to deal with policing issues in Edinburgh city centre. As a result, I am pleased by Cathy Jamieson's comment that she is examining the number of police officers and funding throughout Scotland and that she is looking in particular into the request from the chief constable in Edinburgh.

It is also clear that the issue is very complex. That may be part of the reason behind the Conservatives' confusion on the matter. They introduced a policy of mandatory early release in 1993 and then—miraculously, just before an election—repealed it in 1997. However, it is clear that they suggested the repeal of automatic release in 1997 without thinking through the impact of that policy in terms of the increase in the prison population. At the time, Lord McCluskey said:

"They acknowledge that there is likely to be an effect upon the criminal justice system of a very disruptive kind."—[*Official Report, House of Lords*, 4 March 1997; Vol 578, c 1815.]

That statement stands now, as it did in 1997. There would be a very disruptive impact in terms of the numbers of prisoners going into a prison system that, according to Her Majesty's chief inspector of prisons yesterday, is holding record numbers and cannot cope. Staff cannot cope and

people are not able to get the treatment and care that they need in prison to try to prevent them from offending again when they come out, which is surely part of what prison should be all about. That is one of the problems with the Conservatives' proposals.

There is another problem. If somebody is released on licence before they have reached the end of their sentence, there is a period in which they can be assisted by social workers to get themselves back into some kind of normal life in the community. If we take away from prisoners any incentive to behave themselves and to try to be rehabilitated, what message does that send to people in prison? I am not saying that I am not in favour of automatic release. However, the sentencing commission will be independent and judiciary-led, and we should appreciate our judiciary. For the most part, with the odd extreme exception, members of the judiciary do a good job and are good public servants. An independently led sentencing commission is more likely to come up with a system that not only deals with the problem of public confidence, which has been outlined by Annabel Goldie and by the First Minister, but addresses the complexities of the debate, such as what will happen to prison numbers if we change the present arrangements.

The sentencing commission is the right body to examine bail, remand, fines and automatic early release. I shall welcome its report when I see it.

The Deputy Presiding Officer: Before I open the debate, I should tell members that although I intend to allow all members five minutes, that time limit will include interventions and it will be a very tight five minutes. If members do not stick to that limit, other members will not be called. I call Margaret Mitchell.

11:12

Margaret Mitchell (Central Scotland) (Con): My colleague Annabel Goldie has highlighted two measures—ending automatic remission and putting more police on the street—that would play an important part in restoring confidence in the criminal justice system. However, there are other measures that would help to restore confidence and regain trust.

Those measures include first, improving the efficiency of courts. To be frank, there is little point in catching criminals if the courts are not capable of dealing with them. On that point, I agree with Michael Matheson; too many cases are being shelved. A startling example of that is the staggering 17,000 criminal cases that were dropped last year, which represents as many as 72 cases a day not making it to court. Furthermore, it is taking longer to bring the

accused to trial—on average, three weeks longer than it did in 1998-99. The solution is to speed up the court system by properly resourcing the Procurator Fiscal Service with more procurators fiscal and by introducing weekend and evening courts to reduce the backlog.

Secondly, we must ensure that effective alternatives to custody are in place, with adequate sanctions for when breaches occur. Enforcement of existing alternatives to custody has given rise to concern because of the lack of proper supervision of community service orders, and because of cynicism and disillusion that so many fines go unpaid. Last year, 7,074 fine defaulters were sent to prison, which works out at a daily average of 61. Although they do not make a huge contribution to overcrowding in prisons because they stay for only short periods, fine defaulters are an unnecessary drain on the public purse. According to the Scottish Prison Service's annual report for 2001-02, the average cost of a prison place is £30,177 per annum, which works out at £82.66 a day. That money could be used to ensure that alternatives to custody, such as community service orders and supervised attendance orders, are properly resourced.

There are two categories of fine defaulters: those who genuinely cannot pay and those who are wilful fine defaulters. Those who genuinely cannot pay have the opportunity to opt for supervised attendance orders. That has worked well in Hamilton district court, where a social worker meets the fine defaulter prior to their appearance at the means court and helps them to fill out a form that accurately lists their income and necessary spending commitments. That exercise helps the defaulter to make a realistic evaluation of what, if anything, can be offered to the court to clear the debt. If it becomes apparent that the defaulter simply cannot pay, the social worker explains that a supervised attendance order is an alternative that is geared to sorting out the problem that led to the person's being unable to pay the fine and, if possible, to addressing the underlying causes of the behaviour, such as drink or drug abuse, that led to the imposition of the fine in the first place.

Michael Matheson: Does Margaret Mitchell agree that it would be more appropriate to have a fines system that ensured that fines are in proportion to people's income, than it is to penalise people who are in poverty? A £200 fine to a pensioner means a lot, but a £200 fine to someone on Margaret Mitchell's wages is very little. It is a question of establishing a system that is more sensitive to people's circumstances. What she proposes does not recognise that.

Margaret Mitchell: Sentencing is the priority of the judge, and a justice of the peace in a court

takes account of that. It is already built into the system.

The exercise that I have described would help fine defaulters to make realistic evaluations of what must be offered. The pilot exercise in Hamilton, which is aimed at encouraging more use of supervised attendance orders, gives the justice of the peace more information about defaulters' real means and helps defaulters to make an honest evaluation of what they can pay.

Public confidence will continue to be undermined if wilful defaulters, such as our very own Tommy Sheridan, are allowed to sneer at the system and manipulate it to their advantage. Defaulters such as Tommy have the means to pay but opt instead to let the taxpayer pick up the tab. That is clearly unacceptable. There is a means by which to rectify that problem, which is to implement section 24 of the Criminal Justice Act 1991 or section 221 of the Criminal Procedure (Scotland) Act 1995.

The measures that I have outlined and those that were highlighted by Annabel Goldie would go some considerable way to restoring confidence and trust in the criminal justice system in Scotland. All that is required is the political will to implement them.

11:17

Pauline McNeill (Glasgow Kelvin) (Lab): The question whether the public have confidence in our criminal justice system probably depends on what people's experiences have been; for many people, those experiences have certainly not been good. The First Minister has called for a restoration of public confidence in the system because, having listened to people's views, he believes that many people have not had a good experience of our criminal justice system. I have confidence in our agencies, but I believe that there is a need for reform. The justice committees of the previous session of Parliament called for joining up of the system. I believe that that was an important call.

We have all dealt with cases in which constituents complain about delays or postponement of trials, trial outcomes' not being satisfactory and the general treatment of victims and witnesses in the system. I had a case recently in which a trial was postponed on 10 occasions. It was a very serious trial, but the witnesses were threatening to pull out because they simply could not endure having to face another cancellation. The Crown Office often gets the blame for those problems, but it is important to establish who does what in the system. The Crown Office is not responsible for running the courts; rather, the Scottish Courts Administration, which is a separate organisation, is responsible for that.

One of the biggest reasons for delay is the lack of witnesses. Witnesses fail to turn up because citations do not arrive in time or because people's addresses are not properly recorded. We must fix the system, although I know that there are some pilot schemes in place to do so.

I voice a word of caution about Margaret Mitchell's call for evening courts and weekend work. I do not oppose that idea per se, but she should not run away with the idea that our fiscals and agencies do not work at the weekends, because they certainly do. We must build that in to any proposal.

There have never been more seizures, more arrests or so many changes to the criminal justice system. No one can deny that the Labour-Liberal partnership has taken bold steps to reform the criminal justice system, but the question is: what will we do next? It is a fact that there are record police numbers, but the debate on police visibility versus intelligence-led policing is a crucial one. We should not underestimate the quality of policing that we can get from intelligence-led policing. For example, crime management systems are able to determine that a number of housebreakings are taking place in a particular street and allow us to identify who might be responsible for them.

I will address the question of honesty in sentencing. Successive Governments have wrestled with the question of what sentencing is for. Is it for punishment, deterrent, public safety, rehabilitation or even retribution, or perhaps all five? Perhaps we will never agree on which of those elements should be included in sentencing, but that is also an important debate. The Tories want honesty in sentencing. We certainly need clarity and consistency in sentencing, which is why I support the sentencing commission.

We have not been able to address the question of rehabilitation in our prisons to any great extent over recent years. That has been due mainly to overcrowding and a failing prison estate. If we were to follow through the specific proposal that Bill Aitken talked about in the previous session of Parliament there would be serious overcrowding—his proposal would lead to an increase of about 1,800 prisoners. We would certainly not be able to address the question of rehabilitation in our prisons if we had to deal with more prison numbers. Bill Aitken suggested during the previous session that his proposals would not give rise to an increase because judges would take prison numbers into account. Let us be clear about who does what in the system: judges are not responsible for prison numbers and they should not be required to take that into account in sentencing. We have to manage prison numbers, whatever decisions we take. That is not a matter for judges.

Annabel Goldie asks for political leadership. I think that we have that. We have introduced the sentencing commission, reform of the Crown Office, support for victims of crime and reform of the High Court and youth courts, to mention but a few of the reforms that are taking place.

The Parole Board for Scotland, which is responsible for early release on licence, has largely got it right, although there is perhaps room for improvement.

As other members have said, more use must be made of community sentencing in order that we can address the question of what we do in our prisons. We need to know where we are going in relation to alternatives to custody. There is considerable consensus in the Parliament that we need to move more quickly to ensure that more options are available and that those options are used. There is evidence that in certain cases community sentencing can be more effective than prison. The Executive should be pressed to tell us where it is going on that issue.

It is possible to have a criminal justice system that meets public expectations on serious crime. The crucial issue that we must address as politicians is people's direct experiences of the system. I hope that we get a further chance to do that.

11:23

Alex Neil (Central Scotland) (SNP): It is not often that I speak in justice debates as I tend to concentrate on economic matters, but this is an extremely important subject that affects every community in Scotland.

I will make three points; I hope that the minister will take them in the spirit in which they are delivered. My first point—I will explain to the minister privately later why I am raising the issue—is that I think that it is time that the Executive checked progress in implementing the changes to the Scottish Criminal Record Office's fingerprinting service because of some recent difficulties. Unfortunately, matters are still sub judice so I do not want to say any more than that, but I draw the matter to the Executive's attention.

My second point relates to an issue that Pauline McNeill mentioned—reform of prisoners. We seem to concentrate, with justification, on using prison as a punishment for crime. Other countries put much more emphasis on trying to reform people who are serving prison sentences with a view to ensuring that a higher percentage of them do not reoffend when they get out of prison. It seems to me that we must put more resources into, and give more attention to, reforming an offender's character as well as punishing them for the crime. If I may say so, the private prison in Kilmarnock is

particularly poor at performing that aspect of its remit, which highlights the danger of bringing the profit motive into the prison service—essential services such as reform and rehabilitation of prisoners are given low priority and do not receive the attention and resources that they deserve.

My third point is that the profile of crime in Scotland and in many other European countries shows that drug or alcohol abuse is often involved somewhere along the line. The first committee that I served on in Parliament was the Social Inclusion, Housing and Voluntary Sector Committee back in 1999. We carried out an inquiry into drug misuse in Scotland. I remember vividly going to Cumnock to take evidence in private from two drug addicts. They told us that it was their belief that up to 30 per cent of the population in Cumnock were regular abusers of drugs. Cumnock is a very poor community with high levels of unemployment and deprivation.

The following week we went to Aberdeen, which is at the other end of the spectrum economically—it is a relatively prosperous area. We were again told by drug addicts who gave evidence in private in Aberdeen that they reckoned that up to 30 per cent of the adult population of Aberdeen were involved in some kind of drug abuse. That was specifically about drugs as opposed to alcohol.

Mrs Margaret Smith: I would like to put on the record some information that the Justice 1 and Justice 2 Committees have been given. There is some evidence that sheriffs are taking that kind of issue into account in determining what they choose to do with the accused. They feel that there is more chance of the person getting the drugs rehabilitation treatment, care and attention that they need if they put them into prison than if they leave them on the streets of Cumnock or Aberdeen.

Alex Neil: I accept that point.

The point that I am making is that we must address the issue of drug and alcohol misuse—alcohol is often a bigger problem than drugs—if we are to get to the root causes of crime in our society. Much of the debate is about, and much attention is paid to, what happens once the crime is committed. We must investigate better means of prevention. One way of doing that would be to improve dramatically the services that are available in respect of drug and alcohol abuse and misuse.

I have raised three points: first, I would like the Executive to re-examine the fingerprinting service that is provided; secondly, it should consider the rehabilitation—or lack of it—of prisoners, in particular in the private prison in Kilmarnock; and thirdly, the Executive should revisit the question of what additional effort needs to go in to dealing with the problems of drug and alcohol misuse.

The Deputy Presiding Officer: I call Karen Whitefield, who has a very tight five minutes. I will then have to restrict the time that is allocated to speeches to four minutes.

11:28

Karen Whitefield (Airdrie and Shotts) (Lab): The Tory party's choice of subject for the debate is strange. It is strange that the Tories should feel that now is an appropriate time to feign interest in the criminal justice system, when the Scottish Executive has embarked on the most ambitious and radical set of criminal justice reforms in generations, when it has delivered increased resources to our police, prisons and criminal justice system and when reducing antisocial behaviour in our communities is a key priority.

The Executive is bringing forward those proposals and making that investment because it has listened to the concerns of ordinary people. Throughout the summer, the Executive consulted widely on the problems that face communities so that their experiences could help to shape the antisocial behaviour bill. Yet the Tories choose today to call for an increase in police numbers. Between 1993 and 1997 police numbers fell by almost 1,500. Today, there are record levels of policing in Scotland. Miss Goldie's concern for high-visibility policing seems somewhat hollow to me and to the people whom I represent.

Miss Goldie: Circumstances in the early 1990s in Scotland were totally different from circumstances nowadays. Nobody would disagree that circumstances were different everywhere in Europe then. The issue is not what the Tories feign to do. Does the member accept that, as we speak, the public in Scotland have a real concern about automatic early release and levels of policing?

Karen Whitefield: The issue is that we are listening to the communities that we represent and are working hard to introduce measures to tackle and address their concerns.

It is strange that the Tories have chosen to call for more resources when their underlying policy is to cut public expenditure. Never mind honesty in sentencing—it would be much better if there were honesty in Tory policy.

From talking to my constituents, I know that youth crime and antisocial behaviour continue to make the lives of many people in our communities a misery. Those problems are often caused by a small hard core of individuals who have little or no regard for anyone but themselves. Decent people in communities throughout Scotland are desperate for such problems to be tackled.

That is why I welcome the Executive's measures to tackle such problems. Measures such as the

forthcoming antisocial behaviour bill, the creation of the Scottish Drug Enforcement Agency, the confiscation of drug dealers' assets and profits and the introduction of an increased number of closed-circuit television cameras demonstrate that the Executive not only talks tough on crime but acts.

Of course, the Tories would have us believe that being tough on crime means simply locking up more people. I am confident that the sentencing commission will ensure that Scotland will have one of the toughest and most effective sentencing regimes in the world. I do not mean simply that more people will be locked up. We should imprison those who are most violent and most persistent and who pose the greatest threat, but equally we should always aim to rehabilitate wherever that is possible.

Recently, I listened to a speech by Sheriff Hugh Neilson, who is involved in the youth court pilot in Hamilton. He believes that the combination of early intervention and intensive interagency working—which are the key characteristics of the youth court pilot—will deliver substantial benefits in reduced levels of recidivism.

In conclusion, there is no doubt that much needs to be done to tackle crime and antisocial behaviour effectively in our communities and there is no doubt that the Executive, the courts, the police and all the agencies that are involved in the criminal justice field must redouble their efforts. However, there is no doubt in my mind that the Executive is determined to deliver on those issues and to make a real difference to the communities that we seek to serve.

The Deputy Presiding Officer: Colin Fox has four minutes.

11:33

Colin Fox (Lothians) (SSP): The Parliament appears to have debated law and order many times in the five months for which I have been an MSP. However, one of the public's concerns has not been addressed in any of those debates—the widespread belief in Scotland that there is one law for the rich and another, severer law for the poor. I am sure that, in recent years, the population of Scotland has thought that Lord Archer, Jonathan Aitken and Ernest Saunders of Guinness represent the rich exceptions in the prison population rather than the rule. Public perceptions and confidence in the criminal justice system can often be affected by the hysteria that is whipped up by politicians in the chamber and outside it.

Last night, I had the pleasure of attending a presentation by Edinburgh's children's panel which, like many of its counterparts throughout Scotland, does a valuable job in dealing with

children who fall foul of the law. The Edinburgh children's panel was too polite to mention this matter, but it must have been incensed by remarks that the Tory leader David McLetchie made in Sighthill the night before. He said:

"People don't have confidence in the Children's panel ... It doesn't bring home to youth offenders the differences between right and wrong."

That is a shameful insult to the thousands of volunteer panellists in Scotland who deal with youngsters day in, day out. Their work is admired throughout the world. In their own words, they address the "needs and deeds" of youngsters' behaviour. It would have been better if Mr McLetchie had encouraged people in Sighthill and elsewhere to volunteer to become panellists to see for themselves what panellists are dealing with.

Bill Aitken (Glasgow) (Con): Will the member give way?

Colin Fox: I have only four minutes, which is a minute less than the time that other members have had.

The Tories talk about honesty in sentencing policy. They must address the fact that, compared with other countries in Europe, Scotland sends one of the highest proportions of its population to jail. Some 117 people out of every 100,000 are sent to jail. There have been record levels for the past two years, but the Tories propose building more prisons and sending more people to jail. That is a bankrupt idea, if ever there was one. Nothing has been learned. It costs £28,000 per year for each prisoner to languish in jail. Criminologists throughout the world agree that the length of a sentence is no deterrent whatever to committing a crime. As Pauline McNeill and other members have mentioned, prisons have a poor record on rehabilitation. Is it any wonder that, according to figures released by Safeguarding Communities, Reducing Offending in Scotland, 53 per cent of the Scottish population believe that most people come out of prison worse than when they went in? That is the reality.

I am reminded of the film "Primary Colors", in which the Bill Clinton character says that any idiot can burn down a barn. In other words, it is easy to criticise. However, I point the Executive in the direction of an example that works—work in Finland. We should consider the Finnish example in the light of Scotland's experience. Finland is roughly the same size as Scotland, but it sends people to jail at less than half the rate at which we do—52 in every 100,000 people. Its crime record is studied internationally and its prison population is lower than it was 20 years ago. Finland investigates alternatives to incarceration and has a progressive system.

What is the effect of such liberalism? Does it

lead to rampant crime? No, it does not. Unlike the situation in Scotland, 82 per cent of Finns say that they have no fear of going to the top of the road for a pint of milk late at night. That figure is the lowest in the world.

I offer that experience to the minister. The public in Scotland want an effective criminal justice system that works and not simply a harsher system. The public want a cure for the problem and not a harsher response.

11:37

Jackie Baillie (Dumbarton) (Lab): In the short time that is available to me, I too would like to focus on sentencing.

We need to put matters in perspective. Tens of thousands of people are sentenced by the courts each year and only a handful of cases make it to the pages of the press on the basis that the sentence is considered to be inappropriate. Where cases make it to the press, considerable dismay results, but we should keep a sense of perspective about the scale of the problem.

However, we cannot afford to be complacent. We recognise the real sense of injustice that the public feel in such situations, but research from SACRO—which has been mentioned—indicates that the public want a more effective system rather than a harsher system. That should guide all our deliberations.

I welcome the fact that the Executive has set up a sentencing commission, which was a Labour manifesto commitment. The commission will consider improving the consistency of sentencing, the effectiveness of sentencing in reducing reoffending and arrangements for early release from prison. That is a helpful approach to ensure that we balance the protection of the public and appropriate punishment with the need to maintain trust and confidence in our justice system, and in sentencing in particular.

Annabel Goldie spoke about the need for political leadership. We should consider Tory political leadership in relation to early release. As we have heard, the Tories passed the Prisoners and Criminal Proceedings (Scotland) Act 1993, which made provision that a prisoner serving less than four years would be released automatically after half their sentence had been served. As the minister said, with an election looming in 1997, there was a hello to political expediency. Malcolm Rifkind showed a burst of literary taste by borrowing from Dostoevsky, but showed little substantial thinking in introducing the Crime and Punishment (Scotland) Act 1997. Parole was abolished and any real prospect of early release for good behaviour was reduced.

Annabel Goldie claims that the Tories have seen the light. She said that we should forget the past and that we are all right now. However, the Tories cannot wipe away their history. The people of Scotland will not let them do that. If the Tories were serious about their plans, the cost of implementing them would have been built into their spending plans. How much was set aside? Nothing.

I will finish with a short but important history lesson. Under the Tories, crime doubled, the number of criminals caught fell by a third, recorded crime increased by 166 per cent and police numbers were reduced. Members should look beyond the Tories' crocodile tears. Their legacy is one of high crime levels and massive under-investment. That puts the debate, which was initiated by the Tories, in context, because the Tories are all talk and no action.

Margaret Mitchell: Will the member give way?

Jackie Baillie: I am sorry, but I am in my final 30 seconds.

Yes, we need to reform the criminal justice system. However, unlike the Tories, Labour has the objectives of more police officers on operational duty and on the beat, an effective prosecution service, courts that deliver a fair trial, appropriate sentences for those convicted and, ultimately, a reduction in reoffending. Unlike the Tories, we are on the side of the hard-pressed communities who daily experience the consequences of crime.

11:41

Mike Pringle (Edinburgh South) (LD): What do the general public—our voters—want from the justice system? I believe that they want a fair system that brings criminals to justice and assures the public that the law is protecting them. The public believe that courts are perhaps too lenient and that judges are sometimes out of touch. The public do not understand why someone who is sentenced to 12 months or two years is released after six months or one year.

Do the public really understand the justice system? In 2002, an NFO System 3 survey on sentencing concluded:

"Public views on appropriate sentencing are however varied and complex. When asked to consider the details of specific cases members of the public generally opt for disposals which are broadly in line with those that would be imposed by the courts."

Many perhaps think that the courts or the prosecution service serve the criminals rather than the public. Too often, people are reluctant to report crime to the police or come forward as witnesses. If they do so, they often say afterwards that they wish they had not done so because their

experience of the court system was not a good one.

Those are all understandable concerns that I believe the Executive is well aware of, which is why it has put justice at the top of its agenda. As Hugh Henry said, there are more police officers than ever before and we are committed to recruiting further police officers in this parliamentary session. The extra police will perhaps alleviate the problem to which Michael Matheson referred.

Part of the justice agenda is the sentencing commission, which will be led by a judge of considerable experience, Lord MacLean. He will be able to examine in depth all aspects of sentencing, including sentencing effectiveness, early release and the use of bail and remand. The commission will tackle the public's continuing concerns and I believe that it will rebuild public confidence in the justice system. I hope that the commission will also examine how to keep people out of prison in this day and age. For example, should fine defaulters go to prison? There should be another way of dealing with that offence. Imprisoning fine defaulters is perhaps the single reason for Cornton Vale women's prison being full.

Annabel Goldie's motion asks us to re-enact sections 33 to 41 of the Crime and Punishment (Scotland) Act 1997 and end the automatic release of prisoners. I suggest that doing that would result in a significant increase in the work load of courts because an increasing number of accused people would opt for a not guilty plea and take their chance in court on the day. Perhaps Annabel Goldie wants the legal profession to increase its take-home pay to more than its present level. I agree with Pauline McNeill that Annabel Goldie's policy would result in more overcrowding in prisons. Surely we do not want that. As other members said, the Tories' plan would probably lead to an extra 1,800 or more prisoners in the prisons' daily population. What would that cost us?

Time has moved on and we must look forward. We must examine the current situation and decide where we are trying to get to. The partnership agreement put reform of the justice system at the top of the Executive's agenda. I believe that the reform of the High Court will address Margaret Mitchell's concerns. I also believe that the Vulnerable Witnesses (Scotland) Bill's proposal to give more support to victims and witnesses will make the general public more confident about reporting crimes to the police and going to court. All the measures to which I have referred are only the start of restoring confidence in the Scottish judicial system.

11:45

Mr Stewart Maxwell (West of Scotland) (SNP):

The debate has been interesting and many good points have been made from all parts of the chamber. I will try to deal with some of those points in the few minutes that I have.

Annabel Goldie started by referring to the Scottish household survey of 2001-2, about which she made valuable points. However, the survey also found that a third of women, a quarter of young people between the ages of 16 and 24 and more than half of people of pensionable age felt that it was unsafe to walk in their communities after dark. Obviously, the problem is not only the fact of crime but perceptions of crime.

The substantive issue of early release, which is referred to in the Tory motion, cannot be dealt with in isolation. That is why the Scottish National Party agrees with allowing the sentencing commission to do its job. Hugh Henry, Michael Matheson, Margaret Smith and many other members commented on that. We must give the commission the independence and the time to come up with proposals that we can debate at a future point.

If we did as the Tories suggest and suddenly stopped the automatic early release of prisoners without dealing with the overcrowding in our prisons, our overstretched system would collapse. Again, that point was made by many members, including Michael Matheson, Hugh Henry and Margaret Smith. We must deal with the issue of early release in the round and not in isolation. If we are serious, we will consider the number of people who are sent to prison in the first place, especially those who are imprisoned for minor offences such as the non-payment of fines. That is the way to go, rather than simply getting rid of automatic early release.

Margaret Mitchell talked about fines and fine defaulters. However, I agree with what Michael Matheson said about unit fines. Many countries throughout Europe use unit fines, which would be an effective way of dealing with the problem of the non-payment of fines. Statistics show that a high proportion of female prisoners are in prison for fine defaulting. Surely there is a fairer, more constructive way of dealing with that offence.

I agree with other members that there must be a way of ensuring that when offenders are released back into society they are ready to play a useful part in society. That is why there must be an increase in the number of programmes within prisons to help rehabilitate offenders prior to their release. Margaret Smith, Karen Whitefield and Alex Neil made good points on that issue. Our aim must be to reduce the current high incidence of recidivist behaviour. Public confidence in the justice system would be much higher if we

achieved serious reductions in the number of released prisoners who reoffend.

Some of the most important points raised in the debate were around ideas on alternatives to custody. Again, Margaret Smith, Margaret Mitchell and Pauline McNeill made excellent points on that subject. We must take a serious look at all the ideas in that area, including the suggestion of weekend sentencing. We must also ensure that we consider the best and most successful examples of alternatives to custody from around the world. It is not good enough only to say that we have more police and that we have spent more money. That in itself will not do anything. We must match resources to the demands of the system. Saying that there are more resources does not mean that they match the system's needs. That is clearly shown by the increase in cases that end in no proceedings from 12.5 per cent in 1997 to 17 per cent in 2002-3.

I pay tribute to Colin Fox's comments on children's panels. I agree that the Tory leader was utterly wrong in his comments about panels. Margaret Smith's comments about her personal experience of the justice system were helpful. Personal experience brings a light to the subject that is often missing from our speeches. It is important that we take the personal experience of individuals into account when we deal with the justice system.

I hope that the SNP amendment to the motion will be supported, as it tackles the idea that we must match resources to the demands within the system.

11:50

Hugh Henry: The debate has been exceptionally good for a short one. All parties have made a number of well-considered and appropriate suggestions. I pledge that Cathy Jamieson and I will examine carefully suggestions that are worth considering in more detail. In fact, many of the suggestions were in tune with what we are already considering.

Several members brought out the fact that, although we are doing a number of things and doing them well, many other aspects of our criminal justice system need to be improved. That is why the Executive is putting so much emphasis on challenging the way in which we operate and on challenging ourselves and others to do much better.

Pauline McNeill spoke about some of the problems in the court system, such as the length of time that it takes for cases to go through court and some of the problems that are associated with witnesses not turning up. A number of organisational aspects will have to be given clear consideration.

I will build on some of the comments that Annabel Goldie and others made on the way in which the police operate. The police will continue to have a debate on how they use their resources, on visibility and on intelligence-led policing.

What we have been saying about rehabilitation is fundamental. I was encouraged by the number of members who said that prison should not only be about imprisoning violent people and taking them off the street. Karen Whitefield is absolutely right that those who commit serious crimes need to be imprisoned and taken off our street, but she and others also spoke about the need for change. Alex Neil spoke about the need to reform prisoners. Colin Fox spoke graphically about the Finnish experience, which is not unique.

I say to Alex Neil, Colin Fox and others that some of the issues with rehabilitation—the fact that prisoners are not being prepared for release and the fact that we have such high reoffending rates—are precisely the reasons why we are so intent on having a debate about a single corrections agency. The social work services are not working as effectively as they could with prisons. The agencies in general are not working well together.

John Swinburne (Central Scotland) (SSCUP): The minister talked about Annabel Goldie. Does he agree that the legal fraternity is very much to blame for encouraging guilty people to plead not guilty up to the 11th hour, thereby tying up police time—Annabel Goldie wants to see police on the street—and curtailing the time that they should be out doing their duties? The judicial fraternity must look inwards before it can get the confidence of the people.

Hugh Henry: The debate is not about trying to apportion blame; it is about trying to identify problems and come up with solutions. Annabel Goldie talked about the sentencing commission. I say to her that Cathy Jamieson has made it clear that we will not rule out anything on the sentencing commission. We want a full investigation into all aspects of sentencing. We will give priorities and guidelines on that. Many of the comments that have been made will be given careful consideration.

When we debate imprisonment, it is clear that the Tories are still being deceitful and dishonest. They promise that more people will go to prison for longer, but they do not identify the resource issues. Just as in 1993 and 1997, they are not answering the question. Perhaps the Tories are about to surprise us with their own alternative to custody. Perhaps they are going to draw on Rosie Kane's experience and come up with an offer of community imprisonment in which they agree to take in prisoners. The sentencing commission might want to think about whether an offender

would want three months with Annabel Goldie or three years in Barlinnie. That would certainly be a difficult choice.

11:54

Bill Aitken (Glasgow) (Con): Hugh Henry began the debate by accusing the Conservatives of not listening. I have news for him: the problem is that we have been listening and, over the past few weeks and months, we have heard Jack McConnell talking tough about locking people up, Cathy Jamieson talking soft about rehabilitation and, this morning, Hugh Henry largely talking nonsense. Part of the problem is that we simply do not know where the Executive stands on the issue. Its policies do not have a credibility gap; they have a credibility chasm. Where does the schizophrenic Executive stand on some of the most important issues that affect Scottish people today?

I will make one thing clear: the Conservatives believe in making things easy for people. That is why, after due consideration and a lot of thought, we lodged amendments to the Criminal Justice (Scotland) Bill—debated in the Parliament earlier this year—which are now exactly in line with the First Minister's thinking. What was Hugh Henry's response on that occasion? He voted most of those measures down. Certainly, the wiser counsel that we offered prevailed to some extent, in that the nonsense of 16 and 17-year-olds going through the children's hearings system was done away with. However, if the Executive really wanted to do something, all it had to do was to accept my amendments. Unfortunately, it did not.

Hugh Henry: I am not surprised that Bill Aitken can hardly keep his face straight, because I do not think that even he believed that. Does he not accept that the consequence of what he proposed in the debate on the Criminal Justice (Scotland) Bill would have been that those who had been sentenced to three years would have spent longer in prison than those sentenced to four years?

Bill Aitken: As Annabel Goldie graphically illustrated in her speech, that is exactly the way that the Executive is heading. When the matter came before the Parliament, I said that remission should be done away with in its entirety. That would have resolved the difficulty.

As I have dealt with the minister, I will make one more point about the Executive's policy. We have not heard from the Executive whether the sentencing commission will consider early release overall, or only for short-term sentences. There is genuine doubt on our part on that.

The Minister for Justice (Cathy Jamieson): I clarify that the sentencing commission will consider all those issues.

Bill Aitken: I am obliged.

I will now deal with some of the other speeches. Uncharacteristically, Michael Matheson made some pretty sound points. He dealt with the increased pressures on the police and the fact that there is considerable public apathy on the reporting of crime. He began to drift from the straight and narrow on unit fines, which are SNP policy. It is entirely open to any judge who is imposing a fine to take fully into consideration the offender's means. Indeed, the High Court requires that they do so.

Michael Matheson: That point relates to the amount that the offender repays. It is about a proportionate fine for the individual. A millionaire should pay more than a pensioner if they are found guilty of the same crime, and we do not have that facility in the system.

Bill Aitken: Mr Matheson is wrong on that point. The High Court has held that it is totally appropriate for two offenders in the same case to be fined different amounts.

Pauline McNeill made a sound speech on the Scottish Courts Administration and clarity in sentencing and then failed rather badly to expand on her ideas on community sentencing. We all believe that community sentences would keep a lot of people out of jail if they worked. However, when the former Deputy Minister for Justice tells me that something like 25 per cent of community service orders are not fully complied with, and when I have sound reasons for believing that 50 per cent of them are not fully complied with, I think that they are seen not to be working.

Alex Neil said that he did not often speak on justice matters. The obvious advice that I have to give him is that he should stick to what he is good at. Apart from coming out with the old canard of Kilmarnock prison, he did not have too much to contribute.

Colin Fox started off with the plaintive cry that it is basically the rich who gets the pleasure and the poor who takes the blame and attacked David McLetchie for stating that people had no confidence in the children's panel system. I can tell him that many children's panel members do not have confidence in the system either, as a third of them resign every year. There is clearly an issue there.

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

Bill Aitken: I am in my last minute—I am genuinely sorry not to be able to give way.

Colin Fox raised the matter of Finland jailing fewer people than anywhere else. I have some interesting statistics for him. Although he is quite right about that, people in Finland also seem to

commit more crimes per head of population than is the case anywhere else—the figure of 7.4 per 100 population is much higher than in most comparable European countries.

This has been a fairly good debate, with some constructive contributions. The Executive is very much on trial, however, as is the justice system. There has been far too much talk and a total absence of action to date. The people of Scotland will be watching anxiously to see what develops in the months ahead.

First Minister's Question Time

12:01

Cabinet (Meetings)

1. Roseanna Cunningham (Perth) (SNP): To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S2F-215)

The First Minister (Mr Jack McConnell): I welcome Ms Cunningham to First Minister's question time. I hope that she enjoys the experience, and we all genuinely hope that Mr Swinney is back in his rightful position next Thursday.

Next week, the Cabinet will discuss our progress in implementing the partnership agreement and the legislative programme.

Roseanna Cunningham: I see that the First Minister is trying to deploy some of his allegedly legendary charm.

This morning, the chief inspector of constabulary for Scotland, Sir Roy Cameron, was asked whether he could see custody services being owned and operated in the same way as private prisons. He replied in the affirmative. Will the First Minister take this opportunity to say that the privatisation of police custodial services is not, and will not become, the policy of his Government?

The First Minister: The privatisation of custodial provision in police stations and that sort of environment, which I believe may have been covered by the reference made by the chief inspector of constabulary this morning, is not currently the policy of the partnership parties, nor of the Government.

Roseanna Cunningham: I am glad that the First Minister is saying that that is "not currently the policy". I also asked him whether he would rule it out for the future. Contracting out police custody services means contracting out what we in the real world call police stations. That was explicitly dealt with during the interview with the chief inspector this morning, so the First Minister must today rule out for any time in the future the privatisation of Scotland's police stations.

The First Minister: This is a diversion from the Scottish nationalist party. We have an absolutely excellent chief inspector of constabulary for Scotland. He has been one of our most respected police officers, with an excellent record in the force and an even better record since he became chief inspector. He has been at the forefront of the initiatives that are now being driven through the system to ensure that police officers who join the force for a career—serving the public, catching

criminals and ensuring that they are convicted when that is the right thing to do—spend their working time on those activities, and not doing things that should be done by somebody else. Roy Cameron has been innovative in his thinking at times and, through a number of proposals that he has made, has been at the forefront of that drive. I welcome his involvement.

We have no plans at all to contract out police stations in Scotland, but we support, and will continue to support enthusiastically, ways in which we can divert activities and work responsibilities from police officers to civilian staff and companies—where appropriate—when that is safe and the right thing to do. That is how to ensure that more police officers are on the beat in Scotland.

Roseanna Cunningham: The difficulty for the First Minister is that the chief inspector of constabulary was asked explicitly about the privatisation of custody services this morning, and replied in the affirmative. If the First Minister's denials are correct, I ask him to explain why the Deputy Minister for Justice is on the record this morning as welcoming the comments made by Sir Roy Cameron. He said that Sir Roy's comments

"are very much in tune with what we are talking about."

Either the First Minister is repudiating the Deputy Minister for Justice—which I would gladly invite the First Minister to do—or he is repudiating HM chief inspector of constabulary for Scotland.

The First Minister: Not at all. It is wrong to misinterpret in that way the totality of the remarks made by the chief inspector this morning. He is an independent assessor of the way in which our police force operates in Scotland. When he makes a suggestion—even one with which we might disagree—he has a right to be heard and we should listen to him seriously. When the Deputy Minister for Justice makes a sensible contribution at the launch of the report this morning and says, in a general way, that the original remarks made by the chief inspector are to be welcomed—before the chief inspector was asked any specific question—he is right to do that too. It is wrong to come to the chamber and misinterpret those comments.

We need to ensure that, where police officers are currently wasting their time on administrative tasks, those tasks should properly be carried out by civilian staff and not by police officers. When police officers are sitting around courts, wasting their time waiting for cases to come up that might not be heard, we must reform the court system so that they can get back on the beat and back to conducting investigations, which is the job that they signed up to do. We should transfer responsibility for transferring people or

documentation from one place to another, when police officers are doing that rather than being out on the beat or carrying out investigations. I hope that the nationalist party will support us on all those measures when they are debated in the chamber in due course.

Secretary of State for Scotland (Meetings)

2. David McLetchie (Edinburgh Pentlands) (Con): To ask the First Minister when he will next meet the Secretary of State for Scotland and what issues he intends to raise. (S2F-216)

The First Minister (Mr Jack McConnell): I will meet the Secretary of State for Scotland next week in Bournemouth, and I am sure that we will have some interesting discussions.

David McLetchie: I hope that the First Minister and the secretary of state get round to discussing the flagging performance of the Scottish economy, as opposed to the flagging performance of the Labour party.

One of the problems that business organisations identified in relation to our economy is that some small businesses are facing increases in their water bills of between 25 per cent and more than 500 per cent, when their consumption of the product consists of little more than boiling the kettle for their morning cuppa or flushing the loo.

The Executive recently announced an underspend of £394 million. It also received a £196 million stock transfer windfall from the Treasury. Out of all those millions, will the First Minister consider introducing a transitional relief scheme to ease the burden of water charges on our hard-pressed small businesses? I am told that such a scheme would cost less than £10 million over a three-year period.

The First Minister: No. My views and those of Mr Finnie and other Executive ministers about the way in which Scottish Water handled the increased water charges over last winter and into the spring have been expressed over recent months in this chamber and elsewhere and are on the record. We have had assurances from Scottish Water that future decisions—not just increases, but decisions—on water charges, particularly for businesses, will be better handled, with more consultation and clearer analysis in advance of the impact of decisions.

At the same time, it is right and proper that we invest in the water supply and ensure that the service can pay for itself. It is also right that we ensure that we meet international standards, which I believe all Scots, including those who own businesses, want us to meet. That is the right thing to do and I believe that we can do it inside the public sector. I know that the Scottish Conservatives' policy is to privatise the water

industry. We believe that that would be wrong. It would lead to higher charges and an even worse relationship with businesses. We want to see an efficient and effective public water service in Scotland.

David McLetchie: I thank the First Minister for his answer. Perhaps we might explore some of those issues. First, I am pleased to hear his acknowledgement that Scottish Water mishandled the latest round of increases. We have had transitional relief schemes in the past when there were substantial increases in business rates, so, given the acknowledged mishandling, why cannot we have such a scheme now for small businesses at a relatively modest cost?

There is a broader issue, which the First Minister rightly identified, about the ownership and structure of our water industry. Contrary to what the First Minister said, by comparison with our nationalised industry, private water companies in England and Wales have lower charges for domestic and business customers. In addition, the water that they supply to their customers is of a higher quality.

In the face of that incontrovertible evidence concerning the quality and cost of the service, why will the First Minister not consider taking Scottish Water out of the public sector and turning it—at the very least—into a mutual company that is owned and run in the interests of its customers? According to all the evidence, that would allow it to deliver a more efficient and cost-effective service than it delivers at present.

The First Minister: The deputy leader of Scottish Labour is looking forward to receiving Mr McLetchie's application to become a member of the Co-operative Party on the basis of his conversion to mutuality.

This is an important issue. For the record, I make it clear that I did not say that Scottish Water had mishandled this year's price increases. However, we have had assurances from Scottish Water that it will handle price increases better in future. That is the right approach to take, and it is right for ministers to intervene in that way.

It is also right that we ensure that Scottish Water has a charging scheme that can properly finance the investment levels that the water industry in Scotland urgently requires. It needs those investment levels because of the years of underinvestment under a Conservative Government that was not interested in the quality of Scotland's water and that had a pointless debate about ownership some 10 years ago, instead of genuinely investing in the service and ensuring that it met the national and international standards that we would expect it to meet.

We are determined not only to have a public water service in Scotland, but to have one that meets those standards and that is run efficiently. That will involve some tough decisions. It will involve people having to pay for the service, and the service will have to become leaner and more efficient. However, we believe that that is the right solution, not the privatisation of Scotland's water.

Gordon Jackson (Glasgow Govan) (Lab): In the context of a question about the economy, can I have the First Minister's assurance that, in his discussions with the Secretary of State for Scotland, he will emphasise the importance of a healthy UK defence industry, in particular for the continued viability of the Govan shipyard and for the people and prosperity of that area of Glasgow?

The First Minister: That is an important point, which I have discussed with Alistair Darling since his appointment as secretary of state in the summer. I am sure that we will have more discussions about it in future.

A healthy UK defence industry is vital not only for our national defence, but for jobs in Scotland. That is particularly the case in Gordon Jackson's constituency, which covers the Clyde and the shipyards, where the number of apprenticeships is increasing dramatically 20 years on from what appeared to be a terminal decline in the number of apprenticeships in Scotland. Young people are being given the opportunity to get back into that industry and to learn the skills that will help them in future.

We are also securing jobs in regiments and support industries for defence elsewhere in Scotland, especially in Perthshire. I hope that those who will vote—at a conference somewhere else this week—on whether to shut down the Scottish defence industry will think again, think twice and back it instead.

Mr Mark Ruskell (Mid Scotland and Fife) (Green): Following the publication yesterday of the findings of the UK Government's national debate on genetically modified crops, which concluded that the majority of the public never wants GM crops to be grown under any circumstances and that only 2 per cent of people would be happy to eat GM foods, will the Executive use its devolved powers over agriculture to respond favourably to the public debate?

The First Minister: Mark Ruskell makes a serious point. The public consultation was a serious exercise, not only in hearing the views of the public, but in holding a dialogue with the public. I understand from yesterday's report that that dialogue, and the way in which it was conducted, was commended by the independent person responsible as a way in which the Government could develop consultations in the

future. We, too, have a good record on consultation, including, for example, the consultation on antisocial behaviour that was conducted over the summer, which was more of a dialogue with the public than a straightforward paper exercise.

On the specific issue of GM crops, we have said consistently that we will take a straightforward, scientific approach. We will analyse the evidence and make announcements about our policy once we have that evidence. We believe that that is the right way in which to handle the matter, and that is what we are going to do.

Council Tax

3. Tommy Sheridan (Glasgow) (SSP): To ask the First Minister what the Scottish Executive's position is on the fairness of the council tax, particularly in relation to pensioners. (S2F-233)

The First Minister (Mr Jack McConnell): Under the current system, council tax benefit is available to those who have difficulty paying, including pensioners.

The partnership parties agree that the council tax system could be improved. That is why, following consultation with the Convention of Scottish Local Authorities, we will establish an independent review of local government finance.

Tommy Sheridan: Our pensioners are being hammered by the unfair Tory council tax. Commenting on a recent report, Help the Aged stated:

"rises in council tax continue to increase the financial misery faced by the least well off pensioners. ... Our research shows that council tax is not just a property tax, but a pensioner tax."

A bill for the abolition of that pensioner tax has now been proposed to the Parliament. The Labour party's partner in Government believes not in improving the council tax, but in replacing it. Will the First Minister change his position and stand up for the pensioners, instead of standing up for the wealthy?

The First Minister: I do not believe that the Labour party's policy in the May election, which was to improve and extend council tax bands, is in any way protecting the wealthy or not looking after pensioners. It is no secret that two different views on the issue were expressed in the Labour and Liberal Democrat manifestos for the election. We have taken the right decision to refer not just those views, but the views of other members, to an independent review of local government finance. That is the right way of handling this matter.

I hope and expect that the independent review of local government finance will place under scrutiny and find wanting the plans of the Scottish

Socialist Party for a Scottish service tax, which would penalise a significant number of people in our society who are not at all wealthy and would centralise local taxation in Scotland, instead of giving local authorities more power and responsibility.

Tommy Sheridan: I thoroughly welcome the opportunity to debate our and other ideas for replacing the council tax. Seven political parties are represented in the chamber, five of which want to replace the council tax. The old Tories and the new Tories still defend that system. Is it not time that the First Minister supported a system, based on personal income, that starts to fleece the fat cat's wallet, instead of continuing to plunder the pensioner's purse?

The First Minister: In Scotland we already have a system of local government finance that is derived largely from personal income tax. Under the current system, the largest proportion of local government expenditure is financed by national Government grants to local authorities. National Government taxation is based largely on a variety of systems of personal taxation.

I do not accept that local government finance in Scotland is largely property based. I am prepared to be persuaded otherwise by an independent review of local government finance but—as I have said before—like socialists throughout the last century in Scotland I believe that there is a role for property-based taxation, because property is related to the ability to pay. I am disappointed that Mr Sheridan does not see that link. I hope that he can be persuaded that it is wrong to penalise doctors, dentists and others whom we want to recruit into the health service, and other professions in Scotland, just so that he can grab the sort of headlines that he tries to get by claiming that he wants to abolish local taxation. He does not—he wants to replace it with a far worse system.

Mr Brian Monteith (Mid Scotland and Fife) (Con): The First Minister was elected on a programme that did not include proportional representation for local government, but he plans to introduce it. When can we expect the First Minister to abolish council tax and to introduce the increase in income tax that his Liberal colleagues recommend?

The First Minister: We will be happy, following discussions with colleagues in local government, to initiate our independent review of local government finance. That is the agreement that we have made, and that is what we will do. I hope that the level of discussion in the independent review will be slightly higher than that which sometimes takes place in the chamber on this subject.

Skills Shortage

4. Ms Wendy Alexander (Paisley North) (Lab):

To ask the First Minister what action the Scottish Executive is taking to combat the skills shortage in Scotland by welcoming people who wish to come to live and work here. (S2F-227)

The First Minister (Mr Jack McConnell): To deal with Scotland's population decline we need to retain talent within our borders, to attract ex-Scots back home and to attract talent from all over the UK, Europe and further afield.

We are preparing plans to take forward our fresh talent initiative, which includes improved promotion of Scotland abroad and the establishment of a one-stop relocation advisory service for those who wish to live and work in Scotland.

Ms Alexander: As part of the next stage of the fresh talent initiative, will the First Minister consider ways in which we could improve the collaboration among Scottish universities in large international markets where people want to come to study in Scotland? In particular, given that a common Scottish brand proved so effective 20 years ago in the field of inward investment, will he consider whether there might be lessons there in how we promote Scottish higher education internationally?

The First Minister: That is a sensible idea. Scottish universities have an excellent reputation world wide. They have a lot to sell at home and abroad and if they do so in a collaborative way, they will maximise their impact and we will maximise the number of people from all over the world who want to come here. I hope that we are able to convince many of those people to spend longer in this country and to live and work here as well as studying here.

Mr Rob Gibson (Highlands and Islands)

(SNP): The First Minister is encouraging people to come here for higher education, but does he agree that when we get people to come to Scotland we have to give them good reasons to stay? Will he spell out some of the ways in which he thinks that we, in an underpowered, devolved set-up, can keep as many people who want to stay here as possible? For example, we could release the many asylum seekers who take a long time to get their asylum confirmed in this country and get them into our economic system.

The First Minister: Let me be clear about this. As Mr Gibson knows, I do not believe in a separate immigration policy for Scotland. Having a single immigration policy for the whole United Kingdom would make sense to any logical person in Scotland.

I also genuinely believe that we can intervene in that system to the benefit of Scotland's economy and our society in the years to come. We can do so not only by ensuring that more Scots stay here, which is part of what our initiative must try to achieve, but by improving the chance that people from elsewhere in the world will choose to make Scotland their home and to work here. We can do that now.

We have an amazing opportunity. Scotland is back in the international limelight. We have an opportunity because the UK is increasing the number of people who get work permits. We have an opportunity because of the number of people who seek, and get, asylum or refugee status in Scotland. We have an opportunity to say to them that we have one of the best education systems anywhere, we have a world-class higher education system, we have scenery and a countryside that is almost second to none, we have cities that are increasingly cosmopolitan, metropolitan and successful and we have potential in our economy. If we go out and sell that message across the world, rather than talking Scotland down, we will see more people wanting and choosing to live and work here.

Identity Cards

5. Mrs Margaret Smith (Edinburgh West) (LD): To ask the First Minister what discussions the Scottish Executive has had with the Home Office regarding the introduction of identity cards. (S2F-223)

The First Minister (Mr Jack McConnell): Our partnership agreement commits us to evaluate local pilot projects in order to assess the desirability of creating a national voluntary citizen's entitlement card—that was quite a mouthful—for appropriate public services, while taking care to protect individual privacy. Independent of that, the Home Secretary has been consulting on options for a UK identity card. He has kept ministers in Scotland up to date with the UK Government's emerging proposals and we intend to continue that dialogue as discussions continue towards a conclusion.

Mrs Smith: I am sure that the First Minister is well aware of the fears that are expressed by many people, including the UK information commissioner, that entitlement cards might represent the start of a slippery slope towards a compulsory identity card, without which it would be impossible to gain access to health care or other benefits. Will he give an assurance that, should the Executive move towards voluntary entitlement cards, there will always be alternative methods for people to access services? Will he assure us that entitlement cards will not simply be a pilot for a UK identity card scheme?

The First Minister: In all our discussions with the UK Government in the past 12 months, both we and it have been absolutely clear about the fact that it will not make proposals or bring in legislation to introduce a compulsory element in relation to those Scottish public services that we are responsible for and that would come under the jurisdiction of an identity card system. Any decision of that sort would be a decision for this Parliament to make. We are clear about that, and the Westminster Government has been clear about that too.

In the meantime, we must make progress on our plans to have a voluntary entitlement card in Scotland. In this information age, it will afford an opportunity for Scots to have better and easier access to public services. In the longer term, if the UK Government does produce plans, the right place to assess their impact on Scotland and their impact on access to public services in Scotland is here. We should have an open and honest debate about that.

Des McNulty (Clydebank and Milngavie) (Lab): Given the discussions with the Home Office, can the First Minister indicate how the costs of the introduction of identity cards would be met by the Scottish Executive or whether they would be met out of Treasury funds? Can he indicate what the costs of such an introduction might be in Scotland? Bearing in mind the reservations, on civil liberties grounds, that many of us have about the introduction of compulsory identity cards, does he feel that the costs can be justified?

The First Minister: I have a sneaking feeling that the costs associated with an identity card scheme might be one of the reasons why we do not yet have a decision for the long term from the UK Government. I know that the proposals that have been under discussion—which have been widely reported in the press—have included the suggestion that perhaps people will pay for identity cards when they first receive them. I am sure that that is part of the discussion that the UK Government will continue to have. There has been absolutely no suggestion anywhere in those discussions that, for a UK identity card that was for reserved and not devolved issues, there would be any financial contribution whatsoever from the budget of this Parliament and our Executive.

Universities (Top-up Fees)

6. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the First Minister what the impact of the introduction of top-up tuition fees in England and Wales will be on Scottish universities. (S2F-211)

The First Minister (Mr Jack McConnell): Mr Fraser will be aware that no decisions have yet

been taken by the UK Government on the possible introduction of top-up fees, or on its other proposals for funding higher education. In Scotland, the partnership has agreed not to introduce top-up fees in this Parliament, and our ambitions are to raise both the quality and the competitiveness of the sector in the short and long term.

We are currently working in collaboration with key stakeholders in the higher education sector to establish whether or not there will be any implications for Scotland from any new funding system implemented in England.

Murdo Fraser: The key stakeholders to whom the First Minister referred are all on the record as saying that top-up fees in England and Wales will have a seriously detrimental effect on the Scottish universities. In light of that, if the First Minister bumps into his friend the Prime Minister in Bournemouth next week, will he have a word with him and ask him not to proceed with top-up fees in England and Wales? If the Prime Minister refuses, will the First Minister, as leader of the Labour Party in Scotland, ask his colleagues representing Scottish constituencies at Westminster to vote down top-up fees for English universities in order to protect the Scottish higher education sector?

The First Minister: I should refer Mr Fraser to comments made by Mr Brian Monteith when he was the Conservative education spokesperson this time last year, when he said that he thought top-up fees in Scotland might be a good idea. There is a debate to be had in England and Wales, and there is a debate to be had in Scotland.

In Scotland, we have made clear our position on fees for the next four years, but we need to ensure that the way in which we finance higher education in Scotland is properly thought through for the long term. We must be able not only to service the successful access to higher education that exists in Scotland—we have a far higher number of graduates than any other Organisation for Economic Co-operation and Development country, and a quality of provision that we can be proud of internationally—but to ensure that it continues into the future. We also need to ensure that we have the best opportunities for research. Currently, excellent research is taking place in both our large and small universities. We want to ensure that whatever funding system we put in place, it will maintain, improve and extend that situation in the years to come.

Donald Gorrie (Central Scotland) (LD): The First Minister said that he has plans to fund universities adequately. Could he spell that out, because whatever happens about tuition fees, we must retain good staff and good facilities? In recent years the focus has been on student

finance, which is quite right, but the focus has to be on university finance. Can the First Minister assure us that there will be adequate finance?

The First Minister: That is a relevant point. The importance of our continuing to have a good level of funding for higher education in Scotland cannot be underestimated.

We also need to be careful that we do not end up in a debate that simply compares figures for Scotland with figures for England and Wales that have different bases. For example, figures for higher education spending in England that include spending in the further education sector are quoted regularly. In Scotland, we refer to higher education spending on its own.

We need to ensure not only that higher education spending in Scotland remains at its current high level, but that it is well used, properly targeted and invested for the long term in the sort of capital equipment and facilities that will allow our best researchers to make the most of their talents. I hope that we will be able to do that.

Christine May (Central Fife) (Lab): I am sure that the First Minister will join me in welcoming our distinguished guests from the Saxony Parliament, whom I know he will meet later on.

Does he agree that the proposal on tuition fees might have implications, not just for universities, but throughout Scotland's further education sector and that any discussions that we have should encompass those areas, which are vitally important for social inclusion and our economic prosperity?

The First Minister: I am sure that we will take on board all the relevant factors in the discussions that are taking place, including the implications for elsewhere in the education system.

In all those discussions, we must acknowledge that the systems north and south of the border are very different. In England and Wales, the level of access to higher education is significantly lower than it is in Scotland and funding is lower. New funding needs to be injected into the system in England and Wales and access needs to be improved; innovative ways of doing that are being considered.

In Scotland, the challenge is different. That is why we will take time to make the right decisions. There will be no knee-jerk reaction. We will implement those decisions with the consent of the Parliament and—I hope—the sector.

The Presiding Officer (Mr George Reid): We started late, so we will have one last supplementary question.

Alex Neil (Central Scotland) (SNP): When will the First Minister's review of higher education

report? Will it rule out top-up fees in Scotland in the long term and will it restore the spend on higher education as a percentage of total education spend, which is now required?

The First Minister: I can be certain of the fact that the review will report before we get independence for Scotland. I am referring to an interesting debate that is taking place elsewhere.

We will ensure that the review reports when it is ready to report and when it has carried out the right analysis on the decisions that will make sense to the Parliament. We will also ensure that it reflects the issues that I have tried to address in my answers today—the key challenges for the Scottish higher education sector, nationally and internationally. We do not have tuition fees in Scotland at the moment, so we are not even debating the prospect of having top-up tuition fees. We have a system that is well funded and that already has high levels of access and quality. We want to maintain and improve that quality in the years to come.

12:32

Meeting suspended until 14:30.

14:30

On resuming—

Question Time

SCOTTISH EXECUTIVE

Planning Appeals (Consultation)

1. Patrick Harvie (Glasgow) (Green): To ask the Scottish Executive when it will consult on proposed new rights of appeal in planning cases. (S2O-503)

The Deputy Minister for Communities (Mrs Mary Mulligan): We announced in our white paper, “Your place, your plan”, published in March, that we would issue a consultation paper during 2003. We are still working towards that target and we intend to publish our paper before the end of the year.

Patrick Harvie: Will the minister tell us whether any assessment has been undertaken in advance of the consultation about the number of applications that are likely to be improved or not submitted in the first place if third-party rights of appeal are introduced?

Mrs Mulligan: A whole host of issues will be considered in the consultation paper. We have set up a stakeholder group to construct the consultation and to ensure that all those issues are addressed in the paper. That information will be issued when the consultation paper is released.

Pauline McNeill (Glasgow Kelvin) (Lab): Although I support the urgent need for a qualified third-party right of appeal, does the minister agree that there is a need for a comprehensive reform of the planning system, and not only for the third-party right of appeal? In particular, does she agree that there is a need to support local objectors who might be up against the resources of big business and developers? Further, does she agree that there is an urgent need to ensure that decisions in the planning system are clear and transparent?

Mrs Mulligan: I recognise that a number of people are concerned about the involvement of individuals and community groups in the planning system. That is why we are committed to reviewing the issue and, in particular, the assistance that is given to local community groups. Just a few weeks ago, I announced an additional £50,000 for Planning Aid for Scotland, which is intended specifically to assist local groups that are taking part in the planning process. I hope that Pauline McNeill accepts that that is one way in which the Executive can ensure that there is a level playing field in the planning system.

Social Economy (Support)

2. Bill Butler (Glasgow Anniesland) (Lab): To ask the Scottish Executive how it plans to support the growth of social firms and the social economy. (S2O-471)

The Minister for Communities (Ms Margaret Curran): In January, I published "A review of the Scottish Executive's Policies to promote the Social Economy", which was supported by £6 million of new funding. An action plan to implement the report's recommendations is being developed and will be published in the near future.

Bill Butler: Will the minister assure members that the action plan will aim to create a level playing field by addressing some of the obstacles that prevent organisations in the social economy from becoming more involved in public service delivery? In particular, will the action plan address the financial constraints that social economy organisations face? The organisations are unable to access many of the financial services that are available to other types of business. In addition, the application process for grant funding needs to be simplified and speeded up.

Ms Curran: Yes, I give the member the reassurance that he seeks. Before I come to the detail of that, I congratulate Social Firms Scotland on its work on the social economy and on its significant contribution to this debate. Representatives of the organisation are in the gallery this afternoon and I welcome them. [Applause.]

On the point that Bill Butler raised, significant work is going on. I guarantee that the action plan will examine the detail of how we create a level playing field and how we recognise the challenges that social firms face. I have been talking to the financial institutions to ensure that their good offices can be used to support the social economy in Scotland and, indeed, to ensure that we consider some of the wider issues around business organisation that will help social firms to develop.

Shiona Baird (North East Scotland) (Green): Money from the phoenix fund has had a positive impact in England through the provision of support for the development of social firms and for other forms of social enterprise. Will the minister explain why such money was not made available to the sector in Scotland? Will she confirm that the Executive will ensure that Scotland's allocation of phoenix fund money will now be ring fenced for the development of social firms and for other forms of social enterprise in Scotland?

Ms Curran: I am not sure whether the member is aware of the work that the Scottish Executive did before the election in relation to the social economy, of which we see social firms as part. We

have developed a comprehensive approach to the issue and have launched the report that I mentioned.

We are about to publish an action plan that will consider in detail the issues that the member has raised. I will bring that before Parliament at the appropriate time.

Rhona Brankin (Midlothian) (Lab): Is the minister aware of McSence, which is the biggest community business in Scotland and is situated in Mayfield in my constituency? Is she also aware that, this year, McSence won the *New Statesman* social enterprise of the year award and the Queen's jubilee award for social enterprises in Scotland? Will the minister agree to visit McSence the next time she is in Midlothian or, indeed, ask the First Minister if he might consider visiting such a successful example of social enterprise?

Ms Curran: I have just asked the First Minister and he has suggested that we could go together. It would be an interesting day out for both of us, I am sure.

The Minister for Tourism, Culture and Sport (Mr Frank McAveety): That would be quite a social partnership.

Ms Curran: Indeed. I am sure that it would be quite an interesting event for me in particular.

Moving rapidly on, I believe that Rhona Brankin draws our attention to the significant work that can be undertaken by enterprises such as the one that she mentions in relation to not only the social aspect but the economic aspect of their work. It is the joining together of the social and the economic that is vital to the work of social businesses and I am committed to that. I am sure that the Scottish Executive can make significant progress in that area.

Mary Scanlon (Highlands and Islands) (Con): The Social Firms Scotland briefing paper on the subject of people with mental health problems moving into work states that stigma and discrimination are

"the most significant barriers to employment aspirations".

Will the minister condemn the unacceptable and inappropriate smears that Mike Rumbles made in the chamber this morning and distance members of her party from those shameful comments about people with mental health problems?

Ms Curran: I am sure that Mary Scanlon will forgive me if I do not comment on that matter as I do not know what she is referring to.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I am glad that the minister responded in that way. I feel that Mary Scanlon's comment is absolutely inappropriate for this situation. Does the minister agree?

Ms Curran: Yes.

Aggregates

3. Eleanor Scott (Highlands and Islands) (Green): To ask the Scottish Executive how much land-banked aggregate there is in Scotland and where information is kept on mineral permissions granted by local authorities. (S2O-501)

The Deputy Minister for Communities (Mrs Mary Mulligan): Land-bank statistics have not been collated on a national basis since 1993. However, information on mineral permissions that have been granted will be available from local authorities.

Eleanor Scott: Today the Scottish Executive announced a major review of its guidance for quarrying and mineral extraction. Will the minister assure the chamber that the review will move Scotland away from the old predict-and-provide approach to mineral working and will instead encourage a system that manages demand for minerals, gives priority to the reuse and recycling of minerals and aggregates, protects our environment and communities from the negative impacts of mining and quarrying and maintains accurate data?

Mrs Mulligan: I am pleased that the member is aware that we have announced a review of the national planning policy guideline 4. The intention is to seek as many views as possible on how that policy guideline can be improved. It has worked successfully for 10 years, but we are not complacent and we realise that there might be areas in which we can improve.

Inshore Fisheries (Protection)

4. Alex Fergusson (Galloway and Upper Nithsdale) (Con): To ask the Scottish Executive under what circumstances it would consider enforcing a 3-mile exclusion zone for the protection of inshore fisheries. (S2O-483)

The Minister for Environment and Rural Development (Ross Finnie): As part of the strategic review of inshore fisheries, we recently conducted a consultation to establish the circumstances in which various fisheries management tools would be most effective and appropriate. We are analysing the responses to that consultation and we expect the conclusions from the overall strategic review to be available at the end of the year.

Alex Fergusson: The minister will be aware of—and, I am sure, will have welcomed—the recent formation of a Galloway static gear fishermen's association. It was formed because of concern that 20 sustainable local jobs were threatened by the activities of a factory ship that had arrived to plunder the waters of Luce bay in my constituency. Does the minister agree that those marine crofters and the stocks on which

they depend deserve protection from such commercial over-activity? Does he agree that a 3-mile exclusion zone is the only effective way of ensuring their sustainability? If that is agreed to be the best way forward, as I sincerely hope that it will be, will the minister give me a time scale within which we can expect him to implement such a measure?

Ross Finnie: I am happy to acknowledge Alex Fergusson's consistent interest in this constituency matter. I am grateful to him for the positive way in which he has engaged with my department as part of the strategic review.

I hope that Alex Fergusson will accept that nomadic fishing is part and parcel of Scottish fishing. Producing a solution for one area runs the risk of simply displacing the activity around the coastline. The Executive has a broader responsibility to come up with a strategic policy for inshore fisheries management. In that context, I refer him back to my first answer. By the end of the year, we will have concluded our consultation and review. Having exclusive bands or banning vessels of a certain metrage are options that we are examining. We will have to come up with a solution that not only deals with Mr Fergusson's problem but is consistent in its application throughout the inshore fisheries.

Mrs Margaret Ewing (Moray) (SNP): I have already said quite a lot about fish in the chamber today. The minister says that he will present the results of the consultation at the end of the year, but will he tell us how much consultation has taken place with producers and processors throughout Scotland? Many people have an interest in this matter.

Ross Finnie: We have consulted widely. I do not have the numbers to hand but I will provide the member with that information. In particular, we have consulted all the inshore fisheries organisations, because we have come to the view that there are opportunities for us to treat the fishery within the 12-mile zone more comprehensively. It is in all our interests to avoid some of the mistakes that have taken place in the wider waters.

Nursery Nurses

5. Frances Curran (West of Scotland) (SSP): To ask the Scottish Executive what action it is taking to resolve the nursery nurses dispute. (S2O-505)

The Deputy Minister for Education and Young People (Euan Robson): The Scottish Executive will continue to encourage the local authorities and unions to keep talking in order to reach a settlement that is fair for the nursery nurses and financially sustainable for the local authorities.

Pay and conditions are a matter for employers, and this dispute must be resolved between the local authorities and the trade unions. I note that some local discussions are taking place and that in at least one area—South Lanarkshire, I believe—a settlement has been agreed.

Frances Curran: Does the minister agree that that answer is a complete cop-out? It is a betrayal of a section of very low-paid workers. The Executive is responsible for the early-years curriculum and the extra responsibilities that have been put on nursery nurses, so surely it should take responsibility for increasing the pay of those workers. I want to ask the minister a direct question and I want him please to give us an answer. Does he think that our nursery nurses are worth £18,000 to £21,000 annually?

Euan Robson: I repeat what I just said. The Executive has encouraged a fair settlement for nursery nurses and one that is financially sustainable for local authorities. The member must understand that, under the single-status agreement—which the trade unions signed up to—negotiations are carried out at local level. That is where negotiations should take place and that is where they are taking place.

Margaret Jamieson (Kilmarnock and Loudoun) (Lab): I declare an interest as a member of Unison and the mother of a registered nursery nurse.

Will the minister give a commitment to give greater consideration than he was able to give last night to the many suggestions that were made by members who participated in the members' business debate? Will he give immediate attention to engaging the Convention of Scottish Local Authorities in constructive negotiation with those who represent nursery nurses throughout Scotland to resolve the dispute?

Euan Robson: The member made a very eloquent contribution to last night's debate and I thanked her for it. During the debate, I said that of course the Executive would take away members' comments and examine them. I can only repeat what I said last night, which is that COSLA initiated discussions on behalf of the local authorities, but when the national negotiations appeared to come to an end, the single-status agreement—which, I repeat, the trade unions signed—meant that the negotiations returned to the local authorities. The individual local authorities are negotiating with the trade unions. As I understand it, that is what was anticipated in the single-status agreement.

Mr Adam Ingram (South of Scotland) (SNP): Will the minister explain why the Executive has been willing to intervene to secure equitable pay and career structures for nursery teachers through

the McCrone deal but continues to allow nursery nurses to be hung out to dry and picked off on a local basis by their local authority employers?

Euan Robson: The Executive has always said that it looks to a fair settlement for the nursery nurses, and one that is financially sustainable for local authorities. The point is that we are in the middle of a series of negotiations. Is the member suggesting that, whenever negotiations take place between employer and employee, somehow or other the Scottish Executive should intervene? I do not think that that should be the case.

Dennis Canavan (Falkirk West): Is the minister aware that the Executive's own statistics show that, while the number of local authority pre-education places has increased by 4 per cent from last year, the number of local education authority staff who provide that service has decreased by 13 per cent? Will the Executive address the matter of increased work load and increased responsibilities of pre-school education staff as well as trying to ensure a much fairer deal for nursery nurses?

Euan Robson: Those figures are known to the department and we will discuss them with COSLA and the local authorities as part of the many discussions that we have with them during the year.

Over-30-months Scheme

6. John Farquhar Munro (Ross, Skye and Inverness West) (LD): To ask the Scottish Executive when and how it will implement the ending of the over-30-months scheme for cattle. (S2O-494)

The Minister for Environment and Rural Development (Ross Finnie): Ministers in the United Kingdom Government, the Executive and the other devolved Administrations have not yet reached a final decision on the advice that was put forward in July by the Food Standards Agency concerning changes to the over-30-months scheme. Therefore, the timing of changes to the OTMS is uncertain, but changes are not expected before April 2004. I have made it clear that we should not implement changes until we are sure that we have a robust testing arrangement and a coherent strategy for dealing with any potential market disruption.

John Farquhar Munro: I am sure that the minister will appreciate that there is huge demand for the abolition of the over-30-months scheme. Will he give an undertaking that priority will be given in the negotiations to ending the scheme for Highland cattle and other breeds that do not mature until they are well in excess of 30 months?

Ross Finnie: I am certain that, once we come to a decision, Highland cattle will be included. I am

well aware of the problem that has affected breeders of Highland cattle due to the slow maturity of the breed. I am particularly aware of it because I opened a cattle-handling facility in John Farquhar Munro's constituency and was surrounded by 30 of them. I am sure that he did not organise that personally.

Mr Ted Brocklebank (Mid Scotland and Fife) (Con): I am sure that the minister will agree that the eventual removal of the OTMS is good news for British beef. However, does he agree that, unless a phased approach is taken to the lifting of the ban, the price collapse that would follow would have disastrous consequences for the beef sector, which has shown commendable resilience in recent years?

Ross Finnie: The member should have listened to my first reply. I said that I am against an immediate release until we have a coherent strategy for dealing with any potential market disruption. We must have that strategy in place before we agree to the arrangements and to changes to the OTMS rules.

Veterinary Surgeons

7. Mr Alasdair Morrison (Western Isles) (Lab): To ask the Scottish Executive what steps are being taken to encourage newly-qualified veterinary surgeons to consider working in the rural, farming and crofting environment. (S2O-486)

The Minister for Environment and Rural Development (Ross Finnie): Ultimately, career decisions are a matter for veterinarians but, as part of their veterinary training, all students continue to receive experience in farm animal practice, which informs their career decisions. I am aware of concerns about the supply of large-animal practitioners in rural areas. We seek to address that through the veterinary profession and by other means.

Mr Morrison: Is the minister aware that the vast majority of the 495 vets who graduated in the UK last year wished to and do practise in urban and city practices? Is he aware that many rural vets will retire shortly? Given the trends that are developing, we could soon face a shortage of rural and island vets. How will that challenge be overcome? How can the Executive assist in ensuring that more vets opt to work in rural Scotland?

Ross Finnie: In our discussions with veterinary colleges and others who are involved in animal health, it has become clear that by developing an animal health strategy and therefore elevating the importance of animal health on the farm, the Executive and other agencies are likely to stimulate interest from veterinarians in the likelihood of greater career prospects that relate to

their qualifications. I hope that working as close cohorts with veterinary colleges and developing the animal health strategy will go a long way towards making the career more important and more valuable for veterinarians to pursue.

Mr Rob Gibson (Highlands and Islands) (SNP): Does the minister agree that it is important that when vet contracts for supervising abattoirs are let, they are dealt with within Scotland to encourage existing practices to keep young vets who have just started? The last round of contract letting, which was orchestrated from London, did the opposite of that.

Ross Finnie: As Rob Gibson knows, a conflict is involved. Much of the time, people who are involved in the meat industry complain about the high costs of the meat hygiene service. When we exhort the meat hygiene service to reduce costs, the contracts are put out to competitive tendering among veterinarians.

The consequence is that some practices have lost out, but that is not true throughout Scotland. Many Scottish practices succeeded in obtaining contracts. I am bound to say that, in the round, we in Scotland have the competence to do the job. Practices here are capable of competing. However, we must be mindful that, in dealing with the food chain for the meat industry, we have also to contain the costs of the meat hygiene service.

Higher Education Qualifications (Review)

8. Marilyn Livingstone (Kirkcaldy) (Lab): To ask the Scottish Executive what support is being made available to colleges to facilitate the review of higher national certificate and higher national diploma qualifications. (S2O-490)

The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Mr Jim Wallace): The prime responsibility for reviewing higher national qualifications rests with the Scottish Qualifications Authority. The SQA collaborates with colleges and college staff to review and maintain the qualifications and has arrangements in place to remunerate colleges for their expenditure.

Marilyn Livingstone: I am sure that the Deputy First Minister agrees that the review is important to the sector, to facilitate not only technician-level qualifications, but the two-plus-two model, which we all look forward to seeing rolled out to all universities. The sector is at full capacity. Will a development fund be established to help the sector to make that review professional and to ensure that it has as little impact as possible on the existing programme?

Mr Wallace: I agree with Marilyn Livingstone about the importance of the review. The Executive and employers view higher national qualifications

as a robust centrepiece to prepare students for a wide range and high level of skills.

As I said, responsibility for maintaining and updating the qualification design rules rests with the SQA. Provided that they pursue an agreed programme of work, any costs that colleges incur in connection with the review should be reimbursed by the SQA.

Concessionary Travel

9. John Swinburne (Central Scotland) (SSCUP): To ask the Scottish Executive what role transport Scotland will have in the introduction of the national concessionary travel scheme for elderly people and people with disabilities. (S2O-481)

The Minister for Transport (Nicol Stephen): A consultation document on a new approach to transport in Scotland was launched last week, on 17 September. A new agency called transport Scotland is proposed and one of its tasks will be to co-ordinate national concessionary fare schemes.

John Swinburne: Does the minister agree that it is unacceptable for senior citizens to be removed from buses part way to their destination because their concessionary passes are not valid across local authority boundaries?

Other countries whose institutions have fewer powers than the Scottish Parliament has have been able to deliver a national concessionary scheme as part of an integrated transport system. Will the minister give assurances to the senior citizens who have written to me that he will not waste time and money on another consultation exercise, but will simply deliver immediately on his pledges to include all forms of transport? In particular, will the scheme include senior citizens in the northern and western isles?

Nicol Stephen: I certainly believe that it is completely unacceptable for an elderly person to be removed from a bus during a journey. I would be happy to take up any example of that, not only with the bus operator concerned, but with the Confederation of Passenger Transport. There are other examples of the existing scheme not working as well as I would like, which I am taking up with the CPT.

The important thing is that we now have free local bus travel for older people, which we want to roll out across Scotland. I am sure that all members welcome that initiative.

The member also asked why we should waste time on consultation. My understanding is that having consultation is one of the founding principles of the Parliament and I want that to continue.

Christine May (Central Fife) (Lab): Does the minister agree that, although the national concessionary travel scheme for elderly people and those with disabilities is important, it is also important that we move as quickly as possible to implement the partnership agreement commitment on a national concessionary travel scheme for young people, which was in the Labour party's manifesto? I ask him to indicate what the timetable is for the work that is necessary to make that happen.

Nicol Stephen: I assure the Parliament that I am committed to delivering national, free, concessionary fares schemes for older people, for disabled people and for young people. Those schemes are all a priority.

One of the reasons why I believe that we must have a new organisation—whether it ends up being called transport Scotland or whatever—is that it will allow such national schemes to be delivered and co-ordinated. At the moment, we have 16 different schemes, which are of varying quality. Although they are all far better than what we had before, I want to turn them into a national scheme of which we can all be proud and to do so as soon as possible.

Social Economy (Regeneration)

10. Johann Lamont (Glasgow Pollok) (Lab): To ask the Scottish Executive what steps it is taking to ensure that organisations within the social economy play a key role in community regeneration. (S2O-470)

The Minister for Communities (Ms Margaret Curran): As I have said, we published "A review of the Scottish Executive's Policies to promote the Social Economy" in January and will publish an action plan shortly. Communities Scotland will play a key role in ensuring that developments in the social economy contribute to a wider process of community regeneration.

Johann Lamont: I thank the minister for her second reply on the subject. I am sure that she is aware of the social economy's potential to deliver—and its actual delivery of—community regeneration and, in particular, employment opportunities for those in local communities who might be at most disadvantage in the job market. I press her on how she envisages developing the role of Scottish Enterprise and Communities Scotland in helping the growth of social economy organisations.

Ms Curran: I take the opportunity to welcome the interest in the social economy that the questions that I have been asked have demonstrated. In my most recent meeting with the voluntary sector forum, I indicated that not only did the Executive have an interest in the field, but the

Parliament did, too. Today's question time confirms that.

Johann Lamont makes an important point about what can be achieved by effective work in the social economy. We are considering the detail of that in relation to Communities Scotland, which has a key responsibility. For example, we are examining the wider action moneys that are allocated to Communities Scotland and to housing associations, to ensure that all opportunities to support the social economy are maximised. I will be happy to talk to Jim Wallace about pursuing the issues that relate to Scottish Enterprise.

Antisocial Neighbours

11. Alex Johnstone (North East Scotland) (Con): To ask the Scottish Executive what action it will take to ensure that local authority housing departments protect elderly people who feel threatened by antisocial neighbours. (S2O-469)

The Minister for Communities (Ms Margaret Curran): The Scottish Executive has taken a number of actions, such as the introduction of the Housing (Scotland) Act 2001, to ensure that the safety and security of elderly people is protected. Of course, we intend to go further, as set out in our consultation paper "Putting our communities first: A Strategy for tackling Anti-social Behaviour".

Alex Johnstone: The minister will be aware from my correspondence with her about the concerns of a Mrs MacDonald at Brechin Road, Arbroath. Mrs MacDonald feels that the local authority is using her area as a place to dump antisocial people. She and her neighbours have already suffered a good deal of abusive behaviour and regularly suffer large groups of youths congregating around individual houses. What action is open to Angus Council under existing legislation to ensure that that threat is removed from the area? What additional action would be possible under the proposed legislation?

Ms Curran: Local authorities currently have a number of measures open to them to tackle such things, not only through the responsibilities that housing departments have but, more broadly, through the local authority's corporate strategy. I am happy to meet Alex Johnstone to go through all that, as it would take some time to do so just now. However, let me give the example of probationary tenancies, which were introduced by the 2001 act.

A number of housing issues are being developed. As the member will be aware from the "Putting our communities first" consultation, we are taking a number of wider actions to deal with antisocial behaviour. In all the consultations on how to deal with antisocial behaviour that I have undertaken so far, my key message has been that

local authorities must prioritise that activity. They must work corporately together to tackle antisocial behaviour, listen to the victims of such behaviour and take decisive and effective action. Already, a number of measures and resources exist to enable local authorities to do that, and more will come. We have to ensure that victims such as Alex Johnstone's constituent are well protected.

Children (Crime)

12. Mike Rumbles (West Aberdeenshire and Kincardine) (LD): To ask the Scottish Executive how the 0.5 per cent rise in the number of children referred to children's reporters for offences between 1998 and 2001 compared with the rise in crime rates over this period. (S2O-475)

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): Between 1998 and 2001, total recorded crime and offences recorded by the police fell by 0.2 per cent, from 947,347 to 945,716. Those figures include crimes committed by both adults and children as well as those for which no perpetrator has been identified.

Mike Rumbles: I thank the minister for that good news about the fall in crime rates. Does she agree that, although the 0.5 per cent rise in the number of children referred to the children's reporter over the past three years is disappointing, the situation is certainly not as bad as has been reported in some sections of the media? Does she also agree that the Executive's main priority must be to deal with persistent young offenders?

Cathy Jamieson: I am pleased to be able to respond to the member. I know that the figures that he quotes come from the Scottish Children's Reporter Administration parliamentary briefing note that was issued to members recently. If people look at that briefing note, they will see that a large number of young people who are referred—the estimate is around 50 per cent—have committed only one offence. At the same time, a very small proportion of young people cause a disproportionate amount of grief and misery in our local communities. They do themselves, their families and their immediate surroundings no favours at all. We need to be able to divert young people from getting into trouble in the first place and to intervene quickly and effectively when they do. The sanctions for the most persistent offenders have to be appropriate.

National Health Service Boards (Finance)

13. Colin Fox (Lothians) (SSP): To ask the Scottish Executive whether any national health service boards are facing financial crisis. (S2O-508)

The Minister for Health and Community Care (Malcolm Chisholm): No. All health boards must

face the task of balancing operational financial pressures with the need to improve services for patients.

The Health Department is working with a small number of boards to ensure that robust financial plans are in place that protect patient services.

Colin Fox: So a small number of health boards are facing financial crisis.

Is the minister aware that the House of Commons Public Accounts Committee has warned that millions and millions of pounds of taxpayers' money is being wasted by the Government's failure to ensure that private finance initiative deals offer value for money? The committee said that public bodies' managing of contracts is seriously deficient and that only 50 per cent of contracts have mechanisms to ensure value for money.

Given the fact that Lothian University Hospitals NHS Trust has just incurred a £6 million overspend in the first five months of this year and that it is heading for a £13 million overspend for the year, owing to the costs of the new Royal Bank of Scotland infirmary, will the minister accept that the £31.5 million that will be paid annually to the Royal Bank over the next 25 years represents an undermining of the provision of national health services to the people of the Lothians?

Malcolm Chisholm: First, Lothian has a budget of £758 million, including a 7.4 per cent increase in this year. Secondly, Lothian has a robust financial plan for the next five years, which it presented at its accountability review, although there has been some slippage over the past few months. Thirdly, that slippage has nothing whatsoever to do with PFI.

Fourthly—I will describe my personal involvement—I have talked to the chair of NHS Lothian, who is committed to managing the slippage in a corporate way, which NHS Lothian has a record of doing across the system. He has assured me that the management of that slippage will not affect patient care. In any case, some of the measures that are being taken require to be taken. I highlight the action taken to reduce the use of agency nursing and I am glad that during the past three weeks, NHS Lothian has made significant progress on that.

Jackie Baillie (Dumbarton) (Lab): The minister will be aware of the accumulated £35 million deficit in NHS Argyll and Clyde. Although that deficit should be set in the context of an annual budget of £555 million, it is essential that we minimise any impact on clinical services. Will he therefore urgently review the period over which the health board must address its deficit?

Malcolm Chisholm: A five-year financial

recovery plan is in place at present and I will certainly keep a close watch on any effect on patient care that results from that recovery plan. We all know the circumstances of NHS Argyll and Clyde and regret that such a financial problem built up. It must be accepted that health boards have to live within their means, especially as record resources are going into the health service. I discussed the matter with the chief executive of NHS Argyll and Clyde last week and he described the plans for the immediate future. Clearly, some options were floated that attracted a lot of publicity. I am glad that those options are not being pursued.

Mr Stewart Maxwell (West of Scotland) (SNP): The minister is obviously aware that NHS Argyll and Clyde is facing an overspend of many millions of pounds this year. Given the fact that the board has already closed some facilities, including the maternity unit, the accident and emergency department and the urology unit at the Vale of Leven hospital, and that it has announced plans to remove consultant-led maternity services from the Rankin memorial hospital in Greenock, does he accept that there is a funding crisis in the Argyll and Clyde area? If so, what does he intend to do about it?

Malcolm Chisholm: It is important to distinguish issues that arise as a result of financial pressures—we all know the factors that arise from that in terms of demography and pay—from service redesign issues, which are separate. The service redesign agenda is driven by quality of care, although there are related issues such as the working time directive, which is a requirement of European law. It is important that we do not mix up those two issues in our discussions.

Children (Car Accidents)

14. Michael McMahon (Hamilton North and Bellshill) (Lab): To ask the Scottish Executive how many children were knocked down by cars in the streets around their schools last year. (S20-484)

The Minister for Transport (Nicol Stephen): In 2002 a total of 21 child cyclists and 377 child pedestrians were injured on the way to and from school in accidents involving cars.

Michael McMahon: Is the minister aware that North Lanarkshire Council is the only United Kingdom local authority to have implemented twenty's plenty schemes in all built-up areas throughout the authority? Is he aware that, within 12 months of doing so, an 18 per cent reduction in accidents had been achieved, and that a total outlay of £400,000 had resulted in savings of £7 million for the local authority? Does he agree that North Lanarkshire Council should be congratulated on its policy? Does he have any

plans to give it, and any other authority that wants to follow suit, the power to make those 20mph zones mandatory in areas of their own choosing beyond school gates?

Nicol Stephen: With the Presiding Officer's permission, I think that it would be appropriate to refer to the tragic deaths in a road accident earlier this week of Gemma Forbes, aged 10, and Gemma Campbell, aged 9, on the A914 near Cupar. I am certain that all members will want to extend their deepest sympathies to their families.

Of course I congratulate North Lanarkshire Council on its actions. Many other local authorities are taking tough action to improve the safety of people on our roads and on the way to schools. That said, I hope that much more can be done. Our record in Scotland in this regard is poor.

The Executive has a target of reducing by 50 per cent the 1994-98 average figures for the number of serious injuries or deaths among our young children on the roads. We have already made a reduction of almost 40 per cent—38 per cent—some of which is due to the excellent schemes to which Michael McMahon referred.

We must do more. We need to put in place more 20mph zones around our schools and take other safety measures that will encourage our young people to go safely to school by bicycle or on foot. I hope to make announcements in relation to the partnership agreement in that regard very soon.

The Presiding Officer (Mr George Reid): I call Rosie Kane

Rosie Kane (Glasgow) (SSP): I am sorry, Presiding Officer. I am not prepared. Are we still on transport? I wanted to come in on a transport issue.

The Presiding Officer: The question has to be on the subject matter of question 14.

Rosie Kane: Does the minister agree that traffic does not have to hit someone for it to become a problem? The way forward is to put in place mandatory 20mph zones for all people in our communities. That would remove the intimidation of our communities by traffic. I echo the demand for mandatory speed restrictions. As soon as drivers realise that the restriction is advisory, they start to speed up again.

Nicol Stephen: We have to look at what works. We also have to leave the local authorities some discretion. Some of the non-mandatory schemes have been exceedingly effective. One example is the school that I visited in Ellon, where the introduction of a simple flashing sign to warn car drivers that they were going too fast led to a reduction in the number of accidents outside the school. In the previous three-year period, seven injury accidents had occurred, but in the following

three-year period the figure had fallen to zero.

Quite simple low-cost measures can make a big difference. I encourage local authorities to be as innovative as possible in what they do. There is a role for mandatory measures. There is also a need to get speed down outside every school in Scotland.

The Presiding Officer: That ends question time, although I understand that I have a point of order.

Nicol Stephen: On a point of order, Presiding Officer. I want to correct something that I said in my response to a supplementary question from Christine May. I mistakenly made a reference to a "free" scheme of concessionary travel for younger people in full-time education and training. The partnership agreement commitment, however, is to introduce a scheme of concessionary travel for young people in full-time education and training. *[Interruption.]*

The Presiding Officer: Order

Nicol Stephen: Unlike the proposals for older people and disabled people, the scheme for young people would not necessarily be for free travel.

The Presiding Officer: Thank you. I commend the minister for correcting the remark at the earliest possible opportunity.

Scottish National Theatre

The Deputy Presiding Officer (Trish Godman): The next item of business is the debate on motion S2M-406, in the name of Frank McAveety, on the Scottish national theatre, and two amendments to that motion.

15:14

The Minister for Tourism, Culture and Sport (Mr Frank McAveety): I am delighted to speak on behalf of the Scottish Executive in support of our motion on a national theatre. Proposals for a national theatre have spent decades in the wings, with an expectant theatre sector and theatre audience eagerly awaiting their entry. However, like the ghost of Hamlet's father, the national theatre seemed destined never to achieve corporeal reality.

That said, over the past few years, the idea of a national theatre has moved dramatically from the periphery of many people's cultural vision to occupy the foreground of their concerns for the arts in Scotland. It has been emblematic of much of the debate about Scotland's identity and cultural future and about how, in a devolved Scotland, the arts can best contribute to our society and its cultural identity.

Members will be aware that we have recently had to address the difficulties that are faced by the Scottish theatre sector. They will recall how my predecessor, Mike Watson, intervened to ensure that the Executive responded to repertory theatre's concerns for stable funding packages to allow them to identify ways forward. Many people within and outwith the chamber—including Mike Russell, who was in the chamber in the previous parliamentary session but is now without it—expressed concerns about the effect of such support on our commitment to a national theatre. I know that Mr Russell is being grieved over at the SNP conference this very week.

Indeed, the future of the national theatre project was seen as a bell-wether of the future of the whole arts sector in Scotland. It is certainly important. After all, many individuals in this chamber, including colleagues such as Andy Kerr, experienced theatre and other forms of culture as part of their development and have utilised that experience to raise awareness of the importance of arts and culture in this country. Like Andy Kerr, I was in the audience in the early 1980s when Joe Corrie's "In Time o' Strife" was performed at the Citizens Theatre as part of the Clydebuilt series. During that time of pessimism, the play told us that we must keep faith. One character says:

"Keep up your he'rts, my laddies ... for there's nae power on earth can crush the men that can sing on a day like this."

We kept up that enthusiasm, commitment and energy for theatre over the years when doing so was not fashionable. The Conservative Government had 18 years in which to address the issue of a national theatre and I await with interest the speeches from Jamie McGrigor, Ted Brocklebank and Brian Monteith; I acknowledge that they are cultured individuals who often display their cultural awareness, but it is a great pity that their party did not display such awareness over the 18 years when it had to make certain decisions.

Like Brian Monteith and others, we felt that we had to address the issue and have confidence in our approach. Many people probably felt like the King in Robert McLellan's play "Jamie the Saxt", who, after his pessimism during the drama, says:

'Gie me a dram! I hae been gey near shot doun, hackit to bits, and stained to daith!'

That is not a description of the SNP conference; it is a quote from Scottish drama of the past.

I hope that those members and commentators will raise a glass today and join me in celebrating the securing of a national theatre of Scotland and in welcoming the robust return to health of the regional theatres that are so crucial to its future. Those theatres have gone through much over the past few years and have seen substantial changes in personnel. Individuals such as Clive Perry, Hamish Glen, Kenny Ireland, Giles Havergal and his colleagues Robert MacDonald and Philip Prowse kept alive the dreams of theatre in Pitlochry and Dundee and at the Royal Lyceum Theatre and the Citizens Theatre in Glasgow and put together a package of drama that enthralled Scottish audiences for decades. Although they are off centre stage in the debate on the future of theatre in Scotland, they have been influential in shaping that debate over the past 20 or more years. I thank those talented individuals for their outstanding contribution to Scottish theatre and wish them well in their future careers. I have no doubt that many of them will contribute ideas to the development of a national theatre.

Those people have been replaced by a younger generation of artistic directors. I welcome them all, particularly TAG Theatre Company's new artistic director, Emily Grey. I hope that that appointment portends that women will have a central role in the artistic direction of many of our repertory theatres over the next few years.

Since the Minister for Finance and Public Services, Andy Kerr, made the announcement about a national theatre a few weeks ago, people have said that it is one of the most significant developments in Scottish arts and culture in recent generations. I am confident that we can move it forward. We proposed the idea in our 1999

Scottish Parliament manifesto and it is one of the key commitments in the partnership agreement.

We have made that great commitment partly because we have been listening to voices in the theatre world. For example, Gerry Mulgrew once said:

“There’s no tradition of theatre in Scotland, so why not make one?”

We have an opportunity to shape and influence such a tradition. Like many artistic statements, that is up for disputation, and I am sure that that will be a feature of the debate. We have an opportunity to shape a national theatre that suits Scotland and the cultural landscape in which we operate.

Only a few weeks back, the opening paragraph of an article in *The Guardian* read as follows:

“Last week, two announcements were made about national theatres. One was in Edinburgh, the other in New York. One was radical and forward-looking, the other tired and old-fashioned. Curiously, it is little old Scotland, not New York, where the agenda is being set.”

I quite like the sound of those words.

I pay tribute to the work of all my predecessors with responsibility for the cultural portfolio—Mike Watson, Rhona Brankin, Allan Wilson and Sam Galbraith—who have all tried to ensure that we put culture at the heart of the debate in Scotland. I have had the opportunity to make the announcement this afternoon, but without their help and assistance in the past it would not have been possible. I also thank the Federation of Scottish Theatre for its work throughout the consultation process. Throughout the 1980s and early 1990s, the federation kept alive the dream through its commitment to a national theatre. That dream has now been realised, thanks to the commitment of those individuals whose voluntary efforts kept the idea alive.

As I said, the national theatre will be just that. It will be the national theatre of Scotland, its responsibility will be to the people of Scotland and it will be their theatre.

Mr Brian Monteith (Mid Scotland and Fife) (Con): The minister has, understandably, paid due congratulations to the work of past ministers, but I have not yet heard him congratulate the Education, Culture and Sport Committee on its work and, in particular, on the evidence that it took from the Federation of Scottish Theatre, which allowed the commissioning model to be proposed and to be supported in a report that gained cross-party support in the Parliament. Will the minister comment on that? Will he also explain why he continues to talk about a national theatre, when one of the recommendations of that report was that it should be called a national theatre company, to ensure that people think that we are not talking about a building but rather about a commissioning organisation?

Mr McAveety: I thank Brian Monteith for his visionary intervention. Having been a member of the Education, Culture and Sport Committee, I pay tribute to the individuals who redefined the issue by making submissions to the former ministers to ensure that the matter was kept on the agenda and that they could deliver on the commitment that many people had made.

Although I am using the term “national theatre”, I reaffirm that, as Brian Monteith said, the national theatre will be not a building, but an entity that will exist in communities throughout Scotland. Rather than being prescriptive about exactly how that will evolve, I feel that that is part of the development process and I look forward to hearing intelligent and coherent contributions to that debate from Brian Monteith and many others in the future.

Donald Campbell once said that he wanted an audience to go to a play as they would go to a pub, or to church, or to a pop concert, or to a football game or to play snooker. It should be natural to assume that theatre is an activity that people will want to partake of among all their cultural choices. That is right and proper and we need to aim for that ambition.

The Education, Culture and Sport Committee said that a national theatre must speak for new generations and for people in the coming generations, particularly young people, who have a right to feel that theatre belongs to them as much as it belongs to those who have claimed ownership of it in the past. We are committed to working in partnership with the youth theatre network, existing rep theatres and local theatre groups. We are also committed to recognising the importance of the different languages of Scotland to ensure that the communities that have kept alive their own theatrical and language traditions can shape and influence the new national theatre. Alasdair Morrison and I had a good discussion earlier today about how to address issues within the Gaelic community to ensure that Gaelic speakers are as centrally involved as other people in Scotland.

We must aim for the very best in theatrical and writing talent, and we must ensure that theatre is widely accessible across Scotland. There are incredible levels of talent in Scotland, much of which is already showcased here, as is evidenced by the fact that many successful dramas that were staged during the Edinburgh festival are now touring other parts of Scotland. We must ensure that we move forward dramatically, to support the words of Jim Haynes, who founded the Traverse Theatre in Edinburgh. He said:

“The Traverse isn’t in Scotland, it’s in the world.”

We want a national theatre that rightly takes its place within the world as a national theatre

company and we want to ensure that that is done in partnership with the other commitments that we have made.

Many people have commented about the Executive's commitment to cultural activity. The national theatre is one example of the Executive's commitment. Other examples include the Donald Dewar arts awards, for which a £5 million trust fund has been set up; more than £3 million for schools' cultural co-ordinators; and £17.5 million, committed in the partnership deal, to additional music tuition in schools. That funding is all focused on developing and nurturing the talent of young people. The young boy or girl who is now sitting in a school somewhere in Scotland is the young man or woman whom we think will perform in theatres throughout Scotland and will help to build the theatre community throughout our nation. Children and young people are central to the national theatre. That is why I am delighted to have the advice of Bryan Beattie, who has had experience centrally with the Scottish Youth Theatre, to try to shape and influence the development of the national theatre.

The national theatre of Scotland belongs to the people of Scotland. That is why I am delighted to announce that the future administrative office for the national theatre of Scotland will not be in an existing theatre in a large city—it will not even be in an office block in a city centre. We commit ourselves to locate the national theatre in the major new campus that is being developed in the Greater Easterhouse area in Glasgow. That commitment recognises that that community, along with many other communities, has put arts at the centre of its regeneration.

I am in discussion with the management committee in the Greater Easterhouse area to develop the concept within the location of the area's arts factory. It will take a year and a half to two years to finalise that building. In the interim, we will use an office space—exactly where is still to be determined—in Glasgow city centre as the administrative base. It is right and proper that we demonstrate the Executive's commitment to working with communities throughout Scotland to make a difference.

Unlike the tramps in Beckett's "Waiting for Godot", we are no longer waiting for something that never comes. We now have the opportunity to seek the solutions for ourselves. It is our theatre; the theatre of Scotland, for Scotland.

I move,

That the Parliament welcomes the announcement of Scottish Executive funding to realise the National Theatre of Scotland; commends the Executive on its vision in supporting the radical concept of a commissioning theatre of national and international status to present theatrical and writing excellence to all the people of Scotland and take

Scotland's creative talent to the world stage, and endorses the Executive's commitment to the infrastructure of Scottish regional theatre from which new work will come.

15:27

Mr Jamie McGrigor (Highlands and Islands) (Con): When I told a local teacher in Argyll that I was making a speech on the national theatre, he said, "Do you mean that Holyrood building farce? That is the biggest tragi-comedy of all time." Perhaps that is why the national theatre will not entail the erection of a building.

Seriously, it is a bit much for the Executive to commend itself and pat itself on the back for producing the funding for a national theatre out of the underspend. People have been campaigning for a national theatre for years and the Executive has had an underspend every year. Why has Scottish theatre had to wait for so long? It is not as though any extra money was going on the arts. The funding for the Scottish Arts Council has stood still, as has the funding for most cultural work in Scotland, despite all Labour's promises.

Rather than patting itself on the back, the Executive should pat the backs of those who have campaigned relentlessly for 60 years to achieve a national theatre. I take my hat off to those people, although they may be disappointed that no bricks or mortar are attached to the project and that it will not have its own theatre company. It will, according to the SAC briefing, be a commissioning body that will put on a minimum of three to five productions per year in venues throughout Scotland.

I am glad that the target market includes the world of education and training; to bring theatre to children is to bring them a great gift. High-quality training for actors and other theatre professionals is vital. However, why is it the intention to target local authorities? I am not sure that they would consider themselves experts in theatre. We are told by the SAC that the national theatre of Scotland has similarities with the Swedish model. I point out that the three key principles that underpin the Swedish theatre are the voluntary dimension of its governance, which keeps the theatre close to audiences; its willingness to listen and find out what is happening in the country and what audiences want; and, most important, its independence from the state and from local authorities. It may be sensible to include some local authority officers on local committees to promote and arrange performances, but never to decide what is to be shown—that is for theatre professionals.

We are told that First Minister Jack McConnell is scared witless that the national theatre will somehow give extra credence to the Scottish National Party. How utterly ridiculous—one only

has to look at the SNP's position in the polls after its championing of "Braveheart" and its attachment to the well-known thespian and absentee lift attendant, Sir Sean Connery. I do not know why Jack McConnell is worried. Arts policy and an independent Scotland are two totally different things.

On the subject of independence, it is true that the Czech National Theatre helped to sustain that proud and independent people in their desperate fight against the Austro-Hungarian empire and later against the brutal totalitarian regime of the Soviet Union.

The Czechs' theatre was always based on excellence. The love of theatre in that part of the world was so great that the theatre building—which was built in 1881 and was the most excellent piece of architecture in Prague—was financed by contributions from the populace and 21 foundation stones were brought from different parts of Bohemia and Moravia. The people had a great wish to be part of the project.

Despite the original building being burnt out, it was refurbished within two years, again with public donations. We should note that the reason for the success of Czech theatre is that the Czechs have always had first-class, highly trained actors and actresses and good stage designers, and their repertoires have always been of the highest order in combining the classical with the contemporary and the national with the international. Having Mozart as a patron has helped, but the Czechs have always striven for excellence, which has produced a great national interest and pride in theatre. It would be wonderful if Scotland could do the same.

Recently, the well-known journalist Jenny Hjul wrote an excellent article in *The Sunday Times* on the Scottish national theatre. She said:

"As Scottish Opera proved with its production of Wagner's Ring Cycle excellence alone will put Scotland on the map. That must be the National Theatre's priority."

She is right. Scottish Opera is now being talked about as a rival to Covent Garden.

Excellence and quality must be looked on as goals to be sought by all and elitism should not be seen as a dirty word. As Eddie Friel, the chief executive of the Greater Glasgow and Clyde Valley Tourist Board, said about opera:

"Elitism is sometimes used as a derogatory term. That is an abuse of language. There is nothing wrong with striving to be the best."

What kind of theatre will Scotland get? We should hope that, although it has secured Government funding, it will not be beholden to any Government's politically correct agenda or feel obliged to fulfil a quota that is geared towards

special interest lobbies. As Ian Rankin, the author of the Inspector Rebus novels, said:

"I think artists should feel free to express themselves. I don't believe that before they start painting or creating they should have to ask themselves: How does this fit in with the Executive's stance on social inclusion?"

That does not mean that playwrights from special interest groups should not write plays, but that they must write excellent plays. Is there a Gaelic writer out there who can produce a new spectacular Gaelic musical to sweep across Scotland and then the world? That would really help the Gaelic cause and preserve the Gaelic language. I throw out that challenge to the Gaelic community.

Rather than impinging on regional theatres, the national theatre must inspire other dramatic companies in Scotland and must showcase all that is good in writing, acting, lighting, set and costume design, direction and production to domestic and international audiences. The national theatre must reinvigorate new interest in theatre in Scotland and must produce thundering performances of plays such as Liz Lochhead's "Medea", David Hare and Howard Brenton's "Pravda" and Arthur Miller's "The Crucible", to name a few. What about Shakespeare's Scottish play? That has certainly stood the test of time.

The motto that is emblazoned on the curtain of the Czech theatre is:

"To the nation for itself".

That reminds all Czechs of the wonderful present that they once gave to themselves. We should make Scotland's national theatre a present of equal value.

I move amendment S2M-406.2, to leave out from "commends" to end and insert:

"recognises that this is the culmination of a sixty-year campaign for a National Theatre Company; regrets the Executive's past failure to deliver on its promises despite repeated underspends in its budget, and hopes that this commissioning body will produce theatre of such excellence and quality that theatre-going audiences will be captivated and enlarged in Scotland and that it will bring greater understanding of theatre to all corners of Scotland, provide inspiration and opportunity for actors, writers, designers and production staff to showcase their talents and provide greater cultural entertainment and enjoyment for present and future generations of local inhabitants and visitors."

15:33

Colin Fox (Lothians) (SSP): I welcome the minister's announcement. In the spirit of both previous speeches, I offer a quote from the poet Alan Riach, which puts matters in context. In *The Scotsman* recently, Alan Riach quoted an Irish prime minister:

"Arts are the genius of your country, and the key with which you unlock that genius is education."

The £7.5 million that the minister has announced for a national theatre of Scotland over the next two years is, although long in the yearning, nonetheless welcome.

I am part of a generation that grew up hugely influenced by theatre. One of my earliest political memories was a production of "The Cheviot, the Stag and the Black, Black Oil" by the 7:84 Theatre Company. I also remember growing up under the influence of the Wildcat Theatre Company, which constantly took its productions around communities in Lanarkshire—where I lived—in the 1980s and 1990s. I am heartened that the minister sees that company as the model that the national theatre of Scotland will develop in due course.

As the minister said, Scotland has wonderful theatrical talent in the form of actors, writers, directors, designers and production staff. I am sure that they look forward to the challenge that has been posed to each of them to reach the highest standards of excellence in the work that the national theatre of Scotland will present.

I hope that the minister accepts that my comments are made in a spirit of constructive criticism. I hope that the national theatre strives for excellence today and tomorrow by encouraging the younger generation of Scots to get involved in theatre both on the stage and in the audience. That is an awesome challenge and I hope that the national theatre of Scotland rises to it.

As the minister will be aware, the Scottish Socialist Party wants a doubling of the overall arts budget. We believe that that is not only necessary but possible. We want a Scotland where we have enough bread and enough roses. As the minister will know, spending on the arts in the city of Berlin is 10 times the amount that is spent on the arts throughout Scotland. I invite him to consider the attitude in Dublin, which regards art and culture as an economic driver. I hope that he will take on board those examples. We have waited a long time for a national theatre, but we can still learn a great deal from other places.

The buzz from a live orchestra, from excellence in drama and from beauty and art, and the stimulus from culture are enormously powerful sensations. However, the truth is that insufficient is done to take the buzz to the Bailliestons and Broomhouses of this world. I welcome the minister's announcement that the national theatre's administrative centre will be in Easterhouse. That is the right signal to send out.

May I just say in the 30 seconds that I have left—I am surprised that that is all the time that I have—that I visited the Holyrood site of the new Parliament building. I am sure that there is a parallel between those who waited 60 years for a national theatre and those who waited 60 years for

a parliament. In the video presentation of Mr Miralles's design ideas, I was struck by the concept of architecture as an art form and the vision that we can get from art. I was also struck by the vision at the end of the presentation of Mr Miralles and his partner in their own house. I look forward to a society where we each have a unique house that is designed by architects. We were all struck by that vision, which is part and parcel of the same vision that I hope the national theatre of Scotland offers for the future.

I move amendment S2M-406.1, to leave out from "commends" to end and insert:

"believes that the success of this radical concept of a commissioning theatre presenting theatrical and writing excellence to all the people of Scotland and the world will in part be measured by greater involvement in the theatre and access to productions by the people of Scotland both regionally and locally."

15:37

Roseanna Cunningham (Perth) (SNP): The debate feels curiously flat, which surprises me because I thought that there might be a little more enthusiasm for what has finally happened after 60 years. I say to Colin Fox that I hope that we all recognise culture's economic importance to Scotland. I do not believe that there is anyone in the chamber who is not perfectly well aware of the vital contribution that is made the length and breadth of Scotland—and to the rest of the world—by all parts of our arts and culture.

If Jamie McGrigor's speech was anything by which to judge, the Tories are already drafting their condemnatory press releases for the first modern and innovative piece to be staged by the national theatre of Scotland. His speech seemed to be a rather bizarre contribution to what I had hoped was going to be a slightly more enthusiastic debate.

The Scottish National Party has long supported the establishment of a national theatre for Scotland. The national theatre debate seemed to start at about the same time as the SNP came into being. That may not be a coincidence because I know that long-gone nationalists—I am not talking about Mike Russell—were enthusiastic proponents of a national theatre and were involved in the debate all the way along.

Scotland has a wealth of theatrical talent. A national theatre will be a wonderful outlet for the expression of our national culture and it will be able to showcase our theatrical talent. I hope that the national theatre will tour abroad. We should consider that point. Liz Lochhead said:

"If we are a nation and not just a region, we don't have to apologise for it, it is something to celebrate ... And the national theatre is something to celebrate."

It is a pity that, like almost every sector in Scottish life, theatre has suffered from Scotland's curse—emigration—with the loss of some of our brightest and best in the past few years. I hope that the establishment of the national theatre will begin to reverse that.

The national theatre project has the potential to be of great benefit to Scotland and I hope that it will acknowledge the importance of encouraging young people in the arts. It can be a showcase for Scottish talent young and old, established and emerging, so I hope that there are plans to ensure that that is exactly what happens. It is also extremely important that the national theatre encourage interface with the traditional arts and all the languages of Scotland.

I am encouraged that the theatre is to be a commissioning body and that it will tour the country. I know that a large part of the debate in the past has centred on whether we should have a theatre in the sense of a purpose-built building with a chiselled granite thing over the top that says "The National Theatre for Scotland". That it is a commissioning theatre rather than one that is rooted in bricks and mortar should be a constant reminder that theatre can be staged anywhere. I will soon attend an open-air event at the Hermitage in Dunkeld called "The Enchanted Forest", which I believe may already be sold out. The success of the piece, which has been staged before—if staged is the right word for something that the audience moves through, rather than sits and watches—is absolute proof, if any were needed, that there is an audience for innovation in Scotland if we take it to them.

Innovation is what will be important about the national theatre that we are setting in train for Scotland. Restagings of the classics of Scottish and world theatre have a place, but our national theatre must foster national creativity and produce work that can be taken to the smallest village hall in the land as well as to the larger venues, or that can be staged under the trees, if that is appropriate. I hope that there will be a good balance between old and new work, and I look forward to seeing some of that new work.

It is regrettable that it has taken us this long to get to this stage. As tempting as it is to blame the Government it can, in truth, hardly be taken to task for the final four years' wait, given that there was a 60-year wait in total. I look forward to future debates with the new Minister for Tourism, Culture and Sport—this is the first that we have had, I think. I know that his enthusiasm for the arts, although it matches mine, might not completely overlap with my interests. I hope therefore that, in future, our debates will be a bit more generally enthusiastic.

Part of getting the project right is to ensure that

financial support does not ignore or, worse, exacerbate the serious problems that face regional theatre throughout Scotland. Funding levels for theatre in Scotland have been falling behind those in England. In December 2002, *The Scotsman* reported that the average grant to a grade 1 theatre in England and Wales was £1.35 million, compared to an average of £792,100 for Scotland's two leading theatres, but I know that the minister has genuine concerns about regional theatre. Smaller theatres, such as Perth Theatre in my constituency, get less than £300,000 annually, which compares with an average of between £441,254 and £585,749 for equivalents in England. I notice that the minister did not include Perth Theatre in his list of regional theatres. I hope that he will keep it in mind that it is an important small theatre in Scotland. Perhaps I can invite him to visit it some day.

I know that problems in the funding of regional theatre have already led to the diversion of £1 million that was earmarked for the national theatre and I know that the minister is concerned about regional theatre. I hope that we do not end up robbing Peter to pay Paul, because that would be a great shame. Funding in future must be secure, but I have some concern about the funding plans. I am pleased that £7.5 million has been found for the next two years from the end-year flexibility funds, but I know that that is not a source of finance that can be guaranteed in future. The national theatre must not be expected to depend on whatever the Minister for Finance and Public Services can come up with after his annual rummage around in the back of the Executive sofa, especially as I have considerably less confidence in the commitment of the Minister for Finance and Public Services to the arts and culture than I have in the commitment of the Minister for Tourism, Culture and Sport.

There is an argument that suggests that we cannot aspire to have decent culture as well as, for example, free personal care for the elderly. That must be quite wrong. Iain Reekie, head of drama and performance at Queen Margaret University College in Edinburgh, said that he regarded that argument as "daft". I note that Denmark and Finland allocate 16 times as much public money to their theatres as Scotland does to its theatres. I hope that we start to consider a level of funding that begins to approach what is provided in other parts of the world.

I will give the final word to Brian Cox, that well-known Scottish thespian, who was quoted in *The Scotsman* on 21 December 2002. He said:

"You have got to be able to nourish your own talent, acknowledge the extraordinary work people have done and not to have a hand-to-mouth situation ... we have been under the yoke of an English Parliament for 300 years"—

I stress that these are not my words; I am quoting somebody else—

“and I think we have to get out of this negative mentality. We have had discussion about a national theatre for at least ten years.”

Enough said.

I commend what is being done, and I commend the decisions that have been taken by the Minister for Tourism, Culture and Sport. I look forward to many more such decisions in the future.

15:46

Donald Gorrie (Central Scotland) (LD): I, too, congratulate the Minister for Tourism, Culture and Sport on achieving—we hope—what a lot of people have been working for. I know that the debate goes back a long time, but the present move for a Scottish national theatre of the commissioning variety started, at least publicly, at a meeting that was held at the Royal Lyceum Theatre about five years ago. The people who promoted it then have withstood quite a lot of criticism and have taken something of a battering, but they have kept on with it. They have persuaded everyone—they have certainly persuaded our party, which featured the policy in its manifesto—that a national theatre for Scotland based on the model that was proposed by the Federation of Scottish Theatre is desirable. It figured in the partnership agreement, and the minister is now acting on that, which is very welcome. I hope that the theatre will be the success that it should be.

There are issues on several levels. There are the traditional, larger theatres and the need to provide a good product in those. During the many years when I was on the board of the Royal Lyceum Theatre, it annoyed me that, four weeks after we had put on a really good show, the show would close and everyone else involved went home. If such shows had toured, many people in Glasgow, Aberdeen or Perth, for example, would have been able to enjoy them. Likewise, we in Edinburgh could have enjoyed good productions from Perth Theatre or the Citizens Theatre, for example. The idea of having a really good product and touring it around is very good. That would attract the top names, because it would provide stable jobs for quite a number of weeks, going round the whole of Scotland. It would be an attractive proposition for people to contribute to the national theatre of Scotland as well as doing their bit in London or Holyrood—I mean Hollywood. That way, those really big names could give something back to Scottish theatre.

The next level involves shows touring round halls or other places that are not professional theatres. We are fairly bad at doing that at the

moment. Some companies have done that well, but that is not the case on the whole. I know from representing Central Scotland that a small-scale touring opera might go to Kirkwall and Dumfries, but not to Lanarkshire. If we take up that point, we get told that people from Lanarkshire are expected to go to either Glasgow or Edinburgh. We must address that issue of theatre going to areas where there are currently no professional theatre performances.

One way in which to achieve that, which has been successfully done elsewhere, is to provide a tent or similar structure that can be erected inside a sports hall, for example. That can give the right atmosphere for a theatre and can offer a standard performing space. It would be worth funding such facilities as a way in which to get the national theatre going on a smaller scale. It is not a question of lesser quality, but of putting on smaller plays that involve casts of three or four, as opposed to putting on bigger plays that the bigger theatres can accommodate.

Helen Eadie (Dunfermline East) (Lab): Will the member join me in congratulating the Coalfield Communities Federation for doing exactly that? In an article, the federation writes:

“The investment in our drama project is funded by the East Ayrshire coalfield area social inclusion partnership”.

That partnership has taken a specific arts and drama project into that area. It is the kind of project that we in the Scottish Parliament ought to encourage.

Donald Gorrie: There are good examples of projects such as the one to which Helen Eadie refers and we must encourage more of them in an organised way.

We could examine whether our future Parliament building—about which many of us have different views—could be used as a venue for arts performances; it will be empty each weekend. We could repay Scottish taxpayers somewhat for their great contribution to the Holyrood building by giving greater access to it for performance, arts, crafts and other activities of that sort.

The third level is to encourage communities to perform in their own ways. There is quite a lot of existing good work in community arts, but it needs much more encouragement and development. Many people have a mental barrier about performing arts and believe that the arts are not for them. We must somehow break down that barrier and work with communities; I hope that the new Scottish national theatre will help us to do that.

Finally, we must not reduce funding for regional drama companies. That funding must remain and increase but musicians, artists and writers also

need funding. We must not rob Peter to pay Paul. The arts budget must support adequately all those activities including the new national theatre.

Today is a good day for Scotland and I hope that it will be an even better day when the first performers take to the stage.

15:52

Dr Elaine Murray (Dumfries) (Lab): The last time that I was involved in a debate on theatre in Scotland was on 12 February. That was a much less happy occasion and I was here in a different capacity. At that time, the Executive had to make hard choices regarding the future of theatre. Before we were able to make this welcome progress on the national theatre, urgent steps had to be taken to support the infrastructure of regional theatre. As a result, £3.5 million was allocated in 2002 and another £1 million earlier this year to strengthen regional theatre. Unfortunately, that included £3 million of the £5 million that was originally earmarked for the national theatre. However, as we reflect on that, it is worth recalling what Hamish Glen said in February 2002:

“it is only right that we sort out the historic problems within the existing theatre network first, since the plans for the new organisation will build on this.”

The announcement that the Minister for Finance and Public Services made in September about the allocation of £3.5 million in 2004-05 and a further £4 million in the following year was welcome. That allocation is larger than the amount that was sought by the steering group that Dr Donald Smith chaired and, indeed, it is larger than the Scottish Executive's initial allocation. That is extremely welcome.

Members have noted that the allocation covers only two years. However, there will of course be another spending review in 2004 and I have every confidence in the minister's ability to fight for enduring funds to support the national theatre in the years to follow.

However welcome the money is, £7.5 million is not a large amount compared with many of the sums in the budget lines that we discussed in our debate on the draft budget earlier this month. As with much of the creative sector, investments of very—or relatively—small amounts of money in the theatre can make a significant difference and generate substantial results. It is significant that the money that has been allocated can both meet the aspirations that the theatre sector has had for 60 years and fulfil a commitment that was made in the national cultural strategy.

I was a little surprised by Jamie McGrigor's speech, in which he seemed to criticise the Executive for taking too long to do something. In fact, it was the Labour-Liberal Democrat Executive

in the first session of the Scottish Parliament that produced the first-ever cultural strategy for Scotland. For years, the cultural sector had been asking for that but, in their 18 years in Government, the Conservatives did not deliver it. It is through that commitment that initiatives such as the national theatre are coming to pass.

The national theatre will be a body that will commission our best writers, actors and directors and will tour their works of excellence throughout Scotland and beyond. I hope that theatres such as the Theatre Royal in Dumfries—an ancient theatre, which Robert Burns attended, although it is no longer in the form that it was when he did so—will be able to attract funding so that they can be rebuilt and transformed into venues that are capable of putting on the sort of performances that the national theatre will produce. People in Dumfries and Galloway need to be able to see those performances locally. Of course, it is great to go to Ayr, Edinburgh and Glasgow, but I feel strongly that people should be able to see works of excellence in their communities. As Colin Fox said, the inspiration that seeing such works can give to young people and communities is important.

I know that there are no philistines in the chamber at the moment and I hope that there are outwith the Scottish Parliament no philistines who begrudge even the small amount of money that we are talking about going into the arts. Culture, in its broader sense, means not only drama, art and music but includes sport, language and popular music. In that regard, other members of the Education Committee and I visited a school yesterday in Edinburgh and saw a music lesson that involved youngsters in secondary 3 writing raps and creating music to rap to. That is also part of Scottish culture and our voice today.

Culture and creative activity contribute a great deal to the quality of our lives, on individual and national levels, and to the sense that we have of ourselves and our society. Scotland's cultural identity is strong internationally and the excellent work that will be commissioned by the national theatre will enhance our image outside Scotland. It will add to our reputation for excellence and quality and will attract visitors to our nation. Indeed, I hope that our having a strong and vibrant cultural sector might assist in the First Minister's goal of attracting people to work in Scotland and retaining people in the country after they have been trained here.

The conditions and the aspirations of Scotland—snapshots in time—will be understood by future generations through performance of the new works that will be commissioned by the national theatre, long after we politicians have been forgotten. Charles James Fox—who I do not think

is a relative of our Colin Fox—said of our profession that we go up like a rocket and down like a stick. I am sure that we all hope that we are not in the stick phase at the moment, but the point is that we will not be remembered. The arts are not like that; good art exists for generations and informs other generations about the experiences and influences of the past.

15:58

Mr Rob Gibson (Highlands and Islands)

(SNP): The Scottish National Party is happy to welcome the commitment, at long last, to establish a national theatre.

It is important to recognise that much of the canon of great Scottish plays has been performed in many places. I have seen "The Wallace" and "Ane Satyre of the Thrie Estaitis" in this chamber. I saw "The Cheviot, the Stag and the Black, Black Oil" in a small hall in Oban. In 1967, I saw the Citizen's Theatre production of "The Anatomist" by James Bridie. Many such works are performed in theatres around the country. The idea of a commissioning theatre is absolutely correct, because our national theatre has to create the kind of works that are in the canon of Scotland's great theatrical heritage.

I am surprised to hear some people say that Scotland does not have a theatrical heritage, because that heritage goes back a long way. In the modern world, that heritage has helped to carry the aspirations of our people to have a distinctly recognised culture. The new national theatre has to be able to match up to that.

The minister said that there would be a commitment right across Scotland; he will have to consider how existing theatre companies can fit into our new aspirations. There has been a flourishing of Highland theatre in the past 10 years—Mull Theatre, the Gaelic theatre company Tosg, and also the Grey Coast Theatre Company in Caithness have produced original works that should be seen throughout Scotland. Some of their productions have already been seen abroad. However, the way in which theatre is structured at present means that touring money for companies from the far north is almost non-existent. The split in the organisation of Highlands and Islands Enterprise's offshoot HI-Arts—Highlands and Islands Arts Ltd—which has a budget for some touring, means that it is almost impossible to take more than one tour out of the Highlands every year. It could cost £120,000 or £130,000 for Grey Coast to tour the central belt.

If the national theatre is to address the kind of problems that existing regional theatre has, it will have to find the funding to allow excellent plays such as the kind that George Gunn has produced

over the past 10 years. I am thinking particularly of "Farm Land", which I saw recently, and "51 Pegasus". Those productions tackle universal issues and ask challenging questions about emigration. They would be relevant in Lanarkshire, in Dumfries or wherever in Scotland. To make plays like those available in the context of the national theatre will require rejigging of current funding. Ideas will have to develop: commissioning can attempt to revisit some of our classics, but it should also provide for new productions of some of the excellent work that has been produced in Scotland in recent times, but which has had only limited audiences.

If small companies such as Grey Coast have been able to make international contacts with the likes of the National Theatre of Iceland, and if Scottish work can be performed in Brittany, Ireland or Norway, we will have to consider the capacity of the national theatre to enhance that existing work as well provide for the new items that will be commissioned in due course.

I ask the minister to consider carefully how the national theatre's creative budget will be used to try to release works of the sort that I have mentioned. They are part of the reason why it is now possible for us to say that we can have a vibrant theatre for Scotland. We will miss out on many of the artists who could allow Scotland's national culture to flourish if they are not involved, or if they are not liberated from their present financial constraints. We should try to stop the culture brain-drain from Scotland. The smaller companies must be fitted into the national theatre concept.

In the past, people have been forced to go and work in England, America or wherever. I was tempted to say at the beginning of the whole debate on the national theatre that people such as David Niven were the sort of Scots who went to America. However, there are also plenty of people in this generation who have been forced abroad.

Can we ensure that people who take a course on touring theatre—such as that offered at the North Highland College in Thurso, which will eventually become a degree course—will be able to find jobs in the national theatre? Will the minister honour his pledge that the national theatre will not only tour the whole of Scotland but draw in talent from the whole of Scotland? We have that talent in abundance. It has been exhibited to great effect, if only locally, in the past.

16:04

Maureen Macmillan (Highlands and Islands)

(Lab): I find the project for a national theatre in Scotland a most exciting one, with its promise to be a theatre for the whole country and with its

promise of support for regional and community theatre. I have some small experience on the boards myself as an amateur player in a Gaelic-learners drama group. I will give members a demonstration later if they wish, but not in front of this audience.

I was also an English teacher with the job of encouraging pupils to participate in drama in school. I rejoice at the fact that the national theatre will pay particular attention to youth theatre. I found that when drama companies came into schools providing workshops for pupils, it was of great benefit to the shy, diffident or disaffected pupils. It gave them the opportunity to engage with their feelings and their fellows through role-play and group performance.

A highlight was a visit to the Highlands by the Royal Shakespeare Company with such stars as Philip Madoc, who not only performed "Measure for Measure" and "The Blue Angel" in a tent in a car park in Dingwall over four evenings, but spent their days tutoring pupils in drama techniques. The event was brilliant. It was sponsored by BT, because there were not enough public funds.

It is not a bad idea to get the private sector involved in youth theatre. I was recently at a youth production sponsored by Shell, which sponsors such productions annually, in the Lyceum. I urge others in Scotland to get behind theatre, particularly young people's theatre, so that young people are exposed regularly to the highest-quality drama possible.

Young people love drama once they relax into it. There are magnificent examples of drama productions that schools put on in collaboration with community theatre companies. Rob Gibson mentioned the Grey Coast Theatre company, which next week will stage a community drama epic in Wick, in which 250 primary school pupils are taking part. Other such productions are being put on in the Highlands.

Eden Court in Inverness has a special place in Highland culture, offering a wide range of music and dance in the Highland capital. It also brings drama companies into schools and its outreach team has built up a service to schools and young people throughout the Highlands, not only developing drama skills but exploring through drama—in Gaelic as well as English—a wide range of social issues that are relevant to children's lives. That work has always been highly valued and I hope that the new national theatre will build on what has already been delivered.

The Highlands are well served by half a dozen theatre companies, one of which is the Traverse in Edinburgh. As other members have said, there is a long tradition of companies touring the village halls, from Oban to Ullapool to Ardrross. I hope that

the national theatre will attract back to Scotland the talents of many actors and that it will tour to such venues, even if only for limited seasons. The vision of Brian Cox or Ewan McGregor performing in a tent in Dingwall would be magic.

I want ordinary kids to feel comfortable about going to the theatre. Exposure to school drama does not always translate into bums on seats in theatres. Youngsters should feel that they can go to the theatre as naturally as they would go to the cinema or 10-pin bowling. They should also feel that they can be performers and not just audience members.

The issue is about social inclusion and equal opportunities. In school, I found it difficult to persuade boys to join the drama club. I want the national theatre to consider how we can involve young boys in drama and engage youngsters from the more disadvantaged sectors of our society. That is most important; theatre must be not just for the present theatre-going classes, but for all. I want the best classical and modern theatre to become accessible to all, from Shakespeare to Liz Lochhead to the exciting new writers—in Gaelic as well as English—who are waiting in the wings.

I hope that the Scottish national theatre will commission and encourage new writers and support those who are already writing. I wish it all the success in the world. I appreciate and welcome what has happened.

16:09

Mr Ted Brocklebank (Mid Scotland and Fife) (Con): I endorse what has already been said; this is a great day for the theatre in Scotland. I confess to a slight disappointment with the minister's roll-call of Scotland's theatres. Along with Perth Theatre, he omitted to mention the Byre Theatre in St Andrews, of which I am a board member. The minister will recognise that the Byre is one of Scotland's most venerable and unique theatres. It was founded more than 70 years ago by local journalist Alex Paterson and its first home was in a cowshed in Abbey Street. Those who have had the privilege of visiting our beautiful new theatre will testify that it is not only an outpost of cultural civilisation in the wilds of north-east Fife, but a five-star Scottish tourist attraction. We are grateful to the national lottery, the Scottish Arts Council and Fife Council, which made the final realisation of Alex Paterson's dream possible.

It is to be hoped that the new national theatre will allow productions by regional theatres such as the Byre and those in Perth and Pitlochry to be seen throughout Scotland and perhaps internationally under the national theatre's banner. That has already happened with the Byre productions of plays such as "Tally's Blood" and

“Parking Lot in Pittsburgh”. I hope that taking such productions around the country will enhance attendance levels and the reputations of regional theatres.

I welcome the fact that the new theatre will create additional work for actors, writers and production staff and will help to alleviate the brain drain of creative talent from Scotland. Many of us remember the recent departure of Hamish Glen from Dundee Rep to England because of a lack of funding for theatre in Scotland.

Theatres such as the Byre will benefit in their role as important contributors to the local economy from the raised profile that the national theatre should create. However, those benefits are conditional for all producing companies on maintaining the proper funding balance. The new Byre is in its third season and continues to learn how to absorb the long-term cost of running a producing theatre. Its ability to maintain a high quality of productions depends on core funding that is adequate for the task.

I welcome the announcement of £7.5 million of funding to cover the new national theatre’s first two years of existence, but it is essential that that funding is truly additional and is not obtained in part by restricting funding to the 10 existing regional companies. The Scottish Arts Council suggests that it will provide standstill funding for the Byre for 2004-05 without allowance for inflation. That would be a real-terms reduction in funding.

The new national theatre’s reputation as a commissioning organisation will depend wholly on the existence of a pool of producing companies that are in good financial health. We shall watch extremely carefully to ensure that our regional theatres are not starved of funds if prevailing economic winds mean that the national theatre’s survival should threaten their health.

I note that funding is in place only for the first two years of the national theatre’s existence. The Byre’s experience suggests that a minimum of three years is necessary to allow productions to be commissioned, developed and presented. Continuity of funding and confidence is essential.

We welcome the extra funding, but no one should forget that countries such as Denmark and Finland allocate far more public funding to their theatre than this country does. Last year, the Scottish Arts Council administered a total theatre budget of £7.4 million, which the Executive funded in full. Denmark spends that on its children’s theatre alone.

In addition to asking for continuing support for provincial theatres, we welcome the Executive’s undertaking to help to develop young talent and to support local authorities and others that bring

cultural opportunities to cities, regions and places such as Kirkcaldy’s Adam Smith Theatre, which we believe could benefit from the funding that has been discussed.

On a personal note, and as I successfully lobbied a previous Conservative Administration to provide a special television fund to promote Gaelic programming, I sincerely hope, and take on board the minister’s assurance, that the distinctive drama and culture of Gaeldom will be emphasised by the new national theatre. I look for an undertaking from the minister on that point.

16:14

Christine May (Central Fife) (Lab): It is grand to hear so much consensus in the chamber and I welcome it. It is high time that we invested in the artistic and creative talents of young people in Scotland. It is essential to invest not only in established talent but in the talent that is tapped only in our regions and smaller communities by voluntary groups, for example, in places where the only theatre that many young people have seen is the operating theatre in which they were born, which they and their mothers fairly quickly forgot. We need the will and the investment to identify and nurture the ability that is out there.

That brings me to accessibility. A national theatre must be exactly that—national. It must be like Heineken and reach the parts that other theatres do not reach. Funding must also be available, so that local facilities can be used by touring productions at affordable prices. Ticket prices must be affordable to those who do not currently attend such venues. I commend the attempt that was made during the Edinburgh festival to encourage young people to see the production of “The Ring”. The fact that this year’s attempt was not as successful as it could have been does not mean that the idea should not be encouraged and tried again next year.

If we are to make the new theatre accessible to young people, they will have to be able to afford to go to it. In Moscow, I saw students getting access to theatre productions for under a pound; the place was always packed. However, cheap does not mean poor. I remind members of the play “Gagarin Way”, which used few props and little scenery and was a huge success—it toured the country and was put on in all sorts of venues. It is an outstanding play; I am just glad that I have lived in Fife long enough to understand even half of it.

Accessibility does not mean simply affordability or the opportunity for everyone to participate—it also means that something must be relevant and understandable. In governance and in the public sector in Scotland, we talk a language that is not necessarily relevant to those on whose behalf we

speak. If members would like an example of drama that draws that point to everyone's attention, I commend to them Vaclav Havel's "The Memorandum", which is a superb play about the nonsense of imposing linguistic styles on institutions. Members should read it, if they get the opportunity.

Using language that it is accessible and easy to understand will be one of the biggest challenges that the new theatre will face. I agree that it is essential that we do not lose the drive for quality that the national theatre must be about, but people will want to see theatre that reflects their experiences and lifestyles. I remember my own upbringing in Dublin. We had the Abbey Theatre and the Gate Theatre, where we saw Beckett, Synge and Yeats, but we also had access to the Taibhear—the Irish language theatre in Galway—which produced superb work. There were also pantomimes in a mixture of Irish and English that were a riot. I also recall many Irish plays that caused riots in the streets. The tradition of knocking the establishment is one that the establishment should encourage. I hope that, in its artistic life, the new theatre will do so.

The formation of a national theatre will also help to play a part in ensuring the implementation of "A Smart, Successful Scotland". Access to and participation in the theatre and the arts will mean more articulate and more confident young people. We all get up on our feet and expound, but we did not get to be like that naturally—we were all encouraged, or at least I hope that we were.

I hope that the theatre will not be reserved to the luvvies and those who already have access, but will encourage our painters, our musicians and our back-scenes technical staff, because they are as essential as those who stand on the stage and perform. I hope that ministers will make a commitment that the technical aspects of productions will not be forgotten and will also receive investment.

16:18

Mr Stewart Maxwell (West of Scotland) (SNP):

Like many other members, I welcome the Executive's commitment to create a national theatre for Scotland. It represents a great opportunity for the arts, which I am sure will be welcomed by all those who work within the arts, as well as by everyone in Scotland who cares about the future of the arts, especially theatre.

Like many other members, my interest in the theatre was stimulated by the Citizens Theatre in Glasgow. In my younger days, particularly when I was a student, I got the cheap seats and went to watch many productions, some of which were marvellous.

I want to pick up on Ted Brocklebank's point about Gaelic. We want productions not only in Gaelic but in lots of local dialects. Some of the greatest theatre experiences that I had were of the Molière plays that were performed in Scots, in many of which I think Liz Lochhead was involved, perhaps as long ago as 20 years ago. The fact that plays that were very old and had come from France were a marvellous entertainment when they were translated into the Scots dialect made a tremendous impact on me.

For me, like Colin Fox, one of the most seminal moments in my experience of the theatre was "The Cheviot, the Stag and the Black, Black Oil". Most of us feel that that was a seminal moment not just for us personally but for theatre in Scotland generally.

If I may make a discordant comment for a moment, I cannot support the phrase in the Tory amendment that asks the Parliament to state that it

"regrets the Executive's past failure to deliver on its promises".

The Executive fails to deliver on many things. Quite frankly, after 60 years, when we are at the very point where we are finally about to achieve a national theatre, it is not appropriate or necessary to make such a negative statement. I welcome what the Executive has done.

When Joyce McMillan discussed the possibility of the establishment of a national theatre, she said:

"They ... must not do it on the cheap. If they are going to launch something that is labelled a national theatre, the worst possible thing is to do it half-heartedly."

I am sure that we would all agree that it is essential that the national theatre is based on a secure foundation. That means that Scotland needs a secure regional theatre structure with secure funding in place. I know that, over the past few years, a lot of money has gone into regional theatre to try to create that stability, but we need it for the future as well. In 2002, Liz Lochhead made a similar point:

"If the Scottish Theatre was to be a cosmetic crown upon a rotten tooth underneath that would be a terrible thing".

I hope that the minister accepts that there are genuine worries about the future funding of the theatre and about what happens when the next crisis occurs. Will the money allocated to the national theatre be used once again to pay for the regional theatres? Perhaps the minister will enlighten us on that point.

I understand that it has been announced that the funding for the national theatre has been allocated from end-year flexibility. What will happen in a year in which no such flexibility is available? What

will happen to the Scottish national theatre, or indeed the regional theatres, when the Treasury in London decides to cut the money. That brings us to one of the central problems. No matter what we do, without financial autonomy the Scottish Parliament and the Scottish Government will always be dependent on what the London Treasury decides. Labour members might not like it, but any cuts in the block grant will mean that the Scottish Government will need to cut services. We have seen in the recent past how the first cut was to the plans for the national theatre. What is the likelihood that the same thing will not happen again? What promises for future funding are in place? Where is the future stability of funding that the national theatre needs? What is the long-term plan to put the funding of the regional theatres on a stable footing? I hope that we will get some answers when the minister responds at the end of the debate.

Small independent European countries allocate much more public money to the provision of theatre than is provided in Scotland. Does anyone really say that because those countries fund theatre, they are unable to provide an adequate health service? Of course not. The Government has often said that we cannot have both, but members of the arts world would disagree. As Roseanna Cunningham said when she quoted Iain Reekie, who is head of drama and performance at Queen Margaret University College, the argument that if we fund a theatre we cannot fund a hospital bed is daft. It is no long-term solution to the funding of the arts in Scotland to have a policy that is based on robbing Peter to pay Paul. The arts in Scotland, including the national theatre and the regional theatres, need to be adequately funded. They need stability in their future funding in order to plan ahead.

The artistic community has spoken out loudly about that lack of stable and adequate funding. I quote again from Liz Lochhead, who said earlier this year:

“the Citizens is in a terrible state, but to make matters worse, proportionately they get more money than many other theatres”.

Mark Thomson, who is the artistic director of the Royal Lyceum Theatre Company, said that the funding shortage

“poses a serious threat to the standards and quality of theatre”.

Those matters need to be addressed.

I will finish with one further quote, which comes from James Boyle of the Scottish Arts Council:

“Let’s have a national theatre and let’s have the full funding stream. The arts will repay the country in full measure.”

I whole-heartedly agree with James Boyle on that

point. The real question is whether the Government agrees with him.

16:24

Rhona Brankin (Midlothian) (Lab): Well, three years and three—or is it four?—arts ministers later, we are here. We have the funding for a national theatre. As the person who was the first arts minister and who, along with Donald Dewar, launched the first ever national cultural strategy, which had a commitment to develop a national theatre, I very much welcome that.

The £7.5 million that the minister announced is a great amount of money for the project. Like many others, I want to see a long-term commitment to the national theatre, but I believe that we will get that from the Executive. It was important that we got the theatre right and talked to and listened to the theatre community. As many others have done, I pay tribute to the Federation of Scottish Theatre and the work put in by Heather Baird, Hamish Glen, Kenny Ireland, Giles Havergal and theatre critic Joyce McMillan. A lot of work has been put into the project over the years.

Regional theatre has had a tough time, although I was glad that the Executive ensured that money was put into it last year.

Let us not talk Scottish theatre down. There is a wonderful Scottish theatre community out there. Scottish theatre is alive and well and performing. We have great Scottish playwrights in Scotland, such as David Greig, John Clifford, Liz Lochhead and David Harrower. Wonderful plays are being produced. I do not have to list all of them, but we also have great theatre companies and I would like to mention one that I have taken particular pleasure from watching in recent years: a young and vibrant theatre company called Suspect Culture.

I echo the request for the Scottish national theatre to be accessible. It has to be a truly national theatre. One of my earliest Scottish theatre experiences was in a packed Dingwall town hall when the 7:84 Theatre Company performed “The Cheviot, the Stag and the Black, Black Oil”. That theatre group blazed a trail in getting round all Scotland, to rural and urban communities that did not normally go to the theatre. I echo the request for our national theatre to be accessible to all communities in Scotland, including those that do not normally go to the theatre.

On leaving university, my first job was with the Citizens Theatre in Glasgow. I remember a much younger, bright-eyed and bushy-tailed Giles Havergal, who has recently retired after many years at the Citizens and to whom I pay tribute. He made a huge difference to the accessibility of

Scottish theatre. I remember that one of the first productions that Giles Havergal put on was called "The Cenci", which involved a lot of nudity. As someone who worked in front of house, I was kept extremely busy by a huge number of Glaswegian gentlemen in macs and many upset Newton Mearns matriarchs. Giles Havergal certainly blazed a trail in Glasgow with his revolutionary ticket pricing and the theatre in Scotland owes a great debt of gratitude to him and the rest of his team.

I emphasise that Scottish culture as a whole is alive and well. Today is a great day for Scottish culture as well as for Scottish theatre. I pay tribute to the Scottish theatre community and look forward to the first performance of the Scottish national theatre. I know that Donald Dewar would have liked to have been there.

16:28

Chris Ballance (South of Scotland) (Green): I declare an interest as a member of the Writers' Guild of Great Britain, the Scottish Society of Playwrights and a lapsed member of Equity.

I have two responses to the minister's comments. First, I hope that he will join me in congratulating Donald Smith, who is in the gallery, on his work in realising the project. Secondly, the minister mentioned the role of women in Scottish theatre. With the exceptions of Sue Wilson at Pitlochry Festival Theatre and Joan Knight at Perth Theatre, not one building-based theatre company in Scotland has had a woman as artistic director in the past 30 years, despite the large number of first-rate women directors there are on the scene. Clearly, theatre is an area in which a very real glass ceiling operates. I trust that the national theatre company will take that issue on board.

The Scottish Green Party warmly welcomes the announcement. It is a real achievement that the Scottish Parliament is to deliver a national theatre company. We look for a commitment from the Executive that it will continue to fund the national theatre and not let it die for a ha'p'orth of tar—or a ha'p'orth of funding—as happened to its predecessor company some 20 years ago.

We welcome the fact that the theatre is to be a commissioning body and not a new building. To be inclusive, the company must be capable of producing work for all of our theatres, from the Mull Theatre to the Edinburgh Festival Theatre and everywhere from the beach at Ayr to a pub in Galashiels.

However, the Executive must look further than the national theatre; it must also look to the funding of the Scottish regional theatres. For example, the Edinburgh Royal Lyceum Theatre

Company received £828,000 from central Government funds whereas Nottingham Playhouse received £1.2 million and the Manchester Royal Exchange received £2 million. Grade 2 theatres are similarly poorly represented when one compares their position with that of similar English theatres.

Local authority funding is not helping the situation. The average Scottish local authority spend has increased by 13 per cent in the past seven years while inflation over the period has been 18 per cent.

I am about to run out of time. I will finish by saying that theatre is not all about directors; it is primarily about actors. I believe that the Presiding Officer has persuaded Sean Connery to be the voice of the lifts at Holyrood. I am not sure whether Sean Connery's voice will fill the lifts of the new Parliament, but I am convinced that if we can bring actors of that calibre back to Scotland, we will fill the national theatre of Scotland.

The Deputy Presiding Officer (Murray Tosh): We move to closing speeches. We are exactly on time. Members must stick to the times that are allocated to them.

16:31

Colin Fox: I welcome the debate. It is fitting that our concerns, questions and inquiries about where we go from here are added to the welcome that we have given to the announcement of the Scottish national theatre. I am sure that the minister will take those concerns, questions and inquiries in the spirit in which they were meant to be taken.

All of the contributions have highlighted the fact that there is a great responsibility on and expectation of the Scottish national theatre. The next few decisions that are taken will be crucial. The decision about who is engaged is crucial, as they will have to make the strategic decisions to get the right balance between a host of competing but by no means mutually exclusive demands.

A number of members spoke about excellence in production and the widest possible involvement. Donald Gorrie and Elaine Murray touched on the hope—it is more than a hope—that the national theatre does not become a plaything of the existing theatre companies, but takes on the right spirit and becomes a plaything for all of Scotland. It must become a national theatre company that belongs to all of us.

As the minister knows, I have been involved in an initiative called the Edinburgh people's festival. Part of the aim of the festival was to take the world's greatest arts festival out to those who do not feel that the Edinburgh international festival is

for them or is part of them. I am sure that the minister would agree that the national theatre should inhabit some of that territory. A number of members addressed that issue.

I am sure that all of us have considered the impact that "Trainspotting" had on a generation of youngsters who immediately took up books, having not done so before. I am sure that the minister welcomes, as we all welcomed, the impact that "Gagarin Way" had last year. Christine May is not in the chamber, but I am sure that she would agree that the play had a great impact on Fife, as it was set in a mining community in Fife.

I realise that the question of how to engage our young people in theatre is complex. Maureen Macmillan highlighted that point. With the right spirit and the right driving force behind the national theatre, it could make a great difference. As Stewart Maxwell said, ticket pricing and the accessibility of the production if it is put on in a city-centre location are related issues. If productions are put on in local community centres, local people get the feeling that the production is partly for them—people feel involved in a way that does not happen in a city-centre location. Subject matter is another one of the complex issues that is involved in the debate on this complex subject. We must also recognise that, in many working-class communities in Scotland, people sometimes feel that there is an invisible bouncer outside the theatre. I am sure that the minister agrees with that point.

During the Edinburgh people's festival, we held a highly successful debate entitled "Whose culture is it anyway?" Former Labour party member Tommy Shepherd, whom the minister will know well and who now runs The Stand comedy club, made the telling remark that there is no problem in getting youngsters to attend music events or to participate in stand-up comedy either on stage or in the audience, but the problems begin when we try to get youngsters and people from a working-class background to believe that the theatre is as much for them as it is for anyone else. I am sure that those involved with the national theatre for Scotland will examine that question.

On behalf of the Scottish Socialist Party, I wish the national theatre well and hope that it achieves the objectives that have been set. I hope that it lives up to the notion of accessibility that I outlined in my amendment, because the very idea represents the spirit of Scotland.

I will end on the note of consensus that Christine May mentioned, and hope that we all hope that the national theatre of Scotland gives the establishment a kicking every chance it gets.

16:35

John Farquhar Munro (Ross, Skye and Inverness West) (LD): As we have heard, the national theatre for Scotland is not all about bricks and mortar. Instead, it has been structured as a commissioning agency to promote arts, culture, music and drama throughout Scotland, and will also play a key role in commissioning productions that will go on tour around the country. Such a responsibility is awesome.

In doing that, the theatre must adopt a much more enlightened approach and extend its vision of the arts beyond the M8 corridor, where everything seems to stop. It must not be allowed to remain in the rhythm of promoting productions within the central belt at the expense of our rural and peripheral areas.

Promoting the arts in the rural settings of the Highlands and Islands requires substantial finance, although I know that the budget has been enhanced in that respect. We must also give a proper hearing to the promotion and support of productions from the Highlands and Islands where culture, music and drama have distinct and strong roots. For example, Shetland's Up-Helly-Aa, with its fire festival, has stood the test of time for centuries and, within a couple of weeks, we will celebrate the national Mòd in Oban, where the first Mòd was established 100 years ago. It is clear that a lot of tradition and culture exists.

On the subject of what is traditionally Scottish, I should mention that last week a delegation from Scotland travelled to Barcelona to promote culture, language, music and all the rest of it. After speaking to our illustrious minister, we were able to include a Gaelic element in that delegation. Much of what is thought of as being traditionally Scottish has its roots in the Gaelic culture. The riches of Gaelic culture and heritage are internationally recognised and appreciated. Gaelic arts and heritage provide a gateway through which non-Gaelic communities can gain and enjoy the richness of Gaelic language and culture. We have much to be proud of.

As I said at the outset, we must promote remote and rural areas. Maureen Macmillan has already referred to Highlands amateur drama groups, and I particularly remember Gaelic drama groups such as Sgudalairean and my own group Cluicheadairean Loch Aillse. We had many enjoyable nights throughout the Highlands and Islands. More Highland talent should be commissioned and given the opportunity to flourish on the world stage. That will require the commissioning agency of the national theatre for Scotland to promote all the arts, through schools, colleges and communities, to ensure that our culture, language and heritage are presented and appreciated locally, nationally and internationally.

16:39

Mr Brian Monteith (Mid Scotland and Fife) (Con): I am sorry if I bring a rather discordant note to the debate, but I think that it is necessary so that a number of benchmarks can be laid down. Before I go on, I declare an interest as a non-paid director of 2000 & 3 Estaites theatre company.

The gratuitous part of what I have to say makes me feel rather curmudgeonly, as if Russell Hunter should be delivering this part of my speech, but there is a degree of criticism to be made. Although we welcome what the minister has announced, there is absolutely no doubt that there has consistently been a large underspend in the Scottish Executive's budget over the years. A problem with the funding of regional theatres has also needed to be addressed, and it should have been addressed by using the underspend rather than by raiding the budget that had been earmarked for the national theatre. That would have allowed us to be ahead of the game and we could have had this debate at least two years ago. By now, we could at least have had a chairman and a board. We could have been beginning to see things move.

I believe that, if it had not been for the pressure put on ministers in previous debates, such as that secured by Robin Harper, recent announcements on the establishment of a national theatre would not have been made. Elaine Murray will remember that pressure well, as will Frank McAveety, who frankly had a very hard time—to put it mildly—when he appeared on “Newsnight” and was pressed on what would happen about the national theatre. Those pressures have led to today's announcement. There was also pressure from other people—perhaps not in the chamber or in the gallery but outside the Parliament—who said that we should not have a national theatre. We should all remember that it is the pressure that we put on the Executive to deliver on the commitment that it made that has brought us here today.

There have been many attempts to establish a national theatre. Sir Stafford Cripps tried to provide the funding for a national theatre, but the proposal fell apart because Edinburgh and Glasgow were at each other's throats. Ludovic Kennedy tried to deliver a national theatre through the Royal Lyceum Theatre Company, but that dream was not realised and, in the 1980s, the Scottish Theatre Company failed at the box office. I take account of the many speeches that have been made with which I agree and of that history, but I want to voice my concerns.

Excellence is crucial. Without excellence, the national theatre company will not deserve to exist. We have good, often excellent, regional theatre, but a national theatre company is about trying to provide consistency to raise the game overall.

New work must be commissioned, there must be new productions of existing work, and existing productions from regional theatres must be taken out around Scotland and internationally. Tours for regional productions might not otherwise be planned, as it is often not known how good a production is until the curtain closes.

I sound a note of caution about work load, as I am concerned that the national theatre might try to do too much, too soon. I appeal for decent rates of pay. If there is one thing that the national theatre company can do for regional theatre, it can raise the game with regard to the pay scales that its actors, technicians and production staff expect.

We must ensure that the national theatre is at arm's length. I have to say that the evidence so far is not convincing; it is worrying. The national theatre could be anywhere. The board can decide its location, as long as it is in Glasgow. Why not Dundee? The fact that it is a commissioning theatre makes the location unimportant, so it could be anywhere. It could use the facilities of the Traverse theatre company or of other companies such as Theatre Babel. The location does need to be Glasgow, and I am concerned that it is not the board that is making the decision.

I welcome the announcement. The national theatre is here at last and we can all rejoice and look forward to the curtain going up on the first production.

The Deputy Presiding Officer: I call Linda Fabiani to close for the SNP. You have six minutes.

16:44

Linda Fabiani (Central Scotland) (SNP): I do not know whether I will manage six minutes; my voice might disappear.

The Deputy Presiding Officer: If that is the case, you might have offered some of your time to members earlier in the debate.

Linda Fabiani: Before my voice disappears, I would like to say that I very much welcome the announcement and congratulate the minister on at last bringing to fruition a project for which many people have been working for some time. We very much support the motion. We also support Colin Fox's amendment, as we consider it to be exceedingly sensible and we could not put it better ourselves. I hope that the minister will take on board what the amendment says.

Members will expect me to say this, but I will say it anyway—I thought that Roseanna Cunningham made some very good points in her speech. One of them sticks out for me: her emphasis on ensuring that we include the traditional arts in our national theatre. That is extremely important. Only

a couple of weeks ago, the Minister for Tourism, Culture and Sport and I had a wonderful evening together participating in some of Scotland's traditional arts. However, I suspect that that was not nearly as much fun as what Maureen Macmillan and the minister will share later.

It is important that the national theatre takes on board the point that it should represent all the languages and cultures within Scottish society. For example, with reference to my own background, lots of immigrants from Italy have settled in this country and have brought with them a love of opera. I would say that Italian opera is certainly the best in the world. I think that Colin Fox might agree with me, as he is a big opera buff. We have many cultures in Scotland and we should reflect those within our national theatre set-up.

Another point that Roseanna Cunningham made and that other members have mentioned is the fact that theatre can happen anywhere; it does not have to take place on a stage or in a building. When Roseanna spoke about the production of "The Enchanted Forest" that she is going to, it reminded me of a production that I went to in Glen Lyon a couple of years ago, called "The Path". I do not know whether any other members went to it. It was a wonderful experience—one of the best theatrical experiences that I have had in my life. That was theatre that took place right through the valley of Glen Lyon.

Unfortunately, I did not hear all of Jamie McGrigor's speech—it is not that I walked out on Jamie; I just did not want to drown his erudition with all my coughing. However, I understand from what some members have said that he was a bit ungracious. I certainly think that Brian Monteith was a bit ungracious in his closing remarks, which is so unlike him. Before I left the chamber, one comment I heard Jamie McGrigor make was his little dig at the Holyrood building. The Conservatives seem to have a little dig at it every time they get on their feet these days.

Donald Gorrie said that we should perhaps consider the Holyrood building as a venue for theatre. I have also considered that idea. Rob Gibson mentioned that he saw a production of "Ane Satyre of the Thrie Estaitis" in this chamber. Perhaps we should look forward to having a production of "The Four Estaitis" at the new Holyrood building. We could include the press in that.

Chris Ballance: I hope that I am giving Linda Fabiani a chance to rest her voice. Given that we are no longer four estates but seven estates in this Parliament, would Linda Fabiani consider increasing her generosity on the production size?

Linda Fabiani: I think that we will stick to four; it is complicated enough.

Some years ago, I saw a Scottish Youth Theatre production called "The Four Estates" in the Cottie Theatre in Glasgow. That is a wonderful place. Glasgow is an ideal place to create the resource centre for the national theatre. That, too, is welcomed.

I pay tribute to youth theatre, because it has come up with some wonderful productions over the years. I have also been at many amateur productions over the years and the talent that is in amateur theatre is immense. There is also special needs theatre—people have set up theatre groups so that people with special needs can express themselves. I hope that the national theatre embraces some of those initiatives.

Colin Fox mentioned the fact that many young people will go to music productions, but they will not go to theatre productions. Many excellent theatre productions have been combined with music. One that comes to mind is "Sunset Song", for which Michael Marra did some wonderful music. Such a combination of music and theatre can be developed in an effort to attract young people to the theatre.

I will close, because I am finding it difficult to continue as I am losing my voice. I was fascinated by the Scots rap that Elaine Murray mentioned and I invite the minister to conclude the debate in rap.

The Deputy Presiding Officer: That is entirely a matter for the minister. He should note that he has nine minutes in which to respond to the debate.

16:50

Mr McAveety: I will resist the temptation.

Linda Fabiani's throat was rather sore. Perhaps the result this week might be closer than we expect if she has had to work the phones overnight on behalf of her esteemed leader. That remains to be seen.

I welcome the positive comments that have been made. Conservative members have shown a genuine commitment to wanting the national theatre to work as effectively and imaginatively as possible for the people of Scotland. As the minister with responsibility for the matter, I give my assurance that we will move forward.

Many questions have been asked about intention. We have an opportunity to design a match, to play it on a brand new pitch and to achieve wonderful success. All the voices that we have heard this afternoon should be part of the broader debate that the chair and board of the national theatre will want to develop. It is important that we move forward effectively.

Many members have mentioned their experiences of drama. I am probably too young to remember "The Cheviot, the Stag and the Black, Black Oil", but I welcome what older colleagues, such as Colin Fox, have said. However, political dramas of the 1970s are not the only dramas that have shaped much of what we are today. Many people have been influenced by their first exposure to European and Scottish writers and to American dramatists. We want to ensure that Scottish writers have at least an equivalence within choices that are available in school curriculums. That can be encouraged only if we create a space for the young generation of male and female writers that is emerging in Scotland. Youngsters who might be inspired by the theatre—or the many other activities in which the Executive is engaging—can be inspired to be the voices that speak for Scotland in the future.

Last week's visit to Catalonia has been mentioned. In many respects, Catalonia is a nation similar to Scotland. I spoke to many folk who are involved in cultural development there and it is interesting that the public perception is that much work is driven by public investment. However, the model is very different: it is driven by public investment and voluntary commitment, evidenced by what was said earlier. In Catalonia, there was a rejection of the state well before Franco. That rejection was exacerbated by the conduct of the fascist state for 50 years. People had to develop autonomous means of creative expression. That represents an opportunity for all of us. No member has ownership of creative expression, but we can certainly contribute to it. We have an opportunity to make a difference.

That is why I welcome the work of colleagues such as Dr Elaine Murray, who previously had to step up to the plate and wear a hard hat when members chucked comments at her about investment in regional theatre. We have invested in regional theatre. In the past couple of years, we have given more than 30 per cent new money in order to stabilise regional theatre. That money is new, additional money from end-year flexibility. However, like Christmas and puppies, the commitment that we need to make is for life. We need to ensure that spending reviews show a commitment to ensuring that the national theatre continues. That will be part of our continuing debate. The commitment that has been given this afternoon demonstrates that we believe that the national theatre is one of the central elements of our cultural investment.

Mr Monteith: I have listened intently to the minister. It is useful that the Minister for Finance and Public Services is here. Is the Minister for Tourism, Culture and Sport saying that he will argue the corner, and that not only will the national theatre receive underspend funding, but that there

will be an adjustment to the budget of the Scottish Arts Council in recognition of the fact that a national theatre has been founded and that more funding is therefore needed?

Mr McAveety: We have said that, through end-year flexibility, we have been able to realise the resource, which is larger than it initially was during discussions with the theatre community. That is welcome. We have recognised that, as part of that development, such funding will be part of our wider fabric of support for the arts. Therefore, any minister with responsibility for the arts—which I currently have—will argue the corner for such funding support. Other Administrations have ignored investment in a national theatre for many years and I am delighted that such investment has been welcomed by many people. That is an important development.

A previous leader of the Conservative party, when asked to name her favourite writers, claimed that she always reached for the novels of Frederick Forsyth. In terms of major literature, I need say no more about her choice.

We want to give broad support to ensure that the national theatre reflects Scotland's diverse communities. That support is not about replacing or supplanting existing funding streams; it is about the additional element that the national theatre can provide to those streams. The fact that the national theatre will be a commissioning theatre means that it will assist many regional theatres. I could not name them all. I know that members would like me to have named each and every one, but that would have taken at least the opening 10 to 12 minutes of the debate.

I hope that, if people have vision and imagination and there is genuine partnership with the national theatre, a dialogue will emerge that will strengthen regional theatres and the national theatre and ensure that we develop what is already a vibrant theatre sector in Scotland.

The Executive supports not only investment in the national theatre, but complementary investments that will ensure that the national theatre will be a hallmark for cultural investment in Scotland over the next few years.

I recognise what Rhona Brankin said about how theatre can be made meaningful for local people. I deny that I was one of the macs in the front row for the Citizens' Theatre production to which she referred.

Maureen Macmillan said that she would like to see Ewan McGregor perform under canvas in the Highlands. I imagine that he has probably done that already in a private capacity rather than a public one.

It is important that members have welcomed the development of a national theatre. With the appointment of a new chair in the next few months, we have the space to make a difference to the theatre's future. The national theatre must reflect what Jeremy Raison said at the Citizens' Theatre when he was asked what he wanted to do there when he took over from Giles Havergal. I should declare a constituency interest in the Citizens, although it is in the Gorbals area of Glasgow. Jeremy Raison indicated that what he wanted for the Citizens' Theatre was:

"High production values; fascinating, interesting, challenging, amusing, world-changing work. ... Let's be bold."

There was reference in the debate to the Minister for Finance and Public Services' commitment to the Executive's national theatre initiative, which is testimony to his commitment to theatre and culture. He has demonstrated a larger commitment in that respect than any previous finance minister in Scotland.

We recognise that the national theatre must connect with communities throughout Scotland. Brian Monteith said that he was disappointed by the fact that the national theatre will be located in the greater Easterhouse area. I make it absolutely clear that the location will be an important, but not central, part of the national theatre's work. The location is about the site for the administrative headquarters. It is wiser to consider the fact that many parts of Scotland have recognised that the arts can play a part in economic regeneration.

If we genuinely want the Parliament to say something to communities that have been excluded for far too long and that have felt that the arts, in Colin Fox's words, are not about them, then we will demonstrate that we can complement the arts factory that the greater Easterhouse area has established. I believe that there is no more fitting place than Easterhouse for the location of the national theatre, given that it is part of our largest city and looks east to the capital city. Easterhouse is the part of Glasgow that is closest to Edinburgh.

The national theatre will be located in Easterhouse in recognition of the work that has already been done there. However, that work will be only a snapshot of the work that will be done with the repertory theatres and companies in the Highlands and Islands. More important, over the next few years, new theatre companies will emerge because of the inspiration and vision contained in the national theatre.

The establishment of the national theatre will allow us to say that we have created something that makes an important point about Scotland. The creation of a national theatre shows that we value who we are and that we recognise what we can

say and that future generations will have something to say about theatre and expression.

I am delighted that there has been widespread support throughout the Parliament for the national theatre. I hope that the Parliament will similarly acclaim and support other aspects of the Labour and Liberal Democrat partnership deal that will be presented over the next few years. I thank members for their time and commend the motion to them.

Parliamentary Bureau Motion

16:59

The Presiding Officer (Mr George Reid): The next item of business is consideration of motion S2M-410, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, on membership of committees.

Motion moved,

That the Parliament agrees that the following members be appointed to committees—

Scott Barrie to replace Maureen Macmillan on the Communities Committee, and Maureen Macmillan to replace Scott Barrie on the Justice 2 Committee.—[*Patricia Ferguson.*]

Decision Time

17:00

The Presiding Officer (Mr George Reid): There are 10 questions to be put as a result of today's business. The first question is, that amendment S2M-381.3, in the name of Tavish Scott, which seeks to amend motion S2M-381, in the name of Phil Gallie, on the European constitution, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (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)
 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)
 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)
 McMahan, 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)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)

Smith, Iain (North East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 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

Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Canavan, Dennis (Falkirk West)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (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)
 Leckie, Carolyn (Central Scotland) (SSP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (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, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Swinburne, John (Central Scotland) (SSCUP)
 Tosh, Murray (West of Scotland) (Con)

ABSTENTIONS

Cunningham, Roseanna (Perth) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Rob (Highlands and Islands) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 59, Against 27, Abstentions 8.

Amendment agreed to.

The Presiding Officer: Amendment S2M-381.1, in the name of Stewart Stevenson, is pre-empted.

The next question is, that motion S2M-381, in the name of Phil Gallie, on the European constitution, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Baillie, Jackie (Dumbarton) (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)
 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)
 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)
 McMahan, 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)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 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

Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (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)
 Leckie, Carolyn (Central Scotland) (SSP)

McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (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, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Swinburne, John (Central Scotland) (SSCUP)
 Tosh, Murray (West of Scotland) (Con)

ABSTENTIONS

Canavan, Dennis (Falkirk West)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Rob (Highlands and Islands) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 60, Against 26, Abstentions 9.

Motion, as amended, agreed to.

Resolved,

That the Parliament recognises the many benefits that the European Union has delivered for Europe and Scotland; welcomes the draft constitutional treaty presented to the European Council by the Convention on the Future of Europe as an important step towards making the EU more effective, efficient, easier to understand, democratic, transparent and accountable; welcomes the reference in the draft treaty to subsidiarity and to the role of devolved parliaments in nations and regions, and welcomes the role that the Scottish Executive, in conjunction with Her Majesty's Government, has had in securing these references.

The Presiding Officer: The next question is, that amendment S2M-380.3, in the name of Hugh Henry, which seeks to amend motion S2M-380, in the name of Annabel Goldie, on public confidence in the criminal justice system, 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)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West)
 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)
 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)
 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)
 McMahan, 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)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alex (North East Scotland) (Con)
 Leckie, Carolyn (Central Scotland) (SSP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (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)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Swinburne, John (Central Scotland) (SSCUP)
 Tosh, Murray (West of Scotland) (Con)

ABSTENTIONS

Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Rob (Highlands and Islands) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

The Presiding Officer: The result of the division is: For 61, Against 23, Abstentions 12.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S2M-380.1, in the name of Michael Matheson, which seeks to amend motion S2M-380, in the name of Annabel Goldie, on public confidence in the criminal justice system, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Cunningham, Roseanna (Perth) (SNP)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)

Canavan, Dennis (Falkirk West)
 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)
 Fox, Colin (Lothians) (SSP)
 Gillon, Karen (Clydesdale) (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)
 Leckie, Carolyn (Central Scotland) (SSP)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (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)
 McMahan, 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)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 32, Against 64, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S2M-380, in the name of Annabel Goldie, on public confidence in the criminal justice system, as amended by Hugh Henry's amendment, be agreed to. Are we all agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West)
 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)
 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)
 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)
 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)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 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

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)

Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Leckie, Carolyn (Central Scotland) (SSP)
 Mundell, David (South of Scotland) (Con)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Swinburne, John (Central Scotland) (SSCUP)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Cunningham, Roseanna (Perth) (SNP)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Tosh, Murray (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 62, Against 13, Abstentions 21.

Motion, as amended, agreed to.

Resolved,

That the Parliament welcomes the recognition by the First Minister of the need to "regain trust and confidence" in our criminal justice system; welcomes the Scottish Executive's decision to establish a judicially-led Sentencing Commission and the commitment to introduce legislation to modernise the operation of the High Court; recognises that the Scottish Executive will act on the McInnes Review and will bring forward further proposals for court reform; notes the measures being introduced that will give more support to victims and witnesses in the criminal justice system, and believes that the record number of police officers in Scotland, the substantial increase in civilian staff and the moves to release police officers for front-line duties will enhance delivery of police services in local communities.

The Presiding Officer: The next question is, that amendment S2M-406.2, in the name of Jamie McGrigor, which seeks to amend motion S2M-406, in the name of Frank McAveety, on the Scottish national theatre, be agreed to. Are we all agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Canavan, Dennis (Falkirk West)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)

Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Leckie, Carolyn (Central Scotland) (SSP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (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)
 Swinburne, John (Central Scotland) (SSCUP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 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)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gibson, Mr Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 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)
 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)
 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)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 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)
 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)
 Neil, Alex (Central Scotland) (SNP)
 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)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Scott, Eleanor (Highlands and Islands) (Green)

The Presiding Officer: The result of the division is: For 21, Against 74, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S2M-406.1, in the name of Colin Fox, which seeks to amend motion S2M-406, in the name of Frank McAveety, on the Scottish national theatre, be agreed to. Are we all agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Canavan, Dennis (Falkirk West)
 Cunningham, Roseanna (Perth) (SNP)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Leckie, Carolyn (Central Scotland) (SSP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)

Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Swinburne, John (Central Scotland) (SSCUP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (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)
 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)
 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)
 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)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 36, Against 60, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The ninth question is, that motion S2M-406, in the name of Frank McAveety, on the Scottish national theatre, be agreed to.

Motion agreed to.

That the Parliament welcomes the announcement of Scottish Executive funding to realise the National Theatre of Scotland; commends the Executive on its vision in supporting the radical concept of a commissioning theatre of national and international status to present theatrical and writing excellence to all the people of Scotland and take Scotland's creative talent to the world stage, and endorses the Executive's commitment to the infrastructure of Scottish regional theatre from which new work will come.

The Presiding Officer: The 10th and final question is, that motion S2M-410, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, on the membership of committees, be agreed to.

Motion agreed to.

That the Parliament agrees that the following members be appointed to committees—

Scott Barrie to replace Maureen Macmillan on the Communities Committee, and Maureen Macmillan to replace Scott Barrie on the Justice 2 Committee.

Respect for Shop Workers Day

The Deputy Presiding Officer (Trish Godman): The final item of business today is a members' business debate on motion S2M-210, in the name of Kenneth Macintosh, on respect for shop workers day. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes with concern the level of violence and abuse that shopworkers deal with on a daily basis; further notes the recent survey by the Union of Shop, Distributive and Allied Workers (USDAW) that found that 47% of those responding to the survey reported physical attacks or assaults on staff in the last 12 months, that 72% reported staff being threatened with violence, that in one in four stores threats are being made every week, that in one-third of stores verbal abuse is a daily event, that almost 50% of staff have taken time off work as a result of violence and that stress-related problems are common and include sickness, insomnia, headaches and clinical depression; commends the USDAW campaign, "Freedom from Fear" and recognises its main objectives as raising awareness of the level of violence and abuse, making the workplace safer and protecting both shoppers and staff, and supports "Respect for Shopworkers Day" on 17 September 2003 aimed at preventing abusive behaviour, highlighting the support that retail companies can, and do, give their staff and encouraging the public to show respect for shopworkers.

17:11

Mr Kenneth Macintosh (Eastwood) (Lab): I thank the Parliament for finding the time for this debate and for tackling the serious and worrying problem of violence and abuse against shop workers throughout Scotland. A great many members have not only supported my motion to make shops free from fear, but have gone much further and joined the Union of Shop, Distributive and Allied Workers in campaigning locally to raise awareness of the issue.

When I launched the campaign in my constituency I heard many stories, one of which helps to illuminate the problem that we face. The manager of one of my local Safeway stores, who has implemented several measures to protect his staff, talked about the last time that he was punched while at work. It happened when he was trying to stop a shoplifter; he described the incident in rather embarrassed tones as if it were an occupational hazard and he should have known better. It is true that shoplifting is often the spark that sets off verbal or physical abuse, but that is exactly what we must challenge.

The evidence from the shop workers union, from the Scottish retail crime survey and from surveys conducted by the Co-operative Group is that violence against shop staff is symptomatic of a much greater problem. Shop workers throughout Scotland have to cope daily with unacceptable levels of abuse and threatening behaviour that

range from rudeness to serious physical assault. At one extreme, attacks on shop workers can average one for every hour of the working day. However, the culture that underpins that is such that staff in more than a third of our stores can expect to experience verbal abuse every day.

The effect on staff, as members can imagine, is debilitating. That is the primary focus of today's debate and our wider campaign. However, the problem affects many more people than just shop staff. The information that the Co-op collected suggests that staff in small community-based retail shops are the most likely to become the victims of crime. I am sure that many members are aware of examples in their constituencies of local shops that become a focal point where gangs of young people hang out in the evenings.

Maureen Macmillan (Highlands and Islands) (Lab): Is the member aware that that behaviour happens in rural areas as well as in urban areas? I took the campaign petition round from Shetland to Moray over the summer and collected more than 1,000 signatures from people in support of shop workers. I wanted to make that point before I have to leave to catch my train.

Mr Macintosh: I thank Maureen Macmillan for her contribution. I could not fail to take an intervention from someone who is sitting next to me, but she makes a serious point. I am aware of the situation in the more urban areas, but the problem for communities in rural areas such as the Highlands is serious. Her experience also perhaps reflects the number of Co-op stores in the Highlands that took part in the survey.

The behaviour that we are talking about can be extremely intimidating for shop workers who are on the receiving end of a series of incidents and petty thefts. At certain times of the day, some shops become a no-go area for elderly residents and many other people. The very future of those shops is threatened by such behaviour and those that survive often begin to resemble Fort Knox rather than a convenience store. That kind of shop is often one of the few local amenities, so not only the staff, but local communities and shoppers suffer.

Some people ask how the kind of situation that I have described relates to the majority of shoppers and law-abiding citizens. The truth is that there is a spectrum of unacceptable behaviour, ranging from the mildly offensive to the most aggressive. It is up to us all to challenge and change social attitudes and the them-and-us mentality that too often describes our relationship with shop staff.

That is why I am pleased to support USDAW in its national campaign to give respect to shop workers. In representing its members, USDAW has worked in partnership with Government and

Parliament to tackle this chronic problem and I congratulate it on its efforts. I particularly want to thank Frank Whitelaw, Ruth Stoney and the many others who have brought the campaign to my attention and that of my colleagues.

I hope that the Scottish Executive's clear commitment to tackling antisocial behaviour will create the culture of mutual respect that the campaign is designed to promote. It is quite clear that benefits will flow from the prevention of some forms of petty criminality and offensive behaviour in relation to retail crime. The example from my constituency that I gave earlier highlighted how one incident can quickly and easily lead to more serious offences. The survey that was conducted by the Co-op suggests that more than two thirds of cases involving violence against staff occur when staff are trying to prevent shoplifting. If we can clamp down on petty crime and curb the use of abusive language and behaviour that undermines the respect that we are all due, we will reduce the number of more serious offences.

As was said in a recent debate, I believe that our reform of licensing laws following the Nicholson review will provide another vehicle for dealing with the particular difficulties that surround off-licences. It is worth noting that one of the most commonly cited flashpoints for abuse, or worse, in stores is when young people are refused alcohol. I should also mention the Government's continuing commitment to closed-circuit television which, in my constituency, has done a lot to improve the safety of shoppers and shop workers in Barrhead, the Broom shops and in Thornliebank Main Street.

Constructive measures are in place and more will follow; legislation on antisocial behaviour is due to be debated later this year. However, as I mentioned earlier, today's debate is also about raising awareness. For that reason, I am particularly pleased that our participative Parliament has made it possible for everyone to join in our discussion through the Parliament's interactive forum. I thank my colleagues, Sarah Boyack, Christine May and Maureen Macmillan—it is just coincidence that they surround me at the moment—for posting messages on the forum. I urge other members to do so as well. The forum, which can be accessed through the Parliament's website—www.scottish.parliament.uk—will be open for several months and I hope that many others will make their views known. We want to hear people's opinions, whether they are shop workers who have been on the receiving end of threats and abuse or shoppers who have witnessed that sort of intimidating and unacceptable behaviour. If people make suggestions as to how we can tackle this problem, we can ensure that our shops are free from fear and that our shop workers are given the respect that they deserve.

17:17

Donald Gorrie (Central Scotland) (LD): This is an important issue and I congratulate Kenneth Macintosh on securing the debate.

Shop workers face a genuine problem and it is important to talk about it, but it is part of a wider problem. Recently, I have had discussions with many groups—firefighters, teachers, social workers, housing officials, benefits officials, bus drivers, and nurses and hospital staff—about violence. Violence can be seen in many forms. There is road rage, footballers who hit each other, football supporters who hit each other, bullying at school, bullying at work, domestic violence and so on. I do not know about domestic violence, which has a long history, but I think that there has been an increase in various forms of violence in recent years. There is now a climate of violence. Partly, that is to do with alcohol and drugs, but there is a wider issue relating to violence in our society. When I mentioned that to a colleague a few minutes ago, she suggested that it was a result of television programmes and films. I have no doubt that they contribute to the problem, but I think that there is something more fundamental in our society that seems increasingly to predispose people to violence.

There is a big problem with alcohol. After a bit of pushing, the Executive set up the Nicholson committee, which has produced a good report. The ministers might want to consider setting up such a committee to examine the problem of violence. Although Kenneth Macintosh is quite right to raise this issue on behalf of shop workers, we must remember that the issue affects firefighters and so on as well and I think that there is an overall issue to which I have no solution. If we set up a group to examine the problem from a number of different directions, we might find ways of reducing violence.

Obviously, if we had more police, it would help in certain areas. We have to address the predisposition to violence. On the back of Ken Macintosh's excellent motion, I suggest that we take a wider approach to the problem.

17:20

Cathy Peattie (Falkirk East) (Lab): I will be brief because I had not intended to speak in the debate. However, it is important that everyone gets involved and I am disappointed that some of the other parties have not stayed for the debate or are not participating.

I have to declare a vested interest—I enjoy shopping. Retail therapy does everybody the world of good. However, I want to go into a shop and feel safe, and I want the people who are working there and serving me to feel safe. I congratulate

Ken Macintosh on securing the debate on what is an important issue.

These days, people work longer hours and rush into shops to get what they need before flying back out. They pay little attention to what is going on around them or to the people who work day in and day out to keep the shops busy and to ensure that we can buy what we want. The people who serve us are often at risk of violent or racial attacks. Those people not only work in the shops but live locally and are not merely at risk of violence or of being attacked in the shop where they work. A person who refuses to sell alcohol to a group of young people may very well live along the road from them. There is therefore a double risk to shop workers. USDAW's freedom from fear campaign is vital. We are not talking only about people who work in the shops in our communities—shops that are often the heart of those communities—but about people who live in our communities.

This debate is very important. We must continue to encourage retailers to support their staff and to provide appropriate training for people to handle certain situations. We all have a responsibility if hassle is taking place in a shop. We should not just walk past; we should all say that all behaviour such as violence, aggression and shouting at shopkeepers is unacceptable. We have a responsibility not only to ensure that we feel safe when we go shopping or go for a wee bit of retail therapy, but to ensure that the people who are there to serve us eight, nine, 10 or 11 hours a day also feel safe. We must do the best that we can to ensure their safety.

17:22

Alex Neil (Central Scotland) (SNP): No significance should be read into the fact that I am on the front bench. [*Laughter.*]

The Deputy Minister for Justice (Hugh Henry): It took a long time, Alex.

Alex Neil: Or into the fact that no one is behind me.

Linda Fabiani (Central Scotland) (SNP): I am to the left.

Hugh Henry: As always.

Alex Neil: Yes, and Linda is leaving too—to go, I think, to Inverness.

I congratulate Ken Macintosh on securing the debate on this important subject. I too declare an interest: prior to becoming my secretary 10 years ago, my wife was a store detective for Boots and Woolworths. She has had direct experience of the kind of activity that goes on.

The risk of violence is much greater in certain

areas, but it is also much greater in certain types of shops. Companies such as Boots have pharmacies on their premises and, unfortunately, where there is a pharmacy, there is a great tendency for people—especially people who are dependent on drugs—to go in and, if they do not get exactly what they are looking for, to threaten staff or to go even further. As Cathy Peattie pointed out, such people can threaten other customers as well. It is a growing problem and it will require special attention if it is to be dealt with properly.

There are certain times of the week at which people are most at risk; for example, on a Friday or Saturday night. Somebody who works in a fish and chip shop, a fast-food takeaway or an all-night grocery shop or bakery is particularly at risk.

As Donald Gorrie said, people sometimes come in who are out of their skulls, which is when the violent side of their nature takes over. Often those people are perfectly normal at every other time of the week, but if they have one too many it can tip the balance and the worst side of their character comes out. Very often the people who are on the receiving end are the shop assistants who work late at night, sometimes in extremely frightening circumstances. I live in Ayr and can think of particular parts of the town where on a Saturday night or early Sunday morning it is frightening to walk, never mind to work in a shop where groups of youngsters come in and exhibit threatening behaviour.

There is no easy answer. As Donald Gorrie said, drug and alcohol abuse, which were mentioned in a debate earlier today, are clearly major issues to be addressed. Very often, where there is violence, there is drug or alcohol abuse. It is ironic that there is probably more alcohol abuse involved, because people who engage in drug taking and dealing in illicit products tend not to be such exhibitionists. However, people are very much in the public eye when they have had a lot to drink.

We can see the effects of too much drink in any hospital, particularly in urban Scotland, but also in many parts of rural Scotland, late on a Saturday night or early on a Sunday morning. Those effects relate not only to violence against shop staff; they are often the result of fights that break out between individuals or gangs of youngsters.

We should put on record our gratitude to the Scottish Retail Consortium, which has been extremely active in highlighting the particular problems from which its members suffer. I know that it has been in touch with every member of the Parliament to highlight the issue.

This problem is increasing and the people at the receiving end tend to be among the lowest-paid members of our community. Very often they have

to work unsocial hours and are trying to meet the needs of their families as well as earn a decent income, which is not always an easy set of objectives to meet. Those workers are very often women, which makes them particularly vulnerable in the kind of situations that I have described.

Donald Gorrie's idea of setting up something akin to the Nicholson committee to examine the issue, which Ken Macintosh is right to raise, is not a bad one. I hope that the Executive will consider that proposition in due course so that we can not only investigate the problem in Scotland but learn lessons from overseas. Other countries have experienced similar difficulties and dealt with them in different ways. I congratulate Ken Macintosh on raising the issue and hope that we will now have some action to deal with what is a serious problem.

17:28

Bill Aitken (Glasgow) (Con): I have heard nothing so far with which I could disagree, with one exception: unlike Cathy Peattie, I detest shopping. However, that is hardly the issue.

Ken Macintosh is to be congratulated on bringing the matter to the chamber. Donald Gorrie referred to a whole litany of situations that can become violent and he was correct to do so. However, violence against shop workers, like domestic violence, is unusual.

We all have certain life choices. If we are frightened of being assaulted at a football match, we do not go to football matches. If we are worried about violence at a particular bar, we do not go to that bar. However, people have to live in their homes and they have to earn a living. As Alex Neil said, for many people who seek to earn a living by working in shops, that living can be hazardous and unpleasant.

The question is what we do about the problem. I hesitate to be too political in a members' business debate, but we had an interesting discussion this morning and some of the approaches that were suggested then might have some validity in tackling violence against shop workers. However, the problem is special and likely to become more common. Society has changed in recent years—we are more involved in the 24-hour society. More people work unusual shifts that mean that they require goods and services at times that were formerly regarded as unsocial hours during which everybody was asleep in their beds. Many shops are now open 24 hours a day, which makes shopkeepers and shop workers particularly vulnerable.

Some shops—particularly those in country areas—are isolated. Even in urban situations, shop workers are vulnerable because the shops

are in areas where people might be less than enthusiastic to become involved when a shopkeeper is under attack, for fear that they might be subject to reprisals in the event of prosecution. Ken Macintosh underlined the fact that many shopkeepers are assaulted when they try to intervene in cases of shoplifting on their premises. In my experience, that is true.

We must consider how to adapt our policing system to assist people in such situations. I would like community police officers to drop into shops every now and again to say hello. The neds will probably see them going in, which will have a deterrent effect and give shopkeepers some reassurance.

I demur at the suggestion that we are all responsible. We are not all responsible, because the vast majority of people do not assault shopkeepers. However, Cathy Peattie was right to say that we cannot always walk past on the other side of the road. We should be more involved, but I acknowledge that factors prevent people from becoming so.

I dealt with deterrence at length this morning and I see no reason to repeat what I said. Ken Macintosh was correct to highlight the difficulties faced by shopkeepers and others. In Glasgow, one of the problems is that fire crews and bus crews have been attacked. Shopkeepers form another section of society that—rightly—looks in our direction for additional protection.

The Executive is considering many matters. As I said this morning, once those issues have received appropriate attention from the Executive, we will see whether the Executive's measures work. We will judge those measures and the Executive by their success or failure.

17:33

Christine May (Central Fife) (Lab): As other members have said, the debate is welcome. I do not apologise for repeating many of the points that other members have made, because they deserve to be repeated. Violence has been discussed in the chamber many times, but as far as I know this is the first time that violence against this section of the working population has been debated.

I am a member of the Co-operative Party and the Co-operative Group supports the campaign hugely. I will introduce a note of slight historic interest, as my situation is a bit like that of Alex Neil. My father-in-law was a store pharmacist for the Co-op in Abbeyview in Dunfermline and my mother-in-law worked in the shop, which was in an area that became difficult. If I go further back, I can say that, when I was 15, I had a Christmas job at Woolworths in Dublin. To save members from working it out, I will say that that was 40 years ago.

Although the violence in those places was not as overt, organised and vicious as it can be today, it nevertheless occurred. Staff were vulnerable and store owners and managers were less aware of the need for adequate protection and staff training. The work done by the retail trade to put in place staff training in personal safety, in how to deal with aggressive situations and in effective customer care, which allows staff to deal with an aggressive customer, is to be welcomed.

At the time of night when the neds are active, the rest of us are often at home, because we have done our shopping or taken our car to the 24-hour supermarket. Those who perpetrate the violence and the intimidation generally wait until the shop is empty. Why would they go when the community police are there? Of course they would not. Why would they go when it is full of those who are bigger, tougher and stronger than they are?

Just last week, I heard the harrowing story of someone who lives in the local community and works in the local shop. After she had given evidence in an antisocial behaviour case to do with housing, she was subjected to extreme intimidation and physical threats against her family by the perpetrator of the antisocial behaviour, who waited until the shop was empty and then went in and got her on her own. She had good reason to be terrified. Although the police took action and the individual concerned had been served with an antisocial behaviour order, it was still necessary to prove that there had been a breach of the order. Many members will want to find out what protection the new bill will give and whether it will provide for a quicker reaction in circumstances in which there is a breach of an antisocial behaviour order.

On the abuse of licensed grocers, the Nicholson committee report and the evidence that Margaret Curran took over the summer as she went round the country have shown that alcohol plays a major part in violent behaviour on our streets and in our shops.

What might the remedies be? I have already referred to the antisocial behaviour orders; other members have referred to the review of licensing that will follow the Nicholson report. Perhaps it will be possible for the new antisocial behaviour legislation to include specific provisions for retail premises.

Closed-circuit television works, but its use is more difficult when the shop is in an isolated area, which, as Bill Aitken said, might not necessarily be in a rural setting. A precinct in my constituency in Glenrothes, where there is a town centre and small local communities, is an example of such an area. Human rights legislation makes the process of getting covert CCTV orders and warrants issued longer and more difficult, which means that the

intimidation and violence often go on far longer than one would wish.

I hope that the new bill will consider young perpetrators—those who create havoc at the ages of eight, nine and 10. Other members have mentioned racial motivation, so I will not labour the point, other than to say that that makes the crime worse.

My community police officers drop in but, as I have said, the perpetrators wait until the officers have gone away and then just come out of their houses, because they live round the corner.

The impact that crime against shop workers has on retail sales, which are a huge barometer of the strength of our economy, cannot be overestimated. It is reckoned that shoplifting amounts to millions of pounds being walked out with every year. The rest of us pay for that in increased prices. For the economy's sake alone, it is necessary to reduce the amount of violence and theft in shops.

I thank Ken Macintosh for securing the debate and I thank the Parliament for allowing time for the subject to be debated. I hope that the issue will be tackled in legislation.

17:39

The Deputy Minister for Justice (Hugh Henry): Like Christine May, I thank Ken Macintosh for giving Parliament the opportunity to debate a serious problem that is all too evident in far too many communities throughout Scotland. As Maureen Macmillan has indicated, violence against shop workers is a problem not only in urban settings but in rural settings. Too many shop workers, who are vital to our economy and to the fabric of many of our communities, have to suffer unacceptable behaviour, abuse and sometimes violence.

I also want to thank the members of the Scottish Labour party, the Co-operative Party, the Scottish National Party, the Conservative party and the Liberal Democrats who have stayed behind to participate in the debate to show their concern for, and solidarity with, shop workers. It is right that we put on record that we are not prepared to accept that type of behaviour from anyone anywhere in our society.

We know that retail is vital and it is right that we take steps to protect those who work in retail. Retail and wholesale account for 10 per cent of Scotland's gross domestic product. A quarter of all large firms and 15 per cent of employee jobs are associated with retail and wholesale, so it is not an insignificant sector. Retail also plays a vital role in our communities. Sometimes, the post office, the chemist and the local corner shop or supermarket

are what bind different sections of a community together. People use shops to purchase goods or services, but they also use them to socialise, to meet friends and to exchange banter and gossip with the people who work there. Shops can be very much part of a community's identity.

It cannot be right that people who work in shops—who do so not only to earn a living but to provide a service to the community—should be left exposed and vulnerable to intimidation or threats. Not only can such intimidation drive shop workers from their jobs, at significant economic cost to themselves and their families, but they can put shops under threat. In too many communities, we have seen what happens when stores go to the wall and nothing is left behind. That can have a debilitating effect.

Mrs Mary Mulligan (Linlithgow) (Lab): I declare an interest as an USDAW member.

The shop workers who are affected are often young people who are experiencing their first job and who may be working part time or doing a Saturday job. Does the minister agree that they need to be protected from the violence that they encounter to ensure that their future working lives do not suffer and that they respond positively to their experience as shop workers? Can we look to the Executive to protect those workers? All of us should join together to say that violence against shop workers is unacceptable.

Hugh Henry: I agree entirely with Mary Mulligan. All shop workers should expect that level of support and protection, but it is right that we look at how we cherish young workers who are starting out on their economic life. We need to ensure that they are not put off, intimidated or frightened; we need to grow their talents for the future. Mary Mulligan is right to highlight how the problem particularly affects young workers.

In addition to thanking Ken Macintosh, I need to thank a number of organisations for the work that they are doing. First and foremost, the shop workers union USDAW is to be commended for the significant amount of work that it has invested in highlighting an issue that is clearly of concern to many of its members. As Ken Macintosh mentioned, Frank Whitelaw in Scotland, with the support of others such as Ruth Stoney, has worked tirelessly to bring the campaign to the attention of shop workers throughout Scotland. It would have been wrong, however, to limit the campaign to shop workers. Rightly, USDAW has taken the campaign out of the shop and into the community to show how we are all part and parcel of the solution. The response from communities throughout Scotland has been overwhelming. USDAW is to be congratulated and thanked for campaigning on behalf of its members and for bringing the issue to our attention.

As Alex Neil said, the Scottish Retail Consortium has been supportive, as has the British Retail Consortium. A number of individual companies and stores are associated with that activity, but I specifically want to put on record some of the work that has been done by the Co-op stores throughout Scotland. Although many stores have supported the USDAW campaign, some have been a bit reluctant to allow the publicity to be displayed in their stores because they do not want the public to think that their stores are unsafe or threatening, despite the fact that the brunt of the problems are borne by the staff.

To its credit, the Co-op, an organisation that has a fine record of campaigning and activity on issues such as fair trade and justice in this country and beyond, has allowed USDAW to go into its stores, set up stalls and take signatures. The Co-op has demonstrated that it has a responsibility to its staff and to the wider community, and it is to be commended for that.

I have seen at first hand the work that has been done in Co-op stores. Last week I visited a Co-op store in Paisley with the local USDAW shop steward, Audrey Hendrie. People were queuing up to sign the petition because they wanted to manifest their determination to do what little they can to support shop workers. I thank everyone who was involved.

Several things have been done. The First Minister has already pledged his support for the campaign and Cathy Jamieson has also been associated with it. The Executive is getting right behind what the campaign is trying to achieve through a number of specific measures on antisocial behaviour and other proposals for legislation.

Important though legislation is, it is not just about that. It is about all of us helping to change the culture and behaviour of the communities in which we live. I thank everyone who has been involved and assure them that the Executive is fully committed to doing what it can in partnership with those who are involved in the campaign. I am sure that some good will come out of that campaign in the coming months.

Meeting closed at 17:46.

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