

MEETING OF THE PARLIAMENT

Wednesday 12 January 2005

Session 2

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CONTENTS

Wednesday 12 January 2005

SCOTTISH MINISTERS AND DEPUTY MINISTERS
PRESIDING OFFICERS
SCOTTISH PARLIAMENTARY CORPORATE BODY
PARLIAMENTARY BUREAU
COMMITTEE CONVENERS AND DEPUTY CONVENERS

Debates

	Col.
TIME FOR REFLECTION	13347
BUSINESS MOTIONS	13349
<i>Business Motions</i> <i>Motions moved—[Ms Margaret Curran]—and agreed to.</i>	
OATH	13350
ONE MINUTE'S SILENCE	13351
TSUNAMI DISASTER	13352
<i>Statement—[The First Minister].</i>	
The First Minister (Mr Jack McConnell)	13352
CHILD PROTECTION	13364
<i>Motion moved—[Robert Brown].</i>	
Robert Brown (Glasgow) (LD)	13364
The Minister for Education and Young People (Peter Peacock)	13369
Fiona Hyslop (Lothians) (SNP)	13371
Mr Brian Monteith (Mid Scotland and Fife) (Con)	13374
Mr Kenneth Macintosh (Eastwood) (Lab)	13376
Christine Grahame (South of Scotland) (SNP)	13378
Ms Rosemary Byrne (South of Scotland) (SSP)	13381
Donald Gorrie (Central Scotland) (LD)	13383
Dr Elaine Murray (Dumfries) (Lab)	13384
Mary Scanlon (Highlands and Islands) (Con)	13387
Mr Adam Ingram (South of Scotland) (SNP)	13389
The Deputy Minister for Education and Young People (Euan Robson)	13391
Lord James Douglas-Hamilton (Lothians) (Con)	13393
GAMBLING BILL	13397
<i>Motion moved—[Tavish Scott].</i>	
The Deputy Minister for Finance and Public Service Reform (Tavish Scott)	13397
Bruce Crawford (Mid Scotland and Fife) (SNP)	13399
David Mundell (South of Scotland) (Con)	13400
Michael McMahon (Hamilton North and Bellshill) (Lab)	13402
Iain Smith (North East Fife) (LD)	13403
Patrick Harvie (Glasgow) (Green)	13405
Carolyn Leckie (Central Scotland) (SSP)	13406
Robert Brown (Glasgow) (LD)	13408
Dr Sylvia Jackson (Stirling) (Lab)	13410
Mr Kenny MacAskill (Lothians) (SNP)	13411
Tavish Scott	13412
BUSINESS MOTIONS	13415
<i>Motions moved—[Ms Margaret Curran]—and agreed to.</i>	
PARLIAMENTARY BUREAU MOTION	13417
<i>Motion moved—[Ms Margaret Curran].</i>	
DECISION TIME	13418
SOUTH ASIA EARTHQUAKE AND TSUNAMI	13421
<i>Motion debated—[Rosie Kane].</i>	
Rosie Kane (Glasgow) (SSP)	13421

Stewart Stevenson (Banff and Buchan) (SNP)	13423
Nora Radcliffe (Gordon) (LD)	13424
Bill Aitken (Glasgow) (Con)	13426
Mark Ballard (Lothians) (Green)	13427
Mr John Swinney (North Tayside) (SNP)	13428
Frances Curran (West of Scotland) (SSP)	13430
Jim Mather (Highlands and Islands) (SNP)	13431
The Minister for Tourism, Culture and Sport (Patricia Ferguson)	13432

SCOTTISH MINISTERS AND DEPUTY MINISTERS

FIRST MINISTER—Right hon Jack McConnell MSP
DEPUTY FIRST MINISTER—Right hon Jim Wallace QC MSP

Justice

MINISTER FOR JUSTICE—Cathy Jamieson MSP
DEPUTY MINISTER FOR JUSTICE—Hugh Henry MSP

Education and Young People

MINISTER FOR EDUCATION AND YOUNG PEOPLE—Peter Peacock MSP
DEPUTY MINISTER FOR EDUCATION AND YOUNG PEOPLE—Euan Robson MSP

Enterprise and Lifelong Learning

MINISTER FOR ENTERPRISE AND LIFELONG LEARNING—Right hon Jim Wallace QC MSP
DEPUTY MINISTER FOR ENTERPRISE AND LIFELONG LEARNING—Allan Wilson MSP

Environment and Rural Development

MINISTER FOR ENVIRONMENT AND RURAL DEVELOPMENT—Ross Finnie MSP
DEPUTY MINISTER FOR ENVIRONMENT AND RURAL DEVELOPMENT—Lewis Macdonald MSP

Finance and Public Service Reform

MINISTER FOR FINANCE AND PUBLIC SERVICE REFORM—Mr Tom McCabe MSP
DEPUTY MINISTER FOR FINANCE AND PUBLIC SERVICE REFORM—Tavish Scott MSP

Health and Community Care

MINISTER FOR HEALTH AND COMMUNITY CARE—Mr Andy Kerr MSP
DEPUTY MINISTER FOR HEALTH AND COMMUNITY CARE—Rhona Brankin MSP

Parliamentary Business

MINISTER FOR PARLIAMENTARY BUSINESS—Ms Margaret Curran MSP
DEPUTY MINISTER FOR PARLIAMENTARY BUSINESS—Tavish Scott MSP

Communities

MINISTER FOR COMMUNITIES—Malcolm Chisholm MSP
DEPUTY MINISTER FOR COMMUNITIES—Johann Lamont MSP

Tourism, Culture and Sport

MINISTER FOR TOURISM, CULTURE AND SPORT—Patricia Ferguson MSP

Transport

MINISTER FOR TRANSPORT—Nicol Stephen MSP

Law Officers

LORD ADVOCATE—Colin Boyd QC
SOLICITOR GENERAL FOR SCOTLAND—Mrs Elish Angiolini QC

PRESIDING OFFICERS

PRESIDING OFFICER—Right hon George Reid MSP
DEPUTY PRESIDING OFFICERS—Trish Godman MSP, Murray Tosh MSP

SCOTTISH PARLIAMENTARY CORPORATE BODY

PRESIDING OFFICER—Right hon George Reid MSP
MEMBERS—Robert Brown MSP, Mr Duncan McNeil MSP, John Scott MSP, Mr Andrew Welsh MSP

PARLIAMENTARY BUREAU

PRESIDING OFFICER—Right hon George Reid MSP
MEMBERS—Bill Aitken MSP, Mark Ballard MSP, Ms Margaret Curran MSP, Carolyn Leckie MSP, Margo MacDonald MSP, Tricia Marwick MSP, Tavish Scott MSP

COMMITTEE CONVENERS AND DEPUTY CONVENERS

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Communities	Karen Whitefield	Donald Gorrie
Education	Robert Brown	Lord James Douglas-Hamilton
Enterprise and Culture	Alex Neil	Mike Watson
Environment and Rural Development	Sarah Boyack	Mr Mark Ruskell
Equal Opportunities	Cathy Peattie	Nora Radcliffe
European and External Relations	Mr John Swinney	Irene Oldfather
Finance	Des McNulty	Alasdair Morgan
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Justice 2	Miss Annabel Goldie	Bill Butler
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Procedures	Iain Smith	Karen Gillon
Public Petitions	Michael McMahon	John Scott
Standards	Brian Adam	Mr Kenneth Macintosh
Subordinate Legislation	Dr Sylvia Jackson	Gordon Jackson

12 January 2005

Scottish Parliament

Wednesday 12 January 2005

[THE PRESIDING OFFICER *opened the meeting at 14:15*]

Time for Reflection

The Presiding Officer (Mr George Reid): Welcome back. The first item of business this afternoon is time for reflection. Our time for reflection leader today is David Searle, who is assistant minister of St Andrew's Church in Arbroath.

David Searle (Assistant Minister, St Andrew's Church, Arbroath): I will begin with a few words from ancient literature. Chapter 14 of the Book of Proverbs in the Hebrew scriptures says:

"Righteousness exalts a nation, but sin is a disgrace to a people."

Language can be both fascinating and confusing. We use words to denote objects, feelings, beliefs and ideas. We chop up our knowledge into little fragments that we call words. That works reasonably well until we cross over from our own culture into another, where feelings, ideas and beliefs come in quite different sizes of fragment. The result is baffling because words appear that have no equivalent in our language.

Let me illustrate that. The word "righteousness", which unquestionably refers to one of the most important concepts in the Christian scriptures, has no exact equivalent in our English language. Indeed, the history of the attempts to translate righteousness from Hebrew into Greek—which were made 200 years before Christ—from Greek into Latin and then from Latin into European languages is a rather sad story of centuries of misinterpretation and misunderstanding.

What is the original meaning of righteousness? It refers to a whole network of relationships, each of which has quite different customs and expectations. There will be my relationship with my family, which self-evidently will be quite different to my relationship with the family next door. Similarly, if I am a schoolteacher, my relationship with my children will be different to my relationship with the children whom I teach. My relationships with my tax inspector, my newsagent, my employer, my colleagues at work, my general practitioner and so on will all be different. Each set of relationships will be distinct.

The person who is righteous in the original sense of the word will be someone whose relationships throughout the whole of life, in all its facets, are right, faithful and true. Given that the

word "righteousness" originates in the Hebrew scriptures, there are no prizes for guessing that it includes that special relationship with God. As it also includes a person's relationship with himself or herself, it has a vertical reference—Godward—a horizontal reference—to my neighbours—and a personal reference—to myself.

"Righteousness exalts a nation", says the ancient wisdom of our Hebrew scriptures. It is clear that to be righteous in that sense, all our relationships must be marked by compassion, justice, honour and integrity.

Our nation looks to this Parliament always to act in righteousness by showing compassion—for example, towards the victims of the tsunami—and by acting in justice, truthfulness, integrity, honour, courage and grace in its mundane daily business. All those qualities are inseparable from righteousness.

For those who follow the Christian faith, as I do, our founder and exemplar is called the son of righteousness, who has risen with healing in his wings and whose grace can renew and confirm the righteousness of all who trust in him.

Lord God, may righteousness exalt our nation of Scotland as our leaders in this Parliament and the decisions that they make are marked by compassion, justice, integrity and honour.

Amen.

Business Motions

14:20

The Presiding Officer (Mr George Reid): The next item of business is consideration of business motion S2M-2236, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, to move decision time today to 5.15 pm.

Motion moved,

That the Parliament agrees under Rule 11.2.4 of Standing Orders that Decision Time on Wednesday 12 January 2005 be taken at 5.15 pm.—[*Ms Margaret Curran.*]

Motion agreed to.

The Presiding Officer: We come to consideration of business motion S2M-2238, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a revised programme of business for this afternoon.

Motion moved,

That the Parliament agrees the following revision to the programme of business for Wednesday 12 January 2005—

leave out from

“followed by Education Committee Debate: 8th Report of the Education Committee on Child Protection Issues”

to

“followed by Members’ Business: Debate on the subject of S2M-2216 Rosie Kane: Earthquake and Tsunami which hit the coasts of South Asia on Boxing Day 2004”

and insert

“followed by Member’s Oath/Affirmation – Andrew Arbuckle

followed by Ministerial Statement on the Tsunami Disaster

followed by Education Committee Debate: 8th Report of the Education Committee on Child Protection Issues

followed by Motion on the Gambling Bill - UK Legislation

followed by Business Motion

followed by Parliamentary Bureau Motions

5.15 pm Decision Time

followed by Members’ Business: Debate on the Subject of S2M-2216 Rosie Kane: Earthquake and Tsunami which hit the coasts of South Asia on Boxing Day 2004.”—[*Ms Margaret Curran.*]

Motion agreed to.

Oath

14:21

The Presiding Officer (Mr George Reid): The next item of business is the taking of the oath of allegiance by the new member for Mid Scotland and Fife, Mr Andrew Arbuckle. I invite Mr Arbuckle to take the oath.

The following member took the oath:

Mr Andrew Arbuckle (Mid Scotland and Fife) (Lib Dem)

One Minute's Silence

14:22

The Presiding Officer (Mr George Reid): As agreed by the Parliamentary Bureau, we shall now observe a minute's silence for the victims of the tsunami disaster that took place on boxing day.

Tsunami Disaster

The Presiding Officer (Mr George Reid): The next item of business is a statement by the First Minister on the tsunami disaster. The First Minister will take questions at the end of his statement, so no interventions should be made.

14:23

The First Minister (Mr Jack McConnell): I would like to make a statement about the devastating tsunami in south-east Asia on 26 December 26.

I express sympathy and condolences on behalf of the Scottish Parliament and the people of Scotland to those who were, and are, affected by the disaster. I also express the sympathy and condolences of all members of the Scottish Parliament to the families of those who died as a result of adverse weather conditions in Scotland last night. Ministers are engaged with the relevant authorities to ensure that appropriate measures are actioned. We will discuss with the Presiding Officer how best to keep MSPs informed of those actions.

My purpose today is to outline what our devolved Government has done to try to help the victims of the tsunami. I will also detail a number of things that we can still do. Of course, I also want to pay tribute to the scale of the wider response from Scotland and to call for that generosity and deep concern for peoples elsewhere in the world to continue in 2005.

First, I want to state Scotland's deep sorrow at the devastation that has been caused by the tsunami—the disaster that has claimed the lives of so many thousands of people and whose horrific aftermath continues to bring suffering to thousands more. Our thoughts are with the communities whose people have lost not only their friends and loved ones, but their homes and livelihoods.

This terrible tragedy, which has swept away life from Malaysia to Kenya, has also touched the lives of people here in Scotland. Hundreds of people from the United Kingdom were caught up in the disaster and many lives have been lost. The provisional figures from the Scottish police information and co-ordination centre suggest that at least three people who were resident in Scotland were killed in the tsunami and that at least three more are missing. For the Scottish victims, the Foreign and Commonwealth Office has systems in place to assist those who have been injured and the families of those who have died. I pay tribute to the FCO staff who responded in such difficult circumstances to the need to act quickly. Our Health Department is liaising with the

Home Office and systems are in place for the repatriation of Scottish residents who are returning from the disaster area. I know that every member here will join me in expressing our condolences and sympathy to people here who have lost loved ones or who are living with the tragedy in other ways.

Clearly the UK Government and, in particular, the Department for International Development were responsible for the overall British response. Throughout Scotland, individuals and families began to donate immediately. However, following our recent work with agencies in Scotland, our Government also responded quickly. On 30 December the Minister for Tourism, Culture and Sport met the Scottish international aid charities in an emergency meeting to discuss how best we could support their efforts. We have been represented since then at religious events and I have written to the ambassadors of the affected countries on behalf of us all.

Immediately, we helped to co-ordinate a national newspaper advertisement of details for public donations. We seconded 11 members of staff to work with Mercy Corps, the Red Cross and the Scottish Catholic International Aid Fund here in Edinburgh. One member of staff, Dhana Wadugodapitiya, is in Sri Lanka at this moment. Dhana, who has family in Sri Lanka, is assisting with the aid effort by taking on administrative duties in Colombo to free up local staff to work on the ground. The Executive will encourage its staff to contribute to the appeal through the give-as-you-earn scheme. Other public bodies are doing the same.

Scottish Water was among the first to respond. Its prompt action enabled the first aid to be flown directly from Scotland just one day after the tsunami hit. Because it acted so quickly, 45 tonnes of valuable bottled water were sent to the Maldives on Christmas Monday, which was truly life saving. Scottish Water has also donated five large mobile generators, each of which is capable of powering a field hospital. It organised the logistics for a major water aid exercise, having been inundated with calls from other private Scottish suppliers that wished to help, and seconded logistics and engineering experts to work with the Red Cross and Oxfam in the immediate weeks ahead. I think that we all want to congratulate Scottish Water on that response.

We are taking further advice from people on the ground to identify more areas in which Scottish public services can help. The Scottish mountain rescue teams have offered their mobile communications vehicle, which could be flown to the disaster zone soon and may be a valuable asset in an area that currently has very poor communications.

NHS Scotland is already working to co-ordinate Scottish offers of specialist medical help to assist in the larger World Health Organisation effort, and our police forensic teams and the Scottish Environment Protection Agency are feeding into the wider relief effort and identifying staff who could lend expert and much-needed help.

For the moment, the immediate needs of affected communities are very much at the front of all our minds but, of course, there is much more to be done in the weeks and months ahead. A clearer picture is emerging from assessments that are being carried out by non-governmental organisations and Governments on the long-term needs of the affected communities. As we move out of the immediate recovery stage, those long-term needs will increasingly be the focus and priority. We will play our part in the reconstruction phase: neither Scotland nor our devolved Government has any intention of fading away when this disaster leaves the media headlines. We are in this for the long term, and we have learned a lot about the kind of contribution we can make. We now know that prompt action by us, in sending in highly skilled staff, can make a massive difference to charities. We will do that again in similar situations.

We are talking to Scottish fishermen with the aim of using Scotland's specialist knowledge and expertise in rebuilding the fishing communities that were struck by the tsunami. We have agreed to join a task force with the Department for Environment, Food and Rural Affairs, the Department for International Development and the fishing industry to look constructively and urgently at how we and the industry can support the recovery of local fishing.

We will offer our expertise in education and children's services to help provide advice and support to the agencies that are working with the tens of thousands of orphaned and homeless children in the region. We will facilitate skills transfer from Scotland on anything that can be helpful to the huge numbers of communities that are looking to rebuild their lives. The Government will also underwrite the costs of sending much-needed professional help to the affected areas. Fundamentally, we will work closely with the Scottish aid charities to help them to build capacity in the long term so that they can make an even bigger impact.

There is no question but that the scale of the natural disaster is truly shocking. I welcome the Prime Minister's announcement of a national memorial service, at which our devolved Government will be represented. Yet while I have been horrified by the scale of the disaster, I have also been overwhelmed by the Scottish people's response. We have seen not only demonstrations

of public sympathy and grief, but staggering levels of generosity. All sections of Scottish society have responded to the disaster—churches, businesses, entrepreneurs, schools, the media, public services and, of course, individuals in their millions. Scotland raised £3.5 million for the Scottish Disasters Emergency Committee appeal in just 48 hours. I can confirm today that the projected total is now £20 million, as fundraising efforts continue in schools, supermarkets, shopping centres and workplaces throughout the country.

Scotland has responded with compassion. Many thousands of ordinary Scots have dug deep into their pockets to help people on the other side of the world in their most desperate hour of need. I am proud of the way in which our nation has responded so far and I am determined that we should build on that spirit of generosity. The people of south-east Asia will need our support during the weeks and months to come; I know that Scotland will continue to respond.

In 2005, which is the year that the G8 leaders will meet in Gleneagles to discuss how the wealthiest nations can do more to assist the poorest, we should be mindful that there is a real opportunity to address world poverty. Scotland has shown the world that we can respond quickly and that we care what happens to peoples on the other side of the world. The tsunami was a natural disaster, but a man-made disaster happens in Africa every day. 2005 is the year for Scotland to show clearly that we as a nation take our place in the world seriously, that we accept our responsibilities as one of the richest places in the world and that we have the power to do something about the appalling gap between us and those who have next to nothing. 2005 has already been the year for Scotland to care; it now needs to be not only the year in which we simply give money, but the year in which Scotland makes a stand and leads the response in advance of the G8 leaders coming.

At the weekend, Tom Hunter asked us all to support the campaign to make poverty history, which is an unprecedented campaign alliance of charities, faiths, trade unions, celebrities and politicians. The year 2005 gives us in Scotland a rare opportunity to stand up and be counted and to be seen and heard when we do so. I hope that everyone from all parties here today will rise to the challenge that lies in front of us, put party politics to one side and speak with a united voice on the issue. At a time when the peoples of the world are experiencing rare solidarity, we have an opportunity to diminish the inequalities between nations and to make poverty history.

The disaster in the past three weeks has been terrible, but through it peoples of different races, colours, beliefs and ethnic origins are reminded of

their common humanity. To my mind, there can be no better memorial to those who have lost their lives than to use the tragedy to step up the fight against global poverty and to change the world for the better.

Nicola Sturgeon (Glasgow) (SNP): I join the First Minister in expressing our sympathy with all those who have been affected by the Indian ocean tsunami and in praising and thanking the Scottish people, aid agencies and others for their outstanding response. I commend the Scottish Executive on the action that it has taken to help in the immediate relief operation and I join the First Minister in calling on all parties in Parliament to unite behind the campaign to make poverty history in 2005.

Will the First Minister encourage the parliamentary authorities to make it possible for MSPs to make payroll donations, like Scottish Executive staff, so that we can promote a method of giving that is most beneficial to charities? Will he further encourage all MSPs to consider donating one day's salary in January to the disaster appeal as a gesture to match the great generosity of the Scottish people?

As the focus in south-east Asia turns from immediate relief to long-term reconstruction, I welcome the First Minister's comments about co-ordination of the Scottish contribution, including the vital assistance that has been offered by our fishing industry. Will he consider how the experience that will inevitably be gathered in the coming weeks and months can be used to ensure that Scotland is in the future even better placed to respond to global emergencies in a fully co-ordinated manner?

The First Minister: I am certain that MSPs of all parties will want to give to the appeal that has been launched, if they have not already done so. I know that many of us have already made significant private contributions; others may wish to discuss that publicly. All individual members will make their own choices, but I hope that the parliamentary authorities and others will facilitate our ability to give in whatever way is most appropriate.

I remind all members and all our constituents that, although one-off donations from Scotland over the past fortnight have been incredibly generous and very welcome in south-east Asia, they are only the start of the process. The communities concerned will continue to be affected for a long time to come; we must not forget them when they disappear from the daily newspaper headlines.

I hope that the first meeting to establish the joint task force involving ourselves, the Department for Environment, Food and Rural Affairs, the fishing

industry, the Department for International Development and various other agencies—which I think is set for next Monday—will be positive, and that concrete opportunities will arise for the fishing industry and fishing experts of Scotland and the United Kingdom to assist the affected communities.

I understand that a meeting has been arranged for 17 January, at which we will examine with the aid agencies the experience of the early weeks of Scotland's response. We will build on that experience in the weeks and months ahead. I hope that that is an indication that we do not intend to let that issue go.

David McLetchie (Edinburgh Pentlands) (Con): I associate my party with the sentiments and condolences that the First Minister has expressed today. I welcome his announcement of the practical steps that are being taken by the Scottish Executive and other public agencies to promote and support the relief effort. Disasters such as the tsunami are poignant reminders of the truth of words that were uttered by John Kennedy back in June 1963, not long before his own premature death. He said:

“For in the final analysis, our most basic common link is that we all inhabit this small planet, we all breathe the same air, we all cherish our children's futures, and we are all mortal.”

Like Ms Sturgeon, I welcome the incredibly generous and compassionate support for the appeal that has been demonstrated by people in Scotland. I especially welcome the First Minister's statement that beyond immediate relief and support, we as a country—Scotland and the United Kingdom—have a longer-term obligation to countries in south-east Asia and other developing parts of the world.

Does the First Minister agree that Britain must use its presidency of both the G8 and the European Union to argue for reform of the manner in which we deliver overseas aid to south-east Asia and other developing countries, so that it is properly targeted at the poorest countries and linked to promotion of good governance, free economies and international free trade? Does the First Minister agree that promotion of such free trade would do more to make poverty history than all the aid programmes in the world, and that it is a scandal that rich countries such as ours still erect protectionist barriers in the form of quotas, tariffs and subsidies, which prevent the economic development of poorer countries? Does he agree that we need to use all our endeavours to promote freer and fairer trade all over this planet of ours, so that we can give hundreds of millions of people in south-east Asia, Africa and elsewhere the opportunity and the tools to lift themselves out of poverty?

The First Minister: Those are important issues not just in this year of all years when the G8 summit will come to Scotland and not just for the British Government and the European Union, but for the people of Scotland and the elected representatives of this Parliament. Members will be well aware of my regularly expressed views on whether we should spend much of our time discussing what are essentially reserved issues.

However there are, as there have been in the history of this Parliament, times when we have opportunities to influence events that take place here in Scotland. The G8 summit is one such event. We should not just use the event to promote Scotland—we should also influence its outcome. In doing that we should be assertive and vocal in the campaign to support fair trade among the peoples of the world. That means opening up markets, but it also means ensuring that international companies do not distort the local economies of some of the poorest nations of the world. To strike the right balance between opening up trade opportunities and growing the economies and enterprise of the poorest communities in the world, and ensuring that they are not exploited by those who are much more powerful than they are is absolutely in tune with the feelings, emotions and values of the people of Scotland.

Nora Radcliffe (Gordon) (LD): The Liberal Democrats add their condolences to those expressed by the First Minister, and we welcome his statement. Hearts all over the world go out to all the people who have been caught up in the subsea earthquake and the subsequent tsunamis. Our thoughts and prayers are for them and for all the people who have gone to their aid, whether they are their own emergency forces, medical teams and troops or people who have been sent from abroad. All those who helped in the immediate aftermath are to be commended, as are all those who will help to clear up, clean up and rebuild the shattered communities. It will take a generation to do so.

Has consideration been given to ways in which the Executive and Parliament could facilitate community-to-community support, such as twinning a community or organisation in Scotland with an identified community in India or south-east Asia to ensure that long-term support that is tailored to the needs of each Indian or Asian community will be maintained over the years ahead, which I believe will be the necessary timeframe?

The First Minister: That is an important suggestion, which can be taken forward in a number of ways. I understand that some Scottish local authorities—Glasgow City Council in particular—are considering such arrangements, which should be encouraged and facilitated.

Given the incredible international resonance of our education system and the compassion and generosity of our schoolchildren, which we will see in the weeks to come, we will try to facilitate and encourage the opportunity to combine the work that will take place in our schools with work in communities where schools have been demolished and where children have no facilities. Community-to-community partnerships will be important but, especially in education, there is an opportunity for young Scots to make their contribution, perhaps through fundraising and supporting the redevelopment of schools and educational facilities in communities that have been hit badly.

Robin Harper (Lothians) (Green): On behalf of all my party colleagues I associate the Greens with the sentiments that the First Minister has expressed on behalf of the Scottish people and the Scottish Parliament. I associate us particularly with the First Minister's commitment to make poverty history, which meets with our enthusiastic support and approval.

Our hearts, too, go out to the families of the thousands of people who are dead and missing and to the millions who have been affected by the greatest natural disaster in living memory, and to the friends and relatives of the Scottish people who lost family members in that few minutes of destruction that swept the holiday beaches of the Indian ocean on boxing day.

Tomorrow we will have the opportunity to discuss the way forward, what we can do and the matters that must not be forgotten, such as the 30,000 children a week who die of malnutrition and starvation throughout the world, the cancellation of world debt, the setting up of fair trade networks and the specific actions that we in Scotland can take in the next few days, weeks and months to help the victims of the tsunami to help themselves to recover their lives and livelihoods.

I thank the First Minister for his words and for the opportunity that is afforded to us to express our sympathies and commit ourselves to action.

The First Minister mentioned distortion of local economies. Will he give careful consideration to the type of aid that will be most appropriate for the fishing communities that desperately need replacements for their small boats that operate off beaches, for their outboard motors and for lines and hooks? The aid that is given to those communities should be appropriate to their way of life and its survival.

The First Minister: I am not certain about the detail of the point that Mr Harper raises, but the general point is central to the objectives that we must have in the coming weeks. It is not for us sitting here in Scotland to dictate to the people

who live around the Indian ocean how they should rebuild their communities or what support we should give them. We need to look to them for guidance on what support will be most appropriate. We need to help them not only to survive the initial disaster but to rebuild their economies and communities in ways that can be sustained in the longer term. In all the decisions that we are making at the moment, we are working closely not only with the United Kingdom Department for International Development, but with the agencies that are operating on the ground, all of which are working in close co-operation with the Governments and communities that are most affected in order to ensure that the aid that is available is appropriate, that economic support and facilities and equipment that are made available are right for the locations to which they are offered and that the people who go to help are helping and not getting in the way.

Rosie Kane (Glasgow) (SSP): I associate the Scottish Socialist Party with the statements of support, sympathy and condolence that have been made in the chamber this afternoon to all of those who have been affected by the tsunami. We also acknowledge and pay tribute to the non-governmental organisations that have worked tirelessly since the tsunami hit. Furthermore, we pay tribute to those living in the affected area who, through their grief and trauma, have responded immediately to the needs of their neighbours and the wider community as the disaster has unfolded and who continue to do so. We are humbled by the response of the Scottish people, some of whom have given until it hurts.

It is sad that, in the past, pledges of aid that have been made while the world has been focused on particular disasters have not come to fruition. Will the First Minister ensure that aid that is pledged by the Scottish Executive and the Westminster Government becomes a reality? Furthermore, will he join us in demanding debt cancellation, regardless of the G7's decision?

The First Minister: Although—as ever—I say that I am not here to justify the work of the UK Government, it is fair to say that while many Governments around the world have been criticised for their actions on aid and development in recent years, the UK Government has been praised by the aid agencies and other groups that are involved in the front line. At the same time, however, we all want to make a clear call to all the Governments in the world that if they pledge aid, they must deliver it. In recent years, there have been far too many examples of pledges of aid for disasters that have grabbed the headlines in our now international media not being followed through by the Governments concerned. I know that Oxfam and other international organisations are deeply concerned about that and I am sure

that everyone in the chamber would want the countries of the world to say what they mean and to mean what they say on this issue.

Dennis Canavan (Falkirk West) (Ind): I express my condolences and those of other independent members who have asked me to do so on their behalf.

The First Minister will be aware of the proposal that some Scottish police officers be seconded to go out to Asia to help in the aftermath of the tsunami disaster. I welcome that proposal, but will the First Minister try to extend it by asking employers in the private and public sectors to consider secondment of some of their employees who have relevant expertise and who might be able to help, especially employees in the health service and other emergency services? Will the First Minister encourage such employees to volunteer their services, where appropriate?

The First Minister: Absolutely. We are, and will continue to be, engaged with initiatives to pursue that objective. We need to be aware that when we see the images on our television screens, we do not necessarily take account of how the physical infrastructure and the personnel and public sector infrastructures of the countries have been affected. If 150,000 people have died, many of them will be the people who could have been responsible for rebuilding communities, including the infrastructure, the education system and the health system that existed.

We also need to be aware that, even before the tsunami, in many communities there was no clean water, no free public education system and no free public health system. In rebuilding those communities, we can perhaps ensure through our skills and commitment that they have, in the years to come, services that are better than what they had before. I believe that that should be our objective.

The Presiding Officer: There is time for two more questions.

Des McNulty (Clydebank and Milngavie) (Lab): I welcome the First Minister's comments. The people of Scotland expect the Parliament to reflect their concern, which is for those who have been killed, injured or orphaned by this dreadful natural disaster.

We should not be diverted from the task of providing immediate relief and support for reconstruction in south-east Asia, but does the First Minister agree that we must also not be diverted from the task of combating poverty in Africa, which was the original focus of the make poverty history campaign? Will he assure me that the Scottish Executive will continue to do what it can to support church and voluntary organisations in Scotland whose long-term commitment has

played such an important part in raising awareness of the issues and in co-ordinating work that helps countries?

The First Minister: Yes. I do not normally comment on members' motions, but this is perhaps a special occasion. I congratulate Des McNulty on the motion that he lodged before Christmas to highlight the issue. I know that he has received much support for it from members in all parts of the chamber.

I believe that this year we in Scotland have a unique opportunity to influence what happens at the G8 summit. We will not be one of the G8 leaders at the summit—we will, rightly, be represented by the United Kingdom Government and the Prime Minister—but we can influence its outcome by mobilising the values, opinions and beliefs of the people of Scotland and by stating clearly that when the G8 summit comes to Scotland we expect action to make poverty history, especially in Africa. The historical link between Scotland and Africa gives us an incentive to do just that.

I hope that in the work that we continue to do, we will not only work with the Scottish aid agencies to pull together and support their efforts to help those who have been affected by the tsunami, but continue our efforts not just to use the G8 summit to promote Scotland but to promote the values of Scotland to the G8 summit. In the meetings that have already taken place and in the meetings that will take place in the weeks ahead, we will support those who organise the campaign.

Richard Lochhead (North East Scotland) (SNP): I warmly welcome the First Minister's statement and echo his tributes and comments. I particularly welcome his comment that Scotland is in this for the long term.

Has the First Minister had conversations with the aid agencies about establishing a one-stop shop that can be visited by members of the public who wish to offer services or materials and are not sure how to go about doing so? I also warmly welcome the First Minister's announcement that a fishing task force will be established next week, and his support for that. Will he support continuing discussions with the European Union to ensure that any decommissioned fishing vessels in Scotland or elsewhere in Europe are not scrapped but are made available to countries that are in need, if that is deemed appropriate?

The First Minister: As with the mountain rescue vehicle, we will take advice on that issue from those who are most involved. If it is appropriate that we provide vessels in that category, clearly we want to facilitate that.

It is perhaps appropriate that the Presiding Officer called Mr Lochhead's question as the final

question, and I will address his first point last. There is, effectively, a one-stop shop in Scotland for disasters, emergencies and appeals; I believe that the Disasters Emergency Committee is a great development. It is a way of pulling together aid agencies and charities that are involved, and of helping their efforts to be much better targeted, focused and efficient. We can thereby ensure that more money goes more quickly to those who need our support, and that organisations are able to take the advice they get from affected countries, pass it on to Government and other agencies and get the best available support quickly to those who are worst affected. Some aid agencies and charities in Scotland are not yet part of the Disasters Emergency Committee; however, the way they have co-ordinated their efforts over the past three weeks is to be commended. It has given us an opportunity to support them and it will, in the months ahead, give us all an opportunity to make an even greater difference.

Child Protection

The Presiding Officer (Mr George Reid): The next item of business is a debate on motion S2M-2190, in the name of Robert Brown, on behalf of the Education Committee, on the Education Committee's report on child protection issues. I will allow a brief pause while the chamber clears.

14:57

Robert Brown (Glasgow) (LD): We move from a disaster affecting, among others, children and young people across the Indian ocean, to how, in a somewhat different way, the life chances of many children and young people here in Scotland can be blighted. We live in an age in which, despite technological advances, generally increasing prosperity and a panoply of laws, regulations, codes of practice, inspectorates and commissioners, there are more hazards—both real and perceived—affecting young people in our society than ever before. We are all painfully aware, from report after report and inquiry after inquiry, that far too many children in our society do not get the start in life that they deserve and suffer sometimes unbelievable levels of neglect, abuse and cruelty. The cases of Caleb Ness, Victoria Climbié, Kennedy McFarlane, Danielle Reid and many others unnamed and unpublicised are sad testament to that.

The public debate in this area is heavily influenced by the publicity surrounding a number of high-profile cases, particularly the Dunblane tragedy and the Soham murders. The images of Holly Wells and Jessica Chapman are imprinted on our minds. However, such tragic events can distort the picture: three quarters of child abusers are not strangers but birth parents. The shock statistic that stuck starkly in my mind and in the minds of members of the Education Committee was the horrific fact that one in 56 children in Scotland is born to a drug-abusing parent. In fact, the figure is one in 56 and rising.

We therefore put in place support mechanisms and utilise the dedicated work of professionals across many disciplines and of voluntary sector groups to support our young people, to ensure that they are healthy and properly looked after, that they are educated and confident to face the world and that they do not come to harm. It is against that background that the Education Committee carried out its inquiry into the effectiveness of the Scottish Executive's implementation of the report "It's everyone's job to make sure I'm alright" and its subsequent and on-going work on the issues arising from the coming into force of the Protection of Children (Scotland) Act 2003.

Life is not a risk-free activity, and the central challenge of child protection for all the agencies that are involved is risk assessment and risk reduction. The key elements of that, which the original report identified, are co-ordinated working among the agencies—schools, health visitors, social workers, youth clubs and the police; clear assessment of the risks and needs of the most vulnerable; clear recording and availability of the information; early intervention to tackle the problems and reduce the risk; sufficient staff and other resources to do the job; and research and monitoring to keep tabs on children who are at risk and to see what works.

Those things are far easier to say than to do. “It’s everyone’s job to make sure I’m alright” sets out a clear programme of action with which the Education Committee was in whole-hearted agreement, although we had concerns about the timetable. The multidisciplinary inspection of children’s services and child protection will be completed seven years after the report and I understand that the single shared assessment has still not come to fruition.

More particularly we had concerns about the implementation of the three-year reform programme. As the minister has made clear, for that programme to be successful, we require a “culture of continuous change” across a variety of organisations. The committee noted that repeated reports showed that there could be duplication by and poor use of resources between agencies. We were worried about the evidence that we received from Glasgow City Council and the Headteachers Association of Scotland that there was still a need for a succinct and readily accessible chronology of significant events that could easily be referred to. The Executive’s response acknowledged that that was important but did not seem to take the evidence of shortcomings in this regard as seriously as we thought it might. Clear starting information is vital to proper risk assessment and prevention and informs the proper targeting of resources.

The committee was informed that Professor Norma Baldwin of the University of Dundee was chairing a working group that was preparing a framework for assessment with the aim of providing policy guidance on information sharing and the other characteristics of an integrated system. The group was due to report to the Executive by last November and there was to be a consultation paper issued about now with the final framework itself being issued by autumn 2005. Agencies in the field are keen that there should be an effective 24-hour helpline and a consistent framework for handling child fatality reviews. Work is continuing on both those areas and I hope that the minister can update the chamber on them when he responds.

Finally, on the main report itself, I want to reiterate the committee’s recognition of the

“immense efforts made by social workers and staff from other agencies that are often lost in the ‘...unrelenting criticism and blame focused on social work’”.

Many children are protected and helped by exceptionally motivated and dedicated staff, but we were told of the heavy sapping of morale that accompanies the long, drawn-out inquiries that are made when something has gone wrong. Poor staff morale is a risk factor to be borne in mind.

Where mistakes are made or needs not responded to, the blame often lies with a shortage of key staff, training issues or poor co-ordination. The committee was extremely concerned about the effects of short-term shortages of social work staff, but I understand that Glasgow City Council, where some of the worst shortages lay, may now be up to complement. I would be very glad if the minister confirmed that and said something about current staffing levels across the country.

The committee’s main report was published in July last year and represented a snapshot of the three months before that, so we hope that things have moved on substantially since then. However, our attention has become focused on the rather narrower issue of disclosure checks and the implementation of the Protection of Children (Scotland) Act 2003. That act established the list of those who are disqualified from working with children and with it the duty of all relevant organisations to consult that list. The act also makes it an offence for any organisation working with young people to employ professionally or on a volunteer basis an individual who appears on the list. That is checked by means of a standard or enhanced disclosure.

During our inquiry, the evidence that we took from organisations about the turnaround time for disclosure checks was, quite frankly, completely at odds with that coming from official sources. For example, whereas YouthLink Scotland said that there were delays of 10 weeks, Disclosure Scotland said that the delay was of 16 days. Aberlour Child Care Trust and Scottish Women’s Aid reported delays of 12 weeks but the Minister for Justice claimed that the delay was of 14 calendar days. The Minister for Education and Young People has assured us that the turnaround time is now two to three weeks.

There is no doubt that Disclosure Scotland timescales have improved enormously since last spring, but the timescales were only the tip of the iceberg. In its report, the committee raised a number of other concerns about multiple applications being needed for some individuals who might do sessional work for a variety of different employers, and about clearer guidance on when parent-teacher association members

might need disclosure checks. Later, we took evidence from representatives of Disclosure Scotland, who said in October that they needed three months' notice to implement the 2003 act and who did not appear at that stage to be in active contact with Executive officials about it. In the lead up to the Christmas recess, we also individually received a variety of pieces of information from groups such as the Scottish council of the Scout Association, YouthLink Scotland and others expressing increasing concerns about the commencement of part of the act, which was due to take effect on 10 January.

When we took evidence from officials on 15 December, it became clear that there had been something of a breakdown of communication between the voluntary sector bodies and youth organisations and the Executive officials. I am pleased to say that the minister responded speedily to the concerns that the committee expressed. Arrangements were made to lay a new commencement order that deferred the commencement of part of the act for three months—until April 2005—to give everyone a chance to finalise the guidance and to ensure that it was robust and had been circulated to those concerned. That will allow us to commence the act's provisions on a more solid foundation. I understand that the organisations are now much happier with the situation.

However, I am not sure that we have resolved the issue of whether volunteers are allowed to work under supervision pending completion of a disclosure check. The practice is strongly discouraged in advice from the children and families division of the Scottish Executive Education Department, but delays of two to three months are clearly not conducive to successful volunteer recruitment and may discourage hard-pressed volunteers who require additional volunteer help.

I will not dwell further on those difficulties but, in passing, let me say that they illustrate the differences in thinking that can sometimes occur between Government bureaucracy and those who have to make things work on the ground. The committee will receive an update from the minister at its meeting on 9 February.

In my remaining minutes, I want to raise five concerns that have been put to me on what seem to be live issues. First, there is a need for accessible and meaningful information to provide guidance, especially for the smaller bodies that are on the fringe of the area covered by the act. We do not seem to have got that issue right yet. If we fail to do so, there will remain a large number of confused and worried people out there.

My second concern, which is linked to the first, is about the need for sympathetic and helpful

personal support through the helpline that the central registered body in Scotland has run since November. It is no use referring the two little guys who run the local football team to the website. They need clear and authoritative instructions on what, if anything, they are required to do. I am told that there is an issue about the quality of the advice that is available from the helpline. That advice is crucial.

Thirdly, there remain issues with over-zealous councils and insurance companies. I gather that the Convention of Scottish Local Authorities has called a meeting to try to restrain the more officious legal officers, but it might be useful if the minister took up the issue with COSLA and the Association of British Insurers. Neither body is his direct responsibility, but they are central to making the system work. Children are not protected if organisations close down.

Fourthly, I am unclear why we need both Disclosure Scotland and the central registered body for Scotland. There appears to be an element of duplication. I know that at least one organisation—Fairbridge—forgoes the free checks that the central registered body offers rather than submit to the extra delay that that causes.

Finally, there is an issue of perceived legitimacy. In large part, child protection is an issue of proper co-ordination among agencies. Too often, professionals seem reluctant to recognise the legitimacy of voluntary sector colleagues by sharing information and working with them.

I conclude by saying that proper support and protection of our children and young people are vital, but we must be careful not to swamp the central child-centred priority by excessive bureaucracy. Enabling social workers and youth workers to support families and work with children is key, but that should not be equated with having a paper-processing bureaucracy.

There is a difficult task to be done. It would be helpful if the Scottish Executive reviewed at an early date how the act is working, especially the strict risk assessment and evaluation criteria. I am sure that lessons will be learned when Disclosure Scotland deals with the much more substantial task of retrospective checking, for which 500,000 people will need to be checked. In the interests of the growing numbers of children in Scotland who are at risk of abuse, neglect or violence, we must remain properly focused on that task.

On behalf of the Education Committee, I move,

That the Parliament notes the 8th Report, 2004 (Session 2) of the Education Committee: *Report on the Scottish Executive's Implementation of Recommendations of the "It's Everyone's Job To Make Sure I'm Alright" Report* (SP Paper 201); notes the Executive's response to the report, and draws the attention of the Executive to the impact of disclosure requirements, particularly in light of the

implementation of the provisions of the Protection of Children (Scotland) Act 2003.

The Deputy Presiding Officer (Trish Godman): I call Peter Peacock, who has six minutes.

15:08

The Minister for Education and Young People (Peter Peacock): I thought that I would have longer than that, but I thank the Presiding Officer for that interesting surprise.

I welcome the Education Committee's work that, as Robert Brown has set out, evaluates the Executive's work on child protection. If I may echo the point that he made, child protection is, for us, a key priority that is driven not only by the harrowing cases to which he referred but by the many other factors that give rise to young people being under threat in their homes or in various community settings. Child protection is a high priority.

I will deal with some of the points that have been made and, in his summing up, Euan Robson—whom I keep making the error of calling Ewan Aitken—will pick up the points that were made about assessment, social work staff and disclosures. He will also deal with any other points that I am unable to cover in the time that I have been given.

As Robert Brown said, the committee's report focuses on the recommendations in "It's everyone's job to make sure I'm alright", but members will also be aware that a report was published yesterday on the progress that has been made on implementing the recommendations of the Bichard report. Those follow the inquiry into the Soham tragedy. Copies of the progress report have been sent to the committee and placed in the Scottish Parliament information centre. We need to take account of those developments in our future work in Scotland, to ensure that there are compatible systems north and south of the border.

Our response to the committee's report welcomes its endorsement of the importance of child protection reform, our programme for that and the progress that we are making. During the first phase of the programme, we have taken a range of actions. We produced the first children's charter and the child protection framework for standards for all agencies. Those were key foundation documents in allowing us to make progress across the board. Since the launch of the two documents in March last year, we have worked hard with delivery agencies across Scotland to embed in good, everyday practice the principles that they set out.

We have also reviewed the role of child protection committees. Working with child protection committees and other agencies, we

have developed a model for their future constitution, roles and responsibilities. We have undertaken a full consultation exercise on a proposed new model and guidance.

We have also developed a system for integrated inspection of children's services, which we launched at a major conference in November last year. According to that new approach, child protection services will be the first to be inspected. Pilot inspections in East Dunbartonshire and Highland are starting today, in preparation for roll-out across all areas in the course of this year. I say to Robert Brown, with respect, that a system for inspection of children's services will be in place three years after the publication of the report "It's everyone's job to make sure I'm alright".

As members know, we have also commenced the Protection of Children (Scotland) Act 2003, to which Robert Brown referred. This is a vital piece of legislation. In advancing it, we have sought to take account of concerns expressed by the voluntary sector while continuing to introduce the list of those disqualified from working with children, which came into effect this Monday. I note what Robert Brown has said. Later, Euan Robson will try to address the five points that he made. However, I assure him that we remain sensitive to the implementation of the 2003 act, because we want to ensure that it is effective and that organisations are able to make the important changes that are necessary as a consequence of its commencement.

Last year, we took on a major initiative to ensure better joined-up work locally when we sought joint assurances from chief officers of local authorities, health boards and police services that they had reviewed their child protection services, that either they were satisfied with their operation or they had identified areas that required action, and that they had robust quality assurance mechanisms in place. That exercise has been extremely helpful both in focusing at a senior level the attention of all the services that are involved at local level across Scotland and in ensuring that chief officers understand their personal responsibilities in these matters. We will repeat the exercise in due course.

In phase 2 of the reform programme, we will ensure that we move forward on a range of issues, in addition to those on which I have already touched. For example, this month we will issue final guidance on the new model for child protection committees. Through a range of measures, we will raise public awareness of child protection issues and the role of everyone in ensuring that children are safe. There will be a pilot media campaign in the north-east of Scotland, based on radio and poster advertising. We will produce a national leaflet with local information, which will signpost child protection

services so that individuals know where to look to for help. We will also scope the details of the proposed 24-hour service line to which I have referred in the past and will continue the internet safety campaign that ran over the Christmas period into the new year.

We will undertake a review of multidisciplinary training, with a view to producing a national suite of training materials that can be used by different professions, either individually or as part of joint training. We will conduct a fundamental examination of child death and serious incident reviews, to which Robert Brown referred. We will develop proposals on reviews that seek to clarify what type of review is needed in different circumstances in order to meet the different requirements of accountability and learning, that are evidence based and that increase public confidence in public services. My officials have commissioned an independently chaired group to consider this matter, which will report in due course.

All the measures that I have described are in addition to further development of our work on embedding the framework for standards and the children's charter, rolling out integrated inspections across all services during this year and implementing and managing the list of those disqualified from working with children. We will consider how the list develops alongside the proposals for a registration scheme, which was recommended in the Bichard report.

We are embarked on a major reform of child protection. Our approach has been and will remain comprehensive and our reform programme is bringing about changes in organisational behaviour in the interests of all our children. I thank the Education Committee for its report and for bringing this important subject to the Parliament's attention again and I am grateful for this opportunity to reinforce our clear commitment to do all we that can to drive forward improvements in the child protection system in Scotland.

15:15

Fiona Hyslop (Lothians) (SNP): I am sure that the chamber will want to express its concern about the well-being of the orphans of Indonesia and Sri Lanka and their vulnerability to malevolent people who seek to transport them for the purposes of exploitation and abuse. The young are the most vulnerable during any time of crisis and we must use whatever influence we have to ensure that the well-being of children is placed high on the agenda of the support mechanisms that are being established in that disaster area.

The crises that make children the most vulnerable group might emerge from man-made or, as we have seen, natural disasters. However, many children in this country are placed in such vulnerable positions because of a social crisis in which endemic poverty in communities leaves them open to continual risk. As Robert Brown has pointed out, the impact of drug abuse in deprived communities and the sheer scale of the number of children in homes that have drug-misusing parents are staggering, and we must reflect on and take action to deal with the matter.

The committee's report arises from its specific scrutiny of "It's everyone's job to make sure I'm alright" in the light of certain recent and very sad cases. The Executive's document was substantive, provided an important snapshot of the state of children's care, welfare and protection needs at the time and made many major policy commitments; however, I am concerned about whether the Executive's clear cross-departmental commitment to children has the same priority as it had in the early post-1999 Administration. That said, I acknowledge the minister's personal commitment to the matter. If the committee's report has a message, it is that ministers in other departments must not lose sight of that commitment.

Child protection must always be at the forefront of our political agenda and, although progress has been made, we still need to push things forward. The impetus to do so might come from the experience—and unintended consequences—of the current disclosure arrangements, which must make us think more broadly about how we support those who work with children while protecting children from people who seek to exploit them. The recent emergence of historic institutional child abuse might have policy implications. Moreover, the potential for retrospective checks under the Protection of Children (Scotland) Act 2003, in which one in eight of all Scots might require disclosure checks, should provoke a debate about the relationship between bureaucracy and the information system as a means of closing legal loopholes. Our response to the risks faced by organisations that help individuals must be proportionate.

However, even with the best will in the world, the fact that there are disclosure checks on people who work with children does not mean that children are not at risk. We must not lose sight of the fact that parental abuse is a major concern, particularly when we compare the incidence of such abuse with the incidence of abuse by strangers. The neglect and abuse that too many children face are the result of adult behaviour and action, not of bureaucracy or the lack of it. Because we must tackle not just the results of abuse and neglect but their root cause, I draw the

minister's attention to recommendation 9 of the committee's report, which mentions developing children's services plans in line with the national priorities set out in "Building a Better Scotland".

We must also question the current use of the term "protection of children", which seems to refer more often to crisis intervention after an event than to protecting children from the risk of something happening in the first place. For example, the number of children at risk without a designated social worker is a continuing disgrace. A strong theme of any approach to this matter must be our collective attitude in our personal and working lives towards assessing and dealing with the risk to the children around us.

Another strong message in the committee report is that momentum must not be lost. In that respect, I welcome the minister's statements on child protection committees. I also believe that agencies on the ground have made considerable steps towards improving working practices and carrying out the Executive's recommendations. However, there are some shortcomings. In particular, recommendation 15 highlights the lack of linked computer-based information systems to include a single assessment, planning and review report framework. We must return to that issue.

In November, Sarah Boyack hosted a meeting with health, social work and education officials from Edinburgh, who talked to us about their experience of implementing changes since the O'Brien report. The challenges that they drew to our attention included the problem of information technology, round 3 of the modernising government proposals and the release of funds being on hold. They came back again to the sharing of information and to issues of confidentiality and a shared understanding of what should and should not be confidential. The lack of a validated risk-assessment tool, the need for adequate resources and the issue of substance abuse also came up again.

The national issue that they referred to us for consideration is resourcing and the need for long-term, rather than short-term, resourcing. Where provision is made for initiatives that require a lot of recruits, the emphasis is on youth justice issues and recruitment of and career progression for social workers in that field, while care and protection, which could prevent youth offending in later life, is perhaps put on the back burner. That is something that we have to address, and the City of Edinburgh Council has made major strides in recruiting social workers for care and protection, which is to be commended.

I conclude by mentioning a number of themes. We need a public debate about risk. Risk is not about bureaucracy and management systems. Risk is about people's behaviours and about

adults' behaviours towards children, and we should not lose sight of those issues. The Executive's policy must be driven forward and it should not be hampered or impeded by lack of cross-departmental support within the Executive. We also need to address some of the issues on the youth offending agenda.

We must return again and again to the issue of child protection. The policy momentum must not be lost. We owe it to the children of Scotland and to the many people who, in their professional and personal lives, give so much in difficult circumstances to support children. I pay tribute to those people.

15:21

Mr Brian Monteith (Mid Scotland and Fife) (Con): I have already given you notice, Presiding Officer, and I give apologies in advance to the chamber, for not being able to be present for the whole debate, although I should be at most of it. Nevertheless, I welcome the chance to open the debate for the Scottish Conservatives on the Education Committee's "Report on the Scottish Executive's Implementation of Recommendations of the 'It's Everyone's Job To Make Sure I'm Alright' Report".

The Scottish Conservatives, the Parliament and the Executive are united in their conviction that measures to safeguard the welfare of children and young people must be one of the prime concerns of Government. We applaud the Scottish Executive's commitment to improving the coherence and efficiency of child protection in Scotland with measures such as the charter for children and young people, the establishment of the Scottish Commission for the Regulation of Care and the publication of "It's everyone's job to make sure I'm alright", all of which are a tribute to the Executive's admirable aspirations.

However, in its report, the Education Committee expresses some concern that the Executive's implementation of the child protection reform programme should be subject to on-going scrutiny. As we can expect from any Government—and the Executive is no exception—sometimes the best of intentions can lose momentum as policy filters down from on high.

In relation to cross-agency information sharing, the committee noted:

"The Committee welcomes this aspirational statement and looks forward to receiving evidence from the Scottish Executive that this policy intention is being translated into 'on-the-ground' reality".

I believe that that highlights, in a nutshell, the Scottish Executive's tendency to rely on top-down reforms, without giving enough consideration to the grass-roots organisations that will have to

implement them. The Education Committee and Parliament must continue to hold the Executive to account to ensure that resources are being used effectively in order to liberate funding for front-line child protection activities.

Having been a member of the Education, Culture and Sport Committee during the passage of the Protection of Children (Scotland) Act 2003, I am particularly glad to affirm the Scottish Conservatives' support for that important piece of legislation. There is no doubt that the creation of a list of those unsuitable to work with children will provide greater security for children in a variety of everyday situations. From my own experience in schools football and youth football, I can attest that those are important considerations and that they should not present barriers to parents and youth workers from becoming involved in valuable work with children.

There has, however, been a degree of concern over the effects of the act's implementation. As we have heard, under pressure from the Education Committee and a variety of voluntary organisations, the commencement of section 11(3) (a) has been deferred until 11 April, and the commencement of section 11(3)(b) has been deferred indefinitely.

Much confusion and frustration could have been avoided if the Executive had consulted more effectively with voluntary sector and other organisations at the outset to produce practical, targeted advice, and not simply guidance that, I fear, civil servants thought the organisations wanted to hear. The requirement for retrospective checks has now been deferred along with the creation of an offence to offer work to someone who is on the list of those who have been disqualified from working with children. The Executive says that that will allow more time for appropriate guidance to be compiled and distributed. That is a welcome concession, but we must have reassurances from the Executive that the period of grace will be used to review how the act is performing.

Such a review should cover three main areas. The Executive assures us that a database will be set up to ensure the efficient transfer of information between the police, local authorities and health professionals, but we should press for a rigorous evaluation of its success in action so that problems can be identified and rectified. Secondly, in order to ensure that the rights of children and the rights of those who work with them are kept in balance, we urge the Executive to monitor the incidence of frivolous or vexatious referrals to ensure that the appeals procedure functions properly. Finally, and most significantly, the Education Committee has agreed to review the implementation of the act and the implications of

retrospective checks before the February recess. The Scottish Conservatives will continue to hold the Executive to account to ensure that the problem of a huge surge in applications for disclosure checks is not simply postponed. The Executive has bought itself more time; we must ensure that it is used wisely.

15:26

Mr Kenneth Macintosh (Eastwood) (Lab): One of the most powerful and disturbing pieces of evidence that the committee heard during our inquiry into child protection was from one of the minister's most senior civil servants. It is interesting that both my colleagues from the Education Committee have referred to that evidence, which states:

"Some 1,000 babies were born to drug-misusing mothers in 2001, which is one in every 56 to 57 births in Scotland. Between 40,000 and 60,000 children in Scotland have a drug-misusing parent and between 10,000 and 20,000 children in Scotland currently live with a drug-misusing parent. ... The number of children who are born to drug-misusing parents doubled in the four years to 2000-01."—*[Official Report, Education Committee, 17 March 2004; c 1120.]*

I do not know whether children are at any more risk now than they were in the past, but whether it is because of drug-abusing households or the greater mobility of family and neighbours around us there is no doubt that the new and comprehensive range of child protection measures that is being put in place by the Executive is essential. The range of measures is essential not because it assumes that everyone is a potential predator or abuser, but because it provides safeguards, such as the sharing of information between appropriate authorities, for some of the most vulnerable members of our society. It also provides safeguards for us as parents or as good citizens. Those safeguards allow us to be confident that our children are supported and protected and that we can trust those who look after them.

What the child protection system cannot do is to prevent all future cases of abuse or neglect and we should caution against any false reassurances that it will do so. I emphasise that point because child protection is often about managing or minimising risk; it is therefore about judgment and about having a sense of perspective or proportion. I will expand upon that point as it affects professionals and touches on the many anxieties that have been raised recently by parents or by those in the voluntary sector. I will give two examples of risk from my experience to illustrate my views on the matter, although the first one is more to do with child safety than with child protection.

Most families with more than two young children will recognise how difficult it is now to go for a swim. Rules have been introduced at swimming pools throughout the country that insist upon an adult accompanying each young child—in some cases on a one-to-one basis—up to the age of eight. That means in effect that, for example, my wife and I cannot go for a family swim with all four children, despite the fact that my five-year old, the oldest child, can swim unaided. I am sure that the rules were introduced with the best of intentions to prevent accidents and even drownings, but the effect is to prevent parents from exercising good judgment and managing potentially risky situations rather than to help them. The rules could have the perverse effect of increasing risk, because they make it more difficult to teach the youngest members of the family to swim or to give them confidence in the water.

I will give what is perhaps a more pertinent example in relation to child protection. I hope that my colleagues on the Education Committee will forgive me for repeating the story. Last summer, I was suspended from helping out with the walking bus to our own local primary when the school discovered that I had not had a disclosure check. I am not saying that there should be a separate rule for me, but the walking bus was just getting established and could easily have collapsed without enough parent volunteers. To be fair to Disclosure Scotland and the local authority, the check took only two weeks and I was able to pick up from where I left off, but that is not a good example of what I would call child protection. As Judith Gillespie from the Scottish Parent Teacher Council pointed out, children are at far greater risk of getting knocked down by a car on their way to school than they are of being harmed by one of their fellow pupils' parents who is accompanied by at least two other adults at all times.

Both examples reveal what can happen when one adheres rigidly to a set of rules but loses sight of the purpose behind them. However, there are steps that we can take to counter such interpretations and I am pleased that the Executive is taking those steps. First, the comprehensive guidance that provides clarity of purpose and consistency of application for child protection measures throughout Scotland and across all sectors is welcome. That guidance must, in turn, be shaped by experience. I am therefore delighted that the Executive has published its guidelines in a ring-binder format with the specific intention of updating it over time.

Further research is needed to provide empirical evidence rather than our simply relying on anecdote to assess the impact of the new child protection measures. Again, I am delighted that the minister has confirmed that he is exploring that avenue with the Scottish Council for Voluntary

Organisations and that he will report back to the Education Committee later in the new year.

The areas into which I would welcome research include the portability of disclosure checks, the potential danger of excessive bureaucracy and the precise room for local or limited flexibility. There are clear difficulties in transferring one organisation's disclosure check to another organisation, but I know of one individual who had to have four separate checks for the four different activities in which he is engaged. I am sure that that case is an exception, but I would like to be more confident that that individual hears the message that we support and encourage him in his example of good citizenship, rather than that we are discouraging him.

I want to see consistency throughout Scotland, but I also want an element of flexibility. For example, I know from experience that some schools may not have enough disclosure-checked volunteers to be able to run certain events. How often does that happen? Are there any steps that we can take to address that obstacle?

Understanding the concept of risk and the difficulties of working in the area have a direct effect on professionals who work in child protection. I do not have time to explore that matter fully, but I refer ministers to the excellent evidence that we heard from Unison and emphasise the importance of the Executive's articulating a public understanding of risk. Unison also made a good point about reviewing the ad hoc nature of child fatality inquiries and getting away from the current blame-based approach. My colleague Robert Brown mentioned that. Will the minister let us know how that recommendation is progressing?

The Executive is to be commended for the comprehensive range of child protection measures that it has introduced and for the flexibility that it has shown in implementing those measures, given the anxieties that have been expressed in some areas. I call on ministers to continue to emphasise the message at the heart of their policy, which is encapsulated in the aptly titled report "It's everyone's job to make sure I'm alright".

I support the Education Committee's motion.

15:33

Christine Grahame (South of Scotland) (SNP): I recognise the sterling work that is done by many social workers throughout Scotland in difficult and testing circumstances. Those circumstances are becoming even more difficult and testing, as the stark statistic that one in 56 of Scotland's children may have drug-dependent parents illustrates.

One of the huge issues to arise from the various cases that have sensationally and tragically hit the press has been the workload of social workers. I understand that there is still quite a severe shortage of social workers in Scotland. Paragraph 20 of the Education Committee's report states:

"The Committee recognises that the Scottish Executive has taken significant steps to address the national shortage of social workers but the fruits of this action will only emerge in the longer term".

I do not wish to embarrass the Presiding Officer, Trish Godman, but she managed to elicit, in an answer to a parliamentary question on 27 October 2004, the fact that current vacancies were around 600. Perhaps the minister will advise on another day, if not today, what the current vacancy situation is for social workers.

Of course, it is not simply a matter of numbers. In paragraph 18 of its report, the committee noted:

"Furthermore, it was noted that although: 'Scottish Executive statistics suggest that the number of social workers in post has grown. These posts are mainly in new initiatives'."

Therefore, there is a lack of staff at ground level to deal with the many urgent cases. Prioritisation must be a nightmare for front-line social workers.

That said, other issues could be addressed to prevent the kind of tragedies that have occurred in the past. It seems strange to me that there is not a national database. I may be wrong about that, but I do not know why such a database has not been established. The Education Committee's report quotes the view of COSLA and the Association of Directors of Social Work. A representative of ADSW said:

"We all hold child protection registers locally, but perhaps a national database would help."—[*Official Report, Education Committee*, 24 March 2004; c 1165.]

The word "perhaps" is redundant. It must be the case that a national database would help, given the mobility of families. Abusers are often en famille; an abuser might be a boyfriend of a family member. Families could easily drop off the radar screen, and a national database would help to address that. Surely in this age of technology, it is not beyond our wit to deliver such a resource.

The report contains other good suggestions. Shared training is mentioned. Many professionals are precious about their remit and what they do; they do not feel that other professionals or members of the voluntary sector are entitled to step over the boundaries. I have been guilty of that in the two professions in which I have worked. Joint training would resolve such difficulties and would increase the sharing of information. In many cases that I have found out about, the information was there, but it was scattered and was not shared. If the jigsaw had been put together, in

many instances the red danger light would have been seen.

I will not deal with Disclosure Scotland, because many other members will do that. Instead, I will talk about the children's panel system, for which—in common with many other members—I have a great deal of time. Although the report does not deal with that subject in great detail, it mentions that too many referrals are made to the children's panel system.

If I may, I will refer to a parliamentary motion that I have lodged, which raises concerns about the stresses that are put on panel members. That situation was brought to my attention by the chair of the Scottish Borders children's panel advisory committee, who has said that

"what is being asked is beyond the voluntary nature of the appointment"

and that there are

"grave concerns that the current review may not happen soon enough".

Because of resignations, the Scottish Borders children's panel is operating with 30 per cent fewer members and is trawling in East Lothian to get people to sit on it. My understanding is that the whole point of having lay members on children's panels is that that allows local people with local knowledge to participate.

Many years ago, I asked that people who were over the age of 60 could serve on children's panels. I understood the arguments that were made against the proposal—it might have been considered desirable to have people on the panels who belonged to a more similar age group—but I am glad that the minister has granted my request. Although it is excellent that that has happened, huge issues still face the good people who serve on children's panels, who are often the first port of call for children who are at risk; the children whom they deal with are not necessarily offenders.

My final point concerns the children about whom we do not hear—the hidden children who need child protection. By supporting a family in which there is substantial drug or alcohol abuse by parents or carers in the family, such children become the parents themselves. We have had debates on the issue. Those young carers are in need of child protection. In dealing with a disastrous, destructive situation within the family, they grow old beyond their years.

I welcome the report and acknowledge that, as other members have said, the underlying issues are often deprivation and poverty. That is why, given my portfolio, I asked to speak in the debate. Many of the children who are affected will recycle what has happened in previous generations in their area.

15:39

Ms Rosemary Byrne (South of Scotland) (SSP): The protection and welfare of children are everyone's business: they are the concern of all sectors that deal with children and of the wider community. It is the Parliament's responsibility to ensure that we get all aspects of child protection legislation right and that all in our communities are aware of their responsibilities.

Robert Brown and others have mentioned the stark figure that one in 56 children lives with drug-misusing parents, which I will focus on. There is no doubt that that discovery was a shock for the Education Committee. We cannot deal with such issues without joining up our consideration with that of other issues, such as kinship care. We need to deal with the way in which we treat the grandparents and other family members who look after the children of drug-misusing parents. One of the best ways of protecting those children is to ensure that they are with the people who can care appropriately for them. There is a link between the way in which we treat those grandparents and other family members and the way in which we look after our children and secure the best interests of our children.

It is important that we look at the kind of treatment that we offer to drug-misusing parents. If it is possible to get those parents into the system so that they can receive proper treatment, the children of those families can also be dealt with in the system. It is crucial that those children are not alienated from the system.

A range of treatments needs to be made available for drug-misusing parents. One of those treatments must be offered at the point of need in community-based rehabilitation facilities. People do not want to be put on a waiting list and to be told, "We will put you on a maintenance programme when a space becomes available. When that happens, we will bring you in and put you in touch with the rest of the services." That is not good enough.

I welcome the extra money that Cathy Jamieson has put into the drug misuse field and I hope that it will be well used. I also hope that some of that money can be used for the community-based rehab that can also make a great impact on the protection of our children and young people.

Robin Harper (Lothians) (Green): Would it be a good idea if the children's panels were to be given powers—

The Deputy Presiding Officer: Mr Harper, will you please speak into your microphone?

Robin Harper: I am sorry, Presiding Officer. Should we compel drug-abusing parents to accept the help that is now readily available to them?

Ms Byrne: I would accept that, but the crucial thing is that the facilities need to be available in the community. At the moment, the problem is that the system is not made available across the board; we have pockets with good facilities and others in which they are lacking. We need to invest in those facilities.

The children's hearings system has a huge role to play, but its resources have to be got right too. Panels need to be able to make referrals and to deal with issues as they crop up.

We should not tie the hands of social services. I welcome the recruitment of social workers and all the efforts that are being made to bring social workers into the front line. That said, we have a long way to go. I ask the minister to update the chamber on where we are on that issue—many members would like to be given such an update.

I am keen to make clear the issue of low morale in social services, particularly in the family support field. As members, we have a job to do in the way in which we value social workers. We must ensure that we do not subscribe to the blame culture: too often, we blame someone when something goes wrong. We need to look at the whole system, see where resources are being directed and ensure that social workers are supported properly in their jobs. At the moment, we have some shortages and we need to look at that issue.

It is important that people are geared up to be able to undertake the cross-sector and cross-agency working that has been put in place and will be implemented. However, without resources, we will not succeed. A shortage of social workers means that existing staff will not be able to get into dialogue with people in other agencies. All members are aware that that good dialogue is one of the main things that we want to see happen. Social workers need to be able to talk to colleagues in education, health and other sectors.

I welcome the training that has been introduced—I am thinking in particular of the Disclosure Scotland checks—but, that said, I have some comments to make on the subject. The commencement of the Protection of Children (Scotland) Act 2003 has not instilled confidence in many areas of the voluntary sector. Although the sector is strongly supportive of the principles that lie behind the act, people believe that there is a lack of clarity in a number of areas including the scope of the act; who the responsible person in a group would be; risk assessment in respect of supervised access by volunteers or staff who are going through the checking process; and the regularity of checks. Voluntary organisations are alarmed that the commencement of the act is being rushed through the Parliament without a regulatory impact assessment being undertaken. I would like to hear the minister's views on that. It is

important that we allay the fears of the voluntary sector about the implementation of the act. I have had many inquiries from the sector, and I would like to give it answers. I hope that we will get some of those answers today.

I welcome what is happening with "It's everyone's job to make sure I'm alright" and I hope that we can move forward and maintain momentum.

15:45

Donald Gorrie (Central Scotland) (LD): I welcome this debate and the report by the Education Committee. I also welcome the rapid response by the ministers to the concerns that were raised by the voluntary sector when the implementation of the Protection of Children (Scotland) Act 2003 was at risk of getting into a muddle.

We seem to have a disease whereby we inevitably go over the top with any good cause. Obviously, protecting children is a good cause, but we have gone seriously over the top in dealing with it. I support Ken Macintosh's speech and the examples that he gave. If he would like to start a stop going over the top cross-party group, I will sign on for it. It is a serious point that we get such things wrong.

Who is covered by the legislation? Issues arise around the fringes of people who are dealing with young people. I waded through 145 pages of the glossy guide and training pack for the voluntary sector on the Protection of Children (Scotland) Act 2003. I may have missed something, but it states:

"One definition of a 'child care' position is:

'A position whose normal duties include caring for, training, supervising or being in sole charge of children.'"

Being one of three adults in a walking bus should not be relevant. I know that everyone goes over the top in interpreting things, and that anyone who comes within 100 miles of a child in an official or voluntary position has to be covered by people's interpretation of the 2003 act, but that is ridiculous. We should be looking more at cousins, grandparents, uncles and other such people, who cause much more trouble than do others.

What are we to do about occasional helpers, such as people who are seconded from their employment for a week to help a voluntary organisation, parents who once a month drive some children to a football match, people on PTAs, and people who help a bit in voluntary organisations? Are they to be covered or not? Common sense must be brought to bear.

Another factor that leads to a lack of common sense is the insurance industry, which Robert Brown mentioned. Ministers should be able to

liaise with the insurance industry so that a little bit of intelligence comes into the whole business and the voluntary sector is not held to ransom.

Penalties for managers, which mean that anyone who allows someone to slip through the net can go to jail, are excessive. If they wickedly connive at helping a paedophile into a job, it is fair enough that they should go to jail, but if they are merely slightly incompetent—as all of us are—the threat of jail because of minor administrative mismanagement is ridiculous. That measure is a disease—exactly the same provision occurs in the Charities and Trustee Investment (Scotland) Bill, which we are examining at the moment. What about some of the civil servants who write such stuff going to jail for mismanagement and administrative incompetence? That would be more sensible. We have to examine that.

There is also the issue of repeated vetting. We need something like a credit card, so that once a person has been vetted he or she can have a card that is valid for one or two years and then has to be renewed. Repeated vetting is a ridiculous waste of everyone's time. There is also a management problem in telling staff that they have not qualified. Whether the case involves a voluntary manager telling volunteers or a paid person telling paid staff, the human rights aspect must be examined, because people could be found guilty without a trial.

We must have proportionality. Serious attention should be paid to people who run residential homes—they are important and must be vetted—but people in the peripheral voluntary sector should not have to go through the system to give the odd bit of help to a voluntary organisation.

15:50

Dr Elaine Murray (Dumfries) (Lab): During the debate in the Parliament on child protection on 13 November 2003, I referred to the tragic and preventable event that prompted the Executive's review of child protection. That was the murder of one of my constituents, the three-year-old Kennedy McFarlane, on 17 May 2000 by her mother's partner, Thomas Duncan. The murder happened despite the fact that staff at her playgroup had raised concerns and despite the fact that she had been admitted to hospital many times suffering from a range of injuries. The collaboration between agencies was not sufficient to allow action to be taken on the concerns. Although a case conference was called, the girl was dead before it took place. The subsequent inquiry by Dr Hammond identified a lack of effective communication between the agencies that ought to have protected that little girl as the key contributory factor in the failure to prevent her murder.

I make no apology for referring to that tragedy again, because we must keep remembering that if we and the various agencies that operate with us fail to get the protection of children right, terrible and tragic events can occur. That is why Labour's manifesto for the Scottish parliamentary elections stated:

"The measure of the society we are building will be the quality of the protection it offers our children."

In March 2001, when Jack McConnell was the Minister for Education, Europe and External Affairs, he commissioned a review of child protection services throughout Scotland, following the inquiry into Kennedy McFarlane's death. The review resulted in the report "It's everyone's job to make sure I'm alright", which was published in 2002 and made 18 recommendations. The Education Committee's purpose in conducting an inquiry was to try to find out how well the recommendations were being implemented. Unfortunately, in the period between the commissioning of the review and the publication of the report, a number of other children were murdered, which reinforced the need to ensure that we get the system right. As has been said, the committee's report was published in July last year. The Executive, in responding to the committee at the end of September, accepted and welcomed the majority of the committee's recommendations. I pay tribute to the way in which the Executive responded to some of the concerns that the committee raised.

Various other significant activities have been taking place. Members have referred to the Protection of Children (Scotland) Act 2003, the core provisions of which came into force at the beginning of this week. Of course, the act deals with people who work with children and does not address the sort of situation that caused Kennedy McFarlane's death. Other aspects of "It's everyone's job to make sure I'm alright" address such situations. The minister referred to the report of Sir Michael Bichard's inquiry, which was commissioned in the wake of the tragic murders of the Soham girls. Those murders would have been prevented by the sort of provisions that are contained in the Protection of Children (Scotland) Act 2003. The report of that inquiry was published on 22 June 2004 and, as the minister said, a progress report has just been placed in the House of Commons library.

Members have raised a number of issues, including the time that is taken for disclosures to be issued and the serious problems that occurred in September and October. Part of the problem was that basic disclosures were being carried out for the Department for Transport in relation to employees at airports because of security issues. At that time, the Education Committee was

concerned that people who had not gone through the disclosure process might be working with children. We received assurances from a number of agencies that such people would not work unsupervised, but we were concerned about the issue. Since then, Disclosure Scotland has taken action to reduce the waiting list: it has doubled the number of telephone lines from 10 to 20 and it has created an e-mail address, which I have used on behalf of constituents. Those measures have helped to improve the situation.

Donald Gorrie and others mentioned the problem of multiple disclosures. We have heard stories about people who volunteer with more than one organisation or who move from one registered body to another. People must register separately for each post, or, if they change jobs, they have to go back to the beginning and register again. Bichard's recommendation 19 was that a central register be set up of all persons who wish to work with children. In a sense, that proposal is the other side of the coin from the measures in the Protection of Children (Scotland) Act 2003, because the recommendation relates to people who have been disclosure checked and who want to work with children. The proposal is to produce a licence or card for people to take to prospective employers to show that they have been disclosure checked, which might get over some of the present problems.

Ken Macintosh referred to the problems of erring on the side of caution. That is understandable. Agencies need to be sensible, and there is a role for the Executive and its officials in working with local authorities. There has been a bit of an overreaction. We can understand why people and local authorities might overreact, given some of the stories and concerns that are around, but officials need to work with authorities and the voluntary sector to ensure that a proportionate response is given.

The Executive responded to the report, and it referred to the sort of circumstances that Ken Macintosh described. If an individual has occasional or short-term involvement with children, that is okay if the person who is leading the group has been disclosure checked. The problem with a walking bus is that, if nobody is disclosure checked, there can be no group leader. There is an issue there: it is possible that three bad characters could get together to take kids to school. That is very unlikely, but it is possible. Our response has to be proportionate—that is where the issues lie.

I am pleased to add my support to the Education Committee's report. We have made a commitment to do a bit of post-legislative scrutiny of the Protection of Children (Scotland) Act 2003, which is important. We must ensure that legislation that

the Parliament has passed, which involved the Executive responding to concerns from the committee—some of the measures came from the body of the Parliament—works in the way in which we all intended it to do when we passed it.

15:57

Mary Scanlon (Highlands and Islands) (Con):

Listening to Kenneth Macintosh's remarks, I am reminded that one of the unintended consequences of the current legislation concerns situations involving a single parent trying to take, for example, a boy and a girl swimming.

In contributing to any committee debate, it is always an advantage to be a member of that committee, given the framework of reference and research. I take this opportunity to commend the Education Committee for its thorough and excellent report. In particular, I commend Robert Brown for reminding us of people such as Danielle Reid, who lived in Inverness.

I would not want there to be any negative impact on voluntary activities involving children and young people. I would highlight the need to maintain a balance between protecting children and avoiding an overcautious or bureaucratic approach. I noted Kenneth Macintosh's comment that there is a role for the Executive in sending out the message that, although the subject and the offence are serious, our measures are not aimed at penalising or criminalising members of the voluntary sector and in particular those volunteers who give up their time to work with young people.

The inherently complex issues of disclosure requirements, insurance and eligibility may well deter some people from supplying much-needed and valued volunteering. That would be ironic, given that 2005 has been proclaimed the year of the volunteer by the Executive.

I note the comment that the director of Community Service Volunteers Scotland made in *The Herald* last month. Referring to the Charities and Trustee Investment (Scotland) Bill, she said of ministers:

"They want to make it easier for people to volunteer but ... it seems they are going to slow it down and make it far more complicated."

At the heart of all our deliberations should be a desire to strike the right balance between the protection of children and the encouragement of much-needed volunteering.

I received a copy of a letter that was sent from a water-sports facility in the Highlands, which is quite a small employer. It seems that many issues are still unclear. Those at the facility, like others, regarded the previous system as inadequate. The letter states:

"I have found the whole system so far to be quite poor in identifying persons we should not employ."

The person writing on behalf of the facility asks whether it is necessary for existing staff continually to reapply. One of the issues that has been raised in the Highlands, which I dare say applies elsewhere in Scotland, is whether we can be sure that the checks on the recruitment of staff from other European countries under the fresh talent or other recruitment initiatives can be as thorough as the checks that we will be carrying out in this country. That is an important point. Could such organisations and residential centres be informed fully of their responsibilities in the near future? That is particularly important because, given that the great majority of people who are employed in such areas have good intentions, the reputation of the many should not be tarnished by moves introduced to identify the few.

In the remaining couple of minutes of my speech, I will refer to the Education Committee's report to raise points that I do not think have been covered today. I have been crossing off quickly the points that other members have raised. Paragraph 15 states:

"The Committee is concerned that the momentum behind the child protection reform programme may be lost if there is not cross departmental commitment to supporting the Minister's commitment to child protection."

I certainly hope to get a reassurance about that.

Paragraph 16 notes that Unison raised the thorny problem of the lack of resources. It is obvious that little can be done unless there are adequate resources.

I turn, as Christine Grahame did, to the shortage of social workers. We have been considering and discussing the battle around that for five years. We should remember that we in this Parliament have passed significant legislation, which I fully support, including the Mental Health (Care and Treatment) (Scotland) Act 2003, requiring an enormous number of additional social workers and experienced social workers who might go on to become mental health officers. The shortage of social workers could be compounded by the legislation that we are passing.

When I was a member of the Health and Community Care Committee we worked on the Scottish Social Services Council. When I read in paragraph 20 of the Education Committee's report that it was concerned about the

"review of the recruitment criteria, training, remuneration and career progression available to social workers",

I wondered what part the council was playing in all this.

On a point that Christine Grahame raised, last week when I was working on a case to do with

child safety, a social worker asked me, "What is your opinion?" In that moment I realised the critical judgment that social workers have to make day in, day out, which I do not envy, and I was extremely hesitant. We have to be sensitive to that and emphasise the point. I support the committee's excellent report and I was pleased to hear from Elaine Murray that the committee will audit and monitor the recommendations.

16:03

Mr Adam Ingram (South of Scotland) (SNP):

Today's debate has been both important and timely in that, with the commencement of the Protection of Children (Scotland) Act 2003, it marks a key milestone on the road to creating a reformed child protection system that will ensure the welfare and safety of all children, particularly the most vulnerable in our society. Sadly, that system has failed too many children in the past, with tragic consequences, and Elaine Murray quite properly highlighted the faults in the system that led to Kennedy McFarlane's death.

Members throughout the chamber have expressed the concern, which we all share, that many of our children are exposed to abuse and neglect or have their lives and welfare blighted by adverse social conditions and poverty. We should never forget that improving children's services is fundamental to tackling the child protection issue.

This week's leak from the Scottish Children's Reporter Administration that the inexorable rise in the number of children being referred for care and protection appears to be continuing unabated serves to underline the seriousness of and the dangers inherent in the current situation. It also serves to highlight the fact that we have a long way to go to fulfil the aspirations of "It's everyone's job to make sure I'm alright".

As the convener of the Education Committee said, the main concern that the committee had at the end of the inquiry was about maintaining the momentum for reform and translating policy objectives into on-the-ground reality. We identified key constraints as being the difficulties in establishing a child-centred approach through a genuine multi-agency approach and information sharing, and the chronic shortages of social workers—as mentioned by Mary Scanlon and Christine Grahame—and particularly of front-line staff to work with children and families. It is not just a question of the shortage of social workers in general; there is a problem relating to the fact that many of the most experienced staff are under the greatest pressure and are more susceptible to the possibility of going for a promoted post elsewhere. That problem needs to be addressed. Of course, the need for early intervention is important. We have to ensure that the support that is needed in

order to deliver early intervention is not being siphoned off to further other agendas such as the youth justice agenda that Fiona Hyslop mentioned.

As others have mentioned, previously the main concern with Disclosure Scotland was the turnaround time for checks rather than the unintended consequences that the voluntary sector has brought to our attention in recent weeks. Not surprisingly, the debate has focused on that latter issue. Robert Brown, Rosemary Byrne, Ken Macintosh, Donald Gorrie and others have gone through the relevant issues including multiple disclosures, the provision of training and clearer guidance.

Although it is important that those concerns are addressed, the excellent briefing for the debate by Children 1st points out that there is a danger in focusing too much on disclosure checks as being the main way in which to protect children from dangerous adults. There is a concern that such a focus could give people false reassurance that it is someone else's job to ensure that children are all right. I would like to endorse the call by Children 1st for a public information programme to engage with adults and make individuals and communities much more aware of what they can and should do to protect our children and ensure their safety. I welcome the minister's announcement today of the pilot scheme and hope that it is rolled out across the country as soon as possible.

I welcome the support that Children 1st has given to the committee's recommendation that a single national child protection helpline should be established to ensure that concerns raised will be properly directed. There appears to be some confusion about whether we have such a helpline in place and I would be grateful if the minister could spend a little time telling us about the arrangements in that regard.

The work that Children 1st has done with sporting organisations shows the way in which the delivery of child protection training and the development of good practice can encourage volunteering by addressing the worries that people have about whether they are doing the right thing with children. I would be grateful to hear from the minister how the Executive intends to respond to the demand that all those working with children or providing direct services to children should receive mandatory child protection training. Indeed, I look forward to the minister's response to the many pertinent questions put by members today. I hope that he will assure us that the Executive will not be deflected from pursuing the child protection policies with vigour.

16:09

The Deputy Minister for Education and Young People (Euan Robson): The report from the committee is welcome. It highlights a number of important issues in relation to the specific remit of the committee's inquiry into the progress of the recommendations of "It's everyone's job to make sure I'm alright". I thank members for their efforts and acknowledge the work that was done by the many witnesses who gave evidence and by the organisations that made written submissions. The report also provides a welcome opportunity to focus on our child protection reform agenda. The Executive is determined that we should have the best possible system and that it should command the widest support and respect that can be achieved.

We heard some valuable and useful contributions during the debate. In responding, I want first to reaffirm what Peter Peacock said in his opening speech. It is important to see all individual pieces of work and initiatives in child protection in the context of our on-going reform programme. We are taking the lead on the key elements of work in which we have a clear role to play and we are involving external agencies and expertise, where we can, across the piece. Protecting children and improving outcomes for them requires commitment from all of us, but particularly from those who are responsible for the delivery agencies, who need to ensure that they continuously monitor, evaluate and improve the systems and services for which they are responsible.

As I said, there have been many valuable contributions to the debate, and I will pick up on some of the points that have been made. First, in Brian Monteith's absence, I welcome his support for many of our objectives and for the Protection of Children (Scotland) Act 2003. I agree that the emphasis must now switch to implementation. To pick up one of the points that Fiona Hyslop made about children's services plans, we issued the integrated children's services planning guidance on 11 November 2004 and we think that it has been well received.

Donald Gorrie mentioned insurance and, depending on availability, I hope to be able to meet people in the insurance industry before I get back to the committee to discuss the points that he and other members made. He and Ken Macintosh rightly emphasised the importance of guidance and proportionality in disclosure checks and they said that the fringe groups, as they put it, in the voluntary sector need to know where advice is available and readily accessible. I am pleased to say that work on the guidance is being taken forward. I believe that there will be a meeting next Monday of relevant bodies and organisations to

ensure that what is necessary is delivered as quickly as possible.

Mary Scanlon made an important point, which I would like to take away, about people who come from overseas to work here. I need to check, but I think that they are subject to criminal record checks. I would like to give further consideration to whether there are issues there and whether we need to enhance those checks. I will write to the committee and to Mary Scanlon on that in due course.

I turn briefly to the remarks that a number of members made about social workers. It is helpful that the report includes the committee's thanks, which were echoed today by Robert Brown in particular, for the efforts of social workers. Many social workers deliver a wonderful service and they do so unsung, so it is important that that is recognised.

I will talk briefly about the importance of what has been described as chronology. We fully recognise the importance of key events being recorded and accessible, and we made that clear in the framework for standards. Information must be relevant and available across agencies. That is a key component in the development of the integrated assessment framework, which a group that is chaired by Professor Norma Baldwin is helping to take forward. The group has provided some proposals, which have been discussed by the expert reference group, and a paper will be issued for consultation shortly, following some further work.

Fiona Hyslop: Will the minister take an intervention?

Euan Robson: I am sorry, but I have a great deal to go through. I can perhaps pick up individual issues later.

The pilot on e-care, which is an information technology proposal, also includes chronology as an important component.

I turn to the child death and significant case reviews. As Peter Peacock indicated in his remarks, the child protection reform programme steering group has agreed an approach to take the matter forward and we will write to the committee with details of the membership, remit and timescales of the review group that is being set up as soon as we have those details.

Several members commented on the number of social workers. The number of social workers in children's services increased by 12 per cent in the year to November 2004. All 93 fast-track trainees who are about to graduate will move into children and families posts. Overall, the number of social workers has increased by 35 per cent since 2000—the up-to-date figures that I have show an

increase from 3,213 to 4,703 whole-time equivalents. Total local authority social work expenditure has risen from £1.069 billion in 1996-97 to £1.61 billion in 2002-03. We recognise that the demand for social work services has also increased significantly and that a continuing commitment to the sector will be required. An action programme has been in place since 2002 to address workforce issues, and there will be a chance to come back to that later.

At the peak of the backlog in the summer, which was unacceptable, the number of staff at Disclosure Scotland doubled to 153. I am pleased to say that, as a result of the improvements that have been made, the latest figure for staffing is 93 and the average processing time is 4.53 days at Disclosure Scotland. However, there seems to be some delay further up the system, which needs to be looked into. For example, it takes 32 days from the signing of the form to its receipt at Disclosure Scotland. We must work together to find out why that cannot be reduced.

In the 30 seconds that remain to me, I can confirm that we are moving ahead on a number of other important measures to improve the protection of children. Those include information sharing and a common assessment framework; the review of the children's hearings system; work in relation to children of drug and alcohol-misusing parents; follow-through on the national group to address violence against women; the management of sex offenders; the introduction of the violent offender and sex offender register—VISOR—system; and the implementation of the Cosgrove recommendations. As Peter Peacock said, we have introduced an internet grooming bill and we are improving support for child witnesses. The 21st century review of social work is also important. There are many integrated strands on which we will make progress in this area, which is important to the future of Scotland and in which we largely share a common agenda.

16:17

Lord James Douglas-Hamilton (Lothians) (Con): I welcome the speeches that have been made this afternoon, including the speeches of both ministers, and I am glad to have the opportunity to sum up what has been a constructive and important debate on the Education Committee's report. I declare my interest as chairman of the Edinburgh support group of the charity Hope and Homes for Children.

Having piloted the Children (Scotland) Bill through the House of Commons, I am wholeheartedly against the exploitation or abuse of children, who should at all times be well protected. Every Scottish schoolchild is told, at one stage or another, the gloomy tale of my Douglas ancestors

who were invited to dinner in Edinburgh Castle. When a boar's head was presented on a platter, that was the signal to take out the two young lads and stab them to death. That story alone made me wholeheartedly in favour of the prevention of cruelty to children.

Today, there has been a general consensus against waiting for accidents to happen and a general agreement that harmful acts to children must be prevented at all times. By that, I mean that those whose intentions towards children are not good should be thwarted at every twist and turn. We believe that we are right to take a firm and principled stance on the issue after the appalling outrages at Dunblane and Soham. We must learn from those tragedies and put in place a co-ordinated action plan that will not only work but stand the test of time.

In approaching this subject, we need to take firm and decisive action. At the same time, we must keep a sense of perspective and balance, which is what has been called for by Donald Gorrie and Dr Elaine Murray, who mentioned multiple disclosures. My understanding is that the Executive has asked officials to look into that issue and see what more efficient means might be considered to conduct checks that would contribute positively to the protection of vulnerable groups. Keeping a sense of balance is important to ensure that well-intentioned charities and voluntary organisations do not find themselves subject to difficult or oppressive demands or controls. Appropriate guidance for charities and voluntary organisations will be of tremendous importance, and I would be grateful if ministers could bear in mind the Education Committee's interest in the subject. I hope that they will respond positively if, at a suitable time, we make constructive representations.

In questions to the First Minister, I have already welcomed the creation of a telephone hotline, which I hope will be a single helpline, which will help to avoid unnecessary confusion or time being spent on minor issues. For example, if a child becomes unwell during playground activities and no teacher is available to take the child home, who should have authorisation to take the child? To a large extent, that is a matter of common sense, but a telephone helpline is invaluable in cases of doubt because persons who are in a position of responsibility simply will not be prepared to take risks, even in minor cases.

It might well be that enhanced disclosure checks are appropriate. Indeed, the Executive has advised that any adult who is in substantial, regular and unsupervised contact with children should be subject to an enhanced disclosure check before working with children. That includes volunteers and parent helpers in schools.

There are some circumstances in which it might be judged that the limited level of contact or degree of supervision in place means that the disclosure check is not necessary. That could be limited to such situations as the occasional involvement of someone as a helper or driver on an activity or day excursion in which other staff are disclosure checked and have received child protection training, and in which the adult will not take sole supervision of children; or the short-term involvement by an individual with a group of children during their excursion where the group continues to be supervised at all times by the group leader and staff who have been disclosure checked and trained in child protection.

I believe that care should be taken to consider suitable supervision for activities such as sports and swimming, personal assistance for disabled children and night-time care and safety during residential activities in which volunteers might be involved. In circumstances such as those, an enhanced disclosure check and child protection training should be considered to be essential.

However, many casual activities are undertaken by parents for children within schools that are an important part of parental involvement and a positive school ethos. It is therefore important to avoid taking a blanket approach to enhanced disclosure checking for parent helpers. It is on such issues as those that definite and clear guidance will be invaluable.

Disclosure Scotland gave evidence to the committee and concern was expressed at the time taken to provide the necessary disclosure certificates in a small number of cases, which could mean that the best person available was not being employed. We received reassurances that Disclosure Scotland has improved the rate at which it is dealing with applications and we seek reassurance from the Executive that the measures that were put in place over the summer to clear the backlog of cases will be accompanied by the necessary resources to cope with what might be a significant upsurge in the number of applications for disclosure checks in the wake of the Protection of Children (Scotland) Act 2003. Some estimates have put that number at 0.5 million and the ministers have given us helpful reassurances today.

The Executive has acknowledged the problem by deferring the implementation of sections 11(3)(a) and 11(3)(b) of the act. In particular, section 11(3)(b) has been deferred for two reasons. The first is connected with the concerns expressed by the voluntary sector and others about the system's ability to deal with retrospective checks. The other reason is to do with the recommendation in the Bichard report that there should be a single registration scheme for all

those who are regarded as suitable to work with children. That will require compatibility between systems and processes to avoid creating loopholes between the laws of Scotland, Northern Ireland, England and Wales. I understand that the deferment will be for at least three months, which will allow time for the leaflet that the voluntary sector has prepared to be distributed, and will enable the Executive to send out the additional leaflet helping people to make the initial assessment as to whether people are covered by the act.

In conclusion, I will make five recommendations. The first has been made by many members in the debate, including Christine Grahame and Mary Scanlon. We must encourage a greater employment of social workers. Many social workers of distinction have served as members of the Parliament. Trish Godman, Cathy Jamieson and Scott Barrie have all been closely associated with social work, as was Kay Ullrich in the first parliamentary session. The profession deserves appropriate recognition, which should come not just from the minister. We need a determined recruitment drive. Social work is a tremendously testing and difficult job, but it is fulfilling when done well.

Secondly, I echo the calls that were made by Brian Monteith and others about the database. It is in the public interest to ensure that the necessary information is transferred between police, local authority and health professionals.

Thirdly, we need a sense of balance between the rights of children and the rights of those who work with children. It will be helpful if the Executive monitors the effectiveness both of the investigation of frivolous or vexatious referrals and of the appeals procedure.

My fourth request is that the Executive ensures that the guidance and support that are offered to the voluntary sector are extremely helpful. The guidance must not deter young persons and adults from being activists, contributors and volunteers. After all, 2005 is the year of the volunteer.

Finally, I suggest that the Education Committee should review the implementation of the act and the implications of retrospective checks so that everything possible is done to deal with what could be a huge upsurge in the number of applications for disclosure checks.

Our clear purpose must be to protect children and young people—they are our country's future—in a way that is acceptable to those in the voluntary sector whose intentions are good, worthy and honourable. I am glad to recommend that the Parliament takes note of the committee's report.

Gambling Bill

The Deputy Presiding Officer (Murray Tosh):

We proceed slightly early to the next item of business, which is a debate on motion S2M-2118, in the name of Tom McCabe, on the Gambling Bill, which is United Kingdom legislation.

16:27

The Deputy Minister for Finance and Public Service Reform (Tavish Scott): I welcome the opportunity to reaffirm the Executive's position on this important motion, which the Local Government and Transport Committee considered, debated and supported on 14 December 2004.

The Gambling Bill is fundamentally a matter for the United Kingdom Government and the UK Parliament, because gambling is reserved. Therefore, there is no question of handing power back to Westminster—as the Opposition constantly alleges—because we do not possess the power in the first place. The motion on the Gambling Bill simply suggests that we should agree to a framework that will give Scottish ministers more power—not less—to regulate gambling in Scotland.

This is a debate less on gambling than on the constitutional position of the Scottish National Party-Tory alliance. Despite having diametrically opposite views on the subject, it appears that they will once again be united in voting. Dressed up in synthetic fury, Mr Crawford—who, to be fair, does synthetic fury rather better than does Mr Ewing—will highlight supercasinos as contributing to problem gambling and no doubt will imply that only nationalists care about such issues. If the Tories follow the lead that Mr Mundell took in the committee, they will also oppose today's Sewel motion.

The aim of the UK bill is to introduce regulatory powers over commercial gambling, because the current powers are being undermined by new technology. For instance, there is currently no regulation of internet gambling, which the bill will remedy. Increased responsibility is one of the bill's key aims, which I want Scottish ministers to be able to play a full and active role in achieving.

For the most part, the UK bill will simply tighten the rules to cover new forms of gambling and to provide new protections for children and vulnerable persons that will apply throughout Great Britain. A powerful new body—the gambling commission—will be established to regulate the industry. During my meeting with her yesterday, the chief executive of the Gaming Board for Great Britain, Jenny Williams, stressed that the current powers are becoming inadequate and that there is

a need for the important role that the new gambling commission will have. Social responsibility will become an explicit condition of an operating licence and breaches of the licence will trigger penalties, which could include the loss of the licence. Local licensing boards will have an important role in being responsible for the licensing of all premises.

That accords with the vast majority of responses to the Scottish Executive's consultation exercise, which was additional to that carried out through the normal mechanisms for UK legislation.

Licensing boards will be required to prepare three-year licensing policy statements. Boards will have the power to decide whether the local community—local people—wants any more casinos in its area. If so, the casinos will be regulated by conditions set by Scottish ministers. It is important to stress that the motion will allow a new power to be established, under which local decision makers, licensing boards and people will—rightly—have wide scope for saying no to casinos at any time. We welcome that extra measure of control.

Moreover, the bill will include a specific clause to ensure that there is consultation with Scottish ministers prior to any decision by UK ministers to approve areas of Scotland as being suitable for new casinos. Scottish ministers would consider such a proposal extremely seriously when reaching a collective view. UK ministers have indicated that, if the view of Scottish ministers was that there should be no new casinos in Scotland, they would give the greatest possible weight to that view in their consideration.

Gambling is a reserved matter and there is no power to legislate on it in the Scottish Parliament. The only realistic way in which Scottish ministers can acquire new powers is through this Sewel motion. Scottish ministers would have a wider range of controls under a new system than they have at present. Parliament would have more say and there would be greater accountability. That alone is a good set of reasons for supporting the motion.

I move,

That the Parliament agrees the principle of including in the Gambling Bill provisions which confer powers on the Scottish Ministers, including powers to set fees and make regulations on the conditions to be attached to gambling premises' licences and permits, and agrees that the relevant provisions to achieve this end should be considered by the UK Parliament.

The Deputy Presiding Officer: We are very short of time for this debate, so timings will have to be strict.

16:31

Bruce Crawford (Mid Scotland and Fife) (SNP): At the outset, I make clear that we think that some aspects of the Gambling Bill make good sense and that there is significant support for them in the wider community. However, we do not accept as a sensible solution the proposal to remove from Scottish ministers the power to determine the areas in which casinos may be located.

We all know that the public debate across the UK has centred mainly on the acceptable number of large and regional casinos that the UK Government will allow. As the debate has become hotter, new Labour has scaled back its initial plans for a bigger number of large and regional casinos. The problem is that, although this week new Labour may be shrinking back from its original proposals in the face of considerable hostility before an expected general election, there is absolutely nothing to prevent it in the months and years after the election from revising upwards the number of large and regional casinos. When it inevitably does so, Scottish Executive ministers will be able to do heehaw about it, because by then they will have abdicated their responsibility.

At present, casinos can be established only in permitted areas, defined by ministers. Paragraph 19 of the Executive's consultation paper on the devolved powers in the Gambling Bill states:

"This power is to be discontinued".

It also states:

"It is proposed that in future the location, number, size and character of casinos will largely be determined by the market and guided by existing planning policy objectives."

If that were not bad enough, the Executive is also agreeing to allow Westminster to remove the restrictions on live entertainment in casinos. What is the basis of the Executive's argument? In paragraph 56 of its consultation document, the Executive says that the UK Government's response to the Budd report

"accepted that the restriction on live entertainment should be removed as it prevented casinos offering a more attractive environment to consumers and was one of the obstacles to the development of resort casinos."

At present, the power to impose restrictions comes from the Gambling Clubs (Licensing) (Scotland) Regulations 1969. Those restrictions are in place for good and solid reasons. They are intended to prevent people who want simply to turn up to watch an act or to participate in wider family entertainment from being sucked into a destructive gambling habit. Separate provisions already exist in England and Wales. Paragraph 58 of the Executive's consultation paper states:

"Licensing Boards were not enthusiastic about the removal of the restriction on live entertainment. They felt that the current system worked well."

We all know that the proposals will have social and economic impacts, and Scotland spends £80 per person per annum on gambling, whereas the figure in the rest of the UK is only £52.

If the reasons that I have set out are not good enough for opposing the Sewel motion, I point out that when the issue was considered by the Westminster Joint Committee on the Draft Gambling Bill it took no evidence at all from the Scottish operatives whose business would be affected by the bill's provisions. Moreover, no qualitative research has been carried out into the social and economic implications of casinos in Scotland.

The reasons for rejecting this Sewel motion are compelling indeed. For example, research from the United States of America clearly shows that people under 30 on low incomes and people with less formal education are much more likely to become problem gamblers. Westminster decides and we in Scotland pay the price of additional social problems and their inevitable impact on the public purse.

I have been asking myself, "What is the difference between Charles Kennedy and Jim Wallace? Between Malcolm Bruce and Tavish Scott? Indeed, between the Liberal group at Westminster and the Liberal group at Holyrood?" The difference is that, at the second reading of the Gambling Bill at Westminster, the Liberals voted en bloc against it—as did 31 Labour MPs. However, here in Holyrood, the Liberals will be doing new Labour's work for it. That brings to life many of the clichés that we have heard about the Liberals.

Tavish Scott: Will the member give way?

Bruce Crawford: I am sorry—I would do so, but I have only 15 seconds left.

We have heard that the Liberals look in two directions at once and sit on the fence; that they are hypocrites with no real principles; and that they are Labour's poodles. We will vote against the Sewel motion in the same way as we voted against the Gambling Bill at Westminster. The Liberals should do the same.

16:36

David Mundell (South of Scotland) (Con): For background information, I make it clear that Conservative colleagues at Westminster voted against the Gambling Bill at its second reading. The Conservative party has serious concerns about the proposed liberalisation of the rules on casinos and feels that if the bill were passed, it

would allow the development of new supercasinos with 24-hour immediate access and unlimited jackpots. We believe that, as it stands, the bill will open the door to a much larger number of supercasinos than the eight suggested and that they will be placed in urban areas close to where people live. However, Westminster is clearly the place to make such objections about the bill's principles and the Conservative party will continue to do so there.

We have more fundamental objections to the Sewel motion. We do not object to the Westminster Government dealing with devolved matters through legislation for the whole United Kingdom, if that is the most appropriate way forward. That is clearly covered by section 27 of the Scotland Act 1998. Moreover, we do not object to changes in constitutional arrangements that relate to reserved matters or to any increase in devolved powers. Indeed, that can happen under section 63 of the 1998 act. As a result, Tavish Scott is quite wrong to suggest that the Sewel motion is the only basis on which this matter could be addressed. We simply object to the increasing use of the Sewel motion procedure, which is not regulated by the Scotland Act 1998 or by any other properly set-out procedures. Indeed, Lord Sewel himself has said that it was never envisaged that the procedure would be used on more than 50 occasions.

I am afraid that the use of Sewel motions has become symptomatic of the Executive's failure to establish statutory and verifiable working arrangements with the UK Government. Indeed, what can only be described as a back-of-a-fag-packet arrangement has developed between the Executive and the UK Government to deal with issues that straddle reserved and devolved competences or with devolved issues on which the UK Government is legislating.

That is simply not good enough. The arrangements might well work when they are made between a Labour UK Government and a Labour-dominated Scottish Executive. However, as Lord Norton recognised, such a relationship relies heavily on good will and will not work with a Government of a difficult political persuasion either at Westminster or in Scotland.

As a result, we believe that there should be an independent review of the working arrangements between the Scottish and Westminster Parliaments so that procedures can be established, agreed and understood. In my view, there is no way that some of the people who advocate that the Scottish Parliament should give up its powers, as it would do today by agreeing to the Sewel motion, would be prepared to follow such a line if a Conservative Government had made exactly the same proposals.

The matter is one on which I find the Liberal Democrat approach—not for the first time—totally bewildering. As Bruce Crawford pointed out, the Liberal Democrats at Westminster are against the thrust of the bill, but Iain Smith attempted to suggest in committee that, if Parliament did not pass the motion, the UK Government would somehow deliberately prejudice Scotland. In doing so, he showed that, under the present Labour Government, the role of the Secretary of State for Scotland has been totally undermined. The Secretary of State for Scotland should be defending Scotland's interests on reserved matters at Westminster, and that is part of the constitutional ambiguity that needs to be cleared up. Until those issues are cleared up, we will certainly not be supporting motions such as the one that is before us today.

16:41

Michael McMahon (Hamilton North and Bellshill) (Lab): Sewel motions have been a contentious issue for some time in the Parliament, with the Opposition regularly complaining either about the frequency of their use, as David Mundell has just done, or about the perception that powers are being handed over unnecessarily to our Westminster colleagues—a complaint that has come from Opposition parties on all sides. We are reminded that such complaints are made because of those concerns alone; Opposition members are not opposed to Sewel motions in principle and say that they will consider each one in turn and on its merits. Therefore, I am baffled that the Opposition is opposing this particular Sewel motion on the Gambling Bill that is before the Westminster Parliament. If Opposition members are not opposing the Sewel motion merely for opposition's sake, they must come up with better reasons for opposing it than they have done so far.

No one can dispute the fact that the modernisation of the UK's gambling laws is badly needed or the fact that the legislation required to effect any such changes is largely reserved to Westminster. I find it peculiar that Opposition members are looking for Scotland to have its own legislation on the issue. I am not concerned about their espousing their desire to have such legislation, but I am baffled that anyone could see that as the best way to address concerns about gambling in Scotland.

Given that the Gambling Bill is already under way at Westminster, it would be impossible for the Scottish Executive to introduce its own legislation to parallel that being proposed for the UK. That being the case, the practical effect of our not supporting the Sewel motion would be to prevent Scottish ministers from being given the opportunity to consider proposals to establish a regional

casino in Scotland. The Sewel motion seeks to give Scottish ministers powers that they do not currently have. Without those powers, a regional casino could be established under UK legislation and we would not even have begun the process of legislating on gambling, even in those areas that are devolved to Scotland and over which the Scottish Executive has authority.

Like other members, I am concerned that little, if any, encouragement should be given to the extension of gambling in Scotland. The social problems associated with gambling addiction are well known and far too extensive in our country already. However, I do not think that we should overhype the problems that the creation of a regional casino would bring. For example, I doubt whether many bingo players would drift away from their couple of games of housie a week towards the poker and blackjack tables in a casino. I also doubt whether the punter who puts a few pounds on the greyhounds or the horses would be any more susceptible to gambling addiction. My concern is about the establishment of a culture of gambling that would suck people, especially younger generations, into the heavy gambling promoted by big business as a glamorous leisure pursuit.

I would like the Executive to obtain the powers that will allow it to have an input to the new gambling environment that the Government in London proposes. If people are worried about the potential expansion of gambling-related social ills, to oppose the Sewel motion would be perverse. Westminster is responsible for the bulk of the powers over gambling, but the Scottish Executive has been given the chance to expand its involvement, and we should seize that opportunity. I am not much of a gambler myself, but I am prepared to wager that the Sewel motion is being opposed for no reason other than the fact that it is a Sewel motion, and that if members examined what it would deliver, the Parliament would support it.

16:45

Iain Smith (North East Fife) (LD): David Mundell will be pleased to know that the Procedures Committee has agreed to conduct a review of the Sewel convention. We will consider a remit for that inquiry at our meeting next week.

It is important that we are clear about what we are and are not voting on today. Voting on the Sewel motion today does not mean that the Scottish Parliament supports the principles behind, or the proposals contained in, the United Kingdom Gambling Bill; it does not imply support for or give support to the bill. In this instance the Sewel motion is solely about whether certain powers that are contained in the bill, in as far as they relate to

Scotland, should be exercised by UK ministers or Scottish ministers. That is what we are deciding.

The motion is different from the Sewel motions that we have dealt with usually. This Sewel motion does not give our consent for the UK Parliament to legislate in a devolved area; it deals with an area that is wholly reserved to Westminster. The bill deals with areas in which the Scottish Parliament cannot legislate. Although it is true that Scottish ministers currently exercise certain powers on matters related to gambling, they are exercised under reserved legislation. The Scottish Parliament cannot legislate to change those powers, nor can it legislate to change the primary legislation from which the powers are derived.

If the UK Government chooses to legislate in the area, it is for members of the UK Parliament to ensure that the legislation is subject to full and proper scrutiny and that the changes to the law are justified. I say to Bruce Crawford that that is what Liberal Democrat MPs are doing at Westminster. They are ensuring that the law is properly scrutinised and that changes are made to ensure that the law is justified. That is not what SNP members are doing at Westminster. They have not even raised the issue in that Parliament.

Bruce Crawford: Will the member give way?

Iain Smith: Sorry, but I have only four minutes and I want to complete my speech.

It is for Scottish members of the Westminster Parliament, not for members of the Scottish Parliament, to ensure that the proposals that affect Scotland are measured and appropriate. We should no more second-guess and interfere in the work of MPs on reserved matters than it would be acceptable for Westminster MPs to second-guess and interfere in the work of members of this Parliament.

Most of the Gambling Bill is uncontroversial, welcome and overdue. However, I fully understand the concerns that many members both in this Parliament and at Westminster have about the proposals on casinos. Liberal Democrats at Westminster voted against the Gambling Bill at second reading because of the provisions on casinos, to try to ensure that changes are made to the bill before it is passed. The UK Government has already made substantial concessions as a result of the concerns raised by Liberal Democrat MPs and others at second reading; in particular, it reduced significantly the proposed number of supercasinos as a result of concerns raised in the debate at Westminster. [*Interruption.*] I did not claim full responsibility for the Liberal Democrats. I said that the Liberal Democrats and others raised concerns in the debate. I believe that the SNP did not speak in the debate, as usual.

The major concern about the Sewel motion is in relation to the power for Scottish ministers to veto casino applications. The bill proposes to remove the power for ministers, whether UK or Scottish, to specify where casinos are located. Instead, that power will be given to local licensing boards. It is a matter of judgment whether such decisions are better made locally or by ministers, but I contend that the powers that the bill gives to Scottish ministers to make regulations governing the conditions for granting licences to casinos, along with existing powers in relation to planning regulations, will provide Scottish ministers and, through their accountability to Parliament, the Scottish Parliament with adequate control over the extent of casino expansion in Scotland. In addition, the bill places a specific duty on the gambling commission to consult the Scottish ministers before a supercasino can be located in Scotland. In my view, that gives power to Scottish ministers to say no.

Those powers will be available to Scottish ministers only if we agree to this Sewel motion, otherwise they will be exercised by UK ministers with no accountability to this Parliament. That is the reality and no amount of political posturing by the SNP or the Conservatives will change that. I urge members to support the Sewel motion.

16:49

Patrick Harvie (Glasgow) (Green): The Scottish Green Party shares many of the concerns that have been expressed about Sewel motions, such as about their overuse and the scope and scale of the issues for which they are used. I have expressed those concerns in the past. However, whatever the meaning of this Sewel motion, it is not for this Parliament to remain silent on any issue or development that affects Scotland, whether it originates in London, Brussels, New York, Washington or wherever.

The bill is deeply contradictory. It sets out to facilitate a significant expansion of the gambling industry—there would be no prospect of the gambling industry making the investment in new regional casinos if it did not expect a significant increase in the uptake of gambling—yet the rest of the bill sets about addressing the need for protection from the very effects of expansion that the first part of the bill would allow as well as some of the social responsibility issues that Tavish Scott mentioned.

The bill should be seen as a pay-off to the gambling industry for the introduction of better regulation. If the Government wants to regulate an industry, it should simply do so. We do not seek the tobacco industry's permission to regulate smoking or the sale of tobacco, or that of polluters to regulate environmental matters. Therefore, we

should not seek the gambling industry's permission to regulate it. One of the purposes of government is to restrain activity that causes social harm.

I want to consider the expansion that will result. There will be not only supercasinos, but the potential for 24-hour opening, unlimited jackpots and betting on Christmas day—I wonder how that squares with the support on the Labour back benches for the proposal to restrict the opening of retail stores on Christmas day. There will be an increase in the ability of casinos to advertise. How can such things do anything but lead to an increase in the take-up of gambling and in the incidence of problem gambling? Even in their scaled-back form, the proposals that are going through Westminster will lead to both consequences. No one could think that the gambling industry could undergo such expansion without an increase in problems being caused.

I am not at all convinced by the regeneration argument that has been made. Supercasinos might well create some employment, but so would other forms of recreational and entertainment facility. Many such facilities might possibly create better and more rewarding jobs. The Greens' take on many economic matters is that we must focus not simply on the amount of economic activity that can be generated, but on its effect—its impact. Creating some jobs might be a good thing, but if the operation is about taking money away from hard-pressed communities, including from victims of gambling addiction, and sending it straight into the hands of large corporate players, the long-term impact on communities in which such casinos operate will fly in the face of social justice.

We have been told that the UK limit will be set at eight regional casinos and that, even if one is proposed for Scotland, Scottish ministers will have at least a consultative role and potentially even a veto. However, both assurances—on the limit on numbers and on the role of Scottish ministers—are short term. They do not give any permanent protection, place permanent limits on the number of supercasinos or their location or give an assurance about the long-term intentions of Scottish ministers. In addition, we have not heard from the minister about what the Executive intends to use the powers for.

For all those reasons and other reasons that I do not have time to go into, Green MSPs will vote against the Sewel motion.

16:53

Carolyn Leckie (Central Scotland) (SSP): I echo what Patrick Harvie has said about the bill. The Scottish Socialist Party will also oppose the Sewel motion.

There should be no pretence over what the bill is about. Its main motivation is an anticipation of increased profits and tax revenues. Of course there will be an increase in gambling and compulsive gambling as a result of the bill. There will be exploitation of the poorest and most vulnerable to generate profits for the richest and most powerful.

Casinos already operate on the basis of inducements. They ensnare and hypnotise people into a superficially glamorous world—an escape from reality. The introduction of live entertainment will merely perpetuate that and increase risks. Casinos prey on the dreams of people whose only perceived chance of a better life is the big win. Just one more casino that opens for 24 hours a day with no cooling-off period for joining means no relief for the families of compulsive gamblers, no cut-off point, no end to the gambling day and no time at which the partner of the absent compulsive gambler can finally close the curtains, stop watching for the headlights and listening for the footsteps and go to sleep. The Parliament has a duty to the families and partners of compulsive gamblers. The number of such gamblers may be relatively small, but that is where the pain, heartache and misery are and it is not funny.

The alcoholic will eventually fall down, but the compulsive gambler—who will have access to gambling 24 hours a day, seven days a week, and who will be able to use ever more dangerous methods of acquiring the limitless money that casinos consume—will not. More children will go without shoes, coats and meals and more women will have their doors battered down by the moneylenders. At least membership has a delaying effect, as it involves the 24-hour cooling-off period. At least restrictions on opening hours ensure that the gambling day is finite, which means that gamblers' families get some respite and the gambler has the opportunity to refrain for a while.

Gambling addiction organisations, gamblers and the families of gamblers in Scotland should have the right to have the issue debated and legislated on in the Scottish Parliament. That right should not be removed by Westminster. The Sewel motion should be opposed in principle and, regardless of what happens in the Parliament today, the expansion of supercasinos into our most vulnerable communities should be opposed tooth and nail, using whatever means necessary.

In Australia, where gambling has been totally deregulated, problem gambling has quadrupled. By sacrificing the poorest and most vulnerable people for tax revenues that could easily be raised through progressive direct taxation, the Government will be trading in misery. The Government's proposals represent yet another

regressive tax. They will mean that the poorest people—those who are on the lowest incomes—will pay more in tax, while the rich and powerful will get to sit on ever-growing piles of winnings, which are much more secure and are certainly not reliant on the impossible odds of the spin of a roulette wheel or a pull on the puggie. I ask members to oppose the motion.

16:57

Robert Brown (Glasgow) (LD): This is an important debate on a substantial issue that has already caused the UK Government, in spite of its swollen majority, to beat a headlong retreat on a number of fronts.

In broad terms, I support the analysis of the Sewel motion that has been laid out by Tavish Scott and Iain Smith among others. However, there is a wider dimension. I am vehemently opposed to the idea of regional casinos—it is probably the worst idea to have come out of Government in recent years. It is made worse by the fact that such casinos have been linked with category A, unlimited-jackpot machines. The UK has one of the lowest levels of problem gambling in the world, but the Government wants to put in place arrangements that will double those levels. On top of drugs problems and problems with alcohol and tobacco addiction, Glasgow—the most likely location in Scotland for a regional casino—will have a gambling addiction problem. I make no bones about saying that I do not find particularly compelling the vision of Glasgow as a sort of wet Las Vegas.

Although this short debate is on a Sewel motion and relates to a reserved matter, it raises issues of great importance with which the interests of the Parliament are closely engaged. Ministers say that the Government's gambling proposals are not the business of the Scottish Parliament, even though we have spent a good deal of our time trying to deal with problems of excess debt, have invested in debt advice and debt arrangement facilities and have changed the law of diligence to help the victims of debt. Is it true that the Parliament has no concerns about the issues that the Gambling Bill raises?

Let us consider slot machines. Each regional casino will be allowed to have as many as 1,250 machines. That is more than the total number of gaming machines in all existing UK casinos. One casino could rake in £75 million a year from those machines alone; that is before anyone goes near the tables. The £150 million investment will soon be got back from the punters.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP) *rose*—

Robert Brown: Research in the United States indicates that 30 to 55 per cent of casinos' slot machine income comes from problem gamblers. There is a debate to be had on the issue and that debate should be had in Scotland. The issue should not slither about in the undergrowth of the home rule settlement, hiding from the world and from the light. The decision should be made nationally—

Fergus Ewing: Will the member give way specifically on the point about slithering?

Robert Brown: I am sorry. I am not taking interventions, as my time is very short.

The Deputy Presiding Officer: The member has made his position clear.

Robert Brown: The decision should be made within the framework of the constitutional settlement by the Scottish Executive, which is accountable to the Parliament, in the full light of day.

It is true that the issue of gambling is reserved to Westminster. In my view, that is right. However, there is no law that says that, within the framework of gambling regulations that has been established by the Westminster Government, Scottish ministers cannot discuss the issue with the UK Government and ask for and obtain a clear understanding that—in practice—if, after being consulted on the bill, they say no to supercasinos in Scotland, their view will be honoured by the UK Government. I am concerned not with the format, but with the reality.

I ask the Executive for a number of assurances. First, I ask it to clarify the very helpful words that Tavish Scott gave in his opening speech on the effect of the consultation. Secondly, I seek an assurance that the local licensing boards will be able not only to reject applications for more casinos per se but to discriminate between different sorts of casinos so that they can reject applications for regional casinos in their area, even if they do not reject applications for other sorts of casinos. Thirdly, I seek an assurance that adequate time will be given for a full parliamentary debate to be held before the Scottish Executive makes its views known to Westminster.

Those requests are nothing unusual and they overthrow nothing. They do not relate to any Scottish Executive policies or partnership pledges. I am asking only that the partnership parties, the Parliament and the Executive should have an effective voice on this vital subject.

The Deputy Presiding Officer: We move to closing speeches. I call Sylvia Jackson to close for the Labour Party.

17:01

Dr Sylvia Jackson (Stirling) (Lab): In winding up, I will make just five points, the first of which concerns the Gambling Bill itself. It has to be acknowledged—indeed, I think that it is acknowledged—that gambling is a reserved matter and that only a small percentage of the issue is devolved to the Scottish Parliament.

Secondly, we have to acknowledge that the process of dealing with such legislation, given that gambling is essentially a UK matter, is via a Sewel motion. The Scottish National Party wants powers that the Parliament does not have, but it always wants powers that we do not have.

Thirdly, the Sewel process allows members of the Scottish Parliament to have our say and allows Scottish ministers legitimately to discuss important issues such as regional casinos with UK Government ministers. The bill will give us more powers, including a local say through the licensing boards. Without the Sewel motion, the UK Government would make all the decisions. Surely the SNP does not want that to happen.

Fourthly, concerns were expressed at the Local Government and Transport Committee about the small and large regional casinos. The SNP should remember that, after the discussion with the minister, the committee went through the various safeguards. The first of those is the licensing boards, which ensure that decisions are taken at the local level. The second safeguard is the conditions. Indeed, Bruce Crawford asked, as I did, a number of important questions about the criteria by which the boards would make their decisions and the conditions that they would consider. The minister replied honestly and agreed on the importance of the point that not only ministers but the gambling commission would examine those matters. The third safeguard is the review of national planning policy guideline 8, which will start this year. That will assist with any planning issues that relate to gambling.

Fifthly, the bill will put more controls on gambling. That has not been mentioned in the debate—indeed, I was amazed that Carolyn Leckie did not mention it when she spoke on behalf of the Scottish socialists about the evils of gambling. The bill attempts to deal with the problems of internet gambling. I wonder why that fact was not mentioned earlier. For all those reasons, I ask the chamber to support the motion.

The Deputy Presiding Officer: We are now back on track. I thank David Mundell for waiving his second speech—

Members: Hear, hear.

The Deputy Presiding Officer: No, it was very helpful. It means that I can offer Kenny MacAskill

the full five minutes and Tavish Scott his full six minutes.

17:04

Mr Kenny MacAskill (Lothians) (SNP): Mr McMahon said that he was baffled. I am somewhat perplexed that he should fail to see that the debate is not so much about procedures as about principles. The procedures can be addressed, whether through the Procedures Committee—to pick up on a point that Mr Smith made—through the methods that Mr Mundell suggested or through another means. However, the issue is fundamentally a question of principle—Mr McMahon may have forgotten that, but we believe that it is fundamental. The principle is whether we wish to have supercasinos in our communities, a point that, to his credit, Mr Brown of the Liberal Democrats touched on. It is also fundamentally about the problems that gambling causes, which can be exacerbated by supercasinos, and whether we wish to regulate supercasinos or leave them unregulated.

The ethos in our new chamber since the First Minister first spoke in it has been one of raising the game, not simply raising the stakes. In this magnificent auditorium, we are supposed to be raising our sights; we are supposed to be raising our game, not just playing the game, whether the puggies that Ms Leckie referred to or other games such as blackjack.

Our society is different geographically, demographically and socially. As other members have indicated, we know that we have a problem that we need to address. If we fail to do so, we will pay the consequences. If we do not address the problems with the Gambling Bill, we will have to deal with crime, health and debt problems and a whole array of other problems that will be exacerbated by the bill and for which the Parliament has devolved responsibility.

Michael McMahon: Mr MacAskill talks about the principles. If all the issues are so important, why did no SNP member take the time to raise them in the Parliament at Westminster, to which they are reserved?

Mr MacAskill: The principle remains the same—the new Labour Government is closer to the likes of Bernie Ecclestone and the big American casino companies that wish to come in than to the ethos of looking after the people whom it is supposed to represent.

We know that gambling is a serious problem and causes difficulties. Information on that has been clearly provided by churches, academics and others. The statistics prove that we have problems and, whether from Australia or elsewhere, they show that supercasinos will exacerbate those problems and make them infinitely worse.

The Parliament has a duty to legislate to ensure that supercasinos do not come here. That is our responsibility and we must accept it. Of course, there is no difficulty with people going to the bingo or having a flutter—those are not problems—but we have a duty as a state and as a Parliament to address factors that will make matters infinitely worse. We legislate on narcotics. We legislate on pornography. We have a duty to legislate on supercasinos, given the harm that people will do to themselves, their families and their communities if such casinos are introduced.

The bill will open Pandora's box and we will face a significant problem. I am glad that Mr Brown spoke out against it; I hope that he will have the courage of his convictions and vote in accordance with them. We are aware that the issue is about individual responsibility and teaching people about the consequences of gambling, but we have a duty as a state to take responsibility where people fail to address their own problems. We legislate on smoking because we believe that it can be detrimental. We act not because we are a nanny state, but because we acknowledge that there is a significant problem and that there is an onus on this Parliament to act.

The debate is not about procedures. The procedures could be resolved without even involving the Scotland Act 1998. Fundamentally, the issue is one of principle. However, if people have no principles or cannot decide whether their principles come through Brown or Blair, or through the American companies that are the main backers, it is no wonder that they abrogate responsibility. Others in the chamber believe in the principle that we have to take responsibility. We believe that gambling causes social problems that supercasinos will exacerbate and we fundamentally believe that it is the responsibility of all members to vote against the bill.

17:09

Tavish Scott: The main suggestion that has been made in the debate is that there will be a proliferation of supercasinos throughout Scotland. That is absolutely not the case, as those members who have contributed rationally to the debate have illustrated. The main issue that has been raised has been that of supercasinos or regional casinos. The regulatory regime that I have described and that I discussed at length with the Local Government and Transport Committee on 14 December is clear. Pressure has been put on the UK Government's policy on the number of supercasinos and several licensing and regulatory checks will be put in place if the motion is passed. However, those hurdles will not be put in place if the Parliament follows the SNP-Tory coalition on the issue.

First, the powers of licensing boards will include a specific provision to say no to additional casinos of any size. Licensing boards can take a different approach to the three categories of casino, which is the answer to Robert Brown's point. I stress again that, if local people and communities do not want more casinos, the licensing board can reflect that view and not have any. Secondly, national conditions will be set by the Scottish ministers, who are accountable to the Parliament. Again, those conditions will be important checks in the licensing regime. Related to the conditions will be a consultation on the national planning policy guidance that will be used by local authorities, which will impact directly on the development of such casinos. That is a further check in the regulatory regime.

Thirdly, in direct response to the legitimate concerns of many members, I reaffirm that the UK Gambling Bill will include a clause with regard to consultation with the Scottish ministers. UK ministers have said that they will give the greatest possible weight to the Scottish ministers' views in their consideration. SNP members will weep and wail that that is not enough—for them, it is never enough. However, if they thought rationally and logically about the matter—I am perhaps departing from reality in even making that suggestion; after all, why should we allow a rational argument to get in the way of a synthetic rant?—they would realise that, in circumstances in which ministers consider an application and communicate a negative view to Whitehall, it would seem logical that such a view could not be ignored.

Mr Crawford raised the issue of consultation. He was wrong about live entertainment, as he has been wrong on the whole issue all along. A consultation exercise in Scotland, which included responses from licensing boards, showed a majority in favour of removing the current restrictions on live entertainment.

Bruce Crawford: Will the minister take an intervention?

Tavish Scott: No. Mr Crawford would not give way to me, so he can just sit down.

The debate has had little to do with gambling and everything to do with the astonishing fact that the Tories and the SNP, despite having diametrically opposed views on the subject, will once again vote together. The SNP will oppose a Sewel motion that gives Scottish ministers and the Parliament more power, not less. The nationalists believe that, as with all reserved powers such as defence, foreign affairs and social security, the Parliament should have responsibility. Of course, the Tories want no new powers for the Scottish Parliament—Mr Mundell was explicit about that. The Tories never want new powers for the Parliament; in fact, they did not even want the

Parliament in the first place. There is no greater illustration of their commitment to the Parliament than the fact that Mr Mundell, Mr Johnstone and Mr McGrigor all want to go and live in another place. So much for their commitment to Scotland.

The SNP and Tories are working together for diametrically opposed reasons. There is no greater illustration of the paucity of the Opposition parties' argument than their complete indifference to the actual issue and the crumbling inadequacy of their stance of opposing each other while voting together.

Fergus Ewing rose—

Tavish Scott: Mr Ewing can carry on standing.

The debate is about additional powers being given to Scotland on a reserved matter. If the Parliament rejects the motion, as the Opposition parties want, MSPs will be unable to hold ministers to account for the use of those powers and the UK Government will simply retain them. Of course, that is what the Tory-SNP Opposition wants. I presume that the pro-independence Greens and SSP will support that position. It is about time that the pro-independence Greens and SSP got more attention—they are very quiet about that policy plank. We should use the Freedom of Information (Scotland) Act 2002 on the SSP and Green policy plank on independence.

I urge the Parliament to reject the SNP-Tory coalition's political posturing on the constitutional question, which leaves those parties electorally sterile and impotent in each other's arms. I commend the motion to the Parliament, as it will give ministers greater powers and will therefore allow the Parliament to hold the Government to ever greater account.

Business Motions

17:14

The Presiding Officer (Mr George Reid): The next item of business is consideration of business motion S2M-2237, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 19 January 2005

2.30 pm Time for Reflection
followed by Parliamentary Bureau Motions
followed by Executive Debate: Closing the Opportunity Gap
followed by Motion on Constitutional Reform Bill – UK Legislation
followed by Business Motion
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Thursday 20 January 2005

9.30 am Parliamentary Bureau Motions
followed by Stage 1 Debate: Further and Higher Education (Scotland) Bill
 12 noon First Minister's Question Time
 2.00 pm Question Time—Enterprise, Lifelong Learning and Transport; Justice and Law Officers; General Questions
 3.00 pm Executive Debate: Climate Change
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Wednesday 26 January 2005

2.15 pm Time for Reflection
followed by SPCB Question Time
followed by Parliamentary Bureau Motions
followed by Executive Business
followed by Business Motion
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Thursday 27 January 2005

9.30 am Parliamentary Bureau Motions
followed by Scottish Conservative and Unionist Party Business
 12 noon First Minister's Question Time

2.00 pm

Question Time—

Education and Young People, Tourism, Culture and Sport; Finance and Public Services and Communities; General Questions

3.00 pm

Stage 1 Debate: Budget (Scotland) (No.2) Bill

followed by

Parliamentary Bureau Motions

5.00 pm

Decision Time

followed by
Curran.]

Members' Business.—[*Ms Margaret*

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S2M-2234, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, which sets out a timetable for legislation.

Motion moved,

That the Parliament agrees that consideration of the Smoking, Health and Social Care (Scotland) Bill at Stage 1 be completed by 29 April 2005.—[*Ms Margaret Curran.*]

Motion agreed to.

Parliamentary Bureau Motion

17:15

The Presiding Officer (Mr George Reid): The next item of business is consideration of Parliamentary Bureau motion S2M-2235, which is on the approval of a Scottish statutory instrument.

Motion moved,

That the Parliament agrees that the draft Criminal Procedure (Amendment) (Scotland) Act 2004 (Incidental, Supplemental and Consequential Provisions) Order 2005 be approved.—[*Ms Margaret Curran.*]

The Presiding Officer: The question on that motion will be put at decision time, to which we now come.

Decision Time

17:15

The Presiding Officer (Mr George Reid): There are three questions to be put as a result of today's business. The first question is, that motion S2M-2190, in the name of Robert Brown, on child protection issues, be agreed to.

Motion agreed to.

That the Parliament notes the 8th Report, 2004 (Session 2) of the Education Committee: *Report on the Scottish Executive's Implementation of Recommendations of the "It's Everyone's Job To Make Sure I'm Alright" Report* (SP Paper 201); notes the Executive's response to the report, and draws the attention of the Executive to the impact of disclosure requirements, particularly in light of the implementation of the provisions of the Protection of Children (Scotland) Act 2003.

The Presiding Officer: The second question is, that motion S2M-2118, in the name of Tom McCabe, on the Gambling Bill, which is United Kingdom legislation, be agreed to. Are we all agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)

May, Christine (Central Fife) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (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, Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 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)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 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, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mundell, David (South of Scotland) (Con)

Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Welsh, Mr Andrew (Angus) (SNP)

The Presiding Officer: The result of the division is: For 63, Against 55, Abstentions 0.

Motion agreed to.

That the Parliament agrees the principle of including in the Gambling Bill provisions which confer powers on the Scottish Ministers, including powers to set fees and make regulations on the conditions to be attached to gambling premises' licences and permits, and agrees that the relevant provisions to achieve this end should be considered by the UK Parliament.

The Presiding Officer: The third and last question is, that motion S2M-2235, in the name of Margaret Curran, on the approval of a Scottish statutory instrument, be agreed to.

Motion agreed to.

That the Parliament agrees that the draft Criminal Procedure (Amendment) (Scotland) Act 2004 (Incidental, Supplemental and Consequential Provisions) Order 2005 be approved.

South Asia Earthquake and Tsunami

The Deputy Presiding Officer (Trish Godman): The final item of business today is a members' business debate on motion S2M-2216, in the name of Rosie Kane, on the earthquake and tsunami that hit the coasts of south Asia on boxing day, 2004.

Motion debated,

That the Parliament is horrified by the catastrophic earthquake and tsunami which hit southern Asia and parts of Africa on Boxing Day, 2004; mourns the enormous loss of lives from Malaysia to Somalia, particularly in Indonesia and Sri Lanka, more than half of whom are expected to be children; congratulates NGOs like Oxfam, the Red Cross, the Scottish Catholic International Aid Fund and others for their instant and courageous response; is concerned that this region did not have the benefit of an early warning system, despite the fact that it sits on a known fault line; is concerned at the initial level of aid offered by the UK Government and believes that the current promised aid is inadequate and should be increased to meet the needs of the entire region; encourages everyone in Scotland to help in any way they can, commensurate with their means, and considers that the Scottish Executive and those in power should set an example above and beyond the support of the Scottish people to ensure that Scotland sends a clear message of support in both words and deeds.

17:19

Rosie Kane (Glasgow) (SSP): As we all know, on boxing day 2004, the world shook. A magnitude 9 earthquake occurred deep underground off the west coast of northern Sumatra in Indonesia. That generated a tsunami, which, within hours, swept across the Indian ocean. We are now all aware of what happened next and of the far-reaching devastation in the tsunami zone.

Almost immediately, the non-governmental organisations and aid agencies were on the ground, supporting, caring and giving in the massive area that was affected. I take this opportunity to name and thank some of the agencies concerned: Oxfam, the Catholic Agency for Overseas Development—CAFOD—Action Aid, Christian Aid, World Vision, the International Federation of Red Cross and Red Crescent Societies, Concern, Edinburgh Direct Aid and, of course, Glasgow The Caring City. All of them have worked around the clock both here and in the tsunami zone. Our respect for and gratitude to them is enormous and I know that we are united in that.

The terrible images of agony and devastation that we see on our television screens and in our newspapers give us a little insight into the horror for those hit by the tsunami so suddenly and so badly. The response of the people of Scotland has been phenomenal and we are all humbled by it—

from the child who gave his pocket money, to the pensioner who gave her life savings, to the homeless man who went into a charity shop and emptied his pockets of what little he had. All that shows a caring society of which I, for one, am proud to be part.

The tsunami zone now has a death count of something in the region of 150,000, which is likely to rise. Entire communities have been destroyed, some beyond repair, and it is clear that the support that is being given so generously must be sustained in the long term. Sadly, history tells us that too often when the world's focus switches from a disaster the support switches with it. Aid pledges are not always honoured. It is unfortunate that although Afghanistan was promised \$1.8 billion in reconstruction aid in 2002, which was applauded at the time, only \$80 million to \$90 million arrived. After the earthquake in Iran in 2003, which left at least 40,000 people dead, \$1.1 billion was promised in aid, but so far just \$17.5 million has materialised.

Yes, we are concerned. Can members imagine what it is like to be part of an aid organisation or NGO on the ground, awaiting that support? Worse still, imagine being homeless, starving and traumatised and awaiting aid. We must be mindful and vigilant so that when the tsunami zone leaves our screens it does not leave our consciousness. Government pledges must be made swiftly and they must be honoured. We must all do everything that we can to ensure that pledges become a reality.

Many issues have been thrown up over the past couple of weeks. The huge poverty gap in the region has meant that many folk in the area, which is often viewed in the west as a tourist beauty spot, live hand to mouth. Many countries in the region were already in terrible poverty and in need of NGO attention and aid programmes. The disaster has exacerbated the problem, as Nora Radcliffe said earlier.

We cannot ignore the vulnerability of people in those areas. There is a fear that sinister characters hang around such situations and they are not always the obvious ones. For instance, big business must not be allowed to step in and exploit the situation by offering conditional support; nor should Governments for that matter. Support must be unconditional. Let no one offer aid on the condition that water be privatised, which, sadly, the United Kingdom Government did in relation to the aid given to Tanzania. If this is to be an opportunity, it is an opportunity to unite and support, not exploit and make a fast buck.

Children in the region are under threat of illness, but there are other threats, especially to those who are lost, separated or orphaned. Predators such as traffickers who will abduct children are hanging

around the periphery and children have been taken. Networks are well established in these areas and in some countries the trauma of the removal of children to other parts of the world is well documented. Abducted children are often sold into bonded labour or sex slavery. Child protection must be at the top of the agenda, short term and long term, if we are to bust those hideous activities and protect those vulnerable children and young people now and in future. Organisations on the ground are doing their best, but it is against the odds and reports are now coming in of lost children.

As elected representatives we must keep our eye on the ball a long time after it leaves our TV screens and our newspapers. We must thank and support the people of Scotland who have opened heart, mind and purse to this terrible situation. We must campaign to cancel all debt repayments, which serve to keep poor countries poor and rich countries rich. We must bear it in mind that, for every pound that we give at the moment, it is likely that £3 will be paid back to us unless we cancel debt.

The tsunami has hit, the waves have gone, but the devastation goes on and on and on. The Executive must do all that it can to assist the rebuild. We must react as the general public has reacted. This Parliament must give unconditionally and until it hurts. I believe that that is the wish of the Scottish people.

17:25

Stewart Stevenson (Banff and Buchan) (SNP): We will all agree that although the loss of a single person diminishes us all, the loss of hundreds of thousands diminishes our whole world. Although the death of one person is a disaster for the people who are intimately touched by that loss, the deaths of so many so quickly, and by a natural disaster, tugs at a world that arrogantly defines itself as civilised. Some comparisons will illustrate that point.

We remember the blitz during the last world war, but it killed only a quarter of the number of people who have died in the tsunami. We shiver at the recollection of Hiroshima and Nagasaki, but the bombs there killed only half the number who were killed three weeks ago. If our response to this natural event is not at least of a scale that is similar to that of the remembrance and continuing sorrow that is associated with those man-made events, we will demean all humanity.

The measure of our humanity rests in the scale and appropriateness of our response now. Impressive deliveries of food and water have tackled short-term need. Deliveries of generators, hospital infrastructure and water-purification plants

have started to rebuild vital infrastructure. When money—that engine of change and support—is spent directly in the affected areas whenever possible, it can start the economic recovery that must follow such disasters. Fundamentally, however, we must equip the people who will continue to live on Asian shores with the tools, the skills and the capital that will sustain their long-term future.

Over the past 30 years, I have visited many of the affected countries, including Malaysia, Indonesia, Burma, Thailand, India and Kenya. Based on that experience, I will make one extremely important point: we must not imagine in our response that one size will fit all. Even before the tsunami impacted in different ways on each of those countries and on others that I have not visited, thereby creating differing support needs, those countries were extremely different in terms of their cultures, peoples, languages, beliefs and development. The best people to judge the need of people in those countries are the ordinary people who live in those countries and who can work together to decide what their needs are in relation to their local circumstances.

Some countries in the area have bureaucracies and institutions that are able to identify and articulate their people's needs. Others, however, are not so fortunate. Indonesia has particular issues—it is a country that is in many ways an accidental relic of an imperial past. It has diverse geography and peoples who have diverse aspirations, many of whom feel justified antipathy towards their Government, which oppresses rather than supports them. In 1978, I visited Burma. Then, I could fly only into Rangoon because the Government controlled none of the border regions. I was allowed only 48 hours there alone. The Government was oppressing all of its peoples and I had to stay in the only working hotel in the country, behind outward-facing tanks. Little has changed; if anything, the situation has become worse.

We must hope that the door that has been opened by this natural disaster not only lets in immediate aid but leads to the empowerment of people. From this tragedy must come long-term progress.

17:29

Nora Radcliffe (Gordon) (LD): The fact that we still do not know, and indeed will never know accurately, the full extent of the damage that has been done by the subsea earthquake and subsequent tsunamis in south-east Asia, India and Sri Lanka is a graphic measure of the awesome and awful size of the disaster. The human reaction to sudden death and destruction on such a massive scale has united people around the

globe. As I said earlier, people's thoughts and prayers have been for the victims—those who perished and those who survived—and their almost immediate reaction has been to do what they can to help.

I hope that the emotional shock wave of this event will galvanise the global community to think about running the world more fairly and inclusively. If the developed world actually met the United Nations target of allocating 0.7 per cent of national income to aid, that would be a good start. If that aid was delivered in ways that were truly effective in helping underdeveloped countries to help themselves rather than in ways that almost constitute indirect support for economic development of the donor country, that would really begin to make a difference. As a last general point, it is salutary to remember that the loss of life to the tsunami is matched weekly by preventable deaths in Africa.

Earlier this afternoon, when we focused on the tsunami disaster, important points were made about what constitutes helpful help and what does not. The most useful commodity that ordinary people can give in the immediate aftermath is money to buy relevant supplies and expertise—locally if possible, as Stewart Stevenson said. People have given swiftly and generously. Later, different kinds of help are needed, but donors must be sensitive to recipients' needs. For example, a decommissioned modern deep-sea trawler is probably of little use as a fishing boat in the context of the Indian ocean and how people fish there, although it crosses my mind that if such a boat was moored or run on to a beach it could provide valuable living accommodation or be used as a hospital ship or a school.

The motion mentions the lack of an early-warning system. Again, that is not as straightforward as one might think. Experts tell us that it is difficult to predict whether an earthquake will trigger a tsunami; some large earthquakes do not, but some quite minor ones do. Also, a warning is useful only if it is backed by a response system. Who is told, and who tells who to do what? Careful and objective thought needs to be given to what is required and what will be effective.

Last week, Menzies Campbell wrote to Jack Straw to urge the United Kingdom Government to help to set up a well-resourced UN rapid-reaction disaster relief force. I believe that such a force would be effective. In such situations, it is crucial to get aid in fast. We have seen from news coverage how essential air support is in getting water, food, temporary shelter and heavy lifting gear to where it is needed, but it took four or five days to get it organised. Five days is a long time to wait for the basic necessities if one is in a state of

shock, bereaved, bereft of every possession and existing in a desert of sand, mud, debris and the rotting remains of family, friends and neighbours. The United Nations is the appropriate body to put together a rapid-reaction capability that can reach any part of the world within hours. I hope that the suggestion is acted on.

Devastation on the scale that we saw on boxing day also creates a need for long-term support. I think that community-to-community support will have a longer shelf life than less specific giving which, sadly, tends to wane along with coverage as a disaster becomes old news. I also believe that more personal connections can provide a healing power for people who have lost so much of their own human networks.

I close by saying that I am proud of the way the people and institutions of Scotland have responded and have done what they can to help.

17:34

Bill Aitken (Glasgow) (Con): I think that it is true to say that on boxing day a new word entered our vocabulary. The word "tsunami" will, for everyone, be associated with the terrible pictures that we saw on television from the affected areas. Those who saw those pictures will not forget them. For those who lived the reality, the experience must be seared into their souls.

My goddaughter's young sister was in Phuket in Thailand when the tsunami struck. We had a very anxious two or three hours until we found out that she was safe. Some of the images that she projected from 6,000 miles away were distressing, to say the least.

However, we must move on. All that we should be thinking about at the moment is how we can assist constructively. As Nora Radcliffe said, we can give money. The tremendous generosity of everyone has been heartwarming and, in particular, the generosity of the Scottish public has been fantastic, to be frank. We are entitled to take great pride in that, but we must also provide services and support. We listened to the First Minister's statement this afternoon, and the Executive is to be congratulated on the steps that it has taken thus far. It has moved in the appropriate direction expeditiously and constructively and there is a basis for moving on from what has already been provided to provide more.

As has been said, what is really necessary is long-term support, but that support must be targeted. When there is a tremendous influx of money into a region that needs it, it is sometimes difficult for that money to be spent in a manner that maximises its effectiveness. Nevertheless, that is what will have to be done, and that is where

a lot of the expertise that we have gathered here in Scotland can be used. We must rebuild communities, not only in respect of bricks and mortar—bricks and mortar are not necessary in that part of the world, which makes matters a bit easier—but in respect of communications, for example. Some areas remain effectively cut off; we must consider whether we can improve the roads.

We must also consider the many ways in which we could improve employment possibilities in the region. We must look at the textile industry and ask seriously whether the tariffs that are proposed by the European Union are appropriate. If we believe in free trade, we must recognise that the principle of free trade will sometimes prejudice us to an extent. At certain times, we must make the point that we will, if necessary, be prejudiced in a short-term situation.

Where I perhaps part company with Rosie Kane—whom I congratulate on bringing the matter to Parliament so quickly—is in my belief that cancelling debt could, in itself, create a longer-term difficulty. The countries that need the money might not get the money if there was no prospect of its being repaid. However, that is perhaps an argument and a discussion for another day.

We must look at all the particular situations. The urgency with which everybody has responded has been praiseworthy, but once the images begin to leave the mind, we cannot have a situation in which these people are denied the help that they need in the much longer term.

17:38

Mark Ballard (Lothians) (Green): I thank Rosie Kane for bringing the motion to the Scottish Parliament. I share the sentiments and concerns that she and others have expressed about the scale of the disaster and I join in congratulating the Scottish people on their overwhelming generosity.

Some years ago, I visited the south Indian state of Tamil Nadu. Along with others, I have been appalled to see the devastation that has been wreaked on the people in that corner of the Indian ocean—a devastation that has extended across the entire area. We must ask the fundamental question why this natural disaster—this act of God—was so deadly. Why was the death toll so high? Acts of God and natural disasters happen, whether they are earthquakes, volcanoes, mudslides, tsunamis, hurricanes or floods. However, this disaster had a huge toll of human lives, and that must be a result of the poverty of the communities that were hit by it.

As I travelled in a bus along the roads of Tamil Nadu, I saw fishing village after fishing village with

thin wood or mud-walled shacks and palm-roofed buildings—the kind of buildings that would be devastated by a tsunami. The countries that suffered the most were those that did not have the health systems or the transport and other basic infrastructure that would be required to deal with such a disaster. They lacked any early warning system and, as has been mentioned, even if they had such a system, how would the warning have been spread throughout those countries where communication is so poor?

To my mind, it is poverty that has caused the unimaginably huge scale of the disaster, and tackling that poverty will make sure that when such acts of God happen, they do not kill people in their hundreds of thousands. During the past year, Florida was hit by four massive hurricanes that caused \$20 billion-worth of damage, but only 117 people died. Obviously that is 117 people too many, but the United States was able to mobilise and get its citizens out of the way of the hurricanes in a way that the countries that were most affected by the tsunami were not able to do.

A major cause of poverty in those countries is the overwhelming burden of debt that many of them face. Indonesia owes 73 per cent of its gross domestic product as debt and 105 per cent of Sri Lanka's GDP is owed as debt. Until we tackle those debt mountains, we will always face huge numbers of deaths when such disasters strike.

I was concerned to read of the rejection of the initiative calling for debt relief and the end of the debt burden faced by such countries that Gordon Brown took to the Paris Club. According to Oxfam, that rejection was led by Japan. We need to avoid such short-sighted thinking and join together as a global community to support the millennium development goals to which almost every country in the world signed up. We in Scotland need to support campaigns such as the make poverty history campaign and other campaigns for debt relief because that is the only way in which tragedies of this kind will have a minimised impact on the communities that face such acts of God.

I share the concern at the scale of this tragedy. We must act collectively to make sure that such tragedies are never allowed to happen again.

17:42

Mr John Swinney (North Tayside) (SNP): I congratulate Rosie Kane on securing the debate at such an early opportunity for Parliament.

If the expressions that have been passed to me by members of the public are anything to go by, there is much about the tsunami and its aftermath that has taken our breath away. The physical power of the tsunami was breathtaking for all of us to observe. However, other parts of the events of

the past few weeks are similarly breathtaking. The fundraising efforts in all of the communities that we have the privilege to represent have been equally breathtaking, as has the intensity of the effort that has been put into supporting the people who have been afflicted by the tsunami. I have been overwhelmed by the tremendous amount of public activity by all sorts of local organisations in my constituency that have swiftly gone out, raised money and sent it off. That in no way takes into account the enormous personal contributions that have been made.

There are other sides to the tsunami that take our breath away in a much more unfortunate way—Rosie Kane mentioned them. I was horrified to see on television that, amid all the awful tragedy in south-east Asia and Africa, children were made ever more vulnerable by the intervention of some totally awful individuals. Those individuals are trying to take children already in an utterly vulnerable situation to make them more vulnerable as part of the sex tourism industry and the trade in children and other people that goes on in our society. It is almost beyond imagination that anyone in all that tragedy could begin to turn their mind to inflicting more tragedy on those afflicted young people. The tsunami has been an utterly breathtaking event, but we must gather ourselves to ensure that we take every step possible to support the effort to improve people's lives. At the height of that effort must be the protection of children, which should be a paramount concern for us all.

Among all the froth of recent days about divisions between the Prime Minister and the Chancellor of the Exchequer, one important point that has been missed is the chancellor's attempts over many years to place much higher up the global political agenda the issues of debt relief and the imbalance of wealth between rich nations and poorer nations. He has faced an upward struggle in doing that, so I commend the way in which he has seized the opportunity presented by the worldwide attention on the tsunami crisis to try to highlight the importance of debt relief. He has tried to ensure that the issue does not slip away when the news coverage moves on but remains for all time as part of the political agenda that we all buy into. The efforts of the chancellor, like those to which Tom Hunter has now committed himself under the make poverty history campaign, are about the long term.

Mark Ballard: Does the member share Oxfam's concern at Japan's resistance to the debt-relief measures that Gordon Brown has proposed?

Mr Swinney: Of course I share that concern. That development points up the need for every part of the world to reflect on how the enormity of

the tsunami illustrates the burden of poverty that so many parts of our world face.

If any good is to come out of what has been an awful natural disaster for the people of south-east Asia, it must be that the tsunami acts as an illustration of how we can no longer ignore the problem of poverty. If we do, we will continue to have the instability that wrecks the world. Such disparities create the instability and uncertainty that weakens countries and our whole civilisation. The disaster may be far away, but it affects our way of life. We must act, and do so wisely, to protect those who have been affected by this tragedy and by the other tragedies that take place every day. We must do that by getting the issue of poverty to the top of the political agenda.

17:47

Frances Curran (West of Scotland) (SSP): I welcome today's debate, which is just the beginning of a much longer debate that will take place both in the Parliament and in the media.

We have all been struck by the enormous generosity of the people of Scotland in donating to the disaster fund. The facts and figures show that the less well-off—those who earn less than £20,000—give a much greater percentage of their income to disaster appeals and to charity. In acknowledging that, we in the Parliament should recognise that such generosity says something about the type of society to which people want to belong. People want to be part of a society that shows and feels humanity and compassion. That is certainly the type of society of which I want to be a member, both in Scotland and worldwide.

Much of today's and tomorrow morning's debates will be about aid and restructuring, because the biggest priority must be to save lives and to provide the basic necessities. However, it is also incumbent on us as politicians to ponder, to consider and to provide answers to the wider questions, which I want to raise now. The debt cancellation issue is about to arrive on the political agenda in Scotland with what could be 100,000 or 200,000 people marching behind it. We could see the biggest demonstration ever in Scotland when the make poverty history campaign comes to Edinburgh on 2 July. We need to take part in that. The question must be why we should not cancel the debt; the debate will be long, but we need to take part and provide an answer to that question. What is the problem with cancelling the debt?

Another wider question that I want to raise echoes the point that Mark Ballard made. Earthquakes and natural disasters affect countries in many parts of the world, but the question that we must consider is why Japan and America are much more able to resist—to rescue and rebuild—

when they suffer natural disasters and earthquakes. That is about infrastructure and the issues that the make poverty history coalition is raising—globalisation and the resulting inequality of wealth. Why were there those levels of devastation? Why is there such inequality? We must challenge those issues head on.

The inequality is not limited to infrastructure—there is also an inequality in protection. The big question—which has already been debated in parts of the press—is, why was there no warning? If there had been a warning, it could have made a huge difference. The rich countries have a warning system, and some people, including the US State Department, received a warning. The US base of Diego Garcia, which is on a tiny island slap bang in the middle of the Indian ocean and houses the B52 and stealth bombers, received a warning. There was no damage whatever on the island, which is hard to believe. I want to know what happened there that made all the difference. We need to raise that issue. Some other countries received information and a warning, but not Sri Lanka or Thailand. Why not? Is that another inequality?

We need to ask about the morality of what happened. What is the difference between our response to an act of God and our response to an act of man? I do not have time to read out a quote that appeared in *The Guardian* from a doctor who went into Fallujah, which is transferable to the situation in Sri Lanka, Thailand, the coast of Indonesia and the other countries affected by the tsunami. However, there was not the same outpouring of compassion or humanity in response to what happened in Fallujah.

The dissident Asian writer Harsha Walia made the point this week:

“Compassion has become morally and politically appropriate, as it should be. What is inappropriate is the ability to decide which images are worthy of those emotions.”

The Parliament must face up to and answer that question. It is on the conscience of everyone who takes part in this debate.

17:52

Jim Mather (Highlands and Islands) (SNP): I, too, congratulate Rosie Kane on bringing this debate to the Parliament and triggering the speeches that we have heard this evening.

The nature of this tragedy and the deaths and injuries that have resulted from it are on a scale that we can hardly comprehend. The tsunami was far more sudden than, and as cruel as, plagues or wars have been in the past. However, we must now turn our attention to the biggest concern, which is the state of the survivors. Millions were

left without food or shelter. Thousands have broken bones and appalling injuries from waves, debris and immovable objects. Many are ill due to long stints in cold water and lack of food, shelter and fresh water. Fears remain that the unsanitary conditions will be exacerbated among the ruins and that the lack of clean drinking water, in particular, could lead to outbreaks of disease.

Lack of money does not seem to be an insurmountable problem, if all the international pledges are honoured—which they must be. International donors have pledged billions of dollars and have indicated a willingness to do more, if need be. International Government grants have been materially augmented by weighty sums donated by private citizens around the world. The people of Scotland have already magnificently contributed more than £20 million.

Logistics is left as the main challenge facing the relief effort. Infrastructure in the most ravaged areas, including Aceh and the southern and eastern coasts of Sri Lanka, was not great in the first place, but the tsunami has made matters much worse. Although roads have been hastily repaired and ports and airstrips have been cleared to ease delivery, bridges and other key elements of transport infrastructure remain shattered, which inhibits the distribution of aid.

We need to provide comprehensive, long-term help so that those problems can be overcome and we can put these otherwise self-sufficient people back on their very capable feet, offering them a new beginning. That means a continuation of the lifeline support that has been provided to date, a long-term commitment to infrastructure reconstruction and the rebuilding of areas' economic capability. It also means installing warning systems that need not be that expensive—indeed, I think that even sophisticated systems are not too expensive—and are a blend of high-tech computer systems that tell us when such events are happening and low-tech equipment that, for example, activates radios in the hands of more and more people. It might even come down to the simple measure of wardens being able to cycle round villages, sounding their bells. We must ensure that when something like this happens again we do not have anything like the fatalities, injuries and devastation that we have had this time around.

17:55

The Minister for Tourism, Culture and Sport (Patricia Ferguson): I am very grateful for this opportunity to join other members in expressing a shared sense of shock and sadness at the magnitude of this terrible disaster. Indeed, I echo the condolences and sympathy that the First Minister and others offered earlier today and which

Rosie Kane and other members have offered during this particularly good and consensual debate. Given the topic under discussion, such an approach is entirely appropriate.

Our condolences must go particularly to those communities that were hit by the tsunami, whose people have lost not just their homes and livelihoods but, in so many cases, their friends and families. More than our thoughts and condolences should be with those people as they struggle to rebuild their shattered communities. Scotland is rich in talent, skills and knowledge. We have much to offer the relief effort—and offer it we have. Through their immense generosity, the people of Scotland have clearly demonstrated their commitment to help their fellow human beings at this time of desperate need. As the First Minister mentioned, it is expected that the sum donated in Scotland will shortly be in excess of £20 million.

I am pleased to note the commendable efforts of Scottish businesses in responding to the disaster, both through donations and offers of help. In particular, Scottish Water is to be commended for acting so quickly to get water and other vital equipment out to the region immediately after the disaster struck. A number of its staff are working in the region to provide much-needed expert assistance in the struggle against time to get vital sanitation services up and running again.

In my visits this week to some of the Scottish charities that are contributing to the relief effort, I have been struck by the very real energy at work and by the shared desire in Scotland to reach out to and help the people who have been most affected by this disaster.

As colleagues know, the UK Government has already pledged £75 million and is poised to contribute more money as it is needed. Chancellor Gordon Brown's proposals for a moratorium on debt for the worst affected countries are also welcome. At this point, I want to mention the froth to which John Swinney referred. I am amazed to find that, in all of this, people have overlooked the fact that the chancellor and the Prime Minister said exactly the same thing in separate speeches in different parts of the country. We need to get that message across.

Our task now must be to turn that money into practical help on the ground and it is by supporting the efforts of Scottish-based charities that ministers and the Executive are best placed to help. To ensure that this happened, I met those organisations in the days following the disaster, and with my officials I have remained in touch with them to ensure that we can continue to offer them the most relevant support.

In the short term, we have been able to provide timely administrative help through the secondment

of Scottish Executive staff, which has helped to free up the aid agencies' experienced staff to concentrate on disaster relief work in Asia and has ensured that they can continue their vital work in other parts of the world. In the coming weeks, we will continue to support them with specialist secondees, who will provide the administrative and information technology expertise that they can make best use of.

Richard Lochhead (North East Scotland) (SNP): The minister will appreciate that many people in Scotland want to contribute not just cash but services and materials to the appeals. Most people know how to contribute cash, but not many know how to contribute the other elements. Has the minister turned her attention to that matter? Is there any solution that will allow people to get such help to the right places?

Patricia Ferguson: In fact, the giving in kind that people in Scotland have already committed themselves to has been immense. For example, I visited a Save the Children charity shop where people could not open quickly enough the bags of items that had been donated. We must also be careful that we provide the help that is needed on the ground and that, where possible, we support local industry to ensure that money goes back into those companies. I am certainly happy to look further into the area that Richard Lochhead has specified. Rosie Kane was absolutely right to say that our support has to be long term. It is not a short-term thing.

Over the longer term, we will be looking across the skills and talent bank of Scotland to find ways in which we can play to our strengths in helping the reconstruction effort. The Executive is engaged in identifying specialist health professionals who have the skills to help to stem the spread of diseases that so endanger the recovery of these devastated regions. Likewise, as the First Minister mentioned, my colleagues are in discussion with the Scottish fishing community, to assess whether Scottish expertise might help to rebuild the fishing communities that were so affected by the disaster. Representatives of that industry and of the Scottish Executive are in discussions with the Department for International Development to develop an appropriate and co-ordinated response for the long-term reconstruction, and I look forward to hearing more from the joint tsunami fisheries task force once it has met.

Rosie Kane was absolutely right to mention the plight of children. Save the Children estimates that, in Sri Lanka alone, there are at least 745 children who have lost at least one parent, 371 children who have been separated from their families and friends and another 46 children who are just unaccompanied and for whom there does

not seem to be any support. That is an area to which we will turn our attention in more detail in the days ahead.

Meeting closed at 18:02.

There are many challenges to which I hope Scotland will contribute as the relief effort progresses, but I want to conclude by reminding the chamber that there is yet another pressing challenge to consider; it is a challenge that has been referred to by some members this evening. I hope that we can build upon the very real spirit of generosity, of human compassion and of concern that has arisen from those terrible events, and take strength from it.

In 2004, many poor and vulnerable people died as a result of the tsunami disaster but also because of the poverty that was endemic in those countries to begin with and because they did not have the infrastructure to cope with the result of the disaster. People have also died in those countries, and in other countries throughout the world, from hunger and disease. In 2005—the year when the G8 summit will consider how the wealthiest countries might assist the poorest—I am sure that all of us in this chamber are committed to making poverty history. I believe that we have a real opportunity to make that vision a reality, and the Executive is prepared to play its part in that.

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