

# **MEETING OF THE PARLIAMENT**

Thursday 24 February 2000

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## Scottish Parliament

Thursday 24 February 2000

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

**The Presiding Officer (Sir David Steel):** Good morning. I feel like delivering a sermon on poor attendance at church.

**Mr John Swinney (North Tayside) (SNP):** Wait until you hear what we have to say. [*Laughter.*]

**The Presiding Officer:** Before we begin this morning's debate, I must inform members that there will be a statement at 3.30 this afternoon on section 2A, which will curtail the debate on the code of conduct. That message will be transmitted on the screens throughout the offices.

## E-commerce

**The Presiding Officer:** The first item of business this morning is motion S1M-575, in the name of Henry McLeish, on e-commerce, and an amendment to that motion.

09:31

**The Minister for Enterprise and Lifelong Learning (Henry McLeish):** Presiding Officer, I want to thank you for coming to swell the numbers, given the lack of a charged environment this morning.

**Mr John Swinney (North Tayside) (SNP):** Not yet.

**Henry McLeish:** "Not yet" is the usual battle cry of the nationalists.

I am sure that there will be unity of purpose in this debate, as it concerns an important issue for business in Scotland. In previous debates on the knowledge economy, tourism and manufacturing, we may have expressed differences of opinion on the margins, but a consensus is emerging in Scotland about the importance of the economy. A new and worthwhile model is being developed between the Parliament, the Executive and the business community. Nothing is more important to Scots, no matter where they live in Scotland, than jobs, prosperity and equality of lifestyle. It is in that context that I want to highlight the issue of e-commerce.

Today, we can send a message from the Parliament that is supported by all sides—that e-commerce is vital to the future of the Scottish economy. Currently, 7 per cent of businesses are trading online: that is more than in some countries, but the figure is not as great as it might be. The

defining point of today's debate is the fact that we need to work around a set of ideas and steps forward that will dramatically increase that percentage and ensure that business does not lose out at a time when e-commerce, or e-business, is an opportunity. If we do not take the opportunities that exist now, we will face a threat in two or three years' time.

Large companies in Scotland rank alongside their counterparts worldwide, but smaller companies are lagging behind, in terms not only of e-commerce, but of a range of information and communication technologies—clearly, the two are interlinked. Our task is to try to provide the necessary catching-up, to build confidence, to remove doubts and to explain the real benefits that will flow from business that is wired up.

A great deal is happening. Earlier this week, we launched the Scottish Enterprise report, "Connecting Scotland", which proposes some positive steps forward. It is important to note that, psychologically, when the prefix "e" or the word electronic is highlighted, there is apprehension not only in the business community, but among other members of society. We are developing a knowledge economy, a knowledge society and knowledge workers. This Parliament can make a huge contribution to changing the culture of Scotland in that respect, as I hope the flavour of today's debate will show.

At the UK level, much is being done to provide an environment in which e-commerce can flourish. As we move from the industrial age to the information age, it is widely acknowledged that a partnership must be developed between the United Kingdom Government, the Scottish Executive and the Scottish Parliament. We hope that the Electronic Communications Bill will go some way to allaying the fears of the business community, especially in relation to the important matter of security. Several UK reports have been written, which cover Scotland. We believe that we have a vested interest in supporting what is happening throughout the United Kingdom.

At a Scottish level, a great deal is being done by the Executive, the Parliament and, in particular, Scottish Enterprise to address some of the issues. We are investing £62 million in high-quality educational material for the national grid for learning, which will be available on the internet for schools, colleges, teachers, lecturers, pupils, students and other learners.

We have a programme for delivering the infrastructure for cable networks, hardware, services and the training that is required to establish modern and comprehensive IT systems in our schools, colleges and libraries.

The targets that we are to reach by 2002 are to

connect to the internet all Scottish schools and libraries, to provide individual e-mail addresses for all Scottish teachers and pupils and to double the number of modern computers in Scottish schools. Those parts of the foundation for the e-commerce revolution are already in place.

In relation to Jack McConnell's modernising government programme, the Executive has nearly £500 million a year to spend on a wide range of goods and services. It is Jack McConnell's intention, supported by the Executive and, I hope, by this Parliament, to put those goods and services online. That would show the Executive putting its money where its mouth is in providing leadership to the wider community.

Earlier this week, Scottish Enterprise launched a step-by-step programme to engage the business community in a variety of ways and to ensure that, as well as getting involved online, the business community understands the true benefits that such an approach can bring. At both the UK level and at the Scottish level, a number of significant steps are being taken.

We do not have time today to discuss three significant aspects of e-commerce, but it is important to flag them up. The e-commerce revolution requires us to examine access, costs and infrastructure. I wish to be identified—as I hope the Parliament would wish to be—with the Chancellor of the Exchequer's comments acknowledging that the cost of internet access is a major determinant of how quickly we are moving. Like the chancellor, I believe that the costs are too high not only in this country, but worldwide. The telecommunications industry should listen to that point, as it has a vital role to play in allowing businesses to see the opportunities that exist, while the Parliament, the Executive and the UK Government seek to remove or reduce many of the constraints on business.

Infrastructure and access are crucial, as they are the building blocks on which a successful nation can develop, in terms of the e-revolution and knowledge economy. Those are important matters and, although they are difficult to develop in such a short debate, I am sure that we will return to them during the debate.

The Scottish Enterprise strategy "Connecting Scotland", which was published earlier this week, was the first wave of an action plan. It seeks to encourage the take-up of e-commerce by small business and those who supply business. The second phase will move on to consider skills development, which is absolutely crucial, and the creation of the required supportive environment.

A number of aspects of the action plan are worth mentioning today. The action plan provides a step-by-step approach to the national promotion

campaign, which will be rolled out over the next few months. In addition to that, I am delighted that Scottish Enterprise is to create an e-director post, a decision that has much to do with the enthusiasm and commitment of Scottish Enterprise's new chief executive, Robert Crawford. I am also delighted with the launch of the initiative earlier this week—I believe that Robert Crawford is embracing the future, as he is willing to put a key member of staff at the disposal of the nation in order to secure the success of the action plan.

**David Mundell (South of Scotland) (Con):** What relationship will exist between Scottish Enterprise's e-director and the UK e-envoy, Mr Alex Allan, who was appointed by the Prime Minister and whose task is to make the UK the best place in which to do e-commerce?

**Henry McLeish:** That is a fair question. As the Scottish Enterprise post has been created, we want to ensure that it is filled as quickly as possible. We will then have a proper basis for communication between the Scottish Executive, Scottish Enterprise and London. Excellent systems exist at present, but I believe that the e-director will be a champion within Scottish Enterprise; the e-director will be able to formulate a new way forward and provide us with a better information service. I look forward to that appointment and underline my willingness to work with all members to make the information available.

**Mr Swinney:** Will the minister set out how the e-commerce director of Scottish Enterprise will link into other Government initiatives in Scotland, such as the digital Scotland task force and the knowledge economy task force?

**Henry McLeish:** We already have the knowledge economy task force, the digital Scotland task force and a science strategy review, and we are driving ahead on the e-commerce front. When the e-commerce director is in post, I intend to have further discussions with my department and Scottish Enterprise to ensure that we have the best system for passing information to the Parliament and the Executive. It is equally important that we ensure that all the initiatives are facing in the right direction and are contributing to our wider goals for the Scottish economy.

There is activity at UK level and activity in Scotland, including significant developments within Scottish Enterprise, but we need to re-emphasise how important e-commerce is to Scotland. I want to identify three or four initiatives in which this Parliament and the Executive could become involved.

First, despite the fact that there are 45 colleges and 16 higher education institutions in Scotland, they are not yet working as a single higher and

further education resource. We need to consider whether we can develop the concept of an e-institute—a virtual-reality institution that would build on the excellent work that is being done in many universities and colleges. At the moment that is an idea in embryo, but I am sure that members from all parties will want to discuss it.

**Mr Swinney** rose—

**The Presiding Officer:** Mr Swinney, the minister is in his last minute, but you may carry on.

**Mr Swinney:** The minister makes an interesting point, which raises the issue of where the overview of educational provision in the higher and further education sector is coming from, and whether by creating a virtual community or some other mechanism we can improve the strategic planning of educational provision in Scotland. That would ensure that we could provide access to the range of educational opportunities that are required to meet the challenges that we face. Will the minister comment on that?

**Henry McLeish:** For all the qualities that I thought John Swinney had, I did not think that he could read minds. I believe that there is wide support for the establishment of an e-institute as a way of taking us forward on a strategic level. We may have a chance to say more about that on another occasion.

Secondly, I am keen for us to consider the experiences of other countries. Elsewhere, David Mundell has mentioned Finland, which is a connected nation and a superb example of where we want Scotland to be. I would like the Enterprise and Lifelong Learning Committee and the Parliament to investigate what lessons we can learn from other countries, because time is not on our side. There is an urgent requirement for us to move forward.

Thirdly, we intend to set up a working group with the trade unions and the Scottish Trades Union Congress. We can talk about a knowledge economy, but crucial to the whole project is the knowledge worker. I believe that the unions have a vital role to play in the advocacy of the issues that we are debating today.

Finally, I want to bring to the attention of the chamber an article that appeared in *Business Week International* on what the giant Ford company is doing in relation to e-commerce. Under the banner “At Ford, e-commerce is job 1”, the article states that the company has set out a net strategy for the future. That is interesting, because although we are making progress and want to become the e-commerce hub of Europe, we need to think ahead.

Ford talks about “wired workers”, and as part of its new strategy it is

“Offering all 350,000 employees a computer, a printer and Net access for \$5 a month”.

Despite the fluctuations in the exchange rate, that is about £3.

Ford's goal is to make

“the workforce Web-savvy so it will quickly adopt the Internet initiatives, while enabling the CEO to send weekly e-mails to employees.”

If there is an initiative in Scotland that is doing something similar, I encourage it to come forward. That is the kind of thinking and vision that this Parliament should have.

I hope that this debate will confirm that there is unity of purpose and that it will deliver a powerful message to the 93 per cent of businesses in Scotland that are not online. We will do our bit, but ultimately this is a matter for the marketplace and for business. I hope that they will respond to the challenges that we issue today.

I move,

That the Parliament notes the Scottish Executive's commitment to helping Scottish business take advantage of the revolution in information technology; supports the publication by Scottish Enterprise of an action plan to accelerate the take-up of e-commerce by business and develop supplier industries, and welcomes all actions by the public and private sectors which will contribute to Scotland becoming the e-commerce hub of Europe.

**The Presiding Officer:** Before I call Mr Mundell, I inform the chamber that I hope to say something about the Holyrood project at the end of this morning's business.

09:45

**David Mundell (South of Scotland) (Con):** I declare my registered interest in British Telecommunications.

I am disappointed that there are so few members in the chamber for this debate on one of the most important issues facing Scotland. This Parliament has to move on and focus its attention on fundamental issues such as this, rather than on those in which we seem to get bogged down.

There are many quotations about e-commerce. As I know Margo MacDonald likes quotations, I will read my favourite one, which appeared in last week's edition of *Salon* cyber-magazine.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** No, no.

**Ms Margo MacDonald (Lothians) (SNP):** Wait for it; this will be good.

**David Mundell:** It declared:

“It is still springtime in Netland.”

Let us hope that that is the case, so that Scotland can take advantage of the incredible opportunities

that e-commerce offers to Scottish business.

Many members of the public may think that there is e-everything nowadays and wonder what it is all about. I believe that e-commerce is about businesses doing everything that they have ever done, but at the speed of light and at the click of a mouse. It is about customers who never sleep and transactions that never end, in a marketplace that is the world. I do not believe that the importance of e-business to Scotland can be overstated. Therefore, I have no difficulty in supporting Mr McLeish's motion and almost everything that he has said this morning.

It is difficult to cover all the important e-commerce issues in such a short debate—the UK Government identifies 60 such issues. Nor is there time to rehearse the millions of statistics about e-everything. We had the chance to air many of the issues in the recent knowledge economy debate, so I will not repeat them now, although I will reiterate my concern that the Scottish Executive does not yet seem to have achieved two of the immediate impact objectives that are set out in the Cabinet Office document “e-commerce@its.best.uk”.

The first of those objectives was to galvanise and co-ordinate government. I acknowledge what the minister has said, but from the outside there appears to be a lack of cohesion between the modernising government initiative, digital Scotland, and the knowledge economy task force.

Secondly, although I try my best to inject some excitement into these matters, I do not think that the Executive is succeeding in generating the buzz that is required. We need that buzz and momentum. This is an exciting topic. It is not for nerds. It is important for everyone in Scotland, and we have to move the debate forward.

I want to concentrate on the relationships between Scotland and the UK, as that is the matter about which there is least clarity. Ministers have been helpful recently in answering a number of questions that I raised about the role of the UK e-envoy, Alex Allan—who is tasked with making the UK the best place in the world in which to do e-business—and the UK Minister for Small Business and E-Commerce, Patricia Hewitt. It is vital that we understand the relationship between Scotland and the UK initiatives and understand who has responsibility for what.

The least satisfactory answer that I had from the Minister for Enterprise and Lifelong Learning to one of those questions on division of responsibilities was when he said that the e-minister was responsible for reserved matters and the Scottish Executive was responsible for devolved matters. I do not think that that answer was worth £100. I do not intend to ask 60

questions about who is doing what based on each of the commitments set out in the “e-commerce@its.best.uk” report, but we need to understand the division of responsibilities.

**Henry McLeish:** I take David Mundell's point. So that he does not have to lodge any more questions, we might have a face-to-face meeting at which we could have a more constructive dialogue.

**David Mundell:** I accept that offer.

I visited the [www.ecommerce-scotland.org.uk](http://www.ecommerce-scotland.org.uk) site. It makes a useful start and provides the opportunity to download several action shots of the minister and Mr Robert Crawford. It does not offer the same detail on how the action plan will be implemented, as Mr Alex Allan does at [www.e-envoy.gov.uk](http://www.e-envoy.gov.uk), nor does it set out in detail how Scotland is to achieve the laudably bold objective of becoming the European hub for e-commerce.

On the site, Mr Allan sets out the monthly report that he and Patricia Hewitt provide to the Prime Minister on progress in making the UK the best place in which to do e-business. The most recent report covers 36 points, which range from progress on electronic signatures to the latest discussions on access to telecommunications networks and training initiatives. We need something like that in Scotland. Rather than leaving today's debate thinking that we have dealt with e-commerce, we must have continuing discussion based on factual reports. A regular and overarching report could act as a catalyst to galvanise and co-ordinate Government action.

For once I am in complete agreement with Tony Blair, who told businesses that if they did not see the internet as an opportunity, it would be a threat, and that if they did not take that opportunity within two years, they might be out of business. We cannot afford to let that happen in Scotland.

I move amendment S1M-575.1, to insert at end:

“and calls upon the Scottish Executive to report to the Parliament on progress in achieving this aim on a quarterly basis.”

09:53

**Mr John Swinney (North Tayside) (SNP):** One of my privileges as an MSP has been to be present at many sparsely attended debates on important issues. Another debate that left me with similar feelings was the one a few months ago about the year 2000. Thinking of that debate reminds me where we are at this stage of the discussion on e-commerce. Five years ago, when I worked in the private sector before entering politics full time, the year 2000 conversion for most companies could have been as close as the 22<sup>nd</sup> century. Probably with the change of Government



in 1997, the focus on the need to prepare for the year 2000 was sharpened, with a successful outcome.

Page 9 of "Connecting Scotland"—the Scottish Enterprise strategy on e-commerce, which was announced on Monday—says:

"Scottish Enterprise has been promoting the use of the Internet and the tangible benefits it can deliver, especially to SMEs, since 1994".

The previous page contains a range of statistics showing that Scotland was seventh out of 10 countries in the level of website, external e-mail and electronic data interchange. The statistics also show that 40 per cent of Canadian companies use websites, as opposed to 22 per cent in Scotland, and that 7 per cent of companies in Scotland—as measured by the proportion of the work force employed—are selling online, as opposed to 16 per cent in Canada. I am left with the sense that we must give impetus to advancing awareness about e-commerce in the same way as an impetus had to be given to preparations for 2000 in recent years. Today's debate is a serious one about a change to our entire business practice; we must be equipped for that change.

Last Friday, I was struck by a contribution to the Enterprise and Lifelong Learning Committee's debate for business people. I quote from column 33 of the business in the chamber report. Mr Ian Ritchie, who is now a board director of Scottish Enterprise and who will, I suspect, transform a great deal of the organisation's thinking, said:

"We are in the middle of an industrial revolution. However, we are not at the heart of it, as we were of the previous industrial revolution 200 years ago, which involved people such as Watt. We are not capitalising on it or driving forward with companies that could exploit it."

He raised a number of interesting points that flow through into some of the issues raised by the Scottish Enterprise strategy, of which we must be fully aware.

Before I comment on the challenges of e-commerce to the Scottish economy, let me conclude my remarks on how the Government is preparing for it. As the minister said, we have had a number of debates on the knowledge economy, digital Scotland and other relevant issues. One of the persistent concerns that I have expressed in all those debates—and I make no apology for returning to old ground—is the need for coherent preparation.

The Government's preparations for 2000 were coherent and focused. However, the launch on Monday of the Scottish Enterprise strategy created a new connecting Scotland steering group. I was concerned to read in this month's *Scottish Business Insider* some comments by Gordon McKenzie, the director of Microsoft Scotland, who

said:

"When Henry McLeish said that this country was falling behind in the adoption of e-commerce, he was right. But it's hardly surprising. There are so many committees and task forces at national, regional and local level in Scotland alone that there's no clarity about the strategy and no sense of leadership coming from government or the bigger businesses."

I hope that we are at the defining moment at which the minister can tell us that such comments will become redundant and that we can move forward with a coherent strategy that engages the business community in Scotland and allows it to take part in the process of change and industrial revolution that Mr Ian Ritchie mentioned last Friday.

E-commerce could pose many threats, and the Scottish Enterprise report describes a number of those threats to the Scottish economy. However, it also creates a number of opportunities; I will concentrate on what I think will provide opportunities for significant economic development in Scotland.

The first opportunity is in the financial services sector. Because of the advantages of the European Union's regulatory regime on the promotion and development of life and pension products, those financial products—the areas in which the Scottish financial services sector has expertise—can be offered on an almost no-boundary basis through an electronic trading environment. That is the theory. Among all that, there are many regulatory obstacles that must be overcome in a multinational European environment. On the basis of quality of product and service, however, we have an opportunity to break through using electronic trading as a means of promoting that activity.

We also have the opportunity to develop the quality of service that characterises many of the key service sectors of the Scottish economy that make Scotland such an attractive location for inward investment projects. We must not only look at physical location, but trade in the e-commerce environment on the basis of the quality of service that we can offer from Scotland.

We have the opportunity to utilise electronic trading and electronic commerce to tackle what has been a significant disadvantage to the Scottish economy over many years—issues of peripherality. We have the opportunity to leap over the obstacles that location puts in the way of the Scottish economy, which will allow us to trade on a level playing field with our competitors.

Those are just a few of the opportunities that the Scottish Enterprise strategy captures, but at the heart of this issue is how we prepare and equip ourselves to meet the challenges. We will not meet them if our strategy lacks coherence. We

need a strategy that allows Scottish companies to compete in an international marketplace. The strategy should not only address the needs of the large-company sector—which is giving commitments that it will move into electronic trading and e-commerce as its mode of operation, as Scottish Enterprise has committed itself to do—but engage small and medium enterprises, which we all agree are the engine of the economy in all parts of Scotland, whether in the centre of Edinburgh or in the most peripheral part of the western isles or Shetland.

We must tackle the issues of inclusion and exclusion by examining whether our strategy touches all communities in Scotland and gives people who live in disadvantaged environments the opportunity to be part of this industrial revolution—a revolution that is affecting those of us who have the privilege to debate these issues in this Parliament.

The \$64 million question is how we deliver the spark to create the businesses in the Scottish economy that will be able to relate to this new business environment. Some of those companies already exist—representatives from some of them were in the chamber on Friday, delivering stimulating contributions to the debate that we had. I encourage the minister to read the report of that debate. We have to create the conditions in which the sparkle can come to the surface. Instead of following the process of technological change, Scotland can move into a position of decisive leadership, which would bring benefits to the Scottish economy. Fundamental to all that is guaranteeing that we have the infrastructure to deliver in that environment. My colleague Alasdair Morgan will talk about that.

We need a strategic vision of where we are going. I say in good faith that I hope that the Government is now recognising the concerns that have been expressed by the Opposition and by members of the business community about the need for coherence. Without an effective strategy in place, we will not be able to seize the opportunities that are there to be seized and we will not withstand the threats to the Scottish economy that could arise.

10:03

**George Lyon (Argyll and Bute) (LD):** On behalf of the Scottish Liberal Democrats, I welcome the new initiatives in the Scottish Enterprise strategy document “Connecting Scotland”, which offers a number of dedicated and cohesive programmes to create a competitive advantage for Scottish e-commerce.

An expanded programme of e-commerce research will ensure that we keep up to date with

the rapidly changing technology and ensure that the latest developments in m-commerce—the next technology coming down the road, which is based on mobile phones—do not pass us by. Scotland is uniquely placed to take advantage of the digital mobile telecommunications-based internet and m-commerce activities, with recent industry surveys showing that we are at least two years ahead of the United States in the application of mobile technology.

Best practice and benchmarking are of key importance. In setting our goals to be the best in the world, it is vital that we compare ourselves with countries such as Finland and Canada, which have shown a lead in applying the new technology. If we intend to become the European hub for e-commerce—as the minister states—we must gauge our progress against our competitors.

One of our main competitors is Ireland. It has already clearly stated that its intention is to be the primary European platform for e-commerce and internet technology. Indeed, when I spent some time over there, that was clearly one of its key goals. Ireland is currently investing in transatlantic broadband fibre-optic cabling, which will ensure that Ireland is the bridgehead for American companies that want to access the European market.

Ireland intends to be the European platform for the rapid transmission of data. I ask Henry McLeish for an assurance that Ireland's investment in infrastructure is being matched in Scotland. If we want to be the European hub for e-commerce, we must ensure that the infrastructure is in place to allow American companies to use Scotland as the bridgehead into the European market. We have many advantages. For example, we are English speaking and have access to the European market. It is vital that investment in infrastructure takes place.

Another aspect of public sector investment in Ireland has been heavy investment in the skills base in computer science and software programming, to ensure that companies who want to use Ireland as their European platform can.

I ask Henry McLeish to ensure that we do everything possible to ensure that computer scientists and software engineers are available to companies who want to use Scotland as a base. I suggest that the recently announced student deal will go a long way to help make progress on that.

Ireland has set out its stall to compete with Scotland to become the European leader and European hub of e-commerce. It is vital that Ireland is included in our benchmarking programme, to ensure that we are best placed to meet that challenge.

As one or two members have said, e-commerce

is not only about business—it is also about consumers. In the UK, 200,000 customers now purchase their weekly groceries via the internet. That is an astonishing figure. Ten per cent of internet users now operate online bank accounts and a week can hardly go by without another bank or insurance company announcing new discounts, cheaper mortgages and loans through access to their websites.

Although a third of adults in the UK have access to the internet—be it at home, at work or elsewhere—far too many people are still excluded from the new technology. Wendy Alexander recently stated that 96 per cent of families in council houses do not have access to the internet at home. Many Scots do not have access to credit cards, which are a prerequisite to purchasing online.

We must ensure that the large number of people in Scotland who are unable to access the internet are not punished as a result. Those who can least afford to access the internet and those who are the least likely to own a credit card are the people who can least afford to miss out on the benefits, the discounts and the competitive pricing that is increasingly restricted to the information rich. The Scottish Executive and Scottish Parliament must address that.

I recognise that positive action is being taken. I welcome the fact that the new opportunities fund is allocating £23 million towards computers and training across Scotland. Community cyber cafés in cities and rural community centres will—I hope—open up access to the many.

We welcome the Royal Bank of Scotland and Scottish Council for Voluntary Organisations programmes, which are designed to place hundreds of internet PCs in community facilities around the country. One of my local communities, Easdale Island, which is off the west coast of Scotland, wrote last week to tell me that they were having a computer placed in their local village hall. That shows that the programme is starting to deliver access to communities—even in the remotest areas.

One step can increase public access to the internet threefold. A recent study by Durlacher Research Ltd revealed that if internet and local phone calls were available unmetered to the general public—on a flat fee basis—as they are in the USA, internet usage in the UK would treble almost overnight. That will require deregulation of BT's local loops—its last remaining monopoly of telecoms supply—which is not due to take place until July 2001.

I welcome what the chancellor said last week about the deadline being brought forward. This one move—more than any other—would make

accessing the internet and e-commerce more affordable to millions of households and thousands of businesses across the UK. It would go a long way towards addressing social inclusion in this sector.

We must not neglect the importance of e-commerce to our rural communities. Robert Crawford of Scottish Enterprise is right to say that

“e-commerce removes the barriers of geographical disadvantage and opens the door on a whole new world of trading opportunities”

to businesses and to people who live in rural Scotland. At long last, e-commerce gives us equality of opportunity.

I look forward to the day when Argyll and the isles—and all of rural Scotland—are able to take on and beat Edinburgh, Glasgow and, for that matter, London and New York. Rural Scotland can take advantage of a weightless, knowledge-based, e-commerce economy.

10:10

**Allan Wilson (Cunninghame North) (Lab):**

Uniquely, I entirely agree with everything John Swinney said. Do not quote me on that, John. I am pleased that he ignored David Mundell's strictures on quoting statistics. It is important for parliamentarians and the Parliament to inform the debate and not simply to leave it up to the Executive.

I recognised the Canadian statistics John Swinney quoted; they might just as easily have been lifted from new Labour research as from that of his party. I would like to add a couple of statistics of my own. There are about 180 million internet users worldwide. Their number is forecast to reach 320 million by 2002—only two years hence. It is estimated that, in less than two years' time, the value of that business will be \$3.2 trillion—a thousand billion—or 10 per cent of the total world economy.

Another statistic that is commonly bandied about—members will be familiar with it—is that radio reached 50 million listeners in North America over a period of 30 years, but the internet has reached twice that number in less than five years. That demonstrates the pace of the technological revolution to which John Swinney referred.

What does it mean for Scotland? If we are not in the park, we cannot win the match. Is that widely understood? Arguably, it is not. What, then, is the purpose of an e-commerce strategy? I argue that it is primarily to get us into our strips, on the park and ready for action, and not left in the clubhouse waiting for a call that never comes.

Scotland can become one of the leading players in electronic trade. Our place on the periphery,

which has been referred to as the sidelines of Europe, can be superseded by our new place in European trade. That is the option that envisages the creation of new, innovative companies and the stimulation of emerging firms, capable of grasping new markets—

**Ms MacDonald:** Will the member give a red card to the Government, since, according to *The Scotsman*,

“it has failed to harness the full potential of the internet”?

**Allan Wilson:** No, I would never give a red card to the Government; a yellow card, maybe. I take the spirit in which Margo's comment was offered. We can and we should be doing more; we are here to promote the internet more generally, on a cross-party basis.

John Swinney's points about the financial community were well made. We can and should increase the size of our financial community on the strength of our decreasing peripherality. We can challenge the market, which is dominated by the golden triangle of London, Paris and Frankfurt. Given our higher education institutions, we can compete both within and beyond these shores. We can tackle the social exclusion to which John and others have referred.

Paradoxically, those same opportunities also present themselves to our competitors. Direct sourcing and unequal competitive pressures from a foreign competitive base that is better placed to exploit these opportunities when they arise pose a palpable threat. That threat is exacerbated by the associated threat to high street shopping by home shopping and our inability, more generally, to adapt quickly enough. I think that that was Margo's point.

That latter point remains extant, Margo; I do not disagree. If the internet is a global shop—I believe that it is—and we are to compete in that market, Scotland's goods have to be in the shop window. What does that mean? As the minister said, at a national level, the priority is to create a climate that will allow e-commerce to grow. That means raising awareness of the importance of e-commerce in those who have yet to be convinced. A range of services must be delivered to raise that awareness in small and medium enterprises. We must create access to affordable, effective and relevant lifelong learning facilities at the workplace and in our higher and further education institutions if we are to make that crucial transition.

10:15

**Alasdair Morgan (Galloway and Upper Nithsdale) (SNP):** I worked in information technology for many years—since the time of punch cards and paper tape—so I am very glad to

speak about modern developments in the subject.

I would like to talk about the potential of e-commerce for rural areas, a subject that was touched on by John Swinney and George Lyon. There are many clear advantages for e-commerce and general computing firms that want to set up in rural areas. The quality of life in rural areas attracts staff—we must recognise that many people who live and work in towns do not do so through choice. Many fixed costs—accommodation in particular—will be much lower in rural areas. Such firms are often associated with low or no bulk in terms of goods produced and therefore transport costs—which is often a negative factor in rural areas—no longer come into play. The relocation of e-commerce firms means that rural areas retain high-quality, highly paid jobs and there are often spin-off jobs, particularly if a firm sells goods directly.

E-commerce has the potential to become a great leveller between rural and urban areas; rural areas will no longer be at a disadvantage. E-commerce will never be the main employer in rural areas, but it might be a significant one, particularly if we tap the niche e-commerce and software development markets. At last, we might get a level playing field.

If we want our rural areas to compete successfully, a quality telecommunications infrastructure must be available at a reasonable cost. At the moment, that is not the case, particularly for rural areas on the periphery. At the moment, companies in rural areas cannot get the large bandwidth they require, or at least not at reasonable cost.

Two cases in my constituency have come to my attention in the past couple of weeks. The first involves a one-woman company specialising in software development. She is located some distance from the local exchange and cannot get the integrated services digital network line she requires to communicate fast enough and with sufficient quality. The second is a larger business which, because of poor quality, high cost and continuing breakdowns in service, has just moved its servers down to Leeds, because that is where it can get the quality of infrastructure it requires. Some jobs will immediately follow that move and the danger is that the whole operation will relocate to Leeds.

We need to invest in the telecommunications infrastructure in rural areas. We can do that by putting some kind of universal service obligation on our telecommunications providers or by subsidising provision through EU funding or some other means. I am asked the question: if the Government is prepared to provide the road infrastructure in rural areas, why will it not contribute to the telecommunications

infrastructure?

The information highway is the highway of the 21<sup>st</sup> century. We are not talking about huge costs; the marginal extra cost of letting someone who is five or 10 miles from the nearest exchange get a proper fibre optic ISDN line rather than the twisted copper pair, will not be excessive. We are talking about a small number of people. BT and the other firms must be either encouraged or compelled to provide the communications infrastructure that we need.

In the last century, the Post Office had a universal service obligation to deliver letters at the same cost throughout the United Kingdom. We need a 21<sup>st</sup> century equivalent of the letter. I look forward to the minister's response to that.

I would like to bring up a point that George Lyon alluded to, that the chancellor has mentioned, and that the House of Commons Trade and Industry Select Committee on which I serve has also mentioned—the provision of unlimited local call access for a fixed fee. That is one area in which the Yanks are wiping us off the map. Their companies can get that kind of access to the internet, and in areas such as software development, for which they have to be online for a long time, they play us off the park.

E-commerce is a very important issue for the whole nation; it has great potential, and we must ensure that everyone in Scotland can realise that potential.

10:21

**Irene Oldfather (Cunninghame South) (Lab):** I have removed, I think, all the statistics from my speech, because everybody else has already used them; and I will not use any football analogies. The last time I did that—at a Burns supper—Henry McLeish heckled me, so I will not get into that ball game.

I want to concentrate on the substantial challenges that face us in Scotland. Along with the economic growth of e-commerce will come things such as cross-border competition, increased efficiency and the transformation of businesses across the globe. The huge United States retailer Wal-Mart now offers 10 times more products on the web than it offers in its largest US store. That is indicative of the scale of the challenges that we face.

Macro-economic research in the US indicates that industries that are associated with e-commerce bring with them a downward pressure on inflation and an increase in economic growth and productivity. E-commerce will also, of course, bring job opportunities in new industries and in areas that are secondary to electronic purchasing.

Scotland must be ready to reap those benefits.

Through e-commerce, we have the opportunity to remove historic barriers to market entry, such as peripherality. John Swinney has rather stolen my thunder on that, but it is a topic that I have spoken about in mainland Europe as well. When I do that, people sometimes say that, in terms of peripherality, Glasgow is no further from Brussels—the perceived centre of the market—than, for example, Bordeaux, and is closer than Rome. However, Scotland faces the problem not only of peripherality, but of maritime peripherality. In our traditional export sectors, that affects journey time and cost. E-commerce allows us to remove that substantial disadvantage and to build on the other advantages that we have over our competitors.

I will mention one point that has not been mentioned so far. Many north American companies have invested in Scotland as the gateway to Europe, as that enables them to do business in English, but we must always be ahead of the competition. English is an advantage for north American companies, but in a European internal market to which the enlargement that is on the horizon will bring 100 million additional potential consumers and result in fewer and fewer barriers, there is no doubt that language skills could be decisive and enhance our ability to engage in e-commerce. That is why I especially welcome the proposed school of excellence in foreign language teaching that is to be set up in Scotland. I hope that that will make a contribution to the e-commerce debate as well as to the knowledge economy debate.

E-commerce represents a huge opportunity for Scottish industry; but the dangers are just as great. Some business commentators warn that companies that do not take up e-commerce opportunities could be out of business in five to 10 years' time. Although medium and large enterprises are holding their own in e-commerce, our small companies, as we have heard, are failing, and our micro-companies with fewer than nine employees are joint bottom of the e-commerce league of major European economies. That worries me, because my area already has an underdeveloped small business sector, and I do not want to contemplate the prospect of falling further behind.

Although "Connecting Scotland: The First Wave" should be commended for its emphasis on encouraging the take-up of e-commerce by smaller industries, it must take special account of areas such as my constituency, where the business birth rate is some way behind the rest of Scotland and where chronic structural uncertainties work against start-up in these innovative markets.

George Lyon alluded to the fact that 1 million adults throughout Britain do not have access to conventional banking services and thus cannot participate in e-commerce. That disadvantage will be multiplied if high street retailers contract because of the competition encouraged by e-commerce. Strategies must be developed to ensure that they are not disfranchised by those sweeping economic changes.

New technologies offer new opportunities for communities which, until now, have been excluded because of geography, poverty or both. As the new electronic media render distance irrelevant as never before, and offer communities access to resources of a scale that would have been unthinkable in the past, the problem can be part of the solution.

It is vital for Scottish industry to embrace the take-up of e-commerce, and that the Executive does everything in its power to make Scotland a world leader.

10:26

**Ms Margo MacDonald (Lothians) (SNP):** I want to pick up where Irene Oldfather left off, which is something I do quite frequently. There is a downside to e-commerce. Before I become the voice of doom and get everyone upset, I want to make David Mundell a happy man and quote from an article in *The Guardian* with the headline:

"Universities forge alliance for global teaching on net".

I am sure that that is getting everyone excited. The article says:

"Four universities—Leeds, Sheffield, Southampton and York—are linking up with four research-led institutions—the university of California at San Diego, Pennsylvania state university, the university of Washington and the university of Wisconsin-Madison".

I mention the article because Allan Wilson picked up the catchphrase "lifelong learning" and put it in its correct context. The article highlights the current meaning of "lifelong learning".

I want to make a sensible suggestion, which Henry McLeish might decide to take on board. Why not use £1 million or £2 million from the new opportunities fund—or, mentioning no names, from the cancellation of a major capital project—to allow Scottish further education colleges to run a series of one-day or half-day courses on e-commerce for small and medium enterprises. The minister knows better than I do that such businesses are currently up against it. To stay in business, those businesspeople need to take some time off, go to college and learn how to get wired-up.

I want to make another wee sensible suggestion that Alasdair Morgan mentioned. It is no use being

in the first wave of e-commerce if there is no proper telephone system. More fibre-optic cables need to be laid. Moreover, communication means both computer software and the hardware of roads and rail—there is no difference between them. I should apologise: I did not mean to ask for more money to be spent.

As members know, there are plans to dig up Princes Street. We know that another useless big hole is already being dug in Edinburgh, so why are we doing the same thing to Princes Street to build yet more shops? Although e-commerce means that there will certainly be a growth in business and trading, traders will need warehousing more than the plethora of shops that have already been built outside the town and that are planned for beneath towns. Apart from that, traders will need only a portal on the internet and a nice wee shopfront to advertise the fact that customers can try there and will be posted their goods. That is the future of trading. So, the implications for planners and for—

**David Mundell rose—**

**Ms MacDonald:** Another quotation from David? Yes please.

**David Mundell:** I wanted to advise Margo that the approach that she advocates has been categorised as "clicks and mortar", meaning the combination of some sort of shop with some sort of electronic business.

**Ms MacDonald:** Some of my colleagues thought that this would be an uninteresting debate. I wish they were here—we would not be able to contain them.

I have one serious, final point on a potential downside to how we use the technology. A couple of days ago, when I was in West Lothian—where the council and the community have attacked this subject in a very impressive way—an example was proposed of how council services could be better delivered to the people who receive them. The imagination was going into overload.

The example concerned the telephone and the social worker—or community worker, or occupational therapist, or whoever—who was visiting the person in their home. At present, the worker might take that person out for a wee dauner, or take them for their shopping, or something like that; instead, it was proposed, they could click up the shopping. That would mean that the person receiving the services would not be socialised.

The important part of all the technology is that we must not allow it to make us Philistines. We must not forget about learning for the sake of learning. We must not apply our knowledge just to commerce. We must also ensure that we build

humanity into it. That is my concern.

10:31

**Elaine Thomson (Aberdeen North) (Lab):** Last autumn, with others, I was invited to a seminar to speak to members of Scotland's business and academic community on the new landscape that is being created by e-commerce. At that seminar, it came across clearly that the opportunities for Scotland, in e-commerce and the technological revolution, are real and need to be grasped quickly. A key request from that seminar was that the Scottish Executive should give a lead to the Scottish business community and develop a clear strategy for e-commerce.

Today, we have a welcome answer in "Connecting Scotland: The First Wave". It deals clearly with Government's major role in relation to e-commerce, which is to raise awareness across Scotland—in particular in the business community, and especially the SMEs—so that the challenges and opportunities in the effective exploitation of e-commerce are made clear. At the seminar, people were also clear about the Government's other major role: to develop the highly skilled, well-educated work force that will be required increasingly for the new knowledge economy. In all sectors—oil and gas, hydroelectricity, tourism, retail, law, finance, electronics or engineering—it is perfectly clear that the work force that is required to develop e-commerce and to work with the new technologies will consist of knowledge workers who are IT literate, creative, forward looking and risk taking.

E-commerce and now m-commerce, to which George Lyon referred, have endless possibilities. Just imagine that someone is sitting on a bus with their wireless application protocol—or WAP—enabled mobile phone and they want to know the connection time for the train that they hope to catch, so they look it up on the new national timetable, which is coming soon. They want to book a ticket at their local theatre, so they go ahead and do so; then they might think that they do not have the money to pay for the ticket, so they look up the balance of their bank account. They want to know what their MSP said last week about the national health service, so they look it up, then send an e-mail to complain, or not. Finally, they remember that they have two hungry cats and no cat food, so they place their order with their local supermarket and get the food delivered.

Margo MacDonald is quite right—retailing will be reinvented over the next decade—but most impact will be made in business-to-business communication. Increasingly, companies want the efficiencies and extra competitive edge that can be achieved by improving the supply chain and making use of e-commerce. If small producers or

manufacturers do not have a shop window to the world on the web, they cannot be contacted by e-mail and cannot place an order, check on availability, confirm prices, expedite deliveries or settle invoices by using the business-to-business software that is increasingly being implemented by many organisations in the UK and globally. Such small producers or manufacturers have immediately disadvantaged themselves in today's global economic market. Many commentators think that such companies will be out of business in five to 10 years.

Effective use of e-commerce should be of immense benefit to Scotland, raising our growth rate. In the US, it is estimated that 35 per cent of real growth over the past few years has come from new technology companies or companies that utilise new technology effectively. *The Scotsman* reported last week that Durlacher, a stockbroker turned internet stock trader—it has already been mentioned—had achieved a 6,211 per cent increase in its share price in one year. Therefore, if someone had invested £1,000 a year ago, they would now have more than £6 million.

There are great opportunities. One example from close to home is the oil and gas industry. The North sea is now a mature province. In Aberdeen, the north-east and Scotland as a whole, we can continue to exploit many of the benefits of the oil and gas industry for many years to come, by making good use of the new technologies and e-commerce. Many of the operations that once upon a time would have required someone to be on the spot can now be done remotely. Even when some of the major exploration and production activity is going on in Kazakhstan or west Africa, much of the activity can still take place in Scotland, making use of the skills and expertise here.

I want to mention briefly the digital divide, which was mentioned earlier. The divide is real and we must pay attention to it. In Aberdeen, the family learning and learning houses projects demonstrate innovative ways of bringing learning and connection to the new technologies to communities that do not always have access.

The strategy is to be welcomed, and the two major priorities that have been highlighted are the right ones.

10:37

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** Given what I am about to say, I must mention my brother's small cheese-making business. That is my usual declaration of interest out of the way.

We have heard many good words about how e-commerce will revolutionise everything. The point made about supermarkets was interesting. It is

simple; supermarket shelf space will become redundant, because everything will be on the web. Little firms that battle to get listed by Safeway or Tesco will have it a lot easier in the future, which is worth remembering.

The situation in the Highlands is in slight contrast to that described by Alasdair Morgan, in that there has been considerable investment in the communications infrastructure. We should pay tribute to the previous Government and to the present Government for that. Mr McLeish will know that that has done a great deal for the north.

I want to concentrate on the rural dimension. Things are changing rapidly. The chairman of the Highlands of Scotland Tourist Board, Mr Norman Lauritsen, put his hotel, which is in a remote part of the Highlands, on the net and managed to fill it over the millennium simply by using that tool. He is leading by example. There has also been investment in Ossian, the new computer facility for the north.

In contrast to what Alasdair Morgan said, I believe that things must be joined up. There are problems in the Highlands. Mrs Angela Mackay's Kyle of Tongue Oysters, in Tongue on the north coast, is a great wee firm that sells oysters to the London market. However, it would be a real problem if Red Star parcels were to change the rules on door-to-door delivery. That was what John Farquhar Munro was referring to in his question to the minister at question time last week.

The minister will also be aware of the problem of the Heathrow slots. If we cannot match the technology with physical delivery of services, we have a problem. Tourism businesses may offer fine products on the net, but unless they can get the tourists in at times that suit them, there is a problem. That is linked to roads.

We must drive ahead with getting businesses on e-mail. It is dead easy: goodness me, if I can work e-mail, frankly, anybody in this country can.

It is also important for firms to have on-going business advice. It is all very well for them to be linked up, but they need to be guided for the initial period—a nursing aspect is involved.

Another point was made strongly last night, at a briefing from Scottish tourism industry representatives. I can illustrate that point this way: I met representatives of BT before Christmas to twist their arm, as it were, to set up call centres in the north of Scotland. They are keen to do that, but pointed out the fear that they and the tourism industry have of a lack of co-ordination among public agencies—among local enterprise companies, councils and so on.

E-commerce is worth while; we Liberal Democrats totally support what is being said

today, but to make e-commerce work, and to reap the maximum advantage, we must ensure that we deliver on other fronts, such as transport, tourism and public agencies. If we fail on one of those fronts, that lets down all the people who so boldly and courageously worked to put in the infrastructure that we have in the Highlands, and which Alasdair Morgan is calling for in the south-west.

I will look at Mr Mundell when I say this: the point about e-commerce is that it involves an international market. I would have thought that what we are seeing develop before our very eyes is the reason why, I am afraid, the thoughts of Mr Mundell's pal, wee Willie Hague, on the single currency will become increasingly redundant, and something belonging to the past. I hope that David will forgive me that slight swipe.

10:41

**Pauline McNeill (Glasgow Kelvin) (Lab):** I welcome the Scottish Executive's launching of the first part of the Scottish e-commerce strategy. It has come to that part of the debate when all the key points have probably been made, but I want to emphasise some of the matters that I think are most important to the strategy.

I am with David Mundell on this: such a debate is often characterised as being full of technowizards and anoraks. We are beginning to leave that image behind, particularly as Margo MacDonald is taking part in the debate, although she has left the chamber.

We ought to be saying that this is the place to be for real modernisers. That is the image we should portray, to get more people involved.

**Mr David Davidson (North-East Scotland) (Con):** In the light of that last comment, why do Pauline McNeill's colleagues seem to be singularly absent?

**Mr Duncan McNeil (Greenock and Inverclyde) (Lab):** He should look behind him.

**Pauline McNeill:** E-commerce has become a buzzword, like e-procurement, e-shopping and e-everything. The important message to get across, however, is that this is about what we have in store for the consumer—one of the key things about online shopping is that it is meant to be cheaper.

I have also recently learned the new phrase of the century, "clicks and bricks". Last week, I had the opportunity to open the new Dixons phenomenon, the @jakarta chain, which sells games and software for those who are interested in that sort of thing. People are not comfortable with buying on the internet, particularly if something goes wrong. There is quite a cute



strategy at Dixons: if something goes wrong, the customer can go into the shop and get it sorted out, but it is substantially cheaper to go online, and that is the important thing for the consumer.

We need to capitalise on the fact that so many people are now conversant with how to go online. We know from experience that the younger generation is probably better at it than most. Many organisations, particularly campaigning organisations, have taken advantage of going online, which has made a tremendous difference to them.

Internet cafés have been mentioned. There has been some expansion in that sector, but they are seen as a largely middle-class phenomenon. We must do something about making them more accessible.

George Lyon's speech encapsulated many of the things that we must get across to people about e-commerce. It is no use our talking about getting online and about the development of e-commerce if it is not accessible to the whole population.

I also agree with Alasdair Morgan's comments. Like everyone in today's debate, including John Swinney, I had the same statistics. We must do something about the extent to which Scotland is not online. Cost is important and I agree with Alasdair Morgan that we should think about regulating the telecommunications companies. There is too much disparity between those companies in terms of cost and the speed of connection that they offer.

If the strategy is not inclusive, it is meaningless. As George Lyon said, there is no point in businesses being online if consumers are not. To buy products online, people need a computer and a credit card. However, only one family in five has a computer and fewer families than that have a credit card.

I support what Scottish Enterprise is doing, but "Connecting Scotland" should not just be a sharp title; it should mean something. I accept the point about the possibility of there being too many task forces and groups. We have to create a strong national profile to allow e-commerce to grow; we need a friendly legislative environment that builds on consumer confidence; and we need to think about how e-commerce will affect the jobs market. We will lose jobs in the sector, but we can create higher-quality jobs if we are in a position to do so.

Although the debate has been poorly attended, I welcome the opportunity to speak on this crucial subject.

10:47

**Mr David Davidson (North-East Scotland)**  
(Con): I am pleased at the tone that has been

adopted today. All the speeches have been positive, apart from Jamie Stone's accusation that our banking services are incapable of doing transactions from one currency to another.

Like my colleague David "click" Mundell—he has a new name now, obviously—I should like to declare an interest. My interest is that I want to ensure that Scotland, led by the Scottish Parliament, catches up in the race to play a part in an exciting new world.

I was surprised that nobody mentioned the setting up of the new cross-party group, the Scottish Parliament information, knowledge and enlightenment group, known as SPIKE. It is important that e-commerce is seen as more than just a business tool; we will have a new style of life. Last night, I spoke to some lawyers who were interested in using e-technology to do business. They have discovered that legislation must be written using the technology, not simply transferred across.

We must reinforce our commercial position and our employment prospects in what has become a global market. Many members have talked about peripherality and geographic obstacles. Elaine Thomson mentioned the fact that the oil industry in Aberdeen, using e-technology, has become one of the world centres of excellence.

Obviously, not all is doom and gloom, but we must adapt to and adopt several issues in the short term. Our small and medium companies are not adopting the technology at the speed of their competitors. We must ask why. Is it because of insecurity? Is it that they do not recognise the threat or the opportunity? The Parliament must ensure that that insecurity is addressed and that the message of survival or expansion through involvement is delivered.

David Mundell said that there is a buzz about the subject, as do ministers in Whitehall, but we must not be left with only the "zz" at the end of the word as we fall asleep talking about numbers. Many members wanted to quote statistics at each other today, but we must do more than that.

We must increase the motivation of SMEs to buy into e-commerce and we must give them the confidence to do that. The best way to do that would be to use the example of the Government itself. I was heartened by what the minister had to say, but I would like to see him roll out the e-commerce initiative further. It should be used not only for procurement—welcome as £500 million for that is—but for VAT recovery, Inland Revenue transactions, council and business tax collection and communication between local agencies. Scottish Enterprise reckons that it will not be able to deal with all its clients via the internet until around 2003—that is quite a long way off.

There has been talk of initiatives; many members have said that there are too many of them. I am a little concerned about the e-institute that Mr McLeish mentioned, and I would like to hear more at a later date about how that would interface with other activities. I do not want to see such an institute become a competitor with our further education colleges, which might have to drop out because they are unable to compete.

Which tools will be needed? Small and medium enterprises will need quality advice on purchasing the appropriate systems and, particularly, on the training that is required in the workplace—comments about staff training were made by Margo MacDonald and others. Fraser Morrison of Highlands and Islands Enterprise made an interesting comment at the Enterprise and Lifelong Learning Committee yesterday. He has examined the poor take-up by SMEs of the opportunity to attain Investors in People status and suggests that a compulsory condition of e-commerce grant applications by SMEs should be that they must try to attain IIP status. If small companies want economic development help to buy into e-commerce, we must tell them that we will give them advice on IIP.

On confidence, we must create a legal framework for e-commerce that is compatible with Scots law, so that there will be trust in e-commerce on the part of both businesses and consumers. That must be backed by supportive and effective enforcement. Three enforcement options are being examined in Europe: laissez-faire, total regulation and the middle way that is preferred by industry, which is to use a light touch. We must use that light touch. The bill that is passing through the House of Commons must not hang over businesses like a sword of Damocles.

The Parliament has a responsibility to provide cross-party leadership and confidence, so that Scotland does not miss out on the e-commerce revolution. In supporting the amendment of my colleague David Mundell, I ask the minister to accept it in the spirit in which it is offered. We have said often enough in Parliament that, in e-terms, the world is moving on quickly. We must understand and be in touch with the Government's programme. Confidence and enthusiasm are of the essence.

10:52

**Mr Swinney:** I am not sure whether it is only the anoraks who are here for the debate, or whether the members who are here are interested in pursuing consensus on such major issues of public policy. I wonder about the members who are not here. It might be that the members who are here are those who are interested in pursuing joined-up government.

The debate comes on a day when the Minister for Health and Community Care has advised us to eat healthily and John Home Robertson has encouraged us to eat deep-fried fish. Interesting perspectives are raised about the policy challenges that we face, and the debate has been helpful in that respect. I hope that Mr McLeish will support the Conservative amendment. I hope that he will also give Parliament the opportunity regularly to hear a ministerial statement—although not necessarily to hold a three-hour debate—about the implementation of e-commerce initiatives. That will allow us to see the progress that is being made.

I would like to comment on a number of the important points that have been made. First, Margo MacDonald—and she might fall off her seat as I say what I am about to say—made a number of helpful and practical suggestions. We need practical suggestions on how to engage SMEs in the process; there are a number of such suggestions in "Connecting Scotland: The First Wave". Margo's suggestions were a helpful addition to that. She can feel much happier now that I have said those nice things about her and her ideas.

Irene Oldfather made important points about the intensification of cross-border competition. That will be seen as either an opportunity or a threat, depending on which end of the telescope one is looking through. It is essential that there is coherence in our preparation for such issues—that will guarantee that the situation is seen as an opportunity and that it is used to our maximum advantage.

Jamie Stone made an important point, for which I have much sympathy, on the tourism sector and the approach that has been taken by the Scottish tourism industry. Ossian is an exciting technological development that can transform the way in which businesses approach the competitive process of attracting visitors. However, it will be useful only if many people take part in it and utilise it. It is incumbent on all our development agencies to ensure that they play a part in encouraging businesses to take the practical steps of buying a computer, finding out how to log on and use the system, and determining how that can have an impact on their business.

**Ms MacDonald:** I have another suggestion for Mr Swinney to make to the minister. Last night, at the briefing by the Confederation of British Industry on tourism in Scotland, we heard that the Malin Court hotel, in Ayrshire, has a website that received 2,000 hits in the past month. The Government could save businesses a lot of money on advertising and marketing if it got that man on screen to tell other small businessmen about it.

**Mr Swinney:** I am certain that that is the case. I

do not want to take the wind out of Margo's sails, but I am sure that many small businesswomen would be interested as well. However, she makes an important point. Such ideas improve the competitiveness of individual businesses by saving the money that many businesses feel obliged to spend on advertising, which they could spend in other ways.

This has been a helpful debate, but we must ensure that we translate the genuine spirit of the debate into practical actions and consequences, to guarantee that businesses and communities in Scotland will sense that we are moving coherently in the right direction. I hope that the minister has something positive to say about the integration of Government initiatives. I keep harping on about that. I am pleased that Mr Peacock is now in the chamber, as he is the custodian of one such Government initiative—I cannot understand why. The minister might be able to give us some comfort, by setting out the way in which the Government will respond to the issues that have been raised in a productive and positive way in this morning's debate.

10:57

**Henry McLeish:** We have heard 13 speeches this morning, in a good debate. It is not always easy to say that with a clear conscience. The debate has been focused, and has captured some of the important issues that surround the revolution that is taking place. There is a danger of too much unity and consensus breaking out, but on issues that matter to Scottish people and Scottish business, it is vital that we have the consensus that gives them the confidence to progress and allows us to build up a relationship with them.

We have heard many good comments. David Davidson made a point about modernising government, to which there is a huge commitment. We have done a lot in eight months, but realise that there is much more to do. Pauline McNeill made an excellent comment on the fact that this nation has been scarred, for many decades, by disadvantage and deprivation. We do not want an electronic divide to be created: we do not want an information-rich/information-poor society. Many members made that point, and I share their view.

Jamie Stone commented on the rural aspects of the policy. The great thing about the new technologies is that they do not respect geographical boundaries. The opportunities are there to be taken, and that is encouraging for Scotland, a country with large rural areas that are important to the people who live there. Elaine Thomson made a valid point about the speed of change, and about the need for the knowledge worker to be given the appropriate skills to cope

with that change.

Margo MacDonald managed to move from Princes Street to disintermediation in a single breath. I admire her total grasp of what is happening. I shall not rise to Margo's comments about the Parliament: I shall leave that for other people to deal with. However, I want to reply to her on two ideas. The first concerns telephone communications. The Chancellor of the Exchequer agrees that, if we are to encourage people to gain access to the internet, costs must keep falling. The idea of the BT local loop has been raised by several people, and the chancellor has said that he wants that scheme to be accelerated. That is good news not only for the chamber, but for Margo MacDonald.

The second idea concerns college involvement. There is enormous college course provision so that people can get wired up and acquire the basic skills to get online. Nevertheless, in Scotland more colleges must be involved in more activities. Lifelong learning is crucial to that. Every workplace should become a learning centre. We should not look just to colleges and universities to provide those services—that is part of the revolution.

**Mr Swinney:** Will the minister give way?

**Henry McLeish:** With the greatest respect to John Swinney, I am trying to make two or three important points quickly. I regret that I cannot take his intervention, as I like to give way.

Irene Oldfather made a point about languages, which are crucial to the knowledge economy. Substantial investment in that area is required in Scotland—we are moving forward, but not as quickly as I would like.

Alasdair Morgan referred to rural areas; I agreed with many of the points that he made. He also raised the question of basic infrastructure—if we are moving from the industrial age to the information age, perhaps the Government should examine different kinds of infrastructure and the possible role of public provision. He raised an important issue that we will certainly return to in future debates.

Allan Wilson made a perfect football analogy.

**David Mundell:** Oh.

**Henry McLeish:** I am slightly biased on the subject of football.

Allan Wilson's analogy was good—we are ready to compete and we want to win. I have no doubt in saying that, apart from being the e-commerce hub of Europe, we also want to be the best place to do business in Europe and to become the education capital of the world. Those are huge aspirations, but we should not set our sights any lower.

George Lyon gave a thoughtful speech in which

he covered a large number of areas, such as competition and comparison with Ireland. We can beat Ireland in much of our work, but we should also learn from other countries that are doing well in certain niche areas of the information age. There is £250 billion-worth of managed funds in Edinburgh, so we outreach the Irish on that score. We are also doing particularly well in higher education. However, we are part of the council of the isles and of a kind of Celtic crescent—we want to learn from our competitors, but they should be in no doubt that we want to win in the areas in which we are involved.

George Lyon raised a vital point about telecommunications, mentioning BT local loops and the chancellor's comments on his wish to see costs coming down. George also raised the question of international telecommunications connectivity. Scottish Enterprise is addressing that point. George was right to say that our main link goes through London and, in terms of infrastructure, we want to consider how best to improve that.

As usual, John Swinney made a number of constructive points. Ian Ritchie is a member of Scottish Enterprise because he is a person with ideas. He also contributed to the business in the chamber event, which was an excellent innovation. I agree with John Swinney that we need coherence. It is important to note that, in the past eight months, we have set up a large number of task groups and have identified many new priorities. It would be easy to propose a super-committee that could deal with all those priorities, but it would not be practical—nor would it be business politics. However, I agree with the message given in a number of speeches that we should ensure that the Government is coherent on modernisation, so that we have a joined-up, consensual approach by the Government, in relation to what we are seeking to achieve. We should also send a powerful and coherent message to the outside community.

John Swinney made that point—his analogy with Y2K was vital, and links into the Conservative amendment. I have no problem whatever in accepting the spirit of what is suggested in that amendment. My only difficulty in accepting it as a technical amendment is that I would have to discuss its proposals with those who run parliamentary business. I agree that we should elevate the e-commerce revolution to a position where we will report on it, but we should work out whether a committee, an all-party group or the Executive should report back and whether we can link in with debates, statements or parliamentary questions.

I appreciate that David Mundell has wide experience in this area. I was interested in his

comments on Finland, which we should explore further. I accept the need for coherence in government, which we are trying to provide. However, I believe that, most of all, we need total consensus—not on the margins, as we will always have different views. Politics is about differences, passion and ensuring that issues are raised on behalf of different people. However, we could have a core of consensus on some of these important points.

This has been a good debate. Scotland is a nation on the move. We have huge ambitions, and the revolution that is taking place in telecommunications provides us with staggering potential to progress in education, enterprise and prosperity.

I have no doubt that in the future we will look back on these debates, which give Scotland a chance for the first time to tackle peripherality, to help emerging firms and to ensure that the Scottish financial community continues to blossom. This is about using the internet for the delivery of learning and about ensuring that inclusion of disadvantaged communities is part of the process. The debate reinforces once again the fact that the Parliament is doing well and is about new politics. The people of Scotland can be rightly proud that we are taking this subject seriously, not for our benefit but for theirs.

## Children (Physical Punishment)

**The Deputy Presiding Officer (Patricia Ferguson):** The next item of business is a debate on motion S1M-586, in the name of Mr Jim Wallace, on the physical punishment of children, and amendments to that motion.

11:05

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** The Executive has sought this debate today so that members of the Scottish Parliament may have an opportunity to express their views about the Executive's proposals for modernising the law on the physical punishment of children. Our proposals are set out in the consultation paper "The Physical Punishment of Children in Scotland", copies of which were made available to the Scottish Parliament information centre when it was issued on 8 February.

Since I announced the consultation, there has been extensive commentary in the media on the Executive's proposals. We now want to give Parliament an opportunity to comment. I welcome that, since our aim in consulting widely on the issue is to determine how we can provide better protection for the children of Scotland. I hope that that is an aim that members present will support today.

I want to provide some historical background on how we arrived at the consultation paper. The consultation that we are now undertaking is the latest step in a process of providing better protection for our children. Attitudes and the law change and develop over time.

An early step to provide protection was the enactment of the Children and Young Persons (Scotland) Act 1937. One of the relevant provisions, section 12, is set out at the end of the consultation paper. In its time, the 1937 act was a considerable advance in protecting children from ill-treatment, neglect or abandonment. It resulted from a change in attitude of people at that time. Society could no longer countenance the harsh treatment that was sometimes meted out to children and sought to remedy the position through legislation.

However, the 1937 act also recognised, in section 12(7), a parent's right to administer punishment to his or her child. Times and attitudes move on, and we need to consider whether the law should be changed to reflect that.

The most recent examination of the issue was carried out by the Scottish Law Commission. In its "Report on Family Law" of 1992, the commission

recommended that in any proceedings, whether criminal or civil, there should be no defence in cases of corporal punishment where the parents used a stick, belt or other object. That recommendation was debated, but rejected, during the passage of the Children (Scotland) Act 1995—Lord James Douglas-Hamilton and I wear the battle scars of that debate—and remains unimplemented.

More recently, there has been strong public support in Scotland for the abolition of corporal punishment by childminders, day care providers and providers of non-publicly funded pre-school education. There has also been the English case of *A v the United Kingdom* in the European Court of Human Rights. That case concerned a child who had been severely beaten by his stepfather. The stepfather was acquitted by an English court, but the European Court of Human Rights found that the UK was responsible for failing to take measures to protect the child against punishment whose severity breached article 3 of the European convention on human rights. The court said that although the defence only extended to "reasonable chastisement", the law had failed to protect the child from treatment of sufficient severity to fall within article 3 of the ECHR. The case highlighted the need to examine the law in England and Wales, and the United Kingdom Government agreed to do so. That gave us the opportunity to re-examine the law in Scotland.

From my brief outline of the more recent history, members will see that the views of society change over time. That was certainly the experience in those Scandinavian countries that have moved to abolishing fully the physical punishment of children. The driving force there—which, I would argue, applies to our situation—was the attitude of society. When abolition came about in those countries, it did so in time and in tune with public opinion. It came with little fuss and with a ready acceptance.

Part 3 of our consultation paper provides a summary of the law in Scotland. I will not repeat that here, except to emphasise that the law recognises a parent's right to administer moderate physical punishment to his or her child and that, in cases that reach court, it must be proved that the punishment went beyond "reasonable chastisement" before a conviction can be obtained or damages awarded.

In determining whether any punishment is excessive, a court would look at all the circumstances of the case, including the age, sex and any known disabilities or weakness of the child. The flexibility that is offered to the court is wide. That flexibility has prompted the Executive to examine the need for change in the law. Although the breadth of the law allows the courts to

determine each case against its particular circumstances, it is argued that the law does not indicate clearly enough what would be considered to be "reasonable chastisement". That is one reason why we are consulting.

As part 5 of the consultation paper sets out, we propose to define in statute what is meant by "reasonable chastisement". I will make the Executive's position clear on whether all physical punishment of children should be banned. The Scottish Executive feels that it would be unacceptable to outlaw all physical punishment of a child by a parent. However, we are specifically asking that question so that the issue is exposed for debate.

Surveys have shown that the vast majority of people in Scotland support the right of parents to smack their children. We want to amend the law to protect children from punishment that is deemed to be harsh, degrading and inappropriate in a decent society. I strongly suspect that the vast majority of people in Scotland will also support that wish.

We want to encourage good parenting, which is vital, although I know only too well that it can be a demanding job. We must recognise the rights of parents to exercise their parental responsibilities and to bring up children safely, as they think best, without undue interference from the state, but we must also protect the rights of children and encourage non-physical methods of discipline.

It is not the role of the state, and certainly not the wish of the Scottish Executive, to interfere unnecessarily in family life, but it is the Executive's wish to ensure that the law provides adequate protection from physical harm for our children and that the law is clear for the judiciary, legal practitioners and, above all, parents.

In practice, at present, where it is held that punishment was inhuman or degrading, a trial judge is invited by the prosecutor to reject any argument that the punishment had been "reasonable chastisement". However, to ensure that Scottish law conforms to article 3 of the European convention on human rights, we propose as a minimum that the law should make it clear that physical punishment of children which constitutes "inhuman or degrading treatment" can never be considered "reasonable chastisement".

We further propose that the law should explicitly set out that, in considering whether the physical punishment of a child constitutes "reasonable chastisement", a court should always have regard to the nature and context of the treatment; its duration and frequency; its physical and mental effects; and, in some instances, the sex, age and state of health of the victim.

It would be possible to make other changes to

the law in pursuit of that objective of ensuring that Scottish law conforms to article 3 of the European convention on human rights. Therefore, we are also consulting on whether it would be possible to add to or elaborate on the factors that I have just given. For example, the court might also consider the reasons for the punishment, when it was administered, the persons involved and the vulnerability of the child.

If it were thought useful, it could be possible to specify forms of punishment that could never be deemed to be reasonable, such as blows to the head or shaking. Another possibility, which was suggested by the Scottish Law Commission, is to prohibit using implements. Those and other options are outlined in the consultation paper.

We are taking this opportunity to obtain views on who may administer reasonable chastisement. Currently, reasonable chastisement may be administered by those who have parental responsibilities and rights, but also by others who have lawful charge of children, such as relatives, baby-sitters or neighbours who have been given the responsibility of looking after children temporarily.

Following the consultation preceding the Standards in Scotland's Schools etc Bill, we are also asking whether there should be a statutory ban on physical punishment in all early years settings such as in child care centres, by childminders and in non-publicly funded pre-school centres. The physical punishment of children has already been banned in a number of situations, such as in state schools. It has not been possible to deal with most early years settings in the schools bill as they fall outside the scope of education law.

Finally, we are also asking whether parents should continue to be allowed to use reasonable physical punishment towards their children. In asking that, we recognise that there are many who would want to answer the question in the affirmative and many who would want to answer in the negative. The Executive feels that it is important not to leave the question unasked or unanswered.

The amendment lodged by Lyndsay McIntosh appears reasonable on the surface. In our consultation paper, the Executive asks whether parents should continue to be allowed to use reasonable physical punishment towards their children. In asking that, we admit that the Executive is inclined to the view that it would be unacceptable to outlaw all physical punishment of a child by a parent, as I have indicated.

We believe that that view conforms to what the majority of people in Scotland would support and that clarification is needed to provide better

protection for children. The Conservative amendment could be seen as compatible with that. But we also recognise—

**Mrs Lyndsay McIntosh (Central Scotland) (Con):** But.

**Mr Wallace:** We also recognise the value of asking the question in order to expose the issue to debate. It is not our intention to stifle debate, which would be a danger in accepting the amendment. I ask members to reject it on the ground that it could pre-empt the consultation process.

Nicola Sturgeon's amendment seems even more reasonable.

**Mrs McIntosh:** But.

**Mr Wallace:** But.

The amendment calls on the Executive to take full account of all views expressed in the consultation. That is a matter of normal practice so we can support that element of it.

**Nicola Sturgeon (Glasgow) (SNP):** Not always, Jim.

**Mr Wallace:** I remember that it was in a previous Administration that Lord James described a consultation as a genuine consultation—that was perhaps more a feature of that Administration. We are genuinely concerned to take all views in a consultation.

The amendment also asks the Executive to ensure that Scots law complies with the European convention on human rights and, again, we support that; it is one of the objectives set out in the consultation paper.

The amendment then asks the Executive to ensure that the rights of parents and children are mutually respected. The intention is laudable, but I ask Nicola Sturgeon to reflect on the potential conflicts between the rights of parents and children that could make mutual respect of such rights difficult. Obviously, we want to minimise such conflict. That is an issue on which we expect to learn more from contributions to the consultation. I assure both Nicola and the Parliament that we will pay close attention to the responses.

**The Deputy Presiding Officer:** Please wind up, minister.

**Mr Wallace:** Change in legislation usually happens because the attitudes of society change. The Executive believes that the prevailing attitude in Scotland is that parents should be able to continue to administer reasonable physical punishment, but that clarification in the law is required as to what would be considered "reasonable".

Above all, we want to create an atmosphere and a legal position that protects children, reduces the risks of violence and abuse and reflects the views of society on how we best bring up children. That is reflected in our proposals.

We want to hear what individual parents and children think about our proposals. We want to hear what members of this Parliament think. The two questions to which we are seeking an answer are:

"First, within the context of a modern family policy, in a responsible society, where should we draw the line as to what physical punishment of children is acceptable within the family setting?"

and

"Second, how do we achieve that position in law?"

I look forward to the debate. I move,

That the Parliament welcomes the publication by the Scottish Executive of the consultation paper *The Physical Punishment of Children in Scotland* and commends this opportunity to seek the views of the Scottish people on this important matter.

11:19

**Nicola Sturgeon (Glasgow) (SNP):** The SNP welcomes the Scottish Executive's consultation on physical punishment of children. As the Deputy First Minister said, it is eight years since the Scottish Law Commission dealt with the matter in its "Report on Family Law", and most people in Scotland accept that legislative change is long overdue. There is no doubt that the law needs to be changed. As it stands, Scots law does not afford children the protection that the European convention on human rights demands and which children at the beginning of the 21<sup>st</sup> century deserve. That is why no change is not an option. The questions that must be addressed, and which are addressed to some extent in the consultation, are how and to what degree the law in Scotland should be changed.

I have two preliminary points. First, although the consultation is essentially about proposed changes to the law, the debate should not be couched in legalistic terminology. The debate is fundamentally about children, and their interests should be at the heart of the debate. The Deputy First Minister and Minister for Justice commented on the SNP amendment. In the vast majority of cases, if parents are responsible and loving, the interests of parents and the interests of children should be compatible and should be given mutual respect in the framing of our law. In the application of that law there will be recognition that, in a minority of cases, there may be conflict. However, the law must be able to ensure, on the basis of mutual respect, that those cases can be dealt with. I did not hear any real reason in Jim Wallace's

speech why the Executive cannot accept the Scottish National party's amendment, which is offered in a constructive spirit. I hope that the Executive will accept that amendment.

My second preliminary point is that it is important that the Executive does not prejudge the outcome of the consultation. I welcome Mr Wallace's comment that he does not want to stifle debate. The views of the Scottish people must be listened to, including the views of children themselves. One of the weaknesses of the consultation paper is that it says nothing at all about the views of children. Although the Tory amendment talks about children being sure of their rights, it says nothing about taking children's views into account. Under the UN Convention on the Rights of the Child, we are duty-bound to listen to children and to take their views into account on all decisions that affect them.

That issue provides another strong reminder of the overwhelming case for bringing Scotland into line with a host of other European countries by appointing a children's commissioner, someone at the heart of Government who can ensure that children's views are positively promoted. I urge the Executive to work constructively with the Education, Culture and Sport Committee towards that objective.

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** I welcome Nicola Sturgeon's comments about consulting children. Unlike Jim Wallace, I see no difficulty in supporting her amendment. Were we in government, we would accept it.

**Nicola Sturgeon:** I am glad that the Tories have learned from their mistakes and are now in favour of consulting people; that is not something that they were good at when they were in office. I welcome Mr Monteith's support.

We must not prejudge the outcome of the consultation. We must be clear about the principles that inform the debate. The first of those is basic common sense. Children's interests are paramount. They have a right to be protected from physical assault in the same way as any other member of society. Common sense tells us that it is also in children's interests to be well brought up, to learn the boundaries of acceptable behaviour, to know the differences between right and wrong and to be protected sometimes from the consequences of their own behaviour.

Loving and responsible parents—and the vast majority of parents are loving and responsible—will use many methods to discipline their children. Most will use a mild physical rebuke only as a last resort. A last resort is exactly what it should be. There are many other ways of disciplining children, including sending them to their room or turning off the television until they have learned

the lesson that the parent is trying to teach.

**Mrs McIntosh:** Will Nicola Sturgeon give way?

**Nicola Sturgeon:** I may accept interventions later in my speech.

I am sure that most parents would consider those methods of discipline far more effective than smacking a child. Those alternatives should be positively promoted by the Executive.

Many organisations and individuals in Scotland advocate a complete and explicit ban on physical punishment by parents. That view should not be dismissed. Such a ban would bring Scotland into line with many other European countries, and I am glad that the Executive has chosen to consult on that point. However, all the available evidence suggests that the majority of Scottish parents would be reluctant to support such an outright and explicit ban. Without prejudging the outcome of the consultation, I am inclined at this stage, like the Executive, to agree with that view. The Parliament must not be overly prescriptive about how parents should bring up their children.

The purpose of the law is twofold: to set the boundaries of acceptability and to deal with those people—who, thankfully, are a small minority—who go beyond what is considered acceptable. The problem with the law as it is currently framed is that it is not drawn tightly enough to afford children the protection that they deserve. The English case that Jim Wallace referred to, and which was taken to the European Court of Human Rights, illustrates how widely courts in this country may interpret the defence of reasonable chastisement.

There must be clear boundaries and, as a society, we must make it clear beyond a shadow of a doubt where those boundaries lie. There are particular forms of punishment—punishment that causes or intends to cause injury; blows to the head or face; shaking children; or the use of any form of implement—that should never be acceptable in any circumstances, and parents administering such forms of punishment should not be allowed to shelter behind the defence of reasonable chastisement. All those forms of punishment are beyond the pale, and cross the boundary between chastisement and abuse.

As a society, we should make it clear that if there is to be a continuing right to use mild physical chastisement, that right should apply solely to parents. The law should make it unlawful for anyone else who has the care of children—childminders, care workers or babysitters—to use physical punishment. That is essential to ensure the protection of children, and I would argue that it is also essential to ensure the protection of those who have temporary care of children.



Such a change to the law would not represent a huge move away from current practice. Although at the moment childminders are not prevented by law from using corporal punishment if they have the agreement of parents, it is the practice of many local authorities in Scotland to make it a condition of registration as a childminder that physical punishment will not be used. That position should be enshrined in law.

I will make one final plea to the Executive. Mr Wallace has already referred to the Standards in Scotland's Schools etc Bill, which is before this Parliament. The bill extends the ban on corporal punishment to private schools and publicly funded nurseries, but not to private nurseries. That is an indefensible loophole, and it must be closed. I am not persuaded by the Executive's argument, which is only a technical argument, that the loophole cannot be closed in this bill. I urge the Executive to think again and to look at amending the bill to outlaw corporal punishment in private nurseries.

In conclusion, we have a welcome opportunity to bring our law into the 21<sup>st</sup> century. The rights of children, in the broadest sense, must be the driving force in this debate. It is not for us as a Parliament to dictate to parents how to bring up their children, but it is our job to ensure that children, like any other group in society, are protected from abuse, can live in an atmosphere of love and respect and are able to grow into happy and fulfilled adults.

I move amendment S1M-586.2, to insert at end:

"and further calls upon the Executive to take full account of all views expressed in the consultation, to ensure that the rights of parents and children are mutually respected and that Scots law complies with the European Convention on Human Rights."

11:27

**Mrs Lyndsay McIntosh (Central Scotland) (Con):** Deputy Presiding Officer, I am sure that there have been occasions on which you have witnessed behaviour here and wished that you could administer a smack. However, I am sure that the behaviour this morning will be exemplary.

Let us agree that, at its most basic, this debate is not about the abuse of children. Child abuse is rightly condemned by us all, and excess physical punishment would come into that category. This debate is about providing options for parents on how they feel best able to instil a sense of discipline in their children.

Physical punishment is not the be-all and end-all of discipline. Instilling discipline takes a number of guises that can be tailored to individual circumstances. Some things work better than others. From my own experience as a parent, I found that the withdrawal of privileges and the

confiscation of that confounded disco gear with the sub-woofers, the volume of which cracked the kitchen ceiling, led to a marked improvement in behaviour and in application to homework in my household. The disco gear was in my child's room, so I have to disagree with Nicola when she says that it might be appropriate to send a child to their room. Unfortunately, the marked improvement in behaviour and in report cards had to be acknowledged, and the equipment returned. My hearing has been affected ever since.

Positive encouragement can be effective. We welcome the Executive's consultation paper, and applaud the resistance to the temptation to nanny and interfere. An outright ban on smacking is not the answer. Public opinion polls north and south of the border support the position that loving parents should not be criminalised for administering a safe smack. I am not a strict adherent to the "Spare the rod and spoil the child" school of thought, but I doubt if there is a member in this chamber, or a person in the public gallery, who has not seen a child whose behaviour could not have been favourably influenced by a well-aimed and appropriately weighted palm on the posterior.

I am pleased that the sex, age and state of health of a child are among the factors that the Executive has set out for consideration. Little girls are not all sugar and spice and all things nice; some of them are proper little madams, whose behaviour should be improved. The age of the child is of crucial importance. One cannot have a reasoned discussion on the merits of eating Farley's rusks, as opposed to wearing them, with an ankle-biter. I have been there and washed the tee-shirts.

This debate is of particular interest to the parents of today, but also to grandparents, childminders and parents of the future. The Executive might like to consider their input, and not only on this issue.

All too often, I have heard people say that the problem with unruly youths hanging about the streets is their parents' inability to discipline their children; but it is part of the maturing process. The child who has been brought up in a disciplined home environment, with respect for others, should be able to rise to the challenge of growing up and acting their age—not their shoe size.

In direct contrast, parents say that they are limited in what they can do by the prospect of legal repercussions. My amendment seeks to clarify and define the position, as definition has presented problems for the Executive of late.

For heaven's sake, children around the world are suing their parents for damages, or have filed for divorce. In contrast, children who love their mother or father have been devastated when a

well-intentioned busybody has stuck their nose in where it was not wanted and legal action has been taken. The recent Hamilton case was an example of that. Irrespective of whether we think that a smack on the bottom for a girl of eight is excessive, the events that followed were a catastrophe for that family.

In such cases, words of caution seem far more rational and practical, yet there is no provision for such action in the established procedures. Having established that parents must have the right to decide, within reasonable, decent boundaries, the nature of punishment that is appropriate for their child, they must also be allowed to decide whether that responsibility may be passed on to another person, approved by them to look after their child during their absence.

Listening to one of these Sunday morning radio phone-in programmes, some people might take the view that, rather than extending the ban on corporal punishment to child care centres, childminders and non-publicly funded pre-school centres, we should be reintroducing it across the board, as a deterrent against unreasonable behaviour. The common consensus is that discipline in our schools has declined.

**Scott Barrie (Dunfermline West) (Lab):** Is Mrs McIntosh seriously suggesting that we turn the clock back to pre-1986 and reintroduce the belt into our schools?

**Mrs McIntosh:** I am saying that there is an opinion abroad that that might be appropriate. That is all that I am saying.

The Executive may wish to consider why parents all over the country choose to place their children in establishments where corporal punishment is an integral part of discipline. The key is choice, and the Conservatives have always made it clear that we would deliver that.

As MSPs, we have disciplined imposed on us, be it from our respective parliamentary whips or through the report of the Standards Committee. As parliamentarians, we are all familiar with the concept of discipline. As for punishment, Lord James is a gentleman of infinite patience, whose limit I have yet to reach.

Let us not interfere unnecessarily in the everyday disciplining of children. Nothing annoys people more than unnecessary intervention and regulation. This Parliament is having a hard enough time winning over public opinion, without legislating for the unpopular and the unnecessary.

I move amendment S1M-586.1, to insert after "Scotland":

"agrees with its view that parents should continue to have the right to physically rebuke their children by reasonable means, if they so choose, in order to maintain discipline

both in the present day and for future generations, calls upon the Scottish Executive to clarify the definition of reasonable chastisement so that both parents and children are sure of their rights within the law."

11:34

**Scott Barrie (Dunfermline West) (Lab):** I welcome this debate on the Executive's consultation paper, although it seems a bit late in the day that, in 2000, we are discussing how we hit our children, with what we hit our children and where we can hit our children.

Members are all aware that the current law urgently requires to be revisited; the current position is clearly not acceptable. The concept of reasonable parental chastisement is open to wide interpretation, as both the Deputy First Minister and Nicola Sturgeon have indicated.

My problems with the current definition mostly emanate from my experience as a social work practitioner and a social work manager. I remember vividly an example in the Cowdenbeath area of a father who assaulted his child with the buckle end of a belt, leaving two severe indentations in the child's buttocks. The case went to criminal proceedings, but the man was only admonished in the sheriff court because the sheriff agreed that what he had done was legitimate parental chastisement. I defy anyone, including Lyndsay McIntosh, to define what was done as parental chastisement and not child abuse. That is a graphic example of the difficulties that we face in terms of legislation.

It is sometimes difficult to remember that it was only in 1986 that we finally outlawed corporal punishment in our state schools. Although I was never tawed at school, I remember that it was often a useless deterrent—if that was what it was supposed to be—to unruly classroom behaviour. Many of my peers used to queue up to taunt teachers to see how often they could get the belt, especially from those who were unable to draw it properly.

**Mrs McIntosh:** I find it hard to believe that Mr Barrie had friends who competed to get the belt. I had it once in my life, and it cured me.

**Scott Barrie:** As someone who never had the belt, I am not sure what that means. The point that I was making was that a number of people went out of their way to be belted, because it gave them some sort of status in our schools. It was very little deterrent to unruly classroom behaviour.

Most of my social work practice was spent in the west central Fife area. The reason that I am labouring that point is that, as we all know, the belt originated from a Lochgelly cobbler. The test case that led to its prohibition in the state school system was from Beath High School in Cowdenbeath. It is

relevant that someone from Fife should be talking about it.

My point is that we were regularly belting children in our state schools less than two decades ago. Lyndsay McIntosh might disagree, but I believe that that would be totally unacceptable now. Times have moved on, including on the subject of parental chastisement.

The previous Tory Government missed a golden opportunity, when the Children (Scotland) Act 1995 was being discussed, to clarify this issue along the lines that Lyndsay McIntosh suggests that her motion is doing. However, having read the motion, I cannot see how it clarifies anything, except that we can physically rebuke our children, presumably by visiting assault on them.

When the act was being discussed, the Law Commission, as we have heard from the Deputy First Minister, suggested that, although hitting children would not be outlawed completely, there would be a definition of what was meant by reasonable chastisement. Some six years on, the Executive is attempting to provide that definition.

We should perhaps move further. The conclusion that we reach may not be the accepted wisdom of everyone in the chamber—or perhaps of people outside—but we should be considering this matter seriously. At least the Executive, in the consultation paper, has asked people for their comments. We should seriously consider whether to outlaw hitting our children. I suggest that children should be afforded the same protection as we afford every other member of society.

The issue is emotive; people do not want to be categorised as bad parents. Outlawing the hitting of children is not about criminalising parents. It is about offering children rights with responsibilities. The trivial examples would not result in prosecution. The hypothetical example that has often been raised in my presence is that of a young child who puts his or hands in an electric fire. The child receives a tap across the wrist, which—because we are not allowed to hit our children—results in prosecution.

That is a trivial example; clearly, it would not happen. It does not happen in those countries that have already enacted similar legislation. Jim Wallace is right that the legislation has not come about in isolation. It is perhaps a bit late in the day to discuss this issue, but at least we are doing so now. I hope that we take this consultation paper as a beginning and that, in a relatively short time, our young children will have the same rights and protection in law as adults do.

11:39

**Irene McGugan (North-East Scotland) (SNP):**

Like others, I welcome the fact that we are to have consultation on this issue, followed by legislation. The crucial point is how much or how little Scotland wants to achieve. Where do we draw the line between inhuman, degrading treatment and reasonable chastisement? I sincerely believe that we should not be seeking to define where, how and with what a child can be hit. That is a recipe for confusion and an approach that fails children in the new millennium. As a signatory to the UN Convention on the Rights of the Child, the UK should honour article 19, which obliges us

“to protect the child from all forms of physical or mental violence”.

The Children are Unbeatable! alliance is seeking legal reform to give children the same legal protection from assault as adults have. The alliance wants to move society beyond smacking towards positive, non-violent forms of discipline. It is significant that all the major child care organisations in the country, including Children 1<sup>st</sup>, Save the Children, Children in Scotland and Barnardo's, are members of the alliance.

A few weeks ago, the cross-party group on children held a discussion on physical chastisement. Following the discussion, Scott Barrie lodged a motion stating that

“in a modern Scotland concerned with social justice for all there is no place for the concept of ‘reasonable chastisement’ of children; that children should have the same protection under the law as adults from being hit; that a new, modern legislative framework would be the best basis from which to promote positive discipline”.

Several weeks later, only a further five members have signed the motion, which—I accept—reflects the widely held reluctance in society to legislate on the matter. However, there is evidence to suggest that parents' views are changing. A recent poll conducted by MORI on behalf of the National Family and Parenting Institute found that only one in five parents thought that smacking was an effective way of teaching children the difference between right and wrong. The poll concluded that the weight of public opinion was behind positive parenting.

Any proposed change in the law on disciplining children must be accompanied by a well-resourced campaign to inform parents about positive alternatives to smacking. Such alternatives must be age and stage appropriate, beginning with the concept of encouraging and rewarding good behaviour, rather than punishing bad. It is a matter of regret that children's views are not being sought in the consultation exercise because the evidence tells us that children do not talk about being smacked—they describe it as being hit.

It is also significant that eight countries in Europe, including Finland, Denmark and Sweden, have banned all corporal punishment. Sweden is a particularly good example; I was very influenced by the time that I spent there a few years ago researching child care practice. The Swedish laws are educational, not punitive. They work to change attitudes and to move parents on to positive discipline.

In 1979, Sweden was the first country to ban smacking. I take issue with the Minister for Justice on this point, because my understanding is that when the legislation was introduced, it did not have the support of the majority of the Swedish population. It is a good example of the need for Governments occasionally to be proactive and to allow accepted wisdom to follow the legal precedent. Now, only 6 per cent of Swedes would like those laws to be repealed.

Although the Scottish Parliament must take full account of all the views expressed in the consultation process, it could choose to lead public opinion towards more effective forms of discipline and away from smacking. The simplest and fairest way of doing that is to remove the defence of reasonable chastisement, creating a basis on which to develop the debate in Scotland. That will make a statement about the kind of society to which we want to aspire for our children.

11:44

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** I am pleased that the debate is taking place, as it sends a message to the people of Scotland that the Scottish Parliament is committed to children. We have already demonstrated that by the number of times we have raised child-related issues: the Standards in Scotland's Schools etc Bill is in progress; we have had a debate on looked-after children; there have been members' business debates on children's rights; and several motions on child-related issues have been lodged. I recognise that that means that we must take on board many issues that might be difficult and controversial.

Many children's organisations feel that we have waited a long time for the consultation document on the physical punishment of children. Many actions that would have constituted physical assault if meted out to an adult have been defended in court as reasonable chastisement. Scott Barrie mentioned some examples, and I could quote chapter and verse—and others could probably do the same—of situations in which children have been shaken, beaten about the head and hit with a variety of implements, only to discover later that that was deemed to be reasonable in the circumstances.

It is important to remember the history of children's rights. During debates at the time of the Children Act 1989, attempts were made to remove the defence of reasonable chastisement, although an amendment to that effect that was tabled in the House of Commons was withdrawn. In 1992, the Scottish Law Commission recommended the banning of corporal punishment using implements such as canes or belts. Again, attempts were made to include such a measure in the Children (Scotland) Act 1995, but they did not succeed.

I will not go into the legalese of section 12(1) and section 12(7) of the Children and Young Persons (Scotland) Act 1937, but I will give members a summary. One subsection lists a number of horrible things that people are not to do to their children; the other subsection says that that does not apply to parents, teachers or people who have care of a child. That anomaly ought to be removed.

Nicola Sturgeon was absolutely right—the status quo is not an option. We have to do something to bring our proceedings into line with the requirements of the European convention on human rights. We have to change our laws. We need a calm, reasoned and considered debate on how we can clarify the law in a way that gives children protection from physical assault but that also—as Irene McGugan said—supports carers and others who have the day-to-day responsibility of ensuring that children are brought up as reasonable citizens.

The law contains a number of anomalies, which we must tackle. Children in public care cannot be subjected to actions that children in the family home can lawfully be subjected to. Children in state schools cannot be subjected to some of the actions that it is apparently okay for children to be subjected to if their parents pay for the privilege. Children in some forms of provision for under-fives cannot be subjected to some actions that children in other forms of that provision can be subjected to.

I was disappointed by Lyndsay McIntosh's speech because of the language that she used to describe children. I do not think that it is helpful to describe children as proper little madams or as ankle-biters. Children are people who have rights and who ought to be respected. Her contribution contained exactly the sort of attack and language that will take this debate in a direction that we do not want it to take. We need to come up with something constructive, and I do not think that that use of language is helpful.

**Mrs McIntosh:** For some people, those are terms of affection.

**Cathy Jamieson:** I am sorry, but I simply do not see it that way.

We have moved a considerable way towards zero tolerance of domestic violence; we should move towards zero tolerance of violence against children.

11:48

**Linda Fabiani (Central Scotland) (SNP):** I join my colleagues in welcoming the consultation document; it is clear that this area of policy must be updated. The document demonstrates that much of the existing law centres on the rights of parents or those caring for children rather than on the rights of the child. The Executive and the Parliament will be criticised by some parents for interfering with their rights. Parental rights are important, but in a civilised society a child's right to protection must take precedence over a parent's right to chastise. I look forward with interest to the outcome of the consultation; I hope to hear the views of parents and young people, rather than those of the professional reactionaries.

Before dealing with my principal concern, I want to state my doubts about having a complete ban on the physical chastisement of children, even by parents. Although I welcome the intention to make progress in this area, I am not yet convinced that an outright ban is either justified or practical. I draw members' attention to the findings of the MORI poll that was conducted on behalf of the Children are Unbeatable! campaign. The poll found that 78 per cent of parents and young people believed that children should have the same protection under the law on assault, provided that

"they can be sure that parents will not be prosecuted for trivial smacks."

I take on board Scott Barrie's point that the threat of such prosecution might be an erroneous perception; however, the perception exists and must be tackled.

Although, after much consideration, I endorse the views expressed by that 78 per cent of people, the law must be more comprehensive and must take account of the situation where other adults find themselves in a parental role. The issue is how we proceed in a way that achieves cohesion, a greater understanding of the issues and a better future for our young people.

Although much in the consultation document is commendable, the Executive has not yet properly focused on the rights and interests of the child. That is most clearly illustrated by the debate about protection for children who are in child care centres and private pre-school centres, and who are looked after by child minders. I commend to the Executive the application of the non-discriminatory approach to children's rights contained in the 1989 UN Convention on the

Rights of the Child.

During the consultation, we must consider whether it is acceptable to ban corporal punishment of children in publicly funded pre-school centres while permitting the same punishment of children in privately funded pre-school centres. From the perspective of children, I can see no justification for such an approach. I question the equity of some children losing their right to protection from assault simply because their parents belong to a certain social or economic group. Human rights, including those of children, should not be removable through the application of a cheque book.

The Executive's position that we should move forward with legislation at a different pace in the public sector from that in the private sector is deeply worrying. If it is impossible to address the issue under the Standards in Scotland's Schools etc Bill, I urge the Executive to initiate discussions with a view to introducing parallel legislation for both the public and private sectors. The commitment to a child's most fundamental right must be more specific than a statement of future intent.

11:52

**Dorothy-Grace Elder (Glasgow) (SNP):** All members will agree that this Parliament should not turn into some sort of Mary Poppins for adults, acting as a national nanny to parents by wagging its finger at them and telling them how to bring up their children.

As a parent, I am not qualified to do that just because I have a wee plastic badge that says that I am an MSP. I used to be a marvellous parent, but that was before I had children. I knew it all in those salad days; before having three children, I would never have dreamed of using any form of physical chastisement on a child and was a tut-tutter if I saw it in public. Then I had my own children, woke up and smelt the coffee.

As an average parent, I was confronted with a three-year-old who specialised in uncoupling plumbing for the sheer pleasure children get at that age of watching water thundering through floorboards—do not try this at home—while the other two ran around, hitting each other on the head with heavy plastic toy telephones and experimenting with turning on gas taps. Believe it or not, that is quite a normal household.

What can parents do in such circumstances? They cannot quote Dr Benjamin Spock at their children; even he changed his mind a few years before he died, when he saw that we were raising a Spockmarked generation. I chastised physically, but only very lightly and only when I saw that my children were placing themselves in danger. They

were too young to understand anything other than a little slap on the wrist or on the bottom. A slap on the wrist must not make us all criminals.

**Scott Barrie:** Will Dorothy-Grace Elder give way?

**Dorothy-Grace Elder:** I am sorry. I am a back bencher and we do not get much of a chance to speak in this Parliament, and when we do it is only for four minutes. Other members get 10 to 15 minutes.

Although I have never had an impulse to spank a child in anger, no matter what he or she was doing, there are some parents who would beat a child mercilessly for wetting the bed or for some other natural happening. That is totally unacceptable; any normal parent would laugh off such events.

We cannot be so unrealistic as to deny to all parents all means of physical chastisement. If we do that, we might put small children in more danger, because in an emergency a small child who does not understand the word no, or regards it as a challenge, could be in considerable danger. There is a touching phrase in the baptismal service that refers to guiding a child through the perils of infancy. Those perils nowadays include appalling traffic, risks of drowning and falling, or even of swiftly snatching a bleach bottle. A parent must act fast.

We must legislate on the parts of the body that should not be hit in any way. That legislation would really be quite simple.

**Scott Barrie:** As one back bencher to another—

**Dorothy-Grace Elder:** Sorry, I do not have much time. I will carry on.

The legislation could confine physical punishment to those body parts that would suffer little harm—a slap on the wrist or the bottom—but outlaw absolutely the shaking of a child, or hitting the head, ribs, stomach, or whatever, or hitting a child with any instrument.

I have been involved as a volunteer and as an investigative journalist on the issue of child abuse. I have seen small children whose bodies were covered in cigarette burns. I have seen children who have been treated far worse than dogs. We must end that sort of treatment. We cannot regard all parents as nice people. The legislation cannot be aimed only at nice people, because nice people do not need it. Legislation must be in place to protect children from the minority who are brutes.

Cruelty can occur through sheer ignorance. Some people believe that shaking a child is a lesser punishment than slapping that child on the wrist, but of course it is not. It leads to catastrophic damage. Parenting skills should be taught from

the earliest years. I am getting sick and tired of hearing about the need for more sex education in schools. We need more life education. Parenting is a 24-hours-a-day job; it is the only job where someone is in charge of human life, but is an amateur and has no qualifications. We amateurs need training from our earliest days in the classroom.

I ask members to apply common sense and compromise. Unfortunately, common sense is not common at all.

11:57

**Mr Kenneth Macintosh (Eastwood) (Lab):** I welcome the minister's comments and the consultation paper. I also welcome Miss Sturgeon's earlier comment that it is difficult to imagine going into the 21<sup>st</sup> century with laws that reflect attitudes that would be more in place in the 19<sup>th</sup> century. I line up with Irene McGugan, Cathy Jamieson and Scott Barrie on this matter.

Like many members here, I am a parent, but as my baby son is less than 10 months old, I would hesitate to share with families around Scotland the massive wisdom that I have accumulated during that time. I sometimes worry that my son thinks his father was born with gritted teeth, because that tends to be my fixed expression when I am changing his nappy and he does not want his clothes to be put back on.

I am aware of the frustrations that all parents face and I am aware that those frustrations can push people's temper to beyond breaking point. However, if they have lost their temper, can they justify using force and lashing out at a child? I would say not.

**Mrs McIntosh:** I must make it clear that this is not a question of losing one's temper, but of running out of patience. It is not a question of hitting a child in anger because someone has lost their temper.

**Mr Macintosh:** That brings us to the question, which several back benchers have raised, about when it is appropriate to hit a child. Nobody in the chamber has yet described the circumstances when it would be appropriate to hit a child.

If another adult's behaviour was annoying, in the way that a child's behaviour sometimes can be, we would not dream of lashing out and using physical violence. So why is such behaviour acceptable when it comes to small children?

Last night, Lord Winston presented a programme on television that showed how a child could be influenced from a very early stage. Music was played to a baby in the womb; the music relaxed the child and calmed its movements. The music was also played when the child was born

and had the same effect. There are lots of lessons to learn from that, but the fact is that a lot of what we do as parents affects our babies' behaviour.

Babies learn from a very early age. If parents use physical force to assert their will, there is only one lesson that can be learned—using force to assert one's will is appropriate and reasonable behaviour. We should not teach that lesson to our children, as they will take it forward into adulthood.

If we are serious about tackling problems such as bullying in schools, domestic violence, which Cathy Jamieson mentioned, and violence in the streets, we must realise that the lesson starts in our homes and with our behaviour as parents.

12:00

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** Liberal Democrats accept that, in an ideal world, there would be no physical punishment. We also accept that, ultimately, the deliberate imposition of pain should be unacceptable.

I have personal experience of such matters. In the late 1970s, I worked as a teacher in Sicily. I remember being brought face-to-face with the regime there—physical punishment has been outlawed in Italy for longer than we realise. I had a particularly troublesome pupil called Alfonso, who was the bane of my life. I knew that I could not touch him, but eventually, in desperation, I picked him up and put him out the door. I was up before the head teacher for doing that. I had laid a finger on the child. However, the system worked. There is no reason why we should not get there in the end.

The theme is this: we must aim towards the eventual scrapping of physical punishment. As Jim Wallace said, things can move on only when there is a change in society's attitude.

We must watch out on a couple of fronts. Whatever we do, we must not do it in isolation. It is all very well to ban teachers and parents from smacking kids, but if the kids then go out into the playground and start thumping one another, there is still a form of violence among children. We must consider the issue of general violence hand-in-hand with the issue of physical punishment. If children learn to punch people in the playground, it will not be long before they clobber someone in the pub or at a football ground.

Scott Barrie referred again to the business of a child reaching out towards an electric fire. I want to share another personal story with members. When I was one and a half, I stuck a pair of scissors into a plug socket.

**Linda Fabiani:** Is that what happened?  
[Laughter.]

**Mr Stone:** That is what happened. That is why my hair is still growing on top.

My background was unusual because my mum used to give me a smack, in particular on the day when I put her sewing bag on the fire. I ran away from home but the postie found me at the gate and took me back again. My late father, however, never laid a finger on me.

I am sure that we all remember from school the teachers who could hold us by the eye alone. Jack Paterson—known as Jack Tar—at Tain Royal Academy was one of them. I never once saw him use the belt, but we were seriously scared of him. If we crossed him, he would hold us with that almost satanic eye and we withered in his gaze.

Members will not know this, but I served for a short time in Her Majesty's armed forces, though perhaps not with a huge amount of honour or credit—in fact, I was a pretty average disaster as a soldier. I remember that a colour sergeant or sergeant would never touch us, but when one had a colour sergeant from the Coldstream Guards one inch from one's nose saying in no uncertain terms, "You should be in the Japanese army with specs like that", one did not forget it. So, to go back to the example of the kid reaching towards the electric fire, I put it to members that shouting hard enough, "Don't do that" will change what the child does.

Reference was made to the carrot-and-stick approach, which is absolutely the right way forward. We must consider the notion of rewarding children in tandem with our consideration of violence in general.

The other day I had occasion to punish my son, who had been particularly impossible at school—the deputy rector had written to me. As someone suggested earlier, I banned him from the television, which meant that he could not work his new computer game either. It was a pretty draconian solution, but I can assure members that it worked.

The aim should be to get there in the end. I take on board Dorothy-Grace Elder's point that we live in the real world. Until we can change society's attitude—this excellent consultation exercise will trawl opinion—we must go with it, while not forgetting that we must play a leadership role. We should remember that other countries do not allow the physical punishment of children. I mentioned Italy, but that approach works in other countries, too. We should make it our aim to get to the same point as them as soon as possible, taking society with us.

12:05

**Mr Brian Monteith (Mid Scotland and Fife)**  
**(Con):** I reiterate the Conservatives' agreement not just with the motion but with the SNP's amendment. It is important that the consultation takes all things into account and I hope that, in the true spirit of openness, those who have consented to have their submissions made public may view the results of the consultation.

It is regrettable that the Deputy First Minister cannot see fit to accept either the SNP or the Conservative amendment. I thought his reasons stretched the point. I remind members that our amendment agrees with the Scottish Executive's

"view that parents should continue to have the right to physically rebuke their children by reasonable means, if they so choose".

The Executive has made its point; we are saying that we agree. We go on to call

"upon the Scottish Executive to clarify the definition of reasonable chastisement so that both parents and children are sure of their rights within the law."

The Executive is clear about inviting consultation and the Parliament's view in that consultation process. Surely it is for us as parliamentarians to say what we think. I and the other Conservatives are simply saying that we agree with the Executive. That is our response to its call for consultation, and we think that the Parliament should show that it agrees with the Executive. Somehow, however, that is seen—I believe unfairly—as prejudging the outcome of the consultation. It beats me.

The important point of this debate for many parents is to know when a smack becomes a beating. When does an open-handed smack become a hit? To me, it would certainly become a hit if the open hand closed into a clenched fist.

Smacking children to teach them the difference between right and wrong and between safety and danger is often a necessity, although often a painful one for loving parents. Common sense is required in its application by parents, not the obsessive nannyng of the Scottish Executive—I do not mean that gratuitously—or of the European courts. What constitutes "reasonable chastisement" and what constitutes physical abuse is clear to most parents in Scotland. In the latter case, social workers have what I believe to be perfectly adequate powers that allow them to intervene.

I take cognisance of the examples that have been given. This debate is needed, as is change, not because of the European convention on human rights but because, in some instances, the law appears not to have been working well—irrespective of the ECHR. We need to take account of the change in attitudes that we are

moving to. It is important to restrict the definition of "reasonable chastisement" so that parents and those who work with them are clear—that would be to parents' advantage.

I welcome Dorothy-Grace Elder's contribution and the fact that she got real. I know many parents who, prior to having their children, thought they would never use dummies, or let their children have chocolate. Once they had their children, however, their attitudes changed completely.

I went to a school where the belt was used badly. Some teachers used it well; others used it dreadfully. I recognise the example mentioned by Scott Barrie, of people queuing up to show their badge of honour of having received the belt, not just once but perhaps twice.

I disagree with Ken Macintosh that stopping smacking will lead to less violence in society. We have removed corporal punishment from schools but there has been an increase in violence. The dreadful problem of the belt was its misuse.

Irene McGugan mentioned article 19 of the UN Convention on the Rights of the Child. I hope that the minister can assure us that the convention will not stand in the way of reasonable chastisement or any law that he introduces. While bringing up my children, I used what I call "the chart". I am fortunate enough to have twins. By keeping a record of their behaviour, I was able to use the Tory ethos of competition to encourage each of them to try to behave better than the other. That worked on most occasions.

However, it is undoubtedly true that the odd smack can be used to protect children from danger. I remind members that there are parents—I was one of them—who do not let their children watch a great deal of telly and do not let their children have computer games until late on in their development. I wanted my children to become literate and learn to enjoy books. Every parent must be able to raise their children in a way that they think is right.

While tightening the definition of "reasonable chastisement" might prevent courts making judgments that are clearly bad, outlawing all physical punishment might open us up to legal problems. I ask the Executive to consider what might be done with regard to adoption. Local authorities can refuse to allow people to adopt on the ground that they might use physical punishment. Will the minister clarify the situation? If biological parents are entitled to use physical punishment, parents who adopt children should be allowed to exercise the same discrimination.



12:12

**Nicola Sturgeon:** In spite of the efforts of Tory members, we have had a constructive debate. It is cheering that all members—excluding the Tories—believe that the law should be changed and that, as Cathy Jamieson said, the status quo is not an option. That is a step forward and most people will welcome that consensus.

Although the ECHR has caused the Executive a few headaches recently, it has made us face up to the areas of our law that need to be reformed. We have to realise that the physical punishment of children is one such area. We have to decide the extent to which the law has to be altered.

Inevitably, much of today's debate has centred on whether there should be a total ban on physical punishment—by parents or anyone else. It is right that the Executive has included that point in the consultation paper, even though it has expressed its inclination at the same time. It is important that people express their views on the subject and that the Executive listen to those views.

The consensus in Scotland is that it is not incompatible with the interests of children to allow parents to administer mild physical chastisement. As we have heard today, there are times when physical chastisement protects children from much greater physical harm.

I accept that there is a contrary view and I have some sympathy with it. I remind the Tories that that view—articulated by many members, including Scott Barrie and Irene McGugan—is not off the wall and politically correct, as they implied, but the norm in many European countries. As Irene McGugan said, those countries probably introduced their bans when the climate of public opinion was not as it is now—and no practical difficulties have been encountered as a result of the bans.

Cathy Jamieson said it all—let us have a reasonable, calm and rational debate and let us allow members to express their views. I regret that, on today's evidence, the Tories—Lyndsay McIntosh and Brian Monteith—have failed to engage in this complex debate. There are no easy answers, but instead of trying to offer something constructive to the debate, the Tories have done what the Tories often do—fallen back on easy answers and glib arguments. They have fallen back on the answers that they think will attract popular support.

**Mr Monteith:** It is just common sense.

**Nicola Sturgeon:** Common sense means constructive engagement in debate. Mr Monteith would do well to reflect on that.

Nobody in the chamber—or outwith it—is suggesting that politicians should interfere unduly

in the ways in which responsible parents bring up their children. I have heard nobody on any side of the argument express such a view. We are discussing how our laws and our society deal with cases in which parents cross the boundaries of acceptability. There is a debate about where those boundaries should be drawn, but once society has decided and made law where the boundaries should be, there should be legal action and redress when parents cross the boundaries.

One of my problems with Lyndsay McIntosh's argument is that it seemed to be based on the view that parents are sovereign and are always right, no matter what they do. The majority of people in Scotland do not believe that.

**Mrs McIntosh:** At the start of my speech, I said that we should all condemn child abuse and excessive physical punishment. No one is suggesting that we defend the indefensible.

**Nicola Sturgeon:** I am glad that Mrs McIntosh has, on behalf of the Conservatives, taken the opportunity to clarify that—it was not at all clear from the Tory speeches.

The problem is that what most of us consider to be morally unacceptable and what the law considers unacceptable are entirely different or have the potential to be entirely different. There are degrees of physical punishment that most people in Scotland would consider unacceptable. The problem is that such punishment might still fall within the legal definition of reasonable chastisement. That leaves Scotland and the Scottish legal system vulnerable to challenge under ECHR.

No change is not an option. The debate should be about what change is required and where the boundaries should be redrawn. That will ensure that we respect equally the rights of parents and of children. In most cases—when loving parents are bringing up their children—the rights of the parents and those of the children will be entirely compatible. That will not be the case in only a minority of cases. The law must be able to cope with that.

I look forward to engaging constructively in this extremely important debate, in which Parliament has done a great deal to put children's interests at the top of the political agenda. I ask again that the Executive consider accepting the SNP amendment—it is offered as a constructive contribution. Agreeing to our amendment would enable us all to move forward. It would ensure that the views of the Scottish people are considered and that we amend the law to ensure the protection of Scotland's children. That protection should be one of the primary functions of every member of Parliament.

12:19

**The Deputy Minister for Children and Education (Peter Peacock):** Despite the comparatively short time we have spent on this matter, we have seen the full spectrum of opinion on it.

This is an important issue for many people. It is important for children, who sometimes need our protection, and it is important for parents who, in the light of recent court cases, need greater clarity about their behaviour. It is equally important for the courts of Scotland, so that they can see the parameters of the Parliament's intentions regarding what matters the courts should judge.

The issue is important in relation to Scotland's place in the international community. In that community we are—at least in part—judged on how our social policies compare with those of other countries in Europe and the wider world. We will also be judged on our compliance with international conventions. The international conventions that apply here are very important and are part of the reason we are having to revisit this issue to find ways to modernise Scottish law in a variety of ways while protecting Scottish children.

Good points have been made and I shall reply to as many as I can. I welcome the SNP's support for the consultation and the spirit in which it has entered into this debate. As Nicola Sturgeon rightly said, this debate is principally concerned with putting the interests of children first. It is important to use the language that parents, children and the wider community can understand. We should not tie ourselves up in legalese, although there is a temptation to do so, given the nature of this subject. We are more than happy to do anything in this debate and during the subsequent passage of legislation to promote the use of the simplest language to get these ideas across.

I welcome the spirit in which the SNP amendment was moved. On the basis of the clarification that Nicola Sturgeon provided—she recognised that there may be a technical conflict on occasion, but that the circumstances in which conflict might arise will be at the margins—we are prepared to accept the SNP amendment.

Nicola Sturgeon, Irene McGugan and Linda Fabiani said that there is a perception that we are not consulting children on this consultation paper. I want to clarify our position. We have gone out of our way to get the views of children, and we have asked the Scottish Child Law Centre, Save the Children and Children in Scotland to arrange for us a variety of ways in which to ascertain children's attitudes towards the consultation and the prospective legislation. Young people are also

able to write to us, although I realise that that may be difficult for them, which is why we have arranged other means of finding out their views. We will listen very carefully to what young people have to say.

We have also written to every director of education in Scotland, asking them whether they can facilitate discussions—perhaps through focus groups—with young people, to feed back to us the views of young people throughout Scotland so that we can take them into account. I hope that members appreciate that we are doing a lot to address the opinions of young people on these issues.

Nicola Sturgeon mentioned childminders. I think that a lot of people agree with what she said. Making the situation the same for childminders as for others would be consistent. There is a question about that in the consultation document. We look forward to hearing views on the subject. On the basis of that, we will take appropriate action—but I do not want to prejudge the consultation.

I realise that the Executive's position on private nurseries may appear inconsistent, but the matter is beyond the scope of the Standards in Scotland's Schools etc Bill. This consultation, the outcome of this consultation, and any bill that follows, will provide the opportunity to address that issue. People should not fear that the issue will not be addressed; it will be—in that context.

I welcome Lyndsay McIntosh's support for the consultation and the main thrust of the proposals. She rightly pointed out—as did Jamie Stone—that parents have many, graduated sanctions. Physical punishment is always the last option. Dorothy-Grace Elder suggested how difficult it sometimes is to implement graduated sanctions in a family home.

Lyndsay McIntosh's point about corporal punishment in schools was curious, to say the least. It was almost as if the Conservatives were tentatively raising the flag of the return of corporal punishment in schools, just to see who would salute that flag, in an attempt to re-open an argument that is now over in Scotland. Scottish schools have found much more positive and constructive ways in which to deal with difficult behaviour. There are still enormous challenges for schools, but much more positive methods are used to deal with such behaviour.

I remember children who were at school with me who were relentlessly thrashed week in, week out. I assure members that it did not make them better citizens in any shape or form. Lyndsay alluded to being belted and having been cured as a consequence. I suggest that it is for others to judge whether that is true.

Scott Barrie raised his own point of view—as he

has done consistently—born of his experience as a social work manager. Irene McGugan and Ken Macintosh aligned themselves with Scott's view, which goes further than the Executive's recommendations. That is at one end of the spectrum of opinion on this matter and marries the view that is taken, for the most part, in most Scandinavian countries. As Jim Wallace said, when those Scandinavian countries moved to that position, the public had, to a significant extent, already arrived at it. The change came with ease, not with great controversy, and parents did not feel that Governments were interfering in their domestic circumstances.

We believe that Scottish opinion is not yet at the position held by Scott Barrie and others. It is an issue that will evolve over time—there may well come a time when the Parliament wants to revisit this issue and to move further forward. We believe that we have the measure of Scottish opinion on this matter and that we are moving the agenda forward. None the less, we do not rule out people's responses to the consultation raising the points made by Scott Barrie. We will consider that position in the light of evidence presented as a result of the consultation process.

**Mr Stone:** Will the minister concede that our ultimate aim is to try to move towards Scott Barrie's position over time?

**Peter Peacock:** I have no difficulty with that as a matter of principle. It seems to me that everyone agrees with the objective of living in a zero-tolerance society in which, as others have said, any physical manifestations of chastisement are unacceptable. However, we must address how quickly we can move to that position and how well public opinion adapts to it. That remains to be seen. At this stage, we do not believe that we should go further than the position set out in the consultation paper, on which we want to hear the public's views.

Cathy Jamieson said how serious Parliament is about children and their protection, as there has been a range of debates on both subjects. She also supported Jamie Stone's point about zero tolerance.

Dorothy-Grace Elder described a normal household—at least, she described the Elder household. Given the views she expressed, she appears to be part of the majority of Scots. She supported both reasonable chastisement and the consultation exercise. That chimes with what we understand to be Scottish opinion.

I am conscious of time and will move to my conclusion. As Jim Wallace made clear at the beginning of this debate, the Scottish Executive's intention, as expressed in the consultation paper, is to seek views on how to provide better

protection for the children of Scotland. We believe that our proposals bring clarity to the law and that they will draw meaningful boundaries for parents, helping them in their task. We believe that the approach that we are adopting is the best in the circumstances. The Executive does not want to meddle in family life, but we want children in Scotland to feel safe and to be safe.

We believe that our approach is in tune with the policy the majority of parents in Scotland would want us to pursue at this stage. We are responding to the attitude of parents and Scottish society. As I indicated, as society's attitude changes, I am sure Parliament will wish to return to this issue.

We believe that our proposals are well measured and reasonable. As Jim Wallace said, we are willing to hear the views of Scotland, which will allow us to decide whether we can change our position on any aspect of the consultation paper.

I urge every MSP in the chamber to use all their connections to allow this debate to rage across Scotland and to encourage as many people as possible to access the information on the consultation exercise. We require a well-informed debate and we want to hear the views of Scottish parents.

In that context, I commend the motion.

**The Presiding Officer (Sir David Steel):** Thank you. That motion will be decided during decision time.

**The Deputy Minister for Parliament (Iain Smith):** I move, without notice,

That under Rule 11.2.4, Decision Time be taken at 5.30 pm.

**The Presiding Officer:** I accept the need to move a motion without notice, as it affects this afternoon's business. What is the reason for the motion?

**Iain Smith:** The motion would accommodate a statement from the First Minister this afternoon without curtailing the debate on the Standards Committee's report.

*Motion agreed to.*

## Holyrood Project

**The Presiding Officer (Sir David Steel):** At the beginning of this morning's business, I said that I would make a statement about the Holyrood project at the close of this morning's session.

Members will be aware from answers that I have given to parliamentary questions that the corporate body had intended to produce its fourth report on the Holyrood project next week.

Substantial progress has been made in taking forward the Parliament scheme, and details of the design are currently being prepared for the information of MSPs and the public at large. Unfortunately, the information on costs and time scales that is currently available does not allow the corporate body to provide the Parliament with sufficiently robust information. We have, therefore, commissioned an assessment of the current position of the project, which will be undertaken in conjunction with independent experts. We expect that to be completed in the next three to four weeks. It will allow the corporate body to place before MSPs a complete and detailed report, which will enable members to have a full debate on the Parliament project as quickly as possible.

**Michael Russell (South of Scotland) (SNP):** On a point of order. Given the speculation concerning the figures, which is rife, I presume that the corporate body has received some estimates. What procedure would the Parliament follow if it wished to question the details that the corporate body has already received and to have an early debate on the costs, the estimates and the time scale, some details of which have already appeared in the public domain?

**The Presiding Officer:** You say that details have appeared in the public domain, but what has appeared in the public domain is speculation. We, the five members of the corporate body, are saying that we are not satisfied that we have received sufficiently definite figures to give them to the Parliament.

**Michael Russell:** But what procedure could the Parliament follow? Presumably, a question could be put to the corporate body.

**The Presiding Officer:** Of course. However, I am suggesting that by pulling in independent assessors to examine the project we will be able to give the Parliament full and complete details on the basis of which we could hold a full debate, instead of simply taking a question.

**Ms Margo MacDonald (Lothians) (SNP):** On a point of order. I am concerned about the people who are paying for the hole in the ground and the potential catastrophe at the foot of Holyrood Road.

That is why I am raising this point of order.

It seems that our ability to discuss in the chamber what is relevant outside it is incomplete. I therefore ask you to reconsider your decision not to take the emergency question I lodged this morning at a quarter to 10, asking that an immediate independent assessment be instituted by experts recommended by the relevant professional bodies, of the management, feasibility, costs and advisability of proceeding with the Holyrood project. We owe that to the people we are supposed to represent. It is not good enough to say that we will wait for four weeks to find out what most of us already know.

**The Presiding Officer:** First, I have not seen the emergency question you lodged. Secondly, we are calling in independent experts so that we can provide the Parliament with the full information. That is being done now.

**Ms MacDonald:** With all due respect, Presiding Officer, you said that the experts will work in conjunction with the project team. I am questioning the management of the project and would prefer to have completely independent assessments made by completely independent experts. Can you deny the robust figures that appear in today's press?

**The Presiding Officer:** The figures in today's press are not robust. That is all that I can say about them. The corporate body will meet again this afternoon and I will report to it on what you have said.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** On a point of order. Will the assessment and the independent experts report consider and inform members of the role of Historic Scotland in this matter, specifically the way in which matters discussed with Historic Scotland have impacted on, and perhaps increased the costs of, the project?

**The Presiding Officer:** Without accepting the premise of the latter part of your question, I can say that the answer is yes. I stress again to Ms MacDonald that the experts that we bring in to examine the project and how it has been conducted so far will be independent.

12:34

*Meeting suspended until 14:30.*

14:30

*On resuming—*

**Ms Margo MacDonald (Lothians) (SNP):** On a point of order.

**The Presiding Officer (Sir David Steel):** Before you make it, I should tell you that a letter is on its way to you.

**Ms MacDonald:** Let us share the contents with everybody, in the interest of open government.

Are you in a position, Presiding Officer, to say whether you have reconsidered my request for an emergency question on the Holyrood project?

**The Presiding Officer:** As you will find in the letter that you will receive in a few minutes, the answer is that our standing orders do not allow emergency questions to the Presiding Officer, so that is the end of that.

**Ms MacDonald:** With all respect, Presiding Officer, that is only the start of that. There is a serious flaw in our procedures, if we cannot do that.

**The Presiding Officer:** I accept that. I did not know until today that emergency questions to the Presiding Officer were not allowed. That is why I had not seen the question, because the clerks had so advised. A letter is on its way to you, so read it and see me afterwards, if you would like.

## Question Time

### SCOTTISH EXECUTIVE

#### Livestock Farming (Mineral Supplements)

**1. Alex Johnstone (North-East Scotland) (Con):** To ask the Scottish Executive what plans it has to outlaw the use of mineral supplements in the livestock farming industry. **R** (S10-1215)

**The Minister for Rural Affairs (Ross Finnie):** I assure Alex Johnstone that we have no plans to outlaw the use of mineral supplements in the livestock industry.

As the member might be aware, we are consulting on an EC decision that would require the introduction of controls on certain non-feed applications such as drenches or pastes. However, it is important to state that products such as feed blocks, licks and free access minerals are usually classed as complementary feedingstuffs and are, therefore, outwith the scope of the decision on non-feed use of additives.

**Alex Johnstone:** I thank the minister for his answer. I am sure that farmers across Scotland will be delighted to hear that, given the concern that has been caused.

Could the minister outline how such a misleading interpretation of the directive managed to find its way into the press in recent weeks?

**Ross Finnie:** I was horrified when I read the extensive articles, which seemed to give the impression that Alex Johnstone stated.

The directive is not as clear as it might be—I do not think that that will come as a surprise to any member who has read EC directives. The point that was missed was the separate treatment for products that are designated as complementary feedingstuffs. Those who read the directive did not see the linkage to that exemption, which gave rise to the claim that there was a general prohibition on the use of those additives.

**Mr John Munro (Ross, Skye and Inverness West) (LD):** I welcome the minister's reassurance that mineral licks are not to be banned, as was suggested in the media.

In the event of some animal feed blocks being removed from the dietary supplement for livestock, what alternatives would be available to ensure the well-being of farm livestock in the future?

**Ross Finnie:** I am concerned by the suggestion that there should have to be such a withdrawal. If products such as feed blocks, licks and free access minerals are classified as complementary feedingstuffs, I am at a loss as to why they should

be withdrawn and what would give rise to the necessity for an alternative. I am happy to examine that issue and respond to Mr Munro.

### **Housing Stock Transfer (Glasgow)**

**2. Tommy Sheridan (Glasgow) (SSP):** To ask the Scottish Executive when the steering group established to discuss the transfer of Glasgow's housing stock last met, what was discussed and who attended the meeting. (S1O-1190)

**The Minister for Communities (Ms Wendy Alexander):** The Glasgow housing partnership steering group last met on 11 February and it is due to meet again next week. The group is preparing a framework to allow all interested parties to be fully engaged in developing a transfer proposal. Membership of the steering group includes Glasgow City Council, the Executive, the Glasgow Alliance, Scottish Homes and a housing association director.

**Tommy Sheridan:** Does the minister accept that, so far, in the 18 months' discussion on wholesale stock transfer, the people who should have been at the centre of that discussion—tenants and council workers—have, sadly, been kept in the dark? Will the minister give a clear commitment today to Glasgow tenants that if they reject the transfer, the Executive will still take responsibility for the city's £950 million capital housing debt?

**Ms Alexander:** Tommy Sheridan's contention is that people have not been involved. In recent weeks, I have met tenants, unions and housing associations. As soon as a proposal is on the table, everyone will be fully involved. The difference between Tommy and me is that I am content for Glasgow tenants to make decisions about their future and not for politicians to seek to make those decisions on their behalf.

**Tommy Sheridan:** Does the minister accept that she and her Executive are effectively blackmailing Glasgow City Council and the tenants of Glasgow? Despite the wholesale stock transfer process having no support among the tenants, she is effectively saying to those tenants, "Accept the transfer and the abolition of municipal housing in Glasgow or we will not give you any money to invest in the necessary repairs and renovation."

**Ms Alexander:** It has been the demand of purportedly left-of-centre parties for a good two decades that the burden of Glasgow City Council's debt should be lifted from the 80,000 tenants and the responsibility moved to the country's taxpayers. The Executive has already given that commitment. The difference between Tommy and me—and indeed the Executive—is that we think that we need to go better, and to take the opportunity of £1,000 million of new investment in

the city, and not sit around and wait for ideologically pure investment before we start dealing with the very real housing problems there.

**Fiona Hyslop (Lothians) (SNP):** Is the minister aware that since she became involved in the Glasgow situation, there has been delay and dither? Is she aware that the £13 million allocated almost a year ago has not been accessed, because the steering group has not met regularly and has not made a recommendation? Will she commit the Parliament to involve tenants and unions, and to ensure that the people of Glasgow and of Scotland get best use of the £13 million that could be housing the homeless?

**Ms Alexander:** Fiona Hyslop makes a number of important points. First, it is critical that everyone who is an interested party is involved over a prolonged period of consultation before any decision is taken. Her second point concerns the need to protect the homeless—I concur wholeheartedly with that. We look forward to the homelessness task force's proposals on that matter.

The third point is about the £13 million. While we have spent recent months trying to access £1,000 million, which will, if we pull it off, be the largest ever loan of that kind to the public sector, it is important that that £1,000 million dovetails with the much smaller sums coming from the public purse to the city, which are also under consideration. I hope that negotiations will be completed shortly.

**The Presiding Officer (Sir David Steel):** Question 3 is withdrawn.

### **Neurosurgical Services**

**4. Mr Kenneth Gibson (Glasgow) (SNP):** To ask the Scottish Executive what plans it has to increase the number of neurosurgery beds, neurosurgery intensive care beds and trained staff in order to reduce the number of people dying from head injuries due to a lack of specialist beds in neurosurgical units. (S1O-1221)

**The Minister for Health and Community Care (Susan Deacon):** Those issues are among a range of issues that will be taken into account by the short-life working group that has been set up by the chief medical officer to consider neurosurgical services across Scotland.

**Mr Gibson:** I thank the minister for her reply.

Given that only half of the patients who are referred from accident units to Glasgow's institute of neurological sciences are currently allocated a bed, does the minister agree with Professor Graham Teasdale, president-elect of the Society of British Neurological Surgeons, that one in four of the 60 patients who die in the unit each year do so because of delayed admission? Can the

minister therefore guarantee that the shortfall in staff and in specialist and intensive care beds in the institute will be made good, to prevent other needless fatalities?

**Susan Deacon:** Time and again, Opposition members stand up in the chamber and cast doubt over the safety and effectiveness of the health services in this country—it is irresponsible and it is wrong. Do I think that everything in the health service is perfect? Absolutely not. Do I think that we need to improve what we do in the health service? Absolutely. That is precisely why, in the area of neurosurgical services, we currently have an expert group, under the guidance of the chief medical officer, considering the provision of those services across Scotland, not on a cost-driven basis, but on a quality-driven basis, to ensure that patients in Glasgow and right across the country get the best possible standard of service.

That is the basis on which we will continue to move forward. We will consider the evidence, we will consider the facts and we will then invest to meet the need that is identified, just as we have done this week—as we always said we would—in response to the Scottish Intensive Care Society audit of intensive care provision. This week we have put an additional £14 million of new money into the national health service in Scotland, half of which is specifically directed to intensive care and high-dependency beds and to medical equipment. That is where need exists, so that is where we have spent.

**Mr Gibson:** I am shocked at the complacency—

**The Presiding Officer:** No, Mr Gibson, we will move on to question 5.

### Rural Post Offices

**5. Mr Gil Paterson (Central Scotland) (SNP):** To ask the Scottish Executive what plans it has, within its own areas of responsibility, to assist in securing the future of rural post offices. (S10-1238)

**The Deputy Minister for Rural Affairs (Mr John Home Robertson):** I share many of the concerns that were expressed during the members' business debate on rural post offices on 27 January. The Scottish Executive will continue to ensure that the UK Government is fully aware of the particular needs of communities in Scotland and will keep closely in touch with developments.

**Mr Paterson:** I am pleased to hear that the minister is making representations to London, because automated credit transfers could cost postmasters 40 per cent or more of their income. Has the minister considered making funding available to local authorities to assist post offices with the burden of business rates?

**Mr Home Robertson:** I realise that it is in the Scottish National party's interest to try to stir up doom and gloom across Scotland, but rural post offices can already take advantage of mandatory rates relief. Furthermore, any pensioner or benefit claimant who wants to continue to draw payments in cash through the post office will be able to do so. I hope that rural Scotland will take full advantage of the opportunities that will be created when the new Horizon computer system is connected to post offices across the country in 2001. That will create opportunities for a range of business to be transacted in rural sub-post offices and we should take advantage of those opportunities.

**David Mundell (South of Scotland) (Con):** Has the minister been in discussion with the Secretary of State for Trade and Industry, Stephen Byers, about the proposed subsidies for rural post offices? Does the minister have any further details about those subsidies and to whom they will be paid?

**Mr Home Robertson:** I cannot announce anything yet, but as Mr Mundell knows, the performance and innovation unit at the Cabinet Office is considering ways of developing opportunities for post offices and of ensuring that the national network is maintained and extended. Many options are being considered. As soon as there is anything to report, I will do so.

**Dr Sylvia Jackson (Stirling) (Lab):** Does the minister agree that some of the media coverage of the issue of rural post offices has been misleading and that rather than suggesting the closure of rural post offices, the Westminster Government is investing a vast amount of money to support post offices in acting as agents for building societies?

**Mr Home Robertson:** I will resist the temptation to say anything unkind about the Scottish press, because I am sure that it is always entirely objective in everything that it reports. However, as I said in reply to the initial question, it is depressing that people are talking about the threat of closures and so on, when the new system will create genuine opportunities. That is what we need in rural Scotland.

### Crofting

**6. Mr Jamie McGrigor (Highlands and Islands) (Con):** To ask the Scottish Executive what plans it has for the future of the crofting industry in the Highlands and Islands. (S10-1224)

**The Presiding Officer:** John Home Robertson. I am sorry, the minister is Ross Finnie.

**The Minister for Rural Affairs (Ross Finnie):** Thank you, Presiding Officer. I hope that that was not a case of mistaken identity.

**The Presiding Officer:** Not at all.

**Ross Finnie:** The Scottish Executive will continue to support the crofting communities. We will also increase the opportunity for those communities to manage their own sustainable development through the crofting community right to buy and by modernising crofting law.

**Mr McGrigor:** Bearing in mind the fact that the price of sheepmeat remains low and is likely to fall to rock bottom next autumn, has the minister made any progress with the EU Commission on help with the cull ewe scheme, particularly with regard to transport assistance? Crofters in the Highlands and Islands need a way of disposing of their old sheep, rather than having to shoot those sheep themselves, which is distressing. Does the minister agree that that is a matter of great importance on the grounds of environmental concerns and animal welfare?

**Ross Finnie:** I have made my position clear—and last autumn I saw the relevance of Mr McGrigor's point. I regret that a state aid scheme for cull ewes is still well beyond my gift. The European Commission has not moved on the matter. However, as I have indicated to the chamber before, it is clear that the question of fallen stock is being addressed by the Commission. It is a matter that I constantly raise at UK level to ensure that we press forward. However, I do not think that there is any prospect of a cull ewe scheme. That might be very damaging, but the sheep improvement scheme will be of great assistance.

I will continue to press the point that fallen stock is a real problem—and not only in the crofting communities, but throughout Scotland.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** Does the minister recognise that the hinted-at proposal to shift the development function of the Crofters Commission to Highlands and Islands Enterprise is causing a considerable stramash among the crofting community? Those people are very worried about it.

**Ross Finnie:** I thought that "stramash" and "very worried" were translations of the same term. Jamie Stone is aware that that proposal from the five-year review group was the very reason why I put the matter out to consultation. It seemed to me that two of the proposals in the review—to transfer functions to HIE, and possibly to change the crofting counties agricultural grants scheme—were very controversial. Clearly, if there is a stramash in the commission, I shall hear about it and I shall certainly take account of it.

**Rhoda Grant (Highlands and Islands) (Lab):** Has the minister met the Crofters Union to discuss its concerns about the transfer of developmental

aid to Highlands and Islands Enterprise?

**Ross Finnie:** Yes—we have had some preliminary discussions, but, as I said, I have put the matter out for consultation, as that seemed to be the most appropriate way of allowing people from as wide a range as possible to express a view on those two controversial proposals. I will take account of the responses and I will have further meetings with the Crofters Commission and the Crofters Union before I come to a final decision.

## Education (School Selection)

**7. Mr Brian Monteith (Mid Scotland and Fife) (Con):** To ask the Scottish Executive what plans it has to change the arrangements governing parental choice in the selection of schools and whether or not it will consider further amendments to its proposals. (S10-1223)

**The Minister for Children and Education (Mr Sam Galbraith):** We have proposed several legislative changes in the Standards in Scotland's Schools etc Bill, which was published on 20 January. Any further amendments proposed during discussion of the bill will of course be given full consideration.

**Mr Monteith:** I thank the minister for his willingness to consider amendments. Is he aware of—and, if so, could he respond to—the Scottish Parent Teacher Council's submission on requests for placing? It said that the council was seriously concerned about the proposed changes to legislation, and that it felt that the changes would not be understood by parents and would lead to many more challenges in the courts—challenges that the council believes would be accepted by sheriffs. As in other areas of education, would it not be better to leave parents' rights well alone?

**Mr Galbraith:** We have in no way threatened parents' rights. Choice is at the foundation of the Executive's policies. Anyone who has been a member of Parliament for some time will be aware that the biggest complaint about the placement scheme is that a parent who arrives late in a catchment area cannot get their children into the local school. We have responded to that complaint; we are trying to ensure that we are responsive to parents' wishes and children's needs.

**Phil Gallie (South of Scotland) (Con):** Does the minister recall giving consent to South Ayrshire Council to raise the number of pupils in primary 1 above 30? Under such circumstances, is it not the case that teaching staff should be supplemented? Will the minister look into the situation at Ayr Grammar, and take appropriate action?

**Mr Galbraith:** Any consent to an increase in class sizes is temporary, and allows the school to



get organised so that it can deliver lower class sizes by the target date that we have set. We are confident that we will achieve that. What we do, we do in the best interest of the child.

### **Bus Lanes (Glasgow)**

**8. Ms Sandra White (Glasgow) (SNP):** To ask the Scottish Executive, further to the ministerial statement by the Minister for Transport and the Environment on 10 February 2000, whether it is aware of the concerns of local traders in Glasgow regarding the possible loss of business due to the proposed introduction of new bus lanes. (S10-1209)

**The Minister for Transport and the Environment (Sarah Boyack):** The Executive is aware of the concerns of local traders in Shettleston Road about the impact of Glasgow City Council's proposals for the Faifley to Baillieston quality bus corridor. However, that is a matter for the city council as the local roads authority, and any concerns or comments should be directed to it.

**Ms White:** I thank the minister for her reply; however, it is not only the Shettleston Road traders who have objected to the proposals. Is the minister aware of a recent survey carried out in the Maryhill and Victoria Road areas of Glasgow in which, respectively, 82 per cent and 75 per cent of traders claimed that bus lanes had a detrimental effect on their trade? Although the minister says that it is a matter for the local authority, she said in her statement that she would consult local government on such issues. Will she meet and consult the traders and residents who are concerned about Maryhill and Victoria Road as well as those who are concerned about the Faifley to Baillieston bus route?

**Sarah Boyack:** It might be helpful if I outline to Sandra White the process that is appropriate in this circumstance. The local authority is carrying out important consultation on the routes, and I strongly urge all traders and anyone else who is interested in the issue to get involved in that consultation. From experience in my constituency, I know that the detail of any proposals will always be important to local people. I understand that Glasgow City Council has organised meetings and workshops for March, which will include discussions about proposals for the Shettleston Road route. I hope that everyone will get involved in the process and will make their views known at the right stage.

**Bill Aitken (Glasgow) (Con):** Unlike other cities in Scotland, is not Glasgow unique in that many distributive trades front on to main arterial routes into the city? If customers no longer have access to those businesses, they will inevitably close, with a loss of jobs. In those circumstances, will the

minister consider pointing out to Glasgow City Council, at least on an advisory basis, that it should think again about this issue?

**Sarah Boyack:** As I said to Sandra White, the important issue is that consultation involving Glasgow City Council, local residents, community groups and traders is taking place. Furthermore, a formal consultation process is taking place on traffic orders, and there is a specified way in which the matter will proceed. The council should listen to local views and take them on board in light of its overall transport strategy for tackling congestion and improving the economy and the environment in those areas.

### **Digital Hearing Aids**

**9. Elaine Thomson (Aberdeen North) (Lab):** To ask the Scottish Executive whether it has any plans to introduce pilot studies on the use of digital hearing aids. (S10-1196)

**The Presiding Officer:** Susan Deacon.

**The Minister for Health and Community Care (Susan Deacon):** Iain Gray is answering this question.

**The Presiding Officer:** I call Iain Gray, who is not Susan Deacon.

**The Deputy Minister for Community Care (Iain Gray):** There have been some strange cases of mistaken identity this afternoon.

**The Presiding Officer:** I am reading what is in front of me.

**Iain Gray:** Digital hearing aids have been available in Scotland through the NHS since June 1999. A wider choice of digital aids will be available from 1 April. A comparison of two of those aids is included in a research project that is under way in Fife.

**Elaine Thomson:** I am sure that the minister is aware that digital hearing aids provide an improved quality of life. Will he examine the funding of hearing aids, and the criteria that are applied to such funding, to prevent the breakdown of supplies when health boards are suffering from budget overspends?

**Iain Gray:** Budget overspends should not interfere with an essential service such as the supply of hearing aids. Of course, digital hearing aids might not be the best solution for all patients, and decisions about which hearing aid best meets clinical need would always be made by the clinician in charge of that patient's care.

**Mr David Davidson (North-East Scotland) (Con):** To ask the Executive what plans it has to increase screening for hearing difficulties—

**The Presiding Officer:** I am sorry. Please go on. I did not understand your opening words.

**Mr Davidson:** Shall I start again, Sir David?

**The Presiding Officer:** You do not start a supplementary with the phrase, "To ask the Scottish Executive".

**Mr Davidson:** What are the Executive's plans to improve screening for hearing difficulties in young children before they go into school?

Was that all right, Sir David? [*Laughter.*]

**Iain Gray:** As Mr Davidson knows, pre-five health is a priority for the Scottish Executive. I do not have the details of plans to hand, but if Mr Davidson would like to write to me, I would be happy to supply the information in writing.

**Johann Lamont (Glasgow Pollok) (Lab):** Is the minister aware that over 700,000 people in Scotland suffer from hearing loss? Is he further aware that while hearing aids play an important part, lip-reading classes and the development of lip-reading skills can also be of great benefit in challenging the exclusion and isolation that are caused by that problem?

Will the minister explore the importance both of directing people towards lip-reading classes at the stage of diagnosis and of funding for the training of lip-reading tutors and lip-reading classes? Such classes would play an important part in including in our society those who suffer from hearing loss.

**Iain Gray:** As Johann Lamont knows, there are various ways in which people who suffer from deafness are able to communicate. Indeed, we had an excellent debate recently on British Sign Language. Already, some funding through section 9 and section 10 Scottish Executive grants goes to support the training of interpreters and teachers in both those areas.

### West of Scotland Water

**10. David Mundell (South of Scotland) (Con):** To ask the Scottish Executive whether it is aware of the difficulties that the residents of Moffat in Dumfriesshire are experiencing with their water supply and what powers it has to require West of Scotland Water to take the necessary remedial action. (S1O-1192)

**The Minister for Transport and the Environment (Sarah Boyack):** The Executive is aware of the concerns of some residents of Moffat about the quality of their new drinking water supply. There is no evidence that the new supply fails to meet the standards set in the Water Supply (Water Quality) (Scotland) Regulations 1990, but if failures occur, the Executive has the power under the Water (Scotland) Act 1980 to require West of Scotland Water to take remedial action.

**David Mundell:** I advise the minister that West of Scotland Water has changed summarily the supply of water to Moffat, producing a water supply that carries with it an unattractive and unpleasant residue. Given that the people of Moffat pay water rates for that water, does the minister agree that it is they who should determine whether the quality of that water is acceptable, not West of Scotland Water?

**Sarah Boyack:** It is important that West of Scotland Water abides by the guidelines and procedures to identify standards of water quality. I understand that a meeting was held on 14 February with local residents and that, subsequent to that meeting, West of Scotland Water will conduct a detailed investigation into the complaints that it has received from some residents in Moffat. A report on that investigation will be provided to the community council at its meeting on 28 March. I hope that that will allow the debate to go forward, that the concerns of local residents can be addressed effectively and that the residents can then get proper feedback from the water authority.

### Necrotising Fasciitis

**11. Elaine Smith (Coatbridge and Chryston) (Lab):** To ask the Scottish Executive whether there have been any reported cases of necrotising fasciitis in the area covered by national health service trusts in Lanarkshire during the past two years, how that level of cases compares with the national average and what action it plans to take to maintain public confidence in the light of any recently reported cases. (S1O-1187)

**The Minister for Health and Community Care (Susan Deacon):** As I said in the chamber last week, Lanarkshire Acute Hospitals NHS Trust has assured me that there are no cases of necrotising fasciitis in its area, and that there have been no problems with that infection within the trust's hospitals, including Monklands hospital, for at least the past three years.

**Elaine Smith:** I thank the minister for that answer, which gives some comfort.

With respect to all hospital-acquired infections, what additional training might be provided for clinical staff in the NHS in Scotland to ensure that standards and practices are widely known and strictly adhered to?

**Susan Deacon:** Elaine Smith's question raises the importance of training in this area. I give an assurance that training is important and is receiving on-going attention.

The reasons for hospital-acquired infection are complex, and it is a growing problem worldwide, not simply here in Scotland. We know that one of the best ways in which we can deal with it is by

ensuring that staff are well briefed and trained, and have appropriate handling procedures, including very basic hygiene procedures such as regular hand-washing. We work continually with the health service across Scotland to provide appropriate advice and guidance to that effect. We will continue to do that to ensure that patient safety is maintained at all times.

### **NHS (Tayside)**

**12. Mr Andrew Welsh (Angus) (SNP):** To ask the Scottish Executive whether it will make a statement on the establishment of the task force set up to oversee the management of NHS services in Tayside. (S10-1233)

**The Minister for Health and Community Care (Susan Deacon):** On 15 February, I announced the creation of a high-level task force to work with Tayside Health Board and the two local NHS trusts to ensure that health services are delivered efficiently and effectively throughout Tayside.

**Mr Welsh:** I welcome the task force, but how will it be able to wipe out the £10 million to £20 million revenue deficit in Tayside without cutting services and staff? If the outsiders succeed in creating greater efficiency and curing the problem, will the system then simply be handed back to those who created the situation in the first place?

**Susan Deacon:** I will deal first with the question of finance and then with the question about the future.

It is worth putting the situation in context. The projected overspend of Tayside University Hospitals NHS Trust accounts for one third of the projected overspend for the whole of Scotland. The projected overspend has doubled in the past six months, is twice that of Edinburgh and Glasgow combined and four times that of neighbouring Grampian. The extent of the projected overspend in Tayside is therefore clear cause for concern, which is why I took the unusual step of sending in a task force.

We must get to the bottom of the situation. We must examine all the reasons why question marks have been raised about the running of the health service in Tayside. The task force is working closely with local management to do that.

I stress, as I have done repeatedly, that we are interested in finding solutions. I will not prejudge the outcome of the exercise. I am not interested in getting scalps or apportioning blame. I am interested in restoring the confidence of the public in Tayside in the services provided by the NHS in their area.

**Shona Robison (North-East Scotland) (SNP):** I agree with the minister that the projected overspend is cause for concern. Given that, for

months, the minister has refused to acknowledge that she has any locus on the problems with health services in Tayside, will she tell us at which point and for what specific reason she changed her mind and agreed to establish the task force?

**Susan Deacon:** Shona Robison's account of the past year is inaccurate, to say the least. If people look at the record of question time, they will see that, in response to regular questioning on the issue from a range of local members, I have continually said that we have examined the situation in Tayside and worked with people there in an attempt to resolve the situation locally.

I repeat the point I made earlier. I believe that national intervention in local decision making and local problems should be kept to an absolute minimum. However, when I see a pattern emerging that indicates that the problems are so deep-rooted and profound that local resolution will not be possible, I take action, which is exactly what I have done.

**Mr Keith Raffan (Mid Scotland and Fife) (LD):** Will the minister give an assurance that there will be no reduction in the treatment available in Tayside and that there will be no health service rationing? Will she also ask the task force to look into the question of the £176,000 that was allocated to Tayside Health Board for drug treatment a year ago, but which was distributed only in January this year? Many drug agencies in Tayside believe that the money has not been allocated for that purpose, but has been set against the deficit.

**Susan Deacon:** One of the things that has concerned me enormously about the situation in the NHS in Tayside is the fact that for many months the public have received a fog of different messages about the future of services in the area. We must have effective financial management in Tayside, just as in any other part of the country, but high standards of patient care must also be ensured. The reason why the task force is working with local management is to ensure that the people of Tayside get well-managed, high-quality services. I certainly want that to be the outcome.

**Mr John Swinney (North Tayside) (SNP):** I thank the minister for taking the initiative of intervening in the situation in Tayside, which has been causing all of us enormous concern for a considerable time.

Is the minister able to reassure Parliament and the community in Tayside that the management executive will take a more sympathetic view towards allowing the financial difficulties to be managed over a larger number of financial years than previously?

Can the minister assure us that some of the worst fears that some of us—not just on this side

of the chamber, but across the chamber—have about significant changes in health service availability in Tayside will not be realised because of the need to manage the situation within a budget that is largely unrealistic for the provision of care in an area of Scotland as wide as the one that we represent?

**Susan Deacon:** Although Mr Swinney raises a number of important points, I think that a number of his assertions are ill founded. I hope that, at the conclusion of the process, we will have some clarity around a number of the issues raised.

I am determined that we maintain a high level of patient care throughout the process. I am also concerned that we look to the future. Part of the task force's remit is to work with local health authorities in Tayside, to proceed with the review on change and with the development of services in the future. We have to be willing to embrace change, and to do so enthusiastically, but that has to be managed effectively and with proper, open consultation and engagement. I hope that Mr Swinney will take part in that process in Tayside.

### **Agrimonetary Compensation Scheme**

**13. Alasdair Morgan (Galloway and Upper Nithsdale) (SNP):** To ask the Scottish Executive whether it will make representations to Her Majesty's Treasury regarding participation in the European Union agrimonetary compensation scheme for Scottish farmers. (S10-1197)

**The Minister for Rural Affairs (Ross Finnie):** I am fully seized of the case for agrimonetary compensation to be paid. As payments must be made on a United Kingdom-wide basis, I have already taken steps to raise the matter with my counterparts in the other Administrations. Consideration is therefore currently being given to the case for making payments at both a ministerial and an official level.

I will inform Parliament of the decision on payment at the appropriate time.

**Alasdair Morgan:** I am glad the minister is seized, but I hope it was not painful.

Is it not the case that, while other suggested forms of aid to farmers may be against European Union rules, agrimonetary compensation is specifically allowed? Is it not the case that it is not an open-ended commitment, but time-limited? Is it not the case that it merely remedies a problem which is not of the farmer's making, but which is the result of Government policy? Surely the case for it is undeniable.

**Ross Finnie:** As I said to Mr Morgan in my initial reply, I am very seized, whether it was painful or not, of the need for the payment. Nevertheless, it can be made only on a UK basis. I wish to pursue

that vigorously with my UK counterparts. I do not wish to reveal the nature of the discussions, or to reveal the negotiating hand. I can only assure Mr Morgan that I am taking every step to pursue the case. As I said earlier, I will inform Parliament of the outcome.

**Maureen Macmillan (Highlands and Islands) (Lab):** When will Orkney Islands Council know whether it will receive approval from Brussels to introduce the winter keep disaster aid scheme this winter? Why has it taken so long to have it approved this year compared with last year, given that the situation is worse this winter? Is the minister aware that Orkney farmers are having to pay £87 per tonne for bought-in feed, compared with £25 per tonne in Aberdeen?

**Ross Finnie:** I hope that Maureen Macmillan is aware that, unfortunately, there was a change in the rules governing the scheme, and that trying to align the application with the new rules has caused delays in some cases. Because of the change in the rules, it was necessary to seek further information from Orkney Islands Council. The council produced that information on 21 February. The matter is now being progressed. I hope that it will be in time, and I am conscious of the danger that any delay in the scheme's approval will represent in Orkney.

### **Freshwater Fishing**

**14. Dennis Canavan (Falkirk West):** To ask the Scottish Executive what measures it is taking to improve access to freshwater fishing. (S10-1186)

**The Deputy Minister for Rural Affairs (Mr John Home Robertson):** My officials and those of Scottish Natural Heritage are currently completing a comprehensive review of freshwater fishery matters, including the issue of access for anglers. I believe that there is widespread interest in this matter, and I intend to issue a consultation paper on the subject in the spring.

I want to increase opportunities for anglers, both locals and visitors, subject to the obvious priorities of good management and conservation.

**Dennis Canavan:** Will the Executive fulfil the Labour party's commitment to a radical overhaul of the Freshwater and Salmon Fisheries (Scotland) Act 1976? Will the minister confirm the Executive's intention to ensure that the statutory right of access to the countryside will include access to water as well as to land? If there are any outstanding problems in that respect, will he arrange for further consultation with the Access Forum, instead of simply giving in to pressure from the big landowners?

**Mr Home Robertson:** I feel like prefacing my remarks by saying that I am grateful to my erstwhile friend for asking a helpful question.

The main priority must be the conservation of fish and the protection of the environment. As Mr Canavan knows, there are grounds for alarm about salmon and sea trout stocks. We intend to address that problem rather urgently.

I understand the concerns that Mr Canavan and a lot of other people have expressed about certain aspects of the 1976 act and about the complicated and antiquated legislation that applies to other aspects of Scottish fisheries. That is why I am keen to work with anglers and other interested parties to improve the management of freshwater fisheries and to increase access for Scots and visitors who enjoy this sport.

**Dennis Canavan:** What about the Access Forum?

**Mr Home Robertson:** The Scottish Executive is committed to land reform and issues of access, which are obviously relevant.

## First Minister's Question Time

### SCOTTISH EXECUTIVE

#### Secretary of State for Scotland (Meeting)

**1. Mr Alex Salmond (Banff and Buchan) (SNP):** To ask the First Minister when he next plans to meet the Secretary of State for Scotland and what issues are likely to be discussed. (S1F-138)

**The First Minister (Donald Dewar):** Tomorrow.

**Mr Salmond:** When the First Minister meets the Secretary of State for Scotland, will the discussion turn to the additional £100 million that might be required from the Scottish block to fund the cost of the Parliament building in Holyrood?

Given that the First Minister must accept that this project has proceeded with his choice of site, his choice of architect, his choice of project team and even his choice of cost accountants, will he accept personal responsibility for the situation that we are now in and not try to shuffle responsibility on to the Scottish Parliamentary Corporate Body, as his press spokesman attempted to do this morning?

**The First Minister:** I understand that Mr Salmond is anxious to make capital out of the coming situation but I think that it would be wise for all of us to wait for the report, which, as I understand from the statement that was made today, is in preparation. I remind Mr Salmond that it is not for me, at this stage, to infringe on the responsibilities of the SPCB. All of us are anxious to establish that matters are under control. We should not rush to judgment until we have established the facts.

**Mr Salmond:** The capital that the First Minister should be talking about is the £100 million of extra expenditure that might be required and which will have to come out of the money that would otherwise be spent on vital public services in Scotland.

Does the First Minister recall that, on 8 December 1997, he decided to put Holyrood on the shortlist of sites for the Scottish Parliament? By 9 January 1998, he had decided that it was obviously the best option at a cost, at that time, of £50 million. Now that the cost might be four times that amount, will the First Minister accept that he made a decision in haste that Scotland is now repenting at leisure?

**The First Minister:** I am always suspicious of people who are arrogant enough to speak for Scotland. The answer to Mr Salmond's question is no.

**Mr Salmond:** The decision on Holyrood was made under terms of the collective responsibility of the London Cabinet. Does the First Minister accept that that means that the additional cost—the £100 million or the cancellation costs that would be incurred by a decision to move to another site—should be borne by the London Treasury and should not come from the Scottish block, which should be used to pay for Scottish homes, schools and hospitals? Surely it would be a disgrace if Scottish services were to pay the price of one man's folly.

**The First Minister:** That is all very dramatic, but it is nonsense. We must wait for the facts, which will allow us to conduct a more rational debate than this exchange promises. If Mr Salmond wants to erect that constitutional theory, he must recognise that not only the Scottish Parliamentary Corporate Body but the Scottish Parliament stand behind the decisions that have been taken.

**Ms Margo MacDonald (Lothians) (SNP):** I apologise for the fact that I was not here for the start of question time.

The original contract for the Holyrood site was signed by the First Minister when he was the Secretary of State for Scotland and party to the collective responsibility of the Westminster Cabinet. Can the First Minister therefore tell us whether the contract was undertaken on behalf of the Westminster Government? If that is the case, will the responsibility for any penalty clauses that might be incurred, should this disastrous folly be cancelled, be borne by this Parliament or the original contractor, the Westminster Government?

**The First Minister:** I make no assumptions about the cancellation of contracts. We all have an interest in approaching the Parliament building project coolly and rationally. I accept that we need facts to illuminate the debate and that we all have a direct interest, as is suggested by our present circumstances, in ensuring that, at the end of the day, we have a good building. That building must, however, be under cost control. That is something that, no doubt, we will turn our minds to when all the facts are available.

### Ministerial Responsibilities

**2. David McLetchie (Lothians) (Con):** To ask the First Minister whether he has any plans to reshuffle ministerial responsibilities. (S1F-137)

**The First Minister (Donald Dewar):** No.

**David McLetchie:** The First Minister will be delighted to see that there are many relieved faces on the Labour front benches. There are, however, some disappointed faces on the back benches.

If the First Minister will not consider reshuffling his ministers' portfolios, will he consider his own

early retirement, in view of his responsibility for the shambles that is the new Holyrood Parliament building?

In response to Mr Salmond, the First Minister said that we need facts. I will give him a few. I remind him that in his previous role as Secretary of State for Scotland, he told the Scottish people, in the white paper that was published prior to the devolution referendum in 1997, that the cost of the building would be between £10 million and £40 million. A year later, that figure had risen to between £80 million and £90 million. On 17 June 1999, the First Minister told Parliament that the building would cost £109 million, and that that was the cost

"that we now hold to."

Admittedly, he qualified that by saying that the Executive would hold to that cost

"to the best of our ability"—[*Official Report*, 17 June 1999; Vol 1, c 523.]

but that ability is not great.

We now hear the figure of £230 million being bandied about. Does the First Minister accept that he conned the people of Scotland about the true costs of the building at the time of the referendum, and that he conned his own back benchers into voting for the Holyrood project to proceed without properly considering the alternatives, as he was urged to do by the Opposition?

**The First Minister:** I am afraid that a holiday in South Africa has not improved Mr McLetchie's temper.

I have made it clear that we must wait for an assessment of the situation. The Presiding Officer is the chairman of the Scottish Parliamentary Corporate Body and he has made it clear that, at that stage, he expects a full debate to take place. I welcome that. It is important that we try to ensure that the project proceeds on a proper and controlled basis. I, of course, have an interest in that as a member of the Administration that is the funding authority for the project.

Mr McLetchie and I have a common interest in trying to ensure that this story does not have an unhappy ending. I hope that he accepts that.

**David McLetchie:** I accept that we do not want an unhappy ending, but I fear that there might be one, given that Mr McConnell's budget, which was approved by Parliament barely two weeks ago, must now lie in ruins if tens of millions of pounds must be taken from it to pay for completion of the construction of Donald's dome.

How much will that impact on Scottish health services and schools and on our police force, which is under stress? How many fewer teachers, doctors, nurses and police officers will there be, so

that the construction can be paid for?

**The First Minister:** Mr McLetchie carries a small personal dome around with him, but I would not like to comment on its contents. [*Laughter.*]

I intend to look carefully at the situation. We all have an interest in doing that. Mr McLetchie is right to say that when the matter was passed to the SPCB on 1 June 1999, the budget for the project was £109 million. That is the figure that is on the table at the moment. If that figure is greatly exceeded, we must make proper arrangements for that eventuality.

We must also be satisfied about the way in which we continue from this point. It will be of interest to all members to see that that is done sensibly and maturely. People are entitled to make political points, but the matter should not become a chase to score such points. That will result in a very unhappy outcome and will be bad for all of us.

**Michael Russell (South of Scotland) (SNP):** I want to follow up the question about the First Minister reshuffling his team. Will he investigate and reshuffle whoever advised him to go to Irvine on 14 February to announce the creation of 700 jobs at Fullarton Computer Industries? Those jobs were highly speculative when he went, and within seven days the company announced 148 redundancies. Will he reshuffle the adviser who gave him that advice and apologise to the people of Ayrshire for misleading them in such a way?

**The First Minister:** That is a good example of looking for the downside to everything. I regret the fact that 148 jobs have gone at Fullarton. I remind Mr Russell that 1,650 people are employed by Fullarton in Ayrshire. I remind him that the company employs 3,000 people throughout Scotland. I also remind him that it is good news—in my mind, although obviously not in his—if a firm looks at a possible market, believes that it can get into that market and create employment, and is putting £10 million of its own money up front for that purpose. That is an important vote of confidence in the future of the Ayrshire economy.

I remind Mr Russell that any regional selective assistance that comes from the Government is paid only on the creation of jobs. As I am sure he is aware, 1,200 jobs have been announced in Ayrshire, excluding the 700 at Fullarton, since 1 July, and unemployment in all three local authorities in Ayrshire has fallen over the past few months.

### NHS Emergency Beds

**3. Pauline McNeill (Glasgow Kelvin) (Lab):** To ask the First Minister what action is being taken to increase the number of emergency beds available in the NHS in Scotland. (S1F-149)

**The First Minister (Donald Dewar):** The Minister for Health and Community Care announced on 22 February that an additional £6.8 million was being made available immediately to the national health service in Scotland to spend on intensive care, high-dependency beds and new equipment. That formed part of an additional investment of £13.8 million and is further evidence of our on-going commitment to invest in and improve the health service in Scotland.

**Pauline McNeill:** Does the First Minister agree with me that the real and lasting changes that we want for our national health service are beginning to be delivered by this Administration, putting to shame the Scottish National party's promise to allocate only £35 million to the NHS?

**The First Minister:** SNP members will not entirely appreciate Pauline McNeill's reminding them of that particular piece of remarkable financial allocation. The idea that £35 million was what a party promised to revolutionise the health service is risible.

It is important that we continue to work hard on the health service. We start with a substantial advantage in terms of consultants, general practitioners and nurses per hundred thousand of the population. This Administration wants to maintain that advantage to the best of its ability, and to make the service more and more centred on patients. I believe that we are making good progress.

**Andrew Wilson (Central Scotland) (SNP):** I would like to follow on from Pauline McNeill's tough line of questioning on health spending.

Will the First Minister confirm whether the only post-war Administration to cut health spending has been the first Labour Administration in Scotland, under the leadership of Donald Dewar? He and his colleagues are keen to promote the fact that health spending in Scotland is 20 per cent per capita above that in England. Will he confirm whether he will maintain that level of spending or whether it will fall?

**The First Minister:** I sometimes think that ingenious arguments, by fiddling around—I say carefully—with statistics, can almost border on the misleading. Mr Wilson is guilty of that, although I am prepared to believe that it is intellectual entertainment that leads him on, rather than principle or malice.

We spend heavily on the health service in Scotland. We will spend more than £1,000 per head next year, which, as Andrew Wilson points out, represents a very big margin over the rest of the United Kingdom. The Barnett formula ensures that we continue to receive an absolutely fair share per capita, and we are determined to do everything that we can to maintain that advantage

and to deliver services for our people.

**Mrs Margaret Smith (Edinburgh West) (LD):**

We welcome the extra £6.8 million, which is going into critical care services and intensive care beds. Can the First Minister outline the specific steps that the Executive will take to address the need for high-dependency facilities, which the Scottish Intensive Care Society and some consultants have highlighted as being an area of concern?

**The First Minister:** I understand the important distinction that Margaret Smith draws between intensive care beds and high-dependency beds. Both categories are included in the payment. Sir David Carter is reviewing the balance in that particular form of provision. As the convener of the Health and Community Care Committee, Mrs Smith will be aware of that.

If I remember rightly—I look, I hope not too nervously, towards my colleague the Minister for Health and Community Care, who has responsibility for this area of work—since 1997, the number of intensive care beds in Scotland has increased quite significantly. This additional spending means an additional boost to that area.

**Police (Democratic Accountability)**

**4. Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** To ask the First Minister what plans the Scottish Executive has to increase democratic accountability of Scottish police forces. (S1F-143)

**The First Minister (Donald Dewar):** As Jamie Stone knows, the structure of the police in Scotland is currently under review. The review is considering ways of improving quality of service while maintaining local accountability. It is expected that an interim report will be submitted to Scottish ministers by the end of March.

**Mr Stone:** I thank the First Minister for his answer.

Does the First Minister agree that there may be a case for revisiting the perceived dividing line between operational matters, which lie in the hands of Scotland's chief constables, and those matters, of which there are rather few, which can be decided by the democratically elected members of police boards?

**The First Minister:** I think that Jamie Stone is trying tempt me to enter a delicate area, into which I hesitate to plunge without giving the matter some thought.

The other day, I had a meeting with all chief constables in Scotland. It may alarm Jamie Stone to know—or it may confirm his line of questioning—that the word I got from them was that they were happy with their relationships with police boards and that they felt that the system

was working harmoniously. I must confess that that is my experience.

However, the whole business of local accountability and local identification with the force is one of the matters that the review will have to take into account. I suspect that when the interim report is produced—I stress that it is an interim report—in March, there will be a great deal of debate around those particular principles.

**Linda Fabiani (Central Scotland) (SNP):** Does the First Minister share my concern at the under-representation of women at senior levels in police forces across Scotland? Will that issue be discussed with the chief constables?

**The First Minister:** We are in consultation and in discussion on that particular point. I want to see women both entering the police service and progressing within it. I want to see a healthy police service at every level. The advancement of women on the basis of merit would be a healthy sign of that.

We also want to maintain the police service properly. I am sure that Linda Fabiani is aware that, next year, grant-aided expenditure for the police will be £742 million, which is an increase of 3.8 per cent on the current year. I hope she finds that encouraging.

**Child Poverty**

**5. Alex Neil (Central Scotland) (SNP):** To ask the First Minister whether a progress report on the alleviation of child poverty in Scotland will be issued. (S1F-141)

**The First Minister (Donald Dewar):** Sir David, I seem to have lost Mr Neil. No—I have found him.

We will publish this autumn the first annual report on progress towards our social justice targets and milestones, including the alleviation of child poverty.

**Alex Neil:** I bring to the attention of the First Minister the report published today by Professor Weaver of the Royal Hospital for Sick Children in Glasgow. The report shows that nearly one fifth of all children coming into hospital in Glasgow suffer from malnutrition; indeed, they are described as dangerously malnourished, primarily as a result of child poverty in Glasgow.

Does not that make a nonsense of the target set by the First Minister's Administration to relieve child poverty in 20 years' time? Surely today's children deserve better.

**The First Minister:** As Alex Neil knows—and he is always very vehement and, I believe, very genuine about this matter—there are always difficulties with measurements and standards. Over the next two years, we intend to take 60,000



children out of poverty. The member will know that that is set out in recent Government publications.

It is important to highlight the new deal for lone parents, the working families tax credit, the national minimum wage and the biggest ever increase in child benefit, all of which are having a considerable impact in Scotland. As I understand it, the average family with children will, as a result of the national minimum wage and the two previous budgets, be £740 or £750 better off. That is real progress, although I accept that there is a long way to go. I hope that we will have Alex Neil's support in the progress that we are making.

## **Local Government Act 1986 (Section 2A)**

**The Presiding Officer (Sir David Steel):** The next item of business is a statement by the First Minister on repeal of section 2A of the Local Government Act 1986. The First Minister will take questions at the end of his statement, so there should be no interventions during it.

15:31

**The First Minister (Donald Dewar):** I wish to make a statement about the repeal of section 2A of the Local Government Act 1986 and about the proposed ethical standards in public life etc (Scotland) bill.

I start by reminding the chamber of the history. The Scottish Executive is committed to building a modern, forward-looking society, in which people can live together freely in a spirit of solidarity, tolerance and respect. With that objective in mind, the Executive made an announcement in September last year setting out our intention to repeal a piece of legislation that undeniably singles out a minority in our community for stigma, isolation and fear. That was followed by a consultation exercise launched in November, which revealed both concern about the continued place on the statute book of section 2A and very broad-based support for the Executive's proposal to repeal it.

More than 80 per cent of those who responded backed repeal. That was particularly true of the bodies representing the teaching profession, with both the Educational Institute of Scotland and the Scottish Secondary Teachers Association arguing for repeal. Children's bodies—NCH Action for Children, Save the Children and Children in Scotland—the Convention of Scottish Local Authorities and 12 of the 16 councils that responded also gave their support to repeal.

The Executive decided to proceed. We take the view that section 2A has the effect of discriminating and is widely seen as encouraging prejudice. It is also clear that it inhibits and complicates the attempts of teachers to help and counsel pupils who are confused about their sexuality. It may in some cases make it more difficult to deal with cases of homophobic bullying, which—sadly—do occur. Our conviction—and this is at the centre of our case—is that section 2A does not offer real safeguards for children. Those lie with the professionalism of teachers, the guidelines that are already in place and, above all, the involvement of school boards and, of course, individual parents.

I want to make it very clear at the outset that nothing has led me or my colleagues to change our mind. We are united in our determination to repeal section 2A; we believe that repeal is right and necessary. Colleagues will recall that, on a Conservative motion, this Parliament expressed a view in favour of repeal by 88 votes to 17, with—to be precise—three abstentions. I recognise that that is not necessarily a final judgment in every case, as the process of legislation and the consultation process on safeguards have still to be gone through. However, Parliament clearly took the view in principle that it would be wrong to allow section 2A to remain on the statute book. That is very definitively the Executive's position.

I want to stress that no one in the extensive debate has argued for the promotion of homosexuality. The Executive does not, and would not, tolerate such a policy. It will be within the knowledge of members that inappropriate teaching did not occur before the arrival of section 28 and has not occurred since its introduction in 1988. It will not happen in the future.

Sam Galbraith has written to chairs of school boards and head teachers to explain the package of safeguards that will be introduced to ensure that, after repeal, children continue to receive appropriate sex education and advice on personal development. The package—which is, I believe, a strong one—comprises clear guidance to local authorities in the form of a circular; advance consultation with parents by individual schools when planning sex education, which is particularly important; simple, direct procedures for parents to raise any concerns with their child's school, and if necessary, the education authority; and a review of the curriculum advice and supporting materials for schools and teachers by a broadly based independent working group whose findings will be available before final decisions are taken in this chamber. That circular will underline our assurance and will accompany the bill, which will be published shortly.

There has been a great deal of comment and speculation about further legislative proposals. There has—to put it bluntly—been enormous pressure crowding in on every side. I want to make it clear that I have no wish to introduce declaratory legislation or to proceed on the basis of gesture politics. That would do no service to rational debate—I fear that, on occasion, rational debate on this matter has been at a premium.

We intend to introduce a new section that lays a duty on local authorities, when delivering services that relate principally to children, to have regard to the value of stable family life and to the need to ensure that the content of instruction that is given in the performance of those functions is appropriate and has regard to each child's age,

understanding and stage of development. We are taking a positive, child-centred approach and are reinforcing the basic principle that all concerned should act in the best interests of each child. In the case of any challenge under the terms of the new section, exactly the same civil remedies will apply as do under section 2A.

I recognise that there is always controversy in areas that are as sensitive as this. I recognise that some of my Liberal Democrat colleagues take the view that there is no need for further legislative action because safeguards are in place and that to repeal simpliciter is enough. I do not share that view and I hope that our proposition has got the balance right.

I have no doubt that some will cry surrender and others will bitterly complain that the proposals do not go far enough. I do not think that the first claim stands examination and the second—I say this with no malice—is the position of those who are committed to no change in the present position. Our new provision is a sensible buttressing of local government's duty of care and a practical support for the decent, sensitive regime that has been the rule in our schools and in the delivery of local government services to children over many years.

We are now proposing that, as well as repealing section 2A, legislation should contain provisions for a further definition of our general approach, which, I believe, is shared by many in the chamber and in the country. I stress that that does not mean the introduction of statutory guidelines, which have never been a feature of our educational system. Statutory guidelines would subject schools and teachers to central control in a way that would be unacceptable to the broad sweep of educational opinion in Scotland.

This is not a U-turn or a retreat from our known position; indeed it is a clearer statement of that position. I believe that it is a sensible statement of common principles. We are taking our arguments from general debate and current practice to a place on the face of the bill. The words that we propose to put into statute are inclusive, tolerant and non-judgmental. They are, I believe, a proper statement of mainstream public opinion, reflecting our traditions and mores.

I recognise that there will be continuing debate in committee, in the chamber and in the country. I advance these propositions because I believe that they will more completely represent in the ethical standards bill the views of those of us who are committed to the repeal of section 2A. In our approach to these most sensitive areas of social and educational policy, we must retain a balanced approach that reflects our hopes for society. I see this as support for the efforts of teachers and parents and a reminder that we will never betray the trust that we owe to our children.

**Mr Alex Salmond (Banff and Buchan) (SNP):**

Will the First Minister consider what lessons, if any, the Executive has learned from the process of advancing this legislation? From the outside, the decision-making process seems to have been shambolic. Two weeks ago the Executive rejected an amendment seeking a debate on the status of guidelines. Given that that debate seems to have been going on in his Cabinet and parliamentary group, is it not reasonable to expect that it should be part of the consultative process on the guidelines?

Has the First Minister seen the letter in today's *The Herald* from Judith Gillespie, a highly respected figure in Scottish education? She explains how, in the current education bill, it would be possible to provide a statutory anchor to guidelines without introducing a national curriculum. Does the First Minister consider that suggestion worthy of consideration alongside the Government's latest position?

**The First Minister:** Those points are interesting and no doubt will continue to be discussed. I recognise Judith Gillespie's position and her right to contribute to the debate; indeed, I welcome that. However, I do not agree with the point that she makes. The Standards in Scotland's Schools etc Bill, particularly sections 3 to 7, deals with standards and the duty on education authorities in terms of procedures and mechanisms, but we are now in a very different field, albeit one that is equally important and sensitive.

I say to Alex Salmond—and I do not say it as sniping—that I am not clear where the SNP stands. We are opposed to statutory guidelines for the reasons that I gave in my statement—they would inhibit the right of teachers to exercise their professional judgment, which the vast majority do in an excellent way, and they would bring inflexibility into education. I gather from the press—I say this tentatively, as I think that we would all agree that that is not always the best way of getting exact information—that the SNP is thinking about going down the statutory guidelines route. Although it may be difficult for Alex Salmond to clarify that at the moment, it is important that he does so.

**David McLetchie (Lothians) (Con):** Given that the First Minister is so certain that section 28, or 2A, must be reinvented in order to assuage public opinion and parental concern, and given that he said in his statement that he and his colleagues did not wish to promote homosexuality in our schools, will he give us a clear statement on why it is necessary to repeal section 28 or 2A in the first place?

Secondly, I note that Mr Galbraith is now writing to all school boards in Scotland. It would have been helpful if Mr Galbraith had got his pencil out

earlier and written to them as part of the consultation exercise that the First Minister called in aid of his proposals. If Mr Galbraith had consulted all the school boards in the first place, he would have got a very different answer from Scottish parents than the ones that he got from the rigged consultation exercise.

For example, the First Minister and the Minister for Children and Education might have learned something from the school boards of East Dunbartonshire and the parents whom the Minister for Children and Education represents in this Parliament, who have now been consulted by East Dunbartonshire Council. Twenty-two of them responded: 18 were in favour of retaining the section and only four were in favour of its repeal. Does that not indicate that the First Minister and the Minister for Children and Education are out of touch with parental opinion on this subject?

Thirdly, may I remind the First Minister that the bill is meant to be about ethical standards in public life? Is not the benefits fraud scandal in Glasgow City Council that was revealed today the sort of disgraceful conduct that should be tackled in a bill about ethical standards in local government? That would be better than tacking on to it the irrelevance of the repeal of section 28. Fourthly—

**Members:** No more!

**The Presiding Officer:** Order. Mr McLetchie—

**David McLetchie:** There are lots of questions to be answered.

**The Presiding Officer:** Mr McLetchie, in fairness, this is a very limited time for questions. You have had three questions already.

**David McLetchie:** Could I conclude with one short fourth one?

**Members:** No more!

**Members:** More!

**The Presiding Officer:** One quick one.

**David McLetchie:** As the new section—the new 2A, or whatever it is to be designated—will refer to the value of stable family life, will the First Minister explain why it will not refer to the institution of marriage?

**The First Minister:** It refers to stable family life; I regard that as an inclusive term, which of course includes marriage. Marriage is an important part of the mix that we have in our society.

Unless David McLetchie has a very odd circle of friends, I suspect that, if he were to look around him, he would see that many people have made arrangements that are right for them. I said in my statement that I did not believe that the legislation should be judgmental. That is important and so I

am glad to propose the new section on an inclusive and non-judgmental basis.

It is no good talking in hyperbolic language about rigged consultation. The consultation document was widely circulated. I think that Mr McLetchie's remark will be rather resented, whether by the EIS, the SSTA, the local government units or the wide range of children's organisations that responded. It is not helpful to conduct the argument on that basis. I am not familiar with the figures that he cited on East Dunbartonshire Council, but I can say that we must consider carefully the information that is available.

The real point—it is my last point, Sir David, as I know that other people want to speak—is that the section that we are proposing endorses the need for good practice in the teaching of our children in all aspects of the curriculum, including religious education and personal development. It puts the child at the centre of our concerns and is an important buttress to the general duties of local authorities. I think that it will be widely welcomed, and I hope that David McLetchie will pay attention to the organisations that welcome it.

**Nora Radcliffe (Gordon) (LD):** Does the First Minister agree that this addition will give reassurance to those reasonable parents whose concerns have been raised by the flood of misinformation that has been promoted in recent months, and that it complements all the other measures that he has outlined?

**The First Minister:** I am grateful to Nora Radcliffe for those comments. It is important that this is not the only safeguard that is in place; indeed, it is far from the only safeguard that is in place. I put particular emphasis on the circular on the McCabe committee, which is considering educational material and other matters. There is a series of safeguards, which I hope will reassure anyone who has worries that there is no need for concern and that we will continue to take the tolerant, inclusive, sensible and sensitive approach that has been the mark of education in Scotland.

Arguments may be advanced and people have a right to advance them if they so wish. My appeal, however—and I know that this may be difficult—is that, whatever the arguments, we should not try to persuade people on the basis of fears that have no real foundation.

**Ms Margaret Curran (Glasgow Baillieston) (Lab):** Does the first minister acknowledge the anxieties that have been created in the minds of parents about inappropriate lessons in Scottish schools? Does he agree that the protection of children should be at the top of the political agenda and that no one party has a monopoly on

the protection of children? Can he assure me that his statement will give confidence to the parents of Scotland that there will be proper education in schools and that there will be an end to the scaremongering and misinformation that has created much unnecessary anxiety?

**The First Minister:** I can certainly give those assurances. It is important to get the message across sensibly and coherently. I meet people who say to me, "Because of what you are proposing, the following will happen." The following turns out to be things that I do not think anyone in this chamber would suggest for a moment would happen, such as the open availability of internet pornography in school classrooms. To suggest that would be to take a view of teachers, education authorities, head teachers and parents that I do not think can be justified.

I want a rational debate on this subject. I have used the word "rational" several times this afternoon. If this Parliament is about anything, it ought to be about rationality. If we can keep our discussions rational, we will make better progress for Scotland as a whole.

**Nicola Sturgeon (Glasgow) (SNP):** The First Minister said that the points raised by Mr Salmond will continue to be debated. Does he agree that, rather than having a debate that takes place behind the closed doors of the Cabinet room, we should have one in which the Scottish public are fully involved? Does he also agree that that approach could help to take the heat out of this debate as we move towards the repeal of section 2A—a move that is supported by the SNP? Will he reply to Mr Salmond's question on whether he considers that the formulation that is offered in section 12 of the Standards in Scotland's Schools etc Bill—a bill proposed by his Executive—is at least worthy of consideration? That formulation would not lead to enshrining guidelines in statute, but it would give a statutory anchor to those guidelines and reassure the Scottish public without undermining our distinctive education system.

**The First Minister:** I would not like to rush to an answer, because I do not have section 12 in front of me and it would be wrong of me to pretend that I am totally conversant with it. I can say that it is difficult to have a statutory anchor and avoid statutory guidelines. We have taken a lot of advice on this matter. We are assured that ours is the most sensible and flexible way of achieving our ends and that what we propose will be widely welcomed.

Of course, there will be a lot of debate. When the bill is in committee and when it comes before this chamber, the matters that have been raised can be debated. I look forward to those exchanges, and if they are at the level of Nicola Sturgeon's contribution, we will get on well. I thank

Nicola Sturgeon for reminding us of her party's commitment to the repeal of section 2A.

**Mr Michael McMahon (Hamilton North and Bellshill) (Lab):** Does the First Minister agree that the vast body of mainstream Scottish opinion needs to know that the Executive is prepared to listen to it? Does he also agree that his statement today proves that the Scottish Executive has listened to public opinion on this issue and has provided reassurance when that reassurance was called for?

**The First Minister:** I hope that that is so. I have been attacked extensively in the public prints over the fact that there has been a debate within the Administration, and between the groups within the Administration, about the right balance on this issue. I do not apologise for that. The issue is a difficult one. Of course there were worries that, by moving down the road of further reassuring legislation, we might put ourselves in a position where we were eliding our main intent, which is to take from our midst a piece of statutory enactment that is seen by many of our fellow citizens as offensive and that we believe to be of very little value—in fact, no value—in educational terms. There was a debate, but we have come up with a good and right solution, which I will be happy to recommend to this chamber and whose virtues I will explain in the country. I am grateful to Michael McMahon for his support.

**Phil Gallie (South of Scotland) (Con):** Does the First Minister concede that his statement represents a patch-up of section 2A, and attempts, but will fail, to solve the problems identified by Labour canvassers in the Ayr by-election? Does he feel embarrassed that his endeavours plunge some way towards the depths of Alex Salmond's cynical attempt to abandon this sinking-ship policy? How will he explain to the Labour candidate in the Ayr by-election why he has left her, and her council colleagues, in the lurch, given the Executive's decision to go for full repeal of section 2A?

**The First Minister:** The word that always occurs to me when listening to Mr Gallie is "incurable". I can think of lots of other words, but perhaps I will whisper them to Mr McLetchie in the tea room. All parties will campaign hard in Ayr, but we do not write legislation on the basis of a by-election. I recognise that there are many issues of importance in Ayr; I have been there and I have found many of them. Mr Gallie's points may be a particular obsession of his, but they are not the basis on which we operate—I hope that he will accept that.

If Mr Gallie thinks—and there seemed to be a hint of this in what Mr McLetchie said—that the new section will be a substitute for section 2A, he is greatly mistaken, as he will discover when he

looks at the new section more closely. We are going to repeal section 2A. We are going to bring in new provisions that will buttress the duty of care, reinforce and support the professionalism of teachers and, I hope, do something to ensure that the good practice that has been the mark of our schools will continue.

**Dr Richard Simpson (Ochil) (Lab):** I welcome the statement, as what is now proposed embodies two principles: the absence of discrimination, which was present in section 2A—although the Conservatives will not recognise that—and child-centredness. The latter must be at the heart of the Government's policies, to ensure that children are not exposed to material that may be appropriate to adults, but not to them. That was the fear that many people expressed to me.

Does the First Minister agree that the new section will not only emphasise good care of children and good practice within the education sector, but support that practice in social work, youth work and every other area of a local authority's involvement with children? That means that the new section goes beyond the old section 2A. Does he also agree that the material circulated to MSPs by the Souter campaign—it was health promotion material designed to prevent the spread of HIV in adult homosexuals—would, if shown to children, constitute as much of an abuse of the child as showing that young child explicit heterosexual material?

**The First Minister:** We must all be careful about how we conduct this campaign if it is not to be misleading and if it is to reach balanced results.

I see the section as inclusive. It reflects the sentiments of the Children (Scotland) Act 1995, in—as Richard Simpson said—putting the entire emphasis on concerns for the welfare of the child. He is right to point out that this issue is not confined to schools, but deals with local government services principally involved with children. That allows us to have a wider remit in terms of counselling and help in non-school settings. Those are positive advantages.

I say to Richard Simpson that there was—as I indicated openly—an interesting and important debate within our own ranks about the best way forward. He was one of those who played a constructive part in that debate.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** Does the First Minister agree that this is an extremely sensitive matter? In the formulation of new duties incumbent on local authorities, it is essential that the wording is clear and precise. If it is not, the duties will be impossible for local authorities to implement or observe. Will he consider including a definition of the phrase "stable family life"—in the same way as

definitions of the words “children” and “council” are included—so that parents can be granted the reassurance that many of us believe they seek?

**The First Minister:** I do not think that I can agree with Fergus Ewing on that point. If we took that view, we would get into great difficulties through the whole gamut of statute. I have said clearly that I regard the definition as inclusive. We are all aware of the range of different lifestyles in Scotland. I repeat: the section is non-judgmental. I agree with him about the sensitiveness of this issue and I recognise that he feels strongly about it, as was reflected in his abstention in the vote in Parliament. I hasten to say that that was not due to absence; it was a positive abstention. I recognise that that represented careful thought and probably some considerable pain and trouble on his part.

**Tommy Sheridan (Glasgow) (SSP):** Does the First Minister agree that the wording of the suggested duties of councils section should take account of the views of groups—such as the Equality Network—that represent many of those who are subjected to the bullying and discrimination that sadly takes place throughout Scotland?

Does the First Minister also agree that we should not set a precedent on this issue? In discussing these issues and taking decisions on them, this Parliament must recognise that there is intolerance, prejudice and homophobia in our society, but we should take no more cognisance of the views of one individual who happens to be a multimillionaire and who can fund a campaign of opposition than we would of the views of other citizens with the same intolerance and prejudice. I hope that the minister will assure me that this is not a precedent and that we will not have multimillionaires running the agenda of the Parliament.

**The First Minister:** I accept the principle that any citizen of this country is entitled to enter into a debate and to progress his cause to the best of his ability. To take any other view, however deeply we may disagree with someone, would be quite wrong. I do not for a moment question the sincerity with which Brian Souter is conducting his campaign.

On Mr Sheridan’s general point, of course the agenda in this chamber is set by the members of the Parliament and by the Executive. That will continue to be the case. I very much hope that the Equality Network and other bodies will take part in the debate. We have a long way to go. The bill will have to go through committee and there will be various stages on the floor of the chamber. I hope that everyone who has a real contribution to make, and wants to make it in a measured way, will do so. I have no doubt that that is the best way of

proceeding in these matters. I would never want to fetter or impede that democratic process.

**Mrs Margaret Smith (Edinburgh West) (LD):** I welcome the First Minister’s statement, which takes on board the real concerns of parents about the material that is used in our schools and how their children are taught, and puts the best interests of children at the heart of the agenda of this Parliament while building a tolerant Scotland.

Will the First Minister reaffirm the Parliament’s faith and trust in our teachers’ ability to teach our children about life as it is, with all its harshness and its difficulties, and all the situations that we may not always like to talk about? What impact will the new section and the guidelines outlined by Sam Galbraith have on our ability to teach our children about life as it really is?

**The First Minister:** I am grateful for Margaret Smith’s welcome. The section will essentially be a buttress or support for the professionalism of teachers, which has stood us in good stead in the years gone by and I am sure will continue to do so in the years to come.

I recognise the need to introduce children to the real world. That has got to be done with skill and sensitivity if it is not to be counterproductive. I am confident about the way in which we are reinforcing the framework, not just with this section—if it gets on to the statute book—but with the circular, the guidelines and the rights of parents to withdraw children and to raise issues with schools. I particularly like the idea of consulting parents before sex education courses are put in place. All that is part of a whole, which will ensure that some of the fears that have been put about turn out to be groundless.

## Code of Conduct

**The Presiding Officer (Sir David Steel):** I remind members who may not have been present this morning that decision time will be at 5.30 pm today, to allow a full debate on the code of conduct. I call Mr Mike Rumbles, the convener of the Standards Committee, to move the motion to adopt the code.

16:04

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** It is with great pleasure that I am able, on behalf of my colleagues on the Standards Committee, to present our first report of 2000, which proposes a draft code of conduct for MSPs. It is hoped that the Parliament will be able today to give unanimous backing to this code, which we believe is both rigorous and fair.

First, I pay tribute to the hard work of my committee colleagues in delivering this substantial report to the Parliament in such an expeditious fashion. I can assure the chamber that, despite the press's penchant for seeking out disagreement, the report was produced in the spirit of the new politics and is a credit to the committee's ability to work as a closely knit team.

The only matter on which there was not full agreement is the reference to the oath of allegiance in section 2.3. I must emphasise that its inclusion in the code is purely a statement of fact and replicates the wording of the Westminster code of conduct. On that basis, the committee believes that the amendment is unnecessary.

We believe that it is important to emphasise the positive function of a code of conduct. The code exists not to ensnare members, but to assist them in their role as democratically elected representatives. There is nothing to suggest that MSPs do not conform to the highest standards of probity and honesty in their work. The document was created to guide members in maintaining those high standards, so that we can continue to provide the best possible service to those we represent, in a manner that is in tune with the expectations enshrined in the code's key principles.

The code draws on the recommendations of the code of conduct working group of the consultative steering group and is consistent with the principles established by the Nolan Committee on Standards in Public Life. Although we draw on experiences elsewhere, such as those of the Parliament at Westminster, we also recognise the distinctive and specific circumstances of the Scottish Parliament that arise from the devolution settlement.

Among other matters, the proposed code lays down key principles consistent with the Nolan principles for the conduct of members; explains the statutory requirements on MSPs to register and declare their interests; sets out the statutory prohibition on paid advocacy; establishes standards for the conduct of MSPs in relation to those who lobby them; sets the standards for general conduct in carrying out parliamentary duties, ranging from guidance on acceptance of hospitality and benefits to requirements about the way in which MSPs treat others; explains how to make complaints about an MSP's conduct and how complaints are dealt with; and sets out the sanctions that may be applied for a breach of the rules. Unfortunately—members might think otherwise—I do not have time to go into many of the rules in great detail. Instead, I will focus on some of the most significant ways in which the code will ensure the highest standards of conduct.

The requirements in relation to registration of interests are laid down by statute in the Scotland Act 1998 and in the Scotland Act 1998 (Transitory and Transitional Provisions) (Members' Interests) Order 1999. The order states:

"There shall be a Register of Interests of Members of the Scottish Parliament".

The main purpose of the register is to provide information about certain financial interests of members that might reasonably be thought to influence their actions, speeches or votes in the Parliament, or other actions taken in their capacity as members. It is important to emphasise that responsibility for ensuring compliance with the rules on registration of interests lies with the individual member.

The key principles of the code, especially those that relate to integrity, honesty and openness, are given further practical effect by the requirement for members to declare certain interests in the proceedings of Parliament. With the rules on registration of interests, that ensures the transparency of members' interests, which might influence—or be thought to influence—their parliamentary actions. It is the responsibility of the member to judge whether an interest is sufficiently relevant to particular proceedings to require a declaration. The code advises members to err on the side of caution.

Paid advocacy is, quite simply, not permitted. Registration and declaration of interests are designed to ensure transparency and do not inhibit members' participation in the proceedings of the Parliament, but the rule on advocacy in the members' interests order is intended to prevent a member from advocating any cause in return for any payment or benefit.

Registration and declaration of interests, along

with paid advocacy, are key elements of the code as set out in the members' interests order, but the Standards Committee is clear that further work needs to be done on those subjects. The Scottish Parliament is required to replace the existing transitional order with its own legislation on members' interests. That will be an opportunity to think about how the arrangements can be improved. The committee will want to consider the need to clarify and develop matters relating to members' interests in the current legislation. Such matters include the practical consequences of the rule on paid advocacy and the possible extension to family members of requirements in relation to members' interests.

The code sets standards for the way in which MSPs are expected to interact with all those who seek to lobby them. The standards aim to prevent any individual or organisation that lobbies on a fee basis having any grounds for claiming that using its services will result in better access—it will not. It must be emphasised that the people of Scotland do not need to use a lobbyist to access what is—after all—their Parliament.

For the Parliament to fulfil its commitment to being open, accessible and responsive to the needs of the public, it needs to encourage participation by organisations and individuals in the decision-making process. Indeed, to perform their duties effectively, members will need to be able to consider evidence and arguments that are advanced by a wide range of organisations and individuals. As such, the lobbying process in its widest sense is an integral part of the democratic process.

There is, nevertheless, some uneasiness about the way in which lobbying may be developing. Accordingly, the desire to involve the public and other interest groups in the decision-making process must take account of the need to ensure appropriate transparency and probity in the way the Parliament conducts its business.

Members' attention is also drawn to the stipulation in the proposed code that they should not accept any paid work to provide services as a parliamentary strategist, adviser or consultant—for example, advising on parliamentary affairs or on how to influence the Parliament and its members. The committee takes the view that it would be inappropriate for MSPs to use their position as elected representatives of the people of Scotland in that way.

The code does not seek to regulate lobbyists. It is a code for MSPs, and it is not the place to lay down any requirement except in relation to our conduct. However, given the public's obvious concern about the activities of lobbying companies, the committee plans to conduct a further investigation into the relationship between

MSPs and lobbying companies. The committee will consider whether any form of regulation of lobbyists is needed.

Section 8 deals with cross-party groups. A number of members have already been involved in setting up cross-party groups, and recognised groups are successfully up and running. Rules on cross-party groups are included in the code. The main reason for regulating them is that they may have—or may be seen to have—some influence on the Parliament. It is important that they operate in accordance with good practice and that their activities are transparent and open.

Section 9 sets out the standards that members are expected to meet in their general conduct in carrying out their parliamentary duties. It incorporates rules that have already been laid down by the Presiding Officer about conduct in the chamber. Members of this Parliament are accountable to the Scottish electorate, who expect them to carry out their parliamentary duties in an appropriate manner that is consistent with the standing of the Parliament. The electorate also expect them not to engage as a member in any activity that would bring the Parliament into disrepute.

The proposed code also provides guidance on the acceptance of hospitality, gifts or other benefits. A number of members have suggested that there is a need for a standard to be set, in addition to the statutory provisions that require members to register any gifts—including hospitality and other benefits—valued at more than £250. The proposed code lays down that, although members are not prohibited from accepting reasonable hospitality or modest tokens of good will, they should not accept any offer that might reasonably be thought to influence their judgment in carrying out their parliamentary duties.

Section 9 also contains rules on the confidentiality of certain documents, discussions and other information relating to the Parliament. Although we wish to conduct our business primarily in public, there may be times when confidentiality is required. I emphasise, for example, that all pre-publication versions of committee reports and information deriving from them should be kept confidential unless the committee decides otherwise. Members should take note that any alleged breach of that standard by an MSP would be regarded as a very serious matter by the Standards Committee.

I will outline the procedures for enforcing the code. The procedures that are currently set out in section 10—they relate to complaints and their investigation—will apply for the time being, but they may be superseded once the Parliament has had the opportunity thoroughly to consider other models. The committee felt that its priority was to



publish the code so that—as I said at the outset—MSPs and the public are clear about the standards against which we are to be judged, and about how those standards will be enforced.

Under the code, the Standards Committee is responsible in most cases for investigating the conduct of members. If it is considered appropriate, the Parliament may decide to impose sanctions on a member. The appropriate sanction in a particular case would be decided by the Parliament on the basis of the facts and circumstances of the case.

Sanctions that the Parliament can apply include preventing a member from voting, attending any meeting of a parliamentary committee or sub-committee in his or her capacity as a member, or lodging and moving motions. There are other penalties, too.

The code lays out a strict set of standards. Our investigation into the allegations raised by *The Observer* demonstrates that the committee is determined to pursue investigations rigorously and expeditiously. When evidence indicates misconduct, we will not hesitate to say so and, where appropriate, to recommend that sanctions be applied.

As we want to be sure that our procedures are robust in terms of natural justice and that they enjoy public confidence, we are considering whether to adopt different investigation arrangements. We are at a very early stage in those inquiries and will report to the Parliament in due course.

As the Parliament is a new organisation, the code of conduct represents the start of our work in this area. Although we are confident that the code will provide a sound basis for the regulation of MSPs' conduct and will reassure the public of our commitment to open and transparent government, we recognise that it is an evolving document. As such, we are committed to reviewing and, where necessary, amending the code in light of future developments and legislation.

For example, colleagues may be aware that the Court of Session has recently delivered its verdict on the interim interdict against Mike Watson. Although the committee has not yet had the opportunity to digest fully that verdict, the ruling might have some significant implications on the code of conduct, as might the outcome of any further appeal. We will assess the impact of the process in due course and might report back to the Parliament with appropriate revisions.

Furthermore, the committee is examining some related projects such as the establishment of a register of interests of MSPs' staff; soon, we will seek the Parliament's agreement for appropriate revisions. As I have mentioned, we also intend to

carry out further analysis of the relationship between MSPs and lobbyists and to consider a number of different models for investigation of complaints against MSPs. Central to all our work in that area is the need to ensure public confidence in the robustness of our system.

I move,

That the Parliament agrees to adopt the Code of Conduct for Members annexed to the 1st Report, 2000, of the Standards Committee; that the provisions of the code shall have immediate effect and shall apply to all Members, and that the code be printed and published for sale in hard copy and made available on the Parliament's website.

16:17

**Dennis Canavan (Falkirk West):** When I made the affirmation on taking my seat in this Parliament, I made it clear that I believe in the sovereignty of the people of Scotland rather than the sovereignty of any monarch. In view of the legal requirement that I had to meet in order to represent my constituents, I made the affirmation, albeit with great reluctance.

The legal requirement is laid down in section 84 of the Scotland Act 1998. When the bill was going through the House of Commons, I tabled an amendment to delete it, but because of the timetable motion my amendment was not called for debate. As a result, the House of Commons was deprived of the opportunity of a debate and vote on this important matter.

Members of the House of Commons are also required to take the oath of allegiance or make an affirmation, but section 84 of the Scotland Act 1998 has more serious consequences. People who are elected to the House of Commons but refuse to take the oath can hold on to their seats, but section 84 of the Scotland Act 1998 stipulates that if a person who is returned as a member of the Scottish Parliament fails to take the oath within two months of the election, or such longer period that the Parliament may allow, that person shall cease to be a member of this Parliament and the seat becomes vacant.

The rules for the Scottish Parliament are much stricter than the corresponding rules for the House of Commons. In the Northern Ireland Assembly, there is no obligation to take the oath of allegiance at all, which is just as well, otherwise the peace process would never have got off the ground. In the Welsh Assembly, there is a requirement in the Government of Wales Act 1998 for members to take the oath, but the code of conduct makes no mention of it.

I do not agree with section 84 of the Scotland Act 1998, and to those who support section 2.3 in the code I simply say that if the obligation to take the oath of allegiance is already in statute, surely it

is superfluous to write it in the code of conduct.

Some of the comments in the media by those who support section 2.3 suggest that they are under the impression that that part of the code of conduct is necessary or desirable to defend the unity of the United Kingdom. With respect, I think that they are confusing two different issues. Not all unionists are monarchists, and not all nationalists are republicans. Indeed, I recall the late Donald Stewart, who used to be leader of the Scottish National party, telling the House of Commons on more than one occasion that the official policy of the SNP is for an independent Scotland with the Queen as head of state.

We hear a lot these days about modern Scotland being a pluralist society and about the need to end discrimination against people because of their beliefs. Section 84 of the Scotland Act 1998, endorsed by section 2.3 of the code of conduct, is a blatant piece of discrimination against those who believe that, in a modern, 21<sup>st</sup> century democracy, the head of state should hold that position not by heredity, but by the democratic consent of the people. Those who hold that belief are not dangerous subversives who are out to destroy democracy, or disloyal people who are plotting treason; they are men and women who believe in the sovereignty of the people of Scotland, which is the basic democratic principle on which the Parliament was founded.

That principle is enshrined in the Claim of Right that was signed by the participants in the Scottish Constitutional Convention, including the First Minister, the Deputy First Minister, the Minister for Children and Education, the Minister for Enterprise and Lifelong Learning, the Presiding Officer and other members of the Parliament who, like myself, had the privilege of serving in it.

To be consistent, the oath or affirmation should be one of allegiance to the people of Scotland. It is they whom we were elected to serve; our parliamentary code of conduct should acknowledge that and should not discriminate against those who believe that the alleged sovereignty of one person through inheritance is incompatible with the true sovereignty of the people of Scotland.

I move amendment S1M-517.1, to insert after "Committee":

"with the exception of section 2.3 of the code of conduct".

16:22

**The Minister for Parliament (Mr Tom McCabe):** On behalf of the Executive, I will begin by expressing our thanks—and, I hope, those of the entire chamber—to the Standards Committee for its work in an area that can, at times, be

difficult. The committee is entitled to recognition for its very hard work.

The code of conduct is, of course, vital to the work of our Parliament. The way in which the Standards Committee has gone about its work reflects that fact. Our new Parliament is, and should be, at the forefront of setting standards of conduct for parliamentarians, not simply here in Scotland, but for others in other parts of the world, who will be able to look at what we do and learn from it. The Executive welcomes the fact that the Standards Committee will continue to develop and refine the standards that will govern work in the Scottish Parliament.

The references in the code to the oath of allegiance, or the affirmation, have been mentioned. The Executive welcomes their inclusion. We respect fully that others take another view, but our view is that it is perfectly proper for such mention to be made in the code. We believe that it clarifies and explains the nature of the devolved settlement and the Parliament's role in the context of the UK constitution.

The report also tells us that the committee will examine various methods of investigating complaints against members. We welcome that too, but it is important to say that, whatever method is finally recommended, our very firm view is that the role of the committee should not only be encouraged, but safeguarded. In essence, that is a matter for the Parliament itself, but the Executive looks forward to an open debate on that subject.

Lobbying has been mentioned. The Standards Committee has said that it will look again at lobbying in relation to members' conduct in carrying out their duties. The committee has also told us that it will make recommendations with regard to MSPs' staff. Everyone in the chamber knows that we have already had one high-profile investigation into allegations of lobbying.

Thankfully, everyone involved in that investigation was completely exonerated, but it is important to remember that there were times when the strong implication from other quarters was that people were guilty until they were proved innocent. It is vital for the standing of our Parliament that we strike the right balance between proper investigation and the protection from inaccurate reporting and gross exaggeration that members are entitled to expect.

Members will be aware that the Neill committee has recently published a report entitled "Reinforcing Standards". The report has a resonance in several of the areas in which the committee has worked or will work. The Executive will consider the Neill committee's recommendations on contact with lobbyists. That is consistent with our commitment to ensuring that

the Executive observes the highest standards of conduct in public life.

Our firm view is that the Standards Committee report is helpful and consistent with the procedures and arrangements that we have or will put in place to ensure high standards in public life—some examples are the ministerial code, the civil service code, which, importantly, covers the activities of special advisers, and the much discussed forthcoming ethical standards in public life bill.

Time is short, so I will come to a close. We have noted that, while the code will guide members' conduct initially, it is the committee's intention to review the code and propose amendments in the light of future legislation and other relevant developments.

The Executive recognises that the code has been developed in the context of the Scotland Act 1998 (Transitory and Transitional Provisions) (Members' Interests) Order 1999, but there are some sections that may be viewed as over-prescriptive. The requirement to declare gifts of a certain value from a spouse or partner could be one example. We fully appreciate that the requirement remains because of the transitional order. When Parliament puts the members' interests order on a proper footing, we will need to consider how to achieve a balance between being rigorous and not being over-prescriptive.

The Executive welcomes the publication of the Standards Committee report and looks forward to contributing constructively to its refinement in the months and years ahead.

16:27

**Lord James Douglas-Hamilton (Lothians) (Con):** I rise to support Mr Mike Rumbles and my parliamentary colleagues on the Standards Committee who have agreed the code of conduct for members of the Scottish Parliament. It has been extremely pleasant to work with a convener who has shown professionalism, good humour and impartiality at all times.

If the Scottish Parliament is to enjoy the complete confidence of the Scottish people, as Mr Tom McCabe has suggested it must, it is essential that it has and is seen to have high standards. The code undoubtedly introduces strict rules. They are stricter than those that exist in the House of Commons, as I am sure Mr Dennis Canavan will agree. That may be no bad thing. After all, the purpose of the code is to give clear guidance to MSPs on the rules and to ensure that the Parliament is open, accessible and participative and parliamentarians are beyond reproach.

The code is consistent with the

recommendations of Lord Neill and with the principles of Nolan. The code of conduct builds on best practice and lays down rules. It is a start based on common sense and I recommend it as a beginning. No doubt it will be subject to revision in the light of experience, but it represents a strong start.

Further matters will need to be considered—for example whether the Standards Committee needs the assistance of a legal adviser, a standards commissioner or a parliamentary commissioner. The committee will not be able to resolve that issue and make a recommendation until it has heard evidence from key witnesses. There is a case for the Standards Committee to be assisted by a person who is seen to be independent of party politics, who has no party political axe to grind and who, like Caesar's wife, is above suspicion.

The code of conduct working group to the consultative steering group recommended consideration of appointing a standards commissioner, who would be seen to be independent in investigating complaints. It wrote:

"We consider that it is of the utmost importance that there is a substantial degree of independence in the way in which complaints are investigated. This leads us to recommend the appointment of an Independent Commissioner. The Commissioner would be independent of the Parliament but report his or her finding to the Committee of Standards."

The recent court decision appears to indicate that all the actions of the Standards Committee could be subject to judicial review. It seems that it could be safer to have an independent element. Far more important than that, an independent element would, in my view, increase public confidence in the Parliament and MSPs. It would ensure that justice was not only done but seen to be done. A decision on that can sensibly be reached once we are fully informed about what is likely to be the best way forward, with a solution that will not downgrade the Parliament.

There is then the issue of lobbying: what constitutes legitimate lobbying and what lobbying should not be permitted. Lobbying takes many forms. None of us wishes to restrict voluntary organisations or charities making representations, but there seems to be a strong case for the registration of lobbyists, possibly accompanied by a compulsory or voluntary code of conduct in the case of lobbyists who are clearly acting for commercial reasons. At least with registration the lobbying would be known and in the open, and would not exist or operate underground. That is another issue that the Standards Committee can decide on once it has heard all the relevant evidence. It seems that the key point is that a member should be his or her own man or woman and should not be beholden to any outside interests.

It is made clear on page 76 of the code that the Standards Committee can decide whether complaints are trivial or frivolous. Here, one has to keep a clear sense of perspective. Perhaps I may tell a story against myself. When I was Scottish Tory whip in the House of Commons, I offered a cup of coffee to the Scottish Labour whip, Mr Jimmy Hamilton, MP for Bothwell, who accepted it. I then heard an angry growl from behind, from the late Willie Ross, the then Secretary of State for Scotland. "Beware Greeks bearing gifts," he said, almost as though I might be trying to tow some Trojan horse behind me. I have to say that a cup of coffee is no big deal. What Willie Ross said was good underlying advice, although on that particular occasion it did not prevent Jimmy Hamilton or me from enjoying a cup of coffee.

The code makes it clear that a breach of the paid advocacy rule may constitute a breach of the members' interests order or be a criminal offence. The sanctions that may be applied range from preventing or restricting a member from participating in proceedings to outright exclusion from the Parliament's proceedings or the withdrawal of rights of access to parliamentary facilities.

The code has teeth and it is tough. By agreeing to it, the strong likelihood is that we will keep MSPs out of trouble and provide reassurance—as Mike Rumbles put it—to the public of the Parliament's commitment to the highest levels of probity and honesty. I agree with Mr Tom McCabe that, if the code errs, it errs on the side of strictness. If the Parliament wishes to revise and improve it in due course, I will be extremely content.

For the moment, the code represents our best efforts and I recommend that the Parliament accepts it.

16:33

**Tricia Marwick (Mid Scotland and Fife) (SNP):**

I thank Tom McCabe for his comments about the Standards Committee and the work in which we have been engaged since we were all elected. I would particularly like to thank members of the Standards Committee's clerking team for their advice, good humour and hard work in helping to bring the code of conduct before members today.

The need for a code of conduct was identified as a priority at the first meeting of the Standards Committee last June. Work was started almost immediately. I point that out to members and to the media to remind them that work on the code was already under way at the time of the so-called lobbygate inquiry, and was not developed as a response to it.

Why do we need a code of conduct in the first

place? During the referendum campaign, I was struck by the number of people who said that not only did we need a Parliament, but it must be different from Westminster, from the sleaze, lobbyists, cash for questions and the general feeling that all politicians were somehow at it. That all contributed to the general belief that the Scottish Parliament could and should be different.

The code draws on the recommendations of the consultative steering group and is consistent with the principles that were set out by the Nolan committee. It was drawn up for this Parliament and I hope that members will give it their full support today.

No one claims that the code is perfect; as Mike Rumbles said, it is an evolutionary document and much more work needs to be done. For example, a number of points in the members' interests order need to be addressed from a legal perspective, particularly the difficulties that we have experienced relating to the rule on paid advocacy. While we are satisfied with the current interpretation, clarification might be needed in the future. As has already been mentioned, there are problems with the registering of gifts from spouses, which was a matter that greatly exercised Karen Gillon and me during the Christmas period. Members will note that we made no declaration and can take it from that that we were disappointed that our gifts were less than £250.

The Standards Committee will review and revisit such legal matters. The committee has tried to be as pragmatic as possible and has set out standards of behaviour while trying not to constrict the ability of members to do their jobs.

On lobbying, we have restricted the code to dealing with how MSPs should conduct themselves in relation to lobbying organisations. We will start a separate inquiry at Easter into how lobbyists and lobbying companies interact with the Parliament. As Lord James Douglas-Hamilton said, we will hear evidence on registration and regulation and a report will be brought back to the Parliament. It is vital that people know how to engage with their Parliament, that everyone who approaches MSPs is treated in the same way and that there is no question of organisations or individuals getting preferential treatment.

The lobbygate inquiry was a searing experience for most of us. The procedures for carrying out an inquiry were not in place, but the inquiry was carried out swiftly and professionally. We have all learned from that experience. Jack McConnell said a few weeks ago that the inquiry made him grow up. It made us all grow up. Indeed, it made the Parliament grow up. It established the right of the Parliament to conduct its own inquiry and we now have in place procedures for inquiries, although

we hope and pray that they will not be needed.

The Standards Committee has still to consider the possible appointment of a standards commissioner for the Parliament. Lord James outlined some of the arguments for that. It will be a matter for discussion in the near future and we will come back to the Parliament with our recommendations.

With regard to Dennis Canavan's amendment, it is no secret that I opposed the inclusion of the oath in the code of conduct. I believe that the code should deal with MSPs' behaviour, not their beliefs. Scottish National party members of the committee in particular expressed concern about how that part of the code would be interpreted and enforced by the Standards Committee. I appreciated Mike Rumbles's swift reply to the SNP on the matter of enforcement.

I welcome the fact that MSPs who do not stand for the national anthem or who express republican views will not be in breach of the code. That is a sensible and pragmatic response and is typical of the way in which the Standards Committee has acted.

Section 2.2 of the code makes it clear that the primary duty of members is to act in the interests of the Scottish people and their Parliament. The code of conduct has been drawn up to assist members in their duties, not to prevent them from carrying out those duties. It will change and evolve as the Parliament does. The document belongs to the Parliament and it is important that MSPs take ownership of it by supporting the motion.

**The Deputy Presiding Officer (Mr George Reid):** Nine members have indicated a wish to speak before Des McNulty winds up the debate. It should be possible to include everybody if speeches are kept to about four minutes each.

16:40

**Mrs Margaret Smith (Edinburgh West) (LD):** I welcome the code of conduct and I applaud the work of the Standards Committee. Lord James Douglas-Hamilton said that he hoped that the code would keep all MSPs out of trouble—I do not know whether it will manage that, but it is a good starting point. It is an evolutionary code that will try to get us to do what the people of Scotland want us to do in our parliamentary duties. It sets fundamental requirements for how we should behave in the discharge of our duties.

The code is comprehensive—it covers lobbying, hospitality, confidentiality of information, cross-party groups and registration of members' interests. Many members have placed the code in the context of years of public scandals and disillusionment with politicians. Make no mistake—

the public think that we are at it, as has been pointed out. They place us at the level of tax inspectors and double glazing telesales people who call just as one sits down to tea.

In recent years, the Committee on Standards in Public Life, under Nolan and Neill, has addressed some of the public's concerns. In Scotland, we have an opportunity to take that a step further. We can rise up to meet public expectations for the Parliament and adhere to a strict but fair set of rules and guidelines on public conduct.

The rules on lobbying, consultancy, paid advocacy and gifts are stricter than those to which our Westminster counterparts are bound and they mean that criminal charges can be brought against members who break elements of the statutory code, such as the rules on paid advocacy.

The code is not purely self-regulatory. As other members have said, we are examining the question of the appointment of a parliamentary commissioner. Some of the rules will be more difficult to keep than others. One rule says that we

"should not engage in any activity as a member that would bring the Parliament into disrepute."

That includes excessive consumption of alcohol—I hope that the owner of Deacon Brodies Tavern is not listening to this. I suggest that we exempt from that rule the months of December and January and Burns night. Most of the other rules will be welcomed by all members.

I would like to focus on a particular aspect of the code—the leaking of committee reports. I speak from my experience of some weeks ago, when the report of the Health and Community Care Committee on the Arbuthnott report was leaked in advance of its publication amid much press speculation and, indeed, inaccuracy. Copies of reports from the Education, Culture and Sport Committee and elsewhere have also been leaked. Partly because we had only a draft code of conduct in place, we were unable to act in those cases.

In future, members will be bound by the confidentiality requirements that are outlined in section 9.4. It is my intention, as a committee member and convener, to be as open and as accessible to the public as possible. However, when committees are working through drafts of reports, it is essential that those drafts remain confidential. That is a long-held tradition in the House of Commons, and to break the confidentiality of a draft committee report must be seen as an act of contempt not only for the Parliament's committee system, but for colleagues.

Leaking of reports can lead to misinformation and lack of clarity for the public. It can also give

preliminary views a status that they do not warrant and can lead to recommendations or findings that are not adopted by the committee being prematurely attributed to it. The temptation to talk to the press is always there, particularly when members are told that a story is already in the public domain. That is a temptation for back benchers, committee members, committee conveners and the Executive when it is faced with criticism.

All members are treated equally by the code and we must all resist the temptation to speak about or to leak the contents of draft committee reports. We have duty to the public, but—as is made explicit in the code of conduct—we also have a duty of courtesy and respect to one another. I hope that in future Parliament will come down hard on members who transgress that section of the code. In this small, incestuous world of spin that we inhabit, it is never easy to find the sources of leaks. Parliament must, however, send a clear message that it takes a serious view of such behaviour and that it is prepared to investigate such matters and, if necessary, to enforce its rules.

The Standards Committee and our chief enforcer, Mike Rumbles, must be prepared, through sanctions and the withdrawal of rights and privileges, to police the code of conduct effectively. Parliament's legal authority lies in the Scotland Act 1998, but our moral authority lies in our code of conduct and in the support of the Scottish people. Our code binds us to the Nolan committee's seven principles of life in the pursuit of our public duties, which include integrity, honesty, accountability, openness and leadership. If we prove ourselves equal to the task of living up to those ideals, Scottish democracy will flourish. If we do not, we will have lost the greatest prize of all—the respect of the men and women of our country.

16:45

**Christine Grahame (South of Scotland) (SNP):** I want to direct my remarks to section 8.3 of the code of conduct, on cross-party group rules. I endeavoured to intimate to Mike Rumbles and Des McNulty the points that I would raise, which I have come across in my role as convener of the cross-party group in the Scottish Parliament on Borders rail.

On page 63 of the code of conduct, rule 4 concerns intimation of announcements in the group bulletin. When I first saw that rule, I raised my concern with colleagues that the public and others who had shown an initial interest in cross-party groups would be unaware of the bulletin and might not have access to the internet. I am pleased to see a bullet point on page 65, under

rule 12, which contains an attempted remedy—a flexible and sensible provision for intimation to be given to other parties by other means, as the committee considers proper. I raise that issue as I am keen on openness in all matters in this Parliament.

I now move on to the problems that I have encountered in respect of rule 9, which requires that cross-party meetings

“must be held in public.”

I want to make a distinction between the expression

“must be held in public”

and—words that might be there—“open to members of the public.” That is a neat but important distinction. In its mandatory nature, that rule might sometimes pose a great impediment to the activities of cross-party groups.

Yesterday, we held a meeting of the cross-party group in the Scottish Parliament on Borders rail. The first request to attend the meeting that I received, outside the membership, was from Colin Robb of Citygate, a public relations firm that was looking for business. The next request that I received was from Dave Spence of the Scottish Executive, asking about the meeting. I had concerns about that, and contacted group members and advised them, as the convener, that I would move for that meeting to be held in private. I also intimated my intention to the two gentlemen concerned.

The meeting was attended by Colin Robb and Dave Spence, with his notebook in hand, and, inter alia, by Ian Jenkins MSP, Murray Tosh MSP, Ian Brown—the director of technical services at Scottish Borders Council and chair of the Borders rail working party, who was deputising for the convener of Scottish Borders Council—Councillor John Ross Scott, another representative, and two representatives of the Campaign for Borders Rail.

**Des McNulty (Clydebank and Milngavie) (Lab):** On a point of order. I am concerned at the line and level of detail that Christine Grahame is pursuing. I do not think that it is appropriate in this context.

**The Deputy Presiding Officer:** I share your concern, Mr McNulty.

**Christine Grahame:** I accept that and will move on.

A motion was put on the basis that the rules had not been ratified by the Parliament and that I was not debarred from moving the motion, which was carried unanimously. I make the point that that was a cross-party, cross-group motion, which was not taken by me independently. Why did I move it? There were sensitive issues surrounding the

feasibility study that was on the agenda—issues such as funding and reference to commercial interests. Tactics were to be discussed, of pursuing the campaign through parliamentary and Westminster channels.

**The Deputy Presiding Officer:** Ms Grahame, I must ask you to focus on the work of the Standards Committee.

**Christine Grahame:** I am focusing on it.

**The Deputy Presiding Officer:** Do so more precisely, please.

**Christine Grahame:** My point is that the group would have been inhibited in discussing certain matters if the public had been there—not members of the general public, but the two gentlemen concerned and others who might have come with specific interests. I quite agree that cross-party groups should meet in public, but there might be occasions when issues are addressed that require to be discussed in private. That is a matter for the committee to decide. It is a serious issue, which I raise for discussion in the Standards Committee.

I suggest the following amendments. The first sentence of rule 9 should be deleted and substituted with, “Cross-party group meetings shall be held in public unless a motion is put to the meeting that the proceedings, or part thereof, should be held in private, and such a motion receives not less than a majority vote.” I propose that for discussion.

**Des McNulty:** On a point of order. There is a difficulty, as Christine Grahame has not formally lodged amendments to the motion.

**Christine Grahame:** I accept that.

**Des McNulty:** If Christine Grahame wants to propose amendments for the Standards Committee to consider at a subsequent stage, there is a mechanism to allow her to do that. It is not appropriate to propose them in the course of a speech.

**The Deputy Presiding Officer:** I think that that would be fair. Will Ms Grahame please draw her remarks to a close?

**Christine Grahame:** I shall draw my remarks to a close.

**Mr Rumbles:** It is important that we clarify the situation, so that members are absolutely clear about the rules for cross-party groups.

The Parliament has already adopted the rule that meetings of cross-party groups must be held in public. If a reason has been found for holding them in private, I suggest that members use another forum in the meantime.

**The Deputy Presiding Officer:** I agree with that comment. I ask Christine Grahame to cease her remarks unless she has anything of great urgency to say to the chamber.

**Christine Grahame:** I knew that I could not move an amendment today, but there are practical difficulties that might not have been foreseen—and that might not be foreseen—by other cross-party groups. The Standards Committee’s response is that it considers such issues in what is an open and fluid situation—the committee should consider the points that I have come across in practice. Perhaps the committee could address such points as they arise.

16:50

**Janis Hughes (Glasgow Rutherglen) (Lab):** I welcome the opportunity to debate the issue today, as the subject of members’ conduct goes hand in hand with our continuing desire to make the Scottish Parliament open, accessible and transparent—not only the Parliament, but every MSP should fulfil those aims.

People are cynical about politics and distrustful of political promises—we should not be mistaken about that. Therefore, we must commit ourselves, as a Parliament and as individuals, to the highest standards in public life, to ensure public confidence in the political process.

We know that the proposals put before Parliament today are the starting position and will be subject to change over time. That the guidelines were put before us as quickly as possible is an important point.

As we are all too well aware, our friends in the media love nothing more than a bit of sensationalism—sleaze scandals are their favourite diet. Previous scandals at Westminster did the reputation of politics and politicians immeasurable damage and led to the establishment of the Committee on Standards in Public Life. The document that we are debating today is consistent with the recommendations of that committee.

I particularly welcome the fact that the code not only outlines the approach that members are expected and required to take when we carry out our duties, but explains the rules governing our conduct and guides our interpretation of them. It is not always easy to know exactly what is, or is not, acceptable. There is even a flow chart for those who are really confused, which will assist members to decide whether they have a declarable interest. It is an invaluable guide for members who have not held public or elected office before.

Lobbying, which has been mentioned already, is

another important aspect of the code. It is vital that MSPs know exactly to whom—and in what capacity—they are speaking. I fully agree with Mike Rumbles that lobbying is an important part of the democratic process, but we must always be aware that we should exercise complete propriety in such relationships.

I am sure that most members agree that, on most occasions, the behaviour of members in this chamber is exemplary, compared with some of the activities of our Westminster colleagues. However, that might not always be the case. It is only right and proper that we are required to conduct ourselves in a manner appropriate to the standing of the Scottish Parliament—the guidelines in the code of conduct will ensure that we follow the right direction.

Respect is not a right—it must be earned. If we are to earn respect as a Parliament, we must conduct ourselves appropriately.

I join my colleagues in commending the Standards Committee for the effort that it put into preparing the document. I hope that we can all unite behind it.

16:54

**David Mundell (South of Scotland) (Con):** Before I begin my speech, I want to declare all my registered interests, as I intend to refer to them.

I have always argued that this Parliament should seek to have among its members the widest range of people from across Scotland. In many ways, we must accept that we have not achieved that. We have discussions about gender and so on, but I do not think that we can truly say yet that the Parliament represents a cross-section of the Scottish population. That might be due to the political parties, which sometimes tend to put more weight on people's experience of giving out leaflets on a wet Saturday afternoon than on the range of life experiences that people could bring to the political arena.

I am pleased to welcome the code of conduct and the fact that it permits members of this Parliament to have outside interests, provided that they are fully declared and transparent. *[Interruption.]* I note from Jamie McGrigor that those interests do not include raising and lowering lecterns.

It is vital that the Parliament includes a cross-section of people with the widest range of interests. I have noticed that when members who have a background in the legal or medical professions or in working with children make points on those matters, other members pay particular attention. We need to encourage that if we are to attract new and different people into the

Scottish Parliament. The register of interests indicates that the range of backgrounds among members is still very narrow.

It is important that the Standards Committee offers guidance to members on the declaration of interests, so that it is not perceived as a trial of individuals. Because I do not want to harry the clerks to the Standards Committee, whom I have found very helpful, I have decided to make the widest possible declaration of interests. That means that next week, when I ask Donald Dewar about whether he intends to establish a website, I will have already declared my interest. I would like some guidance on whether that is appropriate.

The other day we had a wide-ranging debate on the role of the Lord Advocate, in which a number of members with registered interests as lawyers spoke without declaring their interest. I do not think that they were doing anything wrong, but we need to understand the parameters within which we are operating, so that we do not fall foul of the rules. I am absolutely committed to transparency and to the principles set out in the report. However, if I and others wish to pursue outside interests, we need guidance. We need the climate that Mr McCabe spoke about—the presumption of underlying innocence in one's activities.

**Mr Rumbles:** I will try to clarify the issue. If a member has a registrable interest, has registered it and wants to speak about it in a debate, the procedure is straightforward—they should make some reference to it before they start speaking. When we considered the issue, we decided that we should not insist on a particular form of words, because we wanted to keep the procedure as informal and as quick as possible.

**David Mundell:** That is helpful, but guidance to members would be useful. Obviously, the situation will evolve as the committee considers individual cases, but—as Mr Rumbles has indicated—it is the committee's role to react to complaints and issues that are raised. It would be helpful if it were not reacting within such a negative framework, so that members could ask the committee for its opinion on issues before action was taken. That would be a positive step.

So far, the Scottish Parliament has set an extremely good example in regard to members' activities, but I would like the Parliament to include people who can bring to it more wide-ranging experience. I welcome the code of conduct, but I hope that it is a start and that the parameters will be made clearer to members.

16:59

**Ms Sandra White (Glasgow) (SNP):** Although this might not be the most riveting subject for debate—by the number of members of the press



who have been present throughout, it is clear that they do not see it that way—I know that members believe the code of conduct to be necessary and of great importance. It is important because we must have transparency and accountability in the Scottish Parliament. The people of Scotland expect and deserve no less.

Furthermore, in the light of recent events in the chamber, it is important that MSPs are seen to treat each other with the utmost respect at all times. If that does not happen, how can we expect the people of Scotland to respect the Scottish Parliament and its members?

My experience as a councillor brought home to me the importance of having clear and concise guidelines—I am sure that other former councillors will raise that point. In local government, it was often difficult to ascertain what constituted an interest or a gift. Often there was a lack of clarity in guidelines on declaring such matters. Indeed, for many years, the Scottish National party and other political parties made representations to the Nolan committee about those matters and called for clear guidelines to be put in place.

I welcome the guidelines, and in particular those concerning gifts, interests and sponsorships. Compared with council guidelines, they are clear and concise.

I will offer the chamber a brief example of the problems that I encountered as a local councillor. I remember that my daughter was once given a box of creme eggs—I will not say who made the creme eggs—which was certainly not worth more than £250, and my spouse was given flowers and so on. Although that may seem trivial to members now, such gifts caused much consternation to me and to council staff. We had to decide whether I had to register the fact that I had received a creme egg, a box of chocolates or whatever. I know that other councillors experienced such difficulties, so I welcome the requirement to declare gifts that are worth more than £250. That clarifies the matter for MSPs and staff; perhaps councils could adopt that requirement, which would remove the absurdity of having to declare such things as flowers and creme eggs.

This is a new era for government in Scotland. We must ensure that members as well as the Parliament are protected against allegations of impropriety. I welcome the measures, which will set the Parliament off on the right footing and be a positive step toward openness and transparent government.

17:02

**Tommy Sheridan (Glasgow) (SSP):** In public life, I have never lied or knowingly misled. That is why members who have asked me how I got my

black eye have believed me when I have told them that I got it in my efforts for Baillieston junior football club, and not in any confrontation with sheriff officers or the like.

**Karen Gillon (Clydesdale) (Lab):** Never in a million years.

**Tommy Sheridan:** Therefore, in relation to Dennis Canavan's amendment, I hope that members will consider it right and fitting that they should not ask members to lie or knowingly mislead.

It is farcical that those of us who want to remain republican, and true and honest to the citizens of Scotland, have to preamble an oath of allegiance with a particular statement, or take the oath of allegiance with hands held behind backs or with raised, clenched fists or whatever. We should have the right to sign up to the code of conduct, which I thoroughly recommend as an excellent document. I believe that it will be fluid and may be amended in years to come. It is much tighter than the code in Westminster, and is to be commended, apart from the stipulation on the oath of allegiance. I remind members that such a stipulation is not included in the Welsh code of conduct, even though Welsh members also have to take an oath of allegiance before they take their seats. Why does that stipulation have to be included in the Scottish code of conduct?

I do not think that any of us should be frightened, or feel that we have to hide our political beliefs and allegiance. I stood clearly on a manifesto for an independent, socialist republic in Scotland, so I would not be carrying out my duties in this Parliament if I did not make my views clear about swearing an oath of allegiance to someone to whom I owe no allegiance.

I do not wish to return to the previous debate, but I will say that in that debate a member—I believe that it was Fergus Ewing—asked for a definition of stable family life. I do not think that it is possible to give such a definition and I do not support one, but if we were looking for such a definition, we would not look to the royal family. I would also hazard that as a model, the Windsor family has been letting us down—

**The Deputy Presiding Officer:** Back to the Standards Committee report, please.

**Tommy Sheridan:** Because of the Deputy Presiding Officer's intervention I will swiftly move on. However, I often think about speeches by Mr Alistair Darling MP and others on getting tough with benefit cheats and the something-for-nothing brigade—I have yet to hear them getting tough with the real something-for-nothing brigade.

I owe no allegiance to an unelected monarch. I was elected on a specific manifesto commitment

and I want to stand by it. My vision is of a nation of citizens and not of subjects; a nation where the people who have influence and power over others can be democratically removed from their positions if they abuse that influence and power. That is why I ask members to support Dennis Canavan's amendment. Let us sign up to a code of conduct but without asking some members of this Parliament to lie.

17:06

**Mr Jamie McGrigor (Highlands and Islands) (Con):** I welcome the code, which is a good step in the right direction. When I asked my assistant for advice on a speech on the code of conduct, she said that I was probably the best example in the chamber of why a code of conduct is necessary. I do not know what she meant as I have always thought of myself as selfless, honest, open and highly accessible. But—

**Tommy Sheridan:** Modest as well.

**Mr McGrigor:** I thank Tommy Sheridan.

I remember the horror after my maiden speech when a brown envelope was handed to me. That dread was tempered by finding no crisp notes other than a request for me to put my own notes inside it.

Seriously, as one of the many here who are new to politics, I am very glad to have this parliamentary equivalent to "The Hitchhiker's Guide to the Galaxy" to dip into when I am worried about doing the right thing. I have discovered that we are not allowed to smoke in the chamber or offices, which is fine since it is bad for our health. I wonder whether the generous provision of a smoking room outside in the back courtyard is somebody's attempt to kill off smokers altogether. During winter if the cigarettes do not kill us, the cold probably will. I thought that inclusion meant being inside the throng, not being left out in the cold.

This is a new Parliament and a new opportunity to show that the people's representatives are genuinely trying to improve things. It is also an opportunity to regain the trust of those who are disaffected with politicians. As I said last week in the census debate, the very low polls in recent elections, especially for the European Parliament, reflect the low esteem in which politicians are held, especially by young voters who are bombarded with stories of sleaze and corruption.

To restore public confidence we believe the Parliament should have an independent commissioner who would report to the Standards Committee. MSPs would no longer be the only judge and jury of our conduct. We must have standards and we must avoid double standards.

I am all for openness and accountability, but confidential documents are often so for a reason. In order to have reasoned, informed debate MSPs should be in possession of the facts before the press and public are. As section 9.4 of the code states,

"Early release of information about a Committee report could also result in unfair party political advantage."

That is true. It is particularly annoying when the Sunday press carries details unknown to most MSPs. Perhaps the Executive's spin-doctors could advise us which Sunday papers to read so that we may be up to date with parliamentary reports and events in future.

While basic standards of conduct are obviously a commendable ideal, we do not want to get too bogged down in the minutiae of politically correct dogma. I was amused by section 10.2.1, "How to Make a Complaint". First,

"The complaint must include the name and contact details of the person complaining."

I think that most people would know that. The complaint should also

"name the member or members against whom the complaint is being made."

That might be a case of stating the obvious.

I apologise for my cynicism. I welcome the code, which is a genuine attempt to improve the conduct of our Scottish Parliament.

17:10

**Colin Campbell (West of Scotland) (SNP):** Declaring my interest as a former head teacher, and looking round the chamber, I feel a bit like someone in a peripheral housing estate school on a wet Friday afternoon, when most of the lieges have deserted the place altogether. None the less, I know that those who are here this afternoon are here out of sincere interest.

Tom McCabe said that the matter of registering family gifts might be rather idiosyncratic. I am rather looking forward to the day when I will be able to register family gifts to a value of more than £250. In the words of the Buddy Holly song,

"Well, that'll be the day",

and I am not going to hold my breath. Seriously though, during our Local Government Committee visits round the edges of Scotland, we have sometimes been rather worried about accepting cups of tea and meals. However, I thoroughly endorse the principle of detailed accountability.

Having spent most of my career in education, in schools, where corruption is limited to bartering unused reams of copying paper in exchange for pencils, and where I shared most of the prejudices

that citizens have about money and favours sloshing around at the limits of business and politics, I am delighted that we are debating this subject today. We are making it clear to the watching public that detailed and stringent conditions are being established at this relatively early stage in the history of the Scottish Parliament.

It is particularly important that the Scottish Parliament be seen to be making comprehensive plans to keep its house in order. It must not only be seen to do so, it must do it—as we have already seen in last year's inquiry into lobbying. I am sure that that was painful for everyone involved but, however painful it was, it sent a clear message to the nation that we will try to attain the highest possible standards in public life.

Apart from the intrinsic merits of establishing high standards, their accomplishment will put the Scottish Parliament in the position of being able to persuade other public bodies in the nation to meet similarly demanding standards. I look forward to such standards for quangos and local authorities. It will not be a case of saying, as the old Army adage does, "Do as I say. Don't do as I do." I hope that the Scottish Parliament will be in the position of saying, "Do as we do."

I am sure that members will agree that we are generally informal, polite and respectful of each other, although we do not necessarily agree with each other all the time. I note that Mike Russell is saying "Boo." Our approach is a welcome departure from the Westminster form of consultation. If we get our behaviour right here, it may have a cascade effect on the conduct of council meetings and other public meetings throughout the land.

The merit of today's debate and our continued reasonable treatment of one another will be to enable this Parliament to do what it should do—lead credibly from the front.

17:13

**Karen Gillon (Clydesdale) (Lab):** I begin by thanking my colleagues on the Standards Committee, the clerking team, which has worked incredibly hard over many months, and the legal team, which has done its best to keep us out of the Court of Session as we have dealt with matters of conduct.

I share Sandra White's disappointment that the debate has not engendered the amount of interest among members or the press that we had hoped it would. I am concerned that I may be becoming a bit of a standards anorak, and perhaps I need to get out more, but I think that this is an important issue. As a member of the Standards Committee, my experience of the lobbygate event has shown

me that any scandal, perceived or otherwise, receives a great deal of interest and comment from the press and from colleagues, regardless of the facts of the case.

I hope that the code of conduct will provide a framework that will help members to avoid inappropriate situations, and will make the public aware of the standards that they can expect of members of the Scottish Parliament. For too long, the Westminster Government did not exhibit the standards that the public expect, not just from MPs, but in wider public life. It is important that this Parliament shows that it is serious about standards.

I will deal with a couple of the points that were raised, but first I will say something about lobbying. Lobbying has been at the centre of the Standards Committee's agenda since September. That date is imprinted on my mind, and I shall probably never forget it. My views on lobbying are clear. I hope that over time, this Parliament will make lobbying an unnecessary facet of public life in Scotland, because we will be open and accessible. Members of the public, businesses and voluntary organisations will have direct access to the Parliament, and will not need to spend vast sums of money employing someone to have that access on their behalf.

Most important, however, we have a clear statement of how members should conduct themselves. Members should be aware of who they are speaking to, who the lobbyists represent, and of everything else that is going on in the background with the lobbying company. That sets us up in a safe and secure way, and provides us with a framework, so that people who engage in elaborate sales pitches cannot again drag members of this Parliament into their sales pitch, and gain credibility in doing so.

Jamie McGrigor made some facetious remarks about communicating complaints. I should tell him that the lobbygate complaint did not contain the name of the person who was making the complaint, or the name of any member against whom a complaint was being made. The code of conduct ensures that we have a framework for the complaints procedure.

If members have a genuine complaint, they should take it to the Standards Committee, and not take it to the pages of the press or to other media, because in the interests of natural justice, all members have the right to have a fair say. That is what the Standards Committee is about. We have managed to do that on a non-party basis, and if members want to make complaints for party political reasons, this chamber and the Standards Committee should not allow them to do so.

Finally, I will touch on the matter of the oath. I

have been quite vocal on this issue for some time. The part of the code of conduct that refers to the oath is a statement of fact, based on the constitutional settlement in which we find ourselves. All members took the oath or the affirmation on the day that they joined this Parliament. I appreciate Tommy Sheridan's position, and if Tommy's party had been elected to Government in Scotland, we would not be in the position that we are in today, and we would not have the constitutional settlement that we have. Indeed, if the SNP had won, I doubt that we would have had the oath as part of this Parliament. But it did not win, and we are in a constitutional settlement in which a Government was elected that represents the broad view of Scottish public opinion.

The oath is a statement of fact. The affirmation states, "according to Law."

**Dorothy-Grace Elder (Glasgow) (SNP)** *rose*—

**Karen Gillon:** No. I will save Dorothy from herself, as Alasdair Morrison said last week.

There is no law that says one must stand for the national anthem, so the point is a bogus one.

**Dennis Canavan** *rose*—

**Karen Gillon:** No. I have to wind up.

I hope that members will vote—[*Interruption.*] I am being signalled to wind up. I hope that members will vote to retain this paragraph within whatever it is. [*Laughter.*] I mean within the code of conduct.

17:19

**Michael Russell (South of Scotland) (SNP):** First, I pay tribute to the Standards Committee. I am a member of two thankless committees. I serve on the Procedures Committee with Janis Hughes, and on the Parliamentary Bureau with Lord James Douglas-Hamilton and Mr McCabe. The bureau is not so much thankless as blamed for everything, so I bring thanks from those thankless committees to the people on the Standards Committee who have worked so long and hard.

I want briefly to cover a number of points that were raised in the debate. I will start with the question of the oath. The debate on that matter was going well, until Karen Gillon spoke. She returned to a rather aggressive way of treating this matter—which I know was evident in committee, because I have read the *Official Report*—and that is unfortunate. She knows, I know and other members know that there was opposition to the oath prior to this Parliament being established, when it was suggested that there should be a more appropriate form of words. Several members

inserted some of those words during the oath taking. It is a pity that this issue has become a symbol of what this code is about, because it would have been much wiser to have walked away from it.

I have some sympathy for Dennis Canavan's position on this matter. We now know at least some of the limits of what one can say as a result of Tommy Sheridan's speech. As nobody appeared to arrest Tommy to take him away for treason, we know what we can get away with.

My party would have been sympathetic to Dennis Canavan's amendment, had it not been for the classic consensus Liberal position that Mr Rumbles has adopted throughout. He has spoken some very good sense and assured the chief whip of the SNP in writing—I think the letter has been released and is not privileged in any way—that the Standards Committee would not judge members on the basis of whether they stood for the national anthem or spoke in favour of republican principles, but would be concerned only about treason. As I suspect that the courts would get members before Mike Rumbles would, I do not think that we have much to worry about on this matter. However, I think that it would have been better for the Standards Committee to leave it alone and I believe that several members of the committee feel the same way.

I agree with what has been said about committee reports—those should be confidential and kept that way. However, that raises a wider issue, which is how the Standards Committee enforces that and other parts of the code. The lack of a standards commissioner within those proposals—I know that the committee will examine that matter—is significant. As time goes by, one will have to seriously consider the proposal that there should be a commissioner, and I suspect that that proposal will come to this chamber. The commissioner should have the ability to work on behalf of the Standards Committee to find out facts, investigate, report and be an arm of the committee. It would be impossible to give that role to the Presiding Officer, to any of the clerks or to members of the committee.

The rules on paid advocacy have not been raised in this debate, but they are worthy of consideration. Some members have found themselves, surprisingly, reminded by the Standards Committee, or by clerks, that they may encounter difficulties under those rules, which have been drawn very tightly. An example of that is Linda Fabiani, who went to East Timor for a referendum and found herself constrained from speaking on behalf of the people of East Timor about what she had seen when she came back to this chamber. Those rules were not meant to do that. We will have to consider the rules of paid

advocacy again, so that we do not make a farce out of passionate and strong concerns of members.

In general terms, this report is supported by the SNP. It is supported in spirit as much as in detail—the spirit of this report is important. We should regard ourselves as very privileged in being members of this Parliament. We should be determined not to let our voters and the people of Scotland down in any way. These rules indicate what may happen if we do let them down, but our determination not to let the people of Scotland down should be the most important motivating factor.

As members know, I have just returned from a visit to India. In some of the state Parliaments in India, up to 20 per cent of the members are under investigation for crimes ranging from corruption to murder. That comes out of the situation there within the democracy, which they are fighting hard to defend. We have a vigorous and flourishing democracy and we are the people who can protect it. That is our privilege. We should not need rules, but if they are there, they should ensure that those who fall short of them are found guilty and removed quickly.

17:23

**Des McNulty (Clydebank and Milngavie) (Lab):** I add my thanks to those of the chief enforcer, Mike Rumbles, and the other members of the committee who spoke—Karen Gillon, Lord James Douglas-Hamilton and Tricia Marwick—both to the fellow members of the Standards Committee who did not speak and to the clerking team.

There was a notion that the Standards Committee might be a quiet backwater of relative inactivity when the committees were formed. The committee has met, I think, more frequently than any other committee in the Parliament. We have had a large amount of work to do. I pay tribute to my colleagues and the staff of the Standards Committee for doing it so well.

We have established a code of conduct which members will be able to work with effectively. That is not to say that the work of the committee is finished. We recognise that we are in an evolving situation. Mike Rumbles, in his speech, made references to matters that we have identified on which further work will be required. The Standards Committee will be carrying forward that work over the coming months.

Dennis Canavan, in his anti-monarchical sentiments, was obviously trying to take on the mantle of the late Willie Hamilton. The issue here is not so much the code of conduct, as the issue of the oath, about which I recognise that there is

disagreement. Dennis's points were more in the context of a debate on section 84 of the Scotland Act 1998 than in the context of the code of conduct. Karen Gillon was right to say that, on becoming members of the Parliament, we all made an oath or an affirmation. The code of conduct simply reflects that as a matter of fact.

Let us be clear. Section 2.2 makes it explicit that

“Members' primary duty is to act in the interests of the Scottish people and their Parliament. In doing so, members have a duty to uphold the law and to act in conformity with the rules of the Parliament.”

The members of the committee worked hard on that—

**Michael Russell:** Did the committee consider making that section section 2.1, thereby showing that the people of Scotland are the primary duty of members of the Parliament?

**Des McNulty:** Section 2.1 refers to the full range of key principles. The member has got his number wrong.

The key issue is that, in carrying out their primary duty, members must uphold the law. There is nothing to prevent any member from putting forward his point of view. What we have done, in the code of conduct, is simply to reflect the constitutional reality in which we operate.

I welcome Tom McCabe's comments. It is important that the Parliament is committed to remaining at the forefront of standards. I also welcome the fact that the Executive is encouraging a continued and open debate.

The regulation of MSPs for which the committee has been responsible is part of a framework of regulation. There is a family of regulatory procedures. The committee has defined its concern, while our focus has been on the behaviour of MSPs. As Tom McCabe indicated, we want to avoid over-prescription but to maintain a level of regulation that ensures that our behaviour is of the high standard that the public expect.

Lord James Douglas-Hamilton made a number of points about the possibility of having a legal adviser or a standards commissioner. There are a number of issues there that we need to address, particularly in terms of the enforcement procedures—how we separate out the process of investigation and adjudication that will need to take place. As a result of a recent decision, we will need to take account of the legal framework within which we operate. Parliament is created by statute and its decisions may therefore be subject to law. We have to reflect that in the way in which we take things forward. The Standards Committee will deal with those matters.

I agreed with Tricia Marwick's comment that

there is a public demand for higher standards. It is vitally important that we establish the credibility of the Parliament. I agree with Tricia and with Karen Gillon that, in many ways, the lobbygate investigation was a bit of watershed for the Parliament. That investigation was non-partisan and it led to a clear, agreed outcome. It is important that that method of operation and that systematic safeguarding of the interests of the Parliament and of the interests of the people becomes the watchword for how the Standards Committee operates.

We will be addressing the issue of the leaking of committee reports to which Margaret Smith referred. It is important that we deal with that in the appropriate context of enforcement. In relation to what she said on the guidance to members, we must remember that although the guidance is guidance, the onus is on members to ensure that they conform to it. The guidance, in and of itself, does not protect members. Members will have to read it and to ensure that their behaviour takes account of it.

On the points made by Christine Grahame, I must say that the way in which the cross-party groups are set out requires that they be parliamentary in character and of genuine public interest. The Standards Committee took the view that that meant that such groups should be open. We will consider some of the issues that Christine Grahame has raised, but I emphasise that we want to see the cross-party groups operate in a way that is properly publicly accessible and completely transparent.

**Christine Grahame:** I accept what Des McNulty is saying and he is right that the emphasis should be on openness and accountability. However, I would like to draw his attention to the confidentiality requirements for committees in section 9.4, and ask him to consider those in tandem with the rather more stringent requirements for cross-party groups. Perhaps we can build in some flexibility for specific matters.

**Des McNulty:** I am sure that my colleagues and I will look at practice on an evolving basis, within the principles that we have set out.

In response to David Mundell's points, I must say that we emphasised the helpfulness of the Standards Committee clerks who are there to assist members. No one should underestimate the determination of the Standards Committee to enforce the principles and the practicalities. We are absolutely clear that the declaration in itself is not sufficient. There must be no question of any undue conflict of interest affecting any member of the Scottish Parliament. It is up to individual members to ensure that their behaviour conforms to the principles of the code.

The Standards Committee has undergone a valuable learning process, as has the Scottish Parliament. We are in an evolutionary situation. We have established a code of conduct that will carry the Parliament forward, ensuring that it has the reputation that it deserves. It is the responsibility not just of the Standards Committee, but of every member of the Parliament to uphold the reputation of the Scottish Parliament. On that basis, I commend the code of conduct to members.

## Decision Time

17:32

**The Presiding Officer (Sir David Steel):** We now move to decision time. I have seven questions to put as a result of today's business.

**David Mundell (South of Scotland) (Con):** On a point of order. I am withdrawing my amendment on e-commerce in the light of the assurances given by the minister in his summing-up speech.

**The Presiding Officer:** That was the first question that I was going to put. Do members agree that amendment S1M-575.1, in the name of David Mundell, be withdrawn?

**Members:** Yes.

*Amendment, by agreement, withdrawn.*

**The Presiding Officer:** The second question is, that motion S1M-575, in the name of Henry McLeish, on e-commerce, be agreed to.

*Motion agreed to.*

That the Parliament notes the Scottish Executive's commitment to helping Scottish business take advantage of the revolution in information technology; supports the publication by Scottish Enterprise of an action plan to accelerate the take-up of e-commerce by business and develop supplier industries, and welcomes all actions by the public and private sectors which will contribute to Scotland becoming the e-commerce hub of Europe.

**The Presiding Officer:** The third question is, that amendment S1M-586.2, in the name of Nicola Sturgeon, which seeks to amend motion S1M-586, in the name of Jim Wallace, on physical punishment of children, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The fourth question is, that amendment S1M-586.1, in the name of Lyndsay McIntosh, which seeks to amend motion S1M-586, in the name of Jim Wallace, on physical punishment of children, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division. Members who want to vote for Mrs McIntosh's amendment should press the yes button now.

### FOR

Aitken, Bill (Glasgow) (Con)  
Davidson, Mr David (North-East Scotland) (Con)  
Douglas-Hamilton, Lord James (Lothians) (Con)  
Fergusson, Alex (South of Scotland) (Con)  
Gallie, Phil (South of Scotland) (Con)  
Harding, Mr Keith (Mid Scotland and Fife) (Con)  
Johnston, Nick (Mid Scotland and Fife) (Con)  
Johnstone, Alex (North-East Scotland) (Con)  
McGrigor, Mr Jamie (Highlands and Islands) (Con)

McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
McLetchie, David (Lothians) (Con)  
McNulty, Des (Clydebank and Milngavie) (Lab)  
Mundell, David (South of Scotland) (Con)

### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
Alexander, Ms Wendy (Paisley North) (Lab)  
Baillie, Jackie (Dumbarton) (Lab)  
Barrie, Scott (Dunfermline West) (Lab)  
Boyack, Sarah (Edinburgh Central) (Lab)  
Brown, Robert (Glasgow) (LD)  
Campbell, Colin (West of Scotland) (SNP)  
Canavan, Dennis (Falkirk West)  
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
Crawford, Bruce (Mid Scotland and Fife) (SNP)  
Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
Eadie, Helen (Dunfermline East) (Lab)  
Elder, Dorothy-Grace (Glasgow) (SNP)  
Ewing, Dr Winnie (Highlands and Islands) (SNP)  
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
Ewing, Mrs Margaret (Moray) (SNP)  
Fabiani, Linda (Central Scotland) (SNP)  
Ferguson, Patricia (Glasgow Maryhill) (Lab)  
Finnie, Ross (West of Scotland) (LD)  
Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
Gibson, Mr Kenneth (Glasgow) (SNP)  
Gillon, Karen (Clydesdale) (Lab)  
Godman, Trish (West Renfrewshire) (Lab)  
Grahame, Christine (South of Scotland) (SNP)  
Grant, Rhoda (Highlands and Islands) (Lab)  
Gray, Iain (Edinburgh Pentlands) (Lab)  
Harper, Robin (Lothians) (Green)  
Henry, Hugh (Paisley South) (Lab)  
Home Robertson, Mr John (East Lothian) (Lab)  
Hughes, Janis (Glasgow Rutherglen) (Lab)  
Hyslop, Fiona (Lothians) (SNP)  
Jackson, Dr Sylvia (Stirling) (Lab)  
Jackson, Gordon (Glasgow Govan) (Lab)  
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
Lamont, Johann (Glasgow Pollok) (Lab)  
Livingstone, Marilyn (Kirkcaldy) (Lab)  
Lyon, George (Argyll and Bute) (LD)  
Macdonald, Lewis (Aberdeen Central) (Lab)  
MacDonald, Ms Margo (Lothians) (SNP)  
MacKay, Angus (Edinburgh South) (Lab)  
MacLean, Kate (Dundee West) (Lab)  
Macmillan, Maureen (Highlands and Islands) (Lab)  
Martin, Paul (Glasgow Springburn) (Lab)  
Marwick, Tricia (Mid Scotland and Fife) (SNP)  
McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
McGugan, Irene (North-East Scotland) (SNP)  
McLeish, Henry (Central Fife) (Lab)  
McLeod, Fiona (West of Scotland) (SNP)  
McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
McNeill, Pauline (Glasgow Kelvin) (Lab)  
Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
Morrison, Mr Alasdair (Western Isles) (Lab)  
Muldoon, Bristow (Livingston) (Lab)  
Mulligan, Mrs Mary (Linlithgow) (Lab)  
Munro, Mr John (Ross, Skye and Inverness West) (LD)  
Oldfather, Irene (Cunninghame South) (Lab)  
Paterson, Mr Gil (Central Scotland) (SNP)  
Peacock, Peter (Highlands and Islands) (Lab)  
Peattie, Cathy (Falkirk East) (Lab)

Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Radcliffe, Nora (Gordon) (LD)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Mr Alex (Banff and Buchan) (SNP)  
 Sheridan, Tommy (Glasgow) (SSP)  
 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)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 13, Against 87, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The fifth question is, that motion S1M-586, in the name of Jim Wallace, on physical punishment of children, as amended, be agreed to.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament welcomes the publication by the Scottish Executive of the consultation paper The Physical Punishment of Children in Scotland and commends this opportunity to seek the views of the Scottish people on this important matter and further calls upon the Executive to take full account of all views expressed in the consultation, to ensure that the rights of parents and children are mutually respected and that Scots law complies with the European Convention on Human Rights.

**The Presiding Officer:** The sixth question is, that amendment S1M-517.1, in the name of Dennis Canavan, seeking to amend motion S1M-517, in the name of Mike Rumbles, on the code of conduct for members, be agreed. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division. Those who wish to support Mr Canavan's amendment should press the yes button now.

**For**

Canavan, Dennis (Falkirk West)  
 Harper, Robin (Lothians) (Green)  
 Sheridan, Tommy (Glasgow) (SSP)

**AGAINST**

Aitken, Bill (Glasgow) (Con)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)

Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (South of Scotland) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Gallie, Phil (South of Scotland) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 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)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 MacLean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLeish, Henry (Central Fife) (Lab)  
 McLetchie, David (Lothians) (Con)  
 McMahon, Mr 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)  
 Mundell, David (South of Scotland) (Con)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (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)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**ABSTENTIONS**

Adam, Brian (North-East Scotland) (SNP)  
 Campbell, Colin (West of Scotland) (SNP)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)



Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeod, Fiona (West of Scotland) (SNP)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Mr Alex (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 3, Against 67, Abstentions 27.

*Amendment disagreed to.*

**The Presiding Officer:** The seventh question is, that motion S1M-517, in the name of Mr Mike Rumbles, on the code of conduct for members, be agreed to. Are we agreed? If you disagree, Mr Sheridan, you cannot shake your head; you have to shout no. [*Laughter.*]

*Motion agreed to.*

That the Parliament agrees to adopt the Code of Conduct for Members annexed to the 1<sup>st</sup> Report, 2000, of the Standards Committee; that the provisions of the code shall have immediate effect and shall apply to all members, and that the code be printed and published for sale in hard copy and made available on the Parliament's website.

## Beaufort's Dyke

**The Presiding Officer (Sir David Steel):** The final item of business today is a members' business debate on motion S1M-351, in the name of Alex Fergusson, on Beaufort's dyke disturbance. The debate will finish, without any question being put, after 30 minutes.

*Motion debated,*

That the Parliament recognises the work done by the Scottish Environment Protection Agency, South Ayrshire Council and other agencies in seeking to improve the marine environment of South West Scotland, but is concerned at the prospect of hazardous materials and munitions being distributed by the laying of underwater cables through the Beauforts Dyke region of the Irish Sea in order to service the Scotland to Northern Ireland Interconnector.

17:36

**Alex Fergusson (South of Scotland) (Con):** I start by apologising to staff who will have to stay late tonight. Once it was announced that business would be extended, I offered to withdraw the motion, so if anyone has an axe to grind, I hope that they will take it up with you, Presiding Officer, as you declined my offer.

Nobody was more amazed than I was when this motion came up for debate, as it is a long time since I lodged it. In that time, I fear that the wording of it has altered slightly. The second half should read that

"the Parliament . . . is concerned at the prospect of hazardous materials and munitions being"

disturbed, not "distributed",

"by the laying of underwater cables".

However, perhaps that comes to the same thing, so we can let it go.

Presiding Officer, had you spent much time in Ayrshire or Galloway over the past decade, the words pylon, interconnector and electricity would have become all too familiar. Those words were the catalyst for an alliance of unlikely bedfellows—drawn from every conceivable political hue and from every environmental faction—who were, and probably still are, united in a common cause.

That cause was to prevent the implementation of the Scotland to Northern Ireland interconnector project: a project that will involve the erection of 203 giant pylons starting at Coylton in Ayrshire and terminating—in Scotland at any rate—on Glenapp estate near Ballantrae; a project that has been the subject of an intense public inquiry; a project that our First Minister's predecessor as secretary of state had ordered to run underground for eight of the most scenically sensitive of its 28

miles—a ruling that the First Minister, when he became secretary of state, summarily overturned for a reason that has never been properly explained; a project that is still the subject of intense local dissatisfaction; and a project that I have no doubt would have had a very different outcome had this Parliament been in existence 10 years ago.

Despite vigorous opposition from both sides of the Irish sea, despite the best efforts of local politicians and punters, and despite public opinion, the Government has given the go-ahead for the erection of one pylon every 250 yd for 28 miles in order to supply electricity to Northern Ireland. The pylons will vary in height between 90 and 130 ft. Members will note that there will be no benefit to people who receive electricity in south-west Scotland, where they are as likely to have a power cut on a calm summer's day as they are during the now-traditional Christmas hurricane. There will be no benefit to the environmentally sensitive area through which this monstrous line is to be built, leaving yet another part of Scotland so scarred that film makers may have to go to Ireland to film unspoilt Scottish scenery. There is a certain Irish logic there, I think. There will certainly be no benefit to the consumers in Northern Ireland, who will be getting neither the cheapest electricity supply nor any extra jobs to go with its generation.

It seems completely bizarre to me that the suggestion put forward by Meekatharra Minerals Ltd to build a power station at Ballymoney in Northern Ireland—to be fuelled by the 660 million tonnes of very low sulphur lignite coal from what has been identified as the largest single open-cut coal reserve in the United Kingdom—has been dismissed out of hand, despite the fact that it would supply electricity more cheaply, would create a considerable number of jobs in that troubled state and would involve no scenic vandalism at all in south-west Scotland. We are justified in asking why that suggestion was dismissed.

The only possible answer to that question lies in an article in the *Belfast Telegraph* from August 1999, which highlights the fact that funding was being sought by Northern Ireland Electricity and the Electricity Supply Board of Eire to double the cross-border interconnector capacity between the two countries of Ireland. The article says that the interconnector

"will take on added importance by the end of 2001 when the Scottish interconnector is commissioned",

although I suspect that, like our new Parliament building, the timing is a little bit out of kilter.

The article continues:

"The combination of the Scottish link and the north/south interconnector will mean that for the first time the entire

electricity network of the British Isles will be interlinked."

The ultimate aim of the whole project is to provide a United Kingdom electricity grid, although I would go one step further and suggest that the true aim is a European grid, given the amount of European funding that Scottish Power has attracted.

Although I see nothing wrong with that aim—whether UK or European in intention—I strongly object to the pretence and secrecy that has cloaked the project from the start. That, more than anything else, has put people's backs up in the south-west of Scotland over the past 10 years. The combination of Big Brother government and a multinational utility company has ridden roughshod over every objection that has been put in its way, and an ugly scar looks certain to become an unwelcome part of some of the most beautiful scenery in south-west Scotland.

However, that is far from the end of this sorry saga. Even the most geographically challenged will realise that any electricity supply that starts in Scotland and ends in Northern Ireland will have to cross the Irish sea, which is where the crux of my motion lies. In the middle of that ocean crossing, where the cables will be laid by Northern Ireland Electricity to carry the supply between the two countries, is the ticking time bomb of Beaufort's dyke. If I am to be completely accurate, I should say that it is the sea bed surrounding Beaufort's dyke that gives cause for concern rather than the deep hole of the dyke itself.

As we are all aware,

"The best laid schemes o' mice an' men  
Gang aft a-gley",

and that has certainly been the case in the decision to use Beaufort's dyke as a dumping ground for surplus or out-of-date munitions. Munitions is a harmless enough word, and as recently as 1995, the Ministry of Defence was still insisting that a mere 120,000 tonnes had been dumped in the area. Since then, it has reluctantly revealed that around 2 million tonnes have been dumped, much of it short-dumped, which quite simply means that it is lying around on the sea bed in the shallower waters north of the dyke itself—the very area through which the cables will be laid to complete the interconnector project.

As I said, munitions is a simple enough word. However, exhaustive investigations into exactly what munitions were present eventually revealed that alongside the everyday variety of bombs, grenades, rockets, bullets and explosives might lie a bewildering cocktail of canisters of sarin, tabun, mustard gas, cyanide, phosgene and anthrax. Phosphorus bombs abound and, in June 1997, it was finally revealed that radioactive waste containing both caesium 137 and radium 226 had been systematically dumped in Beaufort's dyke in

the 1950s. It has now been freely admitted that some of that waste was thrown overboard in 40-gallon steel drums encased in concrete. After an examination of films taken along the proposed route of the cables, experts have identified several containers of remarkably similar dimensions.

As a result, the sea bed is littered with, at best, a variety of dumped munitions and, at worst, a lethal cocktail of explosive gases and nuclear substances waiting to be stirred up and released. The folly will be all the greater, given that we had a warning when, in 1995, a gas pipeline was laid through the region—admittedly before as much was known about the contents of the sea bed. The consequences of that were bad enough. After the pipeline was laid, 4,500 incendiary devices were washed ashore along the coast of Northern Ireland and south-west Scotland, which resulted in serious injuries to a child in Campbeltown and to an adult in Ballantrae. It is remarkable that more or worse injuries were not sustained.

That is what lies at the nub of the motion. If the worst were to happen, and more injuries—or even a death—were to occur following similar disruption after the laying of the electricity cables, who would own the responsibility? Which agency or department will put its hand on its heart and say, “That is our fault and we accept full responsibility for it”? I would dearly love the minister to answer that question in his summing up, but—if past experience is anything to go by—my hopes are not great.

Since 1997, objectors to the proposal have sought the answer to that question, through the Save the Overhead Powerline—or STOP—campaign. They have asked the Department of the Environment, Transport and the Regions, the Ministry of Agriculture, Fisheries and Food, the Scottish Office, the Northern Ireland Office, the Ministry of Defence, the Crown Estates and even the Scottish Environment Protection Agency. I can say only that the quality and speed of the buck passing has had to be seen to be believed. The DETR said that it was responsible for issuing the licence to lay the cable, but that was all, thank you very much. Nobody else wanted to know.

I willingly admit that I have always been opposed to the project, but lest anyone think that I am just some maverick MSP, off on a personal crusade, I should add that it is not long since Alex Smith, when he was still deemed good enough to be a member of the European Parliament, Alasdair Morgan—whom I am delighted to see here tonight—when he was the MP for Galloway and Upper Nithsdale, Friends of the Earth and the national steering committee of Nuclear Free Local Authorities all called for a halt to the project or, at the very least, a full public inquiry, such was the depth of their concern. Of course, nowadays, a

public inquiry would have considerable difficulties under the European convention on human rights.

That is, in essence, the situation. We are faced with a monstrous accident waiting to happen. It was foolish indeed to deposit the munitions on the sea bed in the first place; how much more foolish will it be to disturb them for the second time in a decade? Do we really dare take the risk of finding out, and if we do, who will take the responsibility?

**The Deputy Presiding Officer (Patricia Ferguson):** Thank you. I remind members that, from now on in the debate, they have a four-minute time limit.

17:47

**Alasdair Morgan (Galloway and Upper Nithsdale) (SNP):** I congratulate Alex Fergusson on obtaining the debate. As he said, my involvement in the matter has been going on for some time. It has always puzzled me why a dyke should be an indentation rather than a protrusion, and I am still none the wiser.

Even before my election to Westminster in 1997, Hector Monro asked a question that alluded to the fact that the gas pipeline had caused munitions to be washed up. He got a fairly bland answer from Nicholas Soames about what would happen when the electricity interconnector was laid. My first contribution to Prime Minister's questions was on the same subject.

It is clear that incendiaries, at least, will be washed up if the interconnector is laid, exactly as happened with the gas pipeline. As Alex Fergusson said, the electricity connector does not go through the dyke, but because many of the boats that sailed out in the 1950s to dump the munitions stopped short—either because of bad weather or because they wanted to get home early on a Friday night—a large number of munitions are not in the dyke itself.

I wrote about those concerns to Donald Dewar in October 1997, when he was Secretary of State for Scotland. He replied:

“The proposed route of this cable passes to the north of Beaufort's Dyke and has been the subject of detailed seabed surveys which have shown no evidence of munitions dumping along the cable corridor although a small number of unidentified containers have been located.”

Then I had to read the fisheries services report into Beaufort's dyke. Conveniently, the report contained a map that gave an indication of where there were high concentrations of munitions and where the corridor was, and blow me if the corridor did not go through a high concentration of munitions.

I then wrote to the Secretary of State for

Scotland to point out that small fact. By that time, it was Lord Sewel, of blessed memory, who replied. He said:

"Various figures in the Final Report do indeed show the cable corridor traversing areas where the distribution and densities of munitions . . . are recorded as high".

He carries on to come to precisely the same conclusion that was reached in the previous letter: that there would be no problem whatever.

In other words, a low concentration of munitions is all right and a high concentration of munitions is all right. Faced with totally different data, the writers of both letters manage, marvellously, to arrive at the same conclusion.

I am not necessarily against the interconnector. Strangely enough, there are environmental benefits for Galloway in shutting down the power stations in Northern Ireland—there has been a total refusal to build a new power station there—because they dump sulphur dioxide on the forests of Galloway and kill them. However, I have come to the conclusion that the only way in which the situation can be sorted out properly is to put the interconnector further north so that it is well away from the high concentrations of munitions. If even one child is badly injured as a result of picking up or touching a phosphorous device washed up on our shores, that will be too high a price to pay for the project.

**The Deputy Presiding Officer:** Thank you. I now call Euan Robson.

**Robin Harper (Lothians) (Green):** Thank you, Presiding Officer.

**The Deputy Presiding Officer:** I called Euan Robson.

**Robin Harper:** I am sorry. I thought you said me.

**The Deputy Presiding Officer:** It is an easy mistake to make, Robin, I know.

17:51

**Euan Robson (Roxburgh and Berwickshire) (LD):** Mistaken identity seems to be the flavour of the day.

It is quite unjustified to take a sub-sea electricity cable across the Beaufort's dyke area. I do not see the need for the interconnector.

In 1995, there was considerable disturbance as a result of the Premier Transco pipeline, which went from near Stranraer to Ballylumford in Northern Ireland. I recall that, at the time, the Gas Consumers Council—for which I worked in my previous career—argued strongly for a gas supply to Stranraer. It was clear that the Premier Transco pipeline would supply Stranraer quite easily, as

well as the combined cycle gas turbine electricity generator at Ballylumford. There was even scope to do more—to supply Belfast and perhaps to take gas further south to Dublin.

There is still surplus capacity in the Premier Transco pipeline and electricity could still be generated in sufficient quantity from the gas supply and from further combined cycle gas turbines to meet Northern Ireland's needs. It is therefore not clear why we need this interconnector to take what appears to be surplus electricity from Scotland to Northern Ireland.

It would be monstrous to spoil Ayrshire's countryside with pylons. It is also wrong to proceed without an assessment of the needs of electricity consumers in Northern Ireland and further south, which could be met by using the existing gas supply without further disturbance of Beaufort's dyke. I take Alasdair Morgan's point that replacing some of the sulphurous and dirty power stations in Northern Ireland is important. However, the means exist to do that without unnecessary intrusion in Ayrshire and without unnecessary disturbance of Beaufort's dyke.

17:53

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** The first time that I was made aware of the issues surrounding Beaufort's dyke was when my young son and a few of his pals ran in one Saturday morning to tell me that there were men in spacesuits on the beach poking about in fires. Subsequent investigation revealed that people were indeed on the beach, investigating a rather strange jelly-like substance that was giving off smoke—the substance turned out to be the phosphorous flares that had been washed up from Beaufort's dyke.

The reason why people are concerned about what is happening is that a string of reassurances were given at various stages that subsequently proved to be no reassurance at all. For a considerable time, the Ministry of Defence denied that there was any ordnance in the area. I have some written information, signed by Michael Portillo no less, who had to admit that he did not know what was in the area. He suggested that there was no need to be worried about things having being dumped outside the areas that were marked on the Admiralty charts.

Subsequently, the Ministry of Defence had to do a U-turn and give an extensive explanation, confirming that things had been dumped there, certainly from before 1945 and possibly from as early as 1920. The MOD also confirmed that disposals

"may not have been confined to the Dumping Ground area defined by the Notice to Mariners No 4095 issued in 1945".

The MOD had to accept that thousands of tonnes of various sorts of ordnance were dumped in and around Beaufort's dyke.

Beaufort's dyke was last used by the MOD for general munitions dumping in 1973, although one emergency dump of a small number of 40 mm shells took place in 1976. At that time, there were some concerns about whether chemical weapons had been dumped. Indeed, suggestions were made that nerve agents had been dumped.

Although reassurances had been given that nothing like that had been dumped in the dyke, the MOD had to admit that Operation Sandcastle resulted in the loading of some munitions that had been stored in north Wales into ships at Cairnryan; the ships were scuttled, and it was admitted that they contained a nerve agent.

A 1997 National Radiological Protection Board report confirms that Beaufort's dyke is one of the areas where various sorts of radioactive waste were deposited. Much of that waste was from factories producing luminous clock and watch dials, but other sorts of rubble containing various radioactive components were also mentioned. The report gives detailed information on that.

Despite assurances that there had been no indication of explosions or of anything else caused by such dumping, *The Scotsman* said on 23 December 1995 that George Foulkes, the MP for Carrick, Cumnock and Doon Valley, who has waged a considerable campaign on the issue, secured an admission that there had been a number of sub-sea explosions over time and that those had caused such concern that information had to be given to people working on the shipping lines so that they could prepare themselves to take the appropriate action.

Members can understand why people are worried. Despite all the assurances, objects have continued to wash up on the beaches. A number of incidents have occurred that have caused people concern.

I have the same report that Alasdair Morgan was referring to. It states that low to medium densities of dump munitions, munitions-related materials and unidentified man-made debris were confirmed to be present in an area crossed by the proposed corridor for the submarine electricity cables linking Scotland and Northern Ireland.

Despite all the reassurances, the people living in the area close to the North channel are still concerned. They want further work to be done to ensure that there will be no more injuries and they want to be assured that that work will be undertaken safely.

**The Deputy Presiding Officer:** I now call Robin Harper.

**Euan Robson** rose—[*Laughter.*]

17:58

**Robin Harper (Lothians) (Green):** I call on the Executive and the Government to abandon, even at this late stage, this unsustainable, unnecessary and potentially very dangerous project.

Representatives of the Scottish Green party attended the public inquiry at Ayr. It became clear that the interconnector would do nothing to reduce the price of electricity in the province, but that Scottish Power was promoting the project because it would allow the company to make a lot of money through fuller use of Longannet power station than is possible at present.

We were told at the inquiry that, although the interconnector itself was not necessarily Government policy, interconnection in principle was Government policy. Planning inquiries are not allowed, of course, to call into question Government policy.

We venture to suggest that if, as Northern Ireland Electricity believes, there was a need for more peak load capacity in the province, it could be provided more cheaply and efficiently by other means. Euan Robson has pointed the way on this: gas could be used far more efficiently in combined heat and power stations in Belfast and Londonderry, in the Scandinavian way.

There used to be a pump storage facility, and Northern Ireland shares with Scotland the potential for wave power and wind power generation, but those schemes have been abandoned to build this dangerous interconnector.

The reporter, who was courteous and patient throughout the meeting in Ayr, allowed us to have our say, although it was made clear that it was not the business of that inquiry to decide on the best means of supplying power to Northern Ireland.

The need for the interconnector was based on the supposition that the Northern Irish grid was an isolated system. While the inquiry was in progress, however, the connection with the grid in the republic, which had been blown up by the Irish Republican Army, was restored, so that the Northern Irish system was no longer isolated and could supply the peak load together with the rest of Ireland. That made the need for the interconnector doubtful.

If our Government were to take seriously its commitment to improving the efficiency with which we use energy, the steady increase in demand for power in Northern Ireland and in the rest of the UK could easily be stopped. It looked to me as if the approval for the interconnector was a fait accompli and the Secretary of State for Scotland was going through the procedure for the sake of form, on the

understanding that Scottish Power would get approval for its profitable transmission line with the minimum of fuss. I ask the Government to abandon the project.

18:00

**The Deputy Minister for Rural Affairs (Mr John Home Robertson):** There is no case of mistaken identity—I am aware that I am not Sarah Boyack. I know that members might have expected her to reply to this debate, but I am doing so in my capacity as the Deputy Minister for Rural Affairs with responsibility for fisheries. Obviously, however, the lead responsibility for environmental issues lies with Sarah Boyack. I assure members that points raised in this debate will be brought to her attention.

I must echo the recognition in the wording of the motion of the work done by the Scottish Environment Protection Agency, South Ayrshire Council and its neighbouring councils, which have worked together to safeguard the marine and coastal environment of south-west Scotland. I am sure that members will be unanimous in their support for that part of the motion at least.

This debate seems slightly familiar and, with the greatest respect to Mr Fergusson, the case for the Ayrshire landscape has been put effectively for many years by George Foulkes—with whom I have had some interesting discussions on this issue—and, more recently, by Cathy Jamieson and Alasdair Morgan. I also had opportunities to consider the subject of munitions in Beaufort's dyke during my time on the House of Commons Defence Select Committee. It was interesting to consider some of the places where surplus munitions had been dumped in past years and I hope that we have learned lessons from that.

Bearing in mind our previous debate, perhaps I should declare an interest, as Cockenzie power station is in my constituency and I would like to preserve jobs in that area. I stress, however, that I am speaking on behalf of the Executive.

As there are two power stations in my constituency, I am well aware of the impact of pylons on the landscape—we have more than our fair share—but I have had to accept that we cannot have electricity without cables and that the important thing is to route electricity cables as safely and as sensitively as possible.

The island of Ireland is, with the exception of Crete, the only part of the European Union that has an isolated electricity system. For technical reasons, that means that electricity prices are higher and less predictable there than in the rest of the EU. People in Northern Ireland have as much right to access to competitive prices and secure electricity supplies as other citizens of the

UK and, as Scotland has an abundance of capacity to generate electricity efficiently, there is a powerful case for an interconnector between Scotland and Northern Ireland. That is why Northern Ireland Electricity and Scottish Power have worked up this project and why consent has been given—in the case of the overhead power lines in South Ayrshire, consent was granted after detailed scrutiny at a public inquiry.

I appreciate the concerns about the possibility of munitions dumped in Beaufort's dyke being disturbed, so it might help if I describe the processes that have been followed.

Consent to lay undersea electricity cables is granted under section 34 of the Coast Protection Act 1949, which is concerned solely with the safety of navigation. Its purpose is to ensure that construction, deposit or removal of works on, under or over any part of the sea shore lying below the level of mean high water springs does not constitute a danger to shipping.

Consent for the sub-sea section of the interconnector cable was issued by the then Department of Transport in February 1994. The minister south of the border was John MacGregor and the minister north of the border was Lord James Douglas-Hamilton, whom I am delighted to see here today.

A thorough consultation process was undertaken as part of the investigation by the Department of Transport to confirm that the interconnector cable would not pose a threat to the safety of navigation. That involved detailed consultation with the Ministry of Defence, the Maritime and Coastguard Agency, the then Scottish Office agriculture, environment and fisheries department, the Marine Laboratory Aberdeen, the Clyde Fishermen's Association, the Ministry of Agriculture, Fisheries and Food and the Northern Lighthouse Board. The comments of those bodies were given full consideration before a decision was reached. The consent stipulated a number of detailed conditions and safeguards including that the works be open to inspection and that no alteration of the specified plans would be permitted without prior written approval from the department.

It is not possible to revisit the decision to grant consent for the interconnector, which was made six years ago under the previous Administration. For future reference, the powers under section 34 of the Coast Protection Act 1949 are devolved and can be exercised in relation to safety of navigation in waters adjacent to Scotland.

Northern Ireland Electricity, which is responsible for the sub-sea element of the interconnector, has been made fully aware of the interests of Government departments and has taken

appropriate action to address those concerns. That action has included a comprehensive physical survey of the area using a range of technologies. Cable routes have been moved further north, away from the heaviest concentration of munitions. NIE has also modified the specification for cable installation to minimise disturbances that could give rise to risks.

Mr Fergusson asked who would be liable if something went wrong. I am advised that the normal procedure will be that NIE will bear responsibility for its actions if any negligence can be proved. Although one can give no absolute guarantee of safety, I am satisfied that NIE is fully aware of the potential dangers and that it has taken all reasonable steps to minimise risks.

NIE has selected a route and a cable-laying technique that will minimise the danger of disturbance. The company proposes to install the interconnector approximately 5 miles north of Beaufort's dyke in a sea-bed trench to be excavated by a water jet that will be controlled by a remotely operated vehicle. That is a far more precise art than the ploughing technology that was used for laying the gas pipe in 1995. It is not unreasonable to assume that the appearance on the coast soon after that pipe was laid of 4,500 items from the munitions dump—instead of the average of 12 items in a normal year—was connected to that ploughing operation.

The remotely operated vehicle water-jetting system, which is specified in the contract for cable laying by NIE, will include high-resolution detection equipment, which will make it possible to avoid extraneous objects that are visible while the job is being done. The ploughed trench for the gas pipe was 12 m wide, but the new one will be just 1 m wide and will be fine-tuned to avoid items that can be seen on the sea bed. I therefore hope that the chamber will accept that we are making progress.

To reduce further the risks, in the light of the Marine Laboratory survey reports of Beaufort's dyke in 1996, NIE has shifted the route for the cable further north, away from the heaviest concentrations of munitions and other man-made debris that have been detected. There are grounds for reasonable confidence that the risk of disturbing objects on the sea bed will be kept to the minimum. That is because of the survey and the separate work that was undertaken for NIE, and because of the selection of the best possible route and the availability of far better technology for cable laying.

Members might be interested to know that, in 1992, two telephone cables were laid using similar technology without any evidence of disturbance. They were laid in an area that is now known to contain a high density of munitions. That should be compared with the high levels of munitions

strandings that were reported after the gas pipe was laid in 1995.

Members can be assured that the combination of better technology and a thoroughly surveyed route will keep the risks to a minimum. The interconnector will bring considerable benefits to the Scottish economy, by creating new markets for electricity from Cnockzie and Longannet power stations and new markets for our coal industry. It will give customers in Northern Ireland—and, possibly, customers in the Republic of Ireland—the advantages of competitively priced electricity supplies.

I can assure members who have taken part in the debate that the Executive takes coastal and marine hazards seriously. That is why we have gone to such lengths to keep risks to a minimum.

*Meeting closed at 18:10.*





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